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Sent: Thursday, January 20, 2022 2:02 PM
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Subject: Approved BUD for Reuse of Onsite Crushed Concrete, First Prize Center Site, C401076
Attachments: permit.c401076.2022-01-20.ApprovedBUDforReuseOfOnsiteCrushedConcrete.zip

Please see the attached Zip File of the approved Beneficial Use Determination (BUD) for onsite reuse of onsite crushed concrete for the First Prize Center Site (BCP site #C401076).

I can be reached at 518-357-2394 if there are any questions or there are issues with retrieving the document.

Chris O'Neill
NYSDEC – Schenectady
518-357-2394

January 6, 2022

Case-Specific Beneficial Use Determination Request – Use of Demolition Debris from Building Demolition as Backfill

First Prize Center Site
68 Exchange Street
Town of Colonie/City of Albany
Albany County, New York
NYSDEC BCP Site #C401076

Prepared for:

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CASE-SPECIFIC BENEFICIAL USE DETERMINATION REQUEST
USE OF DEMOLITION DEBRIS AS BACKFILL
FIRST PRIZE CENTER SITE, ALBANY, NEW YORK

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CASE-SPECIFIC BENEFICIAL USE DETERMINATION REQUEST
USE OF DEMOLITION DEBRIS AS BACKFILL
FIRST PRIZE CENTER SITE, ALBANY, NEW YORK

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1.0 INTRODUCTION

1.1 Purpose

The purpose of this application is to present a request/petition for a Case-Specific Beneficial Use Determination (BUD). This BUD request is for the reuse of demolition debris (i.e., hardfill including crushed cast in-place concrete, block and brick) generated during the demolition of existing buildings at the First Prize Center Site (the Site) in Albany, New York as backfill material on the Site. The demolition activities are being performed as part of remedial actions under the NYS Brownfield Cleanup Program (BCP), with BCP site number C401076.

In accordance with 6 NYCRR Part 360.12(c)(3)(viii) recycled aggregate which meets municipal or State specification or standard for use as commercial aggregate if generated from uncontaminated, recognizable concrete and other masonry products, brick, or rock that is separated from other waste prior to processing and subsequently processed and stored in a separate area as a discrete material stream qualifies as a pre-determined BUD material. However, at the request of New York State Department of Environmental Conservation (NYSDEC), this case-specific BUD request is being submitted in accordance with 6 NYCRR Part 360.12(d) for a product which may be beneficially reused as an effective substitute for a commercial product, namely the reuse of crushed cast in-place concrete, block and brick as backfill material in place of importing fill material. The application information is presented in the general order of criteria listed in the Beneficial Use of Demolition Debris letter from NYSDEC dated April 22, 2021 (Appendix A) for ease of review.

1.2 Project Location

The project Site is located at 68 Exchange Street in Albany, New York (see Figure 1, Site Location Map). The site is comprised of three (3) tax parcels known as 53.59-1-3.1, 53.60-1-1 and 53.16-1-23.1, effectively all of which are considered one Site as BCP site C401076 and for the purpose of this BUD application. The parcels are owned by First Prize Development Partners, LLC.

1.3 Project Description

The project Site is currently a vacant property with five (5) buildings identified as the "Main Building" and Buildings 1, 2 (a & b), 3 and 5. The buildings were once operated as the Tobin's First Prize Meat Packing business and thereafter used for various rental storage space, piping supply warehouse and sales office and used automobile sales. Refer to Figure 3 for a general layout of existing site buildings. First Prize Development Partners, LLC (FPDP) plans on demolishing the buildings, addressing the environmental conditions, and redeveloping the site for mixed residential and commercial use under the New York State Brownfield Cleanup Program (BCP). The project site is not located in a critical environmental area per review of NYSDEC's DECinfo Locator.

1.4 Update of Site Buildings

Since submission of this BUD Request, demolition of the Site buildings commenced in early August 2021 and are ongoing. Building 2a/2b, 3 and 5 have been demolished down to their floor slabs. Hardfill (poured concrete, block and brick) is stockpiled on the Building 5 floor slab. The Main Building is described as the "Low Rise" and the "High-Rise". The Low-Rise section represents the northern section of the building which is predominantly a one floor structure with limited second floor areas, and previously used for cold storage, warehousing and truck loading docks. Currently, much of the Low-Rise has been demolished down to the floor slabs.

The High-Rise represents the remaining southern sections of the Main Building and is a 4-story structure with a basement area beneath the floor slab. This section of the building is currently being prepared for demolition. Building 1, which is a one-story building, connected to the High-Rise is also being prepared for demolition.

2.0 DESCRIPTION OF THE WASTE AND ITS PROPOSED USE

2.1 Material Description

Building demolition debris (a.k.a. hardfill) for the purpose of this BUD request is material that will consist of a combination of cast in-place concrete, block and/or brick.

FPDP is proposing to use the processed building demolition hardfill (crushed cast in-place concrete block and brick) as general fill beneath future buildings, landscaped areas and paved areas (parking lots, roads and walkways). Depending on the environmental quality of the demolished material, FPDP would like the option to use the crushed demolition hardfill as a portion of the NYS BCP required 2-foot surface cover system (except for the topsoil component) that will be installed across the site in accordance with Part 375-3.8(e)(4)(iii)(a). The 2-foot surface cover system is referenced as a component of the anticipated residential-based site remedy, which has not been determined yet.

An insulating material (cork) has been identified in some sections of the High-Rise section of the Main Building, sandwiched between two layers of concrete floor slabs. Cork materials have been tested and confirmed to be non-asbestos containing material. Documentation relative to this will be provided under separate cover, if requested.

The cork identified within the High-Rise is not solid wood but more so a granular material that will easily crumble and disassociate from the concrete rubble during demolition such that only a fraction of the overall volume of the cork will be a component of the hardfill to be processed and reused on-site. The cork that does not become a component of the hardfill to be processed (crushed) will become general demolition debris and disposed off-site accordingly. As it will be a financial hardship and significant technical challenge to remove the cork sandwiched between concrete layers prior to demolition, its presence within the processed hardfill has been evaluated from a geotechnical standpoint based on consultation with the project geotechnical engineer and is acceptable to remain part of the processed materials as specified in Sections 3.3 and 5.1.

The remaining cork in the High-Rise will be tested for environmental parameters according to Section 3.0 to determine if the cork can be utilized within processed

hardfill. If the cork meets the environmental parameters, the processed hardfill containing the cork will also be subject to geotechnical testing to confirm the processed hardfill contains de minimis amounts (by volume) of cork. Refer to Section 5.0 for geotechnical testing requirements.

2.2 Generation/Material Processing Details

2.2.1 Remedy-Based Crushed Material Estimated Quantity

The generation of processed material will be a one-time event as part of the demolition activities of the Site buildings. The buildings to be demolished include the Main Building which has a footprint of approximately 148,977 square feet and a gross square footage of approximately 408,000 square feet; Building 1 which has a footprint of approximately 13,202 square feet; Buildings 2a/2b which has a footprint of approximately 43,859 square feet; Building 3 which has a footprint of approximately 4,987 square feet; and Building 5 which has an approximate footprint of 5,733 square feet. The total quantity of material to be generated is estimated to be approximately 30,000 cubic yards. Using a 150 pounds per cubic foot unit weight for concrete, but acknowledging that brick and block may have a slightly lower unit weight, approximately 67,000 tons of material is estimated to be generated.

It is anticipated that the entire approximately 30,000 cubic yards of material generated will be used as remedy-based fill either as general use beneath future buildings and paved areas or as a portion of the NYS BCP required 2-foot surface cover system (except for the topsoil component) that is anticipated to be installed across the site. The areas where the materials are used on the site will be tracked during placement and recorded on a site plan for future reference.

2.2.2 Non-Remedy-Based Crushed Material

Excess crushed material that cannot be utilized as remedy-based general fill or as part of the anticipated 2-foot surface cover system will be subject to 6 NYCRR Part 360 regulations during on-site stockpile management and for either off-site disposal, off-site beneficial use, or on-site beneficial use. Any on-site reuse of excess material for non-remedy-based purposes will additionally be subject to the need for a site-specific NYSDEC Division of Materials Management (DMM) BUD.

2.2.3 Material Origin and Potential Contaminants

The concrete, block and brick are all components of the building construction, both interior and exterior. The Main Building has only been used for meat processing and warehousing. Wastewater from the building was captured and ultimately discharged to the municipal sanitary sewer. Both past uses would not have environmentally impacted the concrete, block and brick. One of the outbuildings (Building 2a/2b) was used for maintenance of vehicles and equipment during the occupation by Tobin's First Prize, which would have potentially come into contact with petrochemical products including oil and grease. Regardless, materials in each of the buildings will be evaluated for visual evidence of impact before being staged for crushing and processing. Materials which exhibit petrochemical staining will be cleaned in place before being removed. Further testing of this material may be necessary, but will be determined based on site-specific conditions to determine if it meets the requirements for on-site reuse. Materials that cannot be reused on-site will be appropriately managed for off-site disposal.

Asbestos containing materials (friable and non-friable) have been identified within portions of the site buildings. The asbestos containing materials will be, if not already completed, properly abated in accordance with NYS Industrial Code Rule 56 (12 NYCRR Part 56) and site-specific variances, as applicable, so that the concrete, block and brick are free of asbestos containing materials prior to being crushed for reuse on-site. Asbestos abatement project monitors will certify that all asbestos containing materials have been removed and the abatement areas are free of asbestos throughout the asbestos abatement phase of demolition.

Lead based paint (LPB) is present on certain concrete surfaces within the High-Rise section of the Main Building and Building 1, but was not present in Buildings 2a/2b, 3 5, and Low-Rise section of the Main Building based on building surveys completed using X-ray Fluorescence (XRF) spectroscopy methods. The condition of the LPB in many locations is deteriorated and will be addressed prior to demolition of these building sections by removing the flaked surface coatings for consolidation and off-site disposal. Once the deteriorated LBP painted surfaces have been addressed, the subject sections of the building will be demolished for subsequent crushing and processing, followed by confirmatory sampling and laboratory analysis as presented in Section 3 below. If lead concentrations within the processed material are greater than the

Restricted Residential Soil Cleanup Objectives (SCOs) and Protection of Groundwater SCOs presented in 6 NYCRR Part 375-6.8(b) and in the NYSDEC CP-51 Soil Cleanup Guidance, the processed material will be segregated and will be subject to 6 NYCRR Part 360 regulations during on-site stockpile management and for either off-site disposal or off-site beneficial use.

2.2.4 Building Demolition Process & Crushing

After friable and non-friable asbestos containing materials are removed from the Main Building and Building 1, and as applicable LBP has been addressed/abated, the Main Building and Building 1 demolition is/will be completed in a top down methodical manner using 80,000 – 200,000 pound mechanical hydraulic excavators and/or ultra-high demolition excavators equipped with universal processors, grapples, and hydraulic hammers, along with track loaders. Dust is/will be suppressed by spraying the building components with water utilizing a 1.5" fire hose throughout the demolition and monitored in accordance with the NYSDEC approved Community Air Monitoring Plan (CAMP) prepared specifically for this project. C&D debris that is not concrete, block and brick is being transferred into trailers for off-site disposal. Scrap metal is separated and transported for off-site recycling. Masonry block and concrete is being stockpiled separately from brick where possible. The concrete will be processed down to 2' x 2' x 2' pieces, and any large sections of protruding rebar will be removed.

Stockpiles of 2' x 2' x 2' pieces of demolition debris will be processed through a mobile jaw crusher to reduce its size to about 4". A stacker will be used to convey the crushed material away from the crusher and will be stockpiled adjacent to the building footprint. Slabs, foundation walls and footers will be excavated after demolition of the above grade structures, downsized and processed in a similar manner to the above grade materials. Soils adhering to the foundations will be removed to the satisfaction of the Remediation Engineer's on-site construction observer. Any soils adhered to the concrete which exhibits field evidence (elevated organic vapors as measured with a photoionization detector [PID], discoloration, petroleum- and/or chemical-type odors) will be staged separately atop 12-mil poly and covered for subsequent cleaning or profiling for off-site disposal. Soils adhering to the foundations that do not exhibit field evidence of environmental impact will be allowed to return to the excavation from which they were derived. Slabs, footings and piers below seven (7) feet below grade will be left in place.

Buildings 2a, 2b, 3 and 5 have been demolished differently than the Main Building. These buildings contained only Category I non-friable asbestos, so NYS Industrial Code Rule 56 did not require manual asbestos abatement prior to demolition.

Building 1 is still left to be demolished and will be done in a similar manner as Buildings 2, 3 and 5, as indicated below. Dust will be suppressed by spraying the building components with water utilizing a 1.5" fire hose throughout the demolition. The buildings will be demolished as a controlled demolition with non-friable asbestos in-place. Demolition will start from a side perpendicular to roof framing, and buildings will be demolished from the top down, bay by bay, with the intent to demolish the roof structure and interior portions of the building and place this material on the building floor slabs while leaving the exterior walls intact. Material that can be decontaminated from non-friable asbestos, which includes metal, concrete and brick, will be sorted, separated, washed and removed from the asbestos regulated work area after inspection by the asbestos project monitor. C&D debris that is not concrete, block and brick will be staged on the building slab and loaded into trucks for disposal off-site as non-friable C&D debris. Metal that has been decontaminated will be taken off-site and recycled. Following the demolition of the interior portions of the building, the exterior walls will be demolished by pulling/pushing them away from the building slab and decontaminated to allow the material to be removed as non-asbestos containing material. Concrete, block and brick will be stockpiled on-site for processing.

2.2.5 Air Emissions Equipment Registration

At the time of this BUD request, the length of time the mobile crusher will be operated to crush demolition debris is estimated to be greater than 90 days. As such, a NYSDEC Air Facility Registration Application has been submitted to the NYSDEC to operate the source (see Exhibit 1). NYSDEC approved the proposed on-site mobile crushing operations in July 2021.

2.2.6 Dust Prevention

Dust is/will be suppressed by spraying the building components with water utilizing a 1.5" diameter fire hose throughout the demolition. As a means of confirming that dust suppression is/will be implemented adequately, community air monitoring is/will be performed in accordance with the site-specific CAMP that is already submitted and

approved by NYSDEC. Dust suppression during the crushing and processing of the hardfill will also be performed using sprayed water.

3.0 CHEMICAL AND PHYSICAL CHARACTERISTICS

3.1 General Sampling Procedures

At the early stages of demolition, separate stockpiles of crushed concrete, block and/or brick will be started to facilitate the collection of representative samples for laboratory analysis. The crushed materials will be sampled at the frequency consistent with 6 NYCRR 360.13(e) Table 1. It is estimated approximately 30,000 cubic yards of material will be generated from the demolition and crushing operations, and the material will be crushed down to 4-inch minus in size before sampling. As the estimated quantity to be generated exceeds 10,000 cubic yards of material, a minimum of six (6) samples for volatile organic compounds (VOCs) and three (3) samples for the other required Target Compound List (TCL)/Target Analyte List (TAL) parameters including metals, PCBs, pesticides, semi-volatile organic compounds (SVOCs), 1,4-dioxane, and poly- and perfluoroalkyl substances (PFAS) will be collected for laboratory analysis from the first 10,000 cubic yards of material. Two (2) additional samples for volatile organic compounds and one (1) additional sample for the other parameters will be collected for every additional 10,000 cubic yards of material or fraction thereof.

The laboratory analysis will be performed by a New York State Department of Health Environmental Laboratory Assurance Program (ELAP) certified laboratory. Samples will be analyzed in accordance with the full TCL/TAL analyte lists and standard methods, including: USEPA Method 8260 for VOCs, USEPA Method 8270 for SVOCs, USEPA Method 8270 SIM for 1,4-dioxane, and USEPA Method 537.1 for PFAS. The laboratory data will need to be produced with Category B quality assurance/quality control packages. The laboratory data will need to undergo third-party validation with data usability summary reports produced by the data validator. The results will be compared to the Restricted Residential Soil Cleanup Objectives (SCOs) and Protection of Groundwater SCOs presented in 6 NYCRR Part 375-6.8(b), in the NYSDEC CP-51 Soil Cleanup Guidance, and NYSDEC PFAS guidance.

The building demolition work involves the abatement of asbestos containing materials in accordance with New York State Department of Labor (DOL) 12 NYCRR Part 56 (Code Rule 56) and the approved DOL site-specific variances. These rules and regulations also require final independent third-party verification that all ACM has

been removed. As such, ACM testing of the processed materials per 6 NYCRR Part 360.13 regulation is not necessary.

3.2 Analytical Results

Analytical results are not available currently as the demolition activities have not proceeded enough to generate a stockpile of processed material ready for testing. As noted above, the Main Building has only been used for meat processing and warehousing, uses that would not have environmentally impacted the concrete, block and brick. Buildings 1 and 2a/2b were used for maintenance of vehicles and equipment, which could have potentially come into contact with petrochemical products including oil and grease. Once the demolition activity progresses further, stockpiles of crushed material will start to be generated. As they are generated, and in accordance with the sampling frequency established in Section 3.1, analytical results will be obtained and presented to NYSDEC in a segmented manner so that the approval will be obtained prior to reusing the BUD material within the project site.

Any material that cannot be utilized as general fill or as part of the assumed remedy-based 2-foot surface cover system, based on the results of the analytical testing not meeting the established SCOs for the Site, will be further reviewed for other options for on-site or off-site management. This material will be subject to 6 NYCRR Part 360 regulations, at a minimum, during on-site stockpile management and for either off-site disposal or off-site beneficial use.

3.3 Geotechnical Parameters

Crushed materials can be used as backfill provided the material generally meets New York State Department of Transportation (NYSDOT) Standard Specifications for recycled material, as summarized by:

- Article 733-07 for recycled concrete aggregate;
- Article 733-19 for recycled materials used as earthwork fill;
- Article 733-11 for select granular fill used as bulk fill for placement under roads, sidewalks, landscaped areas, and as foundation backfill; and

- Article 733-04, Type 1, for Type 1 Subbase used as fill for placement under building foundations.

These NYSDOT specifications provide for the fill material to consist of 95% (by weight) processed concrete, with up to 5% (by weight) brick, stone, aggregate, sand or gravel materials. As described further in section 5.1, the project's geotechnical engineer may exceed the NYSDOT 5% by weight content limit for brick, stone, aggregate, sand, gravel or other durable materials in the processed fill material based on the structural fill (Article 733-04) or non-structural fill (Article 733-11) on-site intended use.

Fill material placed under structure foundations (a.k.a. "structural fill") will not contain any deleterious content. Given the general ease of cork separation from the concrete during demolition, handling and processing, the goal is to have de minimis amounts (not to exceed 5% by volume) of cork in the processed/crushed fill material that will be used for non-structural fill on-site uses. The de minimis limit for cork will be monitored and approved by the on-site qualified professional engineer or qualified environmental professional working under the direction of the project's professional engineer.

Geotechnical sampling will be at a frequency of at least once every 2,000 yards, and possibly more frequently as determined by a geotechnical engineer based on visual characterization of the processed materials. These samples should be tested for gradation per ASTM D-6913, standard proctor per ASTM D-698, organic content per ASTM D-2974 (for measuring cork), and visual sorting of the samples to classify composition by weight and/or volume based on waste type (sorting and weighing proportion of concrete, brick, cork (percent by volume limitation), etc.).

4.0 JUSTIFICATION FOR THE INTENDED USE

4.1 Effective Substitute

Demolition debris, such as concrete, block and brick, is commonly used as backfill on a variety of construction sites. These materials, when crushed to an adequate size, commonly 4" minus, converts to a mixture of sand, gravel and silt like material that is a highly compactable material with the proper moisture content. Considering the importance of "Green Remediation" there is large benefit from reusing this material on-site. This reuse also mitigates the need from having to purchase backfill from an outside source potentially depleting that facility's resource for being used elsewhere. Also, off-site management of this material would unnecessarily take space at a landfill or other receiving facility that should keep this space available to other materials that can't be recycled. For these reasons stated, crushed demolition debris is an effective substitute for a commercial product such as an Item 4 stone or another structural fill.

In terms of implementing a "greener cleanup", on-site reuse of crushed concrete, block and brick would eliminate the need for transporting these materials over public roads, eliminate the disposal of clean material at a solid waste and/or C&D facility, and reduce the need to import commercially available natural resource materials for the same purpose, which would reduce impacts to the environment through reduced demands on natural resources and decreased emissions to the environment.

5.0 WASTE CONTROL PLAN

5.1 Periodic Testing

The BUD material will be managed entirely on-site from its original position as building components through crushing and reuse as site backfill. This management method will not adversely affect public health because the public will be restricted from entering the site through site perimeter fencing. In terms of potential off-site impacts, dust generation will be managed throughout the handling of the BUD material following the NYSDEC-approved Demolition Operations Work Plans for the Main Building and Outbuildings and NYSDEC-approved Community Air Monitoring Plan (see Exhibits 2, 3 and 4 for further details regarding dust control and air monitoring).

Depending on other requirements set forth from the project geotechnical engineer, there may be periodic testing of the BUD material such as moisture content and gradation analysis. This would be to track and document the geotechnical properties for structural stability with respect to future pavement and building construction. Material deemed unsuitable for use according to the geotechnical requirements may be amended by adding moisture or further processing the material to meet geotechnical specifications. If it is determined that the material cannot be used on-site for the intended remedy-based purpose, it will be subject to 6 NYCRR Part 360 regulations during on-site stockpile management and for either off-site disposal, off-site beneficial use or on-site beneficial use. Off-site or non-remedy on-site beneficial use will need a site specific DMM BUD.

5.2 Type of Storage and Maximum Volume

The BUD material is planned to be crushed and stockpiled in a windrow type manner along the existing on-site access road along the southern side of the Main Building. Crushing will commence at the northern end of the Main Building and move in a southerly direction as the Main Building is demolished. The estimated maximum volume of BUD material to be stockpiled is 30,000 cubic yards. The stockpiled material will be stored on-site for an extended period, until placed in its targeted location(s). As the site development progresses and it becomes apparent that the material will be stored longer than 365 days, a formal application will be made to the NYSDEC project

manager for review and approval. If it becomes apparent that not all the material will be used as general fill and/or as part of the anticipated 2-foot surface cover system, the material will be subject to 6 NYCRR Part 360 regulations during on-site stockpile management and for either off-site disposal, off-site beneficial use (subject to site-specific DMM BUD) or on-site beneficial use (subject to site-specific DMM BUD).

5.2.1 Stormwater Management at Crushed Material Storage Areas

Procedures for controlling run-on and run-off of stormwater at the storage areas of BUD material will consist of silt fencing and/or silt socks to meet the requirements of the site-specific Stormwater Pollution Prevention (SWPP) Plan. These erosion and sediment control measures will mitigate the potential for stormwater to carry sediment from the stockpile(s) across the site.

If the targeted location of the BUD material storage area is subject to collection of stormwater (i.e., low lying area), measures will be taken to berm or regrade existing surfaces to shed the stormwater away from the BUD material stockpiles. These measures will need to conform with the requirements of the SWPP Plan and shall not create new sediment transport conditions.

There are catch basins on site that will be located generally in the area of the BUD material storage area. If necessary, for catch basins that have not already been sealed for the demolition work, inlet protection will be installed at those catch basins downgradient of the BUD material storage area if there is potential for sediment to reach these structures. Catch basin protection would include inlet protection installed in the basin and/or silt socks installed around the catch basin. Additionally, filter socks will be installed along the entire downgradient side of the site.

5.2.2 Material Control Plan

The demolition contractor will follow the requirements of the site-specific SWPP Plan during the demolition of site buildings and generation of the BUD material, which is essentially designed to reduce and control potential sediment transport. The SWPP Plan sets inspection and maintenance requirements for the contractor as well as a qualified third party inspector. The qualified inspector must visit the site once every seven (7) calendar days when the site work is active, and every 30 days when soil

disturbance activities have been temporarily suspended with temporary stabilization measures.

5.3 Applicable or Relevant and Appropriate Criteria for BUD Material Use

The applicable or relevant and appropriate criteria for BUD Material Use would be the NYSDEC chemical concentration limitations (Part 375 regulation, CP-51 policy and PFAS guidance) and the de minimis cork content limitations in addition to geotechnical criteria for acceptable placement and suitability for its intended use, whether it be for landscape areas, parking lot or beneath new construction slab at or below grade. As discussed in more detail in previous sections, the non-chemical analytical criteria will be determined in the field by the geotechnical engineer or his/her designee based on visual observation of placement methods and stability of the material.

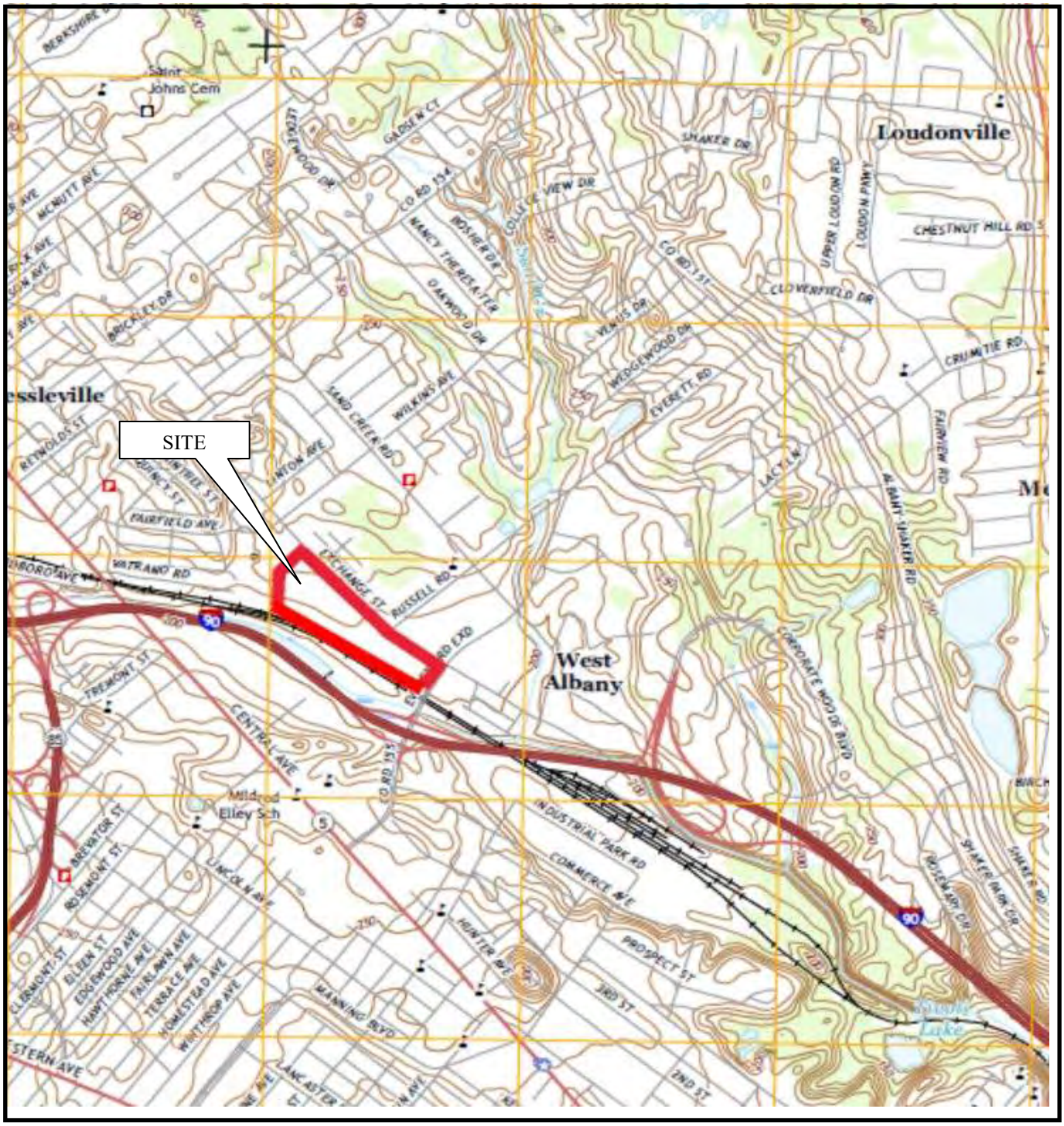
The chemical concentration analytical criteria are applicable for acceptable use on-site for fill or cover material as approved by NYSDEC review of laboratory analytical results, associated Category B QA/QC packages and data validator DUSRs.

5.4 Other Information

There has been no other information at this time that NYSDEC has determined to be appropriate to demonstrate that the proposed use will not adversely affect public health and the environment.

Figure 1

Site Location Map



Reference:
USGS Topographical Map
Albany, NY Quadrangle
2016

N

C.T.MALE ASSOCIATES
ENGINEERING, SURVEYING, ARCHITECTURE & LANDSCAPE ARCHITECTURE, D.P.C.

50 CENTURY HILL DRIVE
LATHAM, NY 12110

FIGURE 1 – SITE LOCATION MAP
FIRST PRIZE CENTER SITE

CITY OF ALBANY/TOWN OF COLONIE	ALBANY COUNTY, NY
SCALE: NTS	The locations and features depicted on this map are approximate and do not represent an actual survey.
DRAFTER: SHB	
PROJECT No: 17.7536	

Figure 2

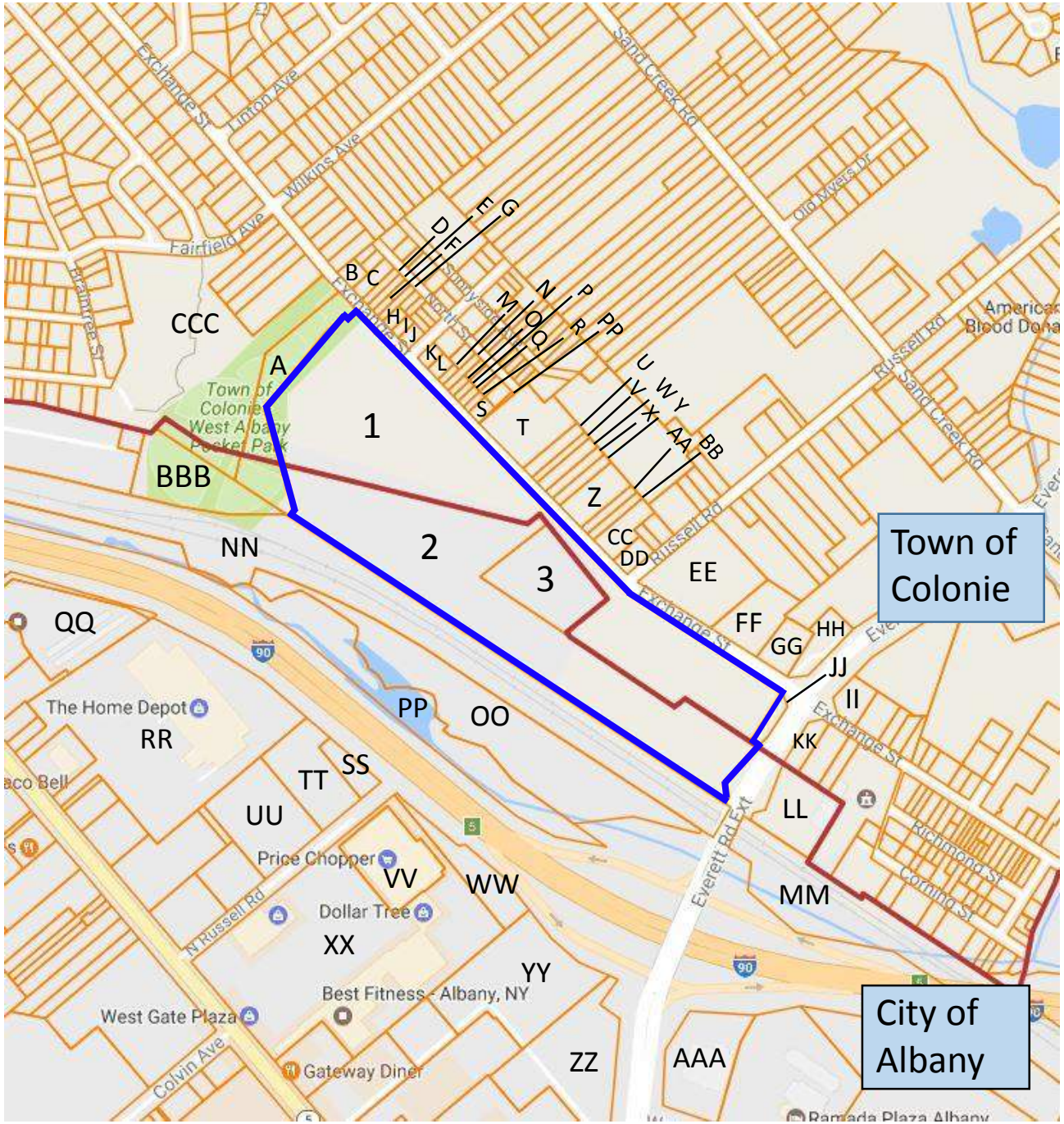
County Tax Map

County Tax Map

First Prize Center Site
68 Exchange Street, Town of Colonie; Rear Russell Road, City of Albany; and Russell Road, City of Albany.

Legend:
- Site Property Boundary
- Municipality Boundary

Corresponding page lists adjacent property owners by letter A – CCC



August 1, 2017
Source: Albany County GIS Parcel Locater
Property Information
Scale: 1” = 100’ approximately

All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.

Figure 3

Site Layout Map

XREFS: NONE

PROJECT NUMBER: 17.7536

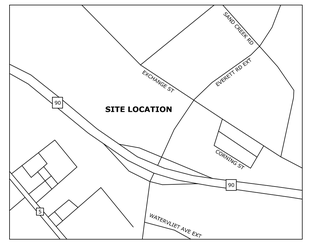
figure-2 - REV 1.dwg

GENERAL NOTES

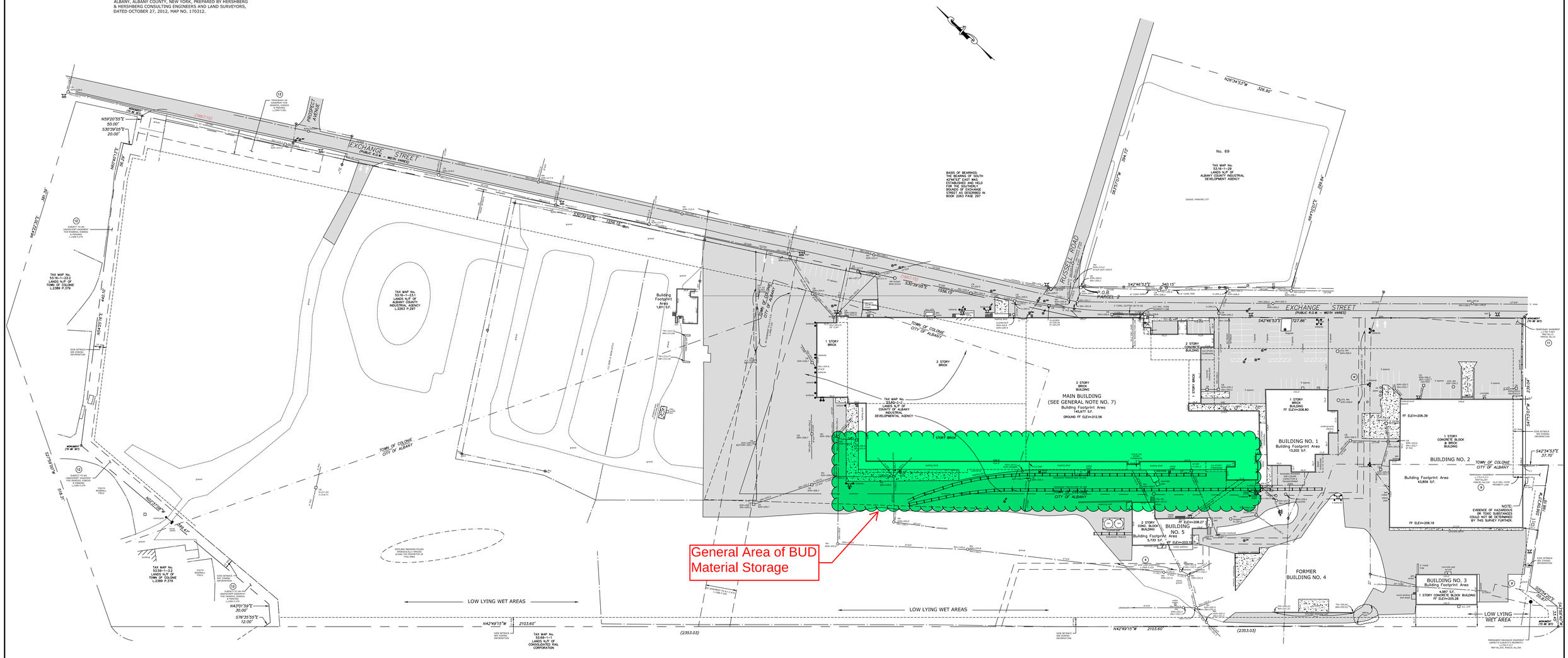
1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209-2, OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED OR INK SEAL SHALL BE CONSIDERED VALID TRUE COPIES.
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4. UNDERGROUND UTILITIES SHOWN ARE TAKEN FROM FIELD LOCATION WHERE POSSIBLE AND FROM RECORD DATA. THEIR EXACT LOCATION IN THE FIELD MAY DIFFER FROM THAT SHOWN HEREIN AND ADDITIONAL UTILITIES MAY EXIST. CALL UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION AT 1-800-962-7962 TO HAVE UTILITIES MARKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
5. THERE IS NO EVIDENCE OF CEMETERIES ON SUBJECT PARCEL.
6. THIS SURVEY MAP WAS PREPARED WITH THE BENEFIT OF A TITLE POLICY No. 852-A-09916, FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK, DATED JUNE 29, 2006.
7. MAIN BUILDING - DUE TO THE DILAPIDATED AND UNSAFE CONDITION OF THE MAIN BUILDING, SURFACE SOIL SAMPLING AND ADVANCEMENT OF THE TEST PITS WILL BE COMPLETED AFTER THE BUILDING IS DEMOLISHED.

GENERAL REFERENCE

1. "FIRST PRIZE CENTER BCP SITE" TOWN OF COLONIE/CITY OF ALBANY, ALBANY COUNTY, NEW YORK, PREPARED BY HERSHBERG & HERSHBERG CONSULTING ENGINEERS AND LAND SURVEYORS, DATED OCTOBER 27, 2012, MAP NO. 170312.



VICINITY MAP
MAP NOT TO SCALE



LEGEND

R.O.W.	RIGHT OF WAY		HYDRANT
No.	NUMBER		MONUMENT (TO BE SET)
enc.	ENCROACHMENT		MANHOLE
			CATCHBASIN
P.O.B.	POINT OF BEGINNING		SIGN
S.F.	SQUARE FEET		BOLLARD
N/F	NOW OR FORMERLY		FENCE LINE
R	RECORD		GUARD RAIL
M	MEASURED		STORM SEWER
N	NORTH		UNDERGROUND ELECTRIC
S	SOUTH		OVERHEAD WIRE, UTILITY POLE & GUY WIRE
E	EAST		TRAFFIC FLOW ACCESS AREA
W	WEST		WATER VALVE
L.	LIBER		GAS VALVE
P.	PAGE		LIGHT POLE
			CONCRETE
			PAVEMENT

BAR SCALE
60 0 30 60 120
1 inch = 60 ft.

"ONLY COPIES OF THIS MAP SIGNED IN RED INK AND EMBOSSED WITH THE SEAL OF AN OFFICER OF C.T. MALE ASSOCIATES OR A DESIGNATED REPRESENTATIVE SHALL BE CONSIDERED TO BE A VALID TRUE COPY".

CAD DWG. FILE NAME: K:\Projects\177536\Env\Drawings-Maps\figure-2 - REV 1.dwg

DRAFT - PROGRESS PRINT

DATE		REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
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UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

Update date

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DESIGNED : S.BIEBER
DRAFTED : S.WUNSCH
CHECKED : S.BIEBER
PROJ. NO. : 17.7536
SCALE : 1"=60'
DATE : MAY 22, 2018

Change to FIGURE 3

FIGURE 2: SITE FEATURES MAP

FIRST PRIZE CENTER SITE

Change to FIG 3

CITY OF ALBANY & TOWN OF COLONIE — ALBANY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110
518.786.7400 * FAX 518.786.7299

FIG2

SHEET 1 OF 3
DWG. NO: 18-263

Appendix A

NYSDEC Beneficial Use of Demolition Debris Letter

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2045 | F: (518) 357-2460
www.dec.ny.gov

April 22, 2021

William Hoblock
First Prize Development Partners, LLC
8 Paddocks Circle
Saratoga Springs, NY 12866

RE: First Prize Center Site
NYSDEC Site C401076
Beneficial Use of Demolition Debris

Dear William Hoblock:

The New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) have received the request for a Beneficial Use Determination (BUD) for onsite reuse of bricks and concrete materials from the pending demolition of onsite buildings. The BUD request was verbalized by First Prize Development Partners, LLC (First Prize Development) and its environmental consultant C.T. Male and Associates (CT Male) on or about January 15, 2021.

The onsite reuse of building demolition materials may be approved in accordance with 6NYCRR Part 360, subject to specified limitations and considerations. For example, bricks and concrete which are produced from the demolition of a building have the potential for onsite reuse if the materials are free of asbestos-containing materials (ACM), paint (lead-based), staining, wood, metal, caulking or other contaminants which could have environmental or public health impacts.

The NYSDEC will need a site-specific BUD request/petition document to evaluate through an internal review, comment and approval process. In order to confirm that the contemplated onsite reuse of demolition debris will satisfy applicable regulations and standards, the BUD petition will need to include sufficient information for NYSDEC staff to make a determination regarding:

A. detailed description of the waste and the proposed use of the waste, including onsite placement consistent with site cover thickness/depth requirements in 6NYCRR Part 375 applicable to the site;

B. description of the annual quantity, by weight and volume, of the waste proposed for the BUD;

C. detailed description of the source, process, or treatment systems from which the waste originated, including a list of all chemicals and the quantity of all chemicals added during these processes;

1) This item should include the discussion of the building demolition process and the onsite crushing operations used to convert the demolition debris to the desired size(s).

2) Onsite crushing operations may be subject to NYSDEC air emissions equipment registration procedures if the crushing equipment is onsite for more than 90 days.

3) Onsite crushing operations will need to demonstrate compliance with NYSDEC regulations associated with 6NYCRR Part 211 dust prevention, such as community air monitoring.

D. analytical data concerning the chemical and physical characteristics of the waste and of each type of proposed product, and the chemical and physical characteristics of any analogous raw material or commercial product for which the waste is proposed to be an effective substitute;

E. justification that the waste functions as an effective substitute for the commercial product or raw material and that the use meets or exceeds governmental or industry standards or specifications;

F. demonstration that the management of the waste when used in accordance with the beneficial use will not adversely affect public health and the environment by providing, at a minimum:

1) a waste control plan that describes the following:

i. procedures for periodic testing of the waste, as necessary;

ii. the type of storage and the maximum anticipated volume of the waste to be stored before beneficial use. Storage before beneficial use must not exceed 365 days, unless a different time period for storage is approved by the NYSDEC;

a. procedures for run-on and run-off control at the storage areas for the waste; and

b. a program and implementation schedule of best management practices designed to minimize uncontrolled dispersion of the waste before and during all aspects of its storage as inventory and during beneficial use;

iii. a comparison of the chemical and physical characteristics of the waste to applicable or relevant and appropriate criteria for the proposed beneficial use; and

iv. other information as the NYSDEC determines to be appropriate to demonstrate that the proposed use will not adversely affect public health and the environment.

G. confirmation that the reuse contemplated will satisfy applicable regulations and standards, including 6NYCRR Part375 site contaminant criteria.

For clarification, the building demolition activities and associated public health and environmental monitoring activities associated with the demolition activities are being evaluated separately from this BUD petition issue. The BUD petition is focused on the proposed reuse of the demolition debris materials (and the potential onsite crushing operations to produce the onsite reusable materials).

If a BUD is desired, please submit a site-specific BUD petition to me to initiate the review process.

Feel free to contact me at 518-376-7605 (mobile) if there are any questions.

Sincerely,

Christopher O'Neill

Christopher O'Neill, P.E.
Professional Engineer 1

EC: W. Hoblock, First Prize Development
M. Arcangel, First Prize Development
L. Shaw, Knauf Shaw
S. Bieber, CT Male
K. Moline, CT Male
J. Marx, CT Male
S. Berninger, NYSDOH
J. Deming, NYSDOH
G. Burke, NYSDEC
S. Repsher, NYDEC
A. Fleck, NYSDEC

Exhibit 1

NYSDEC Air Facility Registration Application

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 ctmale@ctmale.com

June 22, 2021

Mr. Christopher O'Neill, P.E., Project Manager
New York State Department of Environmental Conservation
Region 4, Division of Environmental Remediation
1130 North Westcott Road
Schenectady, NY 12306

Re: Air Permit Application
First Prize Center Site
City of Albany and Town of Colonie, Albany County
BCP Site ID No.: C401076
C.T. Male Project No.: 17.7536

Dear Mr. O'Neill:

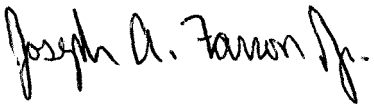
This document and attachments are being submitted relative to building demolition activities at the First Prize Center Site in the City of Albany and Town of Colonie, Albany County, New York. During this project, Jackson Demolition Service, Inc. will utilize a Lippman LJ3062W mobile jaw recycling crusher for the crushing of concrete block and brick materials. The anticipated duration of the equipment on the project site has not been determined at this time, and as such we are submitting the application paperwork per your previous correspondence in case the crushing activities exceed 90 days. A New York State Department of Environmental Conservation (NYSDEC) Air Facility Registration application is included as Attachment A, and supporting emission calculations are included as Attachment B.

The application document covers operation of the crusher unit, including particulate generated from the crushing activity, for which calculations have been completed in accordance with Chapter 11.19.2 of USEPA's AP-42, Crushed Stone Processing and Pulverized Mineral Processing. The crusher will be operated in such a manner that compliance with the site's existing Community Air Monitoring Plan will occur. Various literature on the crusher unit is included in Attachment C.

The crusher will be powered by a 645 kw Caterpillar engine (Model C15, Engine Family 8CPXL15.2ELW, EPA Compliant 2008 Model Year). Emissions from the engine have been calculated based on emission factors from the manufacturer as obtained through the EPA Nonroad Compression Ignition Archive relative to NO_X, CO, PM and CO_2, and using emission factors from AP-42, Chapter 3.4 for SO_2 and VOC.

Should you have any questions or require additional information, please contact this office at 518.786.7400 and/or at j.farron@ctmale.com or j.marx@ctmale.com.

Respectfully submitted,
C.T. MALE ASSOCIATES



Joseph A. Farron, Jr.
Project Environmental Engineer

Reviewed and approved by:



Jeffrey A. Marx, P.E.
Managing Environmental Engineer

Attachment A
Air Facility Registration Application

New York State Department of Environmental Conservation
Air Facility Registration Application

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

DEC ID	Application Type	Sheet 1 of 2
- -	☒ New Facility ☐ Notification of Changes ☐ Renewal	

Facility Information

Name First Prize Center Site			
Location Address 68 Exchange Street			
City Albany	County Albany	Township Albany & Colonie	Zip 12205

Facility Owner (Individual/Firm)

Taxpayer ID: 38-3955991

Name First Prize Development Partners, LLC			
Street Address 8 Paddocks Circle			
City Saratoga Springs	State/Province NY	Country US	Zip 12866

Facility Contact

Name William Hoblock			
Street Address 8 Paddocks Circle			
City Saratoga Springs	State/Province NY	Country US	Zip 12866
E-mail william.hoblock@rbc-ny.com	Phone 518-786-7100	Fax	

Facility Description

Number of Emission Points: 2 ☐ Continuation Sheet(s)

SIC Code(s)	1795		NAICS Code(s)	238910		

See attached calculations - The project consists of utilizing a mobile crusher rated at 882 tons per hour as part of the First Prize Center demolition project (NYSDEC Site C401076). The crusher's actual anticipated operations would include 10 hours per day, 5 days per week. The crusher design includes a mechanism enclosed in a dust-proof housing for minimizing dust and particulates. The unit will be powered by a Caterpillar C15 Engine (Model Year 2008 / Engine Family 8CPXL15.2ELW).

Source Classification Codes

☐ Continuation Sheet(s)

30504030				

New York State Department of Environmental Conservation
Air Facility Registration Application

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

DEC ID
- -

Applicable Federal and New York State Regulations at the Subpart Level				☐ Continuation Sheet(s)
200	201-4	211		

Auto Body Shops	
gallons of coatings/month:	gallons of solvents/month:

Facility Emissions Summary

Criteria Pollutants

CAS Number	Contaminant Name	Cap by Rule	Actual (lbs/yr)	PTE (lbs/yr)
000630-08-0	Carbon Monoxide	☐	3,967	22,422
0NY998-00-0	Total Volatile Organic Compounds (VOC)	☐	945	5,342
0NY210-00-0	Oxides of Nitrogen	☐	11,682	66,020
0NY075-00-0	Total Particulate Matter (PM-10 and PM-2.5)	☐	7,647	42,717
007446-09-5	Sulfur Dioxide	☐	16	92
0NY100-00-0	Total Hazardous Air Pollutants (HAP)	☐		
007439-92-1	Lead	☐		
0NY750-00-0	Carbon Dioxide Equivalents	☐	1,474,524	8,333,437

Individual Hazardous Air Pollutants ☐ Continuation Sheet(s)

CAS Number	Contaminant Name	Cap by Rule	Actual (lbs/yr)	PTE (lbs/yr)
		☐		
		☐		
		☐		
		☐		
		☐		

High Toxicity Air Contaminants ☐ Continuation Sheet(s)

CAS Number	Contaminant Name		Actual (lbs/yr)	

Certification

I certify the truth, accuracy, and completeness of the information contained in this application.

Responsible Official	WILLIAM M. HOBCOCK	Title	MEMBER
Signature		Date	6.22.21

Attachment B
Emission Calculations

EMISSIONS OF PARTICULATE FROM OPERATION OF CRUSHER

Known Data:

a. Lippmann LJ3062W mobile crusher to be utilized; maximum feed rate = 882 tons per hour
b. Unit operation similar to crushed stone processing and pulverized mineral processing - used AP-42 Emission Factors
c. Unit is powered electrically, and does not have a diesel-fuel or gas-driven engine associated with crusher operation

Assumptions:

a. Actual demolition using equipment anticipated to occur for at a rate of 10 hours per day, 5 days per week
b. The crusher design includes a mechanism enclosed in a dust-proof housing for minimizing dust and particulates.

Emission Factors for Crushed Stone Processing Operations

Emission factor based on Table 11.19.2-2 of AP-42 (Tertiary Crushing)

Contaminant Name	Emission Factor (lb/ton)
Total Particulate	0.0054

Hourly Maximum Emission Rate

Hourly Emissions (lbs/hr) = Maximum processing rate (882 tons/hr) * Emission Factor (lb/ton)

Emission Source	Total Particulates
Crusher (lbs/hr)	4.76
Crusher (tons/hr)	0.0024

Potential to Emit (PTE) Based on 8,760 Hours Per Year Limitation as Described Above

PTE (lbs/yr) = Hourly Emissions * Number of Hours Per Year

Emission Source	Total Particulates
Crusher PTE (lbs/yr)	41,722
Crusher PTE (tons/yr)	20.86

Actual Anticipated Emissions

Actual Crusher Emissions (lbs/yr) = Hourly Emissions from Crusher * 10 hr/day * 5 day/week * 31 weeks (June - Dec. 2021)

Emission Source	Total Particulates
Crusher PTE (lbs/yr)	7,382
Crusher PTE (tons/yr)	3.69

EMISSIONS OF AIR CONTAMINANTS FROM DIESEL ENGINE

Known Data:

a. Caterpillar Engine Model C15, Model Year 2008 Engine
b. Engine Family is 8CPXL15.2ELW, and emission data information is filed on EPA's Nonroad Compression Ignition Archive for NO_X, CO, PM and CO_2
c. Engine rated at 645 kw / 865 hp
d. Unit combusts diesel fuel - used AP-42 Chapter 3.4 Emission Factors for SO_X (to represent SO_2) and TOC

Assumptions:

a. Actual engine usage anticipated to occur for at a rate of 10 hours per day, 5 days per week
b. SO_2 emission factor based on NYS sulfur in fuel oil concentration limit of 15 ppm

Emission Factors for Engine Operation

Emission factor based on Chapter 3.4 of AP-42 or Manufacturer Information from EPA Engine Emission Data Archive

Contaminant Name	Data Source	Emission Factor (g/kw-hr)	Emission Factor (lb/hp-hr)	
PM	Manufacturer	0.12		
NO_X	Manufacturer	5.3		
CO_2	Manufacturer	669		
CO	Manufacturer	1.8		
SO_2	AP-42		0.000012	(8.09E-3*S_1), S_1=0.0015
TOC/VOC	AP-42		0.000705	

Hourly Maximum Emission Rate

Hourly Emissions (lbs/hr) = Unit Firing Rate (kw) * Emission Factor (g/kw-hr) * 1 lb/453.5924 g
Hourly Emissions (lbs/hr) = Unit Firing Rate (hp) * Emission Factor (lb/hp-hr)

Combustion Installation	PM	SO_2	NO_X	CO_2	CO	TOC/VOC
645 kw / 865 hp Diesel Engine	0.17	0.010	7.54	951.3	2.56	0.61
Total (lbs/hr)	0.17	0.010	7.54	951.3	2.56	0.61
Total (tons/hr)	0.000085	0.0000052	0.0038	0.48	0.0013	0.00030

Potential to Emit (PTE) Based on 8,760 Hours Per Year Operation

PTE From Engine (lbs/yr) = Hourly Emissions from Engine * Number of Hours Per Year (8,760)

Combustion Installation	PM	SO_2	NO_X	CO_2	CO	TOC/VOC
PTE (lb/yr) - 8,760 Hours	1,495	91.95	66,020	8,333,437	22,422	5,342
PTE (tons/yr) - 8,760 Hours	0.75	0.046	33.01	4,167	11.21	2.67

Actual Anticipated Emissions

Actual Emissions From Engine (lbs/yr) = Hourly Emissions from Engine * 10 hr/day * 5 day/week * 31 weeks/yr

Combustion Installation	PM	SO_2	NO_X	CO_2	CO	TOC/VOC
Annual Emissions (lbs/yr)	264.5	16.27	11,681.6	1,474,524	3,967	945.2
Annual Emissions (tons/yr)	0.13	0.0081	5.84	737.3	1.98	0.47

11.19.2 Crushed Stone Processing and Pulverized Mineral Processing

11.19.2.1 Process Description [24, 25]

Crushed Stone Processing

Major rock types processed by the crushed stone industry include limestone, granite, dolomite, traprock, sandstone, quartz, and quartzite. Minor types include calcareous marl, marble, shell, and slate. Major mineral types processed by the pulverized minerals industry, a subset of the crushed stone processing industry, include calcium carbonate, talc, and barite. Industry classifications vary considerably and, in many cases, do not reflect actual geological definitions.

Rock and crushed stone products generally are loosened by drilling and blasting and then are loaded by power shovel or front-end loader into large haul trucks that transport the material to the processing operations. Techniques used for extraction vary with the nature and location of the deposit. Processing operations may include crushing, screening, size classification, material handling and storage operations. All of these processes can be significant sources of PM and PM-10 emissions if uncontrolled.

Quarried stone normally is delivered to the processing plant by truck and is dumped into a bin. A feeder is used as illustrated in Figure 11.19.2-1. The feeder or screens separate large boulders from finer rocks that do not require primary crushing, thus reducing the load to the primary crusher. Jaw, impactor, or gyratory crushers are usually used for initial reduction. The crusher product, normally 7.5 to 30 centimeters (3 to 12 inches) in diameter, and the grizzly throughs (undersize material) are discharged onto a belt conveyor and usually are conveyed to a surge pile for temporary storage or are sold as coarse aggregates.

The stone from the surge pile is conveyed to a vibrating inclined screen called the scalping screen. This unit separates oversized rock from the smaller stone. The undersized material from the scalping screen is considered to be a product stream and is transported to a storage pile and sold as base material. The stone that is too large to pass through the top deck of the scalping screen is processed in the secondary crusher. Cone crushers are commonly used for secondary crushing (although impact crushers are sometimes used), which typically reduces material to about 2.5 to 10 centimeters (1 to 4 inches). The material (throughs) from the second level of the screen bypasses the secondary crusher because it is sufficiently small for the last crushing step. The output from the secondary crusher and the throughs from the secondary screen are transported by conveyor to the tertiary circuit, which includes a sizing screen and a tertiary crusher.

Tertiary crushing is usually performed using cone crushers or other types of impactor crushers. Oversize material from the top deck of the sizing screen is fed to the tertiary crusher. The tertiary crusher output, which is typically about 0.50 to 2.5 centimeters (3/16th to 1 inch), is returned to the sizing screen. Various product streams with different size gradations are separated in the screening operation. The products are conveyed or trucked directly to finished product bins, to open area stock piles, or to other processing systems such as washing, air separators, and screens and classifiers (for the production of manufactured sand).

Some stone crushing plants produce manufactured sand. This is a small-sized rock product with a maximum size of 0.50 centimeters (3/16 th inch). Crushed stone from the tertiary sizing screen is sized in a vibrating inclined screen (fines screen) with relatively small mesh sizes.

Oversized material is processed in a cone crusher or a hammermill (fines crusher) adjusted to produce small diameter material. The output is returned to the fines screen for resizing.

In certain cases, stone washing is required to meet particulate end product specifications or demands.

Pulverized Mineral Processing

Pulverized minerals are produced at specialized processing plants. These plants supply mineral products ranging from sizes of approximately 1 micrometer to more than 75 micrometers aerodynamic diameter. Pharmaceutical, paint, plastics, pigment, rubber, and chemical industries use these products. Due to the specialized characteristics of the mineral products and the markets for these products, pulverized mineral processing plants have production rates that are less than 5% of the production capacities of conventional crushed stone plants. Two alternative processing systems for pulverized minerals are summarized in Figure 11-19.2-2.

In dry processing systems, the mineral aggregate material from conventional crushing and screening operations is subject to coarse and fine grinding primarily in roller mills and/or ball mills to reduce the material to the necessary product size range. A classifier is used to size the ground material and return oversized material that can be pulverized using either wet or dry processes. The classifier can either be associated with the grinding operation, or it can be a stand-alone process unit. Fabric filters control particulate matter emissions from the grinding operation and the classifier. The products are stored in silos and are shipped by truck or in bags.

In wet processing systems, the mineral aggregate material is processed in wet mode coarse and fine grinding operations. Beneficiation processes use flotation to separate mineral impurities. Finely ground material is concentrated and flash dried. Fabric filters are used to control particulate matter emissions from the flash dryer. The product is then stored in silos, bagged, and shipped.

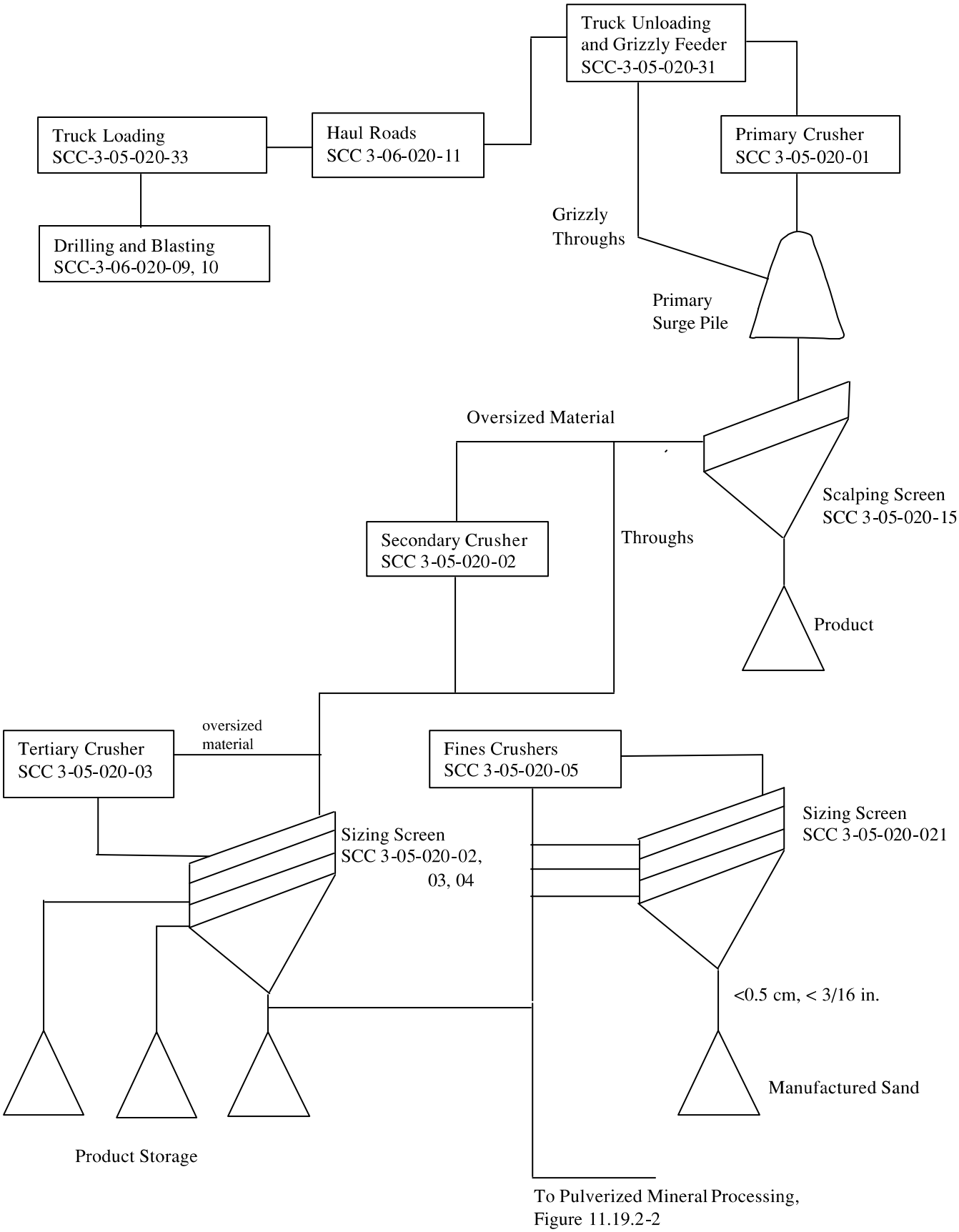


Figure 11.19.2-1. Typical stone processing plant

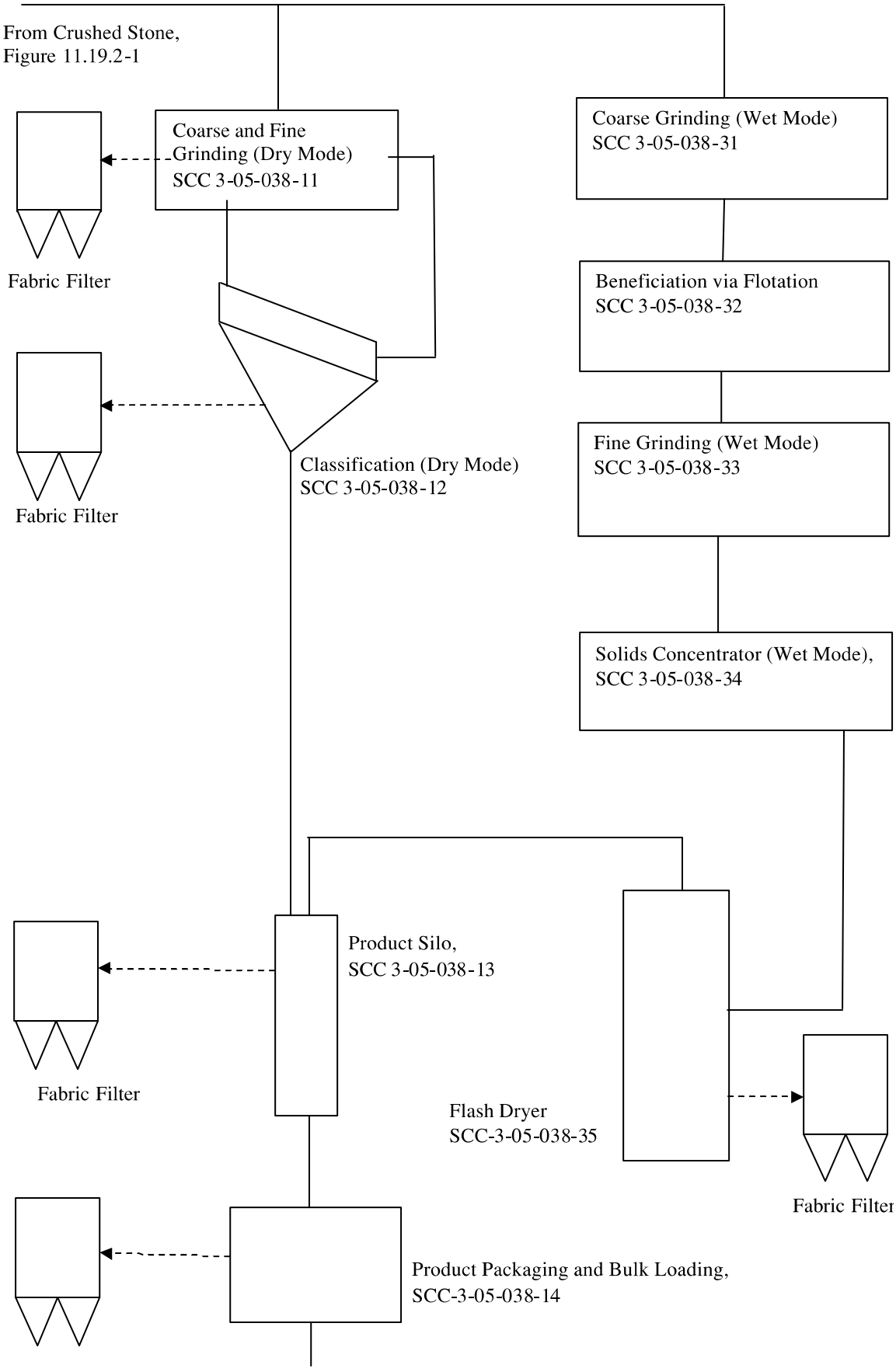


Figure 11.19.2-2 Flowchart for Pulverized Mineral Processing

11.19.2.2 Emissions and Controls [10, 11, 12, 13, 14, and 26]

Crushed Stone Processing

Emissions of PM, PM-10, and PM-2.5 occur from a number of operations in stone quarrying and processing. A substantial portion of these emissions consists of heavy particles that may settle out within the plant. As in other operations, crushed stone emission sources may be categorized as either process sources or fugitive dust sources. Process sources include those for which emissions are amenable to capture and subsequent control. Fugitive dust sources generally involve the reentrainment of settled dust by wind or machine movement. Emissions from process sources should be considered fugitive unless the sources are vented to a baghouse or are contained in an enclosure with a forced-air vent or stack. Factors affecting emissions from either source category include the stone size distribution and the surface moisture content of the stone processed, the process throughput rate, the type of equipment and operating practices used, and topographical and climatic factors.

