

**STORM WATER POLLUTION PREVENTION PLAN
FOR THE CONSTRUCTION OF**

BETHLEHEM STEEL RAIL RELOCATION

LACKAWANNA, NEW YORK

Owner:

Erie County Industrial Development Agency
275 Oak Street
Buffalo, New York 14203

Prepared by:

C&S Engineers, Inc.
90 Broadway
Buffalo, New York 14203

October 2010

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1.0 INTRODUCTION

The Clean Water Act states that storm water discharges associated with an industrial activity from a point source, including through a separate municipal storm sewer system, is unlawful unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. In New York State, the New York State Department of Environmental Conservation (NYSDEC) administers the NPDES through the State Pollution Discharge Elimination System (SPDES) program. According to the SPDES General Permit, construction sites or common plans of development, that result in disturbance of one or more acres that are not classified single family residential or agricultural, are subject to permitting requirements.

This plan outlines the manner in which to reduce the potential of storm water runoff pollution and assigns responsibilities to ensure that the contractor and his subcontractors implement the requirements of the Storm Water Pollution Prevention Plan (SWPPP) during construction activities until the site is stabilized. The SWPPP was developed based on the SPDES General Permit for Storm Water Discharges from Construction Activities that are classified as "Associated with Construction Activity", dated January 29, 2010.

The engineer of record for this project certifies that this SWPPP meets the requirements and is in compliance with the New York State Stormwater Management Design Manual and NYSDEC Phase II stormwater regulation requirements.

2.0 NOTICE OF INTENT REQUIREMENTS

To obtain coverage under a general permit, a Notice of Intent (NOI) must be submitted by the owner at least five (5) days prior to commencement of construction activities. Once completed, the NOI shall be sent to:

Notice of Intent
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505

A copy of a NOI form has been included in Appendix B-1.

3.0 STORM WATER POLLUTION PREVENTION PLAN

This Storm Water Pollution Prevention Plan (SWPPP) was developed to set operating guidelines during construction activities. A copy of this SWPPP shall be retained at the construction site throughout the duration of this project.

The Contractor shall meet all conditions of this SWPPP and all conditions within the NYSDEC SPDES General Permit for Stormwater discharges from Construction

Activities - Permit No. GP-0-10-001 dated January 29, 2010. The contractor shall be responsible for all measures of the SWPPP including being responsible for any subcontractors who may implement the SWPPP.

During the course of the project and upon approval by the owner, the contractor shall amend the plan whenever there is a change in construction, operation, or maintenance, which may have an effect on the potential for the discharge of pollutants. In addition, if a new subcontractor is utilized at the site who will implement tasks included in the plan, the SWPPP shall be amended.

3.1 Site Description

- A. The project is located along the west side of NYS Route 5, on the former Bethlehem Steel Plant site, in the City of Lackawanna, Erie County, New York. The proposed project consists of extending a railroad line across the property including the installation of ballast and rail along with the installation of a culvert in the South Return Ditch.

The proposed project consists of 378 acres consisting mostly of abandoned industrial property. The site has gentle slopes (less than 2%) and generally drains towards the center of the site and into the South Return Ditch. The South Return Ditch flows south and discharges into Smokes Creek, which in turn empties into Lake Erie, just west of the proposed project.

In reviewing the New York State Historic Preservation Office's GIS for Archeology and National Register online resources tool, neither construction activities nor the stormwater discharge from this site will have an effect on property that is listed on either the State or National Register of Historic Places.

- B. Below is a description of the intended sequence of major construction activities which involve soil disturbance:

- Install silt fence.
- Clear, grub and install temporary erosion and sediment controls simultaneously where possible.
- Demolish/remove old rail lines (per plans, if any) and dispose in accordance with NYSDEC regulations.
- Remove, stockpile and seed any excess topsoil and install temporary erosion and sediment controls simultaneously.
- Excavate and grade construction site.
- Install rail and ballast.
- Final grade, replace topsoil, seed and mulch all disturbed turf areas immediately upon acceptance of the grade in accordance with the Soil/Fill Management Plan for Tecumseh Redevelopment Site by Benchmark and Turnkey, dated Revised April 2009.

- Replace remaining topsoil.
 - Seed and mulch all areas disturbed from construction activities in accordance with the Soil/Fill Management Plan for Tecumseh Redevelopment Site by Benchmark and Turnkey, dated Revised April 2009.
 - After stabilization, remove all temporary erosion and sediment controls.
- C. Plans and details for temporary and permanent stormwater controls have been included in Appendix G-1. The plans have been included to indicate grading limits, drainage patterns, grade slopes and locations of erosion and sediment controls and storm water discharge locations.
- D. Under post-development conditions stormwater runoff from the new rail and ballast will continue to follow the existing drainage paths and flow into the South Return Ditch. A series of new culverts will be installed within the South Return Ditch to allow access across the ditch. Stormwater runoff from the South Return Ditch flows south and discharges into Smokes Creek, which in turn empties into Lake Erie.

Review of the existing topography reveals that this drainage area before development discharges across this same general area and therefore, the drainage patterns have not been altered.

- E. The present owner is: Erie County Industrial Development Agency
275 Oak Street
Buffalo, NY 14203

The contact person for the project is: John Cappellino
(716) 856-6525 ext. 118

3.2 Construction Controls

The Contractor shall be required to construct and maintain the following controls in accordance with this document and the associated Contract Documents for this project. There shall not be more than five (5) acres of disturbed soil at any one time without prior written approval from the NYSDEC.

A. Stabilization Practices.

1. Seeding.

Immediately after completion of grading operations, topsoil shall be replaced and all areas disturbed from grading operations shall be seeded in an effort to stabilize the site. Stabilization measures (including topsoiling, seeding and mulching) shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity if that portion of the site has temporarily or permanently ceased, except as noted below:

- Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover. In this situation, stabilization measures shall be initiated as soon as possible.
 - Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.
2. Mulching.
Directly after seeding, all disturbed areas shall be mulched to prevent surface compaction, reduce runoff and erosion, control weeds and help establish plant cover.
 3. Preservation of Vegetation.
The contractor shall make every effort to protect trees, shrubs, ground cover and any other vegetation adjacent to the work areas. The purpose of preserving existing vegetation where obtainable is to reduce soil erosion and enhance water quality.
 4. Dust Control.
Dust resulting from land-disturbing activities shall be controlled to prevent surface and air movement of dust from disturbed soil surfaces. Dust control measures are necessary on construction roads, access points and other disturbed areas subject to dust movement.
 5. Stabilized Construction Entrance (Temporary)
A stabilized construction entrance shall be constructed where traffic will be entering or leaving a construction site to or from a street, alley, sidewalk or parking area. The purpose of the stabilized construction entrance is to reduce or eliminate the tracking of sediment onto public streets.
 6. Equipment/Material Storage.
An equipment and material storage area location shall be determined by the site contractor prior to construction and may be modified during construction, if deemed necessary. The storage area will be graded to insure that any material spillage shall be directed away from the adjacent property. In addition, any identified chemical spills (oil, grease, etc.) shall be addressed immediately, a written log prepared and kept on-site with the SWPPP and appropriate local officials contacted, if necessary.
 7. Temporary Soil Stockpiles.
A temporary stockpile area location shall be determined by the site

contractor, prior to construction. The shape, size and location of this area may be modified by the site contractor if deemed necessary. In no case shall the stockpile be located any closer than fifty feet (50') from drainage inlets or property lines. All stockpile areas shall be perimeter protected with silt fence and seeded as soon as possible to minimize the potential for sediment transport and erosion.

B. Structural Practices.

1. Silt Fence (Temporary)

- A silt fence is used to intercept sheet flow runoff from small drainage areas. The silt fence also reduces runoff velocity and effects deposition of transported sediment.
- Silt fence shall be maintained to prevent sediment bypass and shall be removed and replaced when bulges develop in the silt fence

2. Rock Outlet Protection/Medium Stone Fill (Permanent)

- Rock outlet protection shall be constructed at the outlet end of culverts, conduits or channels. The purpose of the rock outlet protection is to reduce the depth, velocity and energy of water to minimize any potential erosion.
- Once a riprap outlet has been installed, the maintenance needs are very low. It should be inspected after high flows to see if scour beneath the riprap has occurred, or any stones have been dislodged. All repairs should be made immediately.

3. Storm Lined Waterway (Permanent)

- A waterway or outlet with a lining of stone that extends up the side slopes to the designed depth. The purpose is to provide for the disposal of concentrated flow without damage from erosion or flooding, where grassed waterways would be inadequate due to high velocities.
- The stone and lining should be maintained as built to prevent undermining and deterioration.

4. Turbidity Curtain (Temporary)

- A flexible, impenetrable barrier used to trap sediment in water bodies. This curtain is weighted at the bottom to achieve closure while supported at the top through a floatation system. The purpose is to prevent the migration of silt from a work site in a water environment in the larger body of water.
- The turbidity curtain shall be inspected daily and repaired or replaced immediately. When sediment removal is needed, removal is normally done by hand.

C. Construction Waste

- The Contractor shall be responsible for providing onsite trash receptacles appropriate to store all litter, construction chemicals and construction debris. The contents of the receptacles shall be properly disposed of at a NYSDEC licensed waste facility (or equal). In the event a spill, the contractor shall contact the NYSDEC Spills Hotline at 1-800-457-7362 to report such spill.

3.3 Storm Water Management.

The best approach to storm water management for construction activities is through the use of self-designed Storm Water Pollution Prevention Plan (SWPPP). The development of the SWPPP through the use of Best Management Practices (BMP) is to prevent erosion and pollutants from the construction materials mixing with storm water runoff and being discharged from the project site. BMP's should be designed to prevent, or at least control, the pollution of storm water before it has a chance to affect receiving waters. Using BMP's in this way improves the discharge water quality.

Specific requirements for management of storm water and maintaining water quality include, but are not limited to:

- A. There shall be no increase in turbidity that will cause a substantial visible contrast to natural condition;
- B. There shall be no suspended, colloidal, and settleable solids that will cause deposition or impair the waters for their best usages, and;
- C. There shall be no residue from oil and floating substances, visible oil film, globules or grease.

In addition, local ordinances may affect these Best Management Practices. Any conditions or specific local ordinances are to be included in the development of the BMP's for the project.

3.4 Post Construction Water Quality & Quantity Controls

- A. Chapter 4 of the NYSDEC Stormwater Management Design Manual (SMDM) provides a unified approach to designing Stormwater Management Practices (SMP's) to meet pollutant removal goals, reduce channel erosion, prevent overbank flooding and help control extreme floods. This project is not subject to the requirements under the SPDES General Permit since it is a rail project. However, it is classified as an Interim Remedial Measure (IRM) which will require a Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP). Both the N.O.I. and SWPPP will be submitted to the NYSDEC for their review and approval. Under the conditions of the IRM, this project will not be subject to the stormwater quality and quantity control

measures of the SPDES General Permit. However, erosion and sediment control measures will be in place throughout the project.

3.5 Construction and Waste Materials

Some of the construction materials expected to be stored onsite include steel rail, railroad ties, medium stone fill, paved corrugated metal pipe, galvanized steel end sections, silt fence, etc. These materials will be stored at the contractor's staging area. The Contractor shall install additional silt fence around the perimeter of the staging area, should contaminated runoff flow off the area.

3.6 Other Requirements.

- A. Any discharges other than storm water must be in compliance with the appropriate SPDES permit (other than this permit).
- B. No solid materials including building materials shall be discharged to waters of the United States, except as authorized by a federal or state law.
- C. All construction activities shall be in compliance with all federal, state and local laws as required.

3.7 Inspections.

- A. Inspections are important for visually evaluating potential storm water runoff pollution sources at the facility. All projects should be inspected periodically to ensure contaminants are not present in the storm water exiting a project site. On projects which apply for coverage under the SPDES General Permit, qualified inspectors of the Owner shall inspect and evaluate the site. Qualified inspectors are persons 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, or other Department endorsed individual. (See permit for additional information – Appendix A-1).
- B. The Owner shall have a qualified inspector conduct an assessment of the site prior to the commencement of construction and certify in an inspection report that the erosion and sediment controls described in the SWPPP have been installed or implemented. Following the commencement of construction, site inspections shall occur at least once every seven calendar days. For construction sites where soil disturbance activities are on going and the owner or operator has received authorization to disturb greater than five (5) acres of soil at any one time, the qualified inspector shall conduct at least two (2) site inspections every seven (7) calendar days. When performing just two (2) inspections every seven (7) calendar days, the inspections shall be separated by a minimum of two (2) full calendar days.

- C. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every thirty (30) calendar days. The owner or operator shall notify the Regional Office stormwater contact person in writing prior to reducing the frequency of inspections
- D. The owner shall prepare a written summary of the project status with respect to compliance with the Permit at a minimum frequency of every three months during which coverage under the Permit exists. The summary should address the status of achieving each component of the SWPPP.
- E. For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the Regional Office stormwater contact person in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the owner or operator shall have the qualified inspector(s) perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice” certification statements on the Notice of Termination (NOT). The owner or operator shall then submit the completed NOT form to the address in Part II.A.1 of the permit.
- F. Each inspection report shall, at the minimum, include the following:
 - Date and time of inspection
 - Name and title of person(s) performing inspection.
 - A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection
 - 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.
 - 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.

- Identification of all erosion and sediment control practices that need repair or maintenance.
- Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced.
- Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporarily and/or final) since the last inspection.
- 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.
- Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s).
- 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 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.

G. The process for conducting the evaluation shall follow these steps:

- Review the Storm Water Pollution Prevention Plan and draw up a list of any items of concern.
- List all specified control measures and areas covered in the plan.
- Conduct inspections to determine whether all storm water pollution prevention measures are accurately identified in the plan, are in place, and working properly.
- Document findings and inspections in a site log book.
- Modify SWPPP as appropriate. (Note: The plan shall be modified by the contractor and site inspector within 7 days of the inspection).

H. 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 Contractor's Certification Form 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.

- I. All inspection reports shall be signed by the qualified inspector. A copy of the inspection reports shall be maintained on site with the SWPPP.

A copy of the erosion and sediment control inspection checklist has been included in Appendix D-1.

3.8 Maintenance.

The contractor is required to inspect and maintain all soil erosion and siltation controls throughout the duration of the project and until final stabilization of the site. "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform, perennial vegetative cover with a density of 80% has been obtained.

Maintenance shall include, but not be limited to, repair or replacement of any existing controls, removal of sediment and any other measures deemed necessary, which would reduce soil erosion and siltation runoff. Sediment shall be removed from sediment traps or sediment basins whenever their capacity has been reduced by fifty (50) percent from the design capacity. Refer to Section 3.2 for maintenance of individual controls.

3.9 Contractors.

The contractor must sign a SWPPP certification form before undertaking any construction activity at the site identified in the Storm Water Pollution Prevention Plan. The contractor is responsible for any and all subcontractors working on the SWPPP. A copy of the Contractor's Certification Form has been included in Appendix E-1.