Of graphical and seasonal factors, the primary variables affecting uncontrolled PM emissions are wind and material moisture content. Wind parameters vary with geographical location, season, and weather. It can be expected that the level of emissions from unenclosed sources (principally fugitive dust sources) will be greater during periods of high winds. The material moisture content also varies with geographical location, season, and weather. Therefore, the levels of uncontrolled emissions from both process emission sources and fugitive dust sources generally will be greater in arid regions of the country than in temperate ones and greater during the summer months because of a higher evaporation rate.

The moisture content of the material processed can have a substantial effect on emissions. This effect is evident throughout the processing operations. Surface wetness causes fine particles to agglomerate on or to adhere to the faces of larger stones, with a resulting dust suppression effect. However, as new fine particles are created by crushing and attrition and as the moisture content is reduced by evaporation, this suppressive effect diminishes and may disappear. Plants that use wet suppression systems (spray nozzles) to maintain relatively high material moisture contents can effectively control PM emissions throughout the process. Depending on the geographical and climatic conditions, the moisture content of mined rock can range from nearly zero to several percent. Because moisture content is usually expressed on a basis of overall weight percent, the actual moisture amount per unit area will vary with the size of the rock being handled. On a constant mass-fraction basis, the per-unit area moisture content varies inversely with the diameter of the rock. The suppressive effect of the moisture depends on both the absolute mass water content and the size of the rock product. Typically, wet material contains >1.5 percent water.

A variety of material, equipment, and operating factors can influence emissions from crushing. These factors include (1) stone type, (2) feed size and distribution, (3) moisture content, (4) throughput rate, (5) crusher type, (6) size reduction ratio, and (7) fines content. Insufficient data are available to present a matrix of rock crushing emission factors detailing the above classifications and variables. Available data indicate that PM-10 and PM-2.5 emissions from limestone and granite processing operations are similar. Therefore, the emission factors developed from the emissions data gathered at limestone and granite processing facilities are considered to be representative of typical crushed stone processing operations. Emission factors for filterable PM, PM-10, and PM-2.5 emissions from crushed stone processing operations are presented in Tables 11.19.2-1 (Metric units) and 11.19.2-2 (English units.)

Table 11.19.2-1 (Metric Units). EMISSION FACTORS FOR CRUSHED STONE PROCESSING OPERATIONS (kg/Mg)[a]

Source [b]	Total Particulate Matter [r,s]	EMISSION FACTOR RATING	Total PM-10	EMISSION FACTOR RATING	Total PM-2.5	EMISSION FACTOR RATING
Primary Crushing (SCC 3-05-020-01)	ND		ND[n]		ND[n]	
Primary Crushing (controlled) (SCC 3-05-020-01)	ND		ND[n]		ND[n]	
Secondary Crushing (SCC 3-05-020-02)	ND		ND[n]		ND[n]	
Secondary Crushing (controlled) (SCC 3-05-020-02)	ND		ND[n]		ND[n]	
Tertiary Crushing (SCC 3-050030-03)	0.0027[d]	E	0.0012[o]	C	ND[n]	
Tertiary Crushing (controlled) (SCC 3-05-020-03)	0.0006[d]	E	0.00027[p]	C	0.00005[q]	E
Fines Crushing (SCC 3-05-020-05)	0.0195[e]	E	0.0075[e]	E	ND	
Fines Crushing (controlled) (SCC 3-05-020-05)	0.0015[f]	E	0.0006[f]	E	0.000035[q]	E
Screening (SCC 3-05-020-02, 03)	0.0125[c]	E	0.0043[l]	C	ND	
Screening (controlled) (SCC 3-05-020-02, 03)	0.0011[d]	E	0.00037[m]	C	0.000025[q]	E
Fines Screening (SCC 3-05-020-21	0.15[g]	E	0.036[g]	E	ND	
Fines Screening (controlled) (SCC 3-05-020-21)	0.0018[g]	E	0.0011[g]	E	ND	
Conveyor Transfer Point (SCC 3-05-020-06)	0.0015[h]	E	0.00055[h]	D	ND	
Conveyor Transfer Point (controlled) (SCC 3-05-020-06)	0.00007[i]	E	2.3×10^{-5}[i]	D	6.5×10^{-6}[q]	E
Wet Drilling - Unfragmented Stone (SCC 3-05-020-10)	ND		4.0×10^{-5}[j]	E	ND	
Truck Unloading - Fragmented Stone (SCC 3-05-020-31)	ND		8.0×10^{-6}[j]	E	ND	
Truck Loading - Conveyor, crushed stone (SCC 3-05-020-32)	ND		5.0×10^{-5}[k]	E	ND	

a. Emission factors represent uncontrolled emissions unless noted. Emission factors in kg/Mg of material throughput. SCC = Source Classification Code. ND = No data.

b. Controlled sources (with wet suppression) are those that are part of the processing plant that employs current wet suppression technology similar to the study group. The moisture content of the study group without wet suppression systems operating (uncontrolled) ranged from 0.21 to 1.3 percent, and the same facilities operating wet suppression systems (controlled) ranged from 0.55 to 2.88 percent. Due to carry over of the small amount of moisture required, it has been shown that each source, with the exception of crushers, does not need to employ direct water sprays. Although the moisture content was the only variable measured, other process features may have as much influence on emissions from a given source. Visual observations from each source under normal operating conditions are probably the best indicator of which emission factor is most appropriate. Plants that employ substandard control measures as indicated by visual observations should use the uncontrolled factor with appropriate control efficiency that best reflects the effectiveness of the controls employed.

c. References 1, 3, 7, and 8

d. References 3, 7, and 8

e. Reference 4

f. References 4 and 15

g. Reference 4

h. References 5 and 6

i. References 5, 6, and 15

j. Reference 11

k. Reference 12

l. References 1, 3, 7, and 8

m. References 1, 3, 7, 8, and 15

n. No data available, but emission factors for PM-10 for tertiary crushers can be used as an upper limit for primary or secondary crushing

o. References 2, 3, 7, 8

p. References 2, 3, 7, 8, and 15

q. Reference 15

r. PM emission factors are presented based on PM-100 data in the Background Support Document for Section 11.19.2

s. Emission factors for PM-30 and PM-50 are available in Figures 11.19.2-3 through 11.19.2-6.

Note: Truck Unloading - Conveyor, crushed stone (SCC 3-05-020-32) was corrected to Truck Loading - Conveyor, crushed stone (SCC 3-05-020-32). October 1, 2010.

Table 11.19.2-2 (English Units). EMISSION FACTORS FOR CRUSHED STONE PROCESSING OPERATIONS (lb/Ton)[a]

Source [b]	Total Particulate Matter [r,s]	EMISSION FACTOR RATING	Total PM-10	EMISSION FACTOR RATING	Total PM-2.5	EMISSION FACTOR RATING
Primary Crushing (SCC 3-05-020-01)	ND		ND[n]		ND[n]	
Primary Crushing (controlled) (SCC 3-05-020-01)	ND		ND[n]		ND[n]	
Secondary Crushing (SCC 3-05-020-02)	ND		ND[n]		ND[n]	
Secondary Crushing (controlled) (SCC 3-05-020-02)	ND		ND[n]		ND[n]	
Tertiary Crushing (SCC 3-050030-03)	0.0054[d]	E	0.0024[o]	C	ND[n]	
Tertiary Crushing (controlled) (SCC 3-05-020-03)	0.0012[d]	E	0.00054[p]	C	0.00010[q]	E
Fines Crushing (SCC 3-05-020-05)	0.0390[e]	E	0.0150[e]	E	ND	
Fines Crushing (controlled) (SCC 3-05-020-05)	0.0030[f]	E	0.0012[f]	E	0.000070[q]	E
Screening (SCC 3-05-020-02, 03)	0.025[c]	E	0.0087[l]	C	ND	
Screening (controlled) (SCC 3-05-020-02, 03)	0.0022[d]	E	0.00074[m]	C	0.000050[q]	E
Fines Screening (SCC 3-05-020-21)	0.30[g]	E	0.072[g]	E	ND	
Fines Screening (controlled) (SCC 3-05-020-21)	0.0036[g]	E	0.0022[g]	E	ND	
Conveyor Transfer Point (SCC 3-05-020-06)	0.0030[h]	E	0.00110[h]	D	ND	
Conveyor Transfer Point (controlled) (SCC 3-05-020-06)	0.00014[t]	E	4.6×10^{-5}[i]	D	1.3×10^{-5}[q]	E
Wet Drilling - Unfragmented Stone (SCC 3-05-020-10)	ND		8.0×10^{-5}[j]	E	ND	
Truck Unloading -Fragmented Stone (SCC 3-05-020-31)	ND		1.6×10^{-5}[j]	E	ND	
Truck Loading - Conveyor, crushed stone (SCC 3-05-020-32)	ND		0.00010[k]	E	ND	

a. Emission factors represent uncontrolled emissions unless noted. Emission factors in lb/Ton of material of throughput. SCC = Source Classification Code. ND = No data.

b. Controlled sources (with wet suppression) are those that are part of the processing plant that employs current wet suppression technology similar to the study group. The moisture content of the study group without wet suppression systems operating (uncontrolled) ranged from 0.21 to 1.3 percent, and the same facilities operating wet suppression systems (controlled) ranged from 0.55 to 2.88 percent. Due to carry over of the small amount of moisture required, it has been shown that each source, with the exception of crushers, does not need to employ direct water sprays. Although the moisture content was the only variable measured, other process features may have as much influence on emissions from a given source. Visual observations from each source under normal operating conditions are probably the best indicator of which emission factor is most appropriate. Plants that employ substandard control measures as indicated by visual observations should use the uncontrolled factor with an appropriate control efficiency that best reflects the effectiveness of the controls employed.

c. References 1, 3, 7, and 8

d. References 3, 7, and 8

e. Reference 4

f. References 4 and 15

g. Reference 4

h. References 5 and 6

i. References 5, 6, and 15

j. Reference 11

k. Reference 12

l. References 1, 3, 7, and 8

m. References 1, 3, 7, 8, and 15

n. No data available, but emission factors for PM-10 for tertiary crushers can be used as an upper limit for primary or secondary crushing

o. References 2, 3, 7, 8

p. References 2, 3, 7, 8, and 15

q. Reference 15

r. PM emission factors are presented based on PM-100 data in the Background Support Document for Section 11.19.2

s. Emission factors for PM-30 and PM-50 are available in Figures 11.19.2-3 through 11.19.2-6.

Note: Truck Unloading - Conveyor, crushed stone (SCC 3-05-020-32) was corrected to Truck Loading - Conveyor, crushed stone (SCC 3-05-020-32). October 1, 2010.

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Emission factor estimates for stone quarry blasting operations are not presented because of the sparsity and unreliability of available tests. While a procedure for estimating blasting emissions is presented in Section 11.9, Western Surface Coal Mining, that procedure should not be applied to stone quarries because of dissimilarities in blasting techniques, material blasted, and size of blast areas. Emission factors for fugitive dust sources, including paved and unpaved roads, materials handling and transfer, and wind erosion of storage piles, can be determined using the predictive emission factor equations presented in AP-42 Section 13.2.

The data used in the preparation of the controlled PM calculations was derived from the individual A-rated tests for PM-2.5 and PM-10 summarized in the Background Support Document. For conveyor transfer points, the controlled PM value was derived from A-rated PM-2.5, PM-10, and PM data summarized in the Background Support Document.

The extrapolation line was drawn through the PM-2.5 value and the mean of the PM-10 values. PM emission factors were calculated for PM-30, PM-50, and PM-100. Each of these particle size limits is used by one or more regulatory agencies as the definition of total particulate matter. The graphical extrapolations used in calculating the emission factors are presented in Figures 11.19.2-3, -4, -5, and -6.

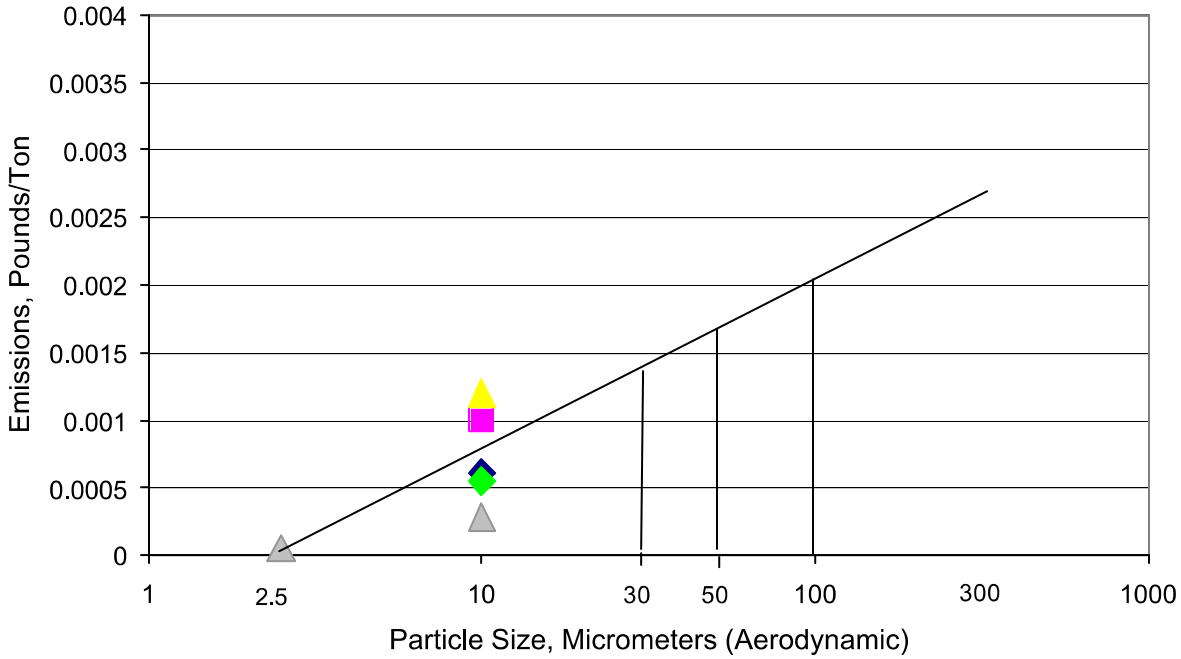


Figure 11-19-3. PM Emission Factor Calculation, Screening (Controlled)

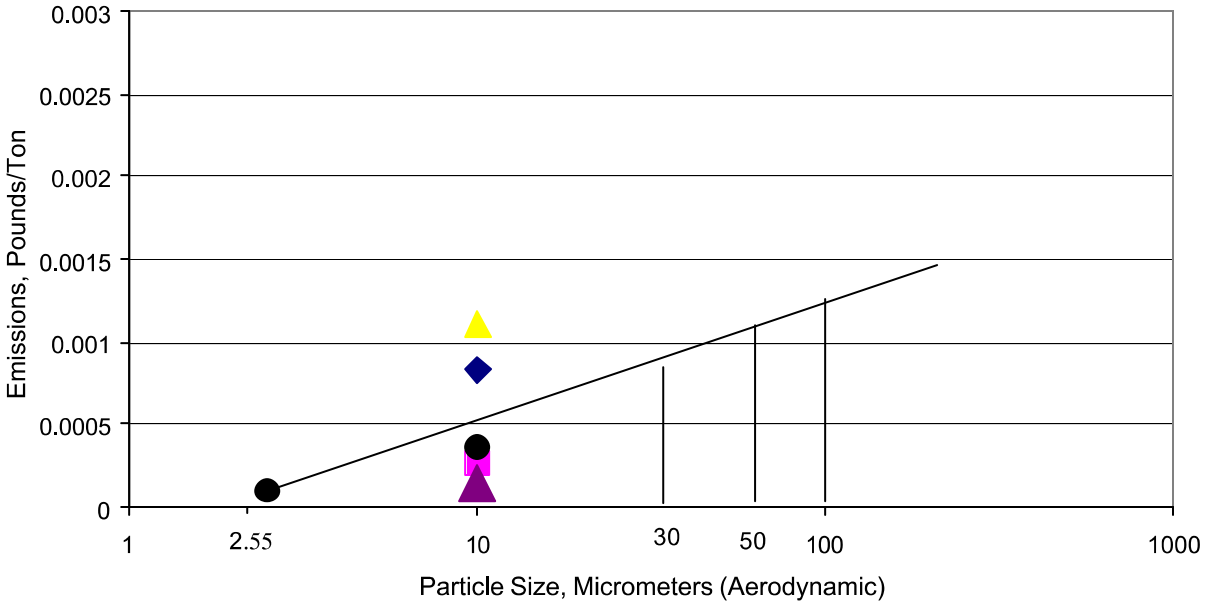


Figure 11.19-4. PM Emission Factor Calculation, Tertiary Crushing (Controlled)

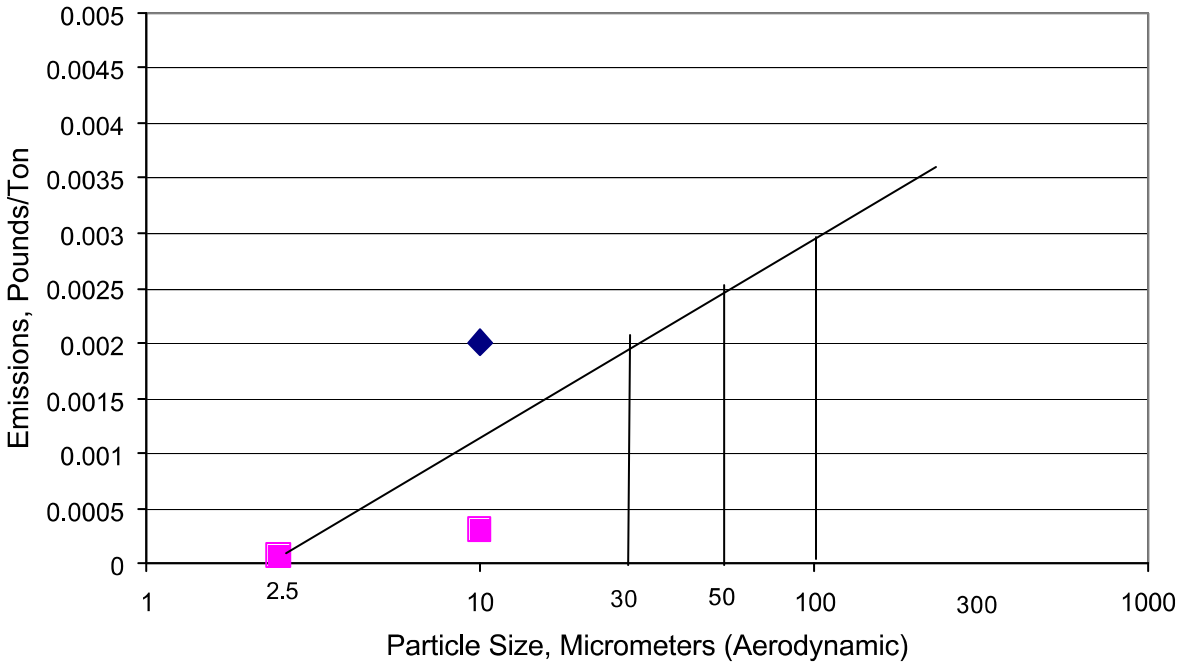


Figure 11-19.5. PM Emission Factor Calculation, Fines Crushing (Controlled)

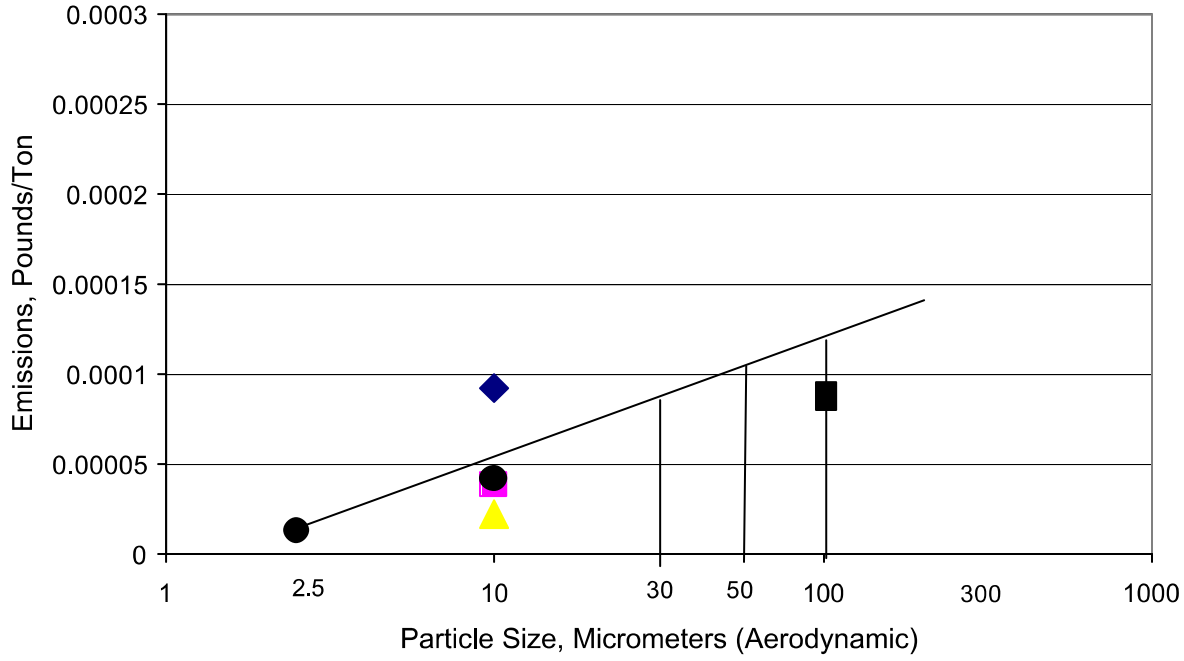


Figure 11.19-6. PM Emission Factor Calculation, Conveyor Transfer Points (Controlled)

The uncontrolled PM emission factors have been calculated from the controlled PM emission factors calculated in accordance with Figures 11.19.2-3 through 11.19.2-6. The PM-10 control efficiencies have been applied to the PM controlled emission factor data to calculate the uncontrolled PM emission rates.

Screening PM-10

Controlled = 0.00073 Lbs./Ton.

Uncontrolled = 0.00865 Lbs./Ton.

Efficiency = 91.6%

Tertiary Crushing PM-10

Controlled = 0.00054

Uncontrolled = 0.00243

Efficiency = 77.7%

Fines Crushing PM-10:

Controlled = 0.0012

Uncontrolled = 0.015

Efficiency = 92.0%

Conveyor Transfer Points PM-10

Controlled = 0.000045

Uncontrolled = 0.0011

Efficiency = 95.9%

The uncontrolled total particulate matter emission factor was calculated from the controlled total particulate matter using Equation 1:

$$\text{Uncontrolled emission factor} = \frac{\text{Controlled total particulate emission factor}}{(100\% - \text{PM-10 Efficiency }\%)/100\%}$$

Equation 1

The Total PM emission factors calculated using Figures 11.19.2-3 through 11.19.2-6 were developed because (1) there are more A-rated test data supporting the calculated values and (2) the extrapolated values provide the flexibility for agencies and source operators to select the most appropriate definition for Total PM. All of the Total PM emission factors have been rated as E due to the limited test data and the need to estimate emission factors using extrapolations of the PM-2.5 and PM-10 data.

Pulverized Mineral Processing

Emissions of particulate matter from dry mode pulverized mineral processing operations are controlled by pulse jet and envelope type fabric filter systems. Due to the low-to-moderate gas temperatures generated by the processing equipment, conventional felted filter media are used. Collection efficiencies for fabric filter-controlled dry process equipment exceed 99.5%. Emission factors for pulverized mineral processing operations are presented in Tables 11.19.2-3 and 11.19.2-4.

Table 11.19.2-3 (Metric Units). EMISSION FACTORS FOR PULVERIZED MINERAL PROCESSING OPERATIONS [a]

Source [b]	Total Particulate Matter	EMISSION FACTOR RATING	Total PM-10	EMISSION FACTOR RATING	Total PM-2.5	EMISSION FACTOR RATING
Grinding (Dry) with Fabric Filter Control (SCC 3-05-038-11)	0.0202	D	0.0169	B	0.0060	B
Classifiers (Dry) with Fabric Filter Control (SCC 3-05-038-12)	0.0112	E	0.0052	E	0.0020	E
Flash Drying with Fabric Filter Control (SCC 3-05-038-35)	0.0134	C	0.0073	C	0.0042	C
Product Storage with Fabric Filter Control (SCC 3-05-38-13)	0.0055	E	0.0008	E	0.0003	E

a. Emission factors represent controlled emissions unless noted. Emission factors are in kg/Mg of material throughput.

b. Date from references 16 through 23

Table 11.19.2-4 (English Units). EMISSION FACTORS FOR PULVERIZED MINERAL PROCESSING OPERATIONS [a]

Source [b]	Total Particulate Matter	EMISSION FACTOR RATING	Total PM-10	EMISSION FACTOR RATING	Total PM-2.5	EMISSION FACTOR RATING
Grinding (Dry) with Fabric Filter Control (SCC 3-05-038-11)	0.0404	D	0.0339	B	0.0121	B
Classifiers (Dry) with Fabric Filter Control (SCC 3-05-038-12)	0.0225	E	0.0104	E	0.0041	E
Flash Drying with Fabric Filter Control (SCC 3-05-038-35)	0.0268	C	0.0146	C	0.0083	C
Product Storage with Fabric Filter Control (SCC 3-05-038-13)	0.0099	E	0.0016	E	0.0006	E

a. Emission factors represent controlled emissions unless noted. Emission factors are in lb/Ton of material throughput.

b. Data from references 16 through 23

References for Section 11.19.2[1]

1. J. Richards, T. Brozell, and W. Kirk, *PM-10 Emission Factors for a Stone Crushing Plant Deister Vibrating Screen,* EPA Contract No. 68-Dl-0055, Task 2.84, U. S. Environmental Protection Agency, Research Triangle Park, NC, February 1992.

2. J. Richards, T. Brozell, and W. Kirk, *PM-10 Emission Factors for a Stone Crushing Plant Tertiary Crusher,* EPA Contract No. 68-D1-0055, Task 2.84, U. S. Environmental Protection Agency, Research Triangle Park, NC, February 1992.

3. W. Kirk, T. Brozell, and J. Richards, *PM-10 Emission Factors for a Stone Crushing Plant Deister Vibrating Screen and Crusher,* National Stone Association, Washington DC, December 1992.

4. T. Brozell, J. Richards, and W. Kirk, *PM-10 Emission Factors for a Stone Crushing Plant Tertiary Crusher and Vibrating Screen,* EPA Contract No. 68-DO-0122, U. S. Environmental Protection Agency, Research Triangle Park, NC, December 1992.

5. T. Brozell, *PM-10 Emission Factors for Two Transfer Points at a Granite Stone Crushing Plant,* EPA Contract No. 68-DO-0122, U. S. Environmental Protection Agency, Research Triangle Park, NC, January 1994.

6. T. Brozell, *PM-10 Emission Factors for a Stone Crushing Plant Transfer Point,* EPA Contract No. 68-DO-0122, U. S. Environmental Protection Agency, Research Triangle Park, NC, February 1993.

7. T. Brozell and J. Richards, *PM-10 Emission Factors for a Limestone Crushing Plant Vibrating Screen and Crusher for Bristol, Tennessee,* EPA Contract No. 68-D2-0163, U. S. Environmental Protection Agency, Research Triangle Park, NC, July 1993.

8. T. Brozell and J. Richards, *PM-10 Emission Factors for a Limestone Crushing Plant Vibrating Screen and Crusher for Marysville, Tennessee,* EPA Contract No. 68-D2-0163, U. S. Environmental Protection Agency, Research Triangle Park, NC, July 1993.

9. *Air Pollution Control Techniques for Nonmetallic Minerals Industry,* EPA-450/3-82-014, U. S. Environmental Protection Agency, Research Triangle Park, NC, August 1982.

10. *Review Emission Data Base and Develop Emission Factors for the Construction Aggregate Industry,* Engineering-Science, Inc., Arcadia, CA, September 1984.

11. P. K. Chalekode *et al., Emissions from the Crushed Granite Industry: State of the Art,* EPA-600/2-78-021, U. S. Environmental Protection Agency, Washington, DC, February 1978.

12. T. R. Blackwood *et al., Source Assessment: Crushed Stone,* EPA-600/2-78-004L, U. S. Environmental Protection Agency, Washington, DC, May 1978.

13. *An Investigation of Particulate Emissions from Construction Aggregate Crushing Operations and Related New Source Performance Standards,* National Crushed Stone Association, Washington, DC, December 1979.

[1] References 1 through 23 are identical to References 1 through 23 in the Background Support Document for AP-42, Section 11.19-2.

14. F. Record and W. T. Harnett, *Particulate Emission Factors for the Construction Aggregate Industry, Draft Report,* GCA-TR-CH-83-02, EPA Contract No. 68-02-3510, GCA Corporation, Chapel Hill, NC, February 1983.

15. T. Brozell, T. Holder, and J. Richards, *Measurement of PM-10 and PM2.5 Emission Factors at a Stone Crushing Plant*, National Stone Association, December 1996.

16. T. Brozell, and J. Richards, *$PM_{10}/PM_{2.5}$ Emission Factor Testing for the Pulverized Mineral Division of the National Stone, Sand and Gravel Association.* Report to the National Stone, Sand and Gravel Association; October 2001.

17. Frank Ward & Company, *A Report of Particulate Source Sampling Performed for Franklin Industrial Minerals Located in Sherwood, Tennessee,* Report to Franklin Industrial Minerals, August 1994.

18. Advanced Industrial Resources, LLC. *Performance Test Report of Baghouse No. 37 at Franklin Industrial Minerals, Report to Franklin Industrial Minerals,* November 1999.

19. Advanced Industrial Resources, LLC. *Performance Test Report of BH-750Limestone System at Franklin Industrial Minerals, Report to Franklin Industrial Minerals,* May 2000.

20. Air Quality Technical Services, *Performance Testing for Flash Dryer #1, Omya, Inc. Plant in Florence, Vermont.* June 1997.

21. Air Quality Technical Services, *Performance Testing for Flash Dryer #2, Omya, Inc. Plant in Florence, Vermont,* March 1998.

22. Air Quality Technical Services. *Performance Testing for Flash Dryer #3, Omya, Inc. Plant in Florence, Vermont,* August 2000.

23. Air Quality Technical Services. *Performance Testing for Flash Dryer #3, Omya, Inc. Plant in Florence, Vermont,* September 2000.

24. *Air Pollution Control Techniques for Nonmetallic Minerals Industry*, EPA-450/3-82-014, U.S. Environmental Protection Agency, Research Triangle Park, NC, August 1982.

25. Written communication from J. Richards, Air Control Techniques, P.C. to B. Shrager, MRI, March 18, 1994.

26. C. Cowherd, Jr. et. al., *Development of Emission Factors For Fugitive Dust Sources*, EPA-450/3-74-037, U.S. Environmental Protection Agency, Research Triangle Park, NC, June 1974.

Attachment C
Crusher Literature



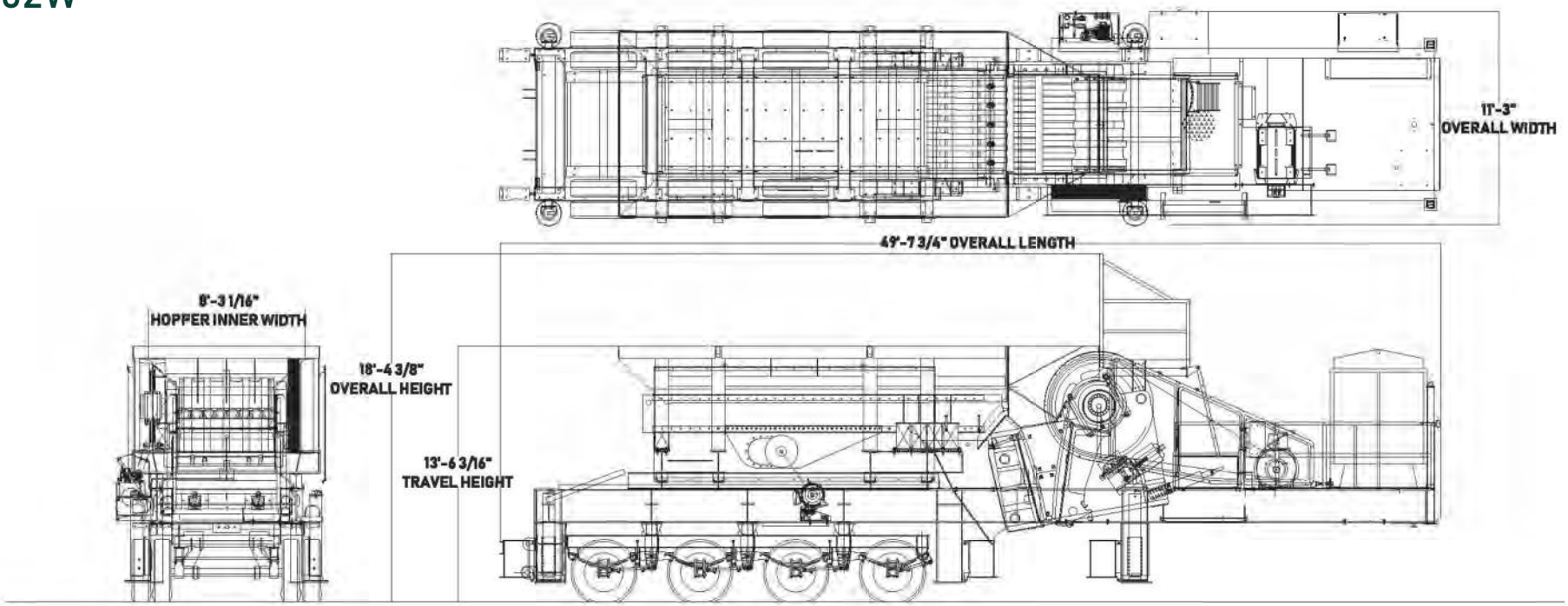
LJ3062W JAW RECYCLING CRUSHER

The 3062 jaw crusher is the only crusher on the market specifically designed extra wide for the recycling industry. It handles slabby concrete, reducing or eliminating the need to prep material. The short stature of the jaw crusher also contributes to the success of this crusher allowing material to easily enter the chamber without causing a tramp event. Another advantage to this plant is the large 62" feeder which allows the recycle material to easily flow into the jaw without any tapper.

- An extra heavily ribbed steel frame-stress relieved after welding and before machining
- One piece steel pitman
- Heat-treated forged alloy steel eccentric shaft
- Steel cheek plates
- Oversized tapered roller bearings in both the pitman and frame. Tapered roller bearings exhibit a greater load carrying capacity compared to an equal sized spherical roller used in competitor's machines
- Reversible manganese steel jaw dies and extensions
- Two heavy-duty flywheels one grooved for V-belts
- Automatic Oil Lubrication System which delivers a metered flow of filtered oil to each bearing

LIPPMANN lippmann-milwaukee.com 800.648.0496

LJ3062W



SPECIFICATIONS

Jaw Crusher	30"x62"
RPM	230
Max Feed Size	27"
Discharge Conveyor	N/A
Operating Speed	318
Feeder	62"x18'
Operating Speed	830 Max
Grizzly Length	4'

Horsepower	
Jaw Crusher	200
Autolube	1
Toggle Power Unit (optional	7.5
Taper Wedge (optional)	1.5
Feeder	40
Discharge Conveyor	N/A

Transportation (lbs)	
Tires	11R22.5
Rear axle	70250
King Pin	54250
Total	124500
Weight of Feeder	36250
Module	
Total Weight	160750

Hydraulic toggle or Manual toggle plate available

*Manual toggle plate option only

Closed Side Setting (CSS) inches

2	2.5	3	3.5	4	4.5	5
-	-	220-243	280-309	337-375	399-421	420-463
6	7	8	10	12	14	-
491-541	570-628	*650-717	*799-882	-	-	-

ADDITIONAL OPTIONS

Hydraulic leveling jacks - (4) 70,000lb

Six (6) Run-On Jack Legs

NEMA - 12 motor control center

Cross conveyor under grizzly

Hydraulic folding hopper extensions

Hydraulic Toggle

Tire bulkheads

Table 2-1: Capacity in Tons [Tonnes] Per Hour (-0%, + 25%)

Jaw Gape x Width inches [mm]	E. HP	RPM	Hydraulic toggle or Manual toggle plate option							Manual toggle plate option only					
			Closed Side Setting (CSS) inches [mm]												
			2 [51]	2.5 [64]	3 [77]	3.5 [89]	4 [102]	4.5 [115]	5 [127]	6 [153]	7 [178]	8 [204]	10 [254]	12 [305]	14 [356]
22 x 42 [560 x 1070]	125	275	107-136 [97-123]	134-164 [122-149]	166-194 [151-176]	194-223 [176-202]	223-278 [202-252]	251-302 [228-274]	278-333 [252-302]	334-390 [303-354]	389-444 [353-403]	444-510 [403-463]			
22 x 48 [560 x 1220]	150	275	127-159 [115-144]	159-191 [144-173]	191-223 [173-202]	223-254 [202-230]	254-317 [230-288]	281-349 [255-317]	317-381 [288-346]	382-445 [347-404]	444-507 [403-460]	509-571 [462-518]			
24 x 36 [610 x 920]	100	275		127-153 [115-139]	153-170 [139-154]	179-204 [162-185]	204-254 [185-230]	231-282 [210-256]	254-306 [230-278]	305-355 [277-322]	354-408 [321-370]	407-462 [369-419]	508-584 [461-530]		
24 x 50 [610 x 1270]	150	275		166-184 [151-167]	205-229 [186-208]	231-256 [210-232]	261-288 [237-261]	294-325 [267-295]	326-361 [296-327]	386-425 [350-386]	451-518 [409-470]	513-588 [465-533]			
30 x 42 [770 x 1070]	200	230			220-248 [200-225]	248-278 [225-252]	278-344 [252-312]	301-366 [273-332]	344-410 [312-372]	441-477 [400-433]	476-542 [432-492]	542-675 [492-612]	675-811 [612-736]	807-948 [732-860]	
30 x 48 [770 x 1220]	200	230			226-259 [205-235]	259-303 [235-275]	303-378 [275-343]	339-417 [308-378]	378-454 [343-412]	455-531 [413-482]	594-659 [539-598]	659-755 [598-685]			
30 x 62 [770 x 1580]	200	220			220-243 [200-220]	280-309 [254-280]	337-375 [306-340]	399-421 [362-382]	420-463 [381-420]	491-541 [445-491]	570-628 [517-570]	650-717 [590-650]	799-882 [725-800]		
32 x 52 [820 x 1330]	200	230			226-259 [205-235]	259-303 [235-275]	303-378 [275-343]	339-417 [308-378]	378-454 [343-412]	455-531 [413-482]	594-659 [539-598]	659-755 [598-685]			
36 x 50 [920 x 1270]	250	220				342-375 [310-340]	375-468 [340-425]	421-527 [382-478]	468-573 [425-520]	573-661 [520-600]	661-750 [600-680]	750-926 [680-840]	927-1136 [841-1031]	1135-1246 [1030-1130]	1177-1316 [1068-1194]
38 x 62 [970 x 1580]	250/300	210				372-424 [337-385]	408-468 [370-425]	459-527 [416-478]	510-586 [463-532]	624-713 [566-647]	720-823 [653-747]	816-936 [740-849]	1008-1149 [914-1042]	1236-1397 [1121-1267]	1356-1559 [1230-1414]
42 x 48 [1070 x 1220]	250	210					386-489 [350-444]	441-550 [400-499]	489-595 [444-540]	599-689 [543-625]	688-780 [624-708]	788-966 [715-876]	966-1177 [876-1068]	1069-1178 [970-1069]	1176-1309 [1067-1188]
48 x 50 [1220 x 1270]	250	210						464-578 [421-524]	514-625 [466-567]	629-724 [571-657]	723-819 [656-743]	828-1015 [751-921]	1015-1237 [921-1122]	1123-1237 [1019-1122]	1235-1375 [1120-1247]
50 x 62 [1270 x 1580]	300/350	190							600-650 [544-590]	700-775 [635-703]	850-915 [771-830]	980-1088 [889-987]	1199-1301 [1088-1180]	1400-1499 [1270-1360]	1599-1700 [1451-1542]

Exhibit 2

Operation Work Plan – Main Building

397 Anthony Street
Schenectady, NY 12308
(518)-374-3366 Fax (518)-372-1116

www.jacksondemolition.com

Operations Work Plan – Main Building

First Prize Center BCP Site (C401076)

68 Exchange Street

City of Albany and Town of Colonie, Albany County

May 28, 2021

Introduction

Jackson Demolition Service, Inc. (JDS) has been awarded the contract for the asbestos abatement and demolition of the former Tobin's First Prize facility. This includes four (4) separate outbuilding structures and the Main Building. The buildings are identified as Buildings 1, 2a/2b, 3, 5 and the Main Building. Please see **Exhibit 1 – Site Layout** attached for the locations of the buildings being demolished.

This plan provides a general description of the Main Building and presents further detail regarding the asbestos abatement and physical demolition of the structure, handling of the demolition materials, and the final cleanup of the site surface.

Demolition of the Main Building will generally be performed after the structure has been cleared of asbestos containing materials (ACM). ACM abatement will be performed per NYS Department of Labor (DOL) 12 NYCRR Part 56 (Code Rule 56) and the approved DOL site-specific variance File No. 21-0022 (SSV 2). Please see **Exhibit 2 – SSV 21-0022.** It will also be completed in accordance with applicable New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH) regulation and guidance.

Portions of the Main Building are currently undergoing further evaluation based on their deteriorated and poor condition. If it is discovered that ACM cannot be safely removed using traditional methods, an amendment to the SSV will be submitted to DOL requesting controlled-

demolition methods. **Exhibit 1 – Site Layout** identifies areas under further evaluation with yellow outlining. These areas include the West Loading Dock, the South Side Overhang, and the Boiler House.

Main Building Background/Building Construction

The Main Building is a large multi-story structure prominently situated south of Exchange Street. It was most recently used as a general warehouse but was historically used as a meat-packing facility until the early 1980's. The first phase of the facility was constructed around 1924 and several additions were added on over the next few decades.

The building varies in height from single story at approximately 16'-0" in height to four stories at approximately 48'-0" in height. Generally speaking, the west side of the building is one to two stories in height and the east side of the structure is two to four stories in height, with the exception of the East Loading Dock. The Low-Rise (East Side) of the building is the newest section of building and there is a clear delineation from the High-Rise (West Side) of the structure. Please see **Exhibit 3 – Low-High-Rise** for a visual representation.

The entire structure has a footprint of approximately 145,977 SF, the entire building contains approximately 408,000 gross SF which includes all floor levels of the structure.

The Low-Rise section is slab on grade construction. The north side of the Low-Rise is approximately 24'-0" in height and is constructed of cast-in-place concrete with circular mushroom columns supporting reinforced concrete floors and roof systems. There is a built-up roof system on the concrete deck. Brick was used to infill the exterior walls between the concrete columns and beams. On the south side of the Low-Rise, the exterior load-bearing walls are approximately 16'-0" in height and are constructed of brick. The roof structure is flat and consists of wood beams and joists, with a wooden deck. The roofing membrane is built-up rolled roofing.

The High-Rise section of the building ranges in height from 24'-0" to 48'-0" and is constructed of cast-in-place concrete with circular mushroom columns supporting reinforced concrete floors and roof systems. There is a built-up roof system on the concrete deck. Brick and/or concrete was used to infill the exterior walls between the concrete columns and beams. Approximately 82,000 SF of the structure has a basement. The basement extends approximately 10'-0" below grade and the walls and floor are cast-in-place concrete which are generally in good condition. A sewer manhole is located within the basement. This drain and any other penetrations will be plugged

and filled with concrete prior to building demolition. The remainder of the High-Rise is slab-on-grade construction.

A pre-demolition asbestos survey was conducted on the Main Building and several asbestos containing materials were identified. **Please see Exhibit 4 – Main Building Asbestos Containing Materials List**.

Demolition Scope of Work for the Main Building

1) Install perimeter fencing along Exchange Street (completed) and the eastern border of the property (pending building 2a wall removal).
2) Obtain a demolition permit from the designated municipality.
3) Obtain permits and/or approvals for the disconnection of water, storm, and sewer laterals for those applicable to building demolition.
4) Call Dig Safe 811 and record utility clearances from all providers.
5) Install best management practices (BMPs) as indicated in the project specific stormwater pollution prevention plan (SWPPP), which is attached hereto as **Exhibit 5**.
6) Isolate and disconnect water laterals.
7) Disconnect and cap all storm and sewer laterals as directed by the municipalities.
8) Perform rodent inspections (completed).
9) Obtain a site-specific variance (SSV) for asbestos abatement (obtained).
10) Submit 10-day United States (US) Environmental Protection Agency (EPA) notifications.
11) Submit 10-day NYSDOL asbestos notifications.
12) Collect all universal waste from the building and removed from site for proper disposal.
13) Complete a pre-demolition engineering survey per US Occupational Safety and Health Administration (OSHA) 1926.850.
14) Provide traffic control as needed to facilitate demolition activities.
15) Abate ACM per NYS Department of Labor (DOL) 12 NYCRR Part 56 (Code Rule 56) and the approved DOL site-specific variance File No. 21-0022 (SSV 2).
16) Remove all slabs, foundation walls, piers, and footings to 7’-0” below grade.
17) Crush hardfill to 4” minus and stockpile on site once approval has been received from NYSDEC.

18) Rough grade the excavations to make safe. After rough grading is complete, the disturbed areas will be stabilized with topsoil and seed or mulched in compliance with the SWPPP. Topsoil imported to the Site will be pre-approved by NYSDEC per DER-10 Section 5.4(e).

Pre-Demolition

The Site-Specific Health and Safety Plan developed for JDS personnel, site specific SWPPP, and this work plan will be reviewed with all JDS personnel and visitors coming on to the project site. A jobsite trailer will be setup and all visitors will need to sign in prior to entering work areas and sign out when exiting the work areas. COVID-19 protocols will be in place at all times enforcing social distancing and requiring masks if social distancing cannot be enforced. Employees and visitors will be screened and logged in accordance with US Center for Disease Control (CDC), NYS, and local guidelines.

JDS will obtain all required permits from the local municipalities. This generally consists of demolition permits, highway use permits, excavation permits, and utility disconnection permits. To date, a highway use permit along with utility disconnection permits are in place to perform the water, sanitary sewer, and storm sewer disconnections required along Exchange Street. The application for the demolition permit for the Main Building has been submitted and is awaiting verification of disconnection of utilities for approval.

JDS will comply with the site specific C.T. Male prepared SWPPP (see **Exhibit 5**) for the Site. Prior to performing any excavation or demolition activities, erosion and sediment controls (ESC) will be installed. Then, all necessary inspections will be performed by SWPPP trained staff, maintenance/repair of ESC's will take place as needed, and JDS will coordinate stabilization efforts of the disturbed areas with the owner. ESC's for the project site generally consist of the installation of construction entrances, catch basin inlet protection, and the installation of silt fencing/silt socks along the southern and eastern portions of the project to prevent runoff from leaving the site.

Utilities to the building will be disconnected prior to starting demolition. These utilities include, electric, gas, water, sanitary sewer, storm sewer, communication lines, and any other utilities identified. Dig Safe 811 has been called and mark out services have been provided. This helps to ensure that the utilities are properly marked and that the jurisdictions are aware of the project and have an opportunity to locate their utilities. JDS has coordinated with the Town of Colonie and the City of Albany and disconnection plans for municipal utilities are in place. In general, the

water, sanitary sewer, and storm lines will be disconnected approximately 5-10' outside of the building footprints and the sanitary and storm manholes that flow to the municipal systems will be targeted. See **Exhibit 6 – UG Utility Disconnect Plan** for more information. The site owner obtained work orders from National Grid and for the disconnection of the electric and gas services and this work has been completed. Communication lines feeding the building have been confirmed inactive and are ready for disconnection.

The demolition of the Main Building will be completed in 3 phases as detailed below. The first phase involves the abatement of friable ACM within the structure. This will be followed by the removal of non-friable ACM both within and outside the structure. Once the friable and non-friable material have been removed demolition of the building will be performed.

A SSV for the project was approved by NYS DOL on 2/4/21. This document is File Number 21-0022. Asbestos abatement for the building will be performed in accordance with Code Rule 56 Procedures and SSV 21-0022. Please reference **Exhibit 2 – SSV 21-0022** for additional information.

At least 10 days prior to performing ACM abatement or demolition activities, JDS will submit both the U.S. EPA Notification of Demolition and Renovation and the NYS DOL Asbestos Project Notifications for the building. ACM abatement project postings will be placed on the building in accordance with Code Rule 56.

During asbestos abatement, the entire building will be considered a restricted area, with no entry by uncertified or unauthorized visitors. Asbestos warning signs will be posted in accordance with the requirements of Code Rule 56-7.4(c). The regulated areas will be the active removal areas. Because there are several work areas and the method of abatement being employed, remote decontamination facilities will be utilized on the project.

Generally speaking, the building will be prepared for ACM abatement by closing off accessible openings with a single layer of 6-mil poly sheeting. Wet methods will be employed during the removal of ACM, unless the ambient air temperature is less than 32 degrees Fahrenheit. Negative air machines will be used surrounding the work area as an additional engineering control to further eliminate dust.

Friable ACM materials will be removed first, with the office area being the only exception. Generally, 6-mil poly sheeting will be used to delineate the friable work areas. The friable ACM

will be removed in accordance with the SSV, deposited into double-lined containers or trailers, and properly disposed of as RACM.

Non-friable ACM material will be removed upon completion of the friable removals. Since many areas of the structure are contaminated with non-friable ACM, poly work areas will not need to be established. The debris will be removed from the building using mechanical methods. During this phase of the project all C&D materials will be removed from the building including interior contents, furniture, and wood, leaving bare concrete floors, walls, and ceilings. The cleanout process will start on the upper floor working down to the basement level, until complete. The debris will be deposited into double-lined containers, dumpsters or waste trailers and disposed of as C&D. All trailers will be staged on site so the public roadway will not be impacted. No road closures are anticipated to be needed during the abatement portion of work.

Air sampling will be conducted during all phases of the removal/clean-up activities associated with the abatement. Since the inside of the building is considered contaminated, the air sample placement will be up to the project monitor on site and will include at least five air samples per shift. There will be an additional 2 air samples collected on the exterior of the building upwind and two air samples collected downwind from the site similar to a building demolition with asbestos in place. Additional exterior air samples will be collected at locations near openings that cannot have full critical barriers installed.

Prior to razing the structure, JDS will remove all assumed universal wastes from the building. This includes, mercury bulbs, ballasts, switches, exit signs, paints, chemicals, cleaners and any other wastes encountered. The universal waste will be collected, properly containerized in 55-gallon drums and removed from the site for proper disposal. At this point all that will remain in the buildings is concrete, CMU block, metal, and brick.

Finally, prior to commencing demolition activities, JDS will perform a pre-demolition engineering survey for the building per OSHA 1926.850. The purpose of this survey is to familiarize the demolition workers with the construction of each building, identify any potential hazards, confirm all necessary engineering controls are in place, and ensure the building is prepared for safe demolition activities. This survey will be performed by a JDS' competent person, as defined at OSHA 1926.850.

Demolition

Low-Rise

Building demolition will take place in a methodical manner utilizing 80,000 – 200,000 pound (lb.) hydraulic excavators equipped with universal processors, grapples, and hydraulic hammers, along with track loaders. Dust will be suppressed by spraying the building components with water utilizing a 1-1/2" fire hose throughout demolition and monitored in accordance with the NYSDEC approved Community Air Monitoring Plan. Demolition will start on the Low Rise (west end) of the project and progress towards the east.

To demolish the Low-Rise, a hydraulic excavator with a universal processor will be used. Single story sections of the building will be demolished first. This will be accomplished using a hydraulic excavator with a grapple attachment. These sections of building will be demolished from the top down. C&D from the wood roofs will be deposited into 100 CY walking-floor trailers and will be disposed of as C&D. The exterior masonry walls will be stockpiled on the building pad to be processed.

Next the reinforced concrete section of building will be razed. First, the end walls will be opened to reveal the exterior perimeter concrete support beams and columns. Then, the horizontal beams will be sheared out of the first bay of the building. Next, the columns will be sheared and/or hammered. As the columns are crippled, the second floor will begin to sag. Once the second floor has sagged, excavators with grapples, hammers, and/or universal processors will be used to complete the razing. This process will continue bay by bay and the debris will be deposited on the slab.

After the debris is deposited onto the slab, excavators with buckets and/or grapples will be used to sort the material. Scrap metal will be removed from the debris and loaded into 90-ton dump trailers and trucked off site to a local scrap yard. Brick will be placed into one pile and CMU block and concrete will be deposited into another. The concrete will be processed down to approximately 2' x 2'x 2' sections. Then, a track loader or bulldozer will be used to push the debris piles to the west end of the slab where a mobile jaw crusher will be staged. The masonry debris will be stockpiled onsite, to be processed (crushed) at a later date once approval has been obtained from NYSDEC.

The crusher will be loaded with the downsized concrete, CMU block, and brick using an excavator with a bucket attachment or loader. The material will be processed (crushed) to a 4" minus size. A stacker will be used to convey the crushed material away from the crusher and the material will be stockpiled adjacent to the building footprint on the west end of the site for future reuse on site.

Next, the slabs, foundation walls, columns, and footers will be excavated, downsized to approximately 2' x 2' x2', and stockpiled on the Low-Rise footprint. This will generally be done using an excavator with a bucket and hydraulic hammer and/or pulverizer. The crusher will be staged adjacent to the work area, on the west end, and will follow the removal process to eliminate double handling. The crushed concrete will be stockpiled on the former building footprint for future reuse on site with approval from NYSDEC.

High-Rise

Demolition of the High-Rise will be performed in a similar manner as the low rise with a few exceptions. Dust will be suppressed by spraying the building components with water utilizing a 1-1/2" fire hose throughout demolition and monitored in accordance with the approved Community Air Monitoring Plan. First, in areas where the building cannot be safely razed by crippling the columns, a UHD (ultra-high demolition) excavator will be used to demolish the upper floors. This machine is a 90,000 lb. excavator capable of reaching 75' in height. The UHD will be equipped with a multi-processor attachment capable of shearing both concrete and metal support columns and concrete walls. Second, the High-Rise is located in close proximity to Exchange Street. Therefore, while the tallest section of building is being razed a detour will likely need to be setup, rerouting traffic from the section of Exchange Street on the north side of the building. Please see **Exhibit 7 – Proposed Detour Map** for our preliminary plan. Third, the material will be deposited into the basement of the High-Rise. After the structure is razed that material will be excavated from the basement level, deposited onto the footprint of the Low-Rise and will be sorted, separated, and processed in a similar manner as described previously.

Demolition will continue from west to east until the entire structure has been demolished.
After the hardfill debris has been removed from the basement, foundation removals will begin. The foundations walls will be removed to 7'-0" below grade. Basement floor slabs, footings, and piers below that elevation will be left in place.

Post-Demolition

After sections of the building have been demolished and the foundations have been removed excavators will be used to grade the excavations at a 1 on 1 slope to help prevent erosion and to make safe for personnel on site. This will be followed by stabilization with topsoil and seed or mulch in accordance with the SWPPP. Topsoil imported to the Site will be pre-approved by NYSDEC per DER-10 Section 5.4(e).

Sequence of Demolition and Proposed Durations

Please see **Exhibit 8 – Proposed Project Schedule.** The attached schedule is subject to change upon approval of work starting and should only be referenced for approximate duration of work to be performed.

List of Attached Exhibits

Exhibit 1 – Site Layout
Exhibit 2 – SSV 21-0022
Exhibit 3 – Low-High Rise
Exhibit 4 – Main Building Asbestos Containing Materials
Exhibit 5 – SWPPP
Exhibit 6 – UG Utility Disconnect Plan
Exhibit 7 – Proposed Detour
Exhibit 8 – Proposed Project Schedule

EXHIBIT 1: SITE MAP



0 50 100 200 FT

1 inch = 100 feet

Project Number: 17.7536
Data Source: NYSGIS Clearinghouse
Projection: State Plane NAD83 NYE (feet)
Date: November 30, 2018
File: FirstPrizeCenter11x17.mxd
GIS: C Secor

Map Note: The locations and features depicted on this map are approximate and do not represent a field survey.

First Prize Center

Town of Colonie / City of Albany **Albany County, NY**

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
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EXHIBIT 2: NYSDOL VARIANCE

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Petition

of

Ambient Environmental, Inc.
Petitioner's Agent on Behalf of

First Prize Development Partners, LLC
Petitioner

in re

Premises: Former Tobin's 1st Prize – Main Building
76 Exchange Street
Albany, NY

Interior/Exterior Friable ACM Cleanup and Removals

File No. 21-0022

DECISION

Cases 1-13

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 21-0022 on January 13, 2021 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the initial submission of the petitioner dated January 13, 2021; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1	ICR 56-6-LIMITED
Case No. 2	ICR 56-7.1(b)
Case No. 3	ICR 56-8.1(b)
Case No. 4	ICR 56-7.5(b)(e)
Case No. 5	ICR 56-7.8-LIMITED
Case No. 6	ICR 56-7.11(a)(b)(e)
Case No. 7	ICR 56-7.11(f)(1)(i)(ii)(a)
Case No. 8	ICR 56-8.6(b)
Case No. 9	ICR 56-8.9(g)
Case No. 10	ICR 56-9.1(b)(c)
Case No. 11	ICR 56-9.1(f)
Case No. 12	ICR 56-9.2(f)
Case No. 13	ICR 56-11.5(c)(6)

VARIANCE GRANTED. The Petitioner's proposal for cleanup and removal of interior/exterior friable ACM and debris in quantities as noted in the petitioner's proposal at the subject premises in accordance with the attached 18-page stamped copy of the Petitioner's submittal is accepted with modifications noted; subject to the Conditions noted below:

THE CONDITIONS

1. A full-time independent project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.

2. The Project Monitor shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:

   a. Inspect of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor;
   b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used and are in compliance with all asbestos laws and regulations;
   c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable rules and/or regulations;
   d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.

3. The PM shall alert the nearest District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos Supervisor, unresolved conditions remain at the asbestos project which present significant potential to adversely human health or the environment.

4. The restricted areas, regulated abatement work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25') where possible, and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved or the abatement project is complete. For areas where 25-feet aren't possible, the areas shall be cordoned off as practical, and a daily abatement air sample shall be included at the barrier. These areas shall have Signage posted in accordance with Subpart 56-8.1(b) of this Code Rule.

5. All adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting. If the owner of an adjacent building does not allow openings to be sealed as required, the asbestos abatement contractor's supervisor must document the issue within the daily project log, and have the affected building owner sign the log

confirming that the owner will not allow the asbestos abatement contractor to seal the openings in the building as required. In addition, a daily abatement air sample shall be included within ten feet of the affected portion of the adjacent building.

6. In large open work areas that cannot be maintained due to the various physical restrictions (i.e., 25 foot buffer zone, buildings/structures, roadways, right-of-way's, etc.), the work area shall be extended to the extent feasible and localized HEPA filtered ventilation units as needed to control visible emissions shall be utilized at the immediate cleanup area along with wet methods, to aid with fiber control. In addition, during the removal and cleanup, additional daily abatement air samples shall be collected at barriers to the regulated abatement work area at appropriate distant intervals/locations (i.e., every 75-100 feet) as per ICR 56-7.1(c)(1), for the duration of each workshift.

Remote Personal Decontamination Units

7. Remote Decontamination Units as per ICR 56-7.5(d)(e) **are allowed.** Intact pipe insulation removals that need to be abated shall be performed in negative pressure enclosure/tents and glovebags or negative pressure glovebags or as per ICR 56-11.8. If visible emissions are observed during abatement work, work shall stop, and the Decontamination units shall be connected to the abatement work area prior to work continuation.

8. Remote Personal Decontamination Units must be located on-site and within 50 foot of the structure that is subject to abatement. These enclosure systems shall be removed only after satisfactory clearance air monitoring results have been achieved or the abatement project is complete. The walkway from the regulated abatement work area to the decontamination system or next work area shall have a cleared pathway. The pathway will require at least two (2) layers of six (6) mil fire retardant reinforced plastic sheeting shall be used for floor/carpet protection of the area. This walkway will be delineated and separated from non-certified personnel access.

9. To avoid having to block off access, the designated walkway from the regulated abatement work area to the personal decontamination system, as required by ICR 56-7.5(d)(4), shall be cordoned off only while workers are actively using the pathway.

10. Each restricted area shall have an attached air lock within which workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote decontamination unit over a walkway as defined above.

11. If remote decontamination units are to be used, an airlock as defined in Subpart 56-7.5(b) (11) of this Code Rule shall be constructed at the entrance to each restricted area and shall be large enough to serve as a changing area. Within the airlock, workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote personal decontamination unit over a walkway as defined above. The airlock/changing area shall not be used as a waste storage area.

12. Waste decontamination shall comply with ICR 56-7.5(f).

Negative Pressure Glovebag Use

13. A commercially available negative pressure glovebags may be utilized for removals, in lieu of glovebag removals within negative pressure tent/shroud enclosures. Glovebag removal procedures shall be consistent with ICR 56-8.4 for all insulation removals.

14. If negative pressure glovebags are not available, standard glovebags placed under negative pressure using a HEPA vacuum during removal may be utilized. These glovebags shall be fitted with adequate interior support to prevent collapse while under negative pressure. The integrity of the glovebag shall not be compromised by this additional support. (See glovebag design submitted with the Variance Petition).

15. The makeup air inlet to the glovebag shall be fitted with a HEPA filter.

16. Under areas where ACM is scheduled for negative pressure glovebag operations without a tent enclosure, a dropcloth, made of 6 mil fire retardant polyethylene sheeting, shall be placed below the material to be removed to prevent spread of any ACM remnants. This dropcloth shall be a minimum of 10 feet wide with an additional 10 feet. of width for every 20 feet in height above the floor/ground level where removal work will take place. This dropcloth shall be removed and containerized following removal of the glovebags or abandoned piping, prior to the cleaning stage. All remnants observed on the dropcloth shall be collected and immediately bagged or containerized for disposal as ACM.

Exhausting to an Interior Space

17. Negative pressure ventilation units that cannot be exhausted to the outside of the building or structure shall be directed to an unoccupied, controllable location within the building.

18. This location shall be accessible for the placement of air monitoring equipment as required by the applicable sections of this code.

19. A controllable area shall be defined as an existing, vacant room or an area within a larger space isolated by barrier tape and warning signs. This location shall be adequately sized to accommodate the increase in positive pressure to the area.

20. All openings within 25 feet of the Negative air machine exhaust termination shall be sealed with two layers of fire-retardant polyethylene.

21. Air monitoring shall be conducted at each tube when exhausting to an interior space. Banking of tubes for air monitoring is not permitted.

22. If elevated air samples are indicated, work shall stop immediately. The faulty negative air machine shall be taken out of service and repaired. A replacement

machine shall be installed to maintain the required negative air pressure differential in the work area.

23. Elevated air samples results shall be submitted to the Commissioner as required by ICR 56-4.10 (a)

24. Then all surfaces within area where the faulty negative air machine is exhausting to shall be wet wiped and HEPA vacuumed. The Project Monitor shall conduct a visual inspection of the area prior to resumption of work.

25. A summary of the cleanup activities and negative air machine repairs shall be documented in the Supervisor's daily log.

Interior ACM Removals

26. ACM debris from the incidental disturbance shall be cleaned up prior to abatement of the remaining ACM.

27. Once the regulated abatement work area is occupied by the abatement contractor, the asbestos project begins, and PPE shall be worn at all times even during Preparation.

28. All non-porous wall, ceiling, floor surfaces, fixtures, and movable and fixed objects contaminated with asbestos debris shall be cleaned as part of this abatement project. Porous materials, if any, shall be disposed of as RACM.

29. When feasible as part of providing passive containment and prior to removal of ACM and ACM debris, installation of critical/isolation barriers as per ICR 56-7.11 (a)(b), shall be completed. All visible accumulations of ACM in the area of the critical barriers shall be cleaned as per ICR 56-7.10(c)(1) prior to installation of the barriers. In lieu of hard wall barriers, two-layer six-mil fire retardant plastic sheeting may be used as critical/ isolation barriers as per ICR 56-7.11(b). These plastic sheeting isolation barriers shall be adequately supported for the duration of the asbestos project. All isolation barriers shall remain in place until receipt of satisfactory clearance air results for the regulated abatement work area.

30. Installation of wall and ceiling plastic sheeting is not required on removal surfaces and surfaces that are potentially contaminated and shall be cleaned as part of the asbestos project and in accordance to ICR 56-11.7(b)(5).