4.0 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 site achieves final stabilization. This period may be extended by the Department, in its sole discretion, at any time upon written notification

5.0 NOTICE OF TERMINATION REQUIREMENTS

- A. Prior to filing a Notice of Termination (NOT) the Owner shall have a qualified inspector perform a final site inspection. The qualified inspector shall certify that all disturbed areas have achieved final stabilization; and all temporary,

structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice” certification statements on the NOT.

- B. Post-construction stormwater management practices that are owned by a public or private institution (e.g. school, college, university), or government agency or authority, the owner or operator has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.
- C. Post-construction stormwater management practices that are privately owned, the owner or operator has a deed restriction in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.
- D. Post-construction stormwater management practices that are privately owned, but will be maintained by a municipality, require an executed maintenance agreement be in place with the municipality that will maintain the post-construction stormwater management practice(s). Any right-of- way(s) needed to maintain such practice(s) must have been deeded to the municipality in which the practice(s) is located.

In addition, the Owner must certify that the permanent structure(s) have been constructed as described in the SWPPP.

When the project is completed and the site has been stabilized, the Owner must submit a NOT. A copy of the NOT form has been included in Appendix F-1. The NOT form shall be submitted to the following address:

NYS DEC Division of Environmental Remediation, Region 9
270 Michigan Avenue
Buffalo, NY 14203

OPERATOR CERTIFICATION

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

Signature

Date

Name, Title

Affiliation

APPENDIX A-1

NYSDEC SPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED FROM CONSTRUCTION ACTIVITY PERMIT NO. GP-0-10-001



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

from

CONSTRUCTION ACTIVITY

Permit No. GP-0-10-001

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

Effective Date: January 29, 2010

Expiration Date: January 28, 2015

William R. Adriance
Chief Permit Administrator

William R. Adriance
Authorized Signature

January 28, 2010
Date

Address: NYS DEC
Div. 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’s *State Pollutant Discharge Elimination System* (“SPDES”) is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law* (“ECL”).

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

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

An *owner or operator* of a *construction activity* that is eligible for coverage under this 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 Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They 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 I. PERMIT COVERAGE AND LIMITATIONS

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

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

B. Maintaining Water Quality - It shall be a violation of this permit and 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.

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

(Part I. C)

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

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

1. *Discharges* after *construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection C.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII, subparagraph K of this permit;
4. *Discharges* from *construction activities* that adversely affect a listed, or proposed to be listed, endangered or threatened species, or its critical habitat;
5. *Discharges* which 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 that:
 - a. are tributary to waters of the state classified as AA or AA-s; and

(Part I. D. 6)

- b. disturb one or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.
- 7. *Construction activities* for linear transportation projects and linear utility projects that:
 - a. are tributary to waters of the state classified as AA or AA-s; and
 - b. disturb two or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.
- 8. *Construction activities* that adversely affect a property that is listed or is eligible for listing on the State or National Register of Historic Places (Note: includes Archeological sites), unless there are written agreements in place with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) or other governmental agencies to mitigate the effects, or there are local land use approvals evidencing the same.

Part II. OBTAINING PERMIT COVERAGE

A. Notice of Intent (NOI) Submittal

- 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 develop a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the address below in order to be authorized to *discharge* under this permit. The NOI form shall be one which is associated with this permit, signed in accordance with Part VII.H. of this permit.

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

- 2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first develop a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the “MS4 SWPPP Acceptance” form signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person, and then submit that form along with the NOI to the address referenced under “Notice of Intent (NOI) Submittal”.

(Part II. A.2)

This requirement does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of Owner or Operator).

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

B. 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,
 - b. where required, all necessary Department permits subject to the *Uniform Procedures Act (UPA)* (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain *UPA* permits must submit a preliminary SWPPP to the appropriate DEC Regional Office in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,
 - c. the final SWPPP has been prepared, and
 - d. an NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

(Part II. B. 3)

- a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:
 - i. Five (5) business days from the date the Department receives a complete NOI for *construction activities* with a SWPPP that has been prepared in conformance with the technical standards referenced in Parts III.B.1, 2 and/or 3, or
 - ii. Sixty (60) business days from the date the Department receives a complete NOI for *construction activities* with a SWPPP that has not been prepared in conformance with the technical standards referenced in Parts III.B.1, 2 or 3.
- b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:
 - i. Five (5) business days from the date the Department receives a complete NOI and signed “MS4 SWPPP Acceptance” form,
4. The Department may suspend or deny an *owner’s or operator’s* coverage under this permit if the Department determines that the SWPPP does not meet the permit requirements.
5. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future 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.

C. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination (NOT) has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4.
2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-10-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form and inspection reports at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department.

(Part II. C. 2)

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 MS4 (provided the MS4 is not the *owner or operator* of the construction activity). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
 - a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. 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 been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control.
 - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.
 - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. The Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements.

(Part II. C)

5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *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 *MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *MS4* prior to commencing construction of the post-construction stormwater management practice.

D. Permit Coverage for Discharges Authorized Under GP-0-08-001

1. Upon renewal of SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-08-001), an *owner or operator* of *construction activity* with coverage under GP-0-08-001, as of the effective date of GP-0-10-001, shall be authorized to *discharge* in accordance with GP-0-10-001 unless otherwise notified by the Department.

E. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1.. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*.

(Part III. A)

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

(Part III. A. 6)

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 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 discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings. "

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained 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.
8. The SWPPP must include documentation supporting the determination of permit eligibility with regard to Part I.D.8. (Historic Places or Archeological Resource). At a minimum, the supporting documentation shall include the following:

(Part III. A. 8)

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

B. Required SWPPP Contents

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

(Part III. B. 1)

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

(Part III. B. 1)

- i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6., 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 most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control;
 - j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the 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 requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.
2. Post-construction stormwater management practice component - All construction projects identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual (“Design Manual”). If the Design Manual is revised during the term of this permit, an *owner or operator* must begin using the revised version of the Design Manual to prepare their SWPPP six (6) months from the final revision date of the Design Manual.

Where post-construction stormwater management practices are not designed in conformance with this technical standard, the *owner or operator* must demonstrate equivalence to the technical standard.

At a minimum, the post-construction stormwater management practice component of the SWPPP shall include the following:

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

(Part III. B. 2)

- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
 - c. The dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - d. Identification of any elements of the design that are not in conformance with the Design Manual. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;
 - e. A hydrologic and hydraulic analysis for all structural components of the stormwater management control system;
 - f. A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum, the summary shall address the required design criteria from the applicable chapter of the Design Manual; including the identification of and justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the design criteria or waiver criteria included in the Design Manual; and
 - g. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.
3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.g. above.

(Part III. C)

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

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices and all post-construction stormwater management practices identified in the SWPPP are maintained in effective operating condition at all times.
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. Owner or Operator Maintenance Inspection Requirements

1. The *owner or operator* shall inspect, in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times.
2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the *owner or operator* can stop conducting the maintenance inspections. The *owner or operator* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *owner or operator* can stop conducting 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.

(Part IV. C)

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. **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),
- 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 (5000) 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.

(Part IV. C. 2)

- b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. 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 Regional Office stormwater contact person (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the MS4 (provided the MS4 is not the *owner or operator* of the construction activity) in writing prior to reducing the frequency of inspections.
- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the Regional Office stormwater contact person (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the MS4 (provided the MS4 is not the *owner or operator* of the construction activity). 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.A.1..

(Part IV. C. 3)

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, 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 that need repair or maintenance;
 - g. Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - h. Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;

(Part IV. C 4)

- 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 to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and
 - k. 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 any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
 6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2., the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.A.1. The NOT form shall be one which is associated with this general permit, signed in accordance with Part VII.H.
2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:

(Part V. A. 2)

- 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.E.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the owner or operator shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice” certification statements on the NOT, 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.
 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 also have the MS4 sign the “MS4 Acceptance” statement on the NOT. The owner or operator shall have the principal executive officer, ranking elected official, or duly authorized representative from the *regulated, traditional land use control MS4*, sign the “MS4 Acceptance” statement. The 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 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.3.
 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:

(Part V. A. 5)

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

Part VI. REPORTING AND RETENTION OF RECORDS

A. 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 site achieves *final stabilization*. This period may be extended by the Department, in its sole discretion, at any time upon written notification.

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

(Part VII. A)

The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

B. Continuation of the Expired General Permit - This permit expires five (5) years from the effective date. However, coverage may be obtained under the expired general permit, which will continue in force and effect, until a new general permit is issued. Unless otherwise notified by the Department in writing, an *owner or operator* seeking authorization under the new general permit must submit a new NOI in accordance with the terms of such new general permit.

C. Enforcement - Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a 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 make available to the Department for review and copying or furnish to the Department within five (5) business days of receipt of a Department request for such information, any information requested for the purpose of determining compliance with this permit. This can include, but is not limited to, the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form, executed maintenance agreement, and inspection reports. Failure to provide information requested by the Department within the request timeframe shall be a violation 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 the NOI, SWPPP or inspection reports. 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 other report, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s)

(Part VII. G)

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. 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

(Part VII. H. 1. c)

- 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. 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.;
 - 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.

(Part VII. K)

K. Denial of Coverage Under This Permit

1. At its sole discretion, the Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or 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 Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Regional Water Engineer, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.
2. Any *owner or operator* authorized by this permit may request to be excluded from the coverage under this permit by applying for an individual permit or another general permit. In such cases, the *owner or operator* shall submit an individual application or an alternative general permit application in accordance with the requirements of this general permit, 40 CFR 122.26(c)(1)(ii) and 6 NYCRR Part 621, with reasons supporting the request, to the Department at the address for the appropriate Department Office (see addresses in Appendix F). The request may be granted by issuance of an individual permit or another general permit at the discretion of the Department.
3. When an individual SPDES permit is issued to a discharger authorized to discharge under a general SPDES permit for the same discharge(s), the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

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

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

(Part VII. M)

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

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

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

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Permit modification, 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 – Article 17 of the ECL provides for a civil penalty of \$37,500 per day per violation of this permit. Articles 175 and 210 of the New York State Penal Law provide for a criminal penalty of a fine and/or imprisonment for falsifying forms and reports required by this permit.

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

Definitions

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

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

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

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

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

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

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

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

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

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

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

Impervious Area (Cover) - means all impermeable surfaces that 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.

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

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

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

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

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

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

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

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

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, 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 in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

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

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

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

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

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

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

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

Trained 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, 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* will be 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 <u>not</u> located in one of the watersheds listed in Appendix C and <u>not directly discharging</u> 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 <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E • Construction of a barn or other agricultural building, silo, stock yard or pen.
The following construction activities that involve soil disturbances of one (1) or more acres of land: • Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains • Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects • Bike paths and trails • Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project • Slope stabilization projects • Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics • Spoil areas that will be covered with vegetation • Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that <i>alter hydrology from pre to post development</i> conditions • Athletic fields (natural grass) that do not include the construction or reconstruction of <i>impervious area</i> <u>and</u> do not <i>alter hydrology from pre to post development</i> 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 <i>impervious cover</i> • Structural practices as identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State”, excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land: • All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

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

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

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- 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, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW’s and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development conditions*
- Athletic fields with artificial turf
- Permanent access roads, 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 or other linear utility project
- All other construction activities that include the construction or reconstruction of *impervious area* and alter the hydrology from pre to post development conditions, and are not listed in Table 1

APPENDIX C

Watersheds Where Enhanced Phosphorus Removal Standards Are Required

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

- | |
|---|
| <ul style="list-style-type: none">• 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 |
|---|