31. When relief is granted to not plasticize or when a tent/enclosure unit is used, one thorough cleaning as described in ICR 56-9.1(e) and one settling, waiting period shall suffice, except when an air test fails.

32. Glovebags shall be utilized for intact pipe insulation removals in accordance with ICR 56-8.4(a).

33. If at any time during the mechanical operations visible ACM friable debris(dust) is generated, all removal operations shall immediately cease, and the debris shall be cleaned up as per the requirements of Section 56-11.2(f). Alternative removal

methods that will not generate visible friable debris shall be utilized for the remainder of the asbestos project.

34. An asbestos handler (worker) shall keep the material continually wet while another worker with a HEPA vacuum will position the vacuum hose within four (4) inches of the material being removed to capture small pieces of non-friable ACM and asbestos fines. The hose end will be positioned so that as many smaller pieces of material as possible will fall into the vacuum hose end. Larger pieces of ACM should be immediately bagged or containerized.

35. Office Area or other areas where containments are utilized: A minimum of 8 air changes per hour must be observed once the negative air has been established. A minimum two-hour pre-abatement settling period as per 56-8.2(b) shall elapse once the negative air has been established.

36. Office Area or other areas where containments are utilized: After removal and cleanings are complete and a minimum eight (08) hour waiting/drying period has been observed, the Project Monitor shall determine if the area is dry and free of visible asbestos debris in accordance with 56-9.1(d)(1). If the area is determined to be acceptable, the Project Monitor may authorize clearance air sampling in accordance with ICR 56-9.2(d).

37. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

38. ACM removals shall be performed wet.

39. Under areas where ACM is removed, a drop cloth, made of six (6) mil fire retardant polyethylene sheeting shall be placed on the ground below the work area to prevent spread of any ACM remnants.

40. Asbestos containing material will not be allowed to accumulate on the drop cloth.

41. During Phase IIC, in addition to the requirements of Subpart 56-4.9(c), air monitoring within the work area shall be conducted daily for the entire workshift. The number of required inside work area air samples shall be consistent with the size of the work area (i.e. 1-minor, 3-small, 5-large). The inside work area sample locations shall be distributed throughout the work area.

42. In lieu of post-abatement clearance air monitoring in compliance with ICR-56-9.2(d), the most recent daily abatement air samples collected during cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

43. After removal and cleanings are complete and a minimum drying period has elapsed, an authorized and qualified Project Monitor shall determine if the area is dry, the scope of work complete, and the work area free of visible asbestos debris/residue. If the area is determined to be acceptable and the most recent

daily abatement air sample results meet 56-4.11 clearance criteria, the final dismantling of the site may begin.

Tents

44. All provisions within section 56-7.11(f)(1) shall be followed for constructing the one (1) layer negative pressure tent enclosure to be utilized in order to adequately wet and double bag the contents of the friable ACM, plus the following:

    a. A minimum one hour (1) waiting period with negative air units operating after manometer reads a minimum of .02" or when the Project Monitor determines the tent is satisfactory and maintaining negative air conditions, whichever is longer, shall be observed before entering the work area.

    b. Tent enclosures shall be adequately supported and reinforced to withstand local environmental conditions and the negative pressures developed within them.

    c. Each tent enclosure shall be large enough to accommodate workers, equipment, removal and cleaning operations as well as the piping subject to removal activities.

    d. A minimum of eight (8) air changes per hour must be observed once the negative air has been established.

    e. A personal and waste decontamination system shall be constructed and maintained in accordance with ICR 56-7.5 and shall be attached or remote as to the work areas as per the variance and the variance proposal

    f. A minimum eight (08) hour waiting/drying period shall be observed prior to the Project Monitor determines that the area is dry and free of visible asbestos. If the area is determined to be acceptable, the Project Monitor may authorize the clearance air sampling to be performed.

Preparation of Waste Transport Equipment

45. Dumpsters/trailers used to haul non-friable ACM materials do not need to be doubled lined as required by ICR 56-11.5 (c) (11).

46. Such trailers must be made air, dust and watertight prior to leaving the site.

47. Trailers used to haul RACM shall be double lined as per ICR-56.

48. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

Wrap and Cut Procedures:

49. Wrap and Cut conduit removals shall be per ICR 56-11.8, the above conditions and the following:

    a. Nylon slings shall be used to lower/move insulated pipe sections of convenient lengths. No dry disturbance or removal of asbestos material shall be permitted.

    b. Once each section of pipe is removed, a thorough cleaning of any remaining ACM or ACM debris must be completed in the immediate area.

    c. Any observed wire insulation debris will be wet down and immediately containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting and secured airtight prior to transport to the waste decontamination facility.

    d. If needed, all cuts to the conduit shall be done using glovebag methods.

50. One layer of 6-mil fire retardant plastic sheeting shall be used as a dropcloth below removal locations.

51. Piping removed shall be containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting and secured airtight prior to transport to the waste decontamination facility.

52. Upon completion of the ACM intact component removal, all remaining waste materials shall be removed within each work area and the critical barrier caulk, tape and/or interior plastic sheeting, shall be containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting or bagged and secured air tight prior to transport to the waste decontamination facility.

Freezing Temperature Requirements

53. Removal of ACM in freezing temperatures shall be performed in accordance with the petitioner's proposal, the applicable NESHAP standards (Title 40, Part 61, Subpart M, Section 61.145(c)(7) and as follows:

    a. When temperatures are below 32°F and adequately wetting would cause physically hazardous conditions to workers, wetting of ACM during removal is not required however; ACM shall be removed in as large as possible sections and using minimal water, if possible, to control visible emissions and using methods to minimize asbestos disturbance.

    b. This applies when the temperature at the point of applying water is below 32 degrees.

    c. During these periods, the temperature in the area shall be recorded at the beginning, middle and end of the workday and the daily temperature shall be recorded and available for inspection.

d. The owner shall retain the temperature records for at least two (2) years.

e. All required air monitoring/sampling still applies.

f. Decontamination of non-porous materials for salvageable must be performed using wet methods.

54. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.

3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.

4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.

5. This DECISION shall terminate on **February 28, 2022.**

Date: February 4, 2021

ROBERTA L. REARDON
COMMISSIONER OF LABOR

By Edward A Smith

Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Mark G. Wykes, P.E.
Professional Engineer 1 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

New York State Department of Labor
Division of Safety and Health - Engineering Services Unit
Building 12 , Room 159
State Office Campus
Albany, N.Y. 12240

Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
- Send two copies of the petition and all attachments, with your $350 fee, to the address at the top of this page.
  - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. **Is this petition related to a safety or health emergency?** _____ Yes x No
b. If yes, explain: _____

2a. **Name of Petitioner,** (Property Owner): First Prize Development Partners, LLC
b. Street Address: 8 Paddock Circle
c. City: Saratoga Springs d. State: NY e. Zip: _____
f. Telephone Number: ( ) - g. Fax Number: ( ) -
h. Petitioner's Federal Employee Identification Number (FEIN) 38-3955991

3a. **Petitioner's Agent (Asbestos Contractor) Firm Name:** Ambient Environmental Inc
b. Street Address: 828 Washington Avenue
c. City: Albany d. State: NY e. Zip: 12203
f. Telephone Number: (518) 482 - 0704 g. Fax Number: (518) 482 - 0750

4a. Asbestos Contractor License No. 29608 b. Name of Firm: Ambient Environmental Inc

5. **Building Description:**
a. Affecting premises known as: Former Tobins 1st Prize
b. These premises are situated on the ___North, ___South, ___East, ___West side of _____Street, ___Ave, ___Road.
c. County of Albany
d. Street Address: 76 Exchange Street
e. City Albany f. State: NY g. Zip _____
h. Is building occupied? _____Yes x No
i. Current function of building: _____
j. Approximate area (square feet) of building: _____ k. Number of stories or height in feet: _____
l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: _____

6. **Order To Comply or Notice of Violation.** Attach copy.
a. Issued to: _____Owner _____Asbestos Contractor _____Operator _____Other
b. Name on Order or Notice: _____ c. Date issued: ___/___/___
d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation: _____

7. If a variance has been granted previously for work closely resembling this project list:
a. Variance number: _____ b. Date variance granted: ___/___/___

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
		See Attached					

9. **ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. SEE ATTACHED

10. **Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. SEE ATTACHED

11. **Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.
    a. Will proposed abatement methods render non-friable ACM material friable? ____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. ____

SEE ATTACHED

Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

I certify that the information contained in this petition is true and accurate.

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I.registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Joella Viscusi

b. Project Design Asbestos Contractor firm name: Ambient Environmental Inc.

c. Street: 828 Washington Avenue

d. City: Albany e. State: NY f. Zip: 12203 g. Phone: (518) 482 - 0704

h. Designer certificate number: 01-19282 i. Expiration Date: 04 /31 /2021

j. Design Firm Asbestos Contractor License Number: 29608 k. Expiration Date: 07 /31 /2021

13 a. Project designer signature: Joella Viscusi b. Date: 01 /13 /2021

Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE,
SBA EDWOSB & DBE

21-0022

Background

This variance will address the Main Building of the Tobins First Prize property. A variance for the outbuildings has already been submitted to and approved by the NYS DOL.

There is a significant number of incidental disturbances throughout the main building. As such, the entire interior of the building is considered to be contaminated. A lot of the disturbances are non friable asbestos containing material. The main source of the non friable debris is the cork mastic, roofing materials, and floor tile and mastic. The cork mastic, with over 380,000 SF identified throughout the building, is on ceilings, walls (behind ceramic tile) and some floors throughout the production area. *See Attachment 1* – list from pre-demolition survey report for identified asbestos containing materials.

This building is overwhelming filthy and has been vacant for many years, a lot of the cork and associated mastic has been disturbed and is on the ground due to either the failing of the ceilings and walls from water infiltration (failed asbestos containing roofing), deterioration, etc. You cannot walk through the building without walking on the cork and/or roofing debris just about any area in the building.

Conditions of the building currently are as follows:

- Most, if not all, windows are missing, See Variance Conditions on critical/isolation barriers- mgw
- Portions of roofs are missing,
- Many doors are missing,
- Entire portions of walls are missing

There is also a number of friable disturbances as well throughout the building (mostly on the basement level and first floor). A contamination assessment was conducted to delineate the friable disturbances to allow the clean up of the friable material prior to demolition. This assessment was done by visual inspection and location of the source in relation to the debris piles. Air sampling was not conducted as it is determined that the entire building is contaminated. Please see attached drawings to identify the areas where there is friable debris and contamination.

The intent of this variance is to clean up of the friable asbestos debris and remove any remaining intact friable material first in each work area (with one area as an exception) and then conduct the clean up and abatement of the non friable material on that floor. Due to the number of open areas of the building (missing windows, walls, roofs, doors, etc.) it is not feasible to close all of them up and allow for full containments with negative pressure. See variance conditions regarding isolation and critical barriers - mgw

That being said, we feel the most cost effective way to achieve this abatement (keeping the health and safety of the workers at the forefront) would be to embark upon this project using methods outlined for open air, exterior abatements. Keeping in mind that this building is vacant,

has no power, no heat, deteriorating, damaged, and has penetrations throughout the walls and roofs, with most windows missing and/or broken. There are also areas of the building that will most likely be condemned due to structural instability.

There will be a locked fence surrounding the building so access can easily be controlled and will only be accessed by certified or authorized personnel.

Areas of Exception to Procedures Outlined below:

Asbestos Containing Plaster in Office Areas:

There is an approximate 10,000 SF area in the building (on the first floor) that has asbestos containing plaster that requires clean up and abatement during this project. This area is in the office area and can easily be isolated from the rest of the building (see drawing for location of plaster in the building). This area will be isolated prior to commencement of clean up and abatement of the remaining building and will be cleaned up and abated after everything else on the interior is completed. This will allow the plaster to be abated inside a tent with proper negative pressure, attached decon and proper air sampling outside the containment in a now cleaned and cleared building.

106 Boiler Room and 139 Adjoining Area; 137 Loading Dock (west end); and Structure at South End) Rear Overhang)

These areas are currently being evaluated for stability and will most likely be condemned. Another amendment will be sent in once a decision has been made. See Attachment 2 – map of potential areas of condemnation.

Answer to No. 9 – ICR 56 Relief Sought

Code Rule 56 Section	Title	Containment Type
56-6	Background Air Sampling-Limited	Various as described in petition
56-7.1(b) 56-8.1(b)	Work Area Prep and Daily Air Sampling	
56-7.5(b)(e)	Personal and Waste Decontamination System Enclosures	
56-7.8	Engineering Controls - limited	
56-7.11(a)(b)(e)	Critical and Isolation Barriers; Floor, Wall & Ceiling Plasticizing and Sealing	
56-7.11(f)(1)(i)(ii)(a)	Negative Pressure Tent Regulated Abatement Work Area	
56-8.6(b)	Requirements for Sequential Abatement	
56-8.9(g)	Trailers and Dumpsters	
56-9.1(b)(c)	First and Second Cleaning	
56-9.1(f)	Waiting/Settling and Drying Time Requirements	
56-9.2(d)	Clearance Air Sampling	
56-11.5(c)(6)	Wet Methods	

Answer to No. 10 – Hardship Description

56-6 No background air samples will be collected since asbestos containing materials has already been disturbed.

56-7.1(b) & 56-8.1(b) Air sampling will be conducted during all phases of the removal/clean up activities associated with this project. However, since the entire inside of the building is considered contaminated the air sample placement will be up to the project monitor on site and will include at least five (5) air samples per shift. There will also be an additional two (2) air samples collected on the exterior of the building upwind and an additional two (2) air samples collected downwind from the site similar to a building demolition with asbestos in place.

Additional exterior air samples shall be installed and located near openings that are not properly criticaled. mgw

56-7.5(b)(e) The use of containments or tents is limited and the interior of the building is contaminated, therefore remote decontamination facilities will be utilized.

56-7.8 Due to the large work areas and the clean up/abatement being conducted without the use of containment or tent structures, establishment of appropriate air changes for negative pressure cannot be achieved. However, the use of negative air machines will be established in surrounding areas as a source of engineering control to limit dust. Where feasible, negative air machines will be placed within 10 feet of the immediate work area of clean up/abatement. In conjunction with the request for modified engineering controls (negative air), in some cases, it will not be feasible to exhaust to the exterior of the building, we are requesting to exhaust inside the building. The negative air machines will be exhausted into mobile diffuser boxes to prevent the exhaust from impacting surfaces that are contaminated and scheduled for cleaning.

56-7.11(a)(b)(e)(f)(1)(i)&(ii)(a) With some exceptions, there will be no containments and the building will be secured, therefore, there will be ~~no~~ need for critical or isolation barriers. If a containment is required (plaster area), we are requesting to use single-layer, 6-mil, fire retardant poly tent containments in lieu of hardwall or 2 layer poly tent containments. We are also requesting to conduct gross abatement of friable materials (>160 SF or 260 LF) in these tents. Limited critical barriers will be installed as the intent of this abatement project is to conduct it as an exterior abatement, therefore typical critical barriers are not warranted. However, in addition to the negative air machines in operation in the surrounding abatement areas as stipulated above, as an additional engineering control, all missing windows will be covered with one layer of poly.

See variance for critical and isolation barriers - mgw

56-8.6(b) Where the debris on the ground interferes with the removal of overhead piping or other intact friable material, those debris piles will be cleaned up prior to the abatement. This will prevent personnel walking through, or other equipment, etc. from dragging through the piles of confirmed or suspect asbestos containing debris piles. Also, the office area where the asbestos containing plaster is located will be cleaned up/abated last as previously described. Because most of the friable material and/or debris is on the basement and first floor, these areas will be cleaned first to prevent tracking through friable material (in lieu of working from top, down).

56-8.9(g) Dumpsters used to haul non friable asbestos containing materials do not need to be double lined with poly. Trailers will be made air, dust and watertight prior to leaving the site.

56-9.1(b)(c) This work will entail either no containment structures or tent containments, therefore, there will be no first or second clean. There will be one, final clean prior to waiting/drying/settling period.

56-9.1(f) and 56-9.2(d) Where there are no containment structures or fully established negative air, wait times and aggressive final air sampling would not be feasible or required. However, where tents are utilized with negative pressure and gross abatement of friable material is being conducted a reduction to an 8 hour wait time is being requested.

and agressive air samples performed - mgw

56-11.5(c)(6) Due to the upcoming winter months and anticipated freezing temperatures, we are requesting relief from the wetting of asbestos containing materials during demolition in freezing temperatures. The contractor shall comply with NESHAP regulation 61.145(c)(7). If temperatures are below 32 degrees Fahrenheit wetting of ACM during removal is not required. ACM shall be removed in as large as possible sections and using methods to minimize disturbance. On days when temperatures are below 32 degrees Fahrenheit and water is not being used, the temperature is to be recorded by the asbestos abatement contractor at the beginning, middle and end of each day. Only for Interior removals. A re-opening of the variance shall be made when condemnation letters are submitted and controlled demolition is performed.

Answer to No. 11 – Proposed Abatement Method Description

General

The entire building will be considered a restricted area, with no entry by uncertified or unauthorized visitors. The regulated areas will be the active removal areas (i.e., debris clean up, 25 foot barriers for wrap and cut removals, etc.). Due to the excessive amount of work areas, and the procedures we would like to use for abatement, remote personal and waste decontamination facilities will be utilized on this project.

As mentioned earlier the building is vacant, unheated, and has many penetrations and broken windows throughout the building. Due to the current adverse weather conditions, and the inability to temporarily heat the buildings we are requesting that the workers be allowed to wear ~~street clothes~~ beneath their disposable protective coveralls.
Appropriate clothing

Again, due to the large quantities of asbestos containing materials in the building and the complexity of the abatement itself, it would not be prudent to conduct final air sampling (or use daily air sample results as finals) after each individual clean up. Instead, we are requesting to perform modified final air sampling clearance at the completion of all removals and debris pile clean up. Described in better detail below.
Daily air samples shall be performed at all abatement work areas - mgw

Final Clearance Hardships:

There are many specific hardships to consider during this abatement, however, some issues that will clearly be detrimental to the final clearance of these buildings are as follows:

1. These buildings are never "dry" due to steady infiltration of water from missing roofs, walls, windows, etc. When final clearance activities are performed the independent project monitor and the contractor's supervisor will clear the work area if it is as "dry as it can be". Meaning that it is free of visible signs of controlled water in the work area. If there is uncontrollable water present, it will be noted in each of their respective project logs.
2. As mentioned earlier in this variance, the building remains open to the outside contaminants due to broken windows, missing overhead doors, holes in walls roofing, etc. To visually clear these areas so that there is no visible debris may only be for a snapshot in time. There is no guarantee that these buildings will not have visible debris shortly after the final visual clearance has been performed.
3. In order to perform this abatement in an organized manner, there will be several different "work areas" on each floor. Each area will have a visual clearance conducted to identify that all intact removal has been satisfactorily completed. However, final air sampling shall not be conducted until completion of final cleaning of each area (or floor) is completed. This will

Daily air samples are to be performed in each work areas - mgw

allow work areas to be combined once intact removals are completed and remaining debris in that area can be removed. The specific work areas will be determined per floor depending on access and placement of dumpsters (described below). Each work area will be denoted on a drawing to aide in identification of cleaned and cleared areas vs "areas still requiring cleaning and clearing.

Wasteout Hardships

Since the interior of the building is contaminated and this abatement is being conducted with similar practices to demolition with asbestos in place, it is not feasible to perform prescribed wasteout procedures. The procedures will follow demolition with asbestos in place and be live loaded into dumpsters (for the most part).

First floor and basement wasteout:

- The dumpster will be stationed on the exterior of the building with access from inside via the loading dock or an access point made through the wall most likely where a portion of the wall/windows are missing. The access points will be sealed with poly upon the completion of each workshift.
- Friable debris and material will be disposed of as RACM ~~unless it can be decontaminated.~~

Second and Third Floors:

- Same procedures as listed above, however, debris/material will be loaded into a lull from the skid steer (or the like) and lowered down to the ground and into the dumpster. There will be access points made through the walls (again most likely where windows/portions of walls are missing) to accommodate the loading of the material. The access points will be sealed with poly upon the completion of each shift.
- Friable debris and material will be disposed of as RACM ~~unless it can be decontaminated~~.

Fourth Floor:

- The fourth floor has minimal material and/or debris compared to the other floors. Most likely this material will be manually cleaned up and put in bags for disposal.

Abatement Procedures:

1. Only certified persons or authorized visitors shall be allowed within the abatement work area until satisfactory clearance air monitoring results are met, and the abatement contractor has demobilized from the work area.
2. A NYS certified asbestos project monitor shall be on site at all times when the asbestos abatement contractor is performing abatement related activities to ensure compliance with this variance and other asbestos regulations.
3. A remote personal and waste decontamination enclosure shall be utilized since the interior of the building is considered to be contaminated.

4. Critical barriers and engineering controls (negative air) will be implemented to the extent it is outlined above. Floors, walls and ceilings will not be covered with poly sheeting as these surfaces are subject to abatement and cleaning. See variance conditions - mgw
5. Daily air sampling shall be conducted during all phases of the project. Background air sampling shall not be conducted since there has already been an incidental disturbance. As described above, placement of air samples will be at the discretion of the project/air monitor due to extensive contamination inside the building. Additional exterior air samples as described above will also be conducted anytime the abatement contractor is performing abatement/clean up activities.
6. Once the limited critical barriers are established and negative air machines are running (limited). The contractor may immediately commence with the clean up and removal.
7. When the abatement contractor begins clean up/abatement on a floor or work area, the friable material on that floor or work area will be completed first. Since the debris is a mix of large objects (equipment, concrete blocks, wood, bricks, etc.) in conjunction with the TSI debris, these large areas will be cleaned up utilizing both manual and mechanical methods (skid steer or the like) similar to demolition with asbestos in place. All intact pipe insulation will be done utilizing wrap and cut procedures as outlined in 56-11.8, Abandoned Pipe/Duct/Conduit Wrap and Cut Removal or utilizing glovebags with poly drop cloths. All debris/material shall be disposed of as described above in "Wasteout Hardships".
8. Once all friable debris and material for that floor or work area is completed, a visual inspection by the project monitor and abatement supervisor will be conducted and logged as being completed. The contractor may now commence with clean up/removal of the non friable debris/material in that work area. This will also be done using both manual and mechanical methods as noted above. The removal of the intact, non friable material will also be done utilizing mechanical methods as it will require removing portions of the walls to get to the cork mastic behind ceramic tile or other finishes. All debris/material shall be disposed of as described above in "Wasteout Hardships".
9. If the work area that was just completed is in an area that ***will not*** require travel through to get to another active work area or traveled through to get to the dumpster from an active work area the following shall be conducted:

If an area that has been cleaned becomes re-contaminated then that area shall be re-cleaned. mgw

   a. Once all debris and intact material has been removed from a specific work area, a final cleaning of that entire work area shall be completed. During the final cleaning a new set of air samples (5 for large; 3 for small; 1 for minor) shall be placed inside the work area and one air sample outside the building. → and at all openings that have not been properly criticaled or isolation barriers installed
   b. After the final cleaning is completed, the project monitor in conjunction with the abatement supervisor shall conduct the final visual clearance.
   c. If the last set of daily air samples (as described in 9a.) are below 0.01 f/cc that particular work area shall be considered cleared and complete.
   d. The abatement contractor will tape off that work area so that travel through that work area does not occur.

10. If the work area that was just completed is in an area that ***will*** require travel through to get to another active work area or traveled through to get to the dumpster from an active work area the following shall be conducted:
    a. Once all debris and intact material has been removed from a specific work area, a visual clearance by the project monitor in conjunction with the abatement

supervisor shall be completed to ensure that all intact asbestos and debris has been successfully removed from that work area.

b. A final cleaning and clearance of that work area will be completed once the area can be isolated from any passthrough that will be required in that area. Procedures outlined in #9 above will be followed.

11. These procedures will be followed until the entire inside of the building has been completed. It may end up that several work areas or combination of partial multiple floors are having a final cleaning done simultaneously, with daily air samples being utilized as final clearance air samples. If this is the case, each floor will have at least five (5) air samples collected inside the work area, with an additional air sample for every 5,000 square feet above 25,000 square feet of floor space per floor and one air sample outside the building.
12. When the final cleaning is completed, a final visual clearance of the work area shall be conducted by the project monitor in conjunction with the abatement supervisor. If the work area passes the visual clearance and the last set of daily air samples (as described above) are below 0.01 f/cc, the area shall be considered clean and the abatement contractor can demobilize from that work area.
13. The area will be returned to the Owner only after satisfactory clearance monitoring has been obtained and the abatement contractor has demobilized from the work area.

Plaster Wall Abatement Procedures:

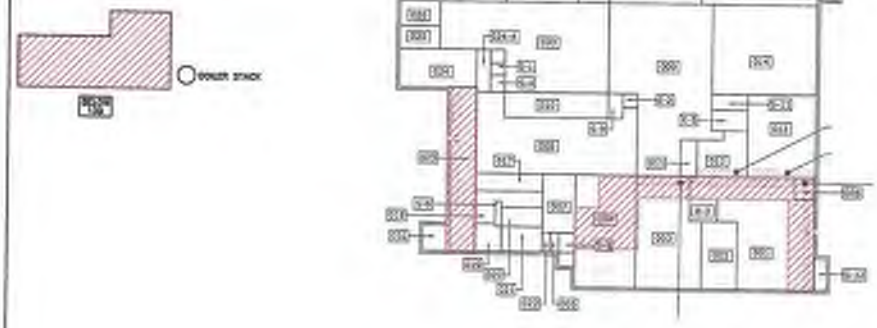
When the cleaning/abatement of the building interior has been completed, the cordoned off area requiring plaster abatement and clean up can be completed.

This will be conducted using a one layer tent with an attached personal/waste decontamination enclosure.

Since the building will now be considered "clean"; negative pressure can be established, and air sampling can be conducted in accordance with ICR 56. However, the exhaust may not be able to be exhausted to the exterior. If that is the case, the negative air machines will be exhausted to the interior and an air sample will be placed at the exhaust.

Potential Condemned Portions of the Building:

Will be submitted as an amendment – waiting on potential condemnation letter from the Town of Colonie. Controlled Demolition of the building will require amendment to the original variance. mgw



*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

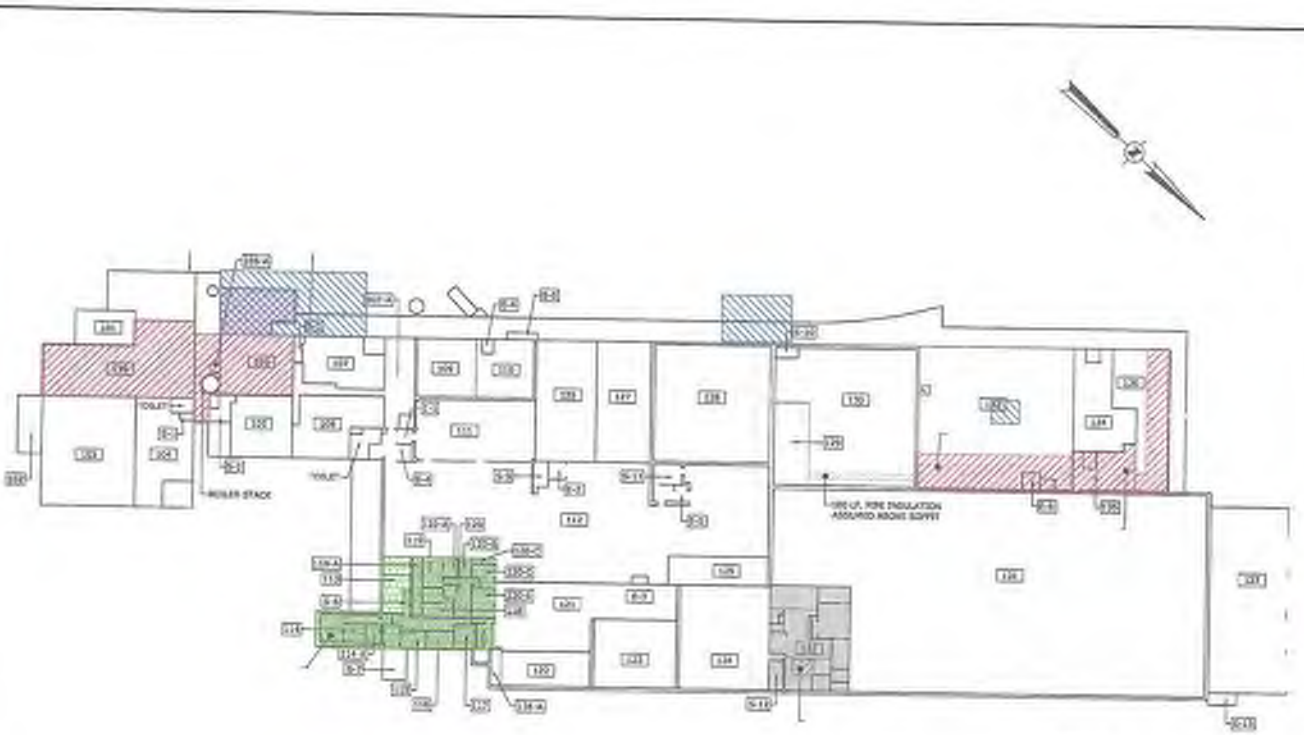
Allstate Environmental, Inc.

LEGEND

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

BASEMENT ASBESTOS MATERIAL LOCATIONS

DWG. NO.
ASB-100A



*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

Ambient Environmental, Inc.

LEGEND

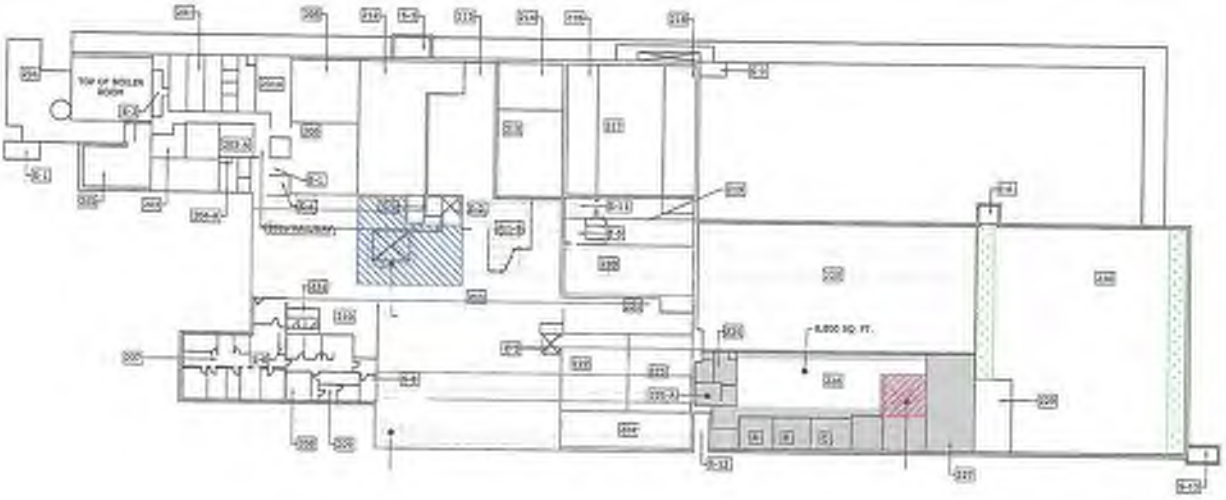
REVISIONS

PROJECT LOCATION
Former First Price Center
76 EXCHANGE STREET
ALBANY, NEW YORK

DRAWING TITLE
FIRST FLOOR ASBESTOS SAMPLE LOCATIONS

DATE: 11-16-2020 | SCALE: NTS
PROJECT NO.: 20201116
DRAWN BY: ESU
CHECKED BY: MW

DWG. NO.
ASB-101A



Ambient Environmental, Inc.

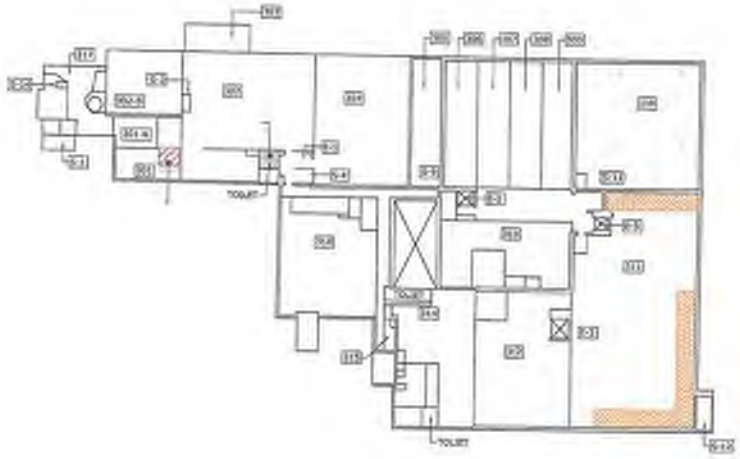
LEGEND

PROJECT LOCATION:
Former First Price Center
76 EXCHANGE STREET
ALBANY, NEW YORK

DRAWING TITLE
SECOND FLOOR
ASBESTOS MATERIAL
LOCATIONS

DWG. NO.
ASB-102A

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT



Ambient Environmental, Inc.
Building Science and IEQ Solutions
870 Washington Avenue, Albany, NY 12203
PH: 518.452.6744 FAX: 518.452.6754
www.ambient-env.com

LEGEND

REVISIONS	

PROJECT LOCATION:
Former Fleet Price Center
76 EXCHANGE STREET
ALBANY, NEW YORK

DRAWING TITLE:
THIRD FLOOR ASBESTOS MATERIAL LOCATIONS

DATE:	11-18-2020
PROJECT NO.	2020-0742
DRAWN BY:	CDV
CHECKED BY:	CDW

DWG. NO.
ASB-103A

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

EXHIBIT 3: LOW- HIGH RISE MAP


First Prize
Legend
Russell Rd
Exchange St
Low-Rise
(West Side)
High-Rise
(East Side)
Google Earth
© 2020 Google
N
300 ft

EXHIBIT 4: ACM MATERIALS

Main Building Asbestos Containing Materials List

Boiler House	
Area 106 (et al) Pipe/Fitting Insulation	600 Ln. Ft. Friable/Damaged
Thermal Insulation Debris	3,500 Sq. Ft. Friable/Damaged
Tank Insulation	130 Sq. Ft. Friable/Damaged
Breeching Insulation	1,800 Sq. Ft. Friable/Damaged
Boiler 1 Insulation**	1,550 Sq. Ft. Friable/Damaged
Boiler 2 Insulation**	2,880 Sq. Ft. Friable/Damaged
Cement Board	1,300 Sq. Ft. Friable/Damaged
Area 139 Pipe/Fitting Insulation	110 Ln. Ft. Friable/Damaged
Thermal Insulation Debris	3,150 Sq. Ft. Friable/Damaged
Tank 1 Insulation	500 Sq. Ft. Friable/Damaged
Tank 2 Insulation	350 Sq. Ft. Friable/Damaged
Under Area 139 Pipe/Fitting Insulation	370 Ln. Ft. Friable/Damaged
Stored Pipe Insulation	15 Cu. Yd. Friable/Damaged
Thermal Insulation Debris	2,800 Sq. Ft. Friable/Damaged
Cement Board	130 Sq. Ft. Friable/Damaged
Area 101 Pipe/Fitting Insulation	130 Ln. Ft. Friable/Damaged
Thermal Insulation Debris	1,600 Sq. Ft. Friable/Damaged
Chimney Stack Paint	7,000 Sq. Ft. Non-Friable/Damaged
Basement	
Areas 001-005 Pipe/Fitting Insulation	270 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	4,020 Sq. Ft. Friable/Damaged
Area 005 Pipe/Fitting Insulation	60 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	120 Sq. Ft. Friable/Damaged
Areas 012- 013 Pipe/Fitting Insulation	90 Ln. Ft. Friable/Damaged
Area 023 Fitting Insulation (large)	5 Units. Friable/Damaged
First Floor	
Main Office Area Plaster (finish coat)	10, 000 Sq. Ft. Friable/Damaged
Floor Tile and Mastic	5,800 Sq. Ft. Non-Friable/Damaged
Office Area 132 Floor Tile and Mastic	2.800 Sq. Ft. Non-Friable/Damaged
Pipe/Fitting Insulation***	300 Ln. Ft. Friable/Damaged
Warehouse 130 Pipe/Fitting Insulation	180 Ln. Ft. Friable/Damaged
Warehouse 133 Pipe/Fitting Insulation	600 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	1,500 Sq. Ft. Friable/Damaged
Warehouse 135-136 Pipe/Fitting Insulation	900 Ln. Ft. Friable/Damaged
Pipe Insulation Debris**	1,500 Sq. Ft. Friable/Damaged
Second Floor	
Office Area 226 Floor Tile and Mastic	8,800 Sq. Ft. Non-Friable/Damaged
Pipe/Fitting Insulation**	6 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	200 Sq. Ft. Friable/Damaged
Open Space 223 Pipe/Fitting Insulation	3 Ln. Ft. Friable/Damaged

Cement Board	400 Sq. Ft. Non-Friable/Damaged
Cement Board Debris	1,000 Sq. Ft. Non-Friable/Damaged
Third Floor	
Space 301 Pipe/Fitting Insulation	4 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	200 Sq. Ft. Friable/Damaged
Room in Space 302 Floor Tile and Mastic	100 Sq. Ft. Non-Friable/Damaged
Block Windows Caulk (interior)	20 Sq. Ft. Non-Friable/Intact
Fourth Floor	
Office Areas Floor Tile and Mastic	1,800 Sq. Ft. Non-Friable/Damaged
Pipe/Fitting Insulation**	300 Ln. Ft. Friable/Damaged
Doors/Windows Glazing Compound	700 Sq. Ft. Non-Friable/Damaged
Switchgear Cement Board	200 Sq. Ft. Non-Friable/Damaged
Cement Board Debris	200 Sq. Ft. Non-Friable/Damaged
Elevated Room Cement Board	600 Sq. Ft. Non-Friable/Damaged
Cement Board Debris	1,000 Sq. Ft. Non-Friable/Damaged
Loading Dock Overhang Coating	4,000 Sq. Ft. Non-Friable/Intact
Roofs Asphalt Roofing	155,000 Non-Friable/Damaged
Building Perimeter Asphalt Roofing Debris	Unknown Quantity
Exterior Stack Paint	7,000 Sq. Ft. Non-Friable/Intact
Cork Mastic	380,000 Sq. Ft. Non-Friable Damaged

EXHIBIT 5: SWPPP

January 26, 2021
Updated May 11, 2021

Stormwater Pollution Prevention Plan (SWPPP)

First Prize Center Site
68 Exchange Street
City of Albany & Town of Colonie
Albany County, New York
BCP Site #C401076

Prepared for:

FIRST PRIZE DEVELOPMENT PARTNERS, LLC
8 Paddocks Circle
Saratoga Springs, NY 12866

Prepared by:

C.T. MALE ASSOCIATES
50 Century Hill Drive
Latham, New York 12110
518-786-7400
FAX 518-786-7299

C.T. Male Project No: 17.7536

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C.T. MALE ASSOCIATES ENGINEERING, SURVEYING, ARCHITECTURE, LANDSCAPE ARCHITECTURE & GEOLOGY, D.P.C.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
FIRST PRIZE CENTER SITE

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FIGURE(S)

1 Site Location Map

APPENDICES

A SPDES General Permit GP-0-20-001
B Soils Information
C Draft Notice of Intent (eNOI) Application Form
D SWPPP Inspection Forms
E Erosion and Sediment Control Plans & Details

1.0 CERTIFICATIONS

1.1 Contractor

All Contractors and Subcontractors who perform earth disturbance on the project site shall sign and date a copy of the following certification statement before undertaking any construction activity at the project site:

"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 (GP-0-20-001) 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."

CONTRACTOR:
Company _____

Name/Title/Date _____

SUBCONTRACTOR:
Company _____

Name/Title/Date _____

SUBCONTRACTOR:
Company _____

Name/Title/Date _____

If additional Contractors/Subcontractors must sign the *Stormwater Pollution Prevention Plan* (SWPPP), please continue on the back of this page.

1.2 Contractor Responsibilities

Prior to the commencement of construction activity, the Contractor(s) and Subcontractor(s) that shall be responsible for installing, constructing, repairing, inspecting, monitoring and maintaining the erosion and sediment control measures included below and as indicated on the plans.

The following chart shall be filled out prior to commencement of construction by Owner/Operator.

Task:	**Responsible Contractor:**
Installing erosion and sediment controls (ESC)	_____
Daily inspection of ESC	_____
Maintenance/Repair of ESC	_____
Seeding/stabilization of disturbed areas	_____

Each of the Contractors and Subcontractors shall identify at least one trained individual from their company who will be responsible for implementation of the SWPPP. One trained individual shall be on-site on a daily basis when soil disturbance activities are being performed.

A trained contractor is defined by the General Permit as:

An employee from a contracting (construction) firm that has received four (4) hours of training, which has been endorsed by the NYSDEC, from a Soil and Water Conservation District, Certified Professional in Erosion and Sediment Control (CPESC), Inc., or other NYSDEC endorsed entity, in proper erosion and sediment control principles. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years. This individual shall be responsible for implementation of the SWPPP.

The following individuals have been identified on this project as **trained contractors**:

CONTRACTOR:
Company _____

Trained Individual_____

SUBCONTRACTOR:
Company _____

Trained Individual_____

SUBCONTRACTOR:
Company _____

Trained Individual_____

1.3 Certification of SWPPP Preparer

"I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the General Permit (GP-0-20-001). Furthermore, I understand that certifying false, incorrect, or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

Name: Lauren Sherman, P.E.

Title: Project Engineer

Signature: 

Date: May 11, 2021

2.0 PERMIT OVERVIEW

The technical standards for erosion and sediment controls are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the *Empire State Chapter of the Soil and Water Conservation Society*, last updated November 2016.

Refer to Appendix A for a copy of the SPDES General Permit GP-0-20-001.

2.1 General

The conditions of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit GP-0-20-001 for Stormwater Discharges from Construction Activities (henceforth referred to as General Permit) must be adhered to on this construction project.

The SWPPP and the General Permit contain specific measures to be followed by the Contractor and Subcontractors to prevent pollutants from leaving the project site. Each Contractor or Subcontractor who performs earth disturbance must sign and complete the appropriate pages in Section 1.0 prior to start of work on this site. Contractors shall maintain a complete set of the documents comprising the SWPPP at the construction site for review by NYSDEC representatives at all times during the construction process. All SWPPP inspections shall be performed by the qualified inspector.

Each Contractor shall comply with the requirements of the SWPPP including, but not limited to: specific practices shown on the drawings, practices not shown on the drawings but necessary for the prevention of stormwater pollution and to ensure compliance with the conditions of the General Permit, preparation of required submittals, maintenance of the required erosion and sediment control measures, and removal of non-permanent practices in accordance with the approved construction sequence.

The NOI (Notice of Intent), SWPPP, and inspection reports required by this permit are public documents that the Owner/Operator must make available for review and copying by any person within five (5) business days of the owner or operator receiving a written request by any such person to review the NOI, SWPPP or inspection reports. Copying of documents will be done at the requester's expense.

Revisions to the SWPPP and to the Erosion and Sediment Control Plan may occur during construction. Any additional instructions or directed changes made to the contract

documents must be made by the Engineer and implemented by the Contractor as soon as practicable.

2.2 Execution of the General Permit

Prior to initiation of any construction-related land disturbance, the Contractor shall notify the qualified inspector to conduct this inspection prior to initiating construction. A qualified inspector shall perform the first weekly site inspection and certify that the erosion and sediment control measures are in place, and then construction may begin. Contractors shall commence land disturbing construction activities only after evidence of the qualified inspector's acceptance to the site erosion and sediment controls. Site disturbance without installation of proper erosion and sediment control measures and certification from the qualified professional is in direct violation of the General Permit.

Stabilization of any disturbed areas shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. If any portion of the site has been undisturbed for more than fourteen (14) calendar days, and work on that portion of the site is not scheduled to commence in seven (7) calendar days, the area of the site must be temporarily stabilized with straw, or mulch.

A Notice of Termination (NOT) shall be filed by Owner/Operator only when construction is complete and permanent stabilization of disturbed areas has occurred.

3.0 PROJECT OVERVIEW

The existing First Prize Center project site (Project Site) is a 32± acre parcel that contains several concrete and brick structures, which have generally been vacant for a number of years. The site was originally home to Tobin's First Prize Center, which was constructed in the 1920s and closed down in the early 1980s. The majority of the project site is surfaced with impervious cover. The Project Site is located at the corner of Everett Road and Exchange Street in Albany, and it spans the City of Albany and Town of Colonie boundary line. Several buildings on the project site are slated to be demolished as part of the proposed project, which will create over one (1) acre of disturbance. This phase of work and disturbance is limited to building demolition. As such, a SWPPP with erosion and sediment controls will cover the disturbance associated with the proposed work.

3.1 Area of Disturbance

The total amount of physical land disturbance associated with the Project will be approximately 4.9 acres; therefore, the amount of disturbance exceeds the threshold of 1.0 acre. Consequently, the Applicant is required to apply for permit coverage under the SPDES General Permit (GP-0-20-001), which requires the preparation of a SWPPP and the submission of a completed Notice of Intent (NOI) to the NYSDEC prior to starting construction. Disturbance at any given time will not exceed 5 acres; however, if during construction site disturbance may exceed five (5) acres in total, a waiver must be applied for and obtained. Areas where building foundations are to be removed will be stabilized as soon as practicable and well in advance of site disturbance exceeding 5 acres. Onsite areas will be properly stabilized, as needed, in order to remain under the 5-acre simultaneous disturbance threshold. Site disturbance numbers are based on the existing conditions survey building footprint square footages. A copy of the draft NOI is included in Appendix C.

3.2 Watershed Information

Under existing conditions, the discharge from the south/southwest side of the Project Site is generally collected in onsite catch basins and is piped and/or sheet flows to the south/southeast. Runoff that leaves the site enters the Patroon Creek, a Class C stream, and then ultimately discharges to the Hudson River. The Patroon Creek is not a 303(d) segment that is impaired by pollutants related to construction activity. The project is not located within a watershed with enhanced phosphorus removal standards and it

traverses the City of Albany and Town of Colonie, both of which are traditional land use control Municipal Separate Storm Sewer Systems (MS4s).

Soils information has been obtained from a review of the USDA's Web Soil Survey. Soils information is contained within the project specification documents. The predominant soil types present within the project areas consist of Urban Land and Udipsamments. While the Urban Land does not have a specific Hydrologic Soil Group (HSG) designation, surrounding soil types (Udipsamments) are classified as HSG "A" soils. A printout from Web Soil Survey, along with boring and test pit logs, is included in Appendix B, Soils Information.

3.3 Intended Sequence of Disturbance

The anticipated sequence of land disturbance activities for the Project is included on sheet C-101 of the plans, which are included in Appendix E of the SWPPP.

4.0 STORMWATER MANAGEMENT OBJECTIVES

Stormwater management practices (treatment or detention) are not required for this project, as all areas to be demolished will either be topsoiled and seeded or stabilized with 4-inches (minimum thickness) of hardwood mulch. Any topsoil to be used for site cover or imported will need prior approval by the NYSDEC. This permit will be active during the demolition phase of work and will be closed out following the completion of demolition and stabilization activities.

5.0 EROSION AND SEDIMENT CONTROLS

The erosion and sediment controls for this project are in accordance with the *New York Standards and Specifications for Erosion and Sediment Control,* dated November 2016.

Erosion control measures selected for this Project site include, but are not limited to, the following: compost filter socks/silt fence and stabilized construction entrance(s). The locations of erosion and sediment control measures can be found on the erosion and sediment control plan and detail sheet, which are included as Appendix E of this report.

5.1 General Stabilization Requirements

Stabilization in areas to remain vegetated shall consist of seeding and straw/mulch. The Contractor shall initiate stabilization measures as soon as practical in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) calendar days after construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:

A. When the initiation of stabilization is not practicable due to excessive snow cover (which is defined as at least one foot), at the discretion of the qualified inspector.

B. When construction activity on a portion of the site has temporarily ceased and earth-disturbing activities shall resume within twenty-one (21) calendar days, then temporary stabilization measures do not need to be initiated on that portion of the site.

5.2 Winter Stabilization Requirements

Site runoff and sediment control must be adequately managed when site work/disturbance is slated to occur during wither months.

A. Snow must be managed to provide adequate storage for snow and control of melt water, requiring cleared snow to be stored in a manner not affecting ongoing construction activities.

B. Snow must be managed such that silt fence and/or other erosion and sediment controls are maintained/protected. If erosion and sediment controls are damaged due to snow removal/movement activities, they must be promptly repaired.

C. A minimum 25-foot buffer shall be maintained from all perimeter controls such as silt fence. Mark silt fence/compost filter socks with tall stakes to keep visible above snow pack.

D. Drainage structures must be kept free/open of snow and ice dams. Any debris, ice dams or debris from blowing that restrict the flow of runoff and meltwater shall be removed.

E. Sediment barriers must be installed at all perimeter and sensitive locations. Silt fence and other practices requiring earth disturbance must be installed before the ground freezes.

F. Soil stockpiles must be adequately protected per the NYSDEC "Blue" Book or site-approved remediation plan.

G. If straw mulch alone is used for temporary stabilization, it must be applied at 4 tons/acre (i.e., double the standard application rate).

H. To ensure adequate stabilization of disturbed soil in advance of a melt event, areas of disturbed soil shall be stabilized at the end of each workday unless:

   a. work will resume within 24 hours in the same area and no precipitation is forecast or;

   b. the work is in disturbed areas that collect and retain runoff, such as open utility trenches, foundation excavations or water management areas.

I. Use stone paths and/or existing paved surfaces to provide access to areas where construction vehicle traffic is anticipated.

5.3 Trench/Excavation De-Watering

5.3.1 Uncontaminated Waters

Uncontaminated water is defined as stormwater that has accumulated in low lying areas, in a trench or in an open excavation without known or suspected environmental impairment. Trench/excavation dewatering shall be conducted using a portable pump and hose, as needed. At the end of the hose, a geotextile filter sack shall be used to filter sediment from the water. If a filter sack is not used, the water must be pumped to an approved sedimentation trap. The pumped water shall be discharged into an upland area (not into streams or wetlands), and away from any steep slopes to prevent erosion. The filter sack

shall be cleaned periodically as sediment accumulates within the sack. Sediments from the filter sack shall be properly placed in upland areas or disposed of off-site.

5.3.2 Contaminated Waters

Contaminated waters are defined as water with petroleum odor or sheens, or otherwise documented through analytical testing performed by C.T. Male as part of the Remedial Investigation (RI) under the New York State Brownfield Cleanup Program (BCP). Management and handling of contaminated waters need to be coordinated through Jeffrey A. Marx, P.E., Remediation Engineer for C.T. Male and will likely require a permit to discharge, and coordination with NYSDEC and applicable municipalities or disposal facilities.

5.4 Dust Control

Dust shall be controlled on the Project by use of a water truck. The qualified inspector shall determine the frequency of water application in order to control dust. Chemicals or other methods of dust control are prohibited to be used on the Project.

5.5 Construction Materials Management Plan

During construction, the following materials could be used and stored on-site: Concrete additives, paints/solvents, acids, cleaning products, petroleum-based products/fuel, pesticides, fertilizers, construction wastes, sanitary wastes, and tackifier for soil stabilization. The aforementioned materials shall be managed using the following procedures:

1. ***Good Housekeeping:***
    1.1. Store only products required to do the job on the site, and use all of a product before disposing of the container.
    1.2. All materials stored on-site shall be stored in a neat and orderly manner. Containers shall be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.
    1.3. Products shall be kept in their original container with manufacturers' label.
    1.4. Manufacturer's recommendations for proper use and disposal shall be followed.

2. Hazardous Products:

2.1. Material Safety Data Sheets (MSDS) for each substance with hazardous properties shall be provided on-site. Each employee who must use the product shall be instructed on the use of MSDS Sheets and specific information applicable to that product.

2.2. If a surplus of the product must be disposed of, manufacturer's, local/state/federal recommended methods for disposal shall be followed.

3. Petroleum Products:

3.1. All on-site vehicles shall be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage.

3.2. Petroleum products shall be sealed in properly labeled containers.

4. Fertilizers:

4.1. Fertilizers shall be applied in the minimum amounts recommended by the manufacturer and be immediately worked into the soil to limit exposure to stormwater.

4.2. Storage of fertilizers shall be placed in a plastic bin and stored in a covered area to prevent spills.

5. ***Paints, Solvents:***

5.1. Excess paint and solvents shall not be discharged into the storm sewer and shall be properly disposed of according to New York State regulations.

6. Concrete Wastes:

6.1. Wash water may be disposed of on the site in a specifically designed diked area or into forms to make other useful concrete products.

6.2. Hardened residue from the concrete washout area shall be disposed of as construction waste.

6.3. All concrete wash areas shall be located in an area where it is not likely to contribute to stormwater discharged. This determination shall be made by the Engineer or qualified professional during construction.

7. Solid/Construction Wastes:

7.1. All waste materials shall be stored in an appropriate lidded dumpster, and disposed of by a licensed waste management company.

7.2. No construction materials shall be buried on-site, and all personnel shall be instructed on correct procedures for waste disposal.

8. Sanitary Wastes:

8.1. All sanitary waste shall be collected from portable units by a New York State licensed portable facility provider.

8.2. All portable units shall be located in a place where it is not likely to contribute to stormwater discharge.

5.6 Maintenance and Repairs

The Contractor is responsible to perform maintenance and repairs of the erosion and sediment control measures, within one (1) business day of the deficiencies being observed.

The erosion and sediment control measures shall be installed and maintained by the Contractor until the vegetated areas have achieved 80% growth.

6.0 INSPECTION AND MAINTENANCE REQUIREMENTS

6.1 Contractor Requirements

1. All erosion and sediment control measures in the SWPPP and on the accompanying plans shall be maintained in effective operating condition during construction.
2. Per the General Permit, the Contractor shall inspect the erosion and sediment control measures in the SWPPP to ensure that they are being maintained in effective operating condition during construction. If soil disturbance activities have been temporarily suspended and temporary stabilization measures have been applied to disturbed areas, the Contractor may cease these ongoing inspections.
3. The Contractor may cease ongoing inspections of erosion and sediment control measures and remove these features when the Project has been completed and areas have received final stabilization as defined in Section 5.1.

6.2 Qualified Inspector Requirements

The qualified inspector is defined by the General Permit as the following:

"A person 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), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the trained individual working under the direct supervision of the licensed Professional Engineer or Registered 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 impoundment, shall be performed by a licensed Professional Engineer.

6.3 SWPPP Inspection Requirements

The qualified inspector shall conduct site SWPPP inspections in accordance with the General Permit the following timetable:

1. Inspect the installed erosion and sediment control measures at the site prior to the start of construction activities.
2. Inspect the site once every seven (7)-calendar days during ongoing construction activities.
3. Inspect the site every thirty (30) days where soil disturbance activities have been temporarily suspended and temporary stabilization measures have been applied to disturbed areas. Owner/Operator shall contact the Town of Colonie in writing prior to reducing the frequency of inspections.
4. Inspect all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site.
5. Upon project completion, perform a final inspection to certify that the vegetated areas have achieved 80% growth.

The inspector shall perform the SWPPP inspections in accordance with the General Permit requirements. Within one (1) business day of completing the SWPPP inspection, the qualified inspector shall notify the Owner/Operator and Contractor of any corrective actions that need to be taken.

All completed SWPPP inspection forms shall be maintained in Appendix D of this SWPPP and shall always be on the construction site until permit coverage is terminated. A sample SWPPP inspection report is included in Appendix D.

7.0 WINTER SHUTDOWN PLAN

The Contractor shall notify the SWPPP inspector of the erosion control measures intended to stabilize the site against erosion. In preparation for winter shutdown, the Contractor shall provide and implement one (or a combination) of the following erosion control measures on areas where vegetation has not been established:

- jute/coconut fiber blankets;
- geotextile;
- tackifier;
- straw mulch; or
- alternate method(s) acceptable to the Engineer and the NYSDEC.

Following the SWPPP inspector's acceptance of the erosion control measures selected for winter shutdown, the site shall have a minimum of one (1) SWPPP inspection conducted per month. Additionally, SWPPP inspections shall also be conducted after rainfalls in excess of one-half (½") inch in a 24-hour period and after significant snowmelt occurs. If these inspections reveal areas damaged by erosion, the Contractor shall provide repairs prior to the next scheduled SWPPP inspection.

FIGURE 1

Site Location Map

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



Date	RECORD OF WORK	Appr.

FIGURE 1: SITE LOCATION MAP

CITY OF ALBANY/T/o COLONIE | ALBANY COUNTY, NY

Drafter: LJS | Checker: LJS

Appr. by: LJS | Proj. No. 17.7536

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
www.ctmale.com

SCALE: 1"=500' | DATE:DEC. 8, 2020

APPENDIX A

SPDES General Permit 0-20-001

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001

Issued Pursuant to Article 17, Titles 7, 8 and Article 70

of the Environmental Conservation Law

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator

1-23-20

Authorized Signature

Date

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

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 *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

An *owner or operator* of a *construction activity* that is eligible for coverage under this 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), (15)(i), and (15)(ii), constitute construction of a *point source* and therefore, pursuant to ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* cannot 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

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Part 1. 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 (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

*Discharge*s authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the *Stormwater Pollution Prevention Plan* (“SWPPP”) the reason(s) for the

deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

   (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharge*s;

   (ii) Control stormwater *discharge*s, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;

   (iii) *Minimize* the amount of soil exposed during *construction activity*;

   (iv) *Minimize* the disturbance of *steep slopes*;

   (v) *Minimize* sediment *discharge*s from the site;

   (vi) Provide and maintain *natural buffer*s around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharge*s, unless *infeasible*;

   (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;

   (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and

   (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.

b. **Soil Stabilization**. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering**. *Discharge*s from *dewatering* activities, including *discharge*s from *dewatering* of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures**. Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited *Discharge*s.** The following *discharge*s are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

(i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100% of the WQv shall be documented in the SWPPP.

For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site discharges directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

b. *Sizing Criteria* for *New Development* in Enhanced Phosphorus Removal Watershed

(i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be

calculated in accordance with the criteria in Section 10.3 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible.*

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site *discharge*s directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

c. Sizing Criteria for Redevelopment Activity

(i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.

(1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or

(2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or

(3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or

(4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

(ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iii) *Overbank* Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharge*s necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge 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, such as:

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 or 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.

If there is evidence indicating that the stormwater *discharge*s authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharge*s authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

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

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharge*s; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.

3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: "Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned"; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharge*s from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.

4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

1. *Discharge*s after *construction activities* have been completed and the site has undergone *final stabilization*;

2. *Discharge*s that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;

3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;

4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*

operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.D.2 of this permit;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;

6. *Construction activities* for residential, commercial and institutional projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

7. *Construction activities* for linear transportation projects and linear utility projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:

   a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.

      - 1-5 acres of disturbance - 20 feet
      - 5-20 acres of disturbance - 50 feet
      - 20+ acres of disturbance - 100 feet, or

   b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
      (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
      (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
      (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
      (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or

   c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

(i) No Affect
(ii) No Adverse Affect
(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharge*s from *construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the “MS4 SWPPP Acceptance” form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.

3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4* . This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

B. Notice of Intent (NOI) Submittal

1. Prior to December 21, 2020, an owner or operator shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (http://www.dec.ny.gov/). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address:

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

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.

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.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

C. Permit Authorization

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

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 SEQRA is applicable. See the Department's website (http://www.dec.ny.gov/) for more information,

   b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621), or the equivalent from another New York State agency, 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 *UPA* permits

must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed 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 permit,

c. the final SWPPP has been prepared, and

d. a complete 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.C.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 electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

      (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

      (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

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 both a complete electronic version of the NOI (eNOI) and signed "*MS4* SWPPP Acceptance" form, or

(ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. 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 or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

D. 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 Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor's or subcontractor's certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT 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. The secure location must be accessible during normal business 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 *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control 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.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.

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. In accordance with statute, regulations, and the terms and conditions of this permit, 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 or consistent with Part VII.K..

5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.

6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

regulated, traditional land use control MS4 in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice.

E. Permit Coverage for Discharges Authorized Under GP-0-15-002

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of *a construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, unless otherwise notified by the Department.

   An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-20-001.

F. 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. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4,* the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.

2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. 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 permit.

3. 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. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. 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*. A copy of the completed, final NOI shall be included in the SWPPP.

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. At a minimum, the *owner or operator* shall amend the SWPPP, including construction drawings:

    a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge* of *pollutants*;

c. to address issues or deficiencies identified during an inspection by the *qualified inspector,* the Department or other regulatory authority; and

d. to document the final construction conditions.

5. 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 or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.

6. 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, replacing, 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 constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor.* The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

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

   "I hereby certify under penalty of law 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 most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharge*s from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

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 contractor* 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.

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

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the 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

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); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; 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 this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, 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. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection

schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;

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 stormwater *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 design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. 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 standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

   Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

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

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

c. A Stormwater Modeling and Analysis Report that includes:
   (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;

   (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

   (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;

   (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

   (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and

   (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;

d. Soil testing results and locations (test pits, borings);

e. Infiltration test results, when required; and

f. 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 - 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 applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria,* Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. 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 of this permit. *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 of this permit.

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 (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, 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. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall

begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

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 *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance 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

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- New York State Erosion and Sediment Control Certificate Program holder
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:

   a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is 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;

b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is 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;

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

d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the *qualified inspector* shall 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.D.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. The two (2) 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 DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) 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 DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) 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* perform a final inspection and 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. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.

e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures 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,* all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, 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. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;

f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;

g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

i. 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;

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

k. Identification and status of all corrective actions that were required by previous inspection; and

l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

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.6. of this permit 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.D.2. of this permit, 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 NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

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 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.F. of this permit.

d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.

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, by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.

4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "MS4 Acceptance" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector*'s final site inspection certification(s) required in Part V.A.3. of this permit.

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, 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 mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,

d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; 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 RECORDS

A. Record Retention

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 Department receives a complete NOT submitted in accordance with Part V. of this general permit.

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.B.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the 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 non-compliance with this permit 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, suspension 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*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

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 violation of this permit. 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.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

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 of the documents required by this permit , 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 to the Department using the contact information in Part II.A. of this permit. 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 violation of this permit.

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

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 in Part VII.H.1. of this permit 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 in Part VII.H.1. of this permit;

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 shall include the name, title and signature of the authorized representative and be 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.

   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*.

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. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any owner or operator authorized by this permit to apply for and/or obtain either an individual SPDES permit or another 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 owner or operator receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, 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. 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.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, 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), practices or operations regulated or required by this permit.

4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. 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. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

APPENDIX A – Acronyms and Definitions

Acronyms

APO – Agency Preservation Officer
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
Cpv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DOW – Division of Water
EAF – Environmental Assessment Form
ECL - Environmental Conservation Law
EPA – U. S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review
SEQRA - State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

Definitions

All definitions in this section are solely for the purposes of this permit.

Agricultural Building – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agricultural Property –means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

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.

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for "*Commence (Commencement of) Construction Activities"* and "*Larger Common Plan of Development or Sale" also.*

Dewatering – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

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*.

Embankment –means an earthen or rock slope that supports a road/highway.

Endangered or Threatened Species – see 6 NYCRR Part 182 of the Department's rules and regulations for definition of terms and requirements.

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

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

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 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - 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.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot 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.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

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) environmental assessment form or other documents, 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.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

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).

Natural Buffer –means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

New York State Erosion and Sediment Control Certificate Program – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

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*.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Point Source - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

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 6 NYCRR Parts 700 et seq .

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), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered 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 the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

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, Registered 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. 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.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is authorized to discharge under New York State DEC's

SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

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,
- 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 stabilizes 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.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank* Flood (Qp), and Extreme Flood (Qf).

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.

Steep Slope – means land area designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%) , or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

Streambank – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, 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 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.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

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 source*s. 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 source*s, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed

training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day 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 or 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 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 (5,000) square feet and one (1) acre of land.