Figure 1 - New York City Watershed East of the Hudson

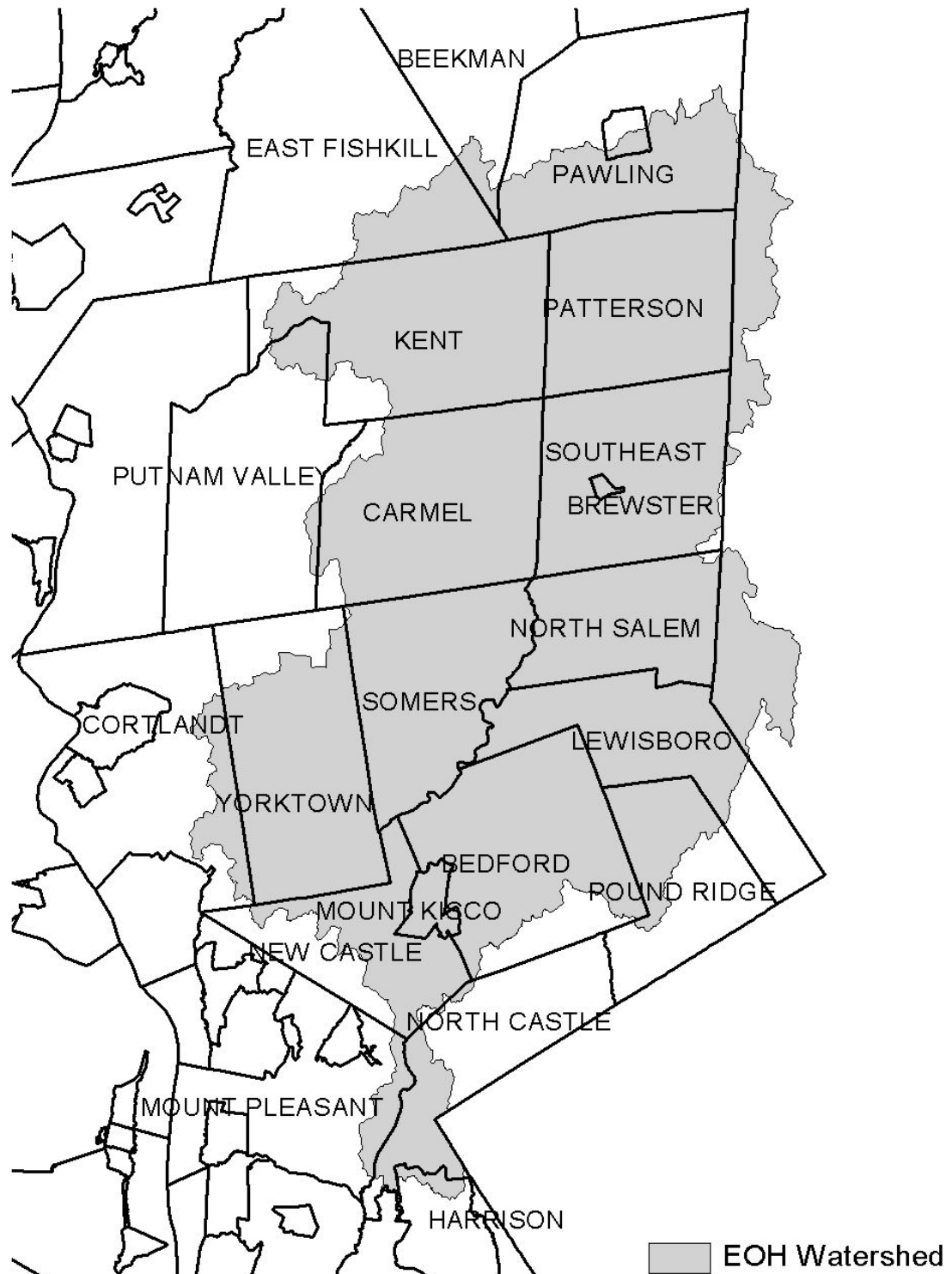


Figure 2 - Onondaga Lake Watershed



Figure 3 - Greenwood Lake Watershed

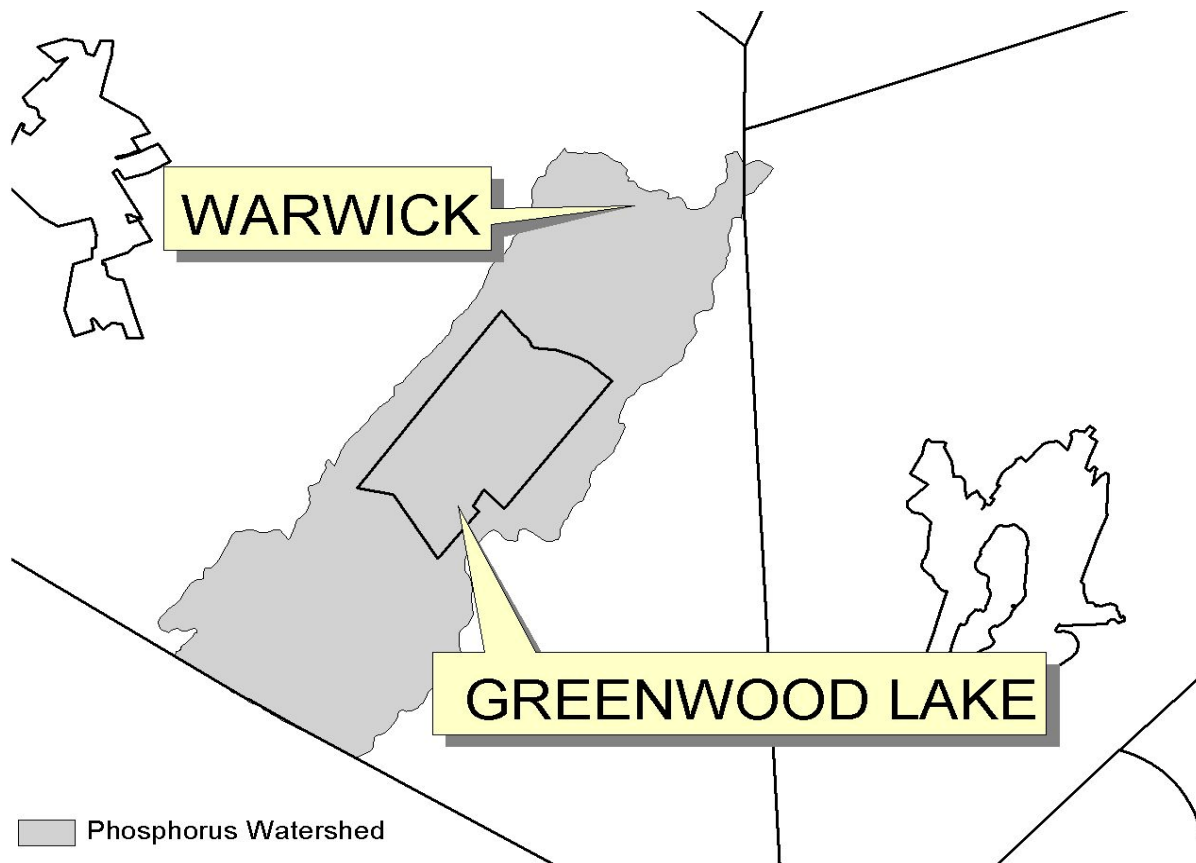
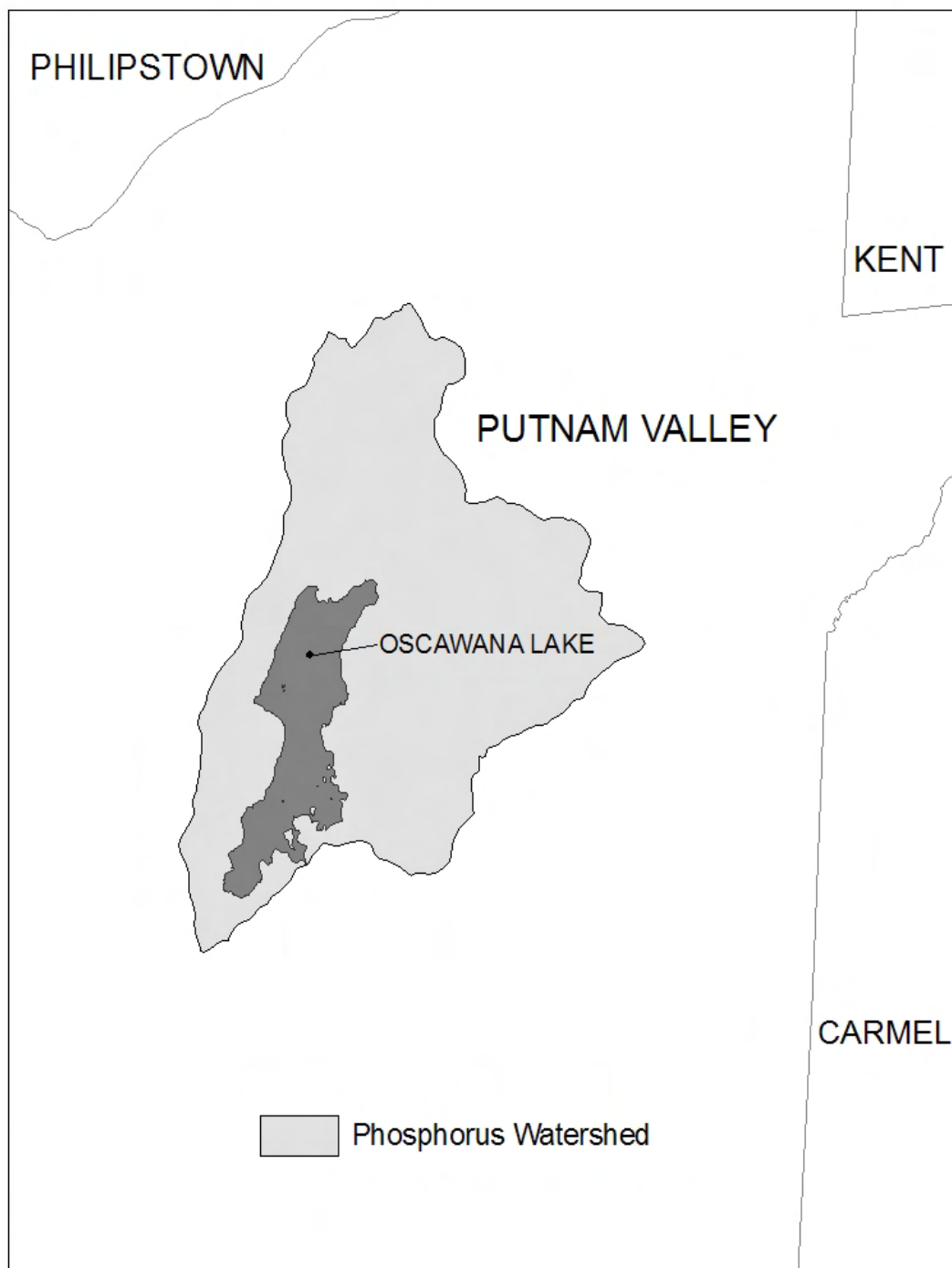


Figure 4 - Oscawana Lake Watershed



APPENDIX D

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

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

APPENDIX E

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

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

APPENDIX E

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

COUNTY	WATERBODY	COUNTY	WATERBODY
Schoharie	Engleville Pond		
Schoharie	Summit Lake		
St. Lawrence	Black Lake Outlet/Black Lake		
Steuben	Lake Salubria		
Steuben	Smith Pond		
Suffolk	Millers Pond		
Suffolk	Mattituck (Marratooka) Pond		
Suffolk	Tidal tribs to West Moriches Bay		
Suffolk	Canaan Lake		
Suffolk	Lake Ronkonkoma		
Tompkins	Cayuga Lake, Southern End		
Tompkins	Owasco Inlet, Upper, and tribs		
Ulster	Ashokan Reservoir		
Ulster	Esopus Creek, Upper, and minor tribs		
Warren	Lake George		
Warren	Tribs to L.George, Village of L George		
Warren	Huddle/Finkle Brooks and tribs		
Warren	Indian Brook and tribs		
Warren	Hague Brook and tribs		
Washington	Tribs to L.George, East Shore of Lake George		
Washington	Cossayuna Lake		
Wayne	Port Bay		
Wayne	Marbletown Creek and tribs		
Westchester	Peach Lake		
Westchester	Mamaroneck River, Lower		
Westchester	Mamaroneck River, Upper, and minor tribs		
Westchester	Sheldrake River and tribs		
Westchester	Blind Brook, Lower		
Westchester	Blind Brook, Upper, and tribs		
Westchester	Lake Lincolndale		
Westchester	Lake Meahaugh		
Wyoming	Java Lake		
Wyoming	Silver Lake		

Note: The list above identifies those waters from the final New York State “2008 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy”, dated May 26, 2008, that are impaired by silt, sediment or nutrients.

APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

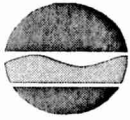
<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL.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

APPENDIX B-1

NOTICE OF INTENT (NOI)

**FOR STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITY UNDER THE SPDES
GENERAL PERMIT**

NOTICE OF INTENT



New York State Department of Environmental Conservation

Division of Water

625 Broadway, 4th Floor

Albany, New York 12233-3505

NYR
(for DEC use only)

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-10-001
All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

-IMPORTANT-**RETURN THIS FORM TO THE ADDRESS ABOVE**OWNER/OPERATOR MUST SIGN FORM

Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)

EC INDUSTRIAL DEVELOPMENT AGENCY

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

CAPPELLINO

Owner/Operator Contact Person First Name

JOHN

Owner/Operator Mailing Address

275 OAK STREET

City

BUFFALO

State

NY

Zip

14203-

Phone (Owner/Operator)

716-856-6525

Fax (Owner/Operator)

716-856-6754

Email (Owner/Operator)

info@ecidany.com

FED TAX ID

16-1090858

(not required for individuals)

Project Site Information

Project/Site Name

BETHLEHEM STEEL RAIL IMPROVEMENT PROJECT

Street Address (NOT P.O. BOX)

NYS ROUTE 5

Side of Street

☐ North ☐ South ☐ East ☐ West

City/Town/Village (THAT ISSUES BUILDING PERMIT)

LACKAWANNA

State

NY

Zip

14218-

County

ERIE

DEC Region

9

Name of Nearest Cross Street

RIDGE ROAD

Distance to Nearest Cross Street (Feet)

0

Project In Relation to Cross Street

☐ North ☐ South ☒ East ☐ WestTax Map Numbers
Section-Block-Parcel

Tax Map Numbers

1. Provide the Geographic Coordinates for the project site in NYTM Units. To do this you **must** go to the NYSDEC Stormwater Interactive Map on the DEC website at:

www.dec.ny.gov/imsmaps/stormwater/viewer.htm

Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located your project site, go to the tool boxes on the top and choose "i"(identify). Then click on the center of your site and a new window containing the X, Y coordinates in UTM will pop up. Transcribe these coordinates into the boxes below. For problems with the interactive map use the help function.

X Coordinates (Easting)

184841

Y Coordinates (Northing)

4747698

2. What is the nature of this construction project?

☐ New Construction☒ Redevelopment with increase in imperviousness☐ Redevelopment with no increase in imperviousness

3. Select the predominant land use for both pre and post development conditions.
SELECT ONLY ONE CHOICE FOR EACH

**Pre-Development
Existing Land Use**

- ☐ FOREST
☐ PASTURE/OPEN LAND
☐ CULTIVATED LAND
☐ SINGLE FAMILY HOME
☐ SINGLE FAMILY SUBDIVISION
☐ TOWN HOME RESIDENTIAL
☐ MULTIFAMILY RESIDENTIAL
☐ INSTITUTIONAL/SCHOOL
☒ INDUSTRIAL
☐ COMMERCIAL
☐ ROAD/HIGHWAY
☐ RECREATIONAL/SPORTS FIELD
☐ BIKE PATH/TRAIL
☐ LINEAR UTILITY
☐ PARKING LOT
☐ OTHER

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Post-Development
Future Land Use**

- ☐ SINGLE FAMILY HOME
☐ SINGLE FAMILY SUBDIVISION
☐ TOWN HOME RESIDENTIAL
☐ MULTIFAMILY RESIDENTIAL
☐ INSTITUTIONAL/SCHOOL
☐ INDUSTRIAL
☐ COMMERCIAL
☐ MUNICIPAL
☐ ROAD/HIGHWAY
☐ RECREATIONAL/SPORTS FIELD
☐ BIKE PATH/TRAIL
☐ LINEAR UTILITY (water, sewer, gas, etc.)
☐ PARKING LOT
☐ CLEARING/GRADING ONLY
☐ DEMOLITION, NO REDEVELOPMENT

Number of Lots

--	--	--

- ☒ OTHER

R	A	I	L	R	O	A	D												
---	---	---	---	---	---	---	---	--	--	--	--	--	--	--	--	--	--	--	--

4. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law ?

☐ Yes ☒ No

5. Is this a project which does not require coverage under the General Permit (e.g. Project done under an Individual SPDES Permit, or department approved remediation)?

☒ Yes ☐ No

6. Is this property owned by a state authority, state agency or local government?

☐ Yes ☒ No

7. 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
Acreage**

		3	7	8	.	0
--	--	---	---	---	---	---

**Acreage To
Be Disturbed**

		1	7	.	8
--	--	---	---	---	---

**Existing Impervious
Area Within Disturbed**

		0	.	4
--	--	---	---	---

**Future Impervious
Area Within Disturbed**

		5	.	0
--	--	---	---	---

8. Do you plan to disturb more than 5 acres of soil at any one time?

☒ Yes ☐ No

9. Indicate the percentage of each Hydrologic Soil Group (HSG) at the site.

A
100 %

B
 %

C
 %

D
 %

10. Is this a phased project?

☐ Yes ☒ No

11. Enter the planned start and end dates of the disturbance activities.

Start Date

01/03/2011

End Date

09/01/2011

12. Identify the nearest, natural, surface waterbody(ies) to which construction site runoff will discharge.

Name

SMOKES CREEK

12a. Type of waterbody identified in Question 12?

- ☐ Wetland / State Jurisdiction On Site (Answer 12b)
☐ Wetland / State Jurisdiction Off Site
☐ Wetland / Federal Jurisdiction On Site (Answer 12b)
☐ Wetland / Federal Jurisdiction Off Site
☐ Stream / Creek On Site
☒ Stream / Creek Off Site
☐ River On Site
☐ River Off Site
☐ Lake On Site
☐ Lake Off Site
☐ Other Type On Site
☐ Other Type Off Site

12b. How was the wetland identified?

- ☐ Regulatory Map
☐ Delineated by Consultant
☐ Delineated by Army Corps of Engineers
☐ Other (identify)

13. Has the surface waterbody(ies) in question 12 been identified as a 303(d) segment in Appendix E of GP-0-10-001?

☐ Yes ☒ No

14. Is this project located in one of the Watersheds identified in Appendix C of GP-0-10-001?

☐ Yes ☒ No

15. Is the project located in one of the watershed areas associated with AA and AA-S classified waters? If no, skip question 16.

☐ Yes ☒ No

- [illegible]

[illegible][illegible]

90	BROADWAY
----	----------

[illegible]

Z	Y
---	---

1	4	2	0	3	-				
---	---	---	---	---	---	--	--	--	--

$$\boxed{7}\boxed{1}\boxed{6} - \boxed{8}\boxed{4}\boxed{7} - \boxed{1}\boxed{6}\boxed{3}\boxed{0}$$
$$716 - 847 - 1630$$

JUTZIG@CSCOS.COM

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-0-10-001. 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.

[illegible]

☐

[illegible]

Ronell Jemey

1	1	/	0	3	/	2	0	1	0
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25. Has a construction sequence schedule for the planned management practices been prepared? ☒ Yes ☐ No

☒ Yes ☐ No

26. Select **all** of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural

- ☐ Check Dams
- ☐ Construction Road Stabilization
- ☒ Dust Control
- ☐ Earth Dike
- ☐ Level Spreader
- ☐ Perimeter Dike/Swale
- ☐ Pipe Slope Drain
- ☐ Portable Sediment Tank
- ☐ Rock Dam
- ☐ Sediment Basin
- ☐ Sediment Traps
- ☒ Silt Fence
- ☒ Stabilized Construction Entrance
- ☐ Storm Drain Inlet Protection
- ☐ Straw/Hay Bale Dike
- ☐ Temporary Access Waterway Crossing
- ☐ Temporary Stormdrain Diversion
- ☐ Temporary Swale
- ☒ Turbidity Curtain
- ☐ Water bars

Biotechnical

- ☐ Brush Matting
- ☐ Wattling

Other

[illegible]

Vegetative Measures

- ☐ Brush Matting
- ☐ Dune Stabilization
- ☐ Grassed Waterway
- ☐ Mulching
- ☐ Protecting Vegetation
- ☐ Recreation Area Improvement
- ☒ Seeding
- ☐ Sodding
- ☐ Straw/Hay Bale Dike
- ☐ Streambank Protection
- ☐ Temporary Swale
- ☐ Topsoiling
- ☐ Vegetating Waterways

Permanent Structural

- ☐ Debris Basin
- ☐ Diversion
- ☐ Grade Stabilization Structure
- ☐ Land Grading
- ☒ Lined Waterway (Rock)
- ☐ Paved Channel (Concrete)
- ☐ Paved Flume
- ☐ Retaining Wall
- ☐ Riprap Slope Protection
- ☒ Rock Outlet Protection
- ☐ Streambank Protection

30. Provide the total water quality volume required and the total provided for the site.

WQv Required
 [][][] . [][][] acre-feet

WQv Provided
 [][][] . [][][] acre-feet

31. Provide the following Unified Stormwater Sizing Criteria for the site.

Total Channel Protection Storage Volume (CPv) - Extended detention of post-developed 1 year, 24 hour storm event

CPv Required
 [][][] . [][][] acre-feet

CPv Provided
 [][][] . [][][] acre-feet

31a. The need to provide for channel protection has been waived because:
☐ Site discharges directly to fourth order stream or larger

Total Overbank Flood Control Criteria (Qp) - Peak discharge rate for the 10 year storm

Pre-Development
 [][][] . [][][] CFS

Post-development
 [][][] . [][][] CFS

Total Extreme Flood Control Criteria (Qf) - Peak discharge rate for the 100 year storm

Pre-Development
 [][][] . [][][] CFS

Post-development
 [][][] . [][][] CFS

31b. The need to provide for flood control has been waived because:
☐ Site discharges directly to fourth order stream or larger
☐ Downstream analysis reveals that flood control is not required

IMPORTANT: For questions 31 and 32, impervious area should be calculated considering the project site and all offsite areas that drain to the post-construction stormwater management practice(s). (Total Drainage Area = Project Site + Offsite areas)

32. Pre-Construction Impervious Area - As a percent of the Total Drainage Area enter the percentage of the existing impervious areas before construction begins.

[][][] %

33. Post-Construction Impervious Area - As a percent of the Total Drainage Area, enter the percentage of the future impervious areas that will be created/remain on the site after completion of construction.

[][][] %

34. Indicate the total number of post-construction stormwater management practices to be installed/constructed.

[][]

35. Provide the total number of stormwater discharge points from the site. (include discharges to either surface waters or to separate storm sewer systems)

[][]

☐ Air Pollution Control	☐ Navigable Waters Protection / Article 15
☐ Coastal Erosion	☐ Water Quality Certificate
☐ Hazardous Waste	☐ Dam Safety
☐ Long Island Wells	☐ Water Supply
☐ Mined Land Reclamation	☐ Freshwater Wetlands/Article 24
☐ Other SPDES	☐ Tidal Wetlands
☐ Solid Waste	☐ Wild, Scenic and Recreational Rivers
☒ None	☐ Stream Bed or Bank Protection / Article 15
☐ Other	

[illegible]

☐ Yes ☒ No

--	--	--	--	--	--

☐ Yes ☒ No

☐ Yes ☒ No

N	Y	R					
---	---	---	--	--	--	--	--

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.

[illegible]

②

Cappellino

John Coppelle

1	1	/	1	0	/	2	0	1	0
---	---	---	---	---	---	---	---	---	---

APPENDIX C-1

DRAINAGE CALCULATIONS (Not Applicable-Interim Remedial Measure)

APPENDIX D-1

EROSION & SEDIMENT CONTROL INSPECTION REPORT

EROSION AND SEDIMENT CONTROL
INSPECTION CHECKLIST

Project Name:	Date & Time of Inspection:
Project Title:	Current Conditions (Temp., etc.):
Project No.:	Reason for Inspection:
Inspector' Name:	Contractor:

Project E&SC Inspection Report No. ____

(Date of Last Inspection - _____)

The State Pollutant Discharge Elimination System General Permit for Construction Activity (Permit) requires site inspections to be conducted at least every 7 calendar days.

Prior to conducting site inspection, review the previous site inspection report to identify reported deficiencies and the proposed corrective actions to address these deficiencies. During the site inspection, evaluate whether the implemented corrective actions proposed in the previous site inspection adequately addressed reported deficiencies.

Did you review the previous site inspection report?	Yes ☐ No ☐ N/A ☐
Did the previous site inspection require an update to the Storm Water Pollution Prevention Plan (SWPPP)?	Yes ☐ No ☐ N/A ☐
If so was the SWPPP updated?	Yes ☐ No ☐ N/A ☐
Is the monthly site inspection summary posted?	Yes ☐ No ☐ N/A ☐
Does it need to be updated?	Yes ☐ No ☐ N/A ☐
Does the quarterly summary report need to be updated?	Yes ☐ No ☐ N/A ☐

Project Site Activities

Provide a description of the construction activities that have occurred on site since the last inspection, what activities are currently occurring, and what activities are planned over the course of the next week. The description should consist of general activities, with specific activities identified where appropriate, and as they relate to the implementation and maintenance of Erosion and Sediment Control Measures.

Prior Activities:
Current Activities:
Planned Activities:

Site Map

The project site map shall be utilized as part of the site inspection process. The site map shall be used to visually depict various construction stages of the site, as well as to identify specific areas requiring attention. The various stages are to be depicted by the use of different color highlighters. The following outlines the color to be used for the selected construction activity:

Blue will indicate all disturbed site areas and drainage pathways that have undergone active site work within last 14 days.

Green will indicate site areas which have been temporarily or permanently stabilized.

Yellow will indicate site areas which have not undergone construction activity within the last 14 days but will within the next seven days.

Pink will indicate site areas which have not undergone construction within the last 14 days and will not undergo construction within the next 7 days. Notify contractor that this site area needs to be temporarily or permanently stabilized.

Approximately how many acres are within the Blue area? _____ Acres
Approximately how many acres are within the Yellow area? _____ Acres
Approximately how many acres are within the Pink area? _____ Acres
Add all of the acreage from the three areas _____ Acres

If the total area is greater than five (5) acres, then the portion of the site in excess of five acres shall be temporarily or permanently stabilized, unless written permission has been obtained from the NYSDEC in advance for any land disturbance of five acres or greater.

INSPECTION ITEM	YES	NO	PERSON NOTIFIED	COMMENTS
a. For sediment trapping devices, what percentage of the sediment storage volume is currently utilized? Record percentage _____% (SPDES permit requires sediment to be removed once it exceeds 50% of the sediment storage volume provided.) Is clean-out required?				
b. Are protected areas such as wetlands, property boundaries, and vegetation preservation areas, properly delineated?				
c. Is there any evidence of sediment deposition or the discharge of sediment laden water to adjacent properties or drainage facilities?				
d. Any erosion at the outlet of pipes, swales or ditches?				
e. Is the construction entrance stabilized and operating correctly?				
f. If Diversion Berms and/or Earth Dikes are required, have they been installed? If so, are they in need of maintenance?				
g. If Check Dams are required, have they been installed? If so, are they in need of maintenance?				
h. Do catch basins and drainage inlets have proper protection - i.e., filter fabric, stone and block, etc. - inlet protection? If so, is maintenance required?				
i. Is there any loss of stabilizing vegetation, or seeding and mulching?				
j. Any evidence of rill or gully erosion occurring on slopes?				

Were the Corrective Action(s) Identified in Last Inspection Report Implemented? Yes ☐ No ☐ N/A ☐
If yes, Did the Corrective Actions Rectify the Problem? Yes ☐ No ☐
Indicate Deficiencies Identified During the Current Site Inspection (which were not already identified in this report):
Who was Notified of Problem(s) and When Were They Notified?
Corrective Actions to be Taken by Whom and When:
Are the Corrective Actions to be taken consistent with the current SWPPP? Yes ☐ No ☐ N/A ☐
If no, update the SWPPP prior to the next site inspection to reference the inclusion of these corrective actions

Contractor Signature: _____ **Date:** _____

Inspector's Signature: _____ **Date:** _____

Reviewing P.E.: _____ **Date:** _____

APPENDIX E-1

CONTRACTOR'S CERTIFICATION FORM

**CONTRACTOR'S STORM WATER POLLUTION
PREVENTION CERTIFICATION FORM**

Project Address/Location: _____

Project Name: _____

Contractor's Official Name: _____

Address: _____

Telephone Number: _____

Contractor's Responsibilities: _____

Trained Individual(s) Responsible for SWPPP Implementation

Printed Name of Trained Individual

Title

Printed Name of Trained Individual

Title

Certification Statement:

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

Printed Name

Signature

Title

Date

APPENDIX F-1

NOTICE OF TERMINATION (NOT)

**FOR STORM WATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY UNDER THE SPDES GENERAL
PERMIT**



New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

(NOTE: Submit completed form to address above)

NOTICE OF TERMINATION for Storm Water Discharges Authorized
under the SPDES General Permit for Construction Activity

Please indicate your permit identification number: NYR ____

I. Owner or Operator Information

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person:

4a. Telephone:

5. Contact Person E-Mail:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

III. Reason for Termination

9a. ☐ All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP.

***Date final stabilization completed** (month/year): _____

9b. ☐ Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR ____

(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. ☐ Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? ☐ yes ☐ no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? ☐ yes ☐ no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued**

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? ☐ yes ☐ no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- ☐ Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- ☐ Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- ☐ For post-construction stormwater management practices that are privately owned, the deed of record has been modified to include a deed covenant that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.
- ☐ For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, college, university), or government agency or authority, policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____ (acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? ☐ yes ☐ no
(If Yes, complete section VI - "MS4 Acceptance" statement)

V. Additional Information/Explanation:

(Use this section to answer questions 9c. and 10b., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:

Title/Position:

Signature:

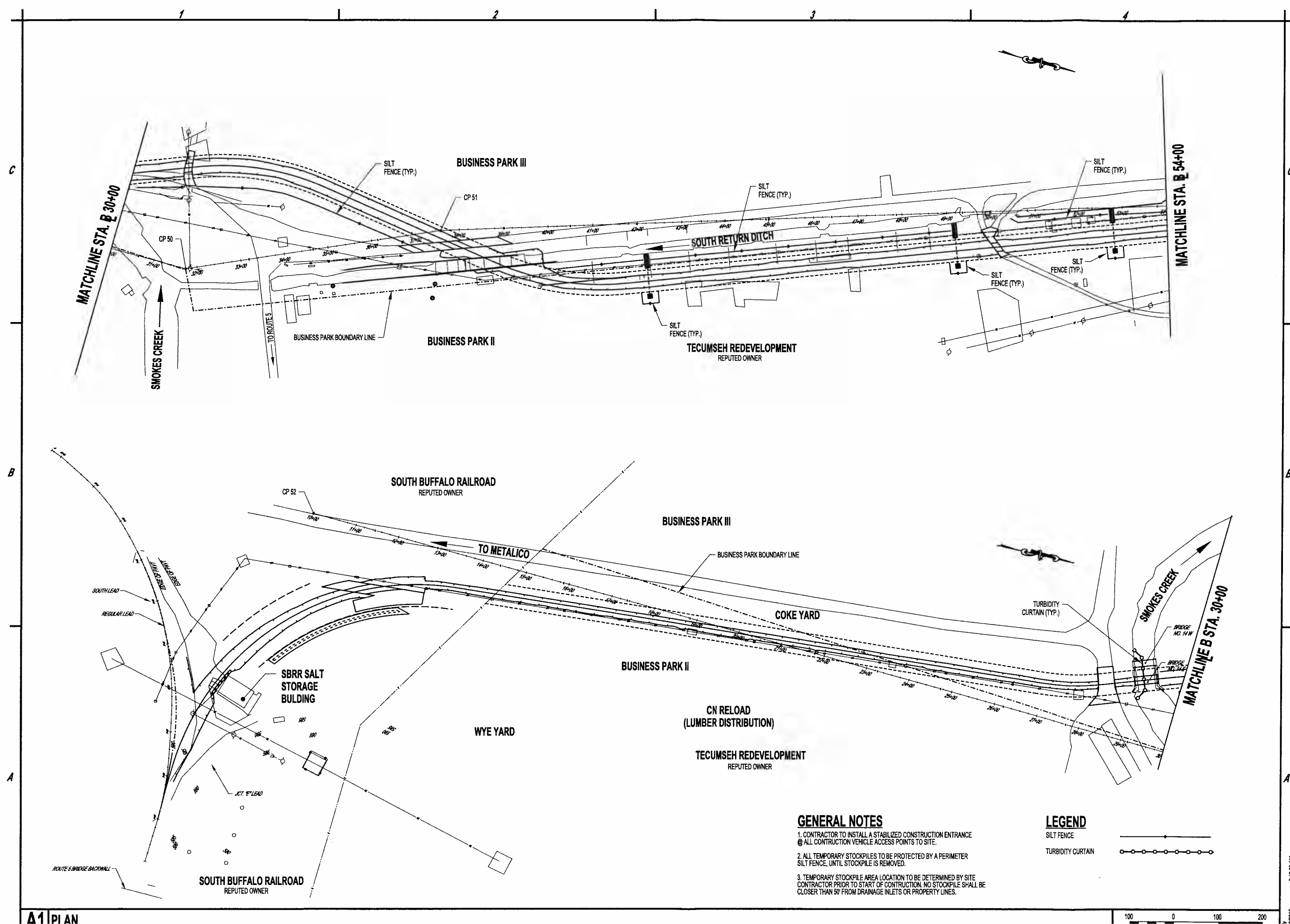
Date:

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued	
VII. Qualified Inspector Certification - Final Stabilization:	
I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. 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.	
Printed Name:	
Title/Position:	
Signature:	Date:
VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):	
I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. 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.	
Printed Name:	
Title/Position:	
Signature:	Date:
IX. Owner or Operator Certification	
I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. 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.	
Printed Name:	
Title/Position:	
Signature:	Date:

(NYS DEC Notice of Termination - January 2010)

APPENDIX G-1

SWPPP PLANS & DETAILS



C&S COMPANIES

C&S Engineers, Inc.
 499 Col. Eileen Collins Blvd.
 Syracuse, New York 13212
 Phone: 315-455-2000
 Fax: 315-455-9667
 www.cscos.com

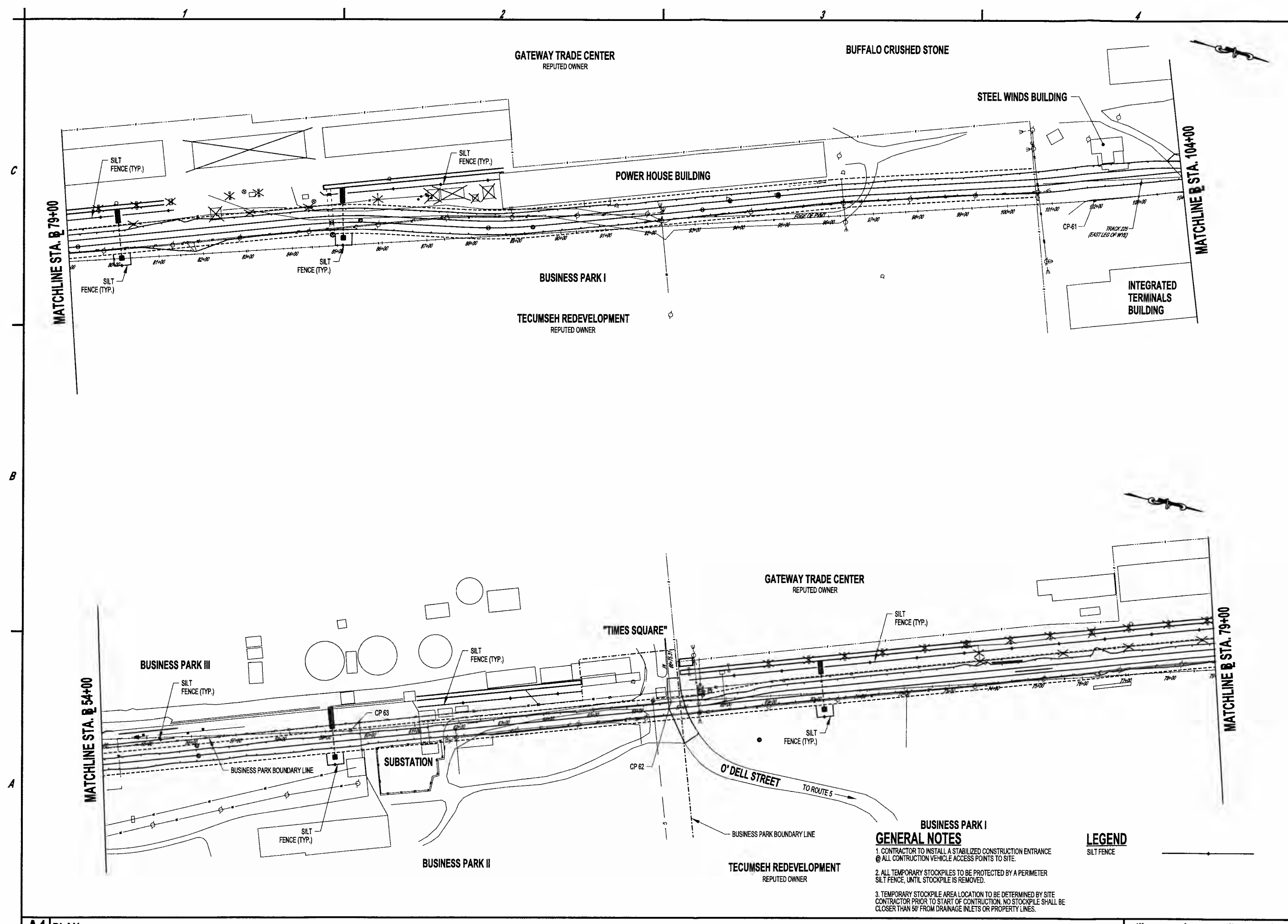
ECIDA
 THE ECONOMIC DEVELOPMENT CORPORATION FOR THE STATE OF NEW YORK

**BETHLEHEM STEEL
 RAIL IMPROVEMENTS PROJECT
 TECUMSEH REDEVELOPMENT INC.
 (FORMER BETHLEHEM STEEL SITE)**

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: 135A.002.001		
DATE: 2/18/2010		
DRAWN BY: JPU		
DESIGNED BY: JPU		
CHECKED BY: LD		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

EROSION & SEDIMENT CONTROL PLAN

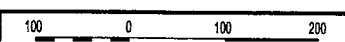
C-214



A1 PLAN

- GENERAL NOTES**
1. CONTRACTOR TO INSTALL A STABILIZED CONSTRUCTION ENTRANCE @ ALL CONSTRUCTION VEHICLE ACCESS POINTS TO SITE.
 2. ALL TEMPORARY STOCKPILES TO BE PROTECTED BY A PERIMETER SILT FENCE, UNTIL STOCKPILE IS REMOVED.
 3. TEMPORARY STOCKPILE AREA LOCATION TO BE DETERMINED BY SITE CONTRACTOR PRIOR TO START OF CONSTRUCTION. NO STOCKPILE SHALL BE CLOSER THAN 50' FROM DRAINAGE INLETS OR PROPERTY LINES.

LEGEND
SILT FENCE





C&S Companies

C&S Engineers, Inc.
499 Col. Eileen Collins Blvd.
Syracuse, New York 13212
Phone: 315-455-2000
Fax: 315-455-9667
www.cscos.com



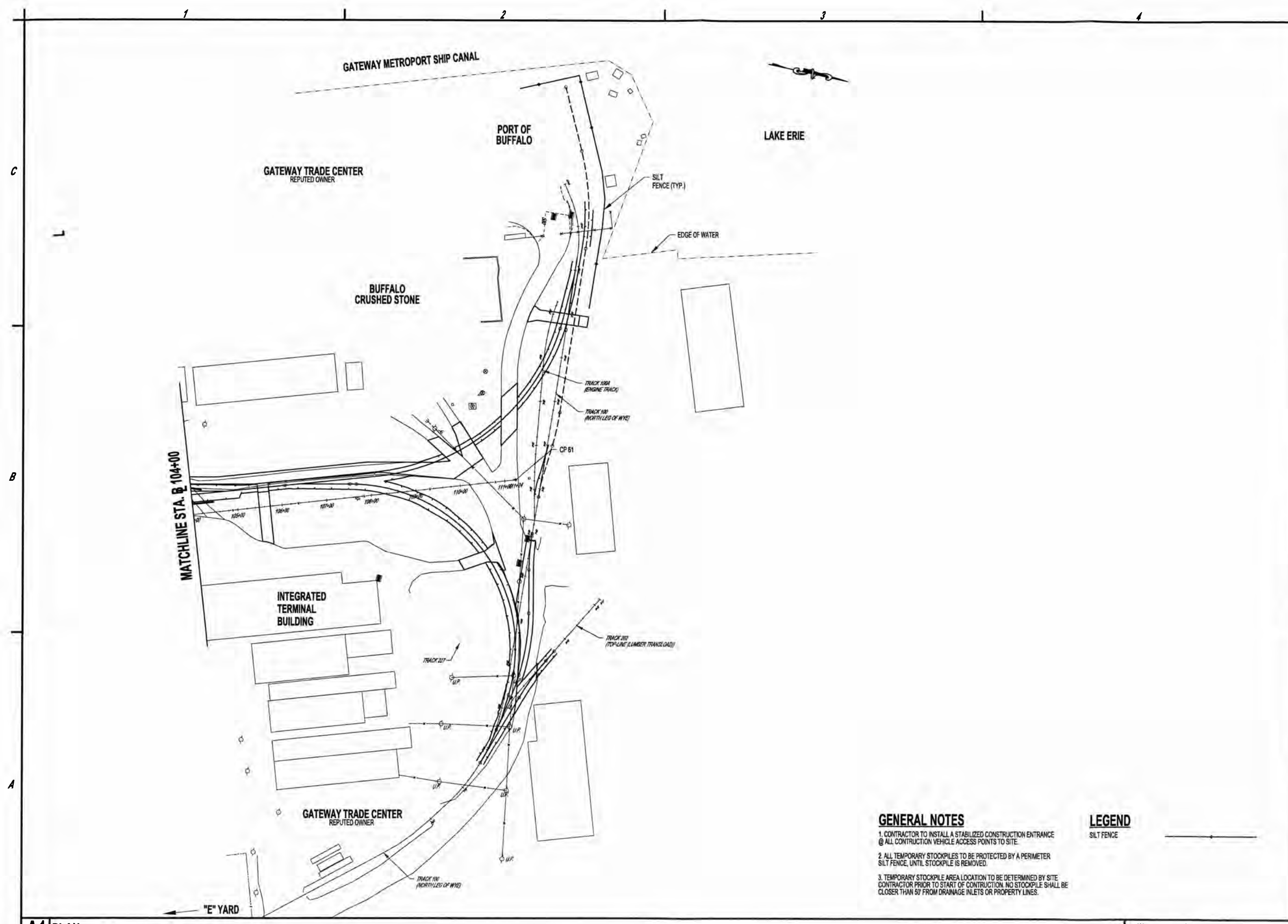
ECIDA
THE ECONOMIC DEVELOPMENT CORPORATION FOR ORLEANS COUNTY

**BETHLEHEM STEEL
RAIL IMPROVEMENTS PROJECT**

**TECUMSEH REDEVELOPMENT INC.
(FORMER BETHLEHEM STEEL SITE)**

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: 135A.002.001		
DATE: 2/18/2010		
DRAWN BY: JPU		
DESIGNED BY: JPU		
CHECKED BY: LD		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		
CIVIL		
EROSION & SEDIMENT CONTROL PLAN		

C-215



- GENERAL NOTES**
- 1. CONTRACTOR TO INSTALL A STABILIZED CONSTRUCTION ENTRANCE @ ALL CONSTRUCTION VEHICLE ACCESS POINTS TO SITE.
 - 2. ALL TEMPORARY STOCKPILES TO BE PROTECTED BY A PERIMETER SILT FENCE, UNTIL STOCKPILE IS REMOVED.
 - 3. TEMPORARY STOCKPILE AREA LOCATION TO BE DETERMINED BY SITE CONTRACTOR PRIOR TO START OF CONSTRUCTION. NO STOCKPILE SHALL BE CLOSER THAN 50' FROM DRAINAGE INLETS OR PROPERTY LINES.

LEGEND

SILT FENCE



C&S Engineers, Inc.
499 Col. Eileen Collins Blvd.
Syracuse, New York 13212
Phone: 315-455-2000
Fax: 315-455-9667
www.cscos.com

ECIDA
THE ECONOMIC DEVELOPMENT CORPORATION FOR ERIE COUNTY

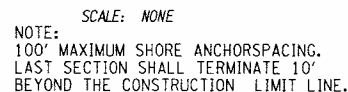
**BETHLEHEM STEEL
RAIL IMPROVEMENTS PROJECT
TECUMSEH REDEVELOPMENT INC.
(FORMER BETHLEHEM STEEL SITE)**

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: 135A.002.001		
DATE: 2/18/2010		
DRAWN BY: JPU		
DESIGNED BY: JPU		
CHECKED BY: LD		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7208 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

CIVIL

**EROSION & SEDIMENT
CONTROL PLAN**

C-216

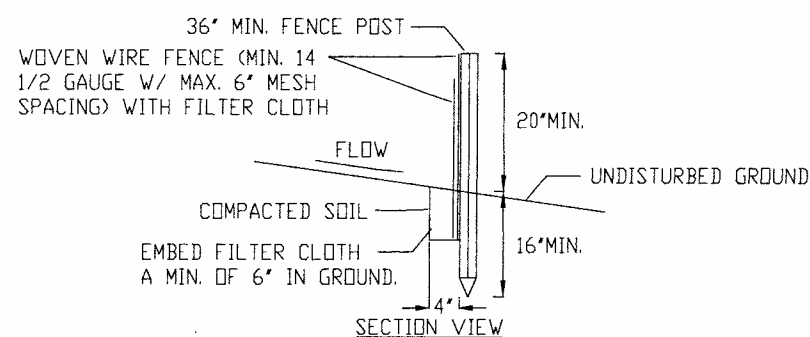
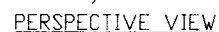


NOT TO SCALE

NOT TO SCALE

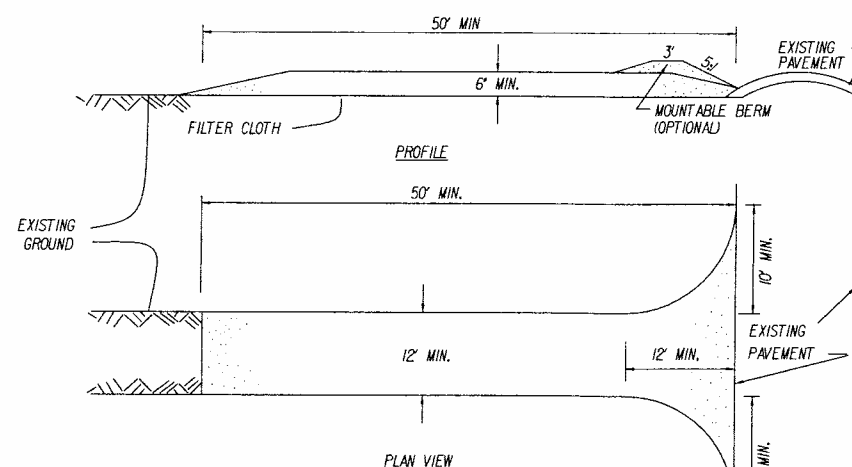
1. INSTALL TEMPORARY SILT FENCE BARRIERS AS SHOWN ON THE PLAN AND AT ALL EXISTING STORMWATER CATCH BASINS WITHIN THE WORK AREA TO PREVENT SEDIMENT MIGRATION. ALL SILT FENCE BARRIERS SHALL BE INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN ON THE PLANS.
2. THE TOPSOIL SHALL BE STRIPPED AND STOCKPILED ON SITE FOR RE-USE AS DIRECTED BY THE OWNER. ALL LOCAL ORDINANCES REGARDING THE SALE AND/OR REMOVAL OF TOPSOIL FROM SITE MUST BE FOLLOWED.
3. ALL SILT FENCE BARRIERS SHALL BE REPLACED WHEREVER THEY BECOME CLOGGED OR INOPERABLE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE AND REMOVAL OF TEMPORARY SEDIMENTATION CONTROLS.
5. THE CONTRACTOR MUST CONTROL DUST DURING CONSTRUCTION. DURING EARTHWORK OPERATIONS, WATER-SPREADING EQUIPMENT SHALL BE PROVIDED BY THE CONTRACTOR, AND WATER SPREAD AS NECESSARY AND AS DIRECTED BY THE OWNER IN ORDER TO CONTROL DUST.