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
- Pond construction
- Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover
- Cross-country ski trails and walking/hiking trails
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.
- Slope stabilization projects
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

Table 1 (Continued) 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:

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) 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 greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

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 home that disturbs five (5) or more acres of land
- 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 duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- 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 development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

Table 2 (Continued)

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:

- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- 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, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover,* and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

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
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

Figure 1 - New York City Watershed East of the Hudson

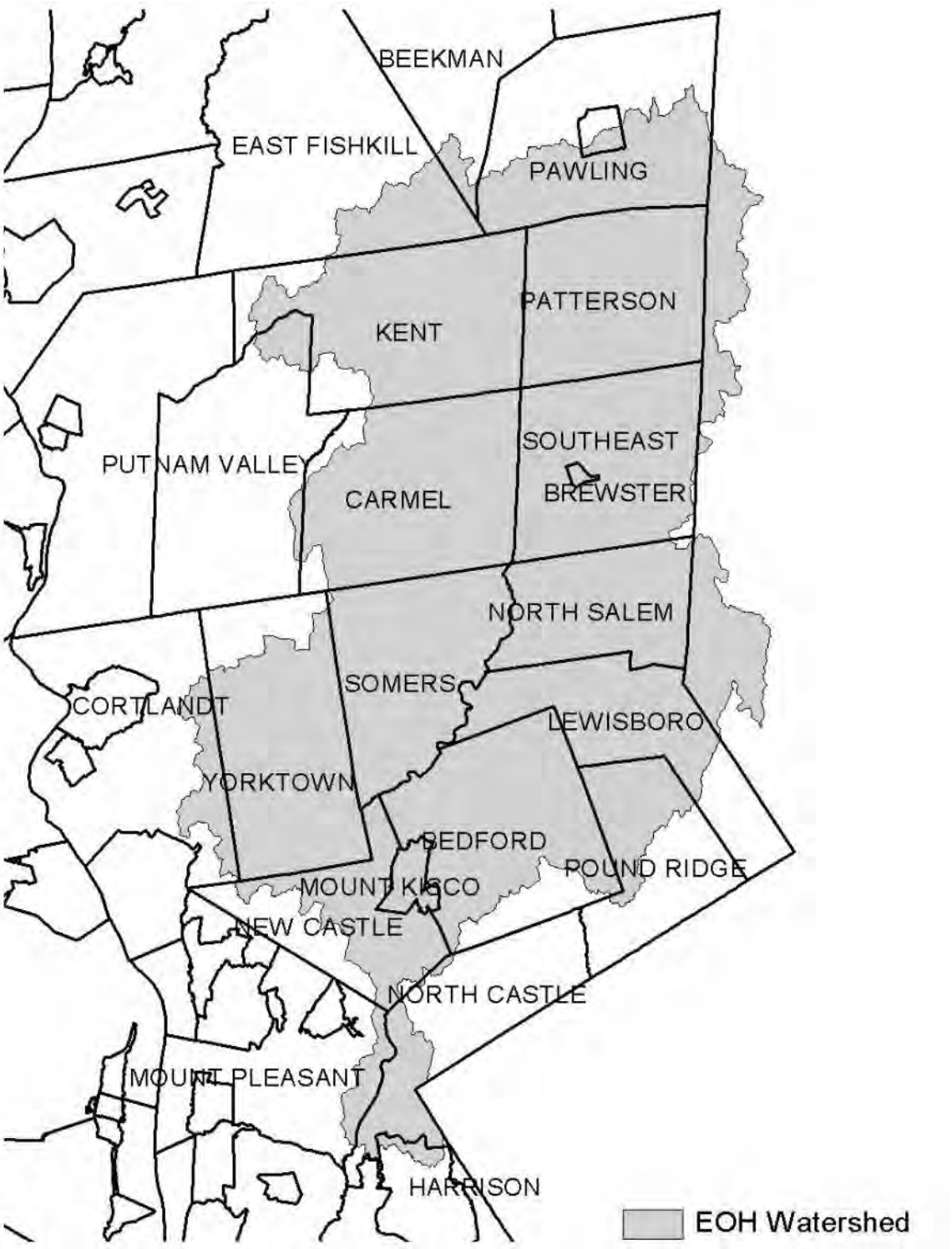


Figure 2 - Onondaga Lake Watershed



Figure 3 - Greenwood Lake Watershed

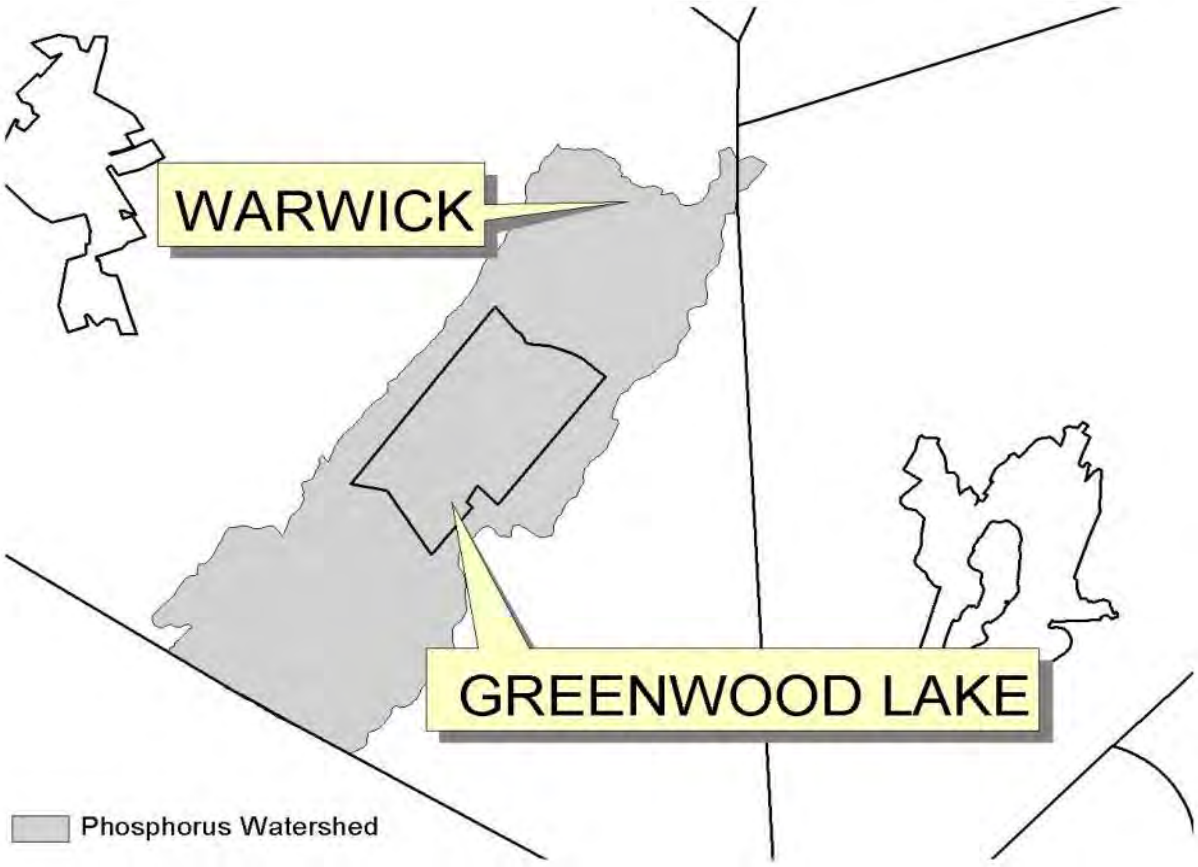


Figure 4 - Oscawana Lake Watershed

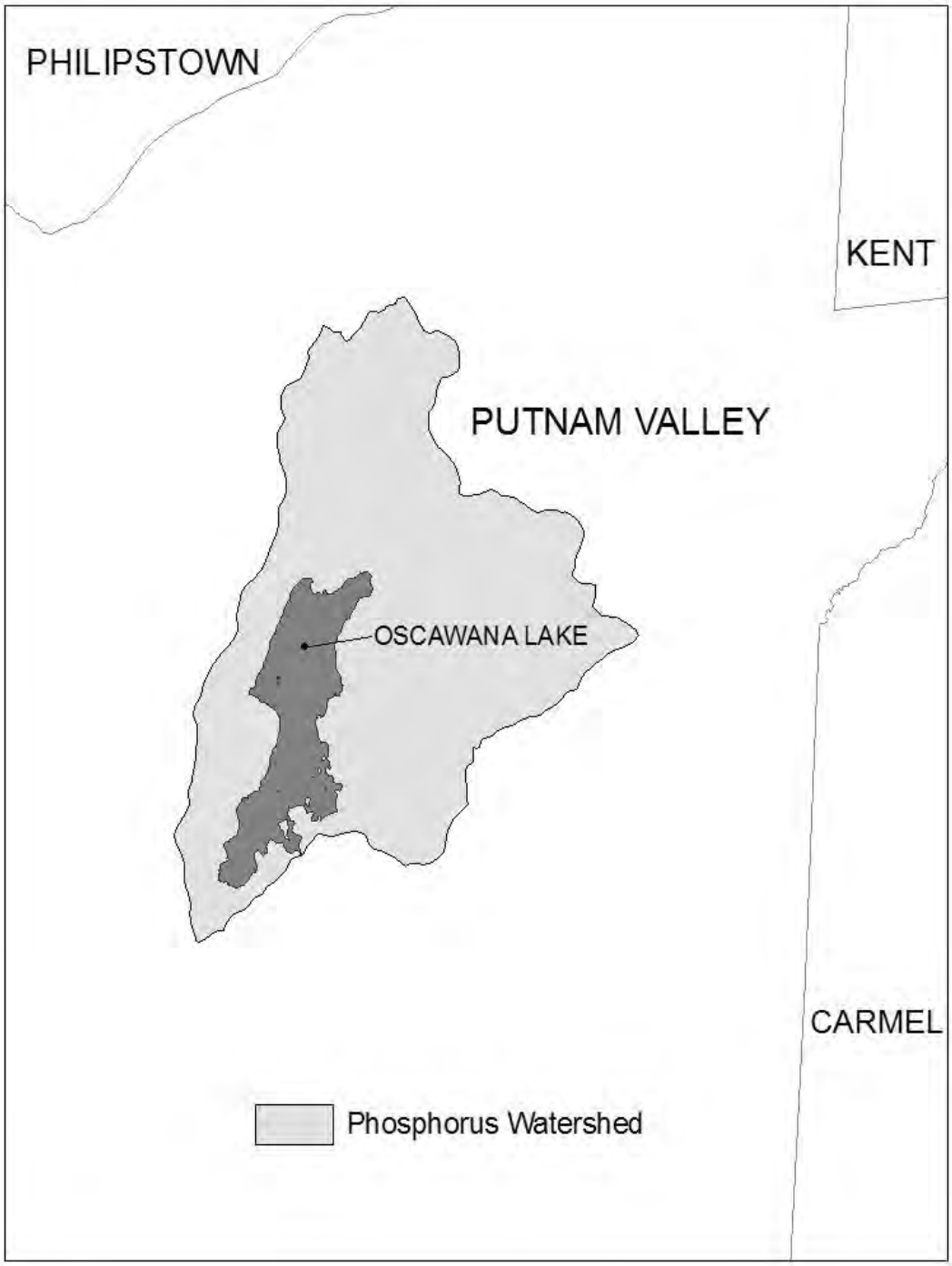
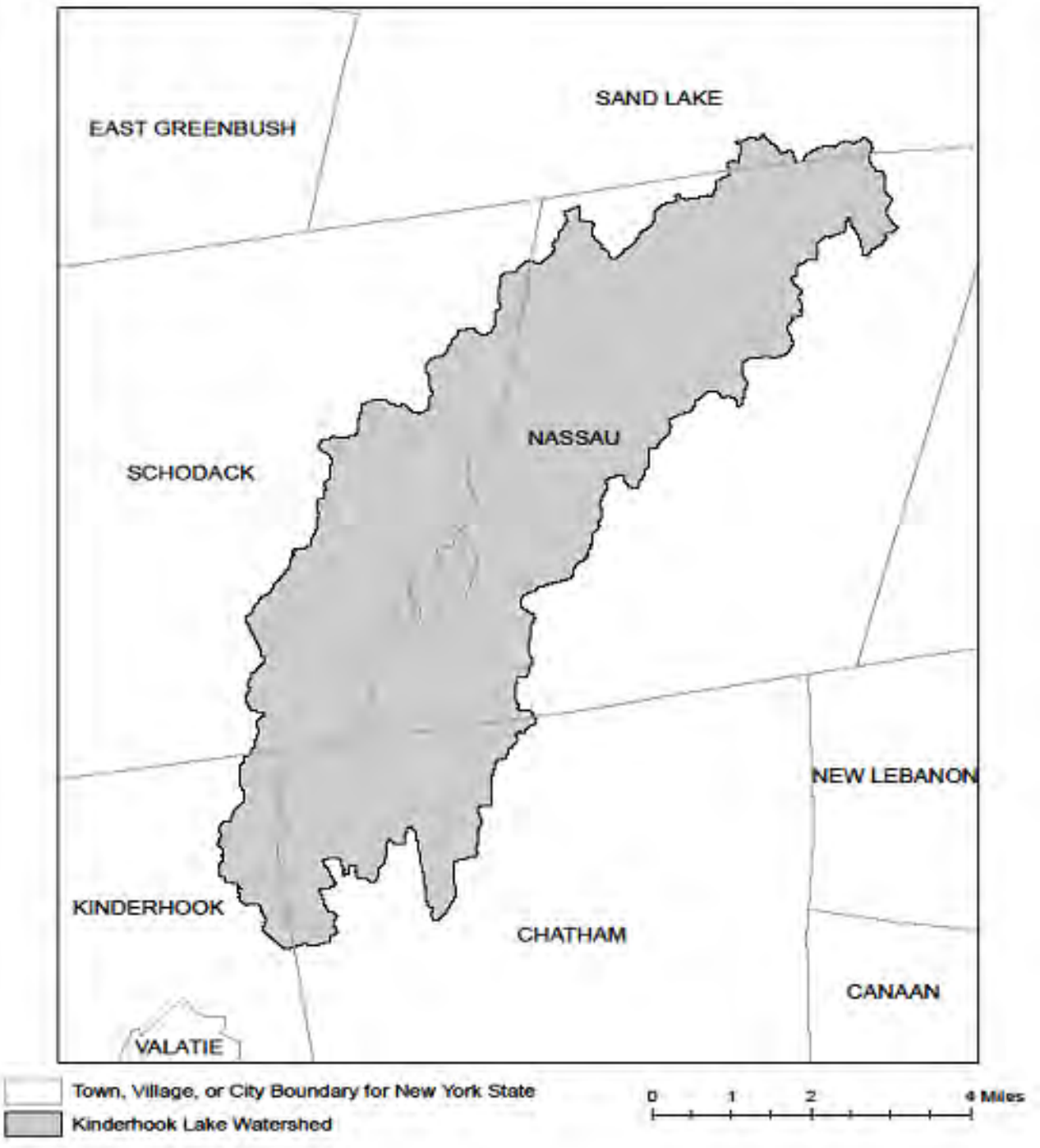


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Watersheds with Lower Disturbance Threshold

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 – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out 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 New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribs to Lake Lonely	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment

303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

APPENDIX F – List of NYS DEC Regional Offices

Region	Covering the following counties:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) Permit Administrators	DIVISION OF WATER (DOW) Water (SPDES) Program
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 Warrensburg, NY 12885-1172 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 ROADAVON, 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 AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX B

Soils Information

Hydrologic Soil Group—Albany County, New York
(First Prize Center)



Map Scale: 1:3,270 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 45 90 180 270

Feet: 0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Albany County, New York
Survey Area Data: Version 18, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 1, 2014—Sep 22, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ud	Udipsamments, smoothed	A	1.6	9.8%
Uf	Udipsamments-Urban land complex	A	0.0	0.2%
Ur	Urban land		14.4	87.2%
Us	Urban land-Udipsamments complex, 0 to 8 percent slopes		0.5	2.9%
Totals for Area of Interest			**16.6**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

APPENDIX C

Draft Notice of Intent (eNOI)

Application Form

NOI for coverage under Stormwater General Permit for Construction Activity

version 1.29

(Submission #: HP4-VQ7T-MQKZA, version 1)

Details

Submission Alias	NOI for coverage under Stormwater General Permit for Construction Activity - First Prize Center
Originally Started By	Lauren Sherman
Submission ID	HP4-VQ7T-MQKZA
Submission Reason	New
Status	Draft
Active Steps	Form Submitted

Form Input

Owner/Operator Information

Owner/Operator Name (Company/Private Owner/Municipality/Agency/Institution, etc.)
First Prize Development Partners, LLC

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
Arcangel

Owner/Operator Contact Person First Name
Michael

Owner/Operator Mailing Address
8 Paddocks Circle

City
Saratoga Springs

State
New York

Zip
12866

Phone
5184416250

Email
michael.arcangel@rbc-ny.com

Federal Tax ID
NONE PROVIDED

Project Location

Project/Site Name
First Prize Center Site

Street Address (Not P.O. Box)
68 Exchange Street

Side of Street
South

City/Town/Village (THAT ISSUES BUILDING PERMIT)
Town of Colonie

State
NY

Zip
12205

County
ALBANY

DEC Region
4

Name of Nearest Cross Street
Everett Rd. Ext.

Distance to Nearest Cross Street (Feet)
0

Project In Relation to Cross Street
West

Tax Map Numbers Section-Block-Parcel
53.16-1-23.1

Tax Map Numbers
53.60-1-153.59-1-3.1

1. Coordinates

Provide the Geographic Coordinates for the project site. The two methods are:
- Navigate to the project location on the map (below) and click to place a marker and obtain the XY coordinates.
- The "Find Me" button will provide the lat/long for the person filling out this form. Then pan the map to the correct location and click the map to place a marker and obtain the XY coordinates.

Navigate to your location and click on the map to get the X,Y coordinates
42.68746,-73.787773

Project Details

2. What is the nature of this project?
Redevelopment with no increase in impervious area

3. Select the predominant land use for both pre and post development conditions.

Pre-Development Existing Landuse
Industrial

Post-Development Future Land Use
Demolition, No Redevelopment

3a. If Single Family Subdivision was selected in question 3, enter the number of subdivision lots.
NONE PROVIDED

4. In accordance with the larger common plan of development or sale, enter the total project site acreage, the acreage to be disturbed and the future impervious area (acreage)within the disturbed area.

*** ROUND TO THE NEAREST TENTH OF AN ACRE. ***

Total Site Area (acres)
32.0

Total Area to be Disturbed (acres)
4.9

Existing Impervious Area to be Disturbed (acres)
4.9

Future Impervious Area Within Disturbed Area (acres)
0.0

5. Do you plan to disturb more than 5 acres of soil at any one time?
No

---

6. Indicate the percentage (%) of each Hydrologic Soil Group(HSG) at the site.

A (%)
100

B (%)
0

C (%)
0

D (%)
0

7. Is this a phased project?
No

8. Enter the planned start and end dates of the disturbance activities.

Start Date
3/1/2021

End Date
12/31/2021

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.
Patroon Creek

9a. Type of waterbody identified in question 9?
Stream/Creek Off Site

Other Waterbody Type Off Site Description
NONE PROVIDED

9b. If "wetland" was selected in 9A, how was the wetland identified?
NONE PROVIDED

10. Has the surface waterbody(ies in question 9 been identified as a 303(d) segment in Appendix E of GP-0-20-001?
No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001?
No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?
No

If No, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey?
NONE PROVIDED

If Yes, what is the acreage to be disturbed?
NONE PROVIDED

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?
No

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?
Yes

16. What is the name of the municipality/entity that owns the separate storm sewer system?
Town of Colonie/City of Albany

17. Does any runoff from the site enter a sewer classified as a Combined Sewer?
Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?
No

19. Is this property owned by a state authority, state agency, federal government or local government?
No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)
Yes

Required SWPPP Components

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?
Yes

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?
No

If you answered No in question 22, skip question 23 and the Post-construction Criteria and Post-construction SMP Identification sections.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?
NONE PROVIDED

24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:
Professional Engineer (P.E.)

SWPPP Preparer
C.T. Male Associates

Contact Name (Last, Space, First)
Sherman Lauren

Mailing Address
50 Century Hill Drive

City
Latham

State
New York

Zip
12110

Phone
5187867618

Email
l.sherman@ctmale.com

Download SWPPP Preparer Certification Form
Please take the following steps to prepare and upload your preparer certification form:

1) Click on the link below to download a blank certification form
2) The certified SWPPP preparer should sign this form
3) Scan the signed form
4) Upload the scanned document
Download SWPPP Preparer Certification Form

Please upload the SWPPP Preparer Certification
> NONE PROVIDED
> **Comment**
> NONE PROVIDED

Erosion & Sediment Control Criteria

25. Has a construction sequence schedule for the planned management practices been prepared?
Yes

26. Select all of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural
Silt Fence
Stabilized Construction Entrance
Dust Control

Biotechnical
None

Vegetative Measures
None

Permanent Structural
None

Other
NONE PROVIDED

Post-Construction Criteria

*** IMPORTANT: Completion of Questions 27-39 is not required if response to Question 22 is No.**

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.
NONE PROVIDED

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).
NONE PROVIDED

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout). (Acre-feet)
NONE PROVIDED

29. Post-construction SMP Identification
Use the Post-construction SMP Identification section to identify the RR techniques (Area Reduction), RR techniques(Volume Reduction) and Standard SMPs with RRv Capacity that were used to reduce the Total WQv Required (#28).

Identify the SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use the Post-Construction SMP Identification section to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29. (acre-feet)
NONE PROVIDED

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28)?
NONE PROVIDED

If Yes, go to question 36. If No, go to question 32.

32. Provide the Minimum RRv required based on HSG. [Minimum RRv Required = (P) (0.95) (Ai) / 12, Ai=(s) (Aic)] (acre-feet)
NONE PROVIDED

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?
NONE PROVIDED

If Yes, go to question 33.
Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

33. SMPs
Use the Post-construction SMP Identification section to identify the Standard SMPs and, if applicable, the Alternative SMPs to be used to treat the remaining total WQv (=Total WQv Required in #28 - Total RRv Provided in #30).

Also, provide the total impervious area that contributes runoff to each practice selected.

NOTE: Use the Post-construction SMP Identification section to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question #29. (acre-feet)
NONE PROVIDED

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).
NONE PROVIDED

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)?
NONE PROVIDED

If Yes, go to question 36.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv required and provided or select waiver (#36a), if applicable.

CPv Required (acre-feet)
NONE PROVIDED

CPv Provided (acre-feet)
NONE PROVIDED

36a. The need to provide channel protection has been waived because:
NONE PROVIDED

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (#37a), if applicable.

Overbank Flood Control Criteria (Qp)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

Total Extreme Flood Control Criteria (Qf)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

37a. The need to meet the Qp and Qf criteria has been waived because:
NONE PROVIDED

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?
NONE PROVIDED

If Yes, Identify the entity responsible for the long term Operation and Maintenance
NONE PROVIDED

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). (See question #32a) This space can also be used for other pertinent project information.
NONE PROVIDED

Post-Construction SMP Identification

Runoff Reduction (RR) Techniques, Standard Stormwater Management Practices (SMPs) and Alternative SMPs
Identify the Post-construction SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

RR Techniques (Area Reduction)

Round to the nearest tenth

Total Contributing Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Impervious Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Impervious Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

Total Contributing Impervious Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

Total Contributing Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

RR Techniques (Volume Reduction)

Total Contributing Impervious Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

Total Contributing Impervious Acres for Vegetated Swale (RR-5)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Garden (RR-6)
NONE PROVIDED

Total Contributing Impervious Acres for Stormwater Planter (RR-7)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Barrel/Cistern (RR-8)
NONE PROVIDED

Total Contributing Impervious Acres for Porous Pavement (RR-9)
NONE PROVIDED

Total Contributing Impervious Acres for Green Roof (RR-10)
NONE PROVIDED

Standard SMPs with RRv Capacity

Total Contributing Impervious Acres for Infiltration Trench (I-1)
NONE PROVIDED

Total Contributing Impervious Acres for Infiltration Basin (I-2)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Well (I-3)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Infiltration System (I-4)
NONE PROVIDED

Total Contributing Impervious Acres for Bioretention (F-5)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Swale (O-1)
NONE PROVIDED

Standard SMPs

Total Contributing Impervious Acres for Micropool Extended Detention (P-1)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Pond (P-2)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Extended Detention (P-3)
NONE PROVIDED

Total Contributing Impervious Acres for Multiple Pond System (P-4)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Pond (P-5)
NONE PROVIDED

Total Contributing Impervious Acres for Surface Sand Filter (F-1)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Sand Filter (F-2)
NONE PROVIDED

Total Contributing Impervious Acres for Perimeter Sand Filter (F-3)
NONE PROVIDED

Total Contributing Impervious Acres for Organic Filter (F-4)
NONE PROVIDED

Total Contributing Impervious Acres for Shallow Wetland (W-1)
NONE PROVIDED

Total Contributing Impervious Acres for Extended Detention Wetland (W-2)
NONE PROVIDED

Total Contributing Impervious Acres for Pond/Wetland System (W-3)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Wetland (W-4)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Swale (O-2)
NONE PROVIDED

Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Total Contributing Impervious Area for Hydrodynamic
NONE PROVIDED

Total Contributing Impervious Area for Wet Vault
NONE PROVIDED

Total Contributing Impervious Area for Media Filter
NONE PROVIDED

"Other" Alternative SMP?
NONE PROVIDED

Total Contributing Impervious Area for "Other"
NONE PROVIDED

Provide the name and manufaturer of the alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

Manufacturer of Alternative SMP
NONE PROVIDED

Name of Alternative SMP
NONE PROVIDED

Other Permits

40. Identify other DEC permits, existing and new, that are required for this project/facility.
None

If SPDES Multi-Sector GP, then give permit ID
NONE PROVIDED

If Other, then identify
NONE PROVIDED

41. Does this project require a US Army Corps of Engineers Wetland Permit?
No

If "Yes," then indicate Size of Impact, in acres, to the nearest tenth
NONE PROVIDED

42. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.
NONE PROVIDED

MS4 SWPPP Acceptance

43. Is this project subject to the requirements of a regulated, traditional land use control MS4?
Yes - Please attach the MS4 Acceptance form below

If No, skip question 44

44. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?
NONE PROVIDED

MS4 SWPPP Acceptance Form Download
Download form from the link below. Complete, sign, and upload.
MS4 SWPPP Acceptance Form

MS4 Acceptance Form Upload
NONE PROVIDED
Comment
NONE PROVIDED

Owner/Operator Certification

Owner/Operator Certification Form Download
Download the certification form by clicking the link below. Complete, sign, scan, and upload the form.
Owner/Operator Certification Form (PDF, 45KB)

Upload Owner/Operator Certification Form
NONE PROVIDED
Comment
NONE PROVIDED

Status History

	User	Processing Status
12/8/2020 3:43:46 PM	Lauren Sherman	Draft

Processing Steps

Step Name	Assigned To/Completed By	Date Completed
Form Submitted		

Step Name	Assigned To/Completed By	Date Completed
Under Review	DAVID GASPER	

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Owner/Operator Certification Form

SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-20-001)

Project/Site Name: First Prize Center Site

eNOI Submission Number: HP4-VQ7T-MQKZA

eNOI Submitted by: ☐ **Owner/Operator** ☑ **SWPPP Preparer** ☐ **Other**

Certification Statement - Owner/Operator

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Owner/Operator First Name M.I. Last Name

_____

Signature

_____

Date

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form

for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information	
1. Owner/Operator Name:	First Prize Development Partners, LLC
2. Contact Person:	Michael Arcangel
3. Street Address:	8 Paddocks Circle
4. City/State/Zip:	Saratoga Springs, NY 12866
II. Project Site Information	
5. Project/Site Name:	First Prize Center Site
6. Street Address:	68 Exchange Street
7. City/State/Zip:	Albany, NY 12205
III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information	
8. SWPPP Reviewed by:	
9. Title/Position:	
10. Date Final SWPPP Reviewed and Accepted:	
IV. Regulated MS4 Information	
11. Name of MS4:	Town of Colonie/City of Albany
12. MS4 SPDES Permit Identification Number: NYR20A	
13. Contact Person:	
14. Street Address:	
15. City/State/Zip:	
16. Telephone Number:	

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information

(NYS DEC - MS4 SWPPP Acceptance Form - January 2015)

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges From Construction Activity (GP-0-20-001)

Project Site Information

Project/Site Name

First Prize Center Site

Owner/Operator Information

Owner/Operator (Company Name/Private Owner/Municipality Name)

First Prize Development Partners, LLC

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-20-001. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Lauren	J	Sherman
First name	MI	Last Name

Signature

Date

Revised: January 2020

APPENDIX D

SWPPP Inspection Forms

Field Inspection Report: SPDES GP-0-20-001

Project Name: First Prize Center Site CTM Proj. #: 17.7536

Date: _____ Time: _____ Inspector/ Title _____

Weather During Inspection _____ Rain: _____

Previous 24 hours: _____ Rain: _____

Site Soil Conditions: _____

Description of Run off at Discharge Points _____

Erosion and Sediment Control Features: **(Refer to Map for Location)**

	Condition	Corrective Action Required
Temporary ESCs:		
Silt Fence		
Road Sweeping / Offsite		
Construction Entrance(s)		
Compost Fiber Roll		
Permanent Measures:		
Other:		

Field Inspection Report: SPDES GP-0-20-001

Description of Disturbed Area:	
Description of Stabilized Areas:	
Areas that Require Stabilization:	

Permanent Stormwater Management Practices:	
N/A	

Practices not in conformance with SWPPP:

Repairs Required:

Improvements Since Last Visit:

Signature of Qualified Inspector:

Date Inspection Mailed to Owner/Contractor:

Signature of Owner (if required):

APPENDIX E

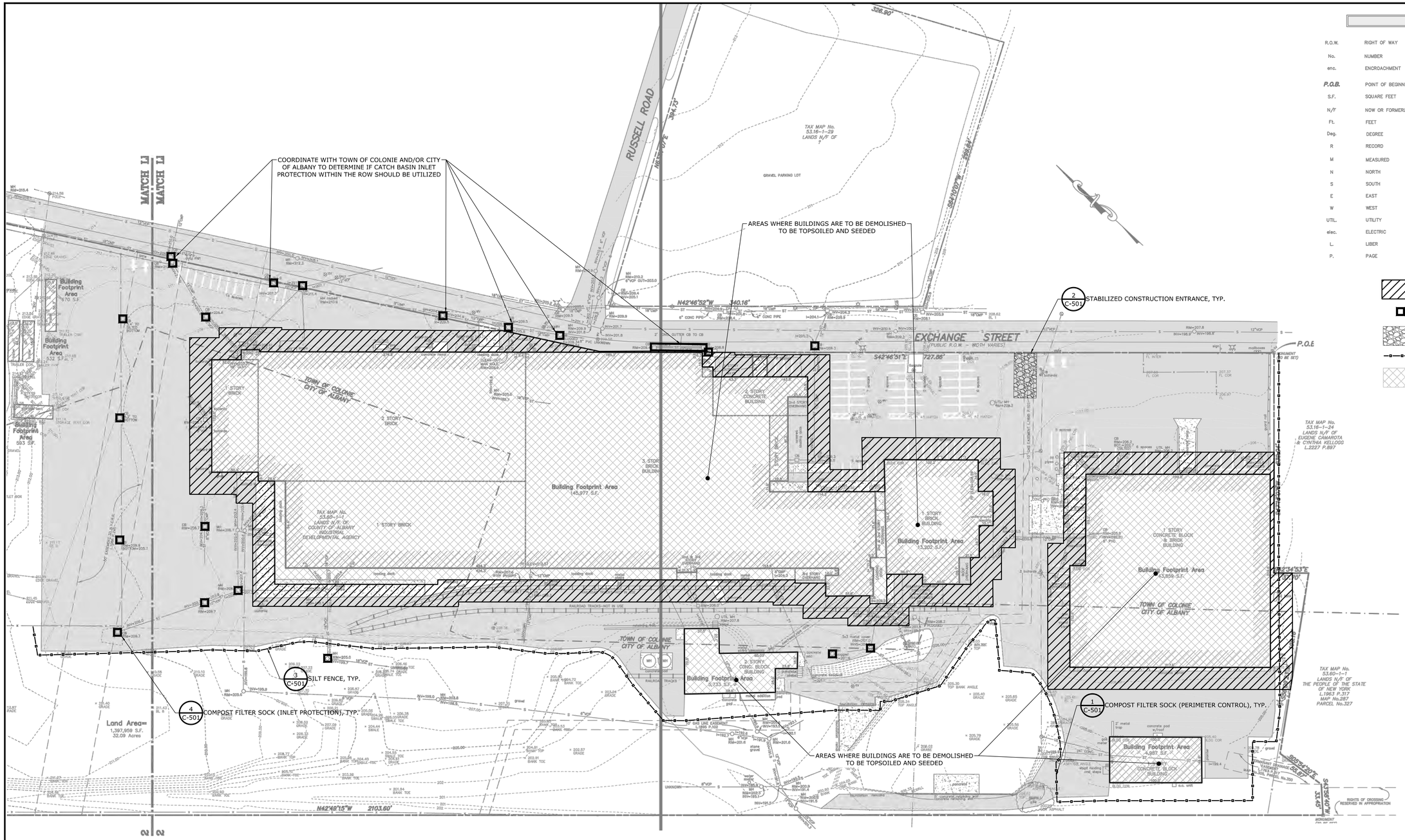
Erosion and Sediment Control Plan & Details

XREFS: NONE

PROJECT NUMBER: 17.7536

CAD DWG. FILE NAME: ESC Plan.dwg

CAD DWG. FILE NAME: K:\Projects\17753\6\Civil\Drawings and Maps\ESC Plan.dwg



LEGEND

R.O.W.	RIGHT OF WAY		HYDRANT
No.	NUMBER		MONUMENT (TO BE SET)
enc.	ENCROACHMENT	MH	MANHOLE
P.O.B.	POINT OF BEGINNING		CATCHBASIN
S.F.	SQUARE FEET		SIGN
N/F	NOW OR FORMERLY		BOLLARD
Ft.	FEET		FENCE LINE
Deg.	DEGREE		GUARD RAIL
R	RECORD	ST	STORM SEWER
M	MEASURED	UE	UNDERGROUND ELECTRIC
N	NORTH		OVERHEAD WIRE, UTILITY POLE & GUY WIRE
S	SOUTH		TRAFFIC FLOW ACCESS AREA
E	EAST	WV	WATER VALVE
W	WEST	GV	GAS VALVE
UTIL.	UTILITY		LIGHT POLE
elec.	ELECTRIC		CONCRETE
L.	LIBER		PAVEMENT
P.	PAGE		

AREA WHERE CATCH BASINS ARE TO BE COVERED WITH METAL PLATES OR PLYWOOD

CATCH BASIN INLET PROTECTION

STABILIZED CONSTRUCTION ENTRANCE

COMPOST FILTER SOCK/SILT FENCE

BUILDINGS TO BE DEMOLISHED

MAP REFERENCE:

1. "MAP SHOWING LOCATION OF BUILDINGS AND IMPROVEMENTS WITH REFERENCE TO PROPERTY LINES OF FIRST PRIZE CENTER EXCHANGE STREET', CITY OF ALBANY, COUNTY OF ALBANY, STATE OF NEW YORK, PREPARED BY HERSHBERG & HERSHBERG, DATED 11/20/00, SHEET 1 OF 2, SHEET 2 OF 2, MAP NO. 000426.

BAR SCALE
50 0 25 50 100
1 inch = 50 ft.

EROSION AND SEDIMENT CONTROL SEQUENCING NOTES:

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE(S).
2. INSTALL SILT FENCE AND/OR COMPOST FILTER SOCK ALONG DOWNHILL SIDE OF AREAS TO BE DISTURBED (PERIMETER CONTROLS). IN AREAS CROSSING PAVEMENT, USE COMPOST FILTER SOCK IN LIEU OF SILT FENCING.
3. CATCH BASINS WITHIN 24 FEET OF BUILDING(S) TO BE DEMOLISHED TO BE COVERED WITH STEEL PLATE(S) OR PLYWOOD (UNLESS OTHERWISE SHOWN - REFER TO HATCHED AREAS ON PLAN) IN ORDER TO PROTECT INLETS FROM DEMOLITION DEBRIS.
4. INSTALL INLET PROTECTION ON OTHER CATCH BASINS WITHIN PROJECT AREA (REFER TO PLAN).
5. DEMOLISH BUILDINGS, AS INDICATED ON PLANS.
6. REMOVE BUILDING FOUNDATIONS, BACKFILL AND STABILIZE SURFACE WITH TOPSOIL AND SEED.
7. REMOVE TEMPORARY ESC PRACTICES ONCE ALL DISTURBED, UPLAND AREAS HAVE BEEN STABILIZED (I.E., ALL PERVIOUS DISTURBED AREAS HAVE ACHIEVED AT LEAST 80% VEGETATIVE COVER).

STATE OF NEW YORK
LAUREN J. SHERMAN
LICENSED
090765
PROFESSIONAL ENGINEER

DATE		REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				

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DESIGNED: LJS
DRAFTED : AJB/LJS
CHECKED : LJS
PROJ. NO : 17.7536
SCALE : 1"=50'
DATE : DEC. 17, 2020

EROSION AND SEDIMENT CONTROL PLAN

FIRST PRIZE CENTER EXCHANGE STREET

TOWN OF COLONIE/CITY OF ALBANY — ALBANY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
www.ctmalle.com

C-101
SHEET 1 OF 2
DWG. NO: 20-XXXX

GENERAL NOTES:

1. BEFORE UNDERTAKING ANY CONSTRUCTION ACTIVITY, ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH SITE WORK THAT INVOLVES PHYSICAL GROUND DISTURBANCE ON THE PROJECT SITE SHALL SIGN AND DATE A COPY OF THE CERTIFICATION STATEMENT, WHICH IS LOCATED IN THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) ATTACHMENT, PREPARED FOR THIS PROJECT.
2. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL CONFORM TO THE "NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL", MOST RECENT EDITION, AND ANY ADDENDA THERETO.
3. THE SEDIMENT CONTROL MEASURES DETAILED IN THESE PLANS SHALL BE IN PLACE PRIOR TO THE START OF EACH CONSTRUCTION PHASE. ONCE CONSTRUCTED, ALL MEASURES SHALL BE PROPERLY MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD, AND THEN REMOVED FROM THE SITE ONCE THE SITE IS STABILIZED.
4. AFTER THE START OF CONSTRUCTION, SITE SWPPP INSPECTIONS SHALL BE CONDUCTED AT LEAST ONCE EVERY (7) CALENDAR DAYS.
5. BASED ON THE WEEKLY SITE SWPPP INSPECTIONS, THE EROSION AND SEDIMENT CONTROL MEASURES IDENTIFIED IN THE SWPPP MAY BE REVISED AS SITE CONDITIONS WARRANT. THE CONTRACTOR SHALL IMPLEMENT THESE CHANGES AS SOON AS PRACTICABLE.
6. THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED BY THE CONTRACTOR UNTIL THE FINAL SURFACE TREATMENT HAS BEEN INSTALLED AND VEGETATED AREAS HAVE ESTABLISHED 80% COVERAGE. AFTER THE VEGETATED AREAS HAVE BEEN STABILIZED WITH AT LEAST 80% VEGETATIVE COVER, AS DETERMINED BY THE ENGINEER, THE OWNER SHALL ASSUME RESPONSIBILITY FOR MAINTAINING THE EROSION AND SEDIMENT CONTROL SYSTEM(S).
7. THE EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE CONTRACT DOCUMENTS WILL NEED TO BE SUPPLEMENTED WITH INTERIM MEASURES PRIOR TO ACHIEVING FINAL GRADES. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN INTERIM EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED TO CONTROL EROSION AND SEDIMENTATION THROUGHOUT THE DURATION OF CONSTRUCTION. THE DETAILS AND EXTENT OF THESE MEASURES ARE HIGHLY DEPENDENT ON THE CONTRACTORS MEANS AND METHODS AND THEREFORE NOT DETAILED ON THESE PLANS. THE COSTS ASSOCIATED WITH INSTALLING AND MAINTAINING THESE INTERIM MEASURES SHALL BE INCLUDED IN THE CONTRACTORS BID.
8. CONSTRUCTION ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCING NOTES.
9. OUTSIDE THE GROWING SEASON, OTHER METHODS OF SOIL STABILIZATION (SUCH AS THE USE OF JUTE MESH AND EXCELSIOR MATTING) SHALL BE USED UNTIL SUCH TIME AS VEGETATIVE COVER CAN BE ESTABLISHED.
10. EXISTING VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE. SITE WORK ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISTURBANCE. REMOVAL OF WOODY VEGETATION SHALL BE KEPT TO THE MINIMUM EXTENT PRACTICABLE.

STABILIZED CONSTRUCTION ENTRANCE NOTES:

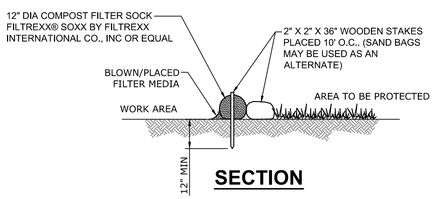
1. STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED WHERE NECESSARY TO PREVENT SEDIMENT FROM BEING TRACKED ONTO ROADWAYS.
2. PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "ROUTES OF CONVENIENCE" SHALL BE AVOIDED. CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES, AND SHALL NOT OPERATE UNNECESSARILY WITHIN WATERWAYS OR DRAINAGE DITCHES.
3. IF INTERNAL CONSTRUCTION ROADS ARE DETERMINED TO BE A SOURCE OF SEDIMENT-LADEN RUNOFF TO SENSITIVE AREAS, THEY SHALL BE STABILIZED AS SOON AS PRACTICABLE.

SEEDING & MULCHING NOTES:

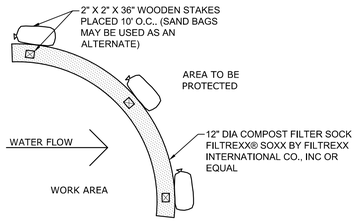
1. TEMPORARY STABILIZATION MEASURES SHALL START AS SOON AS PRACTICAL ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT NOT MORE THAN (7) DAYS AFTER WORK HAS CEASED. ACCEPTABLE TEMPORARY STABILIZATION MEASURES INCLUDE, BUT MAY NOT BE LIMITED TO SEEDING MULCH, STRAW, EROSION CONTROL BLANKETS, SOIL STABILIZING EMULSION PRODUCTS, OR SOME FUNCTIONALLY EQUIVALENT MEASURE. TEMPORARY SEEDING SHALL BE ANNUAL RYE GRASS, APPLIED AT A RATE OF 30 LBS./ACRE.
2. TEMPORARY EROSION CONTROL PROTECTION BY MULCHING SHALL BE CARRIED OUT WITHIN (7) DAYS OF THE FILL GRADE BEING FINALIZED TO AVOID POSSIBLE CONTAMINATION OF PONDS, STREAMS, OR OTHER WATERCOURSES. PLACEMENT OF JUTE MESH OR EROSION CONTROL BLANKETS OVER THE MULCH IS RECOMMENDED TO PROVIDE POSITIVE "TACKING" OF THE MULCH AND INCREASED PROTECTION AGAINST EROSION.

INLET PROTECTION NOTES:

1. ALL CATCH BASINS WITHIN 24 FEET OF A BUILDING BEING DEMOLISHED, AS DENOTED BY THE HATCH ON THE PLANS, SHALL BE COVERED BY STEEL PLATES
2. INLET PROTECTION SHALL BE INSTALLED ON ALL OTHER CATCH BASINS RECEIVING FLOW DURING THE PROJECT.



SECTION

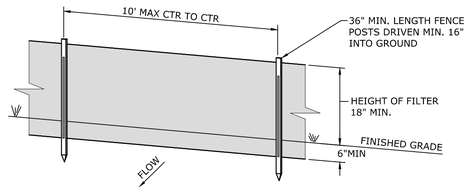


PLAN

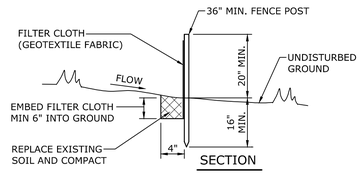
NOTE:

1. FILL COMPOST FILTER SOCK WITH FILTER MEDIA APPROVED BY NYSDEC FOR THIS APPLICATION.
2. WHEN USING COMPOST FILTER SOCKS ADJACENT TO SURFACE WATER, THE COMPOST SHOULD HAVE A LOW NUTRIENT VALUE

1 / C-501 — **COMPOST FILTER SOCK (PERIMETER CONTROLS)**
SCALE: NONE
CROSS REFERENCE: C-101



PERSPECTIVE VIEW

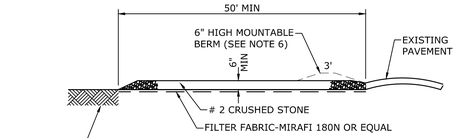


SECTION

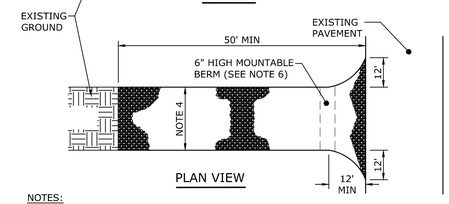
NOTES:

1. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH SHALL BE FASTENED SECURELY TO POSTS.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6", FOLDED AND STAPLED.
4. FILTER CLOTH SHALL BE MIRAFI 100X OR APPROVED EQUAL.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL SHALL BE REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE. WHEN THE ACCUMULATED SEDIMENT REACHES 30% OF THE SILT FENCE HEIGHT, THE SEDIMENT SHALL BE REMOVED AND DISPOSED OF IN AN APPROPRIATE UPLAND AREA.
6. PREFABRICATED UNITS SHALL BE MIRAFI SILT FENCE, MIRAFI ENVIROFENCE OR APPROVED EQUIVALENT.

3 / C-501 — **STANDARD SILT FENCE**
SCALE: NONE
CROSS REFERENCE: C-101



PROFILE

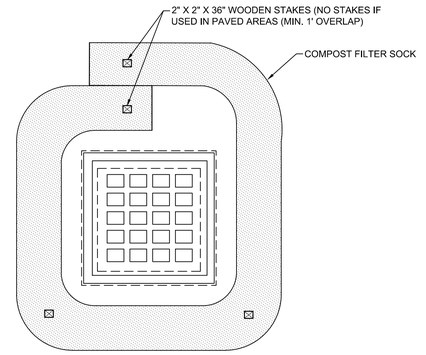


PLAN VIEW

NOTES:

1. USE NYSDOT #2 STONE, RECLAIMED, OR RECYCLED CONCRETE OR APPROVED EQUAL.
2. THE LENGTH SHALL NOT BE LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. CRUSHED STONE SHALL BE MAINTAINED AT A MINIMUM OF 6" IN DEPTH.
4. ENTRANCE SHALL HAVE A 12 FOOT MINIMUM WIDTH, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. ENTRANCE SHALL BE AT LEAST 24 FEET WIDE IF SINGLE ENTRANCE TO SITE.
5. GEOTEXTILE SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACING OF STONE.
6. ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS NOT PRACTICAL, A MOUNTABLE BERM WITH 1:5 SLOPES WILL BE PERMITTED.
7. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

2 / C-501 — **STABILIZED CONSTRUCTION ENTRANCE DETAIL**
SCALE: NONE
CROSS REFERENCE: C-101



NOTE:

1. FILL COMPOST FILTER SOCK WITH FILTER MEDIA APPROVED BY NYSDEC FOR THIS APPLICATION.

4 / C-501 — **COMPOST FILTER SOCK (INLET PROTECTION)**
SCALE: NONE
CROSS REFERENCE: C-101

DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
	1			
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STATE OF NEW YORK — LAUREN J. SHERMAN — 090765 — LICENSED PROFESSIONAL ENGINEER

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DESIGNED: LJS
DRAFTED : AJB
CHECKED : LJS
PROJ. NO : 17.7536
SCALE : N.T.S.
DATE : DEC. 8, 2020

EROSION AND SEDIMENT CONTROL NOTES AND DETAILS

FIRST PRIZE CENTER
EXCHANGE STREET

TOWN OF COLONIE/CITY IF ALBANY — ALBANY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
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COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
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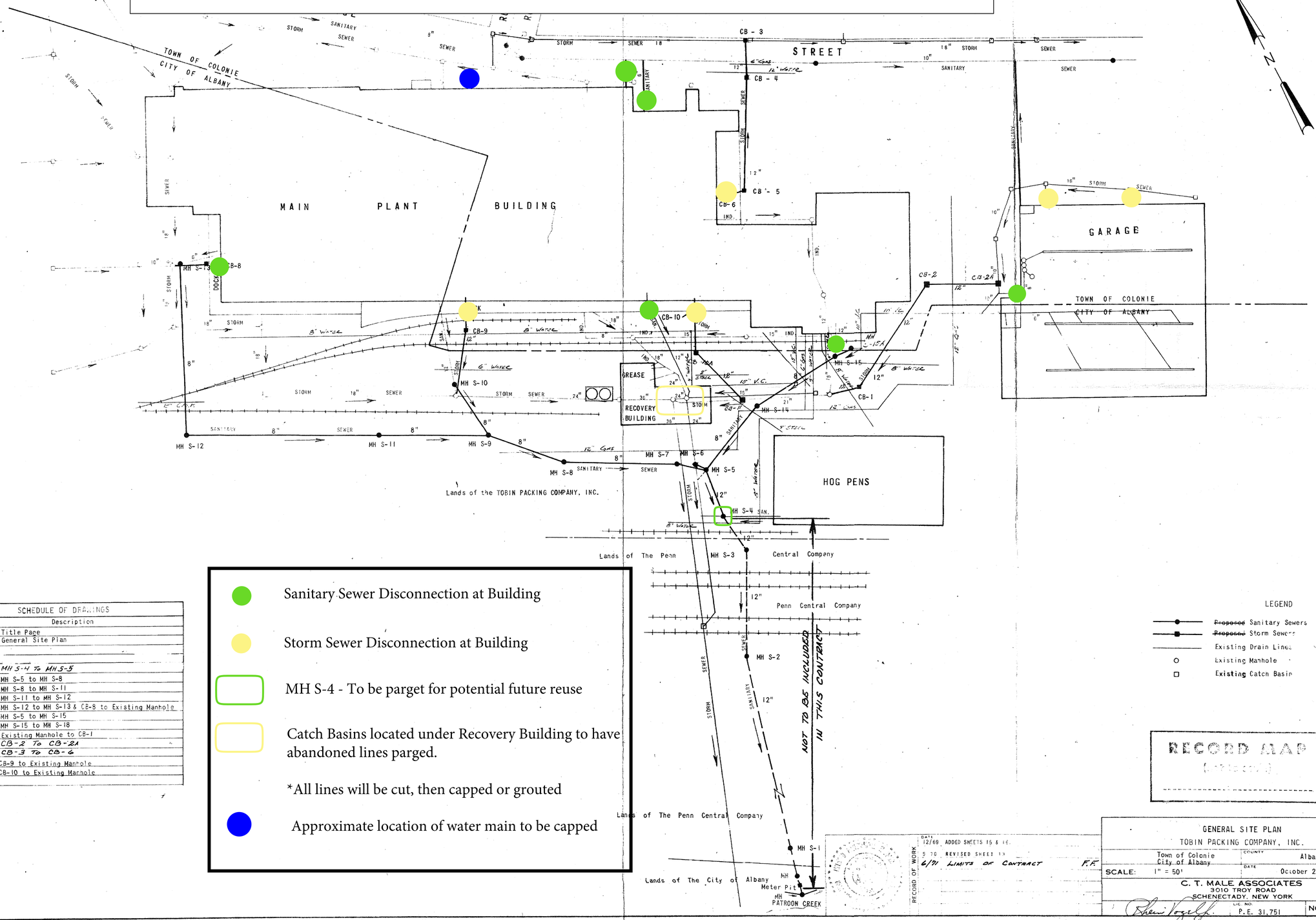
C-501
SHEET 2 OF 2
DWG. NO: 20-XXXX

CAD DWG. FILE NAME: K:\Projects\17753\6\Civil\Drawings and Maps\Notes and Details.dwg

CAD DWG. FILE NAME: Notes and Details.dwg

EXHIBIT 6: UTILITY DISCONNECT PLAN

Storm and Sanitary Sewer Disconnection Plan to Enable Demolition



SCHEDULE OF DRAWINGS	
Sheet	Description
1	Title Page
2	General Site Plan
3	MH S-4 To MH S-5
4	MH S-5 to MH S-8
5	MH S-8 to MH S-11
6	MH S-11 to MH S-12
7	MH S-12 to MH S-13 & CB-8 to Existing Manhole
8	MH S-5 to MH S-15
9	MH S-15 to MH S-18
10	Existing Manhole to CB-1
11	CB-2 To CB-2A
12	CB-3 To CB-6
13	CB-9 to Existing Manhole
14	CB-10 to Existing Manhole

Sanitary Sewer Disconnection at Building

Storm Sewer Disconnection at Building

MH S-4 - To be parget for potential future reuse

Catch Basins located under Recovery Building to have abandoned lines parged.

*All lines will be cut, then capped or grouted

Approximate location of water main to be capped

LEGEND

- ~~Proposed~~ Sanitary Sewers
- ~~Proposed~~ Storm Sewers
- Existing Drain Lines
- Existing Manhole
- Existing Catch Basin

RECORD MAP

RECORD OF WORK

DATE	
12/69	ADDED SHEETS 15 & 16.
5 70	REVISED SHEET 1
6/71	LIMITS OF CONTRACT F.F.

GENERAL SITE PLAN
TOBIN PACKING COMPANY, INC.

Town of Colonie
City of Albany

COUNTY Albany, N.Y.

SCALE: 1" = 50'

DATE October 27, 1971

C. T. MALE ASSOCIATES
3010 TROY ROAD
SCHENECTADY, NEW YORK

LIC. NO. P.E. 31,751

NO. 71-307

EXHIBIT 7: PROPOSED DETOUR

Proposed Detour

High-Rise Demolition

Legend

First Prize - Main Building



EXHIBIT 8: PROPOSED SCHEDULE

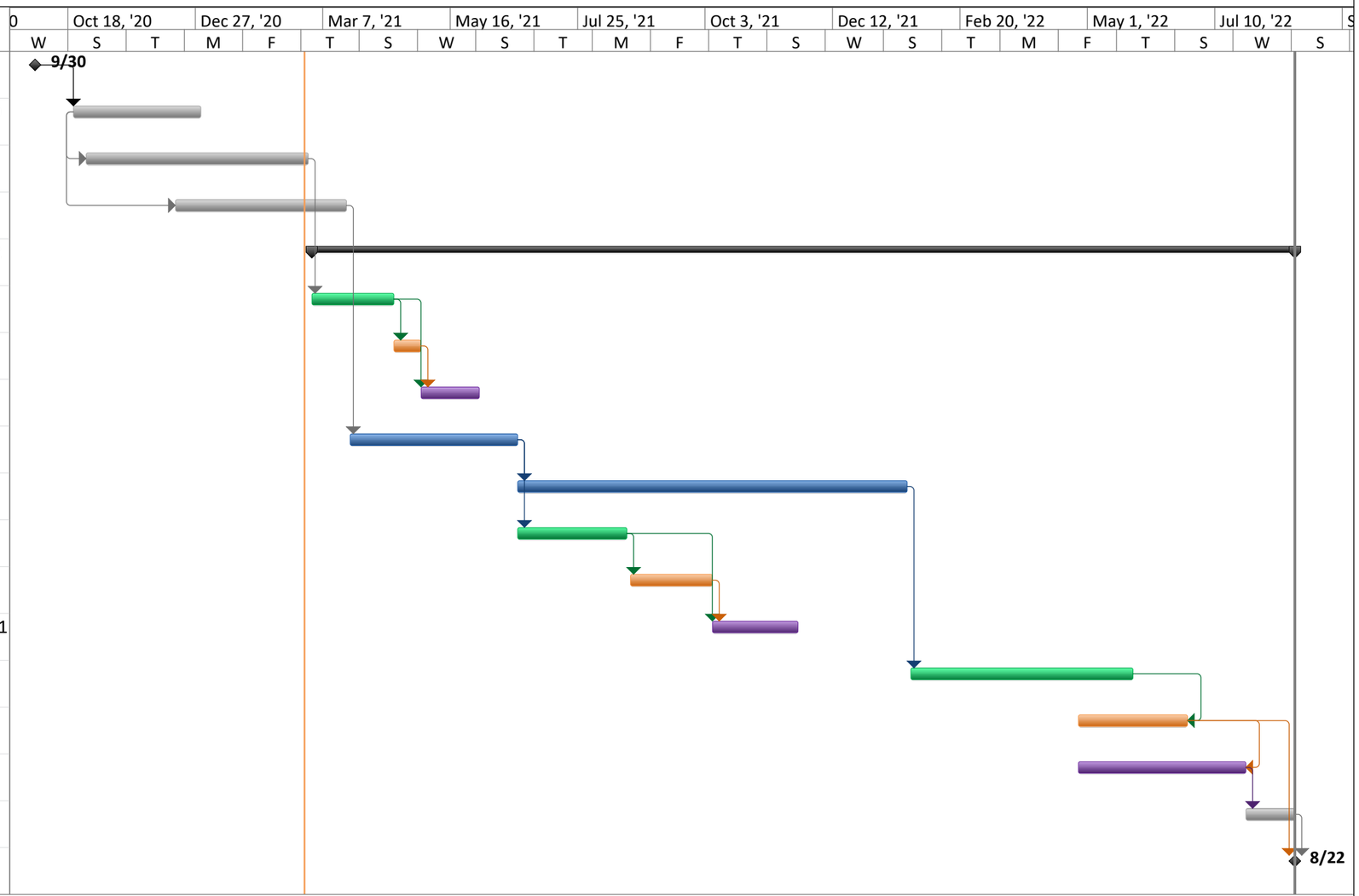
JACKSON DEMOLITION SERVICE, INC.

Project Schedule

First Prize Center - Albany, NY

2/1/21

ID	Task Name	Duration	Start	Finish
1	Contract Execution	0 days	Wed 9/30/20	Wed 9/30/20
2	Permits, Submittals, Etc	50 days	Wed 10/21/20	Tue 12/29/20
3	Utility Disconnects	88 days	Wed 10/28/20	Fri 2/26/21
4	Variance	68 days	Wed 12/16/20	Fri 3/19/21
5	**Demo of Facility**	**386 days**	**Mon 3/1/21**	**Mon 8/22/22**
6	Demolition of Garage/Outbuildings	33 days	Mon 3/1/21	Wed 4/14/21
7	Remove foundations Outbuildings	11 days	Thu 4/15/21	Thu 4/29/21
8	Crush Out Buildings	22 days	Fri 4/30/21	Mon 5/31/21
9	Int Strip Out / ACM - Low Rise	66 days	Mon 3/22/21	Mon 6/21/21
10	Int Strip Out / ACM - High Rise	154 days	Tue 6/22/21	Fri 1/21/22
11	Demolition of Low Rise	44 days	Tue 6/22/21	Fri 8/20/21
12	Remove Foundations - Low Rise	33 days	Mon 8/23/21	Wed 10/6/21
13	Crush Low Rise Material	33 days	Thu 10/7/21	Mon 11/22/21
14	Demolition of High Rise	88 days	Mon 1/24/22	Wed 5/25/22
15	Remove Foundations - High Rise	44 days	Tue 4/26/22	Fri 6/24/22
16	Crush High Rise Material	66 days	Tue 4/26/22	Tue 7/26/22
17	Demobilization	19 days	Wed 7/27/22	Mon 8/22/22
18	Project Completion	0 days	Mon 8/22/22	Mon 8/22/22



Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Progress	
Milestone		External Milestone		Manual Task		Start-only			
Summary		Inactive Task		Duration-only		Finish-only			

Exhibit 3

Operation Work Plan – Out Buildings

397 Anthony Street
Schenectady, NY 12308
(518)-374-3366 Fax (518)-372-1116

www.jacksondemolition.com

Operations Work Plan – Out Buildings

First Prize Center BCP Site (C401076)

68 Exchange Street

City of Albany and Town of Colonie, Albany County

May 11, 2021

Introduction

Jackson Demolition Service, Inc. (JDS) has been awarded the contract for the asbestos abatement and demolition of the former Tobin's First Prize facility. This includes four (4) separate outbuilding structures identified as Buildings 1, 2a/2b, 3, and 5. Please see **Exhibit 1 – Site Layout** attached for the locations of the outbuildings.

This Operations Work Plan (OWP) has been prepared in response to the January 6, 2021 letter and April 26, 2021 Comments on Various Projects Documents from the New York State (NYS) Department of Environmental Conservation (DEC), see **Exhibit 2**. This plan is intended to provide a general description of each building, further detail regarding the physical demolition of the buildings, the handing of the demolition materials, the decontamination of equipment, and the final cleanup of the site surface. Further detail is also provided regarding the following comments:

a. If and how metal or other materials will be decontaminated onsite prior to disposal;
b. If and how demolition debris and other waste materials will be staged, stored, stockpiled, loaded for disposal and disposed of;
c. How and where equipment decontamination will be done and how decontamination fluids and materials will be collected and disposed of;
d. How breaks in concrete foundation slabs will be properly cleaned after the buildings are razed;

e. If and which demolition waste materials are being considered for onsite reuse;
f. Estimated duration of demolition for each building;
g. Potential street closure plans; and
h. Sequence of demolition of the buildings.

Demolition of the smaller Site buildings (buildings 1, 2a/2b, 3 and 5) will be performed as Controlled Demolition with Non-Friable asbestos containing materials (ACM) in place and subject to the requirements of NYS Department of Labor (DOL) 12 NYCRR Part 56 (Code Rule 56) and approved DOL site specific variance File No. 20-1371 (SSV 20-1371) – See **Exhibit 3 – SSV 20-1371**. It will also be completed in accordance with applicable New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH) regulation and guidance. This variance allows the smaller Site buildings to be demolished with non-friable ACM remaining in place in a controlled and prescribed manner. Additionally, work areas and perimeter air monitoring will be performed during the demolition work around the work areas in accordance with Code Rule 56 and the approved variance. A similar variance(s) is also being requested as related to the abatement and demolition of the Main Site Building.

Outbuilding Background/Building Construction

Building 1

Building 1 is connected to and located on the far eastern site of the Main Building.

Building 1 was most recently used as a garage for vehicle repair and material storage. Its construction is slab on grade and is approximately 13,202 SF. The exterior load-bearing walls are approximately 16'-0" in height and are constructed of brick. The roof structure is domed and consists of wood trusses, with wood purlins, and a wooden deck. The roofing membrane is built-up rolled roofing. The interior partitions are wood framed and are non-load bearing walls.

A pre-demolition asbestos survey was conducted on Building 1. The materials identified as ACM include approximately 6,600 SF of Category I – non-friable built-up roofing and flashing, 36 SF of Category II – non-friable window glazing, and 3 SF of Category 1 - exterior white stucco caulking.

Building 2

Building 2a/2b is situated on the northeast corner of the project site. It was most recently used as a garage for vehicle repair and material storage. Building 2a, the northern side of the structure,

is approximately 21,150 square feet (SF). The building is slab on grade construction. The exterior load-bearing walls are approximately 16'-0" in height and are constructed of brick. The roof structure is domed and consists of wood trusses, with wood purlins, and a wooden deck. The roofing membrane is built-up rolled roofing. The interior partitions are wood framed and are non-load bearing walls.

A pre-demolition asbestos survey was conducted on Building 2a. The materials identified as ACM include approximately 20,000 SF of Category I – non-friable built-up roofing.

Building 2b, the southern side of the structure, is approximately 22,709 SF. The building is slab on grade construction. The exterior load-bearing walls are approximately 16'-0" in height and are constructed of brick. The roof structure is flat and consists of steel bar joists with a gypsum roof deck. The roofing membrane is built-up roofing. The building has one masonry load bearing wall located approximately 30'-0" north from the most southern exterior wall.

A pre-demolition asbestos survey was conducted on Building 2b. The materials identified as ACM include approximately 23,040 SF of Category I – non-friable built-up roofing and 1,960 SF of Category I non-friable roof flashing.

Buildings 2a and 2b will be combined into one work task for demolition. These two (2) structures will be referred to as Building 2 during the demolition phase of this project. The adjacent property to the east of Building 2 is 72 Exchange Street. This property is outside of the project work area but has two (2) accessory structures (garages) located approximately 10'-0" from Building 2a. After Building 2 has been razed a chain link fence will be installed to separate the project site from the adjacent property.

Building 3

Building 3 is situated on the southeast corner of the project site. It was most recently used as a garage, for vehicle and material storage, and as an office space. Building 3 is approximately 4,987 SF. The building is slab on grade construction. The exterior load-bearing walls are approximately 15'-0" in height and are constructed of concrete masonry unit (CMU) block. The roof structure is flat and most likely consists of wood trusses, with wood purlins, and a wooden deck. The roofing membrane is built-up roofing. The interior partitions are wood framed and are non-load bearing walls.

A pre-demolition asbestos survey was conducted on Building 3. The materials identified as ACM include approximately 600 SF of Category I – non-friable asphalt tar paper flashing material.

Building 5

Building 5 is situated in the middle of the property directly south of the Main Building. It was most recently used as a concrete plant and for storage, and historically as a wastewater treatment plant and in part as an incinerator. When the facility was operating, Building 5 was referred to as the Recovery Building. Building 5 is approximately 5,733 SF. The building is slab on grade construction. The exterior load-bearing walls are split level and are approximately 15'-0" in height on the eastern side and 25'-0" in height on the western side of the building. The exterior load-bearing walls are constructed of CMU block. The roof structure is flat and constructed with precast double-T concrete beams. The roofing membrane is built-up roofing. The interior partitions are CMU block and are load bearing in some locations.

A pre-demolition asbestos survey was conducted on Building 5. The materials identified as ACM include approximately 500 SF of Category I – non-friable tar roof patch material and 435 SF of Category I – non-friable built-up roofing.

Demolition Scope of Work for Outbuildings – 1, 2A/2B, 3, and 5

1) Install perimeter fencing along Exchange Street (completed) and the eastern border of the property (pending building 2a wall removal).
2) Obtain demolition permits from the designated municipality.
3) Obtain permits and/or approvals for the disconnection of water, storm, and sewer laterals for those applicable to building demolition.
4) Call Dig Safe 811 and record utility clearances from all providers.
5) Install best management practices (BMPs) as indicated in the project specific stormwater pollution prevention plan (SWPPP), which is attached hereto as **Exhibit 4.**
6) Isolate and disconnect water laterals.
7) Disconnect and cap all storm and sewer laterals as directed by the municipalities.
8) Perform rodent inspections (completed).
9) Obtain a site-specific variance (SSV) for asbestos abatement (obtained).
10) Submit 10-day United States (US) Environmental Protection Agency (EPA) notifications.
11) Submit 10-day NYSDOL asbestos notifications.

12) Collect all universal waste from the buildings to be demolished and removed from site for proper disposal.
13) Complete a pre-demolition engineering survey per US Occupational Safety and Health Administration (OSHA) 1926.850.
14) Provide traffic control as needed to facilitate demolition activities.
15) Complete the non-friable controlled demolition of the buildings per NYSDOL SSV 20-1371 and applicable sections of Code Rule 56 and amendments dated 1/5/21 and 4/26/21.
16) Disposal of debris generated during demolition.
17) Remove all slabs, foundation walls, piers, and footings.
18) Disturbed areas will be stabilized with either topsoil and seed, or hardwood mulch. Imported topsoil imported to the Site will be pre-approved by NYSDEC per DER-10 Section 5.4(e).

Pre-Demolition

The Site-Specific Health and Safety Plan developed for JDS personnel, site specific SWPPP, and this work plan will be reviewed with all JDS personnel and visitors coming on to the project site. A jobsite trailer will be setup and all visitors will need to sign in prior to entering work areas and sign out when exiting the work areas. COVID-19 protocols will be in place at all times enforcing social distancing and requiring masks if social distancing cannot be enforced. Employees and visitors will be screened and logged in accordance with US Center for Disease Control (CDC), NYS, and local guidelines.

JDS will obtain all required permits from the local municipalities. This generally consists of demolition permits, highway use permits, excavation permits, and utility disconnection permits. To date, a highway use permit along with utility disconnection permits are in place to perform the water, sanitary sewer, and storm sewer disconnections required along Exchange Street. The application for the demolition permit for the four outbuildings has been submitted and is awaiting verification of disconnection of utilities for approval.

JDS will comply with the site specific C.T. Male prepared SWPPP (**see Exhibit 4**) for the Site. Prior to performing any excavation or demolition activities, erosion and sediment controls (ESC) will be installed. Then, all necessary inspections will be performed by SWPPP trained staff, maintenance/repair of ESC's will take place as needed, and JDS will coordinate stabilization efforts of the disturbed areas with the owner. ESC's for the project site generally consist of the installation of construction entrances, catch basin inlet protection, and the installation of silt

fencing/silt socks along the southern and eastern portions of the project to prevent runoff from leaving the site.

Utilities to the outbuildings will be disconnected prior to starting demolition. These utilities include, electric, gas, water, sanitary sewer, storm sewer, communication lines, and any other utilities identified. Dig Safe 811 has been called and mark out services have been provided. This helps to ensure that the utilities are properly marked and that the jurisdictions are aware of the project and have an opportunity to locate their utilities. JDS has coordinated with the Town of Colonie and the City of Albany and disconnection plans for municipal utilities are in place. In general, the water, sanitary sewer, and storm lines will be disconnected approximately 5-10' outside of the building footprints and the sanitary and storm manholes that flow to the municipal systems will be targeted. The site owner has obtained work orders from National Grid and plans are in place for the disconnection of the electric and gas services. Communication lines feeding the outbuildings have been confirmed inactive and are ready for disconnection.

A pest inspection was performed on 12/8/2020 by Accurate Pest Control & Nuisance Wildlife encompassing all four outbuildings. No rodent activity was discovered in the buildings. However, 2 feral cats were observed in Building 2a.

A SSV for the project was approved by NYS DOL on 12/2/20 and has two amendments dated 1/5/21 and 4/26/21. This document is File Number 20-1371. Asbestos abatement for the outbuildings will be performed in accordance with Code Rule 56-11.5: Controlled Demolition Procedures and SSV 20-1371. Please reference **Exhibit 2** – NYS DOL SSV 20-1371 and amendments for additional information.

At least 10 days prior to performing ACM abatement or demolition activities, JDS will submit both the U.S. EPA Notification of Demolition and Renovation and the NYS DOL Asbestos Project Notifications for each of the three buildings. ACM abatement project postings will be placed on the buildings to be abated/demolished in accordance with Code Rule 56.

Prior to razing the outbuilding structures, JDS will remove all assumed universal wastes from each building. This includes, mercury bulbs, ballasts, switches, exit signs, paints, chemicals, cleaners and any other wastes encountered. The universal waste will be collected, properly containerized in 55- gallon drums and removed from the site for proper disposal.

Finally, prior to commencing demolition activities, JDS will perform a pre-demolition engineering survey for each building per OSHA 1926.850. The purpose of this survey is to familiarize the

demolition workers with the construction of each building, identify any potential hazards, confirm all necessary engineering controls are in place, and ensure the building is prepared for safe demolition activities. This survey will be performed by a JDS' competent person, as defined at OSHA 1926.850.

Demolition

Demolition of all four outbuildings will be performed in accordance with Code Rule 56 and SSV 20-1371. Since buildings 1, 2a/2b, 3, and 5 contain only Category I non-friable asbestos, no manual ACM abatement will be necessary prior to building demolition. The buildings will be demolished as a controlled demolition with the non-friable ACM in place. The entire controlled demolition area, inclusive of surrounding portions of the site to be utilized for demolition cleanup, staging areas, and regulated ACM abatement/demolition work areas, shall be enclosed within a barrier or fence. The barrier will consist of orange construction barrels and orange construction fencing, used in conjunction with site features and perimeter fencing where applicable. Only authorized personnel will be allowed to enter the controlled demolition area. Asbestos warning signs in accordance with the requirements of Code Rule 56-7.4(c): Signs shall be posted along the exterior of the controlled demolition boundary fence/barrier, along with red asbestos hazard ribbon, to warn the public of the asbestos hazard. The area inside the barrier is considered the regulated controlled demolition work area.

Procedures outlined in Code Rule 56-11.5: Controlled Demolition Procedures shall be adhered to, with the exception of those described in SSV 20-1371 and amendments. A remote decontamination unit will be utilized for the duration of the project. A decontamination area will be established for non-ACM debris and/or decontaminated materials. This area will be on the slab within the defined work area in the respective demolition area and/or immediately adjacent to the slab.

Dust will be suppressed by misting the building components with water utilizing a 1-1/2" fire hose during demolition. Once the razing is complete and the waste piles are established on the slab, the pile will be misted as necessary and covered with poly sheeting. Air monitoring will be performed in accordance the NYSDEC approved Community Air Monitoring Plan (CAMP) throughout the demolition activities.

Prior to starting demolition, all floor penetrations (i.e., floor drains, embedded trenches, floor grates, etc.) will be covered with plywood to prevent debris from entering. At the completion of the project this material will be disposed of as C&D. This is intended to prevent debris from entering the trenches. The drain lines to the building will be disconnected at the laterals outside of the building and capped, and drainage system outfalls within the buildings will be plugged.

Building demolition will take place in a methodical manner utilizing 60,000 – 80,000 pound (lb.) hydraulic excavators with grapple attachments. Demolition of the buildings will start from a side perpendicular to the roof framing. The buildings will be razed from the top down, bay by bay. The intent is to cripple the roof structure and place it on the building concrete pads below, while leaving the exterior masonry walls mainly intact throughout the majority of demolition. This process is intended to minimize comingling of debris and to contain dust-suppression water within the confines of the building pads. Where and when necessary, poly lined berms and/or trenches will be used to contain water within the regulated work area.

Demolition debris will be stored on the slabs of the outbuildings. Materials that can be decontaminated, which include metals and masonry (brick, CMU block, and concrete), will be sorted, separated, washed, and removed from the regulated work areas, after visual inspection by the 3rd party asbestos project monitor. C&D debris generated during demolition will be staged on the slabs, wetted and covered daily with 6 Mil poly sheeting to minimize dust migration, when weather permits.

The C&D debris will be loaded into 100 CY walking-floor or dump trailers using a hydraulic excavator with a grapple attachment and disposed of as non-friable C&D. Metal that has been properly decontaminated will be loaded into dump trailers and recycled. Trucks will enter and exit the site through designated construction entrances to prevent migration of dirt on to public roadways. To prevent traffic hazards, trucks will be staged on site. No road closures will be needed during the demolition of the outbuildings. All trucks will exit the site, turn right and head east on Exchange Street. From there they will turn right on to Everett road and merge onto I-90 off Everett Road.

Masonry walls will be demolished mechanically by pulling and/or pushing the walls outwards away from the building pad and decontaminated, to allow the material to be removed from the project boundary as non-ACM material. Alternative methods (i.e., pulling the wall into the slab) will be

employed for the demolition of the eastern wall of Building 2a/2b, as this wall abuts the Site's eastern property. The masonry debris will be stockpiled onsite and processed (crushed) at a later date in accordance with approvals from NYSDEC.

Once all the bulk debris has been cleared from the regulated work area, final cleaning of the pads will commence. Cleaning of the slabs will be done manually using, brooms, shovels, and hand tools. All breaks in the slabs will be cleaned to ensure visible debris is removed.

After the pad has been cleaned, equipment decontamination will be performed in the designated area. The equipment will be washed down with water to ensure no ACM materials leave the project boundary. Decon water will be collected on the building pads. If excess water exists at the end of the project, it will be collected, run through a 5-micron filter and discharged to the municipal sewer under a discharge permit or approval from the municipality.

After the building pad, and any breaks within the building pad, has been cleaned of all visible debris, the 3rd party asbestos project monitor will conduct a final visual inspection of the project area. Once the visual inspection has been completed, final air sampling will be conducted as outlined in SSV 20-1371. After satisfactory air sampling results have been received, the work area will be disassembled. All barrier components, used filters, and PPE will be properly disposed of.

At this point, the ACM abatement and above grade demolition will be complete at the respective buildings. The building foundations (slabs, walls, and footings) will remain in place until the site owner determines they can be removed and processed/crushed with other concrete and masonry material with approval from NYSDEC. Future onsite reuse of the crushed masonry material will be subject to NYSDEC regulations and approvals.

Once the site owner has determined the foundation can be removed, excavators with bucket attachments, hydraulic hammers, and concrete pulverizers will be used to excavate and demolish the foundations. Water from a 1-1/2" fire hose will be used for dust suppression while removing the foundations. Soils adhering to the foundations will be removed to the satisfaction of the Remediation Engineer's on-site construction observer. Any soils adhered to the concrete which exhibits field evidence (elevated organic vapors as measured with a photoionization detector [PID], discoloration, petroleum- and/or chemical-type odors) will be staged separately atop 12-mil

poly and covered for subsequent, cleaning or profiling for off-site disposal. Soils adhering to the foundations that do not exhibit field evidence of environmental impact will be allowed to return to the excavation form which they were derived. First the slabs will be excavated, downsized to approximately 2'x2', and stockpiled adjacent to the building pads. This will generally be done using a bucket. Next, the foundation walls will be removed in a similar manner. The foundation walls and footings will be downsized to approximately 2'x2' sections using a hydraulic hammer attachment or pulverizer. As the concrete is being excavated, downsized and stockpiled, a pulverizer or similar excavator attachment will be used to remove large pieces of rebar protruding from the concrete. The masonry debris will be stockpiled on-site to be processed (crushed) at a later date, following approval from NYSDEC. Once approval has been granted, a mobile jaw crusher will then be deployed to the site. The crusher will be loaded with the downsized concrete employing an excavator with a bucket attachment. The material will be processed (crushed) to a 4" minus size. A stacker will be used to convey the crushed concrete away from the crusher and the material will be stockpile on, or adjacent to, the building footprints, as directed by the site owner.

Post-Demolition

Prior to leaving each individual work area, a rough grade of the building pad will be performed followed by stabilization per the SWPPP using either topsoil and seed or hardwood mulch. Imported topsoil to the Site will be pre-approved by NYSDEC per DER-10 Section 5.4 (e).

Sequence of Demolition and Proposed Durations

- Building 1 – TBD
- Building 2 – 20 Days demo, 15 days foundation removal (at a later date).
- Building 3 – 5 Days Demo, 5 days foundation removal (at a later date).
- Building 5 – 7 Days demo, 7 Days foundation removal (at a later date).
- Crushing operations will occur almost daily once commenced until the project is complete.

List of Attached Exhibits

Exhibit 1 – Site Layout
Exhibit 2 – January 6, 2021 NYSDEC Comment Letter
Exhibit 3 – SSV 20 – 1371 w/amendments
Exhibit 4 – SWPPP

EXHIBIT 1
SITE LAYOUT



0 50 100 200 FT

1 inch = 100 feet

First Prize Center

Town of Colonie / City of Albany — Albany County, NY

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110
518.786.7400 | FAX 518.786.7299

Project Number: 17.7536
Data Source: NYSGIS Clearinghouse
Projection: State Plane NAD83 NYE (feet)
Date: November 30, 2018
File: FirstPrizeCenter11x17.mxd
GIS: C Secor

Map Note: The locations and features depicted on this map are approximate and do not represent a field survey.

EXHIBIT 2
January 6, 2021 NYSDEC Comment Letter
April 26, 2021 Draft Comments on Various Project Documents

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2045 | F: (518) 357-2460
www.dec.ny.gov

January 6, 2021

William Hoblock
First Prize Development Partners, LLC
8 Paddocks Circle
Saratoga Springs, NY 12866

RE: First Prize Center Site
NYSDEC Site C401076
Building Demolition Change in Use

Dear Mr. Hoblock:

The New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) have received the Change of Use Notice for the demolition of buildings at the First Prize Center Site in Colonie/Albany. The Change of Use was submitted by Linda Shaw on behalf of First Prize Development Partners, LLC (First Prize Development). The Change of Use Notice applies to the demolition of onsite existing Buildings 1, 2A, 2B, 3, 5 and the Main Building.

The demolition of existing buildings has the potential to expose the public and the environment to contaminants from the site, and the potential to impact the remedial program for the site. A Community Air Monitoring Plan (CAMP) must be approved to ensure that the site's neighbors are properly protected from airborne dust and volatile compounds during the building demolition operations. The demolition operational details, such as bid specifications and work plans, must be approved to ensure that the site and neighboring properties are properly protected from such activities as demolition debris management, water management, equipment operations, decontamination efforts, and materials disposal.

A Revised CAMP was submitted on December 7, 2020 by C.T. Male and Associates (CTMale) on behalf of First Prize Development for NYSDEC and NYSDOH review. The Revised CAMP applies to onsite buildings 1, 2A, 2B, 3 and 5, and the Main Building. The NYS Department of Labor variance documents attached to the Revised CAMP apply only to the demolition of buildings 1, 2A, 2B, 3 and 5, since the Main Building is a large multi-story factory building which needs additional considerations for its demolition. The Revised CAMP describes the procedures for monitoring air for dust and volatile compounds to be performed during the building demolition activities, including non-intrusive activities such as loading of disposal trucks. Specific comments on the Revised CAMP of 12-7-2020 are attached.

The NYSDEC/NYSDOH will need to review and approve an operational workplan that will provide details regarding the physical demolition of the buildings, the actual handling of the demolition materials, the decontamination of equipment, and the final cleanup of the site surfaces. The issues which will need to be addressed by the workplan include, but are not limited to:

a. If and how metal or other materials will be decontaminated onsite prior to disposal;
b. If and how demolition debris and other waste materials will be staged, stored, stockpiled, loaded for disposal and disposed of;
c. How and where equipment decontamination will be done and how decontamination fluids and materials will be collected and disposed of;
d. How breaks in concrete foundation slabs will be properly cleaned after the buildings are razed;
e. If and which demolition waste materials are being considered for onsite reuse;
f. Estimated duration of demolition for each building;
g. Potential street closure plans; and
h. Sequence of demolition of the buildings.

Since the Revised CAMP and its attached NYSDOL variance documents indicate that the Main Building will be addressed under a separate variance, the operational plans for the Main Building demolition may be submitted for NYSDEC/NYSDOH review as a separate document if that will facilitate progress on the other onsite buildings.

Please provide an updated CAMP and operational workplan satisfactorily responding to the attached and above comments to me by **January 20, 2021**. A conference call is recommended as soon as possible so that the re-submittal reviews and approvals may occur in a timely manner.

Feel free to contact me at 518-376-7605 (mobile) if there are any questions.

Sincerely,

Christopher O'Neill

Christopher O'Neill, P.E.
Professional Engineer 1

EC: W. Hoblock, First Prize Development
M. Arcangel, First Prize Development
L. Shaw, Knauf Shaw
S. Bieber, CT Male
K. Moline, CT Male
S. Berninger, NYSDOH
J. Deming, NYSDOH
S. Repsher, NYDEC
A. Fleck, NYSDEC

Attachment – Building Demolition Change of Use

DEC/DOH Comments on 12-7-2020 Revised CAMP:

1. Given that the residence at the corner of Everett Road and Exchange Street is so close to onsite buildings 2A and 2B, continuous, manually-operated, adjustable water spray should be applied during the demolition of buildings 2A and 2B as a pro-active measure for dust migration control.
2. Precipitation and sprayed water need to be contained, collected and properly disposed of in accordance with the NYS DOL Variance and local, state and federal regulations.
3. Section 1.2 – The statement that all buildings are vacant was not true at the time of its writing, since the tenant in building 1 continued his occupancy for weeks.
4. Section 2.5.1 – There is a minimum of three real-time particulate monitoring stations being deployed during building demolition activities at the site.
5. Section 3.3 – The data collected regarding the periodic upwind VOC monitoring must be maintained with the data collected from the continuous particulate and VOC monitoring data.
6. Section 3.3 – All air monitoring data during the demolition of the Main Building and Buildings 2A and 2B need to be submitted on a daily basis, by the end of the following day, to the DEC and DOH project managers so that timely evaluation of sensitive receptors can be performed.
7. A final report for the demolition work needs to be submitted to DEC within 90 days of completing the demolition field activities. The final report needs to include, but is not limited to, a narrative of the activities performed, the data collected, evaluation of the data collected, materials disposal documentation and photographs taken before, during and after demolition. It is recommended that one report cover the demolition of buildings 1, 2A, 2B, 3 and 5 and a separate report cover the demolition of the Main Building given the greater scope of work associated with the Main Building demolition.

April 26, 2021 Draft Comments on Various Project Documents

First Prize Center Site BCP #C401076

CAMP – Draft Revised CAMP dated 1-28-2021

1. Page 1, 1st and 2nd Paragraphs – The CAMP needs to be revised further in order to satisfy all requirements of the DOL asbestos variance and applicable NYSDEC regulations and guidance.
   a. DOL Code 56 (12NYCRR Part 56) includes section 56-1.6 which states that all other Codes also apply to asbestos handling activities, not just Code 56.
   b. DOL variances for Outbuildings and Main Building include a General Condition which requires compliance with all other applicable provisions of Code 56-1 through 56-12.
   c. NYSDEC regulation 6NYCRR Part 211 prohibits dust from going offsite.
   d. All building demolition activities onsite need to have CAMP-based monitoring protocols to be proactive based on the closeness of the adjacent residence and to document compliance for general dust particulates and VOCs, not just asbestos fibers.
2. Page 1, 2nd Paragraph – The intent of the CAMP needs to include all demolition activities of all onsite buildings, not just Main Building demolition and limited activities for outbuildings.
3. Page 2, 1st Paragraph – Change sentence "… approved variance (see Section 4 below)." to "… approved variance (see Section 4 below) to satisfy NYSDOL asbestos monitoring requirements and with this CAMP for general dust monitoring and VOC monitoring."
4. Page 2, 1st Paragraph – Remove the whole sentence of "The CAMP requirements described herein are not required…"
5. Page 2, 2nd Paragraph – Remove 2nd "of" in the sentence "Demolition of the of floor slabs..."
6. Page 2, 2nd Paragraph – Revise the sentence to read "Demolition of the floor slabs and foundations will be subject to the requirements of this CAMP as stated previously."
7. Page 2, 3rd Paragraph – Whole paragraph needs to be re-written to state that the CAMP requirements are applicable during the demolition of all buildings, including the Main Building, from roof to slabs to foundations.
8. Page 3, 3rd Paragraph – Revise the sentence to read "Non-intrusive activities that may contribute to air quality including loading of soils onto trucks for disposal, demolition of buildings, onsite brick/concrete crushing, equipment …will also be subject to the CAMP."
9. Page 4, 1st and 2nd Bullet items – Change "Appling…" to Applying…"

10. Page 5, 1st Paragraph – Revise the sentence to read “During the demolition of the Main Site Building, Building 1 and Building 2A/2B and the floor slabs and foundations of Building 2A/2B, an additional monitoring station…”
11. Page 6, 4th Paragraph – Revise the sentence to read “An additional air monitoring station will be used during demolition of the Main Site Building, Building 1 and Building 2A/2B and during the removal of the floor slabs and foundations of Building 2A/2B and …”
12. Page 7, 1st Paragraph – Revise the sentence to read “The particulate monitoring data collected during demolition and site activities will be submitted to the NYSDEC and NYSDOH…”
13. Page 7, 5th Paragraph – Revise sentence to read “Work activities will be halted and modified if fugitive dust migration is visually observed during poor weather conditions.”
14. Page 7, 6th Paragraph – Revise sentence to read “When extreme wind conditions make dust control ineffective, work activities may need to be suspended.”
15. Page 8, 1st Paragraph – Revise sentence to read “An additional air monitoring station will be used during demolition of Main Site Building, Building 1 and Building 2A/2B and during the removal of the floor slabs and foundations of Building 2A/2B…”
16. Page 8, 2nd Paragraph – Revise sentence to read “The upwind and downwind VOC data collected during demolition and site activities will be submitted to the NYSDEC and NYSDOH…”
17. Page 10, 2nd Paragraph – Revise the sentence to read “Wind direction is meteorological information considered relevant for demolition and other site activities and CAMP.”
18. Page 11, 2nd Paragraph – Revise sentence to read “Real-time VOC and PM10 monitoring will be performed continuously throughout the remedial action during Site/materials handling activities (in addition to demolition and crushing activities described above).”
19. Page 11, 3rd Paragraph – Revise sentence to read “Air monitoring data will be collected… during building demolition (including concrete/brick crushing activities, if approved) and intrusive Site activities…”
20. Page 12, 2nd Paragraph – Add “In accordance with NYSDOL Code 56-1.6, and since the NYSDOL Code 56 sampling and monitoring addresses asbestos fibers only, The CAMP protocols from NYSDEC/NYSDOH will also be performed during all demolition activities as previously described.”
21. Appendix D – NYSDOL Variance #20-1371, Page 6 of 7 – Note that item 3 states “The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.” Therefore, 56-1.6 and the need to follow all other Codes is consistent with NYSDEC/NYSDOH monitoring requirements in addition to specified NYSDOL monitoring requirements.

SWPPP (1-26-2021 Draft SWPPP submitted as Exhibit 4 of Demolition Operations Work Plan for Outbuildings)

1. Page 2, 1st Paragraph – Rewrite sentence "…inspecting and monitoring the erosion and sediment control measures included in the be identified."
2. Page 7, 2nd Paragraph and Figure C-101 – As stated, a waiver will be needed if the disturbed area goes from the 4.9 acres planned to over 5 acres. The 0.1 acres difference is 4,356 ft^2 (only a 2% increase above the estimated area).

Onsite Building	**Footprint (square feet)**		
	SWPPP	Outbuildings Demo Plan	Main Building Demo Plan
1	13,202		35,000
2A		21,150	
2B		26,450	
Total 2A/2B	43,859	47,600	
3	4,967	5,200	
5	5,733	7,300	
Main	145,977		175,000
Sub-Total:		60,100	210,000
TOTAL:	213,738 (4.907 acres)	270,100 (6.2 acres)	

3. Page 9, 1st Paragraph – The sentence "… as all areas to be demolished will be topsoiled and seeded" provides information inconsistent with the demolition plans that state the building footprints will be rough graded. Also, any topsoil to be used for site cover or imported will need prior approval by NYSDEC.
4. Page 10, 6th Paragraph – Revise the sentence to read "Site runoff and sediment … work/disturbance is slated to occur during winter months."
5. Page 11, Item G – Revise the sentence to read "If straw mulch alone is used for temporary …"
6. Appendix C Draft Notice of Intent Application Form
   a. Page 3, Item 3 – The written response for Post-Demolition Future Land Use is "Demolition, No Redevelopment". Please explain the apparent contradiction since the primary reason for building demolition is to accommodate redevelopment.
   b. Page 4, The written response for Total Area to be Disturbed (acres) is "4.9", but it is quite reasonable to estimate that the disturbed area could exceed the 5 acres level (see SWPPP comment 2 above). Please advise as to why the

disturbed area estimate was not more conservative to account for the potential for the extra 4,356 ft^2 to be disturbed.

7. Figure C-101 – See SWPPP comments 2 and 6b above.

Outbuildings Demolition Operations Plan

1. Page 2 – Building 1 is connected to the Main Building so the demolition operations plan for Building 1 is part of the Main Building plan, not the outbuildings plan. The NYSDOL variance approved for Building 1 (SSV 20-1371) included as Exhibit 3 of the outbuildings plan, addresses Building 1 with the other outbuildings (buildings 2A/2B, 3 and 5). Please explain the differences with having Building 1 addressed along with the Main Building instead of with the outbuildings.
2. Page 3 – The building footprint amounts are different from the amounts identified in the provided SWPPP document (see SWPPP comments 2 and 6 above). Please explain the discrepancy of building dimensions being identified in different site documents.

Onsite Building	**Footprint (square feet)**		
	SWPPP	Outbuildings Demo Plan	Main Building Demo Plan
1	13,202		35,000
2A		21,150	
2B		26,450	
Total 2A/2B	43,859	47,600	
3	4,967	5,200	
5	5,733	7,300	
Main	145,977		175,000
Sub-Total:		60,100	210,000
TOTAL:	213,738 (4.907 acres)	270,100 (6.2 acres)	

3. Page 4, Item 18 – The sentence states “Rough grade the excavation to make safe.” This is different from the SWPPP information provided which states that the disturbed areas will be topsoiled and seeded. Please explain the discrepancy.
4. Page 6, 3rd Paragraph – At least one additional amendment to the NYSDOL variance #20-1371 has been made, so they need to be referenced.
5. Page 7, 4th Paragraph – The use of plywood is described to cover building floor openings such as floor drains. Please explain if the plywood coverings will be

sealed to be watertight or if the covering is only meant to keep out large solid materials.

6. Page 8, 4th Paragraph – Revise the sentence to read "The masonry debris will be stockpiled onsite to be processed (crushed) at a later date. (Onsite crushing operations approval is pending NYSDEC review.)"
7. Page 9, 3rd Paragraph – The sentence states "Soils adhering to the foundations will be allowed to return to the excavation form (sic) which they were derived." Soil that is removed from the excavations will need to be stockpiled until NYSDEC review/approval occurs, based on applicable Soil Cleanup Objectives for the site.
8. Page 9, 3rd Paragraph – The use of a mobile jaw crusher and stacker is described. The use of an onsite crusher/stacker system will need NYSDEC approval, as well as the onsite reuse of crushed materials.
9. Page 10, 1st Paragraph – The sentence states "…a rough grade of the building pad will be performed." This is different from the SWPPP information that states that the disturbed areas will be topsoiled and seeded. Please explain the discrepancy.
10. Page 10, 2nd Paragraph – The sentence states "Crushing operations will occur almost daily once commenced until the project is complete." Onsite crushing operations need to be approved by NYSDEC, and an air emissions equipment registration may be needed depending on the number of days onsite.
11. Exhibit 3, NYSDOL Variance #SSV20-1371 –
    a. The variance is specific to demolition of all outbuildings, including Building 1. Please explain how this variance is accounted for in the Main Building/Building 1 demolition operations plan.
    b. Page 5 – Air samples required by the NYSDOL variance addresses only asbestos fibers. NYSDEC regulations address dust particulates in general; therefore, NYSDOL sampling is not a valid replacement for total particulates.
    c. Page 6 – Item 3 of the General Conditions states "The Petitioner shall comply with all other applicable provisions of Industrial Code 56-1 through 56-12." Code 56-1.6 states that all other Codes remain applicable to the NYSDOL asbestos project; therefore, NYSDEC air monitoring applies to the project in addition to the NYSDOL air monitoring.
    d. Ambient Variance Application – The building footprint information provided in the variance application document differs from the information provided in other project documents (see SWPPP comments 2 and 6 above). Please explain the discrepancy.

Onsite Building	**Footprint (square feet)**			
	SWPPP	Outbuildings Demo Plan	Main Building Demo Plan	Outbuildings Variance Application

1	13,202		35,000	6,600
2A		21,150		20,000
2B		26,450		25,000
Total 2A/2B	43,859	47,600		
3	4,967	5,200		5,500
5	5,733	7,300		6,400
Main	145,977		175,000	400,000
Sub-Total:		60,100	210,000	
TOTAL:	213,738 (4.907 acres)	270,100 (6.2 acres)		

e. Ambient Variance Application – Page 3, Item 6 states that "… some materials to be disposed of as construction debris or to be used as backfill (i.e. non-asbestos containing concrete and brick)." Onsite reuse of construction debris must be approved by NYSDEC.

Main Building Demolition Operations Plan

1. Cover Page – Add Building 1 to the title since the demolition of Building 1 activities are being conducted with the Main Building activities.
2. Document-wide Comment –
   a. Text needs to be revised to include Building 1 references, not just Main Building.
   b. NYSDOL Variance for the Main Building is #21-0022 and Building 1 is part of NYSDOL Variance #20-1371. Please explain the differences between the 2 variances and clarify how Building 1 demolition will be handled.
3. The sizes of the Main Building and Building 1 identified in the demolition plan are different from the information provided in other project documents. Please explain the discrepancy.

Onsite Building	**Footprint (square feet)**			
	SWPPP	Outbuildings Demo Plan	Main Building Demo Plan	Outbuildings Variance Application
1	13,202		35,000	6,600
2A		21,150		20,000
2B		26,450		25,000
Total 2A/2B	43,859	47,600		
3	4,967	5,200		5,500
5	5,733	7,300		6,400
Main	145,977		175,000	400,000
Sub-Total:		60,100	210,000	

TOTAL:	213,738 (4.907 acres)	270,100 (6.2 acres)	

4. Page 3, 3rd Paragraph – The Main Building reportedly has a basement covering 82,000 ft^2, and is approximately 8 ft deep. Please explain if the basement has a concrete floor throughout and describe the floor conditions and penetrations.
5. Page 3, Item 5 – The SWPPP is supposed to be include as Exhibit 3, but it is not included at all. The SWPPP should be provided as a separate document, as approved by the appropriate local or state office, and as an attachment to both the Main Building/Building 1 and the Outbuildings demolition operations plans.
6. Page 4, Item 17 – The description of onsite crushing operations needs to state that the onsite crushing operations approval from NYSDEC is pending.
7. Page 4, Item 18 – The description of building areas being rough graded for completion is different from the SWPPP description of having disturbed areas finished with topsoil and seed. Please explain the discrepancy.
8. Page 4, Last Paragraph – The SWPPP is supposed to be included as Exhibit 3, but it is not included (see Main Building demolition plan comment 5 above).
9. Page 6, 1st Paragraph – Revise sentence to read “Asbestos warning signs will be posted in accordance with the requirements of Code 56-7.4(c).”
10. Page 6, 2nd Paragraph – Revise sentence to read “Generally speaking, the building will be … single layer of 6-mil poly sheeting.”
11. Page 6, 3rd Paragraph – Revise sentence to read “Generally, 6-mil poly sheeting will be used…”
12. Page 6, 3rd Paragraph – Revise sentence to read “… deposited into double-lined containers…”
13. Page 8, 3rd and 4th Paragraph – The description of the onsite crushing and onsite reuse text needs to be revised to state that those activities need NYSDEC approval, which is pending.
14. Page 9, 3rd Paragraph – The sentence describing the excavation grading to a 1- on- slope is different from the description in the SWPPP document (provided separately), which indicates that the disturbed areas will be finished with topsoil and seed. Please explain the discrepancy.
15. Page 9, 4th Paragraph – Revise the sentence to read “… the attached schedule are subject to change upon approval of work…”
16. Exhibit 3, NYSDOL Variance #21-0022 –
    a. The variance provided was approved on 2/4/2021 and is specified for the Main Building. Please provide the differences proposed for Building 1, addressed by NYSDOL variance #20-1371 but proposed to be handled with the Main Building demolition plan.
    b. Page 9 -- Item 3 of the General Conditions states “The Petitioner shall comply with all other applicable provisions of Industrial Code 56-1 through 56-12.” Code 56-1.6 states that all other Codes remain applicable to the NYSDOL asbestos project; therefore, NYSDEC air

monitoring applies to the project in addition to the NYSDOL air monitoring.

c. Ambient Variance Petition, Page 4, 1st Paragraph – The NYSDOL petition approval states “Re-opening of variance shall be made when condemnation letters are submitted and controlled demolition is performed.” NYSDEC will need to receive updated NYSDOL variance documents.

17. Exhibit 8, Project Schedule – The provided project schedule addresses demolition activities for all of the outbuildings, the Main Building and onsite crushing of demolition debris. The proposed onsite crushing activities will need to be approved by NYSDEC, and may require an air emissions equipment registration given the scheduled extent of crushing operations.

Proposed Onsite Crushing	**Estimated Number of Days**
Crush Outbuildings	22 days
Crush Low Rise Material	33 days
Crush High Rise Material	66 days
TOTAL:	121 days

EXHIBIT 3
NYSDOL VARIANCE SSV 20-1371
&
Amendments (1/5/21 and 4/26/21)

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Petition

of
Ambient Environmental, Inc.
Petitioner's Agent on Behalf Of

First Prize Development Partners, LLC
Petitioner

in re

Premises: Former Tobin's 1st Prize Buildings #1,2A, 2B, 3, and 5 - **Only**
76 Exchange Street
Albany, New York

Controlled Demolition with Non-Friable ACM in Place

File No. 20-1371

FACILITY WIDE DECISION

Cases 1-7

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 20-1371 on November 25, 2020 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the petitioner dated November 25, 2020; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1	ICR 56-8.9(g)
Case No. 2	ICR 56-9.2(d)(1)
Case No. 3	ICR 56-11.5(b)(1)
Case No. 4	ICR 56-11.5(c)(2)
Case No. 5	ICR 56-11.5(c)(7)
Case No. 6	ICR 56-11.5(c)(10)
Case No. 7	ICR 56-11.5(c)(11)

VARIANCE GRANTED. The Petitioner's proposal for controlled demolition of demolished structure with non-friable asbestos in place at the subject premises in accordance with the attached 06-page stamped copy of the Petitioner's submittal is accepted; subject to the Conditions noted below:

THE CONDITIONS

1. A full-time independent project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.

2. The Project Monitor shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:

    a. Inspect of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor;
    b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used and are in compliance with all asbestos laws and regulations;
    c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable rules and/or regulations;
    d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.

3. The PM shall alert the nearest District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos Supervisor, unresolved conditions remain at the asbestos project which present significant potential to adversely human health or the environment.

4. All generated waste removed from the site must be documented, accounted for and disposed of in compliance with the requirements of NESHAPS and NYSDEC.

5. The removal of the non-friable ACM caulking material may be removed as per ICR 56-11.6.

6. A separate asbestos project notification shall be submitted to DOL for each building/structure that is to be demolished as per ICR 56-3.4(b).

Removal of all Friable ACM, Transite/Cement Board & Other Non-friable ACM Prior to Controlled Demolition

7. All friable ACM, RACM, transite/cement board, and Category II non-friable ACM shall be removed in accordance with ICR 56 and this variance decision, including obtaining satisfactory clearance air results for all regulated abatement work areas (as necessary), prior to the commencement of this controlled demolition asbestos project. Category I non-friable ACM that will likely become crumbled, pulverized, or reduced to powder during the demolition shall also be removed.

8. The Petitioner should consult with EPA Document 340/1-92-013 "EPA Guide to Normal Demolition Practices Under the Asbestos NESHAP" to determine if the project's anticipated demolition methods will cause RACM to be created.

Secure the Work Site

9. The entire controlled demolition area and all surrounding portions of the site to be utilized for demolition cleanup, staging areas and regulated abatement work areas, shall be enclosed within a barrier or fence. The intent of this barrier is to define the restricted area at the work site, alert the public to the asbestos work and associated hazards, and to prevent unauthorized entry onto the work site.

10. Signage in accordance with the requirements of ICR 56-7.4(c) shall be posted on the exterior of the work site boundary fence/barrier, to warn the public of the asbestos hazard.

Establishment of Regulated Areas

11. The regulated work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25') where possible, and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved or the abatement project is complete. These areas shall have Signage posted in accordance with Subpart 56-7.4(c) of this Code Rule. For areas where twenty-five feet isn't possible, the areas shall be cordoned off as practical, and a daily abatement air sample shall be included at the reduced barrier.

12. Entry/Exit of all persons and equipment shall be through one designated and secure "doorway" in the barrier or fence, which shall provide an adequate and appropriate means of egress from the work site.

13. All adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting. If the owner of an adjacent building does not allow openings to be sealed as required, the asbestos abatement contractor's supervisor must document the issue within the daily project log, and have the

affected building owner sign the log confirming that the owner will not allow the asbestos abatement contractor to seal the openings in the building as required. In addition, a daily abatement air sample shall be included within ten feet of the affected portion of the adjacent building.

Controlled Demolition Removals

14. The provisions of 56-11.5 shall be followed for non-friable controlled demolition removals, except as modified by this variance.

15. Decontamination system enclosures and areas shall be constructed and utilized as per the requirements of 56-7.5(d) and 56-11.5.

16. Uncertified personnel shall not be allowed to access any regulated abatement work area, with the exception of waste hauler truck drivers. These truck drivers will be restricted to their enclosed cab, while temporarily in the regulated work area for waste transfer activities only. All equipment operators utilized for demolition or removal activities within the regulated work area must be certified in compliance with ICR 56-3.2.

17. No dry disturbance or removal of asbestos material shall be permitted.

18. Wastewater shall be confined within the controlled demolition area. Water may be allowed to accumulate in basements during demolition activities.

19. All decontamination areas shall be within the regulated abatement work area. An equipment decontamination area shall be cordoned off within the worksite for cleaning of heavy equipment, i.e., backhoes, excavators, loaders, etc. The ground surface in this decontamination area shall be banked on the sides to confine the contaminated wastewater.

20. All barrier components, used filters, disposable PPE and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and treated as RACM and disposed of accordingly.

21. All demolition debris, structural members, barrier components, used filters and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and shall be transported and disposed of by appropriate legal method. Structural members, steel components and similar non-ACM components shall be fully decontaminated as per ICR 56, prior to being treated as salvage.

22. All material shall be treated as RACM including soil around and beneath the demolition abatement area, except for structural members, steel components and similar non-porous and non-suspect items that can be fully decontaminated.

23. Except for non-ACM containing concrete foundation walls that can be adequately cleaned. The Project Monitor shall confirm that the foundation can be adequately decontaminated and shall note the decontamination activity in the project logbook. The structure and/or building remains (foundation) shall be maintained in a safe manner in accordance with local and state building codes.

24. Non-porous cleanable objects/materials, non-ACM material (bricks, concrete, structural steel members, metal components and similar non-suspect materials) may be fully decontaminated for disposal by appropriate legal methods. Prior to disposal, the Project Monitor shall verify that the material has been properly cleaned/decontaminated and shall note the cleaning/decontamination activity in the project logbook.

Perimeter Air Sampling:

25. In addition to the requirement of Subpart 56-4.9(c), air monitoring shall be conducted daily at the perimeter of the work area.

26. A minimum of two upwind air samples shall be collected. The samples shall be spaced approximately 30 degrees apart from the prevailing wind direction.

27. A minimum of three downwind samples shall be collected. The samples shall be equally spaced in a 180-degree arc downwind from the source.

28. The contractor shall observe at a minimum, the following waiting (settling/drying) periods: Demolition – 2 hrs.

29. If more than one shift daily is required to accomplish the work, air monitoring within the work area during abatement shall be performed on each shift.

30. In lieu of post-abatement clearance air monitoring in compliance with ICR-56-9.2(d), the most recent daily abatement air samples collected during removal and cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

31. After removal and cleanings are complete and a minimum drying period has elapsed, an authorized and qualified Project Monitor shall determine if the area is dry and free of visible asbestos debris/residue. If the area is determined to be acceptable and the most recent daily abatement air sample results meet 56-4.11 clearance criteria, the final dismantling of the site may begin.

Site Soil Cleanup:

32. The site where the demolition occurred shall be assessed and cleaned up as follows.

33. Soil cleanup shall include, all visible asbestos or suspect asbestos debris. Soil removal shall meet ASTM 1368 (latest edition), Section 9.1.1-9.1.5 inspection criteria.

34. No pieces of ACM shall be present on top of the soil.

35. Visibly contaminated soil or soil suspected of being contaminated shall be removed down to the level where no visible contamination is noted.

36. The Project Monitor shall record the results of his/her inspection on the Project Log.

Preparation of Waste Transport Equipment

37. Dumpsters/trailers used to haul non-friable ACM materials do not need to be doubled lined as required by ICR 56-11.5 (c) (11).

38. Such trailers must be made air, dust and watertight prior to leaving the site.

39. Trailers used to haul RACM shall be double lined as per ICR-56.

40. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

41. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.

3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.

4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance

and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.

5. This DECISION shall terminate on **December 31, 2022.**

Date: December 2, 2020

ROBERTA L. REARDON
COMMISSIONER OF LABOR

By Edward A Smith

Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Mark G. Wykes, P.E.
Professional Engineer 1 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
		See Attached					

9. **ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. SEE ATTACHED

10. **Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. SEE ATTACHED

11. **Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.
    a. Will proposed abatement methods render non-friable ACM material friable? ____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. ____

SEE ATTACHED

Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

I certify that the information contained in this petition is true and accurate.

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I.registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Joella Viscusi

b. Project Design Asbestos Contractor firm name: Ambient Environmental Inc.

c. Street: 828 Washington Avenue

d. City: Albany e. State: NY f. Zip: 12203 g. Phone: (518) 482 - 0704

h. Designer certificate number: 01-19282 i. Expiration Date: 12 /31 /2020

j. Design Firm Asbestos Contractor License Number: 29608 k. Expiration Date: 07 /31 /2021

13 a. Project designer signature: Joella Viscusi b. Date: 11 /25 /2020

New York State Department of Labor
Division of Safety and Health - Engineering Services Unit
Building 12 , Room 159
State Office Campus
Albany, N.Y. 12240

Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
- Send two copies of the petition and all attachments, with your $350 fee, to the address at the top of this page.
  - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. **Is this petition related to a safety or health emergency?** _____ Yes x No
b. If yes, explain: _____

2a. **Name of Petitioner,** (Property Owner): First Prize Development Partners, LLC
b. Street Address: 8 Paddock Circle
c. City: Saratoga Springs d. State: NY e. Zip: _____
f. Telephone Number: ( ) - g. Fax Number: ( ) -
h. Petitioner's Federal Employee Identification Number (FEIN) 38-3955991

3a. **Petitioner's Agent (Asbestos Contractor) Firm Name:** Ambient Environmental Inc
b. Street Address: 828 Washington Avenue
c. City: Albany d. State: NY e. Zip: 12203
f. Telephone Number: (518) 482 - 0704 g. Fax Number: (518) 482 - 0750

4a. Asbestos Contractor License No. 29608 b. Name of Firm: Ambient Environmental Inc

5. **Building Description:**
a. Affecting premises known as: Former Tobins 1st Prize Building
b. These premises are situated on the ____North, ____South, ____East, ____West side of _____Street, ____Ave, ____Road.
c. County of Albany
d. Street Address: 76 Exchange Street
e. City Albany f. State: NY g. Zip _____
h. Is building occupied? _____Yes x No
i. Current function of building: _____
j. Approximate area (square feet) of building: _____ k. Number of stories or height in feet: _____
l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: _____

6. **Order To Comply or Notice of Violation.** Attach copy.
a. Issued to: _____Owner _____Asbestos Contractor _____Operator _____Other
b. Name on Order or Notice: _____ c. Date issued: ____/____/____
d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation: _____

7. If a variance has been granted previously for work closely resembling this project list:
a. Variance number: _____ b. Date variance granted: ____/____/____

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
		See Attached					

9. **ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. SEE ATTACHED

10. **Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. SEE ATTACHED

11. **Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.
    a. Will proposed abatement methods render non-friable ACM material friable? _____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work.

SEE ATTACHED

Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

I certify that the information contained in this petition is true and accurate.

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I.registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Joella Viscusi

b. Project Design Asbestos Contractor firm name: Ambient Environmental Inc.

c. Street: 828 Washington Avenue

d. City: Albany e. State: NY f. Zip: 12203 g. Phone: (518) 482 - 0704

h. Designer certificate number: 01-19282 i. Expiration Date: 12 /31 /2020

j. Design Firm Asbestos Contractor License Number 29608 k. Expiration Date: 07 /31 /2021

13 a. Project designer signature: _____ b. Date: 11 /25 /2020

Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE,
SBA EDWOSB & DBE

Background

The former Tobin's First Prize Building and outbuildings are scheduled for demolition. A pre-demolition survey was conducted along with some additional subsequent sampling. We are submitting this variance as a site wide variance to encompass all the buildings associated with the former Tobin's First Prize building properties. Except for the main building

The property consists of the following buildings and identified asbestos containing materials:

Main Building – Tobin's First Prize; 400,000 SF
TBD

Due to additional inspection and design of the Main Building that is required, A separate Variance for the main building will be required - mgw

Building 1 – Single Story Commercial Building; 6,600 SF

Window caulk/glazing	36 SF & 3 SF
Roofing	6,425 SF
Flashing	175 SF

Building 2A – Single Story High Bay Commercial Building; 20,000 SF

Roofing	20,000 SF

Building 2B – Multiple High Bay Garage Spaces; 25,000 SF

Roofing	23,040 SF
Flashing	1,960 SF

Building 3 – Single Story Commercial Building; 5,500 SF

Roofing	600 SF

Building 5 – Single Story Storage; 6,400 SF

Roofing (S. wing roof)	435 SF
Patch – Gray	250 SF
Patch – Black	250 SF

New Variance

Due to the extensive amount of incidental disturbances in the Main Building, the development and design of this abatement will be submitted in an ~~amendment~~ as additional information is still being obtained. However, due to inclement weather approaching we don't want to hold up the start of demolition of the outbuildings.

The outbuildings will be demolished in accordance with FTV-10 and other conditions noted in this variance. For Building 1, the identified asbestos containing window caulk/glazing will be removed by the asbestos abatement contractor in accordance with 56-11.6 prior to the demolition of the building.

J Viscusi
01-19282

828 Washington Avenue, Albany, NY 12203 | Phone: 518.482.0704 | Fax: 518.482.0750
Web: www.ambient-env.com

Answer to No. 9 – ICR 56 Relief Sought for Building Demolition

Code Rule 56 Section	Title	Containment Type
56-8.9(g)	Trailers and Dumpsters	Per FTV-10 and SSV
56-9.2(d)(1)	Aggressive Sampling Techniques	
56-11.5(b)(1)	Building/Structure is Condemned	
56-11.5(c)(2)	Controlled Demolition Procedures, Regulated Abatement Work Area	
56-11.5(c)(7)	Controlled Demolition Procedures, Debris	
56-11.5(c)(10)	Wastewater	
56-11.5(c)(11)	Pending Disposal	

Answer to No. 10 – Hardship Description

56-8.9(g) Per FTV-10

56-9.2(d)(1) There is no negative pressure to be utilized during these demolition activities therefore, the last set of daily air sampling will be utilized as the final clearance air samples.

56-11.5(b)(1) Per FTV-10

56-11.5(c)(2) For areas where compliance with the twenty-five-foot barrier/fence requirement isn't possible, the areas shall be cordoned off to the maximum distance possible, and a daily abatement air sample shall be included at the reduced barrier.

56-11.5(c)(7) Per FTV-10.

56-11.5(c)(10) The surrounding land surfaces around this building are blacktop. This project will not include anything below grade. Therefore, it would not be feasible to collect the wastewater using trenching or ditches. Wastewater will be contained inside the work area on the slab and/or blacktop area and prevented from leaving the asbestos work area by means necessary at the time of the demolition.

56-11.5(c)(11) Per FTV-10

J. Viscusi
01-19282

Answer to No. 11 – Proposed Abatement Method Description For Building Demolition

In order to conduct this demolition in a cost-effective manner, while still maintaining the safety and health of personnel we are requesting the following procedures be utilized:

1. Procedures outlined in ICR 56-11.5 shall be adhered to, with exception of our requests, until completion of the final visual inspection and final clearance sampling.
2. Only certified persons or authorized visitors shall be allowed within the abatement work area until satisfactory clearance air monitoring results are met and the abatement contractor has demobilized from the work area.
3. A full-time project monitor will be on site at all times to ensure compliance with this variance and other state asbestos regulations.
4. A remote decon will be utilized for the duration of this project.

5. During the prep phase of the work area, a decontamination area will be established for non asbestos containing debris or decontaminated materials. This area will be in addition to the decontamination area for equipment in the regulated abatement work area.
6. Building demolition will take place in a methodical manner utilizing excavators with grapple attachments along with other similar mechanical equipment. These procedures will allow for some materials to be disposed of as construction debris or to be used as backfill (i.e. non asbestos containing concrete and brick). *Please Note: For Building 1, the window caulk/glazing will be removed by the asbestos abatement contractor in accordance with 56-11.6 prior to the demolition of the building.*
7. After work area preparation is complete, the abatement contractor will begin the demolition. Non friable roofing materials will be immediately segregated from all other demolition debris and disposed of as non friable asbestos waste. Walls will be demolished mechanically by pulling the concrete/block/brick outwards away from the building to allow this material to be disposed of as non asbestos containing material.
8. Once building demolition is complete and all debris is successfully removed, a full cleaning of the entire work area will be completed including the concrete slab/foundation walls that are to remain in place.
9. After final cleanings are complete, an independent project monitor along with the asbestos abatement supervisor shall conduct the final visual inspection. If the area is determined to be dry and free of visible debris and the most recent set of daily air samples are less than 0.01 f/cc the abatement contractor can demobilize from the site. Upon completion of the demobilization the area can be returned to the Owner.

J. Vocelli
01-19582

From: Joella Viscusi
To: Wykes, Mark (LABOR); Smith, Edward A (LABOR); Dippel, Melissa (LABOR)
Subject: 20-1371 Amendment No. 1, Former Tobins First Prize Building
Date: Monday, December 21, 2020 2:47:52 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Please consider this email an amendment to the above variance.

56-11.5(c)(6) Due to the upcoming winter months and anticipated freezing temperatures, we are requesting relief from the wetting of asbestos containing materials during demolition in freezing temperatures. ~~The contractor shall comply with NESHAP regulation 61.145(c)(7). If temperatures are below 32 degrees Fahrenheit wetting of ACM during removal is not required. ACM shall be removed in as large as possible sections and using methods to minimize disturbance. On days when temperatures are below 32 degrees Fahrenheit and water is not being used, the temperature is to be recorded by the asbestos abatement contractor at the beginning, middle and end of each day.~~ See Below - mgw

Joella Viscusi
President
828 Washington Ave.
Albany, NY 12203
Ph. 518-482-0704 | Cell 518-859-5924
joellav@ambient-env.com

APPROVED
With Modifications
January 5, 2021
New York State Dept. of Labor
Engineering Service Unit
Mark J. Wykes, P.E.

Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE, SBA EDWOSB & DBE

1. Removal of ACM in freezing temperatures shall be performed in accordance with the petitioner's proposal, the applicable NESHAP standards (Title 40, Part 61, Subpart M, Section 61.145(c)(7) and as follows:
   a. When temperatures are below 32oF, wetting of ACM during removal is not required however; ACM shall be removed in as large as possible sections and using methods to minimize asbestos disturbance.
   b. During these periods, the temperature in the area shall be recorded at the beginning, middle and end of the workday and the daily temperature shall be recorded and available for inspection.
   c. The owner shall retain the temperature records for at least two (2) years.
   d. All required air monitoring/sampling still applies.
   e. Decontamination of non-porous materials for salvageable must be performed using wet methods.

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Decision Amendment

Of

Ambient Environmental, Inc.
Petitioner's Agent on Behalf Of

First Prize Development Partners, LLC
Petitioner

in re

Premises: Former Tobin's 1st Prize Buildings #1,2A, 2B, 3, and 5 - **Only**
76 Exchange Street
Albany, New York

Amendment:
REVISED VARIANCE DECISION

File No. 20-1371

DECISION
AMENDMENT

ICR 56

The site-specific variance decision file no. 20-1371, dated December 02, 2020 is hereby amended as follows:

AMENDMENT CONDITIONS

1. ADD: Comply with ICR 56-1.6 including all requirements of New York State Department of Environmental Conservation (NYSDEC).

2. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

Date: April 26, 2021

Mark G. Wykes, P.E.

Mark G. Wykes, P.E.
Professional Engineer 1 (Industrial)

EXHIBIT 4
SWPPP

January 26, 2021
Updated May 11, 2021

Stormwater Pollution Prevention Plan (SWPPP)

First Prize Center Site
68 Exchange Street
City of Albany & Town of Colonie
Albany County, New York
BCP Site #C401076

Prepared for:

FIRST PRIZE DEVELOPMENT PARTNERS, LLC
8 Paddocks Circle
Saratoga Springs, NY 12866

Prepared by:

C.T. MALE ASSOCIATES
50 Century Hill Drive
Latham, New York 12110
518-786-7400
FAX 518-786-7299

C.T. Male Project No: 17.7536

Unauthorized alteration or addition to this document is a violation of Section 7209 Subdivision 2 of the New York State Education Law.

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C.T. MALE ASSOCIATES ENGINEERING, SURVEYING, ARCHITECTURE, LANDSCAPE ARCHITECTURE & GEOLOGY, D.P.C.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
FIRST PRIZE CENTER SITE

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1 Site Location Map

APPENDICES

A SPDES General Permit GP-0-20-001
B Soils Information
C Draft Notice of Intent (eNOI) Application Form
D SWPPP Inspection Forms
E Erosion and Sediment Control Plans & Details

1.0 CERTIFICATIONS

1.1 Contractor

All Contractors and Subcontractors who perform earth disturbance on the project site shall sign and date a copy of the following certification statement before undertaking any construction activity at the project site:

"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 (GP-0-20-001) 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."

CONTRACTOR:
Company _____

Name/Title/Date _____

SUBCONTRACTOR:
Company _____

Name/Title/Date _____

SUBCONTRACTOR:
Company _____

Name/Title/Date _____

If additional Contractors/Subcontractors must sign the *Stormwater Pollution Prevention Plan* (SWPPP), please continue on the back of this page.

1.2 Contractor Responsibilities

Prior to the commencement of construction activity, the Contractor(s) and Subcontractor(s) that shall be responsible for installing, constructing, repairing, inspecting, monitoring and maintaining the erosion and sediment control measures included below and as indicated on the plans.

The following chart shall be filled out prior to commencement of construction by Owner/Operator.

Task:	**Responsible Contractor:**
Installing erosion and sediment controls (ESC)	_____
Daily inspection of ESC	_____
Maintenance/Repair of ESC	_____
Seeding/stabilization of disturbed areas	_____

Each of the Contractors and Subcontractors shall identify at least one trained individual from their company who will be responsible for implementation of the SWPPP. One trained individual shall be on-site on a daily basis when soil disturbance activities are being performed.

A trained contractor is defined by the General Permit as:

An employee from a contracting (construction) firm that has received four (4) hours of training, which has been endorsed by the NYSDEC, from a Soil and Water Conservation District, Certified Professional in Erosion and Sediment Control (CPESC), Inc., or other NYSDEC endorsed entity, in proper erosion and sediment control principles. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years. This individual shall be responsible for implementation of the SWPPP.

The following individuals have been identified on this project as **trained contractors**:

CONTRACTOR:
Company _____

Trained Individual_____

SUBCONTRACTOR:
Company _____

Trained Individual_____

SUBCONTRACTOR:
Company _____

Trained Individual_____

1.3 Certification of SWPPP Preparer

"I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the General Permit (GP-0-20-001). Furthermore, I understand that certifying false, incorrect, or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

Name: Lauren Sherman, P.E.

Title: Project Engineer

Signature: 

Date: May 11, 2021

2.0 PERMIT OVERVIEW

The technical standards for erosion and sediment controls are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the *Empire State Chapter of the Soil and Water Conservation Society*, last updated November 2016.

Refer to Appendix A for a copy of the SPDES General Permit GP-0-20-001.

2.1 General

The conditions of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit GP-0-20-001 for Stormwater Discharges from Construction Activities (henceforth referred to as General Permit) must be adhered to on this construction project.

The SWPPP and the General Permit contain specific measures to be followed by the Contractor and Subcontractors to prevent pollutants from leaving the project site. Each Contractor or Subcontractor who performs earth disturbance must sign and complete the appropriate pages in Section 1.0 prior to start of work on this site. Contractors shall maintain a complete set of the documents comprising the SWPPP at the construction site for review by NYSDEC representatives at all times during the construction process. All SWPPP inspections shall be performed by the qualified inspector.

Each Contractor shall comply with the requirements of the SWPPP including, but not limited to: specific practices shown on the drawings, practices not shown on the drawings but necessary for the prevention of stormwater pollution and to ensure compliance with the conditions of the General Permit, preparation of required submittals, maintenance of the required erosion and sediment control measures, and removal of non-permanent practices in accordance with the approved construction sequence.

The NOI (Notice of Intent), SWPPP, and inspection reports required by this permit are public documents that the Owner/Operator must make available for review and copying by any person within five (5) business days of the owner or operator receiving a written request by any such person to review the NOI, SWPPP or inspection reports. Copying of documents will be done at the requester's expense.

Revisions to the SWPPP and to the Erosion and Sediment Control Plan may occur during construction. Any additional instructions or directed changes made to the contract

documents must be made by the Engineer and implemented by the Contractor as soon as practicable.

2.2 Execution of the General Permit

Prior to initiation of any construction-related land disturbance, the Contractor shall notify the qualified inspector to conduct this inspection prior to initiating construction. A qualified inspector shall perform the first weekly site inspection and certify that the erosion and sediment control measures are in place, and then construction may begin. Contractors shall commence land disturbing construction activities only after evidence of the qualified inspector's acceptance to the site erosion and sediment controls. Site disturbance without installation of proper erosion and sediment control measures and certification from the qualified professional is in direct violation of the General Permit.

Stabilization of any disturbed areas shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. If any portion of the site has been undisturbed for more than fourteen (14) calendar days, and work on that portion of the site is not scheduled to commence in seven (7) calendar days, the area of the site must be temporarily stabilized with straw, or mulch.

A Notice of Termination (NOT) shall be filed by Owner/Operator only when construction is complete and permanent stabilization of disturbed areas has occurred.

3.0 PROJECT OVERVIEW

The existing First Prize Center project site (Project Site) is a 32± acre parcel that contains several concrete and brick structures, which have generally been vacant for a number of years. The site was originally home to Tobin's First Prize Center, which was constructed in the 1920s and closed down in the early 1980s. The majority of the project site is surfaced with impervious cover. The Project Site is located at the corner of Everett Road and Exchange Street in Albany, and it spans the City of Albany and Town of Colonie boundary line. Several buildings on the project site are slated to be demolished as part of the proposed project, which will create over one (1) acre of disturbance. This phase of work and disturbance is limited to building demolition. As such, a SWPPP with erosion and sediment controls will cover the disturbance associated with the proposed work.

3.1 Area of Disturbance

The total amount of physical land disturbance associated with the Project will be approximately 4.9 acres; therefore, the amount of disturbance exceeds the threshold of 1.0 acre. Consequently, the Applicant is required to apply for permit coverage under the SPDES General Permit (GP-0-20-001), which requires the preparation of a SWPPP and the submission of a completed Notice of Intent (NOI) to the NYSDEC prior to starting construction. Disturbance at any given time will not exceed 5 acres; however, if during construction site disturbance may exceed five (5) acres in total, a waiver must be applied for and obtained. Areas where building foundations are to be removed will be stabilized as soon as practicable and well in advance of site disturbance exceeding 5 acres. Onsite areas will be properly stabilized, as needed, in order to remain under the 5-acre simultaneous disturbance threshold. Site disturbance numbers are based on the existing conditions survey building footprint square footages. A copy of the draft NOI is included in Appendix C.

3.2 Watershed Information

Under existing conditions, the discharge from the south/southwest side of the Project Site is generally collected in onsite catch basins and is piped and/or sheet flows to the south/southeast. Runoff that leaves the site enters the Patroon Creek, a Class C stream, and then ultimately discharges to the Hudson River. The Patroon Creek is not a 303(d) segment that is impaired by pollutants related to construction activity. The project is not located within a watershed with enhanced phosphorus removal standards and it

traverses the City of Albany and Town of Colonie, both of which are traditional land use control Municipal Separate Storm Sewer Systems (MS4s).

Soils information has been obtained from a review of the USDA's Web Soil Survey. Soils information is contained within the project specification documents. The predominant soil types present within the project areas consist of Urban Land and Udipsamments. While the Urban Land does not have a specific Hydrologic Soil Group (HSG) designation, surrounding soil types (Udipsamments) are classified as HSG "A" soils. A printout from Web Soil Survey, along with boring and test pit logs, is included in Appendix B, Soils Information.

3.3 Intended Sequence of Disturbance

The anticipated sequence of land disturbance activities for the Project is included on sheet C-101 of the plans, which are included in Appendix E of the SWPPP.

4.0 STORMWATER MANAGEMENT OBJECTIVES

Stormwater management practices (treatment or detention) are not required for this project, as all areas to be demolished will either be topsoiled and seeded or stabilized with 4-inches (minimum thickness) of hardwood mulch. Any topsoil to be used for site cover or imported will need prior approval by the NYSDEC. This permit will be active during the demolition phase of work and will be closed out following the completion of demolition and stabilization activities.

5.0 EROSION AND SEDIMENT CONTROLS

The erosion and sediment controls for this project are in accordance with the *New York Standards and Specifications for Erosion and Sediment Control,* dated November 2016.

Erosion control measures selected for this Project site include, but are not limited to, the following: compost filter socks/silt fence and stabilized construction entrance(s). The locations of erosion and sediment control measures can be found on the erosion and sediment control plan and detail sheet, which are included as Appendix E of this report.

5.1 General Stabilization Requirements

Stabilization in areas to remain vegetated shall consist of seeding and straw/mulch. The Contractor shall initiate stabilization measures as soon as practical in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) calendar days after construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:

A. When the initiation of stabilization is not practicable due to excessive snow cover (which is defined as at least one foot), at the discretion of the qualified inspector.

B. When construction activity on a portion of the site has temporarily ceased and earth-disturbing activities shall resume within twenty-one (21) calendar days, then temporary stabilization measures do not need to be initiated on that portion of the site.

5.2 Winter Stabilization Requirements

Site runoff and sediment control must be adequately managed when site work/disturbance is slated to occur during wither months.

A. Snow must be managed to provide adequate storage for snow and control of melt water, requiring cleared snow to be stored in a manner not affecting ongoing construction activities.

B. Snow must be managed such that silt fence and/or other erosion and sediment controls are maintained/protected. If erosion and sediment controls are damaged due to snow removal/movement activities, they must be promptly repaired.

C. A minimum 25-foot buffer shall be maintained from all perimeter controls such as silt fence. Mark silt fence/compost filter socks with tall stakes to keep visible above snow pack.

D. Drainage structures must be kept free/open of snow and ice dams. Any debris, ice dams or debris from blowing that restrict the flow of runoff and meltwater shall be removed.

E. Sediment barriers must be installed at all perimeter and sensitive locations. Silt fence and other practices requiring earth disturbance must be installed before the ground freezes.

F. Soil stockpiles must be adequately protected per the NYSDEC "Blue" Book or site-approved remediation plan.

G. If straw mulch alone is used for temporary stabilization, it must be applied at 4 tons/acre (i.e., double the standard application rate).

H. To ensure adequate stabilization of disturbed soil in advance of a melt event, areas of disturbed soil shall be stabilized at the end of each workday unless:

   a. work will resume within 24 hours in the same area and no precipitation is forecast or;

   b. the work is in disturbed areas that collect and retain runoff, such as open utility trenches, foundation excavations or water management areas.

I. Use stone paths and/or existing paved surfaces to provide access to areas where construction vehicle traffic is anticipated.

5.3 Trench/Excavation De-Watering

5.3.1 Uncontaminated Waters

Uncontaminated water is defined as stormwater that has accumulated in low lying areas, in a trench or in an open excavation without known or suspected environmental impairment. Trench/excavation dewatering shall be conducted using a portable pump and hose, as needed. At the end of the hose, a geotextile filter sack shall be used to filter sediment from the water. If a filter sack is not used, the water must be pumped to an approved sedimentation trap. The pumped water shall be discharged into an upland area (not into streams or wetlands), and away from any steep slopes to prevent erosion. The filter sack

shall be cleaned periodically as sediment accumulates within the sack. Sediments from the filter sack shall be properly placed in upland areas or disposed of off-site.

5.3.2 Contaminated Waters

Contaminated waters are defined as water with petroleum odor or sheens, or otherwise documented through analytical testing performed by C.T. Male as part of the Remedial Investigation (RI) under the New York State Brownfield Cleanup Program (BCP). Management and handling of contaminated waters need to be coordinated through Jeffrey A. Marx, P.E., Remediation Engineer for C.T. Male and will likely require a permit to discharge, and coordination with NYSDEC and applicable municipalities or disposal facilities.

5.4 Dust Control

Dust shall be controlled on the Project by use of a water truck. The qualified inspector shall determine the frequency of water application in order to control dust. Chemicals or other methods of dust control are prohibited to be used on the Project.

5.5 Construction Materials Management Plan

During construction, the following materials could be used and stored on-site: Concrete additives, paints/solvents, acids, cleaning products, petroleum-based products/fuel, pesticides, fertilizers, construction wastes, sanitary wastes, and tackifier for soil stabilization. The aforementioned materials shall be managed using the following procedures:

1. ***Good Housekeeping:***
    1.1. Store only products required to do the job on the site, and use all of a product before disposing of the container.
    1.2. All materials stored on-site shall be stored in a neat and orderly manner. Containers shall be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.
    1.3. Products shall be kept in their original container with manufacturers' label.
    1.4. Manufacturer's recommendations for proper use and disposal shall be followed.

2. Hazardous Products:

2.1. Material Safety Data Sheets (MSDS) for each substance with hazardous properties shall be provided on-site. Each employee who must use the product shall be instructed on the use of MSDS Sheets and specific information applicable to that product.

2.2. If a surplus of the product must be disposed of, manufacturer's, local/state/federal recommended methods for disposal shall be followed.

3. Petroleum Products:

3.1. All on-site vehicles shall be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage.

3.2. Petroleum products shall be sealed in properly labeled containers.

4. Fertilizers:

4.1. Fertilizers shall be applied in the minimum amounts recommended by the manufacturer and be immediately worked into the soil to limit exposure to stormwater.

4.2. Storage of fertilizers shall be placed in a plastic bin and stored in a covered area to prevent spills.

5. ***Paints, Solvents:***

5.1. Excess paint and solvents shall not be discharged into the storm sewer and shall be properly disposed of according to New York State regulations.

6. Concrete Wastes:

6.1. Wash water may be disposed of on the site in a specifically designed diked area or into forms to make other useful concrete products.