6. DIRT OR DEBRIS LEFT ON LOCAL PUBLIC ROADS AS A RESULT OF THIS CONSTRUCTION PROJECT SHALL BE REMOVED AND ROAD SURFACES CLEANED BY THE CONTRACTOR ON A DAILY BASIS.
7. ALL DISTURBED AREAS (EXCEPT AREAS TO BE PAVED OR BUILT UPON) SHALL BE TOPSOILED TO A MINIMUM 4" DEPTH AND SEEDED IMMEDIATELY AFTER FINE GRADING TAKES PLACE AND AS SOON AS PHYSICALLY POSSIBLE.
8. THE CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE OF DOWNSTREAM STORM SEWERS, DITCHES, AND CULVERTS. SILT BUILDUP FOUND TO BE A RESULT OF THIS SITE CONSTRUCTION WORK SHALL BE REMOVED FROM DOWNSTREAM CULVERTS BY THE CONTRACTOR AT NO ADDITIONAL EXPENSE TO THE OWNER OR THE TOWN.
9. IN ADDITION TO STORM WATER DISCHARGES, THE FOLLOWING NON-STORM WATER DISCHARGES MAY CONTRIBUTE TO THE RUNOFF FROM THE SITE:
 - WATER FROM WATER SERVICE FLUSHINGS
 - WATER USED TO WASH DOWN CONSTRUCTION VEHICLES (NO DETERGENTS)
 - WATER USED FOR DUST CONTROL
 - UNCONTAMINATED GROUNDWATERTHE ABOVE NON-STORM WATER FLOWS SHALL BE TREATED IN THE SAME MANNER AS STORM WATER FLOWS INDICATED HERFIN.



1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER 'T' OR 'U' TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24' AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN 'BULGES' DEVELOP IN THE SILT FENCE.

NOT TO SCALE



1. STONE SIZE-USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH-NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY)
3. THICKNESS-NOT LESS THAN SIX (6) INCHES.
4. WIDTH-TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
5. FILTER CLOTH-WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. (MIRAFI 140N OR APPROVED EQUAL).

NOT TO SCALE



**BETHLEHEM STEEL
RAIL IMPROVEMENTS PROJECT**

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: 135A.002.001		
DATE: 2/18/2010		
DRAWN BY: JPU		
DESIGNED BY: JPU		
CHECKED BY: LD		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

CIVIL

EROSION AND SEDIMENT CONTROL DETAILS

C-509

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APPENDIX H-1

POST CONSTRUCTION MAINTENANCE SCHEDULE

Operation and Maintenance Plan

The stormwater treatment facilities will be maintained by the owner or their assigned heirs after construction is completed. The contract documents will require the contractor to designate a person responsible for maintenance of the sedimentation control features during construction as required by the Stormwater Pollution Prevention Plan (SWPPP). Long-term operation and maintenance for the stormwater management facilities is presented below.

Maintenance will be performed as described on the Erosion and Sediment Controls Plans (E&SC) and the SWPPP and until the system is formally accepted by a municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system.

Post Construction

The following standards will be met after construction is complete:

Maintenance Contract:

The owner will contract with a third-party or other qualified professional with knowledge of erosion and stormwater control, including the standards and conditions in the permit. The contractor will be approved by the New York State Department of Environmental Conservation (NYSDEC), for the inspection, removal and proper disposal of accumulated sediments, oils, and debris from the entire stormwater management system.

Documentation:

A maintenance log (i.e. report) will be kept summarizing inspections, maintenance, and any corrective actions taken. The log will include that date on which each inspection or maintenance task was performed, a description of the inspection findings or maintenance completed, and the name of the inspector or maintenance personnel performing the task. If a maintenance task requires the clean-out of any sediments or debris, the location where the sediment and debris was disposed after removal will be indicated. The log will be made accessible to department (i.e. state and/or local agencies) staff and a copy provided to the department upon request.

Inspection and Maintenance Frequency and Corrective Measures:

The following areas, facilities, and measures will be inspected and the identified deficiencies will be corrected. Clean-out must include the removal and legal disposal of any accumulated sediments and debris.

Culverts:

Inspect culverts 2 times per year (preferably in spring and fall) to ensure that the culverts are working in their intended fashion and that they are free of debris. Remove any obstructions to flow; remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit and to repair any erosion damage at the culvert's inlet and outlet.

Vegetated Areas:

Inspect slopes and embankments early in the growing season to identify active or potential erosion problems. Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with the appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows. The facilities will be inspected after major storms and any identified deficiencies will be corrected.

Ditches, Swales and other Open Stormwater Channels:

Inspect 2 times per year (preferably in spring and fall) to ensure they are working in their intended fashion and that they are free of sediment and debris. Remove any obstructions to flow, including accumulated sediments and debris and vegetated growth. Repair any erosion of the ditch lining. Vegetated ditches will be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity. Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable. If the ditch has a riprap lining, replace riprap on areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged. Correct any erosion of the channel's bottom or side slopes. The facilities will be inspected after major storms and any identified deficiencies will be corrected.

Open Channel Operation, Maintenance, and Management Inspection Checklist

Project:
Location:
Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY/ UNSATISFACTORY	COMMENTS
1. Debris Cleanout (Monthly)		
Contributing areas clean of debris		
2. Check Dams or Energy Dissipators (Annual, After Major Storms)		
No evidence of flow going around structures		
No evidence of erosion at downstream toe		
Soil permeability		
Groundwater / bedrock		
3. Vegetation (Monthly)		
Mowing done when needed		
Minimum mowing depth not exceeded		
No evidence of erosion		
Fertilized per specification		
4. Dewatering (Monthly)		
Dewaters between storms		

MAINTENANCE ITEM	SATISFACTORY/ UNSATISFACTORY	COMMENTS
5. Sediment deposition (Annual)		
Clean of sediment		
6. Outlet/Overflow Spillway (Annual)		
Good condition, no need for repairs		
No evidence of erosion		

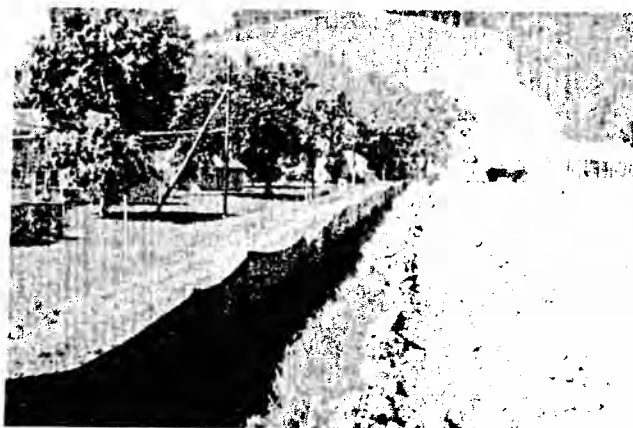
Comments:

Actions to be Taken:

APPENDIX I-1

STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL

STANDARD AND SPECIFICATIONS FOR SILT FENCE



Definition

A temporary barrier of geotextile fabric installed on the contours across a slope used to intercept sediment laden runoff from small drainage areas of disturbed soil.

Purpose

The purpose of a silt fence is to reduce runoff velocity and effect deposition of transported sediment load. Limits imposed by ultraviolet stability of the fabric will dictate the maximum period the silt fence may be used (approximately one year).

Conditions Where Practice Applies

A silt fence may be used subject to the following conditions:

1. Maximum allowable slope lengths contributing runoff to a silt fence placed on a slope are:

Slope Steepness	Maximum Length (ft.)
2:1	25
3:1	50
4:1	75
5:1 or flatter	100

2. Maximum drainage area for overland flow to a silt fence shall not exceed ¼ acre per 100 feet of fence, with maximum ponding depth of 1.5 feet behind the fence; and
3. Erosion would occur in the form of sheet erosion; and
4. There is no concentration of water flowing to the barrier.

Design Criteria

Design computations are not required for installations of 1 month or less. Longer installation periods should be designed for expected runoff. All silt fences shall be placed as close to the areas as possible, but at least 10 feet from the toe of a slope to allow for maintenance and roll down. The area beyond the fence must be undisturbed or stabilized.

Sensitive areas to be protected by silt fence may need to be reinforced by using heavy wire fencing for added support to prevent collapse.

Where ends of filter cloth come together, they shall be overlapped, folded and stapled to prevent sediment bypass. A detail of the silt fence shall be shown on the plan. See Figure 5A.8 on page 5A.21 for details.

Criteria for Silt Fence Materials

1. Silt Fence Fabric: The fabric shall meet the following specifications unless otherwise approved by the appropriate erosion and sediment control plan approval authority. Such approval shall not constitute statewide acceptance.

Fabric Properties	Minimum Acceptable Value	Test Method
Grab Tensile Strength (lbs)	90	ASTM D1682
Elongation at Failure (%)	50	ASTM D1682

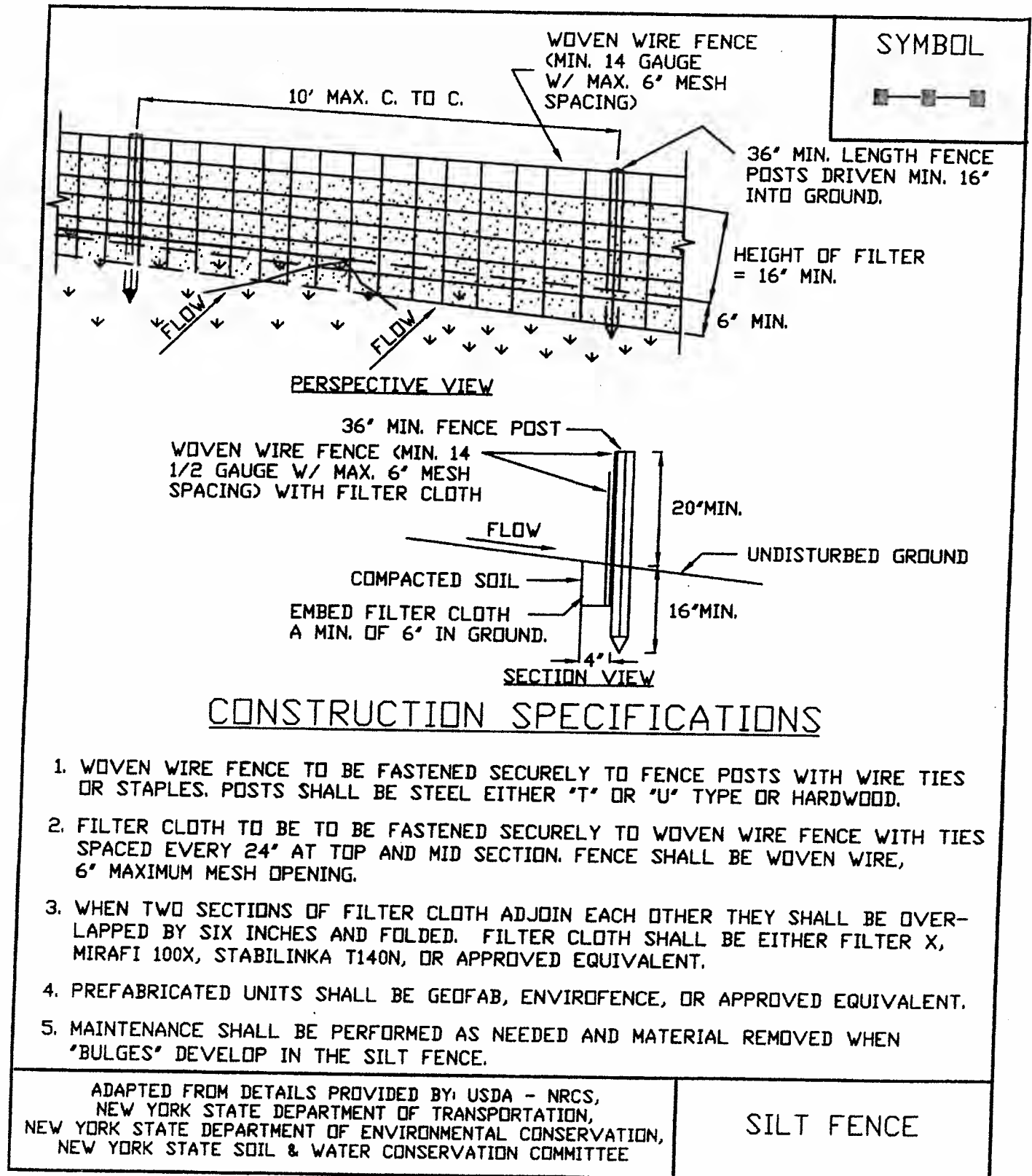
Mullen Burst Strength (PSI)	190	ASTM D3786
Puncture Strength (lbs)	40	ASTM D751 (modified)
Slurry Flow Rate (gal/min/sf)	0.3	
Equivalent Opening Size	40-80	US Std Sieve CW-02215
Ultraviolet Radiation Stability (%)	90	ASTM G-26

2. Fence Posts (for fabricated units): The length shall be a minimum of 36 inches long. Wood posts will be of sound quality hardwood with a minimum cross sectional area of 3.0 square inches. Steel posts will be standard T and U section weighing not less than 1.00 pound per linear foot.