6.2. Hardened residue from the concrete washout area shall be disposed of as construction waste.

6.3. All concrete wash areas shall be located in an area where it is not likely to contribute to stormwater discharged. This determination shall be made by the Engineer or qualified professional during construction.

7. Solid/Construction Wastes:

7.1. All waste materials shall be stored in an appropriate lidded dumpster, and disposed of by a licensed waste management company.

7.2. No construction materials shall be buried on-site, and all personnel shall be instructed on correct procedures for waste disposal.

8. Sanitary Wastes:

8.1. All sanitary waste shall be collected from portable units by a New York State licensed portable facility provider.

8.2. All portable units shall be located in a place where it is not likely to contribute to stormwater discharge.

5.6 Maintenance and Repairs

The Contractor is responsible to perform maintenance and repairs of the erosion and sediment control measures, within one (1) business day of the deficiencies being observed.

The erosion and sediment control measures shall be installed and maintained by the Contractor until the vegetated areas have achieved 80% growth.

6.0 INSPECTION AND MAINTENANCE REQUIREMENTS

6.1 Contractor Requirements

1. All erosion and sediment control measures in the SWPPP and on the accompanying plans shall be maintained in effective operating condition during construction.
2. Per the General Permit, the Contractor shall inspect the erosion and sediment control measures in the SWPPP to ensure that they are being maintained in effective operating condition during construction. If soil disturbance activities have been temporarily suspended and temporary stabilization measures have been applied to disturbed areas, the Contractor may cease these ongoing inspections.
3. The Contractor may cease ongoing inspections of erosion and sediment control measures and remove these features when the Project has been completed and areas have received final stabilization as defined in Section 5.1.

6.2 Qualified Inspector Requirements

The qualified inspector is defined by the General Permit as the following:

"A person 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), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the trained individual working under the direct supervision of the licensed Professional Engineer or Registered 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 impoundment, shall be performed by a licensed Professional Engineer.

6.3 SWPPP Inspection Requirements

The qualified inspector shall conduct site SWPPP inspections in accordance with the General Permit the following timetable:

1. Inspect the installed erosion and sediment control measures at the site prior to the start of construction activities.
2. Inspect the site once every seven (7)-calendar days during ongoing construction activities.
3. Inspect the site every thirty (30) days where soil disturbance activities have been temporarily suspended and temporary stabilization measures have been applied to disturbed areas. Owner/Operator shall contact the Town of Colonie in writing prior to reducing the frequency of inspections.
4. Inspect all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site.
5. Upon project completion, perform a final inspection to certify that the vegetated areas have achieved 80% growth.

The inspector shall perform the SWPPP inspections in accordance with the General Permit requirements. Within one (1) business day of completing the SWPPP inspection, the qualified inspector shall notify the Owner/Operator and Contractor of any corrective actions that need to be taken.

All completed SWPPP inspection forms shall be maintained in Appendix D of this SWPPP and shall always be on the construction site until permit coverage is terminated. A sample SWPPP inspection report is included in Appendix D.

7.0 WINTER SHUTDOWN PLAN

The Contractor shall notify the SWPPP inspector of the erosion control measures intended to stabilize the site against erosion. In preparation for winter shutdown, the Contractor shall provide and implement one (or a combination) of the following erosion control measures on areas where vegetation has not been established:

- jute/coconut fiber blankets;
- geotextile;
- tackifier;
- straw mulch; or
- alternate method(s) acceptable to the Engineer and the NYSDEC.

Following the SWPPP inspector's acceptance of the erosion control measures selected for winter shutdown, the site shall have a minimum of one (1) SWPPP inspection conducted per month. Additionally, SWPPP inspections shall also be conducted after rainfalls in excess of one-half (½") inch in a 24-hour period and after significant snowmelt occurs. If these inspections reveal areas damaged by erosion, the Contractor shall provide repairs prior to the next scheduled SWPPP inspection.

FIGURE 1

Site Location Map

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



Date	RECORD OF WORK	Appr.

FIGURE 1: SITE LOCATION MAP

Drafter: LJS	Checker: LJS
Appr. by: LJS	Proj. No. 17.7536

CITY OF ALBANY/T/o COLONIE | ALBANY COUNTY, NY

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
www.ctmale.com

SCALE: 1"=500' | DATE:DEC. 8, 2020

APPENDIX A

SPDES General Permit 0-20-001

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001

Issued Pursuant to Article 17, Titles 7, 8 and Article 70

of the Environmental Conservation Law

Effective Date: January 29, 2020 Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator

1-23-20

Authorized Signature Date

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

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 *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

An *owner or operator* of a *construction activity* that is eligible for coverage under this 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), (15)(i), and (15)(ii), constitute construction of a *point source* and therefore, pursuant to ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* cannot 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

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Part 1. 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 (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

*Discharge*s authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the *Stormwater Pollution Prevention Plan* (“SWPPP”) the reason(s) for the

deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

   (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharge*s;

   (ii) Control stormwater *discharge*s, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;

   (iii) *Minimize* the amount of soil exposed during *construction activity*;

   (iv) *Minimize* the disturbance of *steep slopes*;

   (v) *Minimize* sediment *discharge*s from the site;

   (vi) Provide and maintain *natural buffer*s around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharge*s, unless *infeasible*;

   (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;

   (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and

   (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.

b. **Soil Stabilization**. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering**. *Discharge*s from *dewatering* activities, including *discharge*s from *dewatering* of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures**. Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited *Discharge*s.** The following *discharge*s are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

(i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100% of the WQv shall be documented in the SWPPP.

For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site discharges directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

b. *Sizing Criteria* for *New Development* in Enhanced Phosphorus Removal Watershed

(i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be

calculated in accordance with the criteria in Section 10.3 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible.*

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site *discharge*s directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

c. Sizing Criteria for Redevelopment Activity

(i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.

(1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or

(2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or

(3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or

(4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

(ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iii) *Overbank* Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharge*s necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge 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, such as:

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 or 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.

If there is evidence indicating that the stormwater *discharge*s authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharge*s authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

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

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharge*s; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.

3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: "Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned"; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharge*s from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.

4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

1. *Discharge*s after *construction activities* have been completed and the site has undergone *final stabilization*;

2. *Discharge*s that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;

3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;

4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*

operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.D.2 of this permit;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;

6. *Construction activities* for residential, commercial and institutional projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

7. *Construction activities* for linear transportation projects and linear utility projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:

   a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.

      - 1-5 acres of disturbance - 20 feet
      - 5-20 acres of disturbance - 50 feet
      - 20+ acres of disturbance - 100 feet, or

   b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
      (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
      (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
      (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
      (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or

   c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

(i) No Affect
(ii) No Adverse Affect
(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharge*s from *construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the “MS4 SWPPP Acceptance” form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.

3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4* . This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

B. Notice of Intent (NOI) Submittal

1. Prior to December 21, 2020, an owner or operator shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (http://www.dec.ny.gov/). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address:

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

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.

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.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

C. Permit Authorization

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

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 SEQRA is applicable. See the Department's website (http://www.dec.ny.gov/) for more information,

   b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621), or the equivalent from another New York State agency, 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 *UPA* permits

must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed 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 permit,

c. the final SWPPP has been prepared, and

d. a complete 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.C.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 electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

      (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

      (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

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 both a complete electronic version of the NOI (eNOI) and signed "*MS4* SWPPP Acceptance" form, or

(ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. 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 or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

D. 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 Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor's or subcontractor's certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT 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. The secure location must be accessible during normal business 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 *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control 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.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.

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. In accordance with statute, regulations, and the terms and conditions of this permit, 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 or consistent with Part VII.K..

5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.

6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

regulated, traditional land use control MS4 in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice.

E. Permit Coverage for Discharges Authorized Under GP-0-15-002

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of *a construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, unless otherwise notified by the Department.

   An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-20-001.

F. 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. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4,* the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.

2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. 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 permit.

3. 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. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. 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*. A copy of the completed, final NOI shall be included in the SWPPP.

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. At a minimum, the *owner or operator* shall amend the SWPPP, including construction drawings:

    a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge* of *pollutants*;

c. to address issues or deficiencies identified during an inspection by the *qualified inspector,* the Department or other regulatory authority; and

d. to document the final construction conditions.

5. 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 or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.

6. 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, replacing, 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 constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor.* The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

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

   "I hereby certify under penalty of law 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 most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharge*s from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

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 contractor* 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.

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

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the 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

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); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; 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 this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, 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. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection

schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;

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 stormwater *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 design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. 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 standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

   Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

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

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

c. A Stormwater Modeling and Analysis Report that includes:
   (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;

   (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

   (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;

   (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

   (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and

   (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;

d. Soil testing results and locations (test pits, borings);

e. Infiltration test results, when required; and

f. 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 - 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 applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria,* Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. 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 of this permit. *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 of this permit.

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 (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, 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. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall

begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

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 *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance 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

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- New York State Erosion and Sediment Control Certificate Program holder
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:

   a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is 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;

b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is 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;

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

d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the *qualified inspector* shall 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.D.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. The two (2) 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 DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) 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 DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) 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* perform a final inspection and 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. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.

e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures 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,* all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, 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. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;

f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;

g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

i. 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;

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

k. Identification and status of all corrective actions that were required by previous inspection; and

l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

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.6. of this permit 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.D.2. of this permit, 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 NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

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 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.F. of this permit.

d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.

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, by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.

4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "MS4 Acceptance" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector*'s final site inspection certification(s) required in Part V.A.3. of this permit.

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, 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 mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,

d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; 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 RECORDS

A. Record Retention

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 Department receives a complete NOT submitted in accordance with Part V. of this general permit.

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.B.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the 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 non-compliance with this permit 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, suspension 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*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

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 violation of this permit. 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.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

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 of the documents required by this permit , 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 to the Department using the contact information in Part II.A. of this permit. 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 violation of this permit.

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

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 in Part VII.H.1. of this permit 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 in Part VII.H.1. of this permit;

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 shall include the name, title and signature of the authorized representative and be 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.

   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*.

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. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any owner or operator authorized by this permit to apply for and/or obtain either an individual SPDES permit or another 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 owner or operator receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, 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. 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.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, 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), practices or operations regulated or required by this permit.

4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. 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. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

APPENDIX A – Acronyms and Definitions

Acronyms

APO – Agency Preservation Officer
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
Cpv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DOW – Division of Water
EAF – Environmental Assessment Form
ECL - Environmental Conservation Law
EPA – U. S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review
SEQRA - State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

Definitions

All definitions in this section are solely for the purposes of this permit.

Agricultural Building – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agricultural Property –means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

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.

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for "*Commence (Commencement of) Construction Activities"* and "*Larger Common Plan of Development or Sale" also.*

Dewatering – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

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*.

Embankment –means an earthen or rock slope that supports a road/highway.

Endangered or Threatened Species – see 6 NYCRR Part 182 of the Department's rules and regulations for definition of terms and requirements.

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

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

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 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - 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.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot 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.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

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) environmental assessment form or other documents, 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.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

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).

Natural Buffer –means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

New York State Erosion and Sediment Control Certificate Program – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

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*.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Point Source - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

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 6 NYCRR Parts 700 et seq .

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), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered 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 the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

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, Registered 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. 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.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is authorized to discharge under New York State DEC's

SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

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,
- 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 stabilizes 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.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank* Flood (Qp), and Extreme Flood (Qf).

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.

Steep Slope – means land area designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%) , or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

Streambank – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, 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 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.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

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 source*s. 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 source*s, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed

training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day 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 or 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 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 (5,000) square feet and one (1) acre of land.

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
- Pond construction
- Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover
- Cross-country ski trails and walking/hiking trails
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.
- Slope stabilization projects
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

Table 1 (Continued) 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:

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) 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 greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

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 home that disturbs five (5) or more acres of land
- 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 duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- 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 development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

Table 2 (Continued)

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:

- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- 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, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover,* and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

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
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

Figure 1 - New York City Watershed East of the Hudson

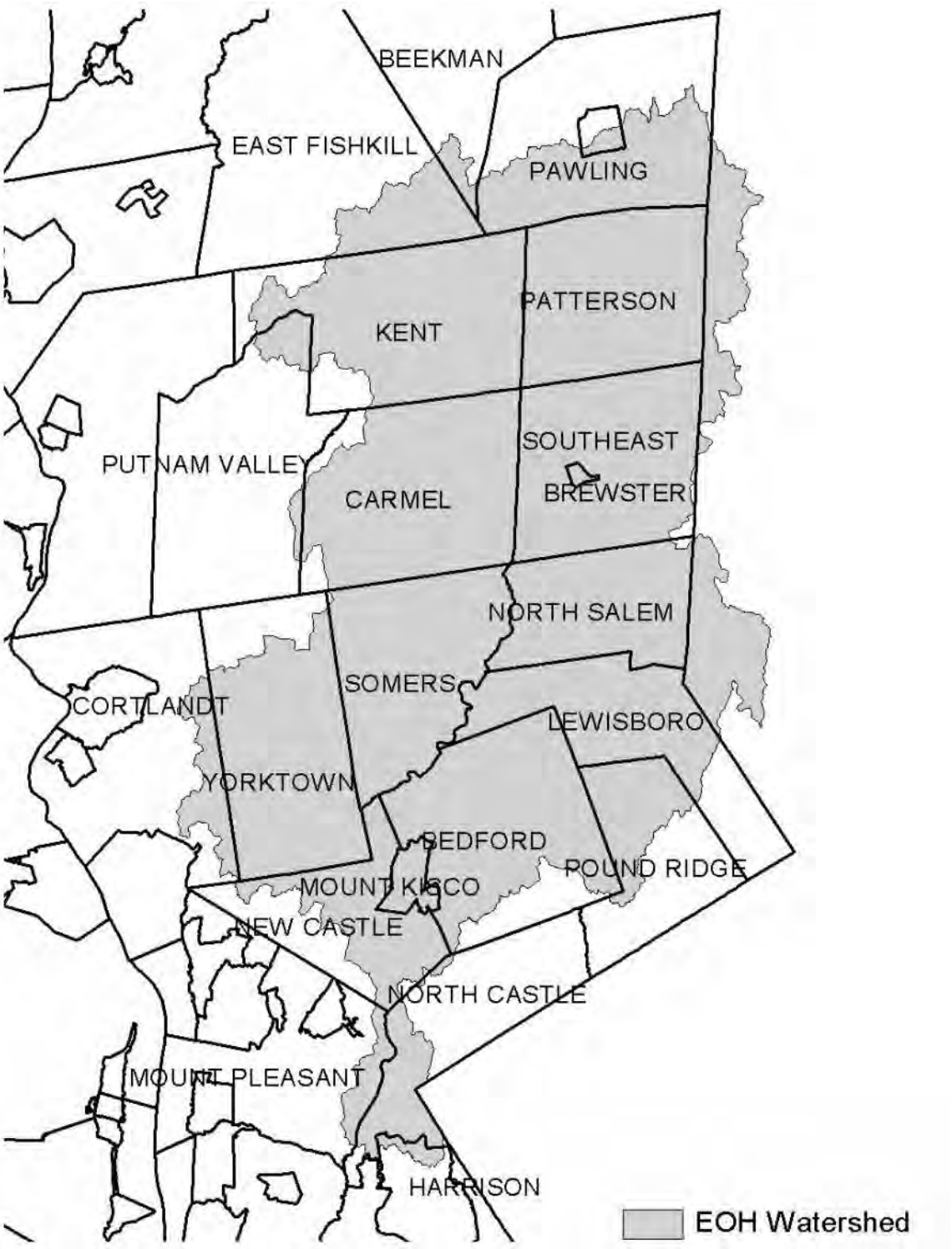


Figure 2 - Onondaga Lake Watershed



Figure 3 - Greenwood Lake Watershed

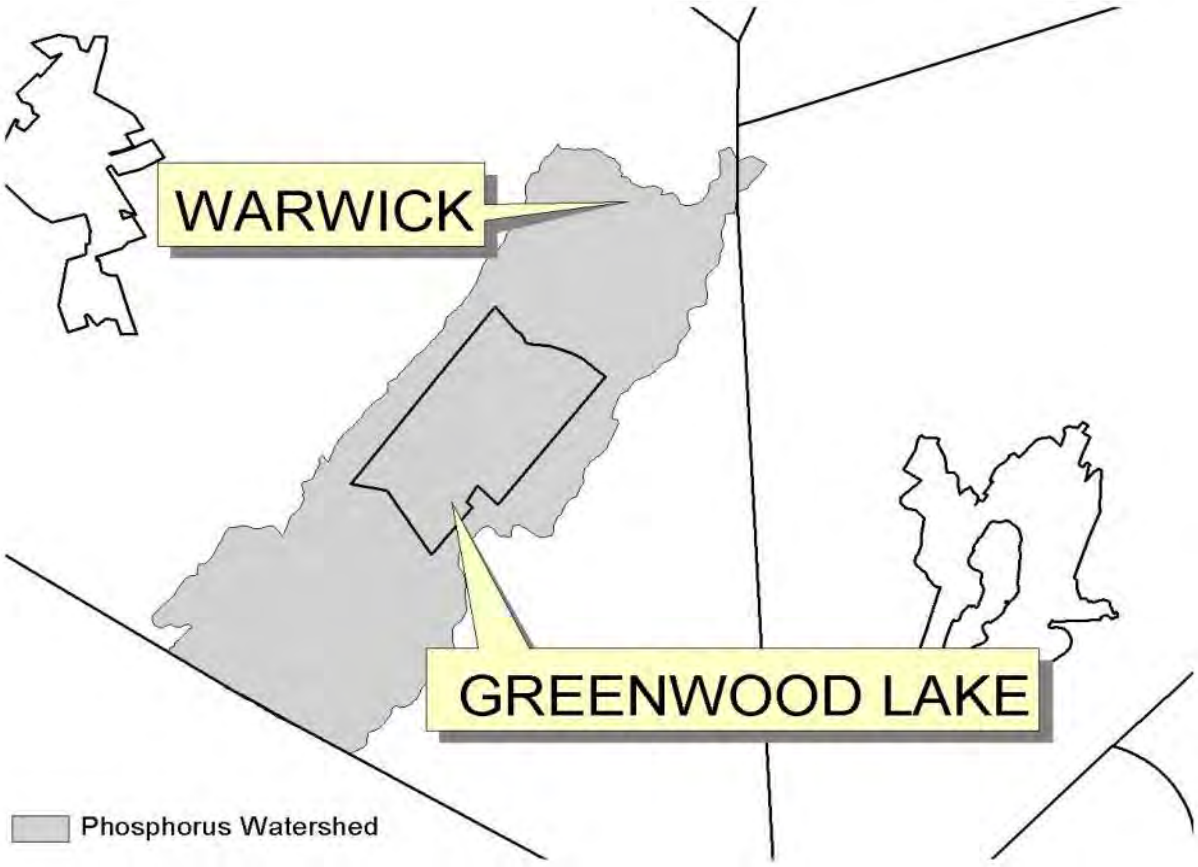


Figure 4 - Oscawana Lake Watershed

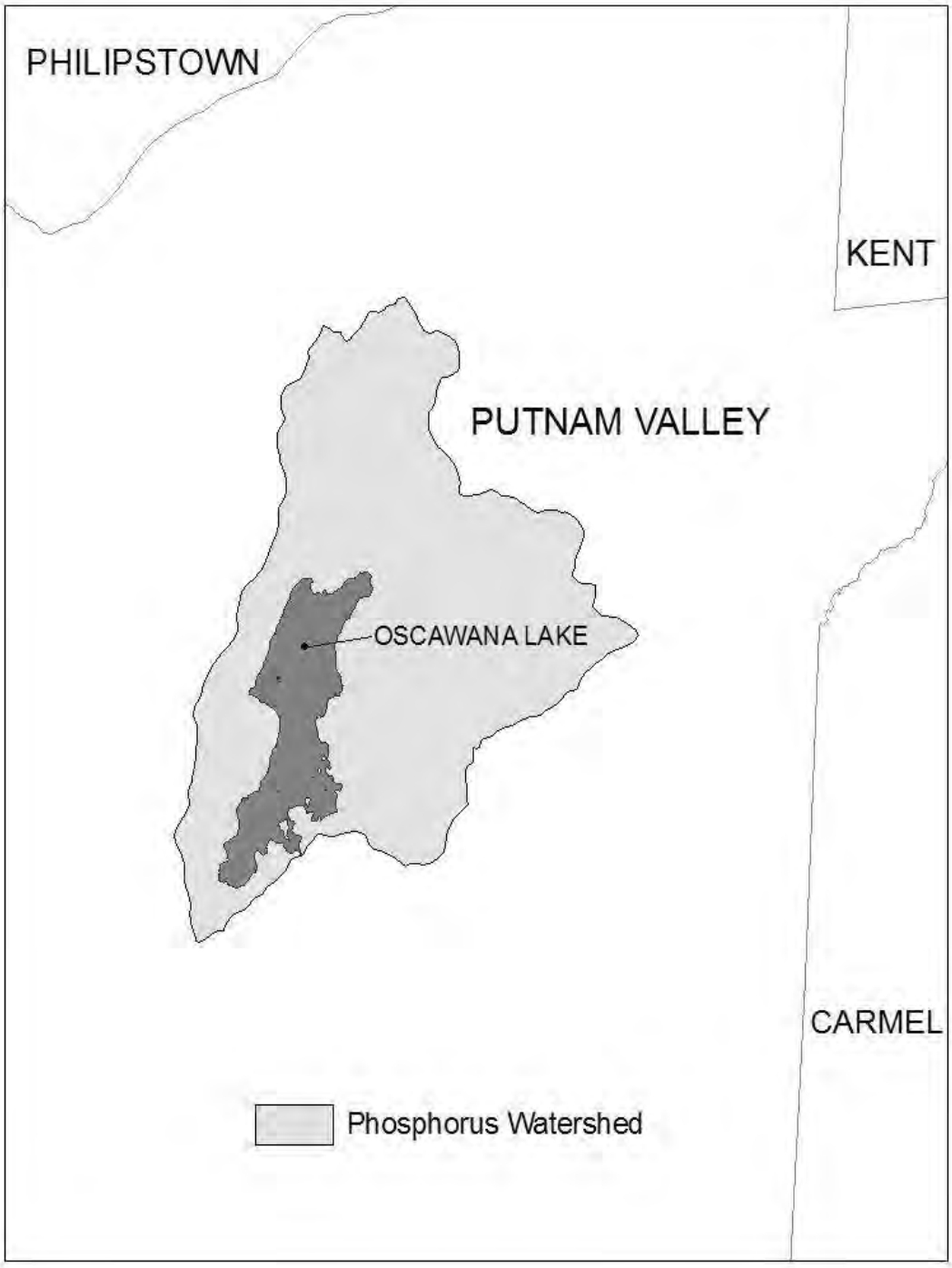
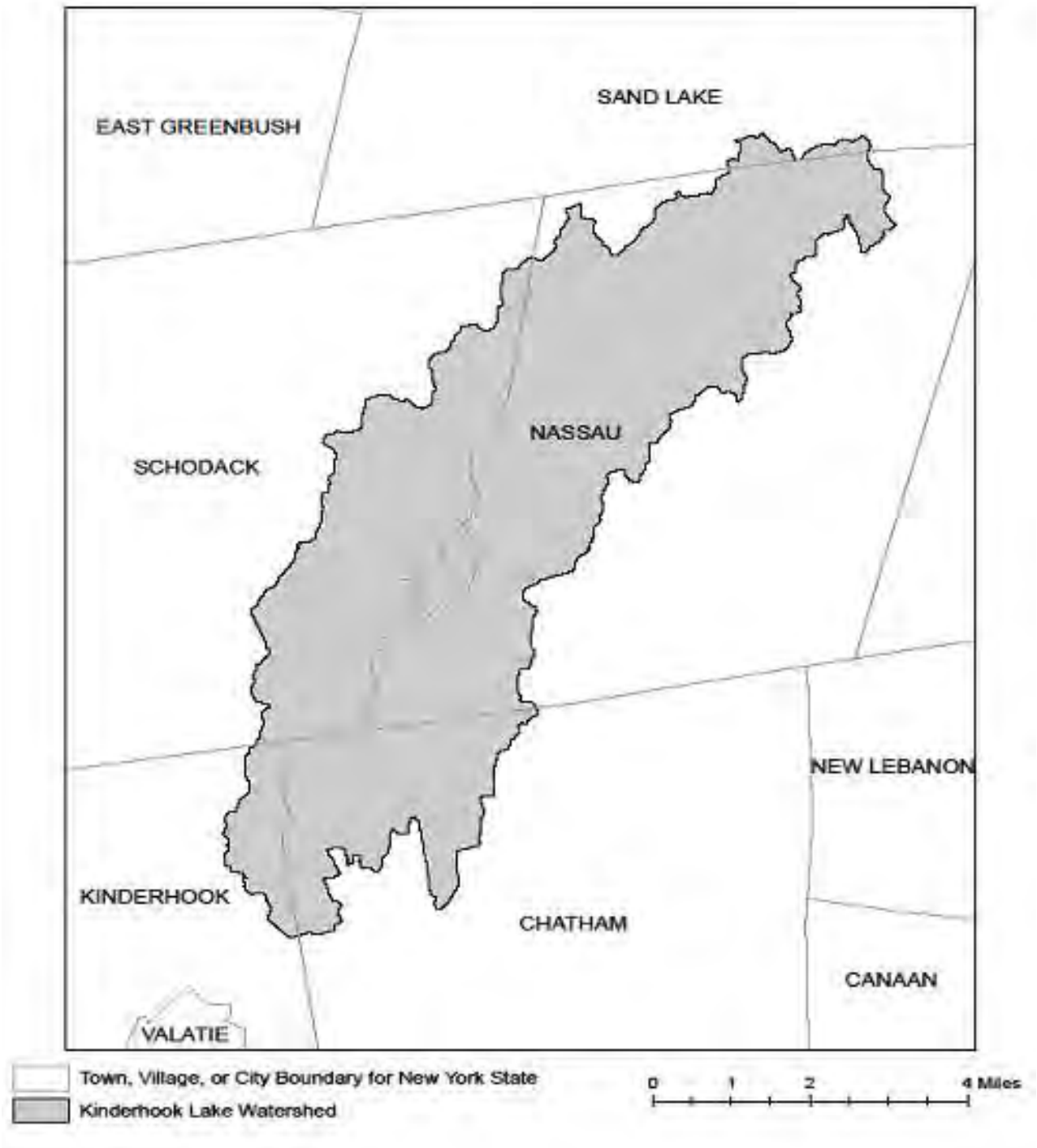


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Watersheds with Lower Disturbance Threshold

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 – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out 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 New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribs to Lake Lonely	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment

303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

APPENDIX F – List of NYS DEC Regional Offices

Region	Covering the following counties:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) Permit Administrators	DIVISION OF WATER (DOW) Water (SPDES) Program
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 Warrensburg, NY 12885-1172 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 ROADAVON, 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 AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX B

Soils Information

Hydrologic Soil Group—Albany County, New York
(First Prize Center)



Map Scale: 1:3,270 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 45 90 180 270

Feet
0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Albany County, New York
Survey Area Data: Version 18, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 1, 2014—Sep 22, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ud	Udipsamments, smoothed	A	1.6	9.8%
Uf	Udipsamments-Urban land complex	A	0.0	0.2%
Ur	Urban land		14.4	87.2%
Us	Urban land-Udipsamments complex, 0 to 8 percent slopes		0.5	2.9%
Totals for Area of Interest			**16.6**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

APPENDIX C

Draft Notice of Intent (eNOI)

Application Form

NOI for coverage under Stormwater General Permit for Construction Activity

version 1.29

(Submission #: HP4-VQ7T-MQKZA, version 1)

Details

Submission Alias	NOI for coverage under Stormwater General Permit for Construction Activity - First Prize Center
Originally Started By	Lauren Sherman
Submission ID	HP4-VQ7T-MQKZA
Submission Reason	New
Status	Draft
Active Steps	Form Submitted

Form Input

Owner/Operator Information

Owner/Operator Name (Company/Private Owner/Municipality/Agency/Institution, etc.)
First Prize Development Partners, LLC

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
Arcangel

Owner/Operator Contact Person First Name
Michael

Owner/Operator Mailing Address
8 Paddocks Circle

City
Saratoga Springs

State
New York

Zip
12866

Phone
5184416250

Email
michael.arcangel@rbc-ny.com

Federal Tax ID
NONE PROVIDED

Project Location

Project/Site Name
First Prize Center Site

Street Address (Not P.O. Box)
68 Exchange Street

Side of Street
South

City/Town/Village (THAT ISSUES BUILDING PERMIT)
Town of Colonie

State
NY

Zip
12205

County
ALBANY

DEC Region
4

Name of Nearest Cross Street
Everett Rd. Ext.

Distance to Nearest Cross Street (Feet)
0

Project In Relation to Cross Street
West

Tax Map Numbers Section-Block-Parcel
53.16-1-23.1

Tax Map Numbers
53.60-1-153.59-1-3.1

1. Coordinates

Provide the Geographic Coordinates for the project site. The two methods are:
- Navigate to the project location on the map (below) and click to place a marker and obtain the XY coordinates.
- The "Find Me" button will provide the lat/long for the person filling out this form. Then pan the map to the correct location and click the map to place a marker and obtain the XY coordinates.

Navigate to your location and click on the map to get the X,Y coordinates
42.68746,-73.787773

Project Details

2. What is the nature of this project?
Redevelopment with no increase in impervious area

3. Select the predominant land use for both pre and post development conditions.

Pre-Development Existing Landuse
Industrial

Post-Development Future Land Use
Demolition, No Redevelopment

3a. If Single Family Subdivision was selected in question 3, enter the number of subdivision lots.
NONE PROVIDED

4. In accordance with the larger common plan of development or sale, enter the total project site acreage, the acreage to be disturbed and the future impervious area (acreage)within the disturbed area.

*** ROUND TO THE NEAREST TENTH OF AN ACRE. ***

Total Site Area (acres)
32.0

Total Area to be Disturbed (acres)
4.9

Existing Impervious Area to be Disturbed (acres)
4.9

Future Impervious Area Within Disturbed Area (acres)
0.0

5. Do you plan to disturb more than 5 acres of soil at any one time?
No

---

6. Indicate the percentage (%) of each Hydrologic Soil Group(HSG) at the site.

A (%)
100

B (%)
0

C (%)
0

D (%)
0

7. Is this a phased project?
No

8. Enter the planned start and end dates of the disturbance activities.

Start Date
3/1/2021

End Date
12/31/2021

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.
Patroon Creek

9a. Type of waterbody identified in question 9?
Stream/Creek Off Site

Other Waterbody Type Off Site Description
NONE PROVIDED

9b. If "wetland" was selected in 9A, how was the wetland identified?
NONE PROVIDED

10. Has the surface waterbody(ies in question 9 been identified as a 303(d) segment in Appendix E of GP-0-20-001?
No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001?
No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?
No

If No, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey?
NONE PROVIDED

If Yes, what is the acreage to be disturbed?
NONE PROVIDED

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?
No

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?
Yes

16. What is the name of the municipality/entity that owns the separate storm sewer system?
Town of Colonie/City of Albany

17. Does any runoff from the site enter a sewer classified as a Combined Sewer?
Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?
No

19. Is this property owned by a state authority, state agency, federal government or local government?
No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)
Yes

Required SWPPP Components

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?
Yes

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?
No

If you answered No in question 22, skip question 23 and the Post-construction Criteria and Post-construction SMP Identification sections.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?
NONE PROVIDED

24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:
Professional Engineer (P.E.)

SWPPP Preparer
C.T. Male Associates

Contact Name (Last, Space, First)
Sherman Lauren

Mailing Address
50 Century Hill Drive

City
Latham

State
New York

Zip
12110

Phone
5187867618

Email
l.sherman@ctmale.com

Download SWPPP Preparer Certification Form
Please take the following steps to prepare and upload your preparer certification form:

1) Click on the link below to download a blank certification form
2) The certified SWPPP preparer should sign this form
3) Scan the signed form
4) Upload the scanned document
Download SWPPP Preparer Certification Form

Please upload the SWPPP Preparer Certification
> NONE PROVIDED
> **Comment**
> NONE PROVIDED

Erosion & Sediment Control Criteria

25. Has a construction sequence schedule for the planned management practices been prepared?
Yes

26. Select all of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural
Silt Fence
Stabilized Construction Entrance
Dust Control

Biotechnical
None

Vegetative Measures
None

Permanent Structural
None

Other
NONE PROVIDED

Post-Construction Criteria

*** IMPORTANT: Completion of Questions 27-39 is not required if response to Question 22 is No.**

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.
NONE PROVIDED

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).
NONE PROVIDED

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout). (Acre-feet)
NONE PROVIDED

29. Post-construction SMP Identification
Use the Post-construction SMP Identification section to identify the RR techniques (Area Reduction), RR techniques(Volume Reduction) and Standard SMPs with RRv Capacity that were used to reduce the Total WQv Required (#28).

Identify the SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use the Post-Construction SMP Identification section to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29. (acre-feet)
NONE PROVIDED

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28)?
NONE PROVIDED

If Yes, go to question 36. If No, go to question 32.

32. Provide the Minimum RRv required based on HSG. [Minimum RRv Required = (P) (0.95) (Ai) / 12, Ai=(s) (Aic)] (acre-feet)
NONE PROVIDED

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?
NONE PROVIDED

If Yes, go to question 33.
Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

33. SMPs
Use the Post-construction SMP Identification section to identify the Standard SMPs and, if applicable, the Alternative SMPs to be used to treat the remaining total WQv (=Total WQv Required in #28 - Total RRv Provided in #30).

Also, provide the total impervious area that contributes runoff to each practice selected.

NOTE: Use the Post-construction SMP Identification section to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question #29. (acre-feet)
NONE PROVIDED

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).
NONE PROVIDED

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)?
NONE PROVIDED

If Yes, go to question 36.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv required and provided or select waiver (#36a), if applicable.

CPv Required (acre-feet)
NONE PROVIDED

CPv Provided (acre-feet)
NONE PROVIDED

36a. The need to provide channel protection has been waived because:
NONE PROVIDED

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (#37a), if applicable.

Overbank Flood Control Criteria (Qp)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

Total Extreme Flood Control Criteria (Qf)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

37a. The need to meet the Qp and Qf criteria has been waived because:
NONE PROVIDED

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?
NONE PROVIDED

If Yes, Identify the entity responsible for the long term Operation and Maintenance
NONE PROVIDED

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). (See question #32a) This space can also be used for other pertinent project information.
NONE PROVIDED

Post-Construction SMP Identification

Runoff Reduction (RR) Techniques, Standard Stormwater Management Practices (SMPs) and Alternative SMPs
Identify the Post-construction SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

RR Techniques (Area Reduction)

Round to the nearest tenth

Total Contributing Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Impervious Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Impervious Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

Total Contributing Impervious Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

Total Contributing Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

RR Techniques (Volume Reduction)

Total Contributing Impervious Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

Total Contributing Impervious Acres for Vegetated Swale (RR-5)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Garden (RR-6)
NONE PROVIDED

Total Contributing Impervious Acres for Stormwater Planter (RR-7)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Barrel/Cistern (RR-8)
NONE PROVIDED

Total Contributing Impervious Acres for Porous Pavement (RR-9)
NONE PROVIDED

Total Contributing Impervious Acres for Green Roof (RR-10)
NONE PROVIDED

Standard SMPs with RRv Capacity

Total Contributing Impervious Acres for Infiltration Trench (I-1)
NONE PROVIDED

Total Contributing Impervious Acres for Infiltration Basin (I-2)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Well (I-3)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Infiltration System (I-4)
NONE PROVIDED

Total Contributing Impervious Acres for Bioretention (F-5)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Swale (O-1)
NONE PROVIDED

Standard SMPs

Total Contributing Impervious Acres for Micropool Extended Detention (P-1)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Pond (P-2)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Extended Detention (P-3)
NONE PROVIDED

Total Contributing Impervious Acres for Multiple Pond System (P-4)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Pond (P-5)
NONE PROVIDED

Total Contributing Impervious Acres for Surface Sand Filter (F-1)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Sand Filter (F-2)
NONE PROVIDED

Total Contributing Impervious Acres for Perimeter Sand Filter (F-3)
NONE PROVIDED

Total Contributing Impervious Acres for Organic Filter (F-4)
NONE PROVIDED

Total Contributing Impervious Acres for Shallow Wetland (W-1)
NONE PROVIDED

Total Contributing Impervious Acres for Extended Detention Wetland (W-2)
NONE PROVIDED

Total Contributing Impervious Acres for Pond/Wetland System (W-3)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Wetland (W-4)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Swale (O-2)
NONE PROVIDED

Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Total Contributing Impervious Area for Hydrodynamic
NONE PROVIDED

Total Contributing Impervious Area for Wet Vault
NONE PROVIDED

Total Contributing Impervious Area for Media Filter
NONE PROVIDED

"Other" Alternative SMP?
NONE PROVIDED

Total Contributing Impervious Area for "Other"
NONE PROVIDED

Provide the name and manufaturer of the alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

Manufacturer of Alternative SMP
NONE PROVIDED

Name of Alternative SMP
NONE PROVIDED

Other Permits

40. Identify other DEC permits, existing and new, that are required for this project/facility.
None

If SPDES Multi-Sector GP, then give permit ID
NONE PROVIDED

If Other, then identify
NONE PROVIDED

41. Does this project require a US Army Corps of Engineers Wetland Permit?
No

If "Yes," then indicate Size of Impact, in acres, to the nearest tenth
NONE PROVIDED

42. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.
NONE PROVIDED

MS4 SWPPP Acceptance

43. Is this project subject to the requirements of a regulated, traditional land use control MS4?
Yes - Please attach the MS4 Acceptance form below

If No, skip question 44

44. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?
NONE PROVIDED

MS4 SWPPP Acceptance Form Download
Download form from the link below. Complete, sign, and upload.
MS4 SWPPP Acceptance Form

MS4 Acceptance Form Upload
NONE PROVIDED
Comment
NONE PROVIDED

Owner/Operator Certification

Owner/Operator Certification Form Download
Download the certification form by clicking the link below. Complete, sign, scan, and upload the form.
Owner/Operator Certification Form (PDF, 45KB)

Upload Owner/Operator Certification Form
NONE PROVIDED
Comment
NONE PROVIDED

Status History

	User	Processing Status
12/8/2020 3:43:46 PM	Lauren Sherman	Draft

Processing Steps

Step Name	Assigned To/Completed By	Date Completed
Form Submitted		

Step Name	Assigned To/Completed By	Date Completed
Under Review	DAVID GASPER	

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Owner/Operator Certification Form

SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-20-001)

Project/Site Name: First Prize Center Site

eNOI Submission Number: HP4-VQ7T-MQKZA

eNOI Submitted by: ☐ **Owner/Operator** ☑ **SWPPP Preparer** ☐ **Other**

Certification Statement - Owner/Operator

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Owner/Operator First Name M.I. Last Name

_____

Signature

_____

Date

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form

for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information	
1. Owner/Operator Name:	First Prize Development Partners, LLC
2. Contact Person:	Michael Arcangel
3. Street Address:	8 Paddocks Circle
4. City/State/Zip:	Saratoga Springs, NY 12866
II. Project Site Information	
5. Project/Site Name:	First Prize Center Site
6. Street Address:	68 Exchange Street
7. City/State/Zip:	Albany, NY 12205
III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information	
8. SWPPP Reviewed by:	
9. Title/Position:	
10. Date Final SWPPP Reviewed and Accepted:	
IV. Regulated MS4 Information	
11. Name of MS4:	Town of Colonie/City of Albany
12. MS4 SPDES Permit Identification Number: NYR20A	
13. Contact Person:	
14. Street Address:	
15. City/State/Zip:	
16. Telephone Number:	

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information

(NYS DEC - MS4 SWPPP Acceptance Form - January 2015)

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges From Construction Activity (GP-0-20-001)

Project Site Information

Project/Site Name

First Prize Center Site

Owner/Operator Information

Owner/Operator (Company Name/Private Owner/Municipality Name)

First Prize Development Partners, LLC

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-20-001. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Lauren	J	Sherman
First name	MI	Last Name

Signature

Date

Revised: January 2020

APPENDIX D

SWPPP Inspection Forms

Field Inspection Report: SPDES GP-0-20-001

Project Name: First Prize Center Site CTM Proj. #: 17.7536

Date: _____ Time: _____ Inspector/ Title _____

Weather During Inspection _____ Rain: _____

Previous 24 hours: _____ Rain: _____

Site Soil Conditions: _____

Description of Run off at Discharge Points _____

Erosion and Sediment Control Features: **(Refer to Map for Location)**

	Condition	Corrective Action Required
Temporary ESCs:		
Silt Fence		
Road Sweeping / Offsite		
Construction Entrance(s)		
Compost Fiber Roll		
Permanent Measures:		
Other:		

Field Inspection Report: SPDES GP-0-20-001

Description of Disturbed Area:	
Description of Stabilized Areas:	
Areas that Require Stabilization:	

Permanent Stormwater Management Practices:	
N/A	

Practices not in conformance with SWPPP:

Repairs Required:

Improvements Since Last Visit:

Signature of Qualified Inspector:

Date Inspection Mailed to Owner/Contractor:

Signature of Owner (if required):

APPENDIX E

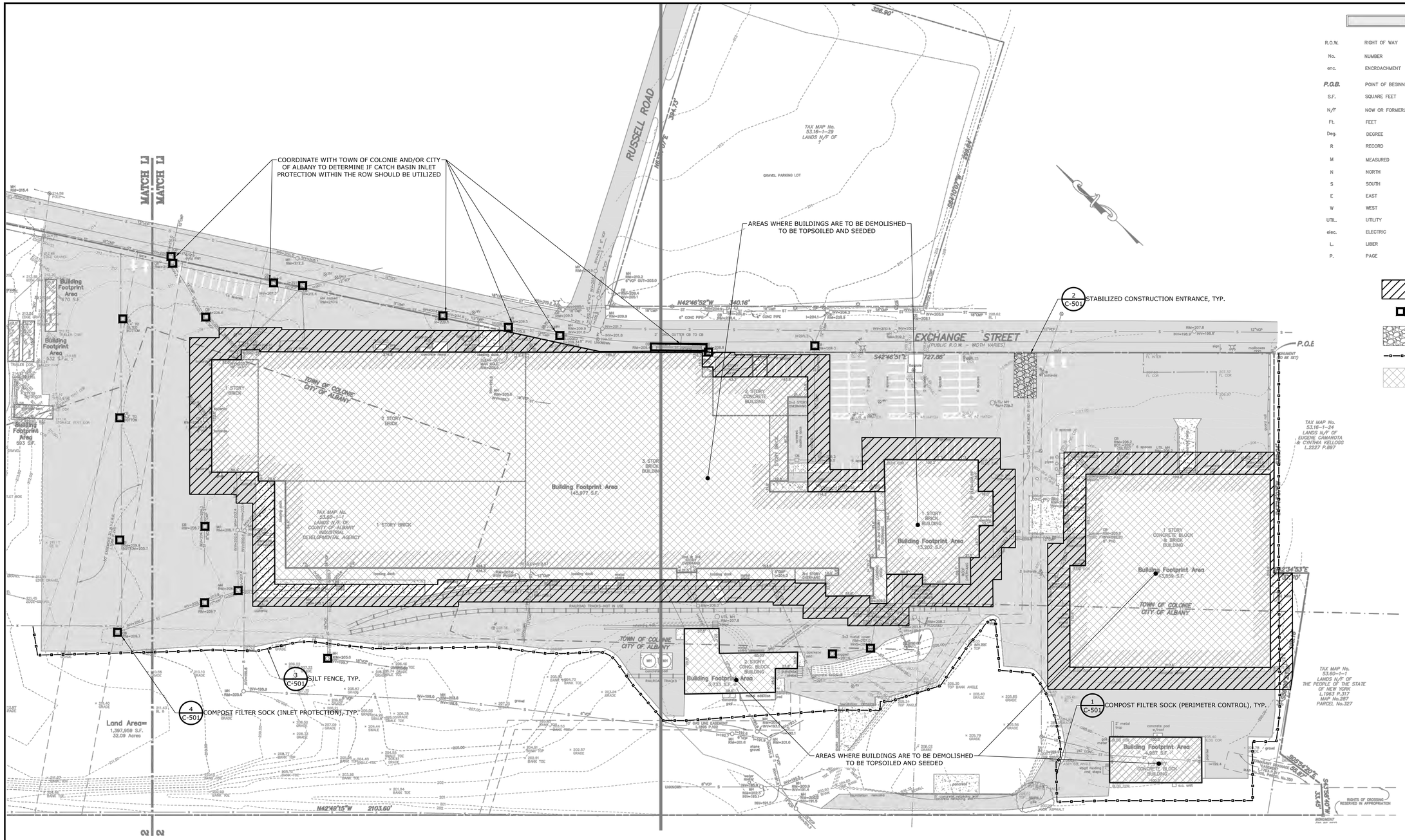
Erosion and Sediment Control Plan & Details

XREFS: NONE

PROJECT NUMBER: 17.7536

CAD DWG. FILE NAME: ESC Plan.dwg

CAD DWG. FILE NAME: K:\Projects\17753\6\Civil\Drawings and Maps\ESC Plan.dwg



LEGEND

R.O.W.	RIGHT OF WAY		HYDRANT
No.	NUMBER		MONUMENT (TO BE SET)
enc.	ENCROACHMENT	MH	MANHOLE
P.O.B.	POINT OF BEGINNING		CATCHBASIN
S.F.	SQUARE FEET		SIGN
N/F	NOW OR FORMERLY		BOLLARD
Ft.	FEET		FENCE LINE
Deg.	DEGREE		GUARD RAIL
R	RECORD	ST	STORM SEWER
M	MEASURED	UE	UNDERGROUND ELECTRIC
N	NORTH		OVERHEAD WIRE, UTILITY POLE & GUY WIRE
S	SOUTH		TRAFFIC FLOW ACCESS AREA
E	EAST	WV	WATER VALVE
W	WEST	GV	GAS VALVE
UTIL.	UTILITY		LIGHT POLE
elec.	ELECTRIC		CONCRETE
L.	LIBER		PAVEMENT
P.	PAGE		

AREA WHERE CATCH BASINS ARE TO BE COVERED WITH METAL PLATES OR PLYWOOD

CATCH BASIN INLET PROTECTION

STABILIZED CONSTRUCTION ENTRANCE

COMPOST FILTER SOCK/SILT FENCE

BUILDINGS TO BE DEMOLISHED

MAP REFERENCE:

1. "MAP SHOWING LOCATION OF BUILDINGS AND IMPROVEMENTS WITH REFERENCE TO PROPERTY LINES OF FIRST PRIZE CENTER EXCHANGE STREET', CITY OF ALBANY, COUNTY OF ALBANY, STATE OF NEW YORK, PREPARED BY HERSHBERG & HERSHBERG, DATED 11/20/00, SHEET 1 OF 2, SHEET 2 OF 2, MAP NO. 000426.

BAR SCALE
50 0 25 50 100
1 inch = 50 ft.

EROSION AND SEDIMENT CONTROL SEQUENCING NOTES:

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE(S).
2. INSTALL SILT FENCE AND/OR COMPOST FILTER SOCK ALONG DOWNHILL SIDE OF AREAS TO BE DISTURBED (PERIMETER CONTROLS). IN AREAS CROSSING PAVEMENT, USE COMPOST FILTER SOCK IN LIEU OF SILT FENCING.
3. CATCH BASINS WITHIN 24 FEET OF BUILDING(S) TO BE DEMOLISHED TO BE COVERED WITH STEEL PLATE(S) OR PLYWOOD (UNLESS OTHERWISE SHOWN - REFER TO HATCHED AREAS ON PLAN) IN ORDER TO PROTECT INLETS FROM DEMOLITION DEBRIS.
4. INSTALL INLET PROTECTION ON OTHER CATCH BASINS WITHIN PROJECT AREA (REFER TO PLAN).
5. DEMOLISH BUILDINGS, AS INDICATED ON PLANS.
6. REMOVE BUILDING FOUNDATIONS, BACKFILL AND STABILIZE SURFACE WITH TOPSOIL AND SEED.
7. REMOVE TEMPORARY ESC PRACTICES ONCE ALL DISTURBED, UPLAND AREAS HAVE BEEN STABILIZED (I.E., ALL PERVIOUS DISTURBED AREAS HAVE ACHIEVED AT LEAST 80% VEGETATIVE COVER).

STATE OF NEW YORK
LAUREN J. SHERMAN
LICENSED
090765
PROFESSIONAL ENGINEER

DATE		REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

© 2020 C.T. MALE ASSOCIATES

DESIGNED: LJS
DRAFTED : AJB/LJS
CHECKED : LJS
PROJ. NO : 17.7536
SCALE : 1"=50'
DATE : DEC. 17, 2020

EROSION AND SEDIMENT CONTROL PLAN

FIRST PRIZE CENTER EXCHANGE STREET

TOWN OF COLONIE/CITY OF ALBANY — ALBANY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
www.ctmalle.com

C-101
SHEET 1 OF 2
DWG. NO: 20-XXXX

GENERAL NOTES:

1. BEFORE UNDERTAKING ANY CONSTRUCTION ACTIVITY, ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH SITE WORK THAT INVOLVES PHYSICAL GROUND DISTURBANCE ON THE PROJECT SITE SHALL SIGN AND DATE A COPY OF THE CERTIFICATION STATEMENT, WHICH IS LOCATED IN THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) ATTACHMENT, PREPARED FOR THIS PROJECT.
2. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL CONFORM TO THE "NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL", MOST RECENT EDITION, AND ANY ADDENDA THERETO.
3. THE SEDIMENT CONTROL MEASURES DETAILED IN THESE PLANS SHALL BE IN PLACE PRIOR TO THE START OF EACH CONSTRUCTION PHASE. ONCE CONSTRUCTED, ALL MEASURES SHALL BE PROPERLY MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD, AND THEN REMOVED FROM THE SITE ONCE THE SITE IS STABILIZED.
4. AFTER THE START OF CONSTRUCTION, SITE SWPPP INSPECTIONS SHALL BE CONDUCTED AT LEAST ONCE EVERY (7) CALENDAR DAYS.
5. BASED ON THE WEEKLY SITE SWPPP INSPECTIONS, THE EROSION AND SEDIMENT CONTROL MEASURES IDENTIFIED IN THE SWPPP MAY BE REVISED AS SITE CONDITIONS WARRANT. THE CONTRACTOR SHALL IMPLEMENT THESE CHANGES AS SOON AS PRACTICABLE.
6. THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED BY THE CONTRACTOR UNTIL THE FINAL SURFACE TREATMENT HAS BEEN INSTALLED AND VEGETATED AREAS HAVE ESTABLISHED 80% COVERAGE. AFTER THE VEGETATED AREAS HAVE BEEN STABILIZED WITH AT LEAST 80% VEGETATIVE COVER, AS DETERMINED BY THE ENGINEER, THE OWNER SHALL ASSUME RESPONSIBILITY FOR MAINTAINING THE EROSION AND SEDIMENT CONTROL SYSTEM(S).
7. THE EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE CONTRACT DOCUMENTS WILL NEED TO BE SUPPLEMENTED WITH INTERIM MEASURES PRIOR TO ACHIEVING FINAL GRADES. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN INTERIM EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED TO CONTROL EROSION AND SEDIMENTATION THROUGHOUT THE DURATION OF CONSTRUCTION. THE DETAILS AND EXTENT OF THESE MEASURES ARE HIGHLY DEPENDENT ON THE CONTRACTORS MEANS AND METHODS AND THEREFORE NOT DETAILED ON THESE PLANS. THE COSTS ASSOCIATED WITH INSTALLING AND MAINTAINING THESE INTERIM MEASURES SHALL BE INCLUDED IN THE CONTRACTORS BID.
8. CONSTRUCTION ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCING NOTES.
9. OUTSIDE THE GROWING SEASON, OTHER METHODS OF SOIL STABILIZATION (SUCH AS THE USE OF JUTE MESH AND EXCELSIOR MATTING) SHALL BE USED UNTIL SUCH TIME AS VEGETATIVE COVER CAN BE ESTABLISHED.
10. EXISTING VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE. SITE WORK ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISTURBANCE. REMOVAL OF WOODY VEGETATION SHALL BE KEPT TO THE MINIMUM EXTENT PRACTICABLE.

STABILIZED CONSTRUCTION ENTRANCE NOTES:

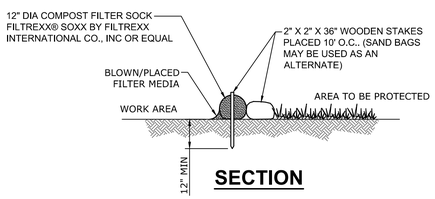
1. STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED WHERE NECESSARY TO PREVENT SEDIMENT FROM BEING TRACKED ONTO ROADWAYS.
2. PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "ROUTES OF CONVENIENCE" SHALL BE AVOIDED. CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES, AND SHALL NOT OPERATE UNNECESSARILY WITHIN WATERWAYS OR DRAINAGE DITCHES.
3. IF INTERNAL CONSTRUCTION ROADS ARE DETERMINED TO BE A SOURCE OF SEDIMENT-LADEN RUNOFF TO SENSITIVE AREAS, THEY SHALL BE STABILIZED AS SOON AS PRACTICABLE.

SEEDING & MULCHING NOTES:

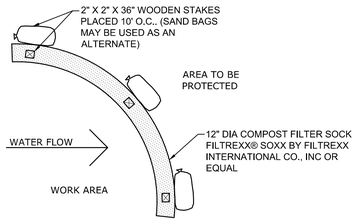
1. TEMPORARY STABILIZATION MEASURES SHALL START AS SOON AS PRACTICAL ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT NOT MORE THAN (7) DAYS AFTER WORK HAS CEASED. ACCEPTABLE TEMPORARY STABILIZATION MEASURES INCLUDE, BUT MAY NOT BE LIMITED TO SEEDING MULCH, STRAW, EROSION CONTROL BLANKETS, SOIL STABILIZING EMULSION PRODUCTS, OR SOME FUNCTIONALLY EQUIVALENT MEASURE. TEMPORARY SEEDING SHALL BE ANNUAL RYE GRASS, APPLIED AT A RATE OF 30 LBS./ACRE.
2. TEMPORARY EROSION CONTROL PROTECTION BY MULCHING SHALL BE CARRIED OUT WITHIN (7) DAYS OF THE FILL GRADE BEING FINALIZED TO AVOID POSSIBLE CONTAMINATION OF PONDS, STREAMS, OR OTHER WATERCOURSES. PLACEMENT OF JUTE MESH OR EROSION CONTROL BLANKETS OVER THE MULCH IS RECOMMENDED TO PROVIDE POSITIVE "TACKING" OF THE MULCH AND INCREASED PROTECTION AGAINST EROSION.

INLET PROTECTION NOTES:

1. ALL CATCH BASINS WITHIN 24 FEET OF A BUILDING BEING DEMOLISHED, AS DENOTED BY THE HATCH ON THE PLANS, SHALL BE COVERED BY STEEL PLATES
2. INLET PROTECTION SHALL BE INSTALLED ON ALL OTHER CATCH BASINS RECEIVING FLOW DURING THE PROJECT.



SECTION

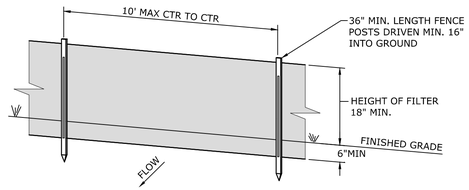


PLAN

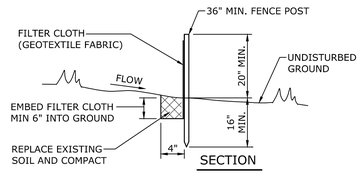
NOTE:

1. FILL COMPOST FILTER SOCK WITH FILTER MEDIA APPROVED BY NYSDEC FOR THIS APPLICATION.
2. WHEN USING COMPOST FILTER SOCKS ADJACENT TO SURFACE WATER, THE COMPOST SHOULD HAVE A LOW NUTRIENT VALUE

1 / C-501 — **COMPOST FILTER SOCK (PERIMETER CONTROLS)**
SCALE: NONE
CROSS REFERENCE: C-101



PERSPECTIVE VIEW

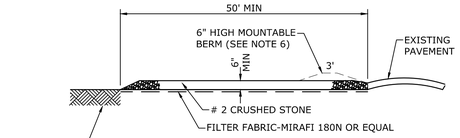


SECTION

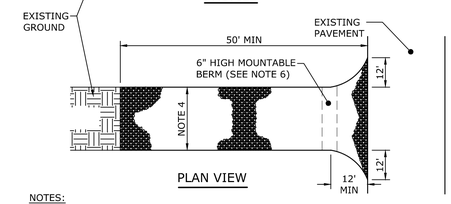
NOTES:

1. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH SHALL BE FASTENED SECURELY TO POSTS.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6", FOLDED AND STAPLED.
4. FILTER CLOTH SHALL BE MIRAFI 100X OR APPROVED EQUAL.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL SHALL BE REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE. WHEN THE ACCUMULATED SEDIMENT REACHES 30% OF THE SILT FENCE HEIGHT, THE SEDIMENT SHALL BE REMOVED AND DISPOSED OF IN AN APPROPRIATE UPLAND AREA.
6. PREFABRICATED UNITS SHALL BE MIRAFI SILT FENCE, MIRAFI ENVIROFENCE OR APPROVED EQUIVALENT.

3 / C-501 — **STANDARD SILT FENCE**
SCALE: NONE
CROSS REFERENCE: C-101



PROFILE

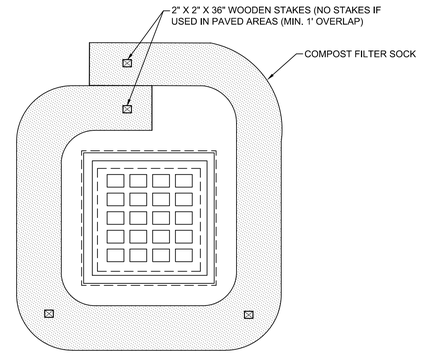


PLAN VIEW

NOTES:

1. USE NYSDOT #2 STONE, RECLAIMED, OR RECYCLED CONCRETE OR APPROVED EQUAL.
2. THE LENGTH SHALL NOT BE LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. CRUSHED STONE SHALL BE MAINTAINED AT A MINIMUM OF 6" IN DEPTH.
4. ENTRANCE SHALL HAVE A 12 FOOT MINIMUM WIDTH, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. ENTRANCE SHALL BE AT LEAST 24 FEET WIDE IF SINGLE ENTRANCE TO SITE.
5. GEOTEXTILE SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACING OF STONE.
6. ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS NOT PRACTICAL, A MOUNTABLE BERM WITH 1:5 SLOPES WILL BE PERMITTED.
7. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

2 / C-501 — **STABILIZED CONSTRUCTION ENTRANCE DETAIL**
SCALE: NONE
CROSS REFERENCE: C-101



NOTE:

1. FILL COMPOST FILTER SOCK WITH FILTER MEDIA APPROVED BY NYSDEC FOR THIS APPLICATION.

4 / C-501 — **COMPOST FILTER SOCK (INLET PROTECTION)**
SCALE: NONE
CROSS REFERENCE: C-101

STATE OF NEW YORK — LAUREN J. SHERMAN — 090765 — LICENSED PROFESSIONAL ENGINEER

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DRAFTED : AJB
CHECKED : LJS
PROJ. NO : 17.7536
SCALE : N.T.S.
DATE : DEC. 8, 2020

EROSION AND SEDIMENT CONTROL NOTES AND DETAILS

FIRST PRIZE CENTER EXCHANGE STREET

TOWN OF COLONIE/CITY IF ALBANY — ALBANY COUNTY, NEW YORK

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C-501
SHEET 2 OF 2
DWG. NO: 20-XXXX

CAD DWG. FILE NAME: K:\Projects\17753\6\Civil\Drawings and Maps\Notes and Details.dwg

CAD DWG. FILE NAME: Notes and Details.dwg

Exhibit 4

Community Air Monitoring Plan

May 7, 2021

Community Air Monitoring Plan
Revision 3

First Prize Center Site
68 Exchange Street
City of Albany and Town of Colonie
Albany County, New York
BCP Site #C401076

Prepared by:

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C.T. Male Associates Project No: 17.7536

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COMMUNITY AIR MONITORING PLAN
FIRST PRIZE CENTER SITE, 68 EXCHANGE STREET
CITY OF ALBANY AND TOWN OF COLONIE
ALBANY COUNTY, NEW YORK

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COMMUNITY AIR MONITORING PLAN
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CITY OF ALBANY AND TOWN OF COLONIE
ALBANY COUNTY, NEW YORK

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APPENDICES

Appendix A:	NYSDOH Generic Community Action Monitoring Plan
Appendix B:	NYSDEC DER-10, Fugitive Dust Suppression and Particulate Monitoring Programs at Inactive Hazardous Waste Sites
Appendix C:	Monitoring Equipment Specifications
Appendix D:	Approved DOL Variance Petition, File No. 20-1371, Controlled Demolition with Non-Friable ACM in Place (Buildings 1, 2a/2b, 3 and 5) Approved DOL Variance Petition, File No. 21-0022, Interior/Exterior Friable ACM Cleanup and Removals (Main Site Building)

1.0 GENERAL

1.1 Overview

On behalf of First Prize Development Partners, LLC, C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. (C.T. Male) is submitting this revised Community Air Monitoring Plan (CAMP) to the New York State Department of Environmental Conservation (NYSDEC) in accordance with the Brownfield Cleanup Agreement for the First Prize Center Site, 68 Exchange Street, City of Albany and Town of Colonie, Albany County, New York (Site). This CAMP fulfills the requirements set forth by the New York State Department of Health (NYSDOH) Generic Community Air Monitoring Plan, dated June 2000 (Appendix A), and NYSDEC DER-10 Fugitive Dust Suppression and Particulate Monitoring Program at Inactive Hazardous Waste Sites (Attachment B). The CAMP has been revised to satisfy the requirements of other applicable NYSDEC and NYSDOH regulations and guidance. The completion and monitoring of asbestos related activities within the Site will be completed in accordance with New York State Department of Labor (DOL) Code 56 (12 NYCRR Part 56) and approved variances.

The intent of the CAMP is to provide a measure of protection for the downwind community (i.e., off-Site receptors including residences and businesses and on-Site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of the demolition of all Site buildings (Main Site Building and Buildings 1, 2a/2b, 3 and 5) including the removal of building slabs and foundations, Site remedial activities and other ground intrusive activities. The CAMP is not intended for use in establishing action levels for worker respiratory protection. The CAMP will monitor the air for dust (particulate air monitoring) and volatile organic compound vapors (VOC air monitoring) at the upwind and downwind perimeter of the work area(s). The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown.

Asbestos abatement of the smaller Site buildings (Buildings 1, 2a/2b, 3 and 5) and the Main Site Building (see Figure 2) will be performed in accordance with DOL 12 NYCRR Part 56 (Code Rule 56) and approved DOL variances (File Nos. 20-1371 an 21-0022 – See Appendix D). The variances allow the smaller Site buildings to be demolished with non-

friable asbestos containing material (ACM) remaining in place in a controlled and prescribed basis, as well as portions of the Main Site Building. Additionally, work areas and perimeter air monitoring will be performed during the demolition work around the work areas in accordance with Code Rule 56 and the approved variances (see Appendix D) to satisfy DOL asbestos monitoring requirements and this CAMP for general dust monitoring and VOC monitoring. Additional details regarding the demolition of Buildings 1, 2a/2b, 3 and 5and Main Site Building are described in the Operational Work Plans (May 10, 2021) submitted under separate cover.

Demolition of the floor slabs and foundation related to the Main Building and Buildings 1, 2a, 2b, 3 and 5 will occur after receiving certification that the Controlled Demolition work has been completed in accordance with Code Rule 56 and the approved variance. Demolition of the floor slabs and foundations will be subject to the requirements of this CAMP as stated previously.

CAMP requirements will be administered during controlled demolition pursuant to approved DOL variances for the Main Site Building and Buildings 1, 2a/2b, 3 and 5, and during the demolition of the of the Main Site Building following completion of the asbestos abatement activities. Demolition of the floor slabs and foundations of each Site building will be subject to the requirements of this CAMP once certification is received from the ACM Project Monitor that the ACM abatement and Controlled Demolition work related to each Site building has been completed in accordance with Code Rule 56 and the related variances.

1.2 Site Description

The Site is located at 68 Exchange Street in the City of Albany and Town of Colonie, Albany County, New York. The Site is 32.09 acres in size and is in an urban setting characterized by adjacent commercial and residential development. The Site is level, with a slight slope towards the west, on the western portion of the Site. The Patroon Creek is located approximately 400 feet to the west of the Site. (See Figure 1, Site Location Map)

The Site features include five (5) building structures (See Figure 2) identified as the Main Building and Buildings 1, 2a/2b, 3 and 5. Building 4 was demolished prior to the Site being accepted into the Brownfield Cleanup Program (BCP). Other site features are

asphalt and gravel parking areas and access-ways, and grassy and wooded areas. The buildings occupy the southern and central portions of the Site. The Site buildings are currently vacant and in varying stages of decay. The asphalt and gravel parking areas and access-ways are concentrated around the buildings. Northern and north-central portions of the Site are predominantly vegetated with partially paved and fenced-in areas that were formerly used for the staging and sale of automobiles, RVs, trailers, etc.

1.3 Summary of Site Investigation Activities Completed to Date

Approximately two-thirds of the planned Site investigation activities have been completed as per the approved Remedial Investigation Work Plan. The planned next step is the demolition of the Site buildings to allow further subsurface investigations and non-emergency interim remedial measures (IRMs) to be completed beneath the buildings, and in support of future Site redevelopment.

1.4 Potential Air Emissions Related to Site Investigation/Remedial Activities

In addition to ACM abatement and building demolition, other ground intrusive investigations and remedial activities conducted at the Site have the potential to generate localized impacts to air quality. Such activities include, petroleum underground storage tank removal, soil excavation and truck loading, hard fill (concrete slab and block, and masonry brick) processing and crushing, soil grading and soil staging, and demolition of floor slabs and foundations as described in Section 1.1 are subject to the CAMP. Non-intrusive activities that may contribute to air quality include loading of soils onto trucks for disposal, demolition of buildings, on-site concrete slab and block, and masonry brick crushing, equipment decontamination and vehicular traffic within the Site are also subject to the CAMP.

1.5 Air/Odor Emissions and Control Measures

Air emissions control and fugitive dust suppression techniques will be used during the intrusive activities identified above, as necessary, to limit the air/odor emissions from the Site. Air monitoring for the specific purpose of protecting the community from Site activity impacts (and verification thereof) will take place during both ground intrusive, building demolition (including floor slabs and foundations) and non-intrusive activities.

During intrusive, and non-intrusive investigation, remedial and demolition activities, odor and dust control measures will be taken when necessary. The following dust and odor suppression measures will be used during these activities, depending upon specific circumstances, and air monitoring results:

- Applying water on structures and building rubble piles;
- Applying water on haul roads;
- Wetting equipment and excavation faces;
- Polyethylene sheeting (for covering soil and building rubble stockpiles);
- Spraying water on buckets during excavation and dumping;
- Hauling materials in properly tarped and/or watertight containers;
- Restricting vehicle speeds to 10 mph;
- Covering excavated areas and materials after excavation activity ceases; and
- Reducing the excavation size and/or number of excavations.

When techniques involving water application are used, care must be taken not to use excess water, which can result in unacceptably wet conditions. Using atomizing sprays will prevent overly wet conditions, conserve water, and provide an effective means of suppressing the fugitive dust.

Polyethylene sheeting will be used to control nuisance odors and volatile organic compound (VOC) emissions, as needed. Also, dust emissions at the Site will be controlled by spraying water on exposed dry surface soil areas (e.g., building demolition activities, soil staging, etc., as appropriate), using silt fences, and by covering soil stockpiles. Odor and dust control measures will be implemented based on visual or olfactory observations, and the results of continuous airborne particulate and VOC monitoring.

2.0 AIR MONITORING PROCEDURES INVESTIGATION/REMEDIATION REDEVELOPMENT

2.1 General

During Site investigation, remedial activities, building demolition and redevelopment, real-time air monitoring will be implemented at the Site for VOCs, and particulate matter less than 10 microns in diameter (PM10). A daily Site boundary or work area boundary will be established for the purpose of air monitoring. Daily establishment of upwind and downwind monitoring stations will be determined through visual observation (wind vane, windsock, weather station or similar technique). A minimum of one upwind and two downwind airborne particulate and VOC monitoring stations will be established on a daily basis. During the demolition of the Main Site Building, Building 1 and Building 2a/2b, and during the floor slab and foundations of Buildings 2a and 2b, an additional monitoring station will be located along the southern property line immediately adjacent to the occupied structure that abuts the Site's southeastern boundary. Both the airborne particulate and VOC monitoring units will be equipped with telemetry that notifies field personnel and project management in real-time any exceedances to the established air quality limits, which in turn allow rapid assessment and correction of the situation. Baseline air sampling will take place prior to the beginning of work each day.

2.2 Sampling Location Selection

CAMP sampling activities will be determined daily based on visual observation of a wind direction and location of the workday's activities. The upwind location will be selected daily where both VOC and PM10 will be monitored and recorded. This upwind location will be established at the start of the workday, each day before the start of work activities. Sampling activities will continue in a downwind direction throughout the day. If wind direction during the workday shifts greater than approximately +/-60 degrees from the original upwind wind vector, new upwind and downwind sampling locations will be established. Any location changes will be documented in the field logs.

Monitoring stations will be adjusted and reestablished during the workday if work at the Site changes locations.

2.3 VOCs Monitoring

As required by the NYSDOH guidance for community air monitoring during intrusive activities, VOCs will be monitored continuously during remedial Site activities, with instrumentation that is equipped with electronic data-logging capabilities. A MiniRAE 3000 (or equivalent) will be used to conduct the real-time VOC monitoring. Detailed information on the MiniRAE 3000, is included in Attachment C. All 15-minute readings will be recorded, as well as any instantaneous readings taken to facilitate activity decisions.

2.4 Particulate Matter Monitoring

As required by the NYSDOH guidance, real-time particulate matter will be monitored continuously during Site activities using instrumentation equipped with electronic data-logging capabilities. A MIE DataRAM (or equivalent) will be used to conduct the real-time PM10 monitoring. Detailed information on the MIE DataRAM, is provided in Attachment C. All 15-minute readings will be recorded, as well as any instantaneous readings taken to facilitate activity decisions.

Fugitive dust migration will be visually assessed during work activities, and appropriate dust suppression techniques such as those in Section 1.5 will be used during Site activities that may generate fugitive dust.

2.5 Action Levels

The action levels provided below will be used to initiate response actions, if necessary, based on real-time monitoring of PM10 and VOCs.

2.5.1 Particulate Air Monitoring

A minimum of three (3) real-time particulate monitoring stations capable of continuously measuring concentrations of particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) will be utilized. The instruments will be placed inside environmental enclosures at temporary monitoring stations based on the prevailing wind direction each workday, one (1) upwind and two (2) downwind of the designated work areas. An additional air monitoring station will be used during demolition of the Main Site Building, Building 1 and Building 2a/2b and

during the removal of the floor slab and foundations of Buildings 2a and 2b and positioned in the vicinity of the occupied residence that abuts the Site's southeastern boundary. Additional downwind stations may be used during the demolition of the Main Site Building and Building 1 if warranted.

Each particulate monitor will be equipped with a telemetry unit capable of transmitting real-time particulate data to the field representative and project management. The particulate monitoring instruments will be capable of displaying and transmitting the short-term exposure limit (STEL) or 15-minute averaging period, which will be compared to the NYSDOH Generic and Special Requirements Community Air Monitoring Plan action levels for particulates, as listed below. The instruments are programmed to alarm at preset action levels. At the end of each day, the readings for each instrument will be downloaded to a computer and retained for future reference and reporting. The particulate monitoring data collected during demolition and site activities will be submitted to the NYSDEC and NYSDOH on a daily basis by the end of the following business day.

- If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed and corrective action taken to protect site personnel and reduce the potential for contaminant migration. Work may continue with dust suppression techniques provided that the downwind PM-10 particulate levels do not exceed 150 mcg/m^3 above the upwind level and provided that no visible dust is migrating from the work area.

- If, after implementation of dust suppression techniques, the downwind PM-10 particulate levels are greater than 150 mcg/m^3 above the upwind level, work must be stopped, and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m^3 of the upwind level and in preventing visible dust migration.

There may be situations when dust is being generated and leaving the site and the monitoring equipment does not measure PM10 at or above the action level. If dust is

observed leaving the working site, additional dust suppression techniques will be employed.

In the event of poor weather such as heavy rain, particulate monitoring will not be performed for protection of instrumentation. These weather conditions would limit the effectiveness of the sensitive monitoring equipment and likely suppress particulate generation. Work activities will be halted and modified if fugitive dust migration is visually observed during poor weather conditions.

When extreme wind conditions make dust control ineffective, work activities may need to be suspended.

2.5.2 Volatile Organic Compound Air Monitoring

Continuous monitoring for VOCs at the downwind perimeter of the immediate work areas with a MiniRAE 3000 VOC monitor or equal, using a 11.7 eV lamp. The VOC monitors will be placed in the downwind environmental enclosures containing the particulate monitors. The VOC monitors will be equipped with a telemetry unit capable of transmitting real-time VOC data to the field representative and project manager. The VOC monitoring instruments will be capable of displaying and transmitting the short-term exposure limit (STEL) or 15-minute averaging period, which will be compared to the NYSDOH Generic and Special Requirements Community Air Monitoring Plan action levels for VOCs, as listed below. The downwind and/or occupied structures VOC STEL readings will be downloaded to a computer and retained for future reference and reporting. An additional air monitoring station will be used during demolition of the Main Site Building, Building 1 and Buildings 2a/2b, and during the removal of the floor slab and foundations of Building 2a and 2b, and positioned in the vicinity of the occupied residence that abuts the Site's southeastern boundary. Additional downwind stations may be used during the demolition of the Main Site Building if warranted.

Upwind VOC STEL concentrations will be measured at the start of the workday, and periodically thereafter with the upwind monitoring station MiniRae 3000 VOC monitor to evaluate the Site's background conditions. The start of workday upwind VOC STEL readings will be manually recorded for future reference and reporting. The upwind and downwind VOC data collected during demolition and Site activities will be submitted to the NYSDEC and NYSDOH on a daily basis by the end of the following business day.

- If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.
- If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.
- If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown. Work activities will then be evaluated to determine the source of the organic vapors and the engineering controls required to reduce/eliminate the organic vapors.

2.5.3 Special Requirements Community Air Monitoring Program

2.5.3.1 Special Requirements for Work within 20 feet of Potentially Exposed Individuals or Structures

When work areas are within 20 feet of potentially exposed populations or occupied structures, the continuous monitoring locations for VOCs and particulates must reflect the nearest potentially exposed individuals and the location of ventilation system intakes for nearby structures. The use of engineering controls such as vapor/dust barriers, temporary negative-pressure enclosures, or special ventilation devices will be considered to prevent exposures related to the work activities and to control dust and odors. Consideration will be given to implementing the planned activities when potentially exposed populations are likely to be lower, such as during weekends or evening hours in non-residential settings.

- If total VOC concentrations next to intake vents exceed 1 ppm, monitoring should occur within the occupied structure(s). Background readings in the occupied spaces will be taken prior to commencement of the planned work. Any unusual background readings will be discussed with NYSDEC/NYSDOH prior to commencement of the work.

- If total particulate concentrations next to intake vents exceed 150 mcg/m3, work activities will be suspended until controls are implemented and are successful in reducing the total particulate concentration to 150 mcg/m3 or less at the monitoring point.

- Depending upon the nature of contamination and remedial activities, other parameters (e.g., explosivity, oxygen, hydrogen sulfide, carbon monoxide) may also need to be monitored. Response levels and actions will be pre-determined, as necessary.

2.6 Meteorological Monitoring

Wind direction is meteorological information considered relevant for demolition and other Site activities and CAMP. Meteorological monitoring will be conducted periodically at the Site using a windsock, wind vane, or other appropriate equipment. Wind direction will be established at the start of each workday and may be re-established at any time during the workday if a significant shift in wind direction is noted, or Site activities relocate on Site.

2.7 Instrument Calibration

Calibration of the VOC and PM10 instrumentation will occur in accordance with each of the equipment manufacturer's calibration and quality assurance requirements. The VOC and PM10 monitors will be calibrated at least daily, and calibrations will be recorded in the field activity logbook.

3.0 MONITORING SCHEDULE AND DATA COLLECTION AND REPORTING

3.1 General

The proposed monitoring schedule and data collection and reporting requirements are discussed below.

3.2 Monitoring Schedule

Real-time VOC and PM10 monitoring will be performed continuously throughout the remedial action during Site/materials handling activities (in addition to demolition and crushing described above). VOC monitoring will also be performed during non-intrusive sampling and/or support-type activities. Wind direction will be determined at the start of each day and at any other appropriate time during remedial activities.

3.3 Data Collection and Reporting

Air monitoring data will be collected continuously from VOC and PM10 monitors during building demolition (including concrete slab and block, and masonry brick crushing, if approved) and intrusive Site activities by an electronic data-logging system. The data management software will be set up so that instantaneous observed readings would be recorded by the electronic data acquisition system and averaged over 15-minute time periods. The 15-minute readings and instantaneous readings taken to facilitate activity decisions will be recorded and archived for review by NYSDOH and NYSDEC personnel. Manually collected upwind VOC data will be maintained with the data collected from the continuous particulate and VOC monitoring data.

The upwind and downwind particulate and VOC data collected during demolition of the Main Site Building and Building 1, and Buildings 2a, 2b, 3 and 5 will be submitted to the NYSDEC/DOH on a daily basis by the end of the following business day.

The CAMP data generated during demolition will be presented in the post-demolition report, which will be provided to NYSDEC as a separate document 90 days following the final completion of the work.

4.0 CONTROLLED DEMOLITION WITH NON-FRIABLE ACM IN PLACE

The Site Owner (petitioner) filed a Variance Petition for "Controlled Demolition with Non-Friable ACM in Place" as related to Building Nos. 1, 2A, 2B, 3 and 5 with the New York State Commissioner of Labor on November 25, 2020 for variance from the provisions of Industrial Code 56. A similar variance was filed for the Main Site Building on January 13, 2021. Both Variance Petitions were granted, subject to "The Conditions" outlined in the decisions. Additional conditions relating to ACM abatement work and Controlled Demolition work are required to be followed (see Appendix D). In accordance with DOL Code 56-1.6, and since the DOL Code 56 sampling and monitoring addresses asbestos fibers only, the CAMP protocols from NYSDEC/NYSDOH will also be performed during all demolition activities as previously described.

As it relates to air monitoring, the following provides a general summary of the requirements for air monitoring, work site security, regulated areas, and controlled demolition removals among other requirements (see Appendix D).

4.1 Air Monitoring and Sampling

A full-time independent project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.

The Project Monitor shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:

- Inspect of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor;
- Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used and are in compliance with all asbestos laws and regulations;
- Inform the asbestos abatement contractor of work practices that, in the Project Monitor's opinion, pose a threat to public health or the environment, and are not

in compliance with ICR-56 and/or approved variances or other applicable rules and/or regulations;
- Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.

In addition to the requirement of Subpart 56-4.9(c), air monitoring shall be conducted daily at the perimeter of the work area.

A minimum of two upwind air samples shall be collected. The samples shall be spaced approximately 30 degrees apart from the prevailing wind direction.

A minimum of three downwind samples shall be collected. The samples shall be equally spaced in a 180-degree arc downwind from the source.

The contractor shall observe at a minimum, the following waiting (settling/drying) periods: Demolition – 2 hrs.

If more than one shift daily is required to accomplish the work, air monitoring within the work area during abatement shall be performed on each shift.

In lieu of post-abatement clearance air monitoring in compliance with ICR-56-9.2(d), the most recent daily abatement air samples collected during removal and cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

After removal and cleanings are complete and a minimum drying period has elapsed, an authorized and qualified Project Monitor shall determine if the area is dry and free of visible asbestos debris/residue. If the area is determined to be acceptable and the most recent daily abatement air sample results meet 56-4.11 clearance criteria, the final dismantling of the site may begin.

4.2 Site Security and Regulated Areas

The entire controlled demolition area and all surrounding portions of the site to be utilized for demolition cleanup, staging areas and regulated abatement work areas shall be enclosed within a barrier or fence. The intent of this barrier is to define the restricted area at the work site, alert the public to the asbestos work and associated hazards, and to prevent unauthorized entry onto the work site.

Signage in accordance with the requirements of ICR 56-7.4(c) shall be posted on the exterior of the work site boundary fence/barrier, to warn the public of the asbestos hazard.

The regulated work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25') where possible, and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved or the abatement project is complete. These areas shall have Signage posted in accordance with Subpart 56-7.4(c) of this Code Rule. For areas where twenty-five feet isn't possible, the areas shall be cordoned off as practical, and a daily abatement air sample shall be included at the reduced barrier.

Entry/Exit of all persons and equipment shall be through one designated and secure "doorway" in the barrier or fence, which shall provide an adequate and appropriate means of egress from the work site.

All adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting. If the owner of an adjacent building does not allow openings to be sealed as required, the asbestos abatement contractor's supervisor must document the issue within the daily project log, and have the affected building owner sign the log confirming that the owner will not allow the asbestos abatement contractor to seal the openings in the building as required. In addition, a daily abatement air sample shall be included within ten feet of the affected portion of the adjacent building.

4.3 Controlled Demolition Removals

The provisions of 56-11.5 shall be followed for non-friable controlled demolition removals, except as modified by this variance.

Decontamination system enclosures and areas shall be constructed and utilized as per the requirements of 56-7.5(d) and 56-11.5.

Uncertified personnel shall not be allowed to access any regulated abatement work area, with the exception of waste hauler truck drivers. These truck drivers will be restricted to their enclosed cab, while temporarily in the regulated work area for waste transfer activities only. All equipment operators utilized for demolition or removal activities within the regulated work area must be certified in compliance with ICR 56-3.2.

No dry disturbance or removal of asbestos material shall be permitted.

Wastewater shall be confined within the controlled demolition area. Water may be allowed to accumulate in basements during demolition activities.

All decontamination areas shall be within the regulated abatement work area. An equipment decontamination area shall be cordoned off within the worksite for cleaning of heavy equipment, i.e., backhoes, excavators, loaders, etc. The ground surface in this decontamination area shall be banked on the sides to confine the contaminated wastewater.

All barrier components, used filters, disposable PPE and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and treated as RACM and disposed of accordingly.

All demolition debris, structural members, barrier components, used filters and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and shall be transported and disposed of by appropriate legal method. Structural members, steel components and similar non-ACM components shall be fully decontaminated as per ICR 56, prior to being treated as salvage.

All material shall be treated as RACM including soil around and beneath the demolition abatement area, except for structural members, steel components and similar non-porous and non-suspect items that can be fully decontaminated.

Except for non-ACM containing concrete foundation walls that can be adequately cleaned. The Project Monitor shall confirm that the foundation can be adequately decontaminated and shall note the decontamination activity in the project logbook. The structure and/or building remains (foundation) shall be maintained in a safe manner in accordance with local and state building codes.

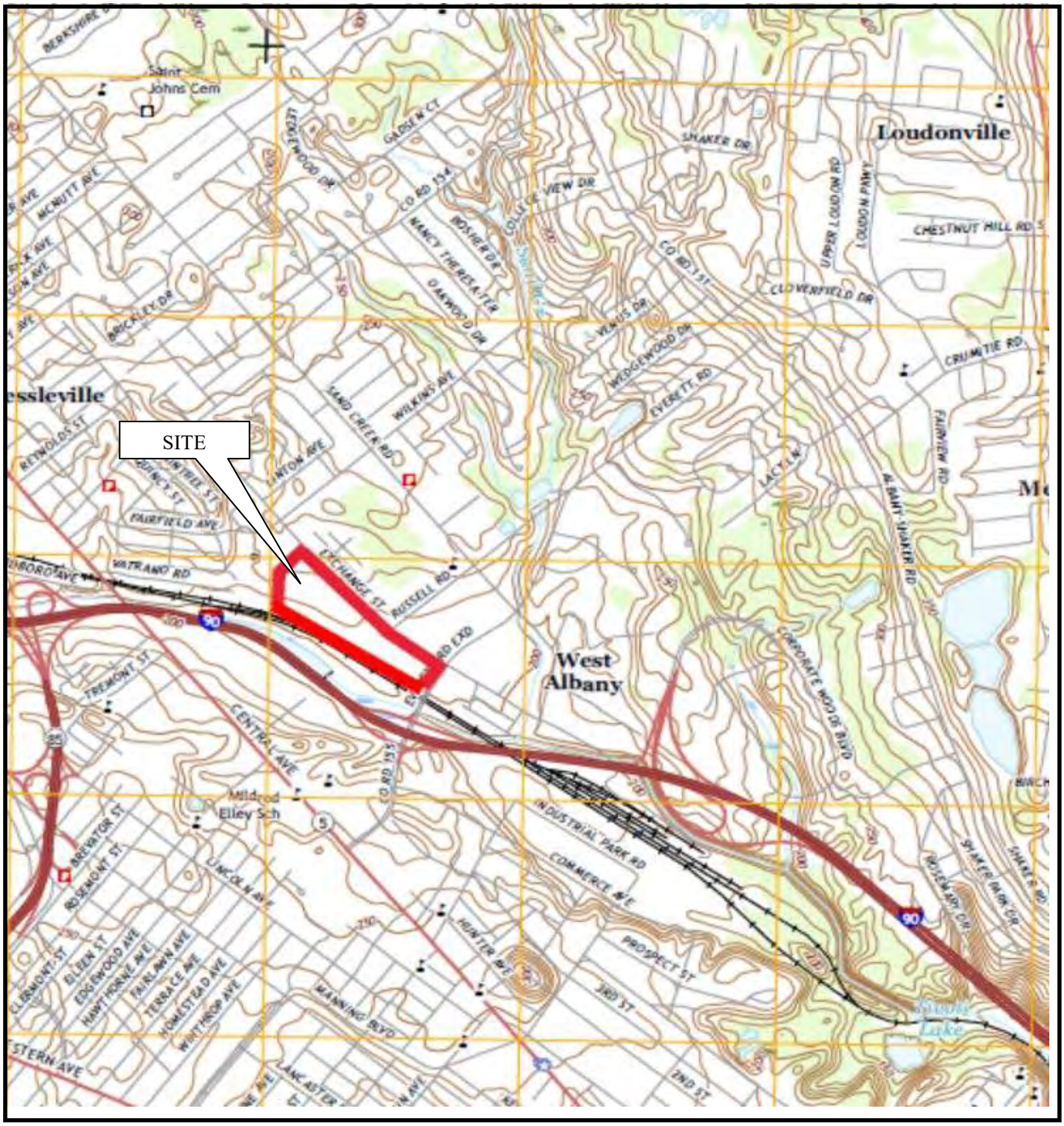
Non-porous cleanable objects/materials, non-ACM material (bricks, concrete, structural steel members, metal components and similar non-suspect materials) may be fully decontaminated for disposal by appropriate legal methods. Prior to disposal, the Project Monitor shall verify that the material has been properly cleaned/decontaminated and shall note the cleaning/decontamination activity in the project logbook.

5.0 VECTOR CONTROL

The building demolition contractor will retain a licensed pest control professional to inspect the abandoned buildings prior to the start of the demolition work. This will involve inspection of all interior building floors and spaces and points of entry and egress. Vector traps will be established at locations where evidence of vector habitation/presence is noted. The traps will be inspected weekly until the buildings are razed. Evidence of vector presence after the buildings have been razed will determine the need for deployment of additional traps or other controls within the Site.

FIGURE 1

SITE LOCATION MAP



Reference:
USGS Topographical Map
Albany, NY Quadrangle
2016

N

C.T.MALE ASSOCIATES
ENGINEERING, SURVEYING, ARCHITECTURE & LANDSCAPE ARCHITECTURE, D.P.C.

50 CENTURY HILL DRIVE
LATHAM, NY 12110

FIGURE 1 – SITE LOCATION MAP
FIRST PRIZE CENTER SITE

CITY OF ALBANY/TOWN OF COLONIE	ALBANY COUNTY, NY
SCALE: NTS	The locations and features depicted on this map are approximate and do not represent an actual survey.
DRAFTER: SHB	
PROJECT No: 17.7536	

FIGURE 2

SITE FIGURE

XREFS: NONE

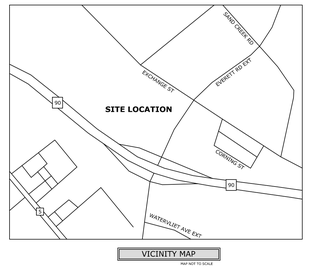
PROJECT NUMBER: 17.7536

GENERAL NOTES

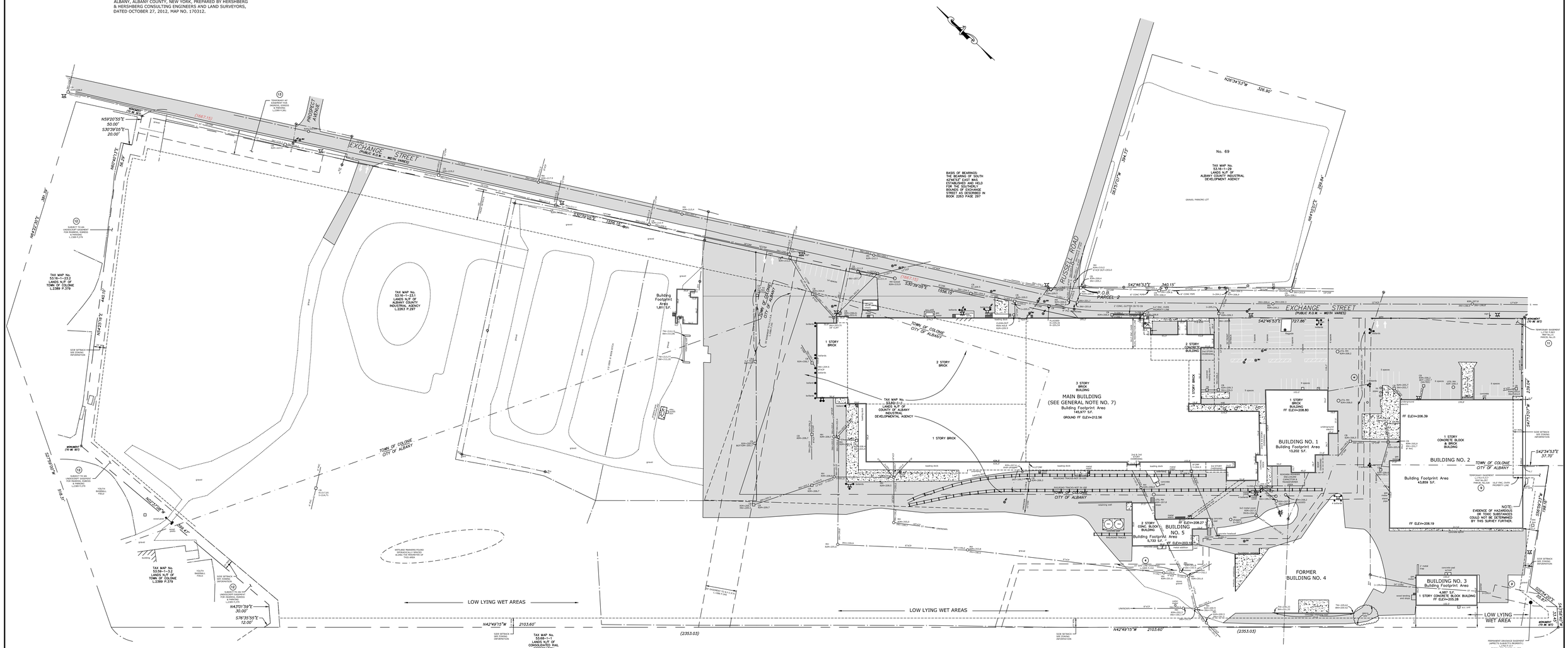
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4. UNDERGROUND UTILITIES SHOWN ARE TAKEN FROM FIELD LOCATION WHERE POSSIBLE AND FROM RECORD DATA. THEIR EXACT LOCATION IN THE FIELD MAY DIFFER FROM THAT SHOWN HEREIN AND ADDITIONAL UTILITIES MAY EXIST. CALL UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION AT 1-800-962-7962 TO HAVE UTILITIES MARKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
5. THERE IS NO EVIDENCE OF CEMETERIES ON SUBJECT PARCEL.
6. THIS SURVEY MAP WAS PREPARED WITH THE BENEFIT OF A TITLE POLICY No. 852-A-09916, FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK, DATED JUNE 29, 2006.
7. MAIN BUILDING - DUE TO THE DILAPIDATED AND UNSAFE CONDITION OF THE MAIN BUILDING, SURFACE SOIL SAMPLING AND ADVANCEMENT OF THE TEST PITS WILL BE COMPLETED AFTER THE BUILDING IS DEMOLISHED.

GENERAL REFERENCE

1. "FIRST PRIZE CENTER BCP SITE" TOWN OF COLONIE/CITY OF ALBANY, ALBANY COUNTY, NEW YORK, PREPARED BY HERSHBERG & HERSHBERG CONSULTING ENGINEERS AND LAND SURVEYORS, DATED OCTOBER 27, 2012, MAP NO. 170312.



VICINITY MAP
MAP NOT TO SCALE



LEGEND

R.O.W.	RIGHT OF WAY		HYDRANT
No.	NUMBER		MONUMENT (TO BE SET)
enc.	ENCROACHMENT		MANHOLE
P.O.B.	POINT OF BEGINNING		CATCHBASIN
S.F.	SQUARE FEET		SIGN
N/F	NOW OR FORMERLY		BOLLARD
R	RECORD		FENCE LINE
M	MEASURED		GUARD RAIL
N	NORTH		STORM SEWER
S	SOUTH		UNDERGROUND ELECTRIC
E	EAST		OVERHEAD WIRE, UTILITY POLE & GUY WIRE
W	WEST		TRAFFIC FLOW ACCESS AREA
L.	LIBER		WATER VALVE
P.	PAGE		GAS VALVE
			LIGHT POLE
			CONCRETE
			PAVEMENT

BAR SCALE
60 0 30 60 120
1 inch = 60 ft.

"ONLY COPIES OF THIS MAP SIGNED IN RED INK AND EMBOSSED WITH THE SEAL OF AN OFFICER OF C.T. MALE ASSOCIATES OR A DESIGNATED REPRESENTATIVE SHALL BE CONSIDERED TO BE A VALID TRUE COPY".

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figure-2 - REV 1.dwgBLEKNAME

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DESIGNED: S.BIEBER
DRAFTED : S.WUNSCH
CHECKED : S.BIEBER
PROJ. NO : 17.7536
SCALE : 1"=60'
DATE : MAY 22, 2018

FIGURE 2: SITE FEATURES MAP

FIRST PRIZE CENTER SITE

CITY OF ALBANY & TOWN OF COLONIE — ALBANY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.
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FIG2

SHEET 1 OF 3

DWG. NO: 18-263

APPENDIX A

NYSDOH GENERIC COMMUNITY ACTION MONITORING PLAN

Appendix 1A
New York State Department of Health
Generic Community Air Monitoring Plan

Overview

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical- specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for VOCs and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate DEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. “Periodic” monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or

overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a continuous basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

1. If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.

2. If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.

3. If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

4. All 15-minute readings must be recorded and be available for State (DEC and NYSDOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored continuously at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

1. If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m^3 above the upwind level and provided that no visible dust is migrating from the work area.

2. If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m^3 above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m^3 of the upwind level and in preventing visible dust migration.

3. All readings must be recorded and be available for State (DEC and NYSDOH) and County Health personnel to review.

December 2009

APPENDIX B

NYSDEC DER-10, FUGITIVE DUST SUPRESSION and PARTICULATE MONITORING PROGRAMS at INACTIVE HAZARDOUS WASTE SITES

Appendix 1B
Fugitive Dust and Particulate Monitoring

A program for suppressing fugitive dust and particulate matter monitoring at hazardous waste sites is a responsibility on the remedial party performing the work. These procedures must be incorporated into appropriate intrusive work plans. The following fugitive dust suppression and particulate monitoring program should be employed at sites during construction and other intrusive activities which warrant its use:

1. Reasonable fugitive dust suppression techniques must be employed during all site activities which may generate fugitive dust.

2. Particulate monitoring must be employed during the handling of waste or contaminated soil or when activities on site may generate fugitive dust from exposed waste or contaminated soil. Remedial activities may also include the excavation, grading, or placement of clean fill. These control measures should not be considered necessary for these activities.

3. Particulate monitoring must be performed using real-time particulate monitors and shall monitor particulate matter less than ten microns (PM10) with the following minimum performance standards:

(a) Objects to be measured: Dust, mists or aerosols;
(b) Measurement Ranges: 0.001 to 400 mg/m3 (1 to 400,000 :ug/m3);
(c) Precision (2-sigma) at constant temperature: +/- 10 :g/m3 for one second averaging; and +/- 1.5 g/m3 for sixty second averaging;
(d) Accuracy: +/- 5% of reading +/- precision (Referred to gravimetric calibration with SAE fine test dust (mmd= 2 to 3 :m, g= 2.5, as aerosolized);
(e) Resolution: 0.1% of reading or 1g/m3, whichever is larger;
(f) Particle Size Range of Maximum Response: 0.1-10;
(g) Total Number of Data Points in Memory: 10,000;
(h) Logged Data: Each data point with average concentration, time/date and data point number
(i) Run Summary: overall average, maximum concentrations, time/date of maximum, total number of logged points, start time/date, total elapsed time (run duration), STEL concentration and time/date occurrence, averaging (logging) period, calibration factor, and tag number;
(j) Alarm Averaging Time (user selectable): real-time (1-60 seconds) or STEL (15 minutes), alarms required;
(k) Operating Time: 48 hours (fully charged NiCd battery); continuously with charger;
(l) Operating Temperature: -10 to 50° C (14 to 122° F);
(m) Particulate levels will be monitored upwind and immediately downwind at the working site and integrated over a period not to exceed 15 minutes.

4. In order to ensure the validity of the fugitive dust measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). It is the responsibility of the remedial party to adequately supplement QA/QC Plans to include the following critical features: periodic instrument calibration, operator training, daily instrument performance (span) checks, and a record keeping plan.

5. The action level will be established at 150 ug/m3 (15 minutes average). While conservative,

this short-term interval will provide a real-time assessment of on-site air quality to assure both health and safety. If particulate levels are detected in excess of 150 ug/m3, the upwind background level must be confirmed immediately. If the working site particulate measurement is greater than 100 ug/m3 above the background level, additional dust suppression techniques must be implemented to reduce the generation of fugitive dust and corrective action taken to protect site personnel and reduce the potential for contaminant migration. Corrective measures may include increasing the level of personal protection for on-site personnel and implementing additional dust suppression techniques (see paragraph 7). Should the action level of 150 ug/m3 continue to be exceeded work must stop and DER must be notified as provided in the site design or remedial work plan. The notification shall include a description of the control measures implemented to prevent further exceedances.

6. It must be recognized that the generation of dust from waste or contaminated soil that migrates off-site, has the potential for transporting contaminants off-site. There may be situations when dust is being generated and leaving the site and the monitoring equipment does not measure PM10 at or above the action level. Since this situation has the potential to allow for the migration of contaminants off-site, it is unacceptable. While it is not practical to quantify total suspended particulates on a real-time basis, it is appropriate to rely on visual observation. If dust is observed leaving the working site, additional dust suppression techniques must be employed. Activities that have a high dusting potential--such as solidification and treatment involving materials like kiln dust and lime--will require the need for special measures to be considered.

7. The following techniques have been shown to be effective for the controlling of the generation and migration of dust during construction activities:

(a) Applying water on haul roads;
(b) Wetting equipment and excavation faces;
(c) Spraying water on buckets during excavation and dumping;
(d) Hauling materials in properly tarped or watertight containers;
(e) Restricting vehicle speeds to 10 mph;
(f) Covering excavated areas and material after excavation activity ceases; and
(g) Reducing the excavation size and/or number of excavations.

Experience has shown that the chance of exceeding the 150ug/m3 action level is remote when the above-mentioned techniques are used. When techniques involving water application are used, care must be taken not to use excess water, which can result in unacceptably wet conditions. Using atomizing sprays will prevent overly wet conditions, conserve water, and provide an effective means of suppressing the fugitive dust.

8. The evaluation of weather conditions is necessary for proper fugitive dust control. When extreme wind conditions make dust control ineffective, as a last resort remedial actions may need to be suspended. There may be situations that require fugitive dust suppression and particulate monitoring requirements with action levels more stringent than those provided above. Under some circumstances, the contaminant concentration and/or toxicity may require additional monitoring to protect site personnel and the public. Additional integrated sampling and chemical analysis of the dust may also be in order. This must be evaluated when a health and safety plan is developed and when appropriate suppression and monitoring requirements are established for protection of health and the environment.

APPENDIX C

MONITORING EQUIPMENT SPECIFICATIONS

MiniRAE 3000

Portable Handheld VOC Monitor

The MiniRAE 3000 is the most advanced handheld volatile organic compound (VOC) monitor on the market. Its photoionization detector's (PID) extended range of **0 to 15,000 ppm** makes it an ideal instrument for applications from industrial hygiene to leak detection and HazMat.

The **RF modem allows real-time data transmissions** with a base controller located up to 500 feet away from the MiniRAE 3000 (or two miles with optional RAELink3 portable modem). A personal computer can be used as the base station for a MiniRAE 3000 system. The standard ProRAE Remote software is capable of monitoring the input of up to 64 remotely located monitors, including MiniRAE 3000, AreaRAE, etc.



Wireless

AutoRAE Compatible

ver1_05.07

Key Features

- **Proven PID technology**
  The patented sensor provides the following unique features:
  - 3-second response time
  - Extended range up to 15,000 ppm with improved linearity
  - Humidity compensation with integral humidity and temperature sensors
- **Real-time wireless** data transmission with built-in RF modem or Bluetooth
- **Designed for simple service** Easy access to lamp and sensor in seconds without tools
- **Big graphic display** for easy overview of gas type, Correction Factor and concentration
- **Field-interchangeable battery pack** replaced in seconds without tools
- **Integrated flashlight** for better view in dark conditions
- **User-friendly screens, including dataplot chart view**
- **Integrated RAE Systems Correction Factors list for more than 200 compounds** to measure more chemicals than any other PID
- **Multi-language support** with 12 languages encoded
- **Rugged housing** withstands use in harsh environments
  - IP67 waterproof design for easy cleaning and decontamination in water
  - Strong protective removable rubber boot

Additional Advantages

- View real-time sensor data and alarm status at headquarters or command center
- Automatic lamp type recognition
- Duty-cycling™ lamp and sensor auto-cleaning technology
- Tough, flexible inlet Flexi-Probe™
- 3 large keys operable with 3 layers of gloves
- Strong, built-in sample pump draws up to 100 feet (30m) horizontally or vertically
- Loud, 95dB audible alarm
- Bright red flashing visual alarm
- Interchangeable drop-In lithium-ion and alkaline battery packs
- Charging cradle doubles as an external battery charger
- Compatible with AutoRAE™ calibration station
- ProRAE Remote software simultaneously controls and displays readings for up to 64 remote detectors
- License-free, ISM band RF transmission with communication range up to 500 feet (2 miles with optional RAELink3 modem)
- Optional RAELink3 modem provides GPS capability to track and display readings from remote detectors and provide up to 2 miles' long-distance transmission
- Datalogging with up to 6 months of data at one-minute intervals
- 3-year 10.6eV lamp warranty

MiniRAE 3000

Specifications

Detector Specifications

Size	10" L x 3.0" W x 2.5" H (25.5 cm x 7.6 cm x 6.4 cm)
Weight	26 oz (738 g)
Sensors	Photoionization sensor with standard 10.6 eV or optional 9.8 eV or 11.7 eV lamps
Battery	• Rechargeable, external field-replaceable Lithium-Ion battery pack • Alkaline battery adapter
Operating Hours	16 hours of operation (12 hours with alkaline battery)
Display Graphic	4 lines, 28 x 43 mm, with LED backlight for enhanced display readability
Keypad	1 operation and 2 programming keys, 1 flashlight on/off
Direct Readout	Instantaneous reading • VOCs as ppm by volume • High values • STEL and TWA • Battery and shutdown voltage • Date, time, temperature
Alarms	95 dB (at 30 cm) buzzer and flashing red LED to indicate exceeded preset limits • High: 3 beeps and flashes per second • Low: 2 beeps and flashes per second • STEL and TWA: 1 beep and flash per second • Alarms latching with manual override or automatic reset • Additional diagnostic alarm and display message for low battery and pump stall
EMI/RFI	Highly resistant to EMI/RFI Compliant with EMC Directive 89/336/EEC
IP Rating	• IP67 unit off and without flexible probe • IP65 unit running
Datalogging	Standard 6 months at one-minute intervals
Calibration	Two-point or three-point calibration for zero and span. Calibration memory for 8 calibration gases, alarm limits, span values and calibration dates
Sampling Pump	• Internal, integrated flow rate at 400 cc/mn • Sample from 100' (30m) horizontally and vertically
Low Flow Alarm	• Auto pump shutoff at low-flow condition
Communication	• Download data and upload instrument set-up from PC through charging cradle or optional Bluetooth™ • Wireless data transmission through built-in RF modem
Frequency	902 to 928 MHz (license-free), 2.400 to 2.4835 GHz (license-free), 433 MHz, 869 MHz
RF Range	Up to 500' (900 MHz, 433 Mhz, 869 Mhz), extendable with RAELink3 Repeater to 2 miles
Hazard Area Approval	• **US and Canada:** UL, cUL, Classified as Intrinsically Safe for use in Class I, Division I Groups A, B, C, D • **Europe:** ATEX II 1G EEx ia IIC T4 (pending) • **IECEx:** II 1G EEx ia IIC T4 (pending)
Temperature	-4° to 113° F (-20° to 50° C)
Humidity	0% to 95% relative humidity (non-condensing)
Attachments	Durable bright yellow rubber boot with belt clip
Warranty	Lifetime on non-consumable components (per RAE Systems Standard Warranty), 3-year warranty for 10.6 eV lamp, 1 year for pump and battery

*Specifications are subject to change

Sensor Specifications

Gas Monitor	Range	Resolution	Response Time T90
VOCs	0 to 999.9 ppm 1000 to 15,000 ppm	0.1 ppm 1 ppm	< 3 s < 3 s

Monitor only includes:

- MiniRAE 3000 Monitor, Model PGM-7320
- Wireless communication module built in, as specified
- Datalogging with ProRAE Studio Package for Windows™ 95, 98, 2000, NT, ME & XP
- Charging/download adapter
- RAE UV lamp, as specified
- Flex-I-Probe™
- External filter
- Rubber boot with belt clip and straps
- Alkaline battery adapter
- Lamp-cleaning kit
- Tool kit
- Lithium-ion (Li-ion) battery with universal AC/DC charger and international plug kit
- Operation CD-ROM
- Operation & Maintenance manual
- Soft leather case

Monitor with accessories kit adds:

- Hard transport case with pre-cut foam padding
- Charging/download cradle
- 5 Porous metal filters and O-rings
- Organic vapor zeroing kit
- Gas outlet port adapter and tubing

Optional calibration kit adds:

- 100 ppm isobutylene calibration gas, 34L
- Calibration regulator and flow controller

Optional Guaranteed Cost of Ownership Program:

- 4-year repair and replacement guarantee
- Annual maintenance service

DISTRIBUTED BY:

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Middle East/Australia 971 50 429 1385
China 8610 58858788
Asia +852 2669 0828

www.raesystems.com



DataRAM 4™ - Model DR-4000

Portable particle sizing aerosol monitor/data logger Dual Wavelength Nephelometer

Expandable to a complete characterization system

- Aerodynamic particle size separators measure specific size groups such as the thoracic, respirable, PM10, PM2.5, and PM1.0 fractions.
- An omnidirectional sampling inlet and an in-line mist and fog elimination heater are available for ambient air monitoring.
- An isokinetic sampling probe/nozzle kit enables duct / stack monitoring.

Real-time airborne particulate concentration and size measurements

The DataRAM 4™ (Model DR-4000) continuously monitors the real-time concentration and median particle size of airborne dust, smoke, mist, and fumes. In addition, air temperature and humidity are displayed. With appropriate particle discriminators, it provides measurements correlated with PM10, PM2.5, PM1.0, and respirable fractions. It's patented two-wavelength particle detection system provides the volume median particle diameter of the sampled aerosol, over a concentration range up to 400 mg/m^3. Unlike typical particle counting devices, the DR-4000 is totally immune to particle coincidence errors, even at the highest concentrations. Volume median particle sizes down to 0.05 µm can be measured by this unique spectral nephelometric technique.

Monitors mass concentrations of fine particulate (PM 2.5)

The DR-4000 monitors the concentrations of fine particulates in ambient air by a combination of aerodynamic size preselection, two-wavelength nephelometry, and concurrent sensing/ correction for relative humidity. This patented technique provides a continuous measurement of PM2.5, independent of particle size and moisture - *without heating, diffusion drying, or denuding the sample stream*.

Measure scattering, angstrom coefficients, and visual range

DR-4000 measures the scattering coefficient at two wavelengths (in units of inverse megameters) and computes the coefficient at the reference wavelength of 550 nanometers, as well as the angstrom exponent (a measure of atmospheric fine particle size). Based on the 550 nm scattering coefficient, the instrument then calculates the visual range in kilometers.

Self-calibrating, internal filter is designed for use in the field

Designed for fast, easy field calibration, a 37 mm membrane filter (provided) can be used in place of the zeroing HEPA filter cartridge for gravimetric calibration and/or chemical analysis of collected particulates. The calibration process takes only seconds to perform, and unlike similar instruments, field calibration does not require additional equipment. Only single point gravimetric calibration is needed.

Complete digital communications

The DR-4000 has both RS232 and RS485 data ports for two-way digital communications. Special Windows™ compatible software (provided with the instrument) facilitates data transfer either in real-time or from the logged memory. All operational and programming functions can be controlled from a remote location through the RS485 communications port. Sampling start and stop as well as data transfer can be controlled via modem or other digital transmission paths.

DataRAM 4™ - Model DR-4000

Portable particle sizing aerosol monitor/data logger
Dual Wavelength Nephelometer

Specifications

Concentration measurement range (auto-ranging):
Referred to gravimetric reference calibration (NIST traceable)
with SAE Fine test dust (mmd = 2 to 3 µm, σ_g = 2.5, as aerosolized)
0.0001 to 400 mg/m^3

Precision/repeatability (2-sigma):
At 25˚C
For single-wavelength concentration sensing
± 1% of reading or ± 0.001 mg/m^3, whichever is greater (1-second averaging)
± 0.3% of reading or ± 0.0003 mg/m^3, whichever is greater (10-second averaging)

Accuracy:
Referred to gravimetric reference calibration (NIST traceable)
with SAE Fine test dust (mmd = 2 to 3 µm, σ_g = 2.5, as aerosolized)
± 2% of reading ± precision

Resolution:
0.1% of reading or 0.0001 mg/m^3, whichever is greater

Scattering coefficient range:
10^{-7} to 0.4 m^{-1} (resolution: 3 significant digits, maximum)

Visual range (@λ= 550 nm):
0.001 to 337 km (resolution: 3 significant digits, maximum)

Ångström coefficient measurement range:
0.0 to 4.0

Particle sizing range (log-normal, σ_g = 2.0, m = 1.50):
0.05 to 4 µm

Particle size range of maximum response (concentration measurements):
0.08 to 10 µm

Temperature measurement range:
5˚F to 140˚F (-15˚C to 60˚C); accuracy: 0.05˚C

Relative humidity measurement range (@ 25˚F):
0 to 100% (accuracy: 2%, noncondensing)

Sampling flow rate range (user selectable):
1.0 to 3.0 liters/min.
(accuracy: 0.05 liters/min., adjustability: 0.1 liters/min.)

Measurement/display integration time range *(user selectable)*:
1 to 60 sec. (selectable in 1-sec. steps)

Measurement/display update frequency:
1 per sec.

HEPA filter cartridge replacement frequency (typical):
Less than 1 per 5 yrs (@ ‹ 1 mg/m^3)

Alarm level range *(user selectable)*:
Selectable over entire measurement range

Data logging averaging periods *(user selectable)*:
1 sec. to 24 hrs (selectable in 1-sec. increments)

Data logging memory capacity:
50,000 data points in up to 99 tags (data sets)

Programmable zeroing periods *(user selectable)*:
1 to 168 hrs (selectable in 1-hr increments; if enabled, logging period must be more than 10 min.)

Elapsed time readout range:
1 sec. to 100,000 hrs (over 11 yrs), in sec., min., and hrs

Digital communications:
RS232/RS485: full duplex, 9600 baud, software-controlled, device-filtered

Computer requirements:
IBM-compatible PC, Windows™ 95 or higher; 8 MB memory or more

Analog outputs *(user selectable)*:
0 to 5 V and 4 to 20 mA, with selectable full scale ranges between 0.1 and 400 mg/m^3

Power:
- Internal battery: rechargeable, sealed lead-acid, 6.5 Ahr, 6 V, 20-hr run time between charges (typical)
- AC line: universal voltage charger/power supply (included), 100-250 V, 50-60 Hz (CE marked)
- Optional solar power system (Model DR-SOL)

Alarm outputs:
- Alarm switch: 30 V (off, open), 2.5 A (on, closed)
- Alarm signal: 0 V (off), 5 V (on) (1 mA maximum load current)
- Audio alarm (back panel): More than 65 dB @ 1 m

Operating environment:
14˚F to 122˚F (-10˚C to 50˚C); 10 to 95% RH, noncondensing

Storage environment:
- 4˚F to 158˚F (-20˚C to 70˚C)

Dimensions:
5.28 in. (134 mm) H x 7.25 in. (184 mm) W x 13.63 in. (346 mm) D

Weight:
11.7 lbs (5.3 kg)

Safety approvals and certifications:
The DataRAM 4 complies with US FCC rules (Part 15) and has received CE certification.

Standard accessories included:
- Universal voltage battery charger/power supply
- Standard HEPA filter cartridge
- Analytical filter holder
- PC communications software disk
- Digital output cable
- Carrying case and instruction manual

500 Technology Court Smyrna, GA 30082
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www.thermoandersen.com ■ sales@thermoandersen.com

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Specifications

Concentration measurement range (auto-ranging):[1]
0.0001 to 400 mg/m³

Precision/repeatability (2-sigma):[2,3]
± 1% of reading or ±0.001 mg/m³, whichever is greater (1-second averaging)
± 0.3% of reading or ± 0.0003 mg/m³, whichever is greater (10-second averaging)

Accuracy:[1]
± 2% of reading ± precision

Resolution:
0.1% of reading or 0.0001 mg/m³, whichever is greater

Scattering coefficient range:
10^{-7} to 0.4 m^{-1} (resolution: 3 significant digits, maximum)

Visual range (@λ=550 nm):
0.001 to 337 km (resolution: 3 significant digits, maximum)

Ångström coefficient measurement range:
0.0 to 4.0

Particle sizing range (log-normal, σ_g = 2.0, m = 1.50):
0.05 to 10 µm

Particle size range of maximum response (concentration measurements):
0.08 to 10 µm

Temperature measurement range:
-15˚ to 60˚C (accuracy: 0.05˚C)

Relative humidity measurement range (@ 25˚C):
0 to 100% (accuracy: 2%, noncondensing)

Sampling flow rate range:[4]
1.0 to 3.0 liters/minute
(accuracy: 0.05 liters/minute, adjustability: 0.1 liters/minute)

Measurement/display integration time range:[4]
1 to 60 seconds (selectable in 1-second steps)

Measurement/display update frequency:
1 per second

HEPA filter cartridge replacement frequency (typical):
Less than 1 per 5 years (@ < 1 mg/m³)

Alarm level range:[4]
Selectable over entire measurement range

Data logging averaging periods:[4]
1 second to 24 hours (selectable in 1-second increments)

Data logging memory capacity:
50,000 data points in up to 99 tags (data groups)

Programmable zeroing periods:[4]
1 to 168 hours (selectable in 1-hour increments;
if enabled, logging period must be more than 10 minutes)

Elapsed time readout range:
1 second to 100,000 hours (over 11 years),
in seconds, minutes, and hours

DR4 2.5M / 5M / 75M / 10M 9 / 00 Printed in USA

Digital communications:
RS232/RS485: full duplex, 4800 baud, software-controlled, device-filtered

Computer requirements:
IBM-compatible PC, 486 or higher; Windows™ 95 or higher; 8 MB memory or more

Analog outputs:[4]
0 to 5 V and 4 to 20 mA, with selectable full scale ranges between 0.1 and 400 mg/m³

Power:
- Internal battery: rechargeable, sealed lead-acid, 6.5 Ahr, 6 V, 20-hour run time between charges (typical)
- AC line: universal voltage charger/power supply (included), 100-250 V, 50-60 Hz (CE marked)
- Optional solar power system (Model DR-SOL)

Alarm outputs:
- Alarm switch: 30 V (off, open), 2.5 A (on, closed)
- Alarm signal: 0 V (off), 5 V (on) (1 mA maximum load current)
- Audio alarm (back panel): More than 65 dB @ 1 m

Operating environment:
-10˚ to 50˚C (14˚ to 122˚F); 10 to 95% RH, noncondensing

Storage environment:
-20˚ to 70˚C (-4˚ to 158˚F)

Dimensions:
134 mm (5.28 in) H x 184 mm (7.25 in) W x 346 mm (13.63 in) D

Weight:
5.3 kg (11.7 lbs)

Safety approvals and certifications:
The DataRAM 4 complies with US FCC rules (Part 15) and has received CE certification.

Standard accessories included:
- Universal voltage battery charger/power supply
- Standard HEPA filter cartridge
- Analytical filter holder
- PC communications software disk
- Digital output cable
- Carrying case and instruction manual

[1] Referred to gravimetric reference calibration (NIST traceable) with SAE Fine test dust (mmd = 2 to 3 µm, σ_g = 2.5, as aerosolized)
[2] At 25˚C
[3] For single-wavelength concentration sensing
[4] User selectable

Monitoring Instruments for the Environment, Inc.
7 Oak Park ■ Bedford, Massachusetts 01730
Toll-Free: 1-888-643-4968 ■ TEL: (781) 275-1919
FAX: (781) 275-2121 ■ www.mieinc.com

MODEL DR-4000
Dual Wavelength Nephelometer

Ambient Air Monitoring

$PM_{2.5}$ Monitoring

Remediation Site Perimeter Monitoring/Alarming

Real-Time Fine Particle Size Determination

Indoor Air Quality Monitoring

Workplace and Plant Monitoring

Source Monitoring

Atmospheric Scattering and Visibility Monitoring

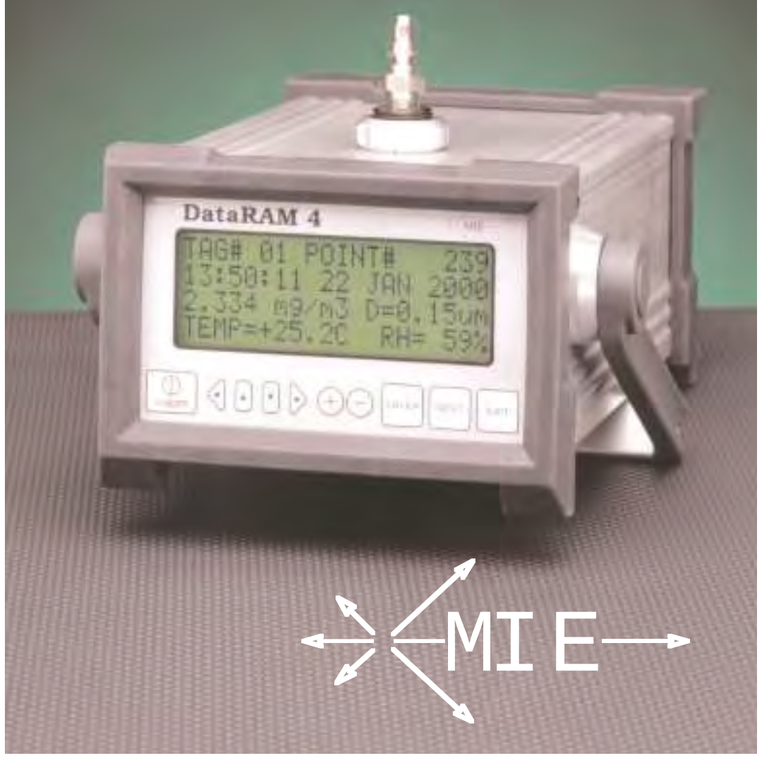
Measurement of Ångström Coefficient

Mobile Monitoring

Toxicology and Aerosol Research

DataRAM 4™

Portable Particle Sizing Aerosol Monitor/Data Logger



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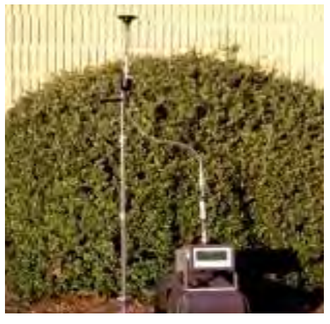
Real-Time Particulate Monitoring and Particle Size Selective Measurements

Measures Airborne Particulate Concentrations and Size in Real-Time

The DataRAM 4™ provides direct and continuously updated readouts of concentrations of airborne dust, smoke, mist, and fumes as well as the median particle size. In addition, both air temperature and humidity are displayed. All data can be logged in the integral, large-capacity, non-volatile memory. Up to 50,000 data blocks can be stored in up to 99 tagged groups.



An on-board audible alarm as well as switched and active alarm outputs are triggered whenever concentrations exceed a user-selected level.



With appropriate aerodynamic particle discriminators, the DataRAM 4 provides measurements correlated with PM_{10}, $PM_{2.5}$, $PM_{1.0}$, and respirable fractions.

Determines Particle Median Size Regardless of Concentration

DataRAM 4's patented two-wavelength particle detection system provides the volume median particle diameter of the sampled aerosol, over the remarkably wide concentration range of 1 microgram per cubic meter to 400 milligrams per cubic meter.

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Unlike typical particle counting devices, the DataRAM 4 is totally immune to particle coincidence errors, even at the highest concentrations. Volume median particle sizes down to 0.05 µm can be measured by this unique spectral nephelometric technique.

Monitors Mass Concentrations of Fine Particulates ($PM_{2.5}$)

The DataRAM 4 monitors in real-time the concentrations of fine particulates in ambient air by a combination of aerodynamic size preselection, two-wavelength nephelometry, and concurrent sensing/correction for relative humidity. This patented technique provides a continuous measurement of $PM_{2.5}$, independent of particle size and moisture, without altering the sample stream (i.e., without heating, diffusion drying, denuding, etc.)



DataRAM 4 with Cyclone Precollector for respirable particle measurements

Special software (Windows™ compatible) provided with the instrument allows data transfer either in real-time or from the DataRAM 4's logging memory for tabular and/or graphic computer presentation. All operational and programming functions of the DataRAM 4 can be controlled from a remote location through the RS485 communications port. Sampling start and stop as well as data transfer can be controlled via modem or other digital transmission paths.

Analog Signal and Alarm Outputs

For added versatility, the DataRAM 4 provides two separate analog signal outputs, updated every second: a voltage output (0-5 V) and a current output (4-20 mA), both programmable over the instrument's full measurement range Two alarm outputs (and an audible horn) are also included: voltage step (0 to 30 VDC) and switching output (2.5 A maximum). The alarm level is also user programmable over the entire measurement range of the instrument.

Measures Scattering and Ångström Coefficients, and Visual Range

In addition to measuring the mass concentration of airborne particulates, the DataRAM 4 measures the scattering coefficient at two wavelengths (in units of inverse megameters) and computes the coefficient at the reference wavelength of 550 nanometers, as well as the Ångström exponent (a measure of atmospheric fine particle size). Based on the 550 nm scattering coefficient, the instrument then calculates the visual range (in kilometers).

Complete Digital Communications

The DataRAM 4 has both RS232 and RS485 data ports for two-way digital communications with personal computers.

Detailed Diagnostic Information

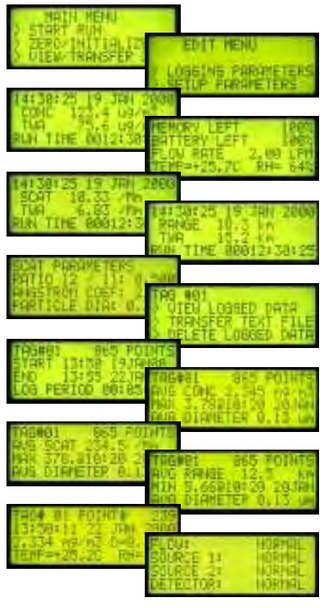
The DataRAM 4 furnishes complete diagnostic data on the functional condition of all its critical elements. Examples include: condition of each of the two sensing sources, optical background level, scattering detector condition, sampling air flow control, internal battery charge status, charging current, etc. Any deviation from normal conditions is flagged on screen.



DataRAM 4 with Metal Cyclone for particle size separation

Self-Purging, Automatic Zeroing, and Clean Air Protection of Optics

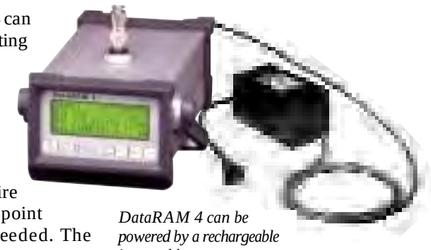
The DataRAM 4's field-proven flow configuration includes a large-capacity HEPA filter cartridge directly downstream of the photometric sensing stage. Typically replaced every two years, this filter provides particle-free air that is partially recirculated over all critical optical surfaces to ensure their cleanliness.



For either manual or automatic zeroing, an electronically controlled solenoid valve diverts the entire filtered air stream through the optical sensing chamber to achieve "zero" air without the need for an external filter.

Self-Calibrating Internal Filter

A 37-mm membrane filter (for which a special holder/adapter is provided) can be used in place of the zeroing HEPA filter cartridge for gravimetric calibration and/or chemical analysis of collected particulates. The DataRAM 4 can be easily calibrated by readjusting the calibration constant to agree with gravimetric measurements obtained from the on-board filter. Because the photometric response of the instrument is exactly linear over its entire operating range, only single point gravimetric calibration is needed. The second point of the straight response line is the zero concentration obtained by self-purging.



DataRAM 4 can be powered by a rechargeable internal battery or an external power source

Large Character Screen, Menu-Driven Displays, and Scrolling of Logged Data

A large (48-cm^2 active area) LCD screen with 4 lines of alphanumeric text provides highly visible readouts. The screen has automatic backlighting whenever the DataRAM 4 is powered from the AC line current (through its power supply/charger). The instrument provides users with a variety of self-explanatory informational screens. The main measurement screen, for example, displays real-time and date, mass concentration, time-averaged concentration from the start of the run, and elapsed run time. Logged data can be displayed/scrolled during or after a measurement run, and transferred to a PC.

Several Power Options

The DataRAM 4's large-capacity rechargeable battery (long-lived, "memory"-free) provides noninterruptible power to the unit. A charger/power supply is provided for continuous long-term operation. For portable monitoring, the instrument is designed to run without external power for 20 hours. An optional solar power system is available for remote installations.

Expandable To A Complete Particulates Characterization System

Available accessories extend the capabilities of the DataRAM 4 for a wide range of monitoring/particle sizing applications. Aerodynamic particle size separators (cyclones and jet-to-plate impactors) measure specific size groups such as the thoracic, respirable, PM_{10}, $PM_{2.5}$, and $PM_{1.0}$ fractions. An omni-directional sampling inlet and an in-line heater (for mist/fog elimination) are available for ambient air monitoring. An isokinetic sampling probe/nozzle kit enables duct/stack monitoring.

Additional accessories will be available for the DataRAM 4 in the near future, providing a complete systems capability with unparalleled performance flexibility. These accessories/capabilities will include: a patented turntable aerodynamic particle size separator for aerodynamic particle size distribution analysis, and a condensation/nucleation module for ultrafine particle monitoring.



DataRAM 4 with ambient monitoring accessories

APPENDIX D

DOL Variance Petition, File N0. 20-1371, Controlled Demolition with Non-Friable ACM in Place

DOL Variance Petition, File N0. 21-0022, Controlled Demolition with Non-Friable ACM in Place

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Petition

of
Ambient Environmental, Inc.
Petitioner's Agent on Behalf Of

First Prize Development Partners, LLC
Petitioner

in re

Premises: Former Tobin's 1st Prize Buildings #1,2A, 2B, 3, and 5 - **Only**
76 Exchange Street
Albany, New York

Controlled Demolition with Non-Friable ACM in Place

File No. 20-1371

FACILITY WIDE DECISION

Cases 1-7

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 20-1371 on November 25, 2020 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the petitioner dated November 25, 2020; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1	ICR 56-8.9(g)
Case No. 2	ICR 56-9.2(d)(1)
Case No. 3	ICR 56-11.5(b)(1)
Case No. 4	ICR 56-11.5(c)(2)
Case No. 5	ICR 56-11.5(c)(7)
Case No. 6	ICR 56-11.5(c)(10)
Case No. 7	ICR 56-11.5(c)(11)

VARIANCE GRANTED. The Petitioner's proposal for controlled demolition of demolished structure with non-friable asbestos in place at the subject premises in accordance with the attached 06-page stamped copy of the Petitioner's submittal is accepted; subject to the Conditions noted below:

THE CONDITIONS

1. A full-time independent project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.

2. The Project Monitor shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:

    a. Inspect of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor;
    b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used and are in compliance with all asbestos laws and regulations;
    c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable rules and/or regulations;
    d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.

3. The PM shall alert the nearest District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos Supervisor, unresolved conditions remain at the asbestos project which present significant potential to adversely human health or the environment.

4. All generated waste removed from the site must be documented, accounted for and disposed of in compliance with the requirements of NESHAPS and NYSDEC.

5. The removal of the non-friable ACM caulking material may be removed as per ICR 56-11.6.

6. A separate asbestos project notification shall be submitted to DOL for each building/structure that is to be demolished as per ICR 56-3.4(b).

Removal of all Friable ACM, Transite/Cement Board & Other Non-friable ACM Prior to Controlled Demolition

7. All friable ACM, RACM, transite/cement board, and Category II non-friable ACM shall be removed in accordance with ICR 56 and this variance decision, including obtaining satisfactory clearance air results for all regulated abatement work areas (as necessary), prior to the commencement of this controlled demolition asbestos project. Category I non-friable ACM that will likely become crumbled, pulverized, or reduced to powder during the demolition shall also be removed.

8. The Petitioner should consult with EPA Document 340/1-92-013 "EPA Guide to Normal Demolition Practices Under the Asbestos NESHAP" to determine if the project's anticipated demolition methods will cause RACM to be created.

Secure the Work Site

9. The entire controlled demolition area and all surrounding portions of the site to be utilized for demolition cleanup, staging areas and regulated abatement work areas, shall be enclosed within a barrier or fence. The intent of this barrier is to define the restricted area at the work site, alert the public to the asbestos work and associated hazards, and to prevent unauthorized entry onto the work site.

10. Signage in accordance with the requirements of ICR 56-7.4(c) shall be posted on the exterior of the work site boundary fence/barrier, to warn the public of the asbestos hazard.

Establishment of Regulated Areas

11. The regulated work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25') where possible, and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved or the abatement project is complete. These areas shall have Signage posted in accordance with Subpart 56-7.4(c) of this Code Rule. For areas where twenty-five feet isn't possible, the areas shall be cordoned off as practical, and a daily abatement air sample shall be included at the reduced barrier.

12. Entry/Exit of all persons and equipment shall be through one designated and secure "doorway" in the barrier or fence, which shall provide an adequate and appropriate means of egress from the work site.