3. Wire Fence (for fabricated units): Wire fencing shall be a minimum 14 gage with a maximum 6 in. mesh opening, or as approved.

4. Prefabricated Units: Envirofence, Geofab, or approved equal, may be used in lieu of the above method providing the unit is installed per details shown in Figure 5A.8.

Figure 5A.8
Silt Fence



STANDARD AND SPECIFICATIONS FOR STABILIZED CONSTRUCTION ENTRANCE



Definition

A stabilized pad of aggregate underlain with geotextile located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area.

Purpose

The purpose of stabilized construction entrance is to reduce or eliminate the tracking of sediment onto public rights-of-way or streets.

Conditions Where Practice Applies

A stabilized construction entrance shall be used at all points of construction ingress and egress.

Design Criteria

See Figure 5A.35 on page 5A.76 for details.

Aggregate Size: Use a matrix of 1-4 inch stone, or reclaimed or recycled concrete equivalent.

Thickness: Not less than six (6) inches.

Width: 12-foot minimum but not less than the full width of points where ingress or egress occurs. 24-foot minimum if there is only one access to the site.

Length: As required, but not less than 50 feet (except on a single residence lot where a 30 foot minimum would apply).

Geotextile: To be placed over the entire area to be covered with aggregate. Filter cloth will not be required on a single-family residence lot. Piping of surface water under entrance shall be provided as required. If piping is impossible, a mountable berm with 5:1 slopes will be permitted.

Criteria for Geotextile

The geotextile shall be woven or nonwoven fabric consisting only of continuous chain polymeric filaments or yarns of polyester. The fabric shall be inert to commonly encountered chemicals, hydro-carbons, mildew, rot resistant, and conform to the fabric properties as shown:

Fabric Properties ³	Light Duty ¹ Roads	Heavy Duty ² Haul Roads	Test Method
	Grade Subgrade	Rough Graded	
Grab Tensile Strength (lbs)	200	220	ASTM D1682
Elongation at Failure (%)	50	60	ASTM D1682
Mullen Brust Strength (lbs)	190	430	ASTM D3786
Puncture Strength (lbs)	40	125	ASTM D751 modified
Equivalent Opening Size	40-80	40-80	US Std Sieve CW-02215
Aggregate Depth	6	10	--

¹Light Duty Road: Area sites that have been graded to subgrade and where most travel would be single axle vehicles and an occasional multi-axle truck. Acceptable materials are Trevira Spunbond 1115, Mirafi 100X, Typar 3401, or equivalent.

²Heavy Duty Road: Area sites with only rough grading, and where most travel would be multi-axle vehicles. Acceptable materials are Trevira Spunbond 1135, Mirafi 600X, or equivalent.

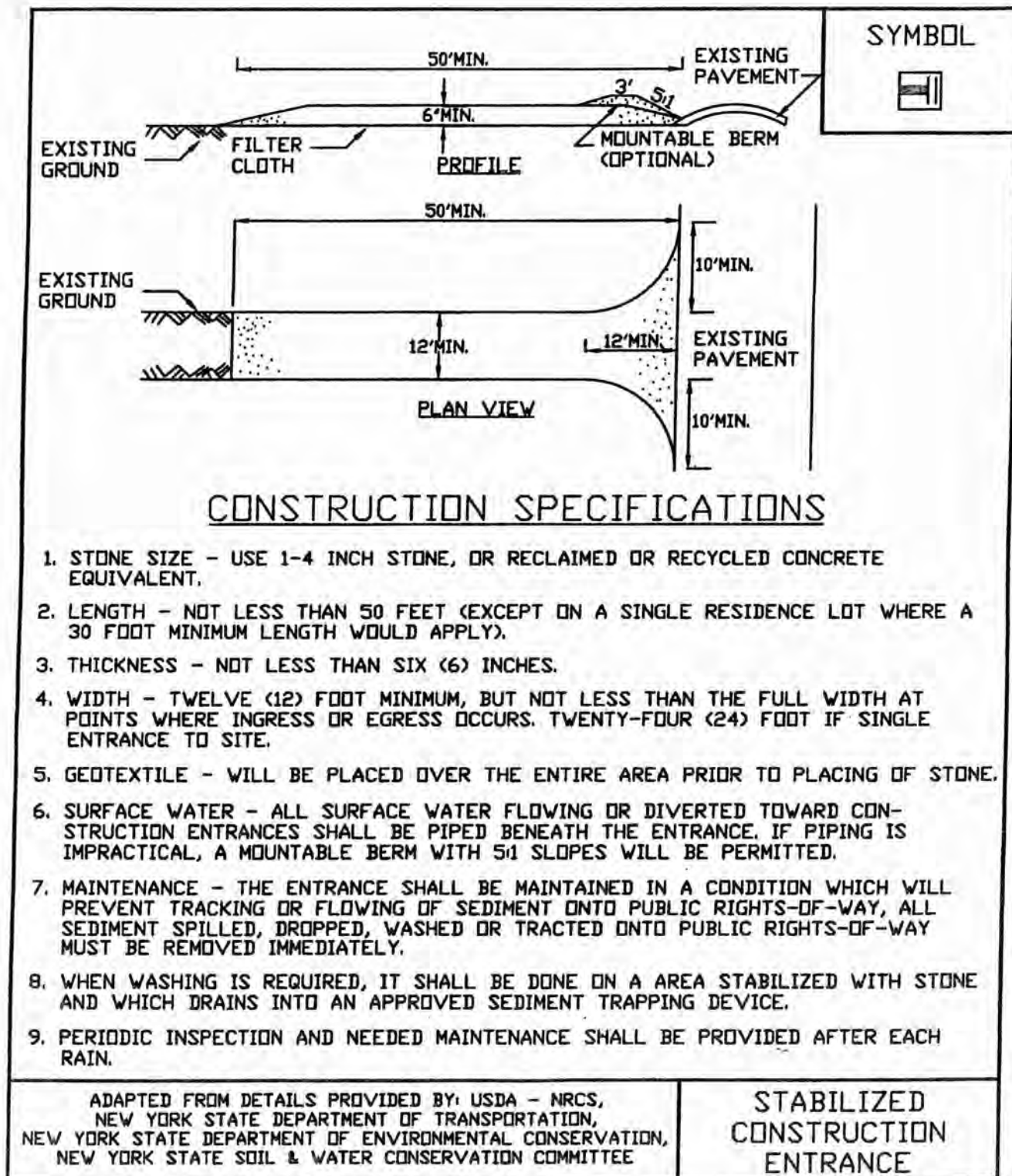
³Fabrics not meeting these specifications may be used only when design procedure and supporting documentation are supplied to determine aggregate depth and fabric strength.

Maintenance

The entrance shall be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way must be removed immediately.

When necessary, wheels must be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with aggregate, which drains into an approved sediment-trapping device. All sediment shall be prevented from entering storm drains, ditches, or watercourses.

Figure 5A.35
Stabilized Construction Entrance



STANDARD AND SPECIFICATIONS FOR ROCK OUTLET PROTECTION



Definition

A section of rock protection placed at the outlet end of the culverts, conduits, or channels.

Purpose

The purpose of the rock outlet protection is to reduce the depth, velocity, and energy of water, such that the flow will not erode the receiving downstream reach.

Scope

This standard applies to the planning, design, and construction of rock riprap and gabions for protection of downstream areas. It does not apply to rock lining of channels or streams.

Conditions Where Practice Applies

This practice applies where discharge velocities and energies at the outlets of culverts, conduits, or channels are sufficient to erode the next downstream reach. This applies to:

1. Culvert outlets of all types.
2. Pipe conduits from all sediment basins, dry storm water ponds, and permanent type ponds.
3. New channels constructed as outlets for culverts and conduits.

Design Criteria

The design of rock outlet protection depends entirely on the location. Pipe outlet at the top of cuts or on slopes steeper than 10 percent, cannot be protected by rock aprons or riprap sections due to re-concentration of flows and high velocities encountered after the flow leaves the apron.

Many counties and state agencies have regulations and design procedures already established for dimensions, type and size of materials, and locations where outlet protection is required. Where these requirements exist, they shall be followed.

Tailwater Depth

The depth of tailwater immediately below the pipe outlet must be determined for the design capacity of the pipe. If the tailwater depth is less than half the diameter of the outlet pipe, and the receiving stream is wide enough to accept divergence of the flow, it shall be classified as a Minimum Tailwater Condition; see Figure 5B.12 on page 5B.25 as an example. If the tailwater depth is greater than half the pipe diameter and the receiving stream will continue to confine the flow, it shall be classified as a Maximum Tailwater Condition; see Figure 5B.13 on page 5B.26 as an example. Pipes which outlet onto flat areas with no defined channel may be assumed to have a Minimum Tailwater Condition; see Figure 5B.12 on page 5B.25 as an example.

Apron Size

The apron length and width shall be determined from the curves according to the tailwater conditions:

Minimum Tailwater – Use Figure 5B.12 on page 5B.25

Maximum Tailwater – Use Figure 5B.13 on page 5B.26

If the pipe discharges directly into a well defined channel, the apron shall extend across the channel bottom and up the channel banks to an elevation one foot above the maximum tailwater depth or to the top of the bank, whichever is less.

The upstream end of the apron, adjacent to the pipe, shall have a width two (2) times the diameter of the outlet pipe, or conform to pipe end section if used.

Bottom Grade

The outlet protection apron shall be constructed with no slope along its length. There shall be no overfall at the end of the apron. The elevation of the downstream end of the apron shall be equal to the elevation of the receiving channel or adjacent ground.

Alignment

The outlet protection apron shall be located so that there are no bends in the horizontal alignment.

Materials

The outlet protection may be done using rock riprap, grouted riprap, or gabions.

Riprap shall be composed of a well-graded mixture of stone size so that 50 percent of the pieces, by weight, shall be larger than the d_{50} size determined by using the charts. A well-graded mixture, as used herein, is defined as a mixture composed primarily of larger stone sizes, but with a sufficient mixture of other sizes to fill the smaller voids between the stones. The diameter of the largest stone size in such a mixture shall be 1.5 times the d_{50} size.

Thickness

The minimum thickness of the riprap layer shall be 1.5 times the maximum stone diameter for d_{50} of 15 inches or less; and 1.2 times the maximum stone size for d_{50} greater than 15 inches. The following chart lists some examples:

D_{50} (inches)	d_{max} (inches)	Minimum Blanket Thickness (inches)
4	6	9
6	9	14
9	14	20
12	18	27
15	22	32
18	27	32
21	32	38
24	36	43

Stone Quality

Stone for riprap shall consist of field stone or rough unhewn quarry stone. The stone shall be hard and angular and of a quality that will not disintegrate on exposure to water or weathering. The specific gravity of the individual stones shall be at least 2.5.

Recycled concrete equivalent may be used provided it has a

density of at least 150 pounds per cubic foot, and does not have any exposed steel or reinforcing bars.

Filter

A filter is a layer of material placed between the riprap and the underlying soil surface to prevent soil movement into and through the riprap. Riprap shall have a filter placed under it in all cases.

A filter can be of two general forms: a gravel layer or a plastic filter cloth. The plastic filter cloth can be woven or non-woven monofilament yarns, and shall meet these base requirements: thickness 20-60 mils, grab strength 90-120 lbs; and shall conform to ASTM D-1777 and ASTM D-1682.

Gravel filter blanket, when used, shall be designed by comparing particle sizes of the overlying material and the base material. Design criteria are available in Standard and Specification for Riprap Slope Protection on page 5B.57.

Gabions

Gabions shall be made of hexagonal triple twist mesh with heavily galvanized steel wire. The maximum linear dimension of the mesh opening shall not exceed 4 ½ inches and the area of the mesh opening shall not exceed 10 square inches.

Gabions shall be fabricated in such a manner that the sides, ends, and lid can be assembled at the construction site into a rectangular basket of the specified sizes. Gabions shall be of single unit construction and shall be installed according to manufacturers recommendations.

The area on which the gabion is to be installed shall be graded as shown on the drawings. Foundation conditions shall be the same as for placing rock riprap, and filter cloth shall be placed under all gabions. Where necessary, key, or tie, the structure into the bank to prevent undermining of the main gabion structure.

Maintenance

Once a riprap outlet has been installed, the maintenance needs are very low. It should be inspected after high flows for evidence of scour beneath the riprap or for dislodged stones. Repairs should be made immediately.

Design Procedure

1. Investigate the downstream channel to assure that nonerosive velocities can be maintained.
2. Determine the tailwater condition at the outlet to establish which curve to use.
3. Enter the appropriate chart with the design discharge to

determine the riprap size and apron length required. It is noted that references to pipe diameters in the charts are based on full flow. For other than full pipe flow, the parameters of depth of flow and velocity must be used to adjust the design discharges.

4. Calculate apron width at the downstream end if a flare section is to be employed.

Examples

Example 1: Pipe Flow (full) with discharge to unconfined section.

Given: A circular conduit flowing full.

$Q = 280$ cfs, diam. = 66 in., tailwater (surface) is 2 ft. above pipe invert (minimum tailwater condition).

Find: Read $d_{50} = 1.2$ and apron length (L_a) = 38 ft.

Apron width = diam. + $L_a = 5.5 + 38 = 43.5$ ft.

Use: $d_{50} = 15''$, $d_{max} = 22''$, blanket thickness = 32''

Example 2: Box Flow (partial) with high tailwater

Given: A box conduit discharging under partial flow conditions. A concrete box 5.5 ft. x 10 ft. flowing 5.0 ft. deep,

$Q = 600$ cfs and tailwater surface is 5 ft. above invert (max. tailwater condition).

Since this is not full pipe and does not directly fit the nomograph assumptions of Figure 7B.13 substitute depth as the diameter, to find a discharge equal to full pipe flow for that diameter, in this case 60 inches.

Since, $Q = AV$ and $A = \frac{\pi D^2}{4}$

First, compute velocity:

$$V = (Q/A) = (600/(5) (10)) = 12 \text{ fps}$$

Then substituting:

$$Q = \frac{\pi D^2}{4} \times V = \frac{3.14 (5 \text{ ft})^2}{4} \times 12 \text{ fps} = 236 \text{ cfs}$$

At the intersection of the curve $d = 60$ in. and $Q = 236$ cfs, read $d_{50} = 0.4$ ft.

Then reading the $d = 60$ in. curve, read apron length (L_a) = 40 ft.

Apron width, $W = \text{conduit width} + (6.4)(L_a) = 10 + (0.4)(40) = 26$ ft.

Example 3: Open Channel Flow with Discharge to Unconfined Section

Given: A trapezoidal concrete channel 5 ft. wide with 2:1 side slopes is flowing 2 ft. deep, $Q = 180$ cfs (velocity = 10 fps) and the tailwater surface downstream is 0.8 ft. (minimum tailwater condition).