13. All adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting. If the owner of an adjacent building does not allow openings to be sealed as required, the asbestos abatement contractor's supervisor must document the issue within the daily project log, and have the

affected building owner sign the log confirming that the owner will not allow the asbestos abatement contractor to seal the openings in the building as required. In addition, a daily abatement air sample shall be included within ten feet of the affected portion of the adjacent building.

Controlled Demolition Removals

14. The provisions of 56-11.5 shall be followed for non-friable controlled demolition removals, except as modified by this variance.

15. Decontamination system enclosures and areas shall be constructed and utilized as per the requirements of 56-7.5(d) and 56-11.5.

16. Uncertified personnel shall not be allowed to access any regulated abatement work area, with the exception of waste hauler truck drivers. These truck drivers will be restricted to their enclosed cab, while temporarily in the regulated work area for waste transfer activities only. All equipment operators utilized for demolition or removal activities within the regulated work area must be certified in compliance with ICR 56-3.2.

17. No dry disturbance or removal of asbestos material shall be permitted.

18. Wastewater shall be confined within the controlled demolition area. Water may be allowed to accumulate in basements during demolition activities.

19. All decontamination areas shall be within the regulated abatement work area. An equipment decontamination area shall be cordoned off within the worksite for cleaning of heavy equipment, i.e., backhoes, excavators, loaders, etc. The ground surface in this decontamination area shall be banked on the sides to confine the contaminated wastewater.

20. All barrier components, used filters, disposable PPE and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and treated as RACM and disposed of accordingly.

21. All demolition debris, structural members, barrier components, used filters and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and shall be transported and disposed of by appropriate legal method. Structural members, steel components and similar non-ACM components shall be fully decontaminated as per ICR 56, prior to being treated as salvage.

22. All material shall be treated as RACM including soil around and beneath the demolition abatement area, except for structural members, steel components and similar non-porous and non-suspect items that can be fully decontaminated.

23. Except for non-ACM containing concrete foundation walls that can be adequately cleaned. The Project Monitor shall confirm that the foundation can be adequately decontaminated and shall note the decontamination activity in the project logbook. The structure and/or building remains (foundation) shall be maintained in a safe manner in accordance with local and state building codes.

24. Non-porous cleanable objects/materials, non-ACM material (bricks, concrete, structural steel members, metal components and similar non-suspect materials) may be fully decontaminated for disposal by appropriate legal methods. Prior to disposal, the Project Monitor shall verify that the material has been properly cleaned/decontaminated and shall note the cleaning/decontamination activity in the project logbook.

Perimeter Air Sampling:

25. In addition to the requirement of Subpart 56-4.9(c), air monitoring shall be conducted daily at the perimeter of the work area.

26. A minimum of two upwind air samples shall be collected. The samples shall be spaced approximately 30 degrees apart from the prevailing wind direction.

27. A minimum of three downwind samples shall be collected. The samples shall be equally spaced in a 180-degree arc downwind from the source.

28. The contractor shall observe at a minimum, the following waiting (settling/drying) periods: Demolition – 2 hrs.

29. If more than one shift daily is required to accomplish the work, air monitoring within the work area during abatement shall be performed on each shift.

30. In lieu of post-abatement clearance air monitoring in compliance with ICR-56-9.2(d), the most recent daily abatement air samples collected during removal and cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

31. After removal and cleanings are complete and a minimum drying period has elapsed, an authorized and qualified Project Monitor shall determine if the area is dry and free of visible asbestos debris/residue. If the area is determined to be acceptable and the most recent daily abatement air sample results meet 56-4.11 clearance criteria, the final dismantling of the site may begin.

Site Soil Cleanup:

32. The site where the demolition occurred shall be assessed and cleaned up as follows.

33. Soil cleanup shall include, all visible asbestos or suspect asbestos debris. Soil removal shall meet ASTM 1368 (latest edition), Section 9.1.1-9.1.5 inspection criteria.

34. No pieces of ACM shall be present on top of the soil.

35. Visibly contaminated soil or soil suspected of being contaminated shall be removed down to the level where no visible contamination is noted.

36. The Project Monitor shall record the results of his/her inspection on the Project Log.

Preparation of Waste Transport Equipment

37. Dumpsters/trailers used to haul non-friable ACM materials do not need to be doubled lined as required by ICR 56-11.5 (c) (11).

38. Such trailers must be made air, dust and watertight prior to leaving the site.

39. Trailers used to haul RACM shall be double lined as per ICR-56.

40. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

41. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.

3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.

4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance

and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.

5. This DECISION shall terminate on **December 31, 2022.**

Date: December 2, 2020

ROBERTA L. REARDON
COMMISSIONER OF LABOR

By Edward A Smith

Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Mark G. Wykes, P.E.
Professional Engineer 1 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
		See Attached					

9. **ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. SEE ATTACHED

10. **Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. SEE ATTACHED

11. **Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.
    a. Will proposed abatement methods render non-friable ACM material friable? ____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. ____

SEE ATTACHED

Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

I certify that the information contained in this petition is true and accurate.

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I.registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Joella Viscusi

b. Project Design Asbestos Contractor firm name: Ambient Environmental Inc.

c. Street: 828 Washington Avenue

d. City: Albany e. State: NY f. Zip: 12203 g. Phone: (518) 482 - 0704

h. Designer certificate number: 01-19282 i. Expiration Date: 12 /31 /2020

j. Design Firm Asbestos Contractor License Number: 29608 k. Expiration Date: 07 /31 /2021

13 a. Project designer signature: Joella Viscusi b. Date: 11 /25 /2020

New York State Department of Labor
Division of Safety and Health - Engineering Services Unit
Building 12 , Room 159
State Office Campus
Albany, N.Y. 12240

Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
- Send two copies of the petition and all attachments, with your $350 fee, to the address at the top of this page.
  - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. **Is this petition related to a safety or health emergency?** _____ Yes x No
b. If yes, explain: _____

2a. **Name of Petitioner,** (Property Owner): First Prize Development Partners, LLC
b. Street Address: 8 Paddock Circle
c. City: Saratoga Springs d. State: NY e. Zip: _____
f. Telephone Number: ( ) - g. Fax Number: ( ) -
h. Petitioner's Federal Employee Identification Number (FEIN) 38-3955991

3a. **Petitioner's Agent (Asbestos Contractor) Firm Name:** Ambient Environmental Inc
b. Street Address: 828 Washington Avenue
c. City: Albany d. State: NY e. Zip: 12203
f. Telephone Number: (518) 482 - 0704 g. Fax Number: (518) 482 - 0750

4a. Asbestos Contractor License No. 29608 b. Name of Firm: Ambient Environmental Inc

5. **Building Description:**
a. Affecting premises known as: Former Tobins 1st Prize Building
b. These premises are situated on the ____North, ____South, ____East, ____West side of _____Street, ____Ave, ____Road.
c. County of Albany
d. Street Address: 76 Exchange Street
e. City Albany f. State: NY g. Zip _____
h. Is building occupied? _____Yes x No
i. Current function of building: _____
j. Approximate area (square feet) of building: _____ k. Number of stories or height in feet: _____
l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: _____

6. **Order To Comply or Notice of Violation.** Attach copy.
a. Issued to: _____Owner _____Asbestos Contractor _____Operator _____Other
b. Name on Order or Notice: _____ c. Date issued: ____/____/____
d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation: _____

7. If a variance has been granted previously for work closely resembling this project list:
a. Variance number: _____ b. Date variance granted: ____/____/____

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
		See Attached					

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    a. Will proposed abatement methods render non-friable ACM material friable? _____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work.

SEE ATTACHED

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I certify that the information contained in this petition is true and accurate.

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- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

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12 a. Project designer name (print): Joella Viscusi

b. Project Design Asbestos Contractor firm name: Ambient Environmental Inc.

c. Street: 828 Washington Avenue

d. City: Albany e. State: NY f. Zip: 12203 g. Phone: (518) 482 - 0704

h. Designer certificate number: 01-19282 i. Expiration Date: 12 /31 /2020

j. Design Firm Asbestos Contractor License Number 29608 k. Expiration Date: 07 /31 /2021

13 a. Project designer signature: _____ b. Date: 11 /25 /2020

Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE,
SBA EDWOSB & DBE

Background

The former Tobin's First Prize Building and outbuildings are scheduled for demolition. A pre-demolition survey was conducted along with some additional subsequent sampling. We are submitting this variance as a site wide variance to encompass all the buildings associated with the former Tobin's First Prize building properties. Except for the main building

The property consists of the following buildings and identified asbestos containing materials:

Main Building – Tobin's First Prize; 400,000 SF
TBD

Due to additional inspection and design of the Main Building that is required, A separate Variance for the main building will be required - mgw

Building 1 – Single Story Commercial Building; 6,600 SF

Window caulk/glazing	36 SF & 3 SF
Roofing	6,425 SF
Flashing	175 SF

Building 2A – Single Story High Bay Commercial Building; 20,000 SF

Roofing	20,000 SF

Building 2B – Multiple High Bay Garage Spaces; 25,000 SF

Roofing	23,040 SF
Flashing	1,960 SF

Building 3 – Single Story Commercial Building; 5,500 SF

Roofing	600 SF

Building 5 – Single Story Storage; 6,400 SF

Roofing (S. wing roof)	435 SF
Patch – Gray	250 SF
Patch – Black	250 SF

New Variance

Due to the extensive amount of incidental disturbances in the Main Building, the development and design of this abatement will be submitted in an ~~amendment~~ as additional information is still being obtained. However, due to inclement weather approaching we don't want to hold up the start of demolition of the outbuildings.

The outbuildings will be demolished in accordance with FTV-10 and other conditions noted in this variance. For Building 1, the identified asbestos containing window caulk/glazing will be removed by the asbestos abatement contractor in accordance with 56-11.6 prior to the demolition of the building.

J Viscusi
01-19282

828 Washington Avenue, Albany, NY 12203 | Phone: 518.482.0704 | Fax: 518.482.0750
Web: www.ambient-env.com

Answer to No. 9 – ICR 56 Relief Sought for Building Demolition

Code Rule 56 Section	Title	Containment Type
56-8.9(g)	Trailers and Dumpsters	Per FTV-10 and SSV
56-9.2(d)(1)	Aggressive Sampling Techniques	
56-11.5(b)(1)	Building/Structure is Condemned	
56-11.5(c)(2)	Controlled Demolition Procedures, Regulated Abatement Work Area	
56-11.5(c)(7)	Controlled Demolition Procedures, Debris	
56-11.5(c)(10)	Wastewater	
56-11.5(c)(11)	Pending Disposal	

Answer to No. 10 – Hardship Description

56-8.9(g) Per FTV-10

56-9.2(d)(1) There is no negative pressure to be utilized during these demolition activities therefore, the last set of daily air sampling will be utilized as the final clearance air samples.

56-11.5(b)(1) Per FTV-10

56-11.5(c)(2) For areas where compliance with the twenty-five-foot barrier/fence requirement isn't possible, the areas shall be cordoned off to the maximum distance possible, and a daily abatement air sample shall be included at the reduced barrier.

56-11.5(c)(7) Per FTV-10.

56-11.5(c)(10) The surrounding land surfaces around this building are blacktop. This project will not include anything below grade. Therefore, it would not be feasible to collect the wastewater using trenching or ditches. Wastewater will be contained inside the work area on the slab and/or blacktop area and prevented from leaving the asbestos work area by means necessary at the time of the demolition.

56-11.5(c)(11) Per FTV-10

J. Viscusi
01-19282

Answer to No. 11 – Proposed Abatement Method Description For Building Demolition

In order to conduct this demolition in a cost-effective manner, while still maintaining the safety and health of personnel we are requesting the following procedures be utilized:

1. Procedures outlined in ICR 56-11.5 shall be adhered to, with exception of our requests, until completion of the final visual inspection and final clearance sampling.
2. Only certified persons or authorized visitors shall be allowed within the abatement work area until satisfactory clearance air monitoring results are met and the abatement contractor has demobilized from the work area.
3. A full-time project monitor will be on site at all times to ensure compliance with this variance and other state asbestos regulations.
4. A remote decon will be utilized for the duration of this project.

5. During the prep phase of the work area, a decontamination area will be established for non asbestos containing debris or decontaminated materials. This area will be in addition to the decontamination area for equipment in the regulated abatement work area.
6. Building demolition will take place in a methodical manner utilizing excavators with grapple attachments along with other similar mechanical equipment. These procedures will allow for some materials to be disposed of as construction debris or to be used as backfill (i.e. non asbestos containing concrete and brick). *Please Note: For Building 1, the window caulk/glazing will be removed by the asbestos abatement contractor in accordance with 56-11.6 prior to the demolition of the building.*
7. After work area preparation is complete, the abatement contractor will begin the demolition. Non friable roofing materials will be immediately segregated from all other demolition debris and disposed of as non friable asbestos waste. Walls will be demolished mechanically by pulling the concrete/block/brick outwards away from the building to allow this material to be disposed of as non asbestos containing material.
8. Once building demolition is complete and all debris is successfully removed, a full cleaning of the entire work area will be completed including the concrete slab/foundation walls that are to remain in place.
9. After final cleanings are complete, an independent project monitor along with the asbestos abatement supervisor shall conduct the final visual inspection. If the area is determined to be dry and free of visible debris and the most recent set of daily air samples are less than 0.01 f/cc the abatement contractor can demobilize from the site. Upon completion of the demobilization the area can be returned to the Owner.

J. Vocelli
01-19582

From: Joella Viscusi
To: Wykes, Mark (LABOR); Smith, Edward A (LABOR); Dippel, Melissa (LABOR)
Subject: 20-1371 Amendment No. 1, Former Tobins First Prize Building
Date: Monday, December 21, 2020 2:47:52 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Please consider this email an amendment to the above variance.

56-11.5(c)(6) Due to the upcoming winter months and anticipated freezing temperatures, we are requesting relief from the wetting of asbestos containing materials during demolition in freezing temperatures. ~~The contractor shall comply with NESHAP regulation 61.145(c)(7). If temperatures are below 32 degrees Fahrenheit wetting of ACM during removal is not required. ACM shall be removed in as large as possible sections and using methods to minimize disturbance. On days when temperatures are below 32 degrees Fahrenheit and water is not being used, the temperature is to be recorded by the asbestos abatement contractor at the beginning, middle and end of each day.~~ See Below - mgw

Joella Viscusi
President
828 Washington Ave.
Albany, NY 12203
Ph. 518-482-0704 | Cell 518-859-5924
joellav@ambient-env.com

APPROVED
With Modifications
January 5, 2021
New York State Dept. of Labor
Engineering Service Unit
Mark J. Wykes, P.E.

Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE, SBA EDWOSB & DBE

1. Removal of ACM in freezing temperatures shall be performed in accordance with the petitioner's proposal, the applicable NESHAP standards (Title 40, Part 61, Subpart M, Section 61.145(c)(7) and as follows:
   a. When temperatures are below 32oF, wetting of ACM during removal is not required however; ACM shall be removed in as large as possible sections and using methods to minimize asbestos disturbance.
   b. During these periods, the temperature in the area shall be recorded at the beginning, middle and end of the workday and the daily temperature shall be recorded and available for inspection.
   c. The owner shall retain the temperature records for at least two (2) years.
   d. All required air monitoring/sampling still applies.
   e. Decontamination of non-porous materials for salvageable must be performed using wet methods.

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Petition

of

Ambient Environmental, Inc.
Petitioner's Agent on Behalf of

First Prize Development Partners, LLC
Petitioner

in re

Premises: Former Tobin's 1st Prize – Main Building
76 Exchange Street
Albany, NY

Interior/Exterior Friable ACM Cleanup and Removals

File No. 21-0022

DECISION

Cases 1-13

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 21-0022 on January 13, 2021 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the initial submission of the petitioner dated January 13, 2021; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1	ICR 56-6-LIMITED
Case No. 2	ICR 56-7.1(b)
Case No. 3	ICR 56-8.1(b)
Case No. 4	ICR 56-7.5(b)(e)
Case No. 5	ICR 56-7.8-LIMITED
Case No. 6	ICR 56-7.11(a)(b)(e)
Case No. 7	ICR 56-7.11(f)(1)(i)(ii)(a)
Case No. 8	ICR 56-8.6(b)
Case No. 9	ICR 56-8.9(g)
Case No. 10	ICR 56-9.1(b)(c)
Case No. 11	ICR 56-9.1(f)
Case No. 12	ICR 56-9.2(f)
Case No. 13	ICR 56-11.5(c)(6)

VARIANCE GRANTED. The Petitioner's proposal for cleanup and removal of interior/exterior friable ACM and debris in quantities as noted in the petitioner's proposal at the subject premises in accordance with the attached 18-page stamped copy of the Petitioner's submittal is accepted with modifications noted; subject to the Conditions noted below:

THE CONDITIONS

1. A full-time independent project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.

2. The Project Monitor shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:

    a. Inspect of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor;
    b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used and are in compliance with all asbestos laws and regulations;
    c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable rules and/or regulations;
    d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.

3. The PM shall alert the nearest District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos Supervisor, unresolved conditions remain at the asbestos project which present significant potential to adversely human health or the environment.

4. The restricted areas, regulated abatement work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25') where possible, and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved or the abatement project is complete. For areas where 25-feet aren't possible, the areas shall be cordoned off as practical, and a daily abatement air sample shall be included at the barrier. These areas shall have Signage posted in accordance with Subpart 56-8.1(b) of this Code Rule.

5. All adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting. If the owner of an adjacent building does not allow openings to be sealed as required, the asbestos abatement contractor's supervisor must document the issue within the daily project log, and have the affected building owner sign the log

confirming that the owner will not allow the asbestos abatement contractor to seal the openings in the building as required. In addition, a daily abatement air sample shall be included within ten feet of the affected portion of the adjacent building.

6. In large open work areas that cannot be maintained due to the various physical restrictions (i.e., 25 foot buffer zone, buildings/structures, roadways, right-of-way's, etc.), the work area shall be extended to the extent feasible and localized HEPA filtered ventilation units as needed to control visible emissions shall be utilized at the immediate cleanup area along with wet methods, to aid with fiber control. In addition, during the removal and cleanup, additional daily abatement air samples shall be collected at barriers to the regulated abatement work area at appropriate distant intervals/locations (i.e., every 75-100 feet) as per ICR 56-7.1(c)(1), for the duration of each workshift.

Remote Personal Decontamination Units

7. Remote Decontamination Units as per ICR 56-7.5(d)(e) **are allowed**. Intact pipe insulation removals that need to be abated shall be performed in negative pressure enclosure/tents and glovebags or negative pressure glovebags or as per ICR 56-11.8. If visible emissions are observed during abatement work, work shall stop, and the Decontamination units shall be connected to the abatement work area prior to work continuation.

8. Remote Personal Decontamination Units must be located on-site and within 50 foot of the structure that is subject to abatement. These enclosure systems shall be removed only after satisfactory clearance air monitoring results have been achieved or the abatement project is complete. The walkway from the regulated abatement work area to the decontamination system or next work area shall have a cleared pathway. The pathway will require at least two (2) layers of six (6) mil fire retardant reinforced plastic sheeting shall be used for floor/carpet protection of the area. This walkway will be delineated and separated from non-certified personnel access.

9. To avoid having to block off access, the designated walkway from the regulated abatement work area to the personal decontamination system, as required by ICR 56-7.5(d)(4), shall be cordoned off only while workers are actively using the pathway.

10. Each restricted area shall have an attached air lock within which workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote decontamination unit over a walkway as defined above.

11. If remote decontamination units are to be used, an airlock as defined in Subpart 56-7.5(b) (11) of this Code Rule shall be constructed at the entrance to each restricted area and shall be large enough to serve as a changing area. Within the airlock, workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote personal decontamination unit over a walkway as defined above. The airlock/changing area shall not be used as a waste storage area.

12. Waste decontamination shall comply with ICR 56-7.5(f).

Negative Pressure Glovebag Use

13. A commercially available negative pressure glovebags may be utilized for removals, in lieu of glovebag removals within negative pressure tent/shroud enclosures. Glovebag removal procedures shall be consistent with ICR 56-8.4 for all insulation removals.

14. If negative pressure glovebags are not available, standard glovebags placed under negative pressure using a HEPA vacuum during removal may be utilized. These glovebags shall be fitted with adequate interior support to prevent collapse while under negative pressure. The integrity of the glovebag shall not be compromised by this additional support. (See glovebag design submitted with the Variance Petition).

15. The makeup air inlet to the glovebag shall be fitted with a HEPA filter.

16. Under areas where ACM is scheduled for negative pressure glovebag operations without a tent enclosure, a dropcloth, made of 6 mil fire retardant polyethylene sheeting, shall be placed below the material to be removed to prevent spread of any ACM remnants. This dropcloth shall be a minimum of 10 feet wide with an additional 10 feet. of width for every 20 feet in height above the floor/ground level where removal work will take place. This dropcloth shall be removed and containerized following removal of the glovebags or abandoned piping, prior to the cleaning stage. All remnants observed on the dropcloth shall be collected and immediately bagged or containerized for disposal as ACM.

Exhausting to an Interior Space

17. Negative pressure ventilation units that cannot be exhausted to the outside of the building or structure shall be directed to an unoccupied, controllable location within the building.

18. This location shall be accessible for the placement of air monitoring equipment as required by the applicable sections of this code.

19. A controllable area shall be defined as an existing, vacant room or an area within a larger space isolated by barrier tape and warning signs. This location shall be adequately sized to accommodate the increase in positive pressure to the area.

20. All openings within 25 feet of the Negative air machine exhaust termination shall be sealed with two layers of fire-retardant polyethylene.

21. Air monitoring shall be conducted at each tube when exhausting to an interior space. Banking of tubes for air monitoring is not permitted.

22. If elevated air samples are indicated, work shall stop immediately. The faulty negative air machine shall be taken out of service and repaired. A replacement

machine shall be installed to maintain the required negative air pressure differential in the work area.

23. Elevated air samples results shall be submitted to the Commissioner as required by ICR 56-4.10 (a)

24. Then all surfaces within area where the faulty negative air machine is exhausting to shall be wet wiped and HEPA vacuumed. The Project Monitor shall conduct a visual inspection of the area prior to resumption of work.

25. A summary of the cleanup activities and negative air machine repairs shall be documented in the Supervisor's daily log.

Interior ACM Removals

26. ACM debris from the incidental disturbance shall be cleaned up prior to abatement of the remaining ACM.

27. Once the regulated abatement work area is occupied by the abatement contractor, the asbestos project begins, and PPE shall be worn at all times even during Preparation.

28. All non-porous wall, ceiling, floor surfaces, fixtures, and movable and fixed objects contaminated with asbestos debris shall be cleaned as part of this abatement project. Porous materials, if any, shall be disposed of as RACM.

29. When feasible as part of providing passive containment and prior to removal of ACM and ACM debris, installation of critical/isolation barriers as per ICR 56-7.11 (a)(b), shall be completed. All visible accumulations of ACM in the area of the critical barriers shall be cleaned as per ICR 56-7.10(c)(1) prior to installation of the barriers. In lieu of hard wall barriers, two-layer six-mil fire retardant plastic sheeting may be used as critical/ isolation barriers as per ICR 56-7.11(b). These plastic sheeting isolation barriers shall be adequately supported for the duration of the asbestos project. All isolation barriers shall remain in place until receipt of satisfactory clearance air results for the regulated abatement work area.

30. Installation of wall and ceiling plastic sheeting is not required on removal surfaces and surfaces that are potentially contaminated and shall be cleaned as part of the asbestos project and in accordance to ICR 56-11.7(b)(5).

31. When relief is granted to not plasticize or when a tent/enclosure unit is used, one thorough cleaning as described in ICR 56-9.1(e) and one settling, waiting period shall suffice, except when an air test fails.

32. Glovebags shall be utilized for intact pipe insulation removals in accordance with ICR 56-8.4(a).

33. If at any time during the mechanical operations visible ACM friable debris(dust) is generated, all removal operations shall immediately cease, and the debris shall be cleaned up as per the requirements of Section 56-11.2(f). Alternative removal

methods that will not generate visible friable debris shall be utilized for the remainder of the asbestos project.

34. An asbestos handler (worker) shall keep the material continually wet while another worker with a HEPA vacuum will position the vacuum hose within four (4) inches of the material being removed to capture small pieces of non-friable ACM and asbestos fines. The hose end will be positioned so that as many smaller pieces of material as possible will fall into the vacuum hose end. Larger pieces of ACM should be immediately bagged or containerized.

35. Office Area or other areas where containments are utilized: A minimum of 8 air changes per hour must be observed once the negative air has been established. A minimum two-hour pre-abatement settling period as per 56-8.2(b) shall elapse once the negative air has been established.

36. Office Area or other areas where containments are utilized: After removal and cleanings are complete and a minimum eight (08) hour waiting/drying period has been observed, the Project Monitor shall determine if the area is dry and free of visible asbestos debris in accordance with 56-9.1(d)(1). If the area is determined to be acceptable, the Project Monitor may authorize clearance air sampling in accordance with ICR 56-9.2(d).

37. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

38. ACM removals shall be performed wet.

39. Under areas where ACM is removed, a drop cloth, made of six (6) mil fire retardant polyethylene sheeting shall be placed on the ground below the work area to prevent spread of any ACM remnants.

40. Asbestos containing material will not be allowed to accumulate on the drop cloth.

41. During Phase IIC, in addition to the requirements of Subpart 56-4.9(c), air monitoring within the work area shall be conducted daily for the entire workshift. The number of required inside work area air samples shall be consistent with the size of the work area (i.e. 1-minor, 3-small, 5-large). The inside work area sample locations shall be distributed throughout the work area.

42. In lieu of post-abatement clearance air monitoring in compliance with ICR-56-9.2(d), the most recent daily abatement air samples collected during cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

43. After removal and cleanings are complete and a minimum drying period has elapsed, an authorized and qualified Project Monitor shall determine if the area is dry, the scope of work complete, and the work area free of visible asbestos debris/residue. If the area is determined to be acceptable and the most recent

daily abatement air sample results meet 56-4.11 clearance criteria, the final dismantling of the site may begin.

Tents

44. All provisions within section 56-7.11(f)(1) shall be followed for constructing the one (1) layer negative pressure tent enclosure to be utilized in order to adequately wet and double bag the contents of the friable ACM, plus the following:

    a. A minimum one hour (1) waiting period with negative air units operating after manometer reads a minimum of .02" or when the Project Monitor determines the tent is satisfactory and maintaining negative air conditions, whichever is longer, shall be observed before entering the work area.

    b. Tent enclosures shall be adequately supported and reinforced to withstand local environmental conditions and the negative pressures developed within them.

    c. Each tent enclosure shall be large enough to accommodate workers, equipment, removal and cleaning operations as well as the piping subject to removal activities.

    d. A minimum of eight (8) air changes per hour must be observed once the negative air has been established.

    e. A personal and waste decontamination system shall be constructed and maintained in accordance with ICR 56-7.5 and shall be attached or remote as to the work areas as per the variance and the variance proposal

    f. A minimum eight (08) hour waiting/drying period shall be observed prior to the Project Monitor determines that the area is dry and free of visible asbestos. If the area is determined to be acceptable, the Project Monitor may authorize the clearance air sampling to be performed.

Preparation of Waste Transport Equipment

45. Dumpsters/trailers used to haul non-friable ACM materials do not need to be doubled lined as required by ICR 56-11.5 (c) (11).

46. Such trailers must be made air, dust and watertight prior to leaving the site.

47. Trailers used to haul RACM shall be double lined as per ICR-56.

48. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

Wrap and Cut Procedures:

49. Wrap and Cut conduit removals shall be per ICR 56-11.8, the above conditions and the following:

    a. Nylon slings shall be used to lower/move insulated pipe sections of convenient lengths. No dry disturbance or removal of asbestos material shall be permitted.

    b. Once each section of pipe is removed, a thorough cleaning of any remaining ACM or ACM debris must be completed in the immediate area.

    c. Any observed wire insulation debris will be wet down and immediately containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting and secured airtight prior to transport to the waste decontamination facility.

    d. If needed, all cuts to the conduit shall be done using glovebag methods.

50. One layer of 6-mil fire retardant plastic sheeting shall be used as a dropcloth below removal locations.

51. Piping removed shall be containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting and secured airtight prior to transport to the waste decontamination facility.

52. Upon completion of the ACM intact component removal, all remaining waste materials shall be removed within each work area and the critical barrier caulk, tape and/or interior plastic sheeting, shall be containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting or bagged and secured air tight prior to transport to the waste decontamination facility.

Freezing Temperature Requirements

53. Removal of ACM in freezing temperatures shall be performed in accordance with the petitioner's proposal, the applicable NESHAP standards (Title 40, Part 61, Subpart M, Section 61.145(c)(7) and as follows:

    a. When temperatures are below 32°F and adequately wetting would cause physically hazardous conditions to workers, wetting of ACM during removal is not required however; ACM shall be removed in as large as possible sections and using minimal water, if possible, to control visible emissions and using methods to minimize asbestos disturbance.

    b. This applies when the temperature at the point of applying water is below 32 degrees.

    c. During these periods, the temperature in the area shall be recorded at the beginning, middle and end of the workday and the daily temperature shall be recorded and available for inspection.

d. The owner shall retain the temperature records for at least two (2) years.

e. All required air monitoring/sampling still applies.

f. Decontamination of non-porous materials for salvageable must be performed using wet methods.

54. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.

3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.

4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.

5. This DECISION shall terminate on **February 28, 2022.**

Date: February 4, 2021

ROBERTA L. REARDON
COMMISSIONER OF LABOR

By Edward A Smith

Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Mark G. Wykes, P.E.
Professional Engineer 1 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

New York State Department of Labor
Division of Safety and Health - Engineering Services Unit
Building 12 , Room 159
State Office Campus
Albany, N.Y. 12240

Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
- Send two copies of the petition and all attachments, with your $350 fee, to the address at the top of this page.
  - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. **Is this petition related to a safety or health emergency?** _____ Yes x No
b. If yes, explain: _____

2a. **Name of Petitioner,** (Property Owner): First Prize Development Partners, LLC
b. Street Address: 8 Paddock Circle
c. City: Saratoga Springs d. State: NY e. Zip: _____
f. Telephone Number: ( ) - g. Fax Number: ( ) -
h. Petitioner's Federal Employee Identification Number (FEIN) 38-3955991

3a. **Petitioner's Agent (Asbestos Contractor) Firm Name:** Ambient Environmental Inc
b. Street Address: 828 Washington Avenue
c. City: Albany d. State: NY e. Zip: 12203
f. Telephone Number: (518) 482 - 0704 g. Fax Number: (518) 482 - 0750

4a. Asbestos Contractor License No. 29608 b. Name of Firm: Ambient Environmental Inc

5. **Building Description:**
a. Affecting premises known as: Former Tobins 1st Prize
b. These premises are situated on the ____North, ____South, ____East, ____West side of _____Street, ____Ave, ____Road.
c. County of Albany
d. Street Address: 76 Exchange Street
e. City Albany f. State: NY g. Zip _____
h. Is building occupied? _____ Yes x No
i. Current function of building: _____
j. Approximate area (square feet) of building: _____ k. Number of stories or height in feet: _____
l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: _____

6. **Order To Comply or Notice of Violation.** Attach copy.
a. Issued to: _____Owner _____Asbestos Contractor _____Operator _____Other
b. Name on Order or Notice: _____ c. Date issued: / /
d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation: _____

7. If a variance has been granted previously for work closely resembling this project list:
a. Variance number: _____ b. Date variance granted: / /

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
		See Attached					

9. **ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. SEE ATTACHED

10. **Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. SEE ATTACHED

11. **Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.
    a. Will proposed abatement methods render non-friable ACM material friable? ____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. ____

SEE ATTACHED

Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

I certify that the information contained in this petition is true and accurate.

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I.registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Joella Viscusi

b. Project Design Asbestos Contractor firm name: Ambient Environmental Inc.

c. Street: 828 Washington Avenue

d. City: Albany e. State: NY f. Zip: 12203 g. Phone: (518) 482 - 0704

h. Designer certificate number: 01-19282 i. Expiration Date: 04 /31 /2021

j. Design Firm Asbestos Contractor License Number: 29608 k. Expiration Date: 07 /31 /2021

13 a. Project designer signature: Joella Viscusi b. Date: 01 /13 /2021

Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE,
SBA EDWOSB & DBE

21-0022

Background

This variance will address the Main Building of the Tobins First Prize property. A variance for the outbuildings has already been submitted to and approved by the NYS DOL.

There is a significant number of incidental disturbances throughout the main building. As such, the entire interior of the building is considered to be contaminated. A lot of the disturbances are non friable asbestos containing material. The main source of the non friable debris is the cork mastic, roofing materials, and floor tile and mastic. The cork mastic, with over 380,000 SF identified throughout the building, is on ceilings, walls (behind ceramic tile) and some floors throughout the production area. *See Attachment 1* – list from pre-demolition survey report for identified asbestos containing materials.

This building is overwhelming filthy and has been vacant for many years, a lot of the cork and associated mastic has been disturbed and is on the ground due to either the failing of the ceilings and walls from water infiltration (failed asbestos containing roofing), deterioration, etc. You cannot walk through the building without walking on the cork and/or roofing debris just about any area in the building.

Conditions of the building currently are as follows:

- Most, if not all, windows are missing,
- Portions of roofs are missing,
- Many doors are missing,
- Entire portions of walls are missing

See Variance Conditions on critical/isolation barriers- mgw

There is also a number of friable disturbances as well throughout the building (mostly on the basement level and first floor). A contamination assessment was conducted to delineate the friable disturbances to allow the clean up of the friable material prior to demolition. This assessment was done by visual inspection and location of the source in relation to the debris piles. Air sampling was not conducted as it is determined that the entire building is contaminated. Please see attached drawings to identify the areas where there is friable debris and contamination.

The intent of this variance is to clean up of the friable asbestos debris and remove any remaining intact friable material first in each work area (with one area as an exception) and then conduct the clean up and abatement of the non friable material on that floor. Due to the number of open areas of the building (missing windows, walls, roofs, doors, etc.) it is not feasible to close all of them up and allow for full containments with negative pressure.

See variance conditions regarding isolation and critical barriers - mgw

That being said, we feel the most cost effective way to achieve this abatement (keeping the health and safety of the workers at the forefront) would be to embark upon this project using methods outlined for open air, exterior abatements. Keeping in mind that this building is vacant,

has no power, no heat, deteriorating, damaged, and has penetrations throughout the walls and roofs, with most windows missing and/or broken. There are also areas of the building that will most likely be condemned due to structural instability.

There will be a locked fence surrounding the building so access can easily be controlled and will only be accessed by certified or authorized personnel.

Areas of Exception to Procedures Outlined below:

Asbestos Containing Plaster in Office Areas:

There is an approximate 10,000 SF area in the building (on the first floor) that has asbestos containing plaster that requires clean up and abatement during this project. This area is in the office area and can easily be isolated from the rest of the building (see drawing for location of plaster in the building). This area will be isolated prior to commencement of clean up and abatement of the remaining building and will be cleaned up and abated after everything else on the interior is completed. This will allow the plaster to be abated inside a tent with proper negative pressure, attached decon and proper air sampling outside the containment in a now cleaned and cleared building.

106 Boiler Room and 139 Adjoining Area; 137 Loading Dock (west end); and Structure at South End) Rear Overhang)

These areas are currently being evaluated for stability and will most likely be condemned. Another amendment will be sent in once a decision has been made. See Attachment 2 – map of potential areas of condemnation.

Answer to No. 9 – ICR 56 Relief Sought

Code Rule 56 Section	Title	Containment Type
56-6	Background Air Sampling-Limited	Various as described in petition
56-7.1(b) 56-8.1(b)	Work Area Prep and Daily Air Sampling	
56-7.5(b)(e)	Personal and Waste Decontamination System Enclosures	
56-7.8	Engineering Controls - limited	
56-7.11(a)(b)(e)	Critical and Isolation Barriers; Floor, Wall & Ceiling Plasticizing and Sealing	
56-7.11(f)(1)(i)(ii)(a)	Negative Pressure Tent Regulated Abatement Work Area	
56-8.6(b)	Requirements for Sequential Abatement	
56-8.9(g)	Trailers and Dumpsters	
56-9.1(b)(c)	First and Second Cleaning	
56-9.1(f)	Waiting/Settling and Drying Time Requirements	
56-9.2(d)	Clearance Air Sampling	
56-11.5(c)(6)	Wet Methods	

Answer to No. 10 – Hardship Description

56-6 No background air samples will be collected since asbestos containing materials has already been disturbed.

56-7.1(b) & 56-8.1(b) Air sampling will be conducted during all phases of the removal/clean up activities associated with this project. However, since the entire inside of the building is considered contaminated the air sample placement will be up to the project monitor on site and will include at least five (5) air samples per shift. There will also be an additional two (2) air samples collected on the exterior of the building upwind and an additional two (2) air samples collected downwind from the site similar to a building demolition with asbestos in place.

Additional exterior air samples shall be installed and located near openings that are not properly criticaled. mgw

56-7.5(b)(e) The use of containments or tents is limited and the interior of the building is contaminated, therefore remote decontamination facilities will be utilized.

56-7.8 Due to the large work areas and the clean up/abatement being conducted without the use of containment or tent structures, establishment of appropriate air changes for negative pressure cannot be achieved. However, the use of negative air machines will be established in surrounding areas as a source of engineering control to limit dust. Where feasible, negative air machines will be placed within 10 feet of the immediate work area of clean up/abatement. In conjunction with the request for modified engineering controls (negative air), in some cases, it will not be feasible to exhaust to the exterior of the building, we are requesting to exhaust inside the building. The negative air machines will be exhausted into mobile diffuser boxes to prevent the exhaust from impacting surfaces that are contaminated and scheduled for cleaning.

56-7.11(a)(b)(e)(f)(1)(i)&(ii)(a) With some exceptions, there will be no containments and the building will be secured, therefore, there will be ~~no~~ need for critical or isolation barriers. If a containment is required (plaster area), we are requesting to use single-layer, 6-mil, fire retardant poly tent containments in lieu of hardwall or 2 layer poly tent containments. We are also requesting to conduct gross abatement of friable materials (>160 SF or 260 LF) in these tents. Limited critical barriers will be installed as the intent of this abatement project is to conduct it as an exterior abatement, therefore typical critical barriers are not warranted. However, in addition to the negative air machines in operation in the surrounding abatement areas as stipulated above, as an additional engineering control, all missing windows will be covered with one layer of poly.

See variance for critical and isolation barriers - mgw

56-8.6(b) Where the debris on the ground interferes with the removal of overhead piping or other intact friable material, those debris piles will be cleaned up prior to the abatement. This will prevent personnel walking through, or other equipment, etc. from dragging through the piles of confirmed or suspect asbestos containing debris piles. Also, the office area where the asbestos containing plaster is located will be cleaned up/abated last as previously described. Because most of the friable material and/or debris is on the basement and first floor, these areas will be cleaned first to prevent tracking through friable material (in lieu of working from top, down).

56-8.9(g) Dumpsters used to haul non friable asbestos containing materials do not need to be double lined with poly. Trailers will be made air, dust and watertight prior to leaving the site.

56-9.1(b)(c) This work will entail either no containment structures or tent containments, therefore, there will be no first or second clean. There will be one, final clean prior to waiting/drying/settling period.

56-9.1(f) and 56-9.2(d) Where there are no containment structures or fully established negative air, wait times and aggressive final air sampling would not be feasible or required. However, where tents are utilized with negative pressure and gross abatement of friable material is being conducted a reduction to an 8 hour wait time is being requested.

and agressive air samples performed - mgw

56-11.5(c)(6) Due to the upcoming winter months and anticipated freezing temperatures, we are requesting relief from the wetting of asbestos containing materials during demolition in freezing temperatures. The contractor shall comply with NESHAP regulation 61.145(c)(7). If temperatures are below 32 degrees Fahrenheit wetting of ACM during removal is not required. ACM shall be removed in as large as possible sections and using methods to minimize disturbance. On days when temperatures are below 32 degrees Fahrenheit and water is not being used, the temperature is to be recorded by the asbestos abatement contractor at the beginning, middle and end of each day. Only for Interior removals. A re-opening of the variance shall be made when condemnation letters are submitted and controlled demolition is performed.

Answer to No. 11 – Proposed Abatement Method Description

General

The entire building will be considered a restricted area, with no entry by uncertified or unauthorized visitors. The regulated areas will be the active removal areas (i.e., debris clean up, 25 foot barriers for wrap and cut removals, etc.). Due to the excessive amount of work areas, and the procedures we would like to use for abatement, remote personal and waste decontamination facilities will be utilized on this project.

As mentioned earlier the building is vacant, unheated, and has many penetrations and broken windows throughout the building. Due to the current adverse weather conditions, and the inability to temporarily heat the buildings we are requesting that the workers be allowed to wear ~~street clothes~~ beneath their disposable protective coveralls.
Appropriate clothing

Again, due to the large quantities of asbestos containing materials in the building and the complexity of the abatement itself, it would not be prudent to conduct final air sampling (or use daily air sample results as finals) after each individual clean up. Instead, we are requesting to perform modified final air sampling clearance at the completion of all removals and debris pile clean up. Described in better detail below.

Daily air samples shall be performed at all abatement work areas - mgw

Final Clearance Hardships:

There are many specific hardships to consider during this abatement, however, some issues that will clearly be detrimental to the final clearance of these buildings are as follows:

1. These buildings are never "dry" due to steady infiltration of water from missing roofs, walls, windows, etc. When final clearance activities are performed the independent project monitor and the contractor's supervisor will clear the work area if it is as "dry as it can be". Meaning that it is free of visible signs of controlled water in the work area. If there is uncontrollable water present, it will be noted in each of their respective project logs.
2. As mentioned earlier in this variance, the building remains open to the outside contaminants due to broken windows, missing overhead doors, holes in walls roofing, etc. To visually clear these areas so that there is no visible debris may only be for a snapshot in time. There is no guarantee that these buildings will not have visible debris shortly after the final visual clearance has been performed.
3. In order to perform this abatement in an organized manner, there will be several different "work areas" on each floor. Each area will have a visual clearance conducted to identify that all intact removal has been satisfactorily completed. However, final air sampling shall not be conducted until completion of final cleaning of each area (or floor) is completed. This will

Daily air samples are to be performed in each work areas - mgw

allow work areas to be combined once intact removals are completed and remaining debris in that area can be removed. The specific work areas will be determined per floor depending on access and placement of dumpsters (described below). Each work area will be denoted on a drawing to aide in identification of cleaned and cleared areas vs "areas still requiring cleaning and clearing.

Wasteout Hardships

Since the interior of the building is contaminated and this abatement is being conducted with similar practices to demolition with asbestos in place, it is not feasible to perform prescribed wasteout procedures. The procedures will follow demolition with asbestos in place and be live loaded into dumpsters (for the most part).

First floor and basement wasteout:

- The dumpster will be stationed on the exterior of the building with access from inside via the loading dock or an access point made through the wall most likely where a portion of the wall/windows are missing. The access points will be sealed with poly upon the completion of each workshift.
- Friable debris and material will be disposed of as RACM ~~unless it can be decontaminated.~~

Second and Third Floors:

- Same procedures as listed above, however, debris/material will be loaded into a lull from the skid steer (or the like) and lowered down to the ground and into the dumpster. There will be access points made through the walls (again most likely where windows/portions of walls are missing) to accommodate the loading of the material. The access points will be sealed with poly upon the completion of each shift.
- Friable debris and material will be disposed of as RACM ~~unless it can be decontaminated~~.

Fourth Floor:

- The fourth floor has minimal material and/or debris compared to the other floors. Most likely this material will be manually cleaned up and put in bags for disposal.

Abatement Procedures:

1. Only certified persons or authorized visitors shall be allowed within the abatement work area until satisfactory clearance air monitoring results are met, and the abatement contractor has demobilized from the work area.
2. A NYS certified asbestos project monitor shall be on site at all times when the asbestos abatement contractor is performing abatement related activities to ensure compliance with this variance and other asbestos regulations.
3. A remote personal and waste decontamination enclosure shall be utilized since the interior of the building is considered to be contaminated.

4. Critical barriers and engineering controls (negative air) will be implemented to the extent it is outlined above. Floors, walls and ceilings will not be covered with poly sheeting as these surfaces are subject to abatement and cleaning. See variance conditions - mgw
5. Daily air sampling shall be conducted during all phases of the project. Background air sampling shall not be conducted since there has already been an incidental disturbance. As described above, placement of air samples will be at the discretion of the project/air monitor due to extensive contamination inside the building. Additional exterior air samples as described above will also be conducted anytime the abatement contractor is performing abatement/clean up activities.
6. Once the limited critical barriers are established and negative air machines are running (limited). The contractor may immediately commence with the clean up and removal.
7. When the abatement contractor begins clean up/abatement on a floor or work area, the friable material on that floor or work area will be completed first. Since the debris is a mix of large objects (equipment, concrete blocks, wood, bricks, etc.) in conjunction with the TSI debris, these large areas will be cleaned up utilizing both manual and mechanical methods (skid steer or the like) similar to demolition with asbestos in place. All intact pipe insulation will be done utilizing wrap and cut procedures as outlined in 56-11.8, Abandoned Pipe/Duct/Conduit Wrap and Cut Removal or utilizing glovebags with poly drop cloths. All debris/material shall be disposed of as described above in "Wasteout Hardships".
8. Once all friable debris and material for that floor or work area is completed, a visual inspection by the project monitor and abatement supervisor will be conducted and logged as being completed. The contractor may now commence with clean up/removal of the non friable debris/material in that work area. This will also be done using both manual and mechanical methods as noted above. The removal of the intact, non friable material will also be done utilizing mechanical methods as it will require removing portions of the walls to get to the cork mastic behind ceramic tile or other finishes. All debris/material shall be disposed of as described above in "Wasteout Hardships".
9. If the work area that was just completed is in an area that ***will not*** require travel through to get to another active work area or traveled through to get to the dumpster from an active work area the following shall be conducted:

If an area that has been cleaned becomes re-contaminated then that area shall be re-cleaned. mgw

   a. Once all debris and intact material has been removed from a specific work area, a final cleaning of that entire work area shall be completed. During the final cleaning a new set of air samples (5 for large; 3 for small; 1 for minor) shall be placed inside the work area and one air sample outside the building. → and at all openings that have not been properly criticaled or isolation barriers installed
   b. After the final cleaning is completed, the project monitor in conjunction with the abatement supervisor shall conduct the final visual clearance.
   c. If the last set of daily air samples (as described in 9a.) are below 0.01 f/cc that particular work area shall be considered cleared and complete.
   d. The abatement contractor will tape off that work area so that travel through that work area does not occur.

10. If the work area that was just completed is in an area that ***will*** require travel through to get to another active work area or traveled through to get to the dumpster from an active work area the following shall be conducted:
    a. Once all debris and intact material has been removed from a specific work area, a visual clearance by the project monitor in conjunction with the abatement

supervisor shall be completed to ensure that all intact asbestos and debris has been successfully removed from that work area.

b. A final cleaning and clearance of that work area will be completed once the area can be isolated from any passthrough that will be required in that area. Procedures outlined in #9 above will be followed.

11. These procedures will be followed until the entire inside of the building has been completed. It may end up that several work areas or combination of partial multiple floors are having a final cleaning done simultaneously, with daily air samples being utilized as final clearance air samples. If this is the case, each floor will have at least five (5) air samples collected inside the work area, with an additional air sample for every 5,000 square feet above 25,000 square feet of floor space per floor and one air sample outside the building.
12. When the final cleaning is completed, a final visual clearance of the work area shall be conducted by the project monitor in conjunction with the abatement supervisor. If the work area passes the visual clearance and the last set of daily air samples (as described above) are below 0.01 f/cc, the area shall be considered clean and the abatement contractor can demobilize from that work area.
13. The area will be returned to the Owner only after satisfactory clearance monitoring has been obtained and the abatement contractor has demobilized from the work area.

Plaster Wall Abatement Procedures:

When the cleaning/abatement of the building interior has been completed, the cordoned off area requiring plaster abatement and clean up can be completed.

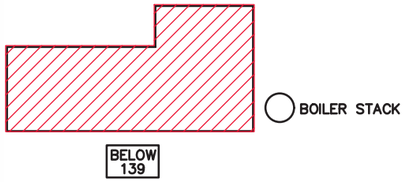
This will be conducted using a one layer tent with an attached personal/waste decontamination enclosure.

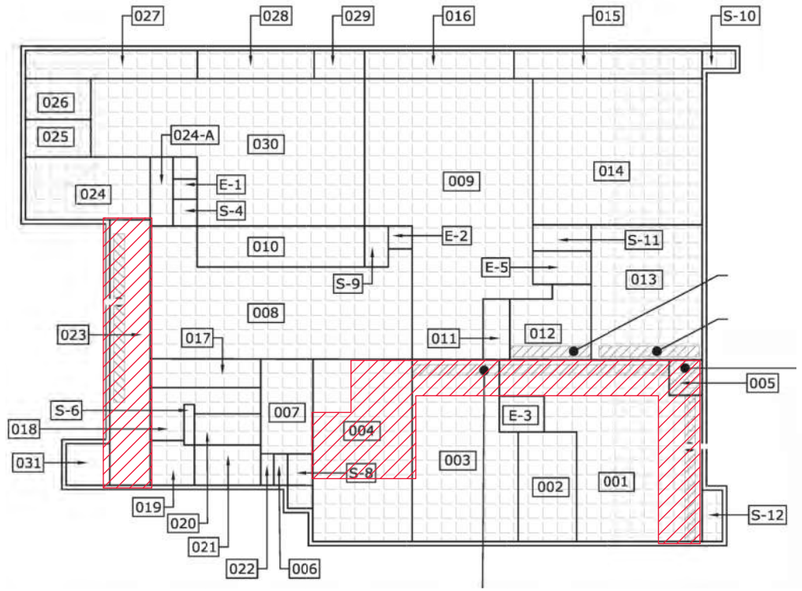
Since the building will now be considered “clean”; negative pressure can be established, and air sampling can be conducted in accordance with ICR 56. However, the exhaust may not be able to be exhausted to the exterior. If that is the case, the negative air machines will be exhausted to the interior and an air sample will be placed at the exhaust.

Potential Condemned Portions of the Building:

Will be submitted as an amendment – waiting on potential condemnation letter from the Town of Colonie. Controlled Demolition of the building will require amendment to the original variance. mgw

21-00222102221-002221-0022





2

AREA BELOW ROOM 139

+/- 3,000 SF OF TSI DEBRIS
380 LF OF TSI TO BE ABATED

ROOMS 001 THROUGH 005

+/- 4,000 SF OF TSI DEBRIS
450 LF OF TSI TO BE ABATED

ROOM 023

+/- 1,440 SF OF TSI DEBRIS
100 LF OF TSI TO BE ABATED

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

Ambient Environmental, Inc.
Building Science and EHS Solutions
828 Washington Avenue, Albany, NY 12203
PH: 518.482.0704 FAX:518.482.0750
www.ambient-env.com

LEGEND

ASBESTOS CONTAINING TSI DEBRIS

REVISIONS		

PROJECT LOCATION

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

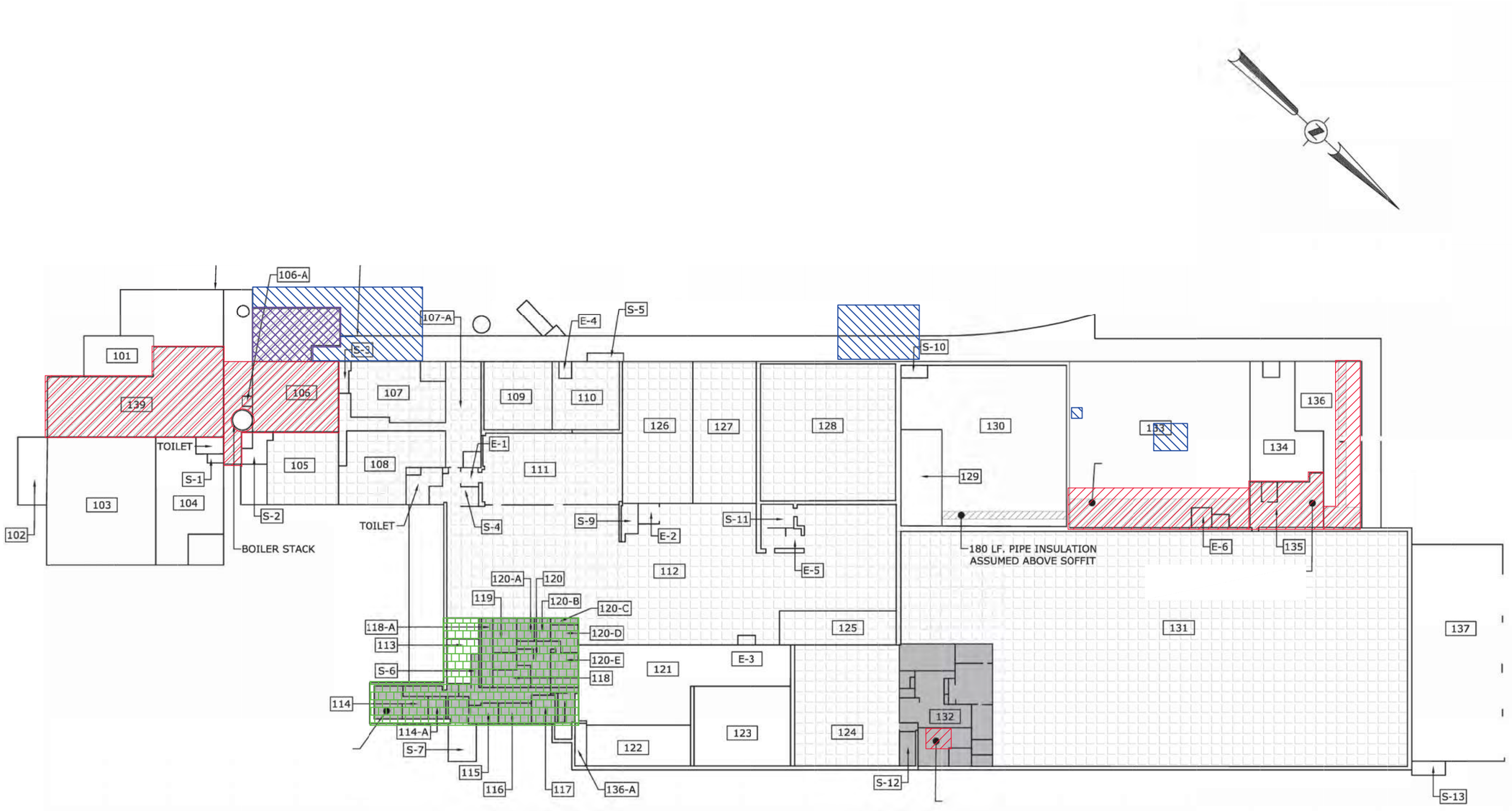
DRAWING TITLE

BASEMENT ASBESTOS MATERIAL LOCATIONS

DATE: 11-16-2020	SCALE: NTS
PROJECT NO.	201105AC
DRAWN BY	KAJ
CHECKED BY	CDW

DWG. NO.

ASB-100A



BOILER ROOM 106

+/- 2,925 SF OF TSI AND TRANSITE DEBRIS

600 LF OF TSI PIPE INSULATION TO BE ABATED

130 SF OF TANK INSULATION TO BE ABATED

6,230 SF OF BOILER AND BREECHING TSI TO BE ABATED

EXTERIOR

2,400 SF OF TRANSITE DEBRIS FROM 2ND LEVEL OVER LOADING DOCK

1,200 SF OF TRANSITE PANELS TO BE ABATED FROM 2ND LEVEL OVER LOADING DOCK

3,000 SF OF TRANSITE DEBRIS FROM 3RD LEVEL ROOM 303 OVER LOADING DOCK

400 SF OF TRANSITE PANELS TO BE ABATED FROM 3RD LEVEL ROOM 303 OVER LOADING DOCK

ROOM 139

+/- 3,000 SF OF TSI DEBRIS

120 LF OF TSI TO BE ABATED

850 SF OF TANK INSULATION TO BE ABATED

15 CY OF STORED TSI TO BE ABATED

ROOMS 113 THROUGH 120E

+/- 6,000 SF OF PLASTER DEBRIS

60,000 SF PLASTER TO BE ABATED

ROOM 130

180 LF OF TSI ASSUMED TO BE IN SOFFIT

ROOMS 132 THROUGH 136

+/- 4,000 SF OF TSI DEBRIS

1250 LF OF TSI TO BE ABATED

+/- 500 SF OF TRANSITE DEBRIS (ROOM 133)

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LEGEND

- ASBESTOS CONTAINING TSI DEBRIS
- ASBESTOS CONTAINING TRANSITE AND TSI DEBRIS
- ASBESTOS CONTAINING TRANSITE DEBRIS
- ASBESTOS CONTAINING PLASTER DEBRIS

REVISIONS

PROJECT LOCATION

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

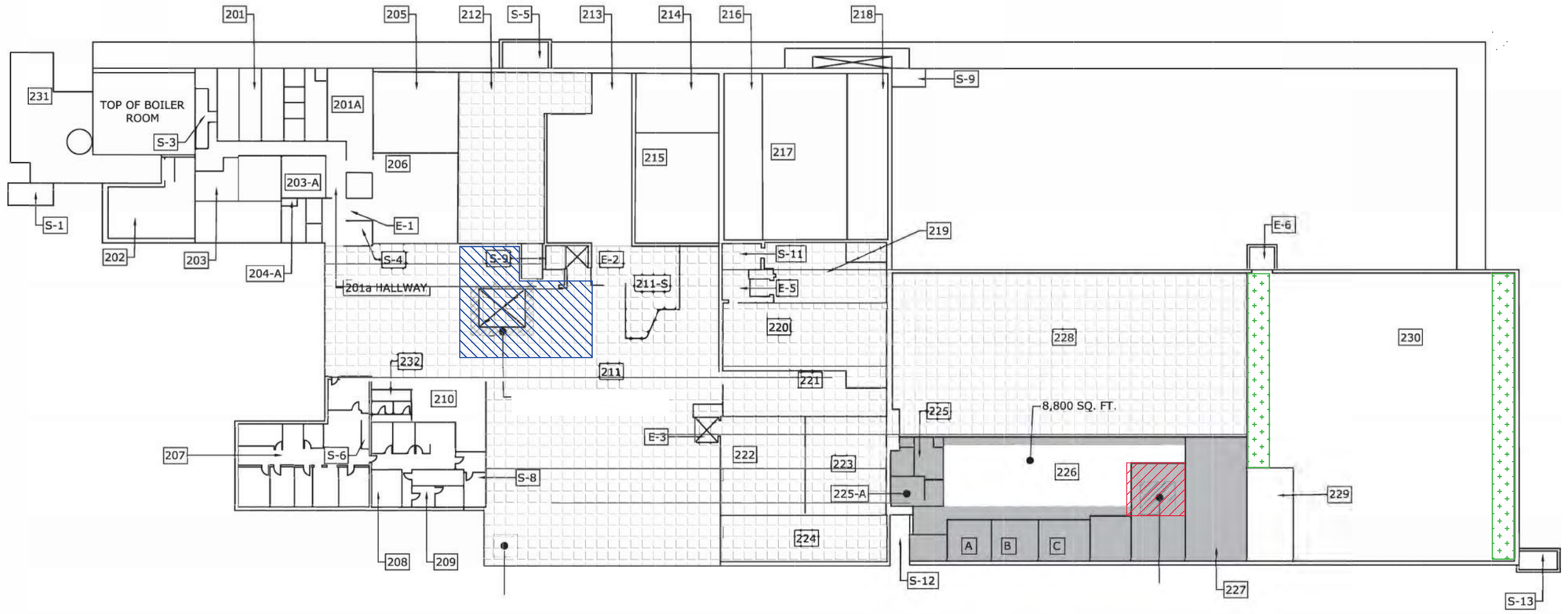
DRAWING TITLE

FIRST FLOOR ASBESTOS SAMPLE LOCATIONS

DATE: 11-16-2020	SCALE: NTS
PROJECT NO.	201105AC
DRAWN BY	KAJ
CHECKED BY	CDW

DWG. NO.

ASB-101A



ROOM 211

+/- 2,000 SF OF TRANSITE DEBRIS

400 SF OF TRANSITE TO BE ABATED

ROOM 226

+/- 300 SF OF TSI DEBRIS

10 LF OF TSI TO BE ABATED

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LEGEND

- ASBESTOS CONTAINING TSI DEBRIS
- ASBESTOS CONTAINING TRANSITE DEBRIS
- ASBESTOS CONTAINING WHITE SKIM ON CORK SOFFIT

REVISIONS		

PROJECT LOCATION

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

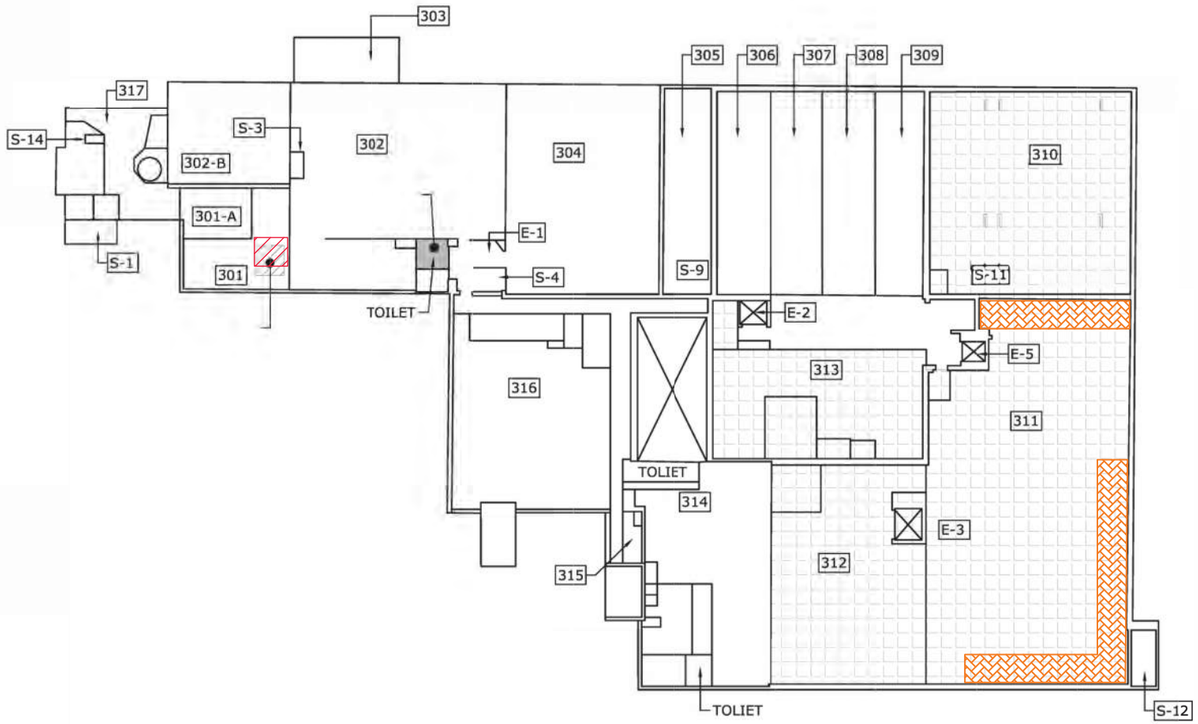
DRAWING TITLE

SECOND FLOOR
ASBESTOS MATERIAL
LOCATIONS

DATE: 11-16-2020	SCALE: NTS
PROJECT NO.	201105AC
DRAWN BY	KAJ
CHECKED BY	CDW

DWG. NO.

ASB-102A



ROOM 301

+/- 200 SF OF TSI DEBRIS
4 LF OF TSI TO BE ABATED

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

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LEGEND

- ASBESTOS CONTAINING TSI DEBRIS
- ASBESTOS CONTAINING DULL BLACK MASTIC ON CORK SOFFIT

REVISIONS		

PROJECT LOCATION

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

DRAWING TITLE

THIRD FLOOR ASBESTOS MATERIAL LOCATIONS

DATE: 11-16-2020	SCALE: NTS
PROJECT NO.	201105AC
DRAWN BY	KAJ
CHECKED BY	CDW

DWG. NO.

ASB-103A

Exhibit 5

NYSDEC Approval of Air Registration for On-site Crusher

Marx, Jeff

From: O'neill, Christopher (DEC) <christopher.oneill@dec.ny.gov>
Sent: Wednesday, July 14, 2021 2:56 PM
To: Farron, Joe; Bill Hoblock
Cc: marcangelandassociates@gmail.com; Moline, Kirk; Marx, Jeff; Berninger, Steven G (HEALTH); Deming, Justin H (HEALTH); Potter, Benjamin J (DEC)
Subject: RE: First Prize Center Site Air Emissions Equipment Registration ; C401076

Categories: Filed by Newforma

The Air Registration package submitted for the proposed onsite brick/concrete crushing operations at the First Prize Center Site (C401076) has been reviewed and is hereby approved, subject to Community Air Monitoring Program (CAMP) type requirements for particulates and volatile organic compounds, as with other potential airborne contaminant activities at the site.

Chris O'Neill
NYSDEC – Schenectady
518-357-2394 (office)
518-376-7605 (mobile)

From: Farron, Joe <j.farron@ctmale.com>
Sent: Wednesday, June 23, 2021 4:07 PM
To: O'neill, Christopher (DEC) <christopher.oneill@dec.ny.gov>
Cc: William.Hoblock@rbc-ny.com; marcangelandassociates@gmail.com; k.moline@ctmale.com; j.marx@ctmale.com
Subject: First Prize Center Site Air Emissions Equipment Registration

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Mr. O'Neill:
In response to your April 22, 2021 correspondence, attached is the Air Registration permit application paperwork for the First Prize Center Site. Please feel free to contact me or Jeff Marx of this office should you have any questions or require additional information.

Regards,
Joe

Joseph A. Farron, Jr.
Project Environmental Engineer

50 Century Hill Drive, Latham, NY 12110
Phone: 518.786.7471
Mobile: 518.810.3507
Email: j.farron@ctmale.com
www.ctmale.com