Find: Using similar principles as Example 2, compute equivalent discharge for a 2 foot, using depth as a diameter, circular pipe flowing full at 10 feet per second.

Velocity:

$$Q = \frac{\pi (2 \text{ ft})^2}{4} \times 10 \text{ fps} = 31.4 \text{ cfs}$$

At intersection of the curve, $d = 24$ in. and $Q = 32$ cfs, read $d_{50} = 0.6$ ft.

Then reading the $d = 24$ in. curve, read apron length (L_a) = 20 ft.

Apron width, $W = \text{bottom width of channel} + L_a = 5 + 20 = 25$ ft.

Example 4: Pipe flow (partial) with discharge to a confined section

Given: A 48 in. pipe is discharging with a depth of 3 ft. $Q = 100$ cfs, and discharge velocity of 10 fps (established from partial flow analysis) to a confined trapezoidal channel with a 2 ft. bottom, 2:1 side slopes, $n = .04$, and grade of 0.6%.

Calculation of the downstream channel (by Manning's Equation) indicates a normal depth of 3.1 ft. and normal velocity of 3.9 fps.

Since the receiving channel is confined, the maximum tailwater condition controls.

Find: discharge using previous principles:

$$Q = \frac{\pi (3 \text{ ft})^2}{4} \times 10 \text{ fps} = 71 \text{ cfs}$$

At the intersection of $d = 36$ in. and $Q = 71$ cfs, read $d_{50} = 0.3$ ft.

Reading the $d = 36''$ curve, read apron length (L_a) = 30 ft.

Since the maximum flow depth in this reach is 3.1 ft., that is the minimum depth of riprap to be maintained for the entire length.

Construction Specifications

1. The subgrade for the filter, riprap, or gabion shall be prepared to the required lines and grades. Any fill required in the subgrade shall be compacted to a density of approximately that of the surrounding undisturbed material.
2. The rock or gravel shall conform to the specified grading limits when installed respectively in the riprap or filter.
3. Filter cloth shall be protected from punching, cutting, or tearing. Any damage other than an occasional small hole shall be repaired by placing another piece of cloth over the damaged part or by completely replacing the cloth. All overlaps, whether for repairs or for joining two pieces of cloth shall be a minimum of one foot.
4. Stone for the riprap or gabion outlets may be placed by equipment. Both shall each be constructed to the full course thickness in one operation and in such a manner as to avoid displacement of underlying materials. The stone for riprap or gabion outlets shall be delivered and placed in a manner that will ensure that it is reasonably homogenous with the smaller stones and spalls filling the voids between the larger stones. Riprap shall be placed in a manner to prevent damage to the filter blanket or filter cloth. Hand placement will be required to the extent necessary to prevent damage to the permanent works.

Figure 5B.12
Outlet Protection Design—Minimum Tailwater Condition
(Design of Outlet Protection from a Round Pipe Flowing Full,
Minimum Tailwater Condition: $T_w < 0.5D_o$) (USDA - NRCS)

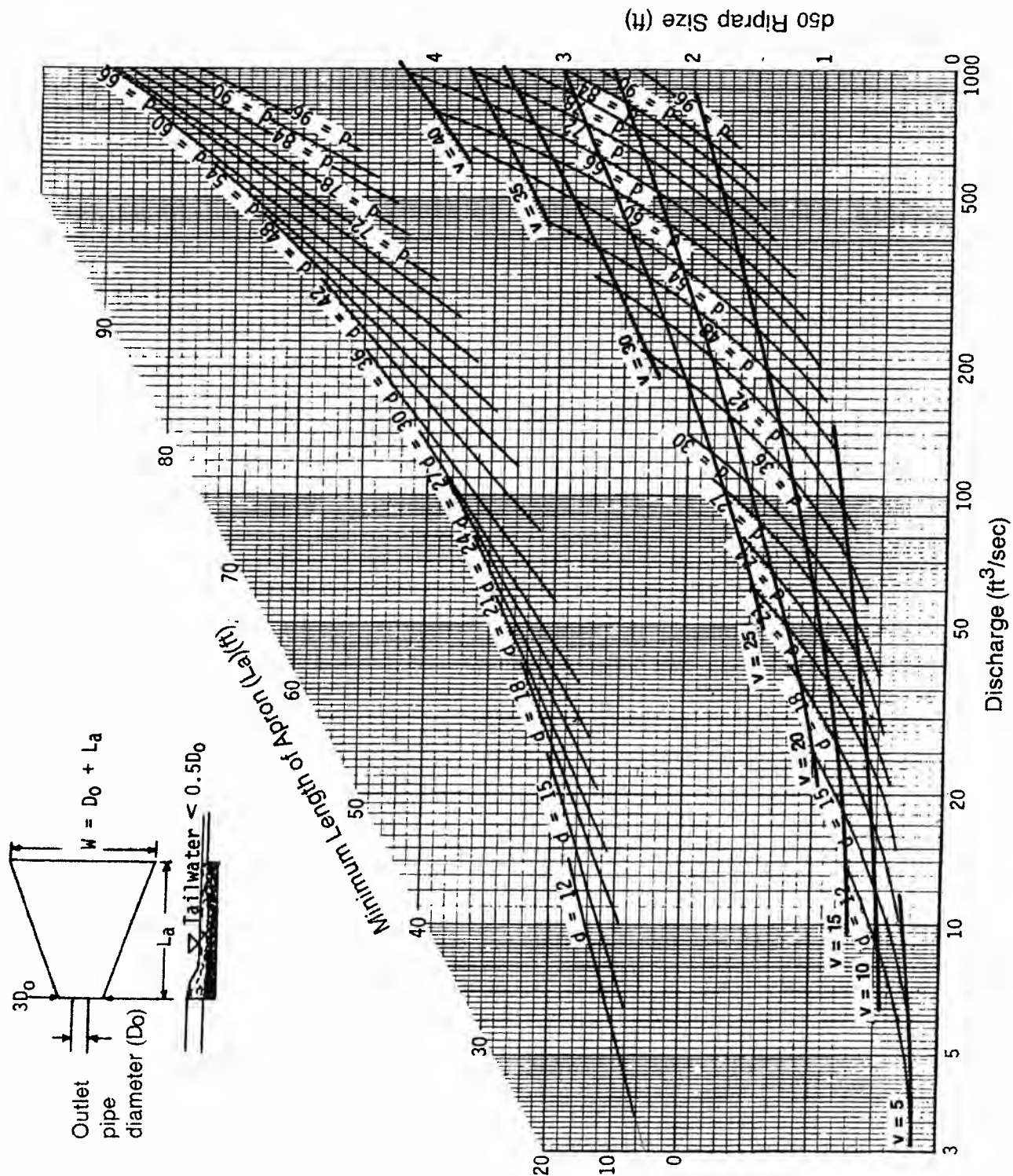


Figure 5B.13
Outlet Protection Design—Maximum Tailwater Condition
(Design of Outlet Protection from a Round Pipe Flowing Full,
Maximum Tailwater Condition: $T_w \geq 0.5D_o$) (USDA - NRCS)

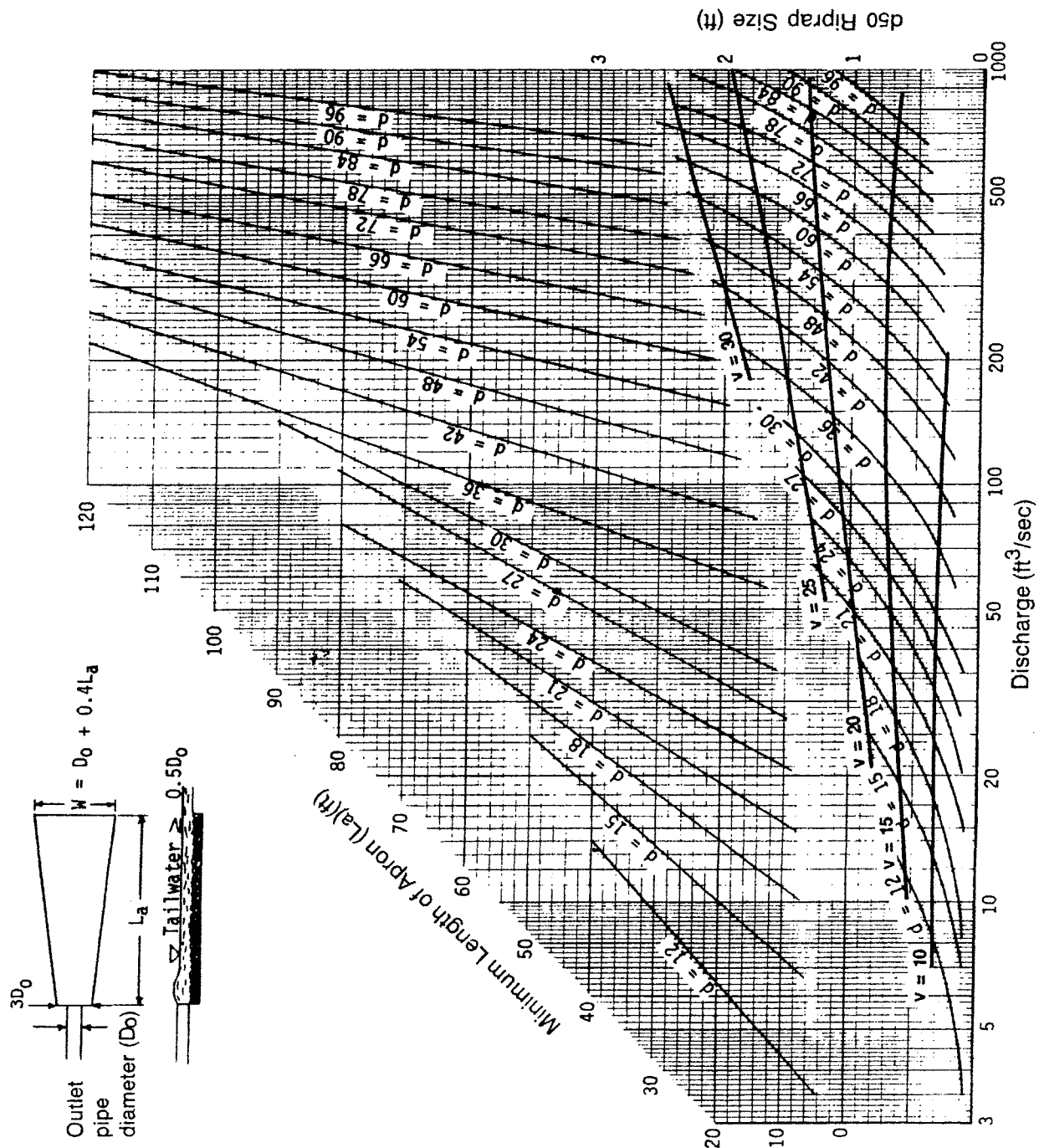


Figure 5B.14
Riprap Outlet Protection Detail (1)

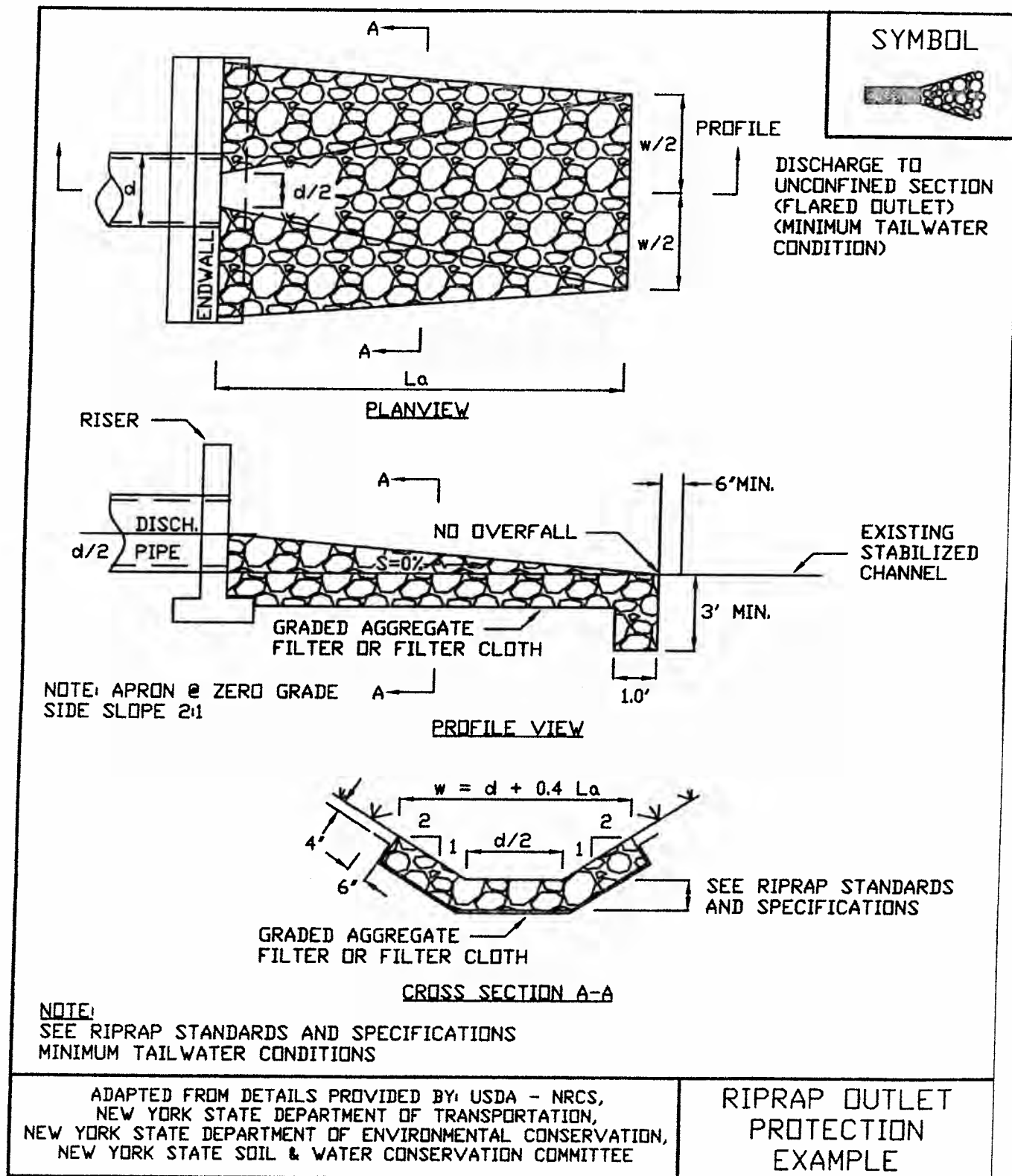


Figure 5B.15
Riprap Outlet Protection Detail (2)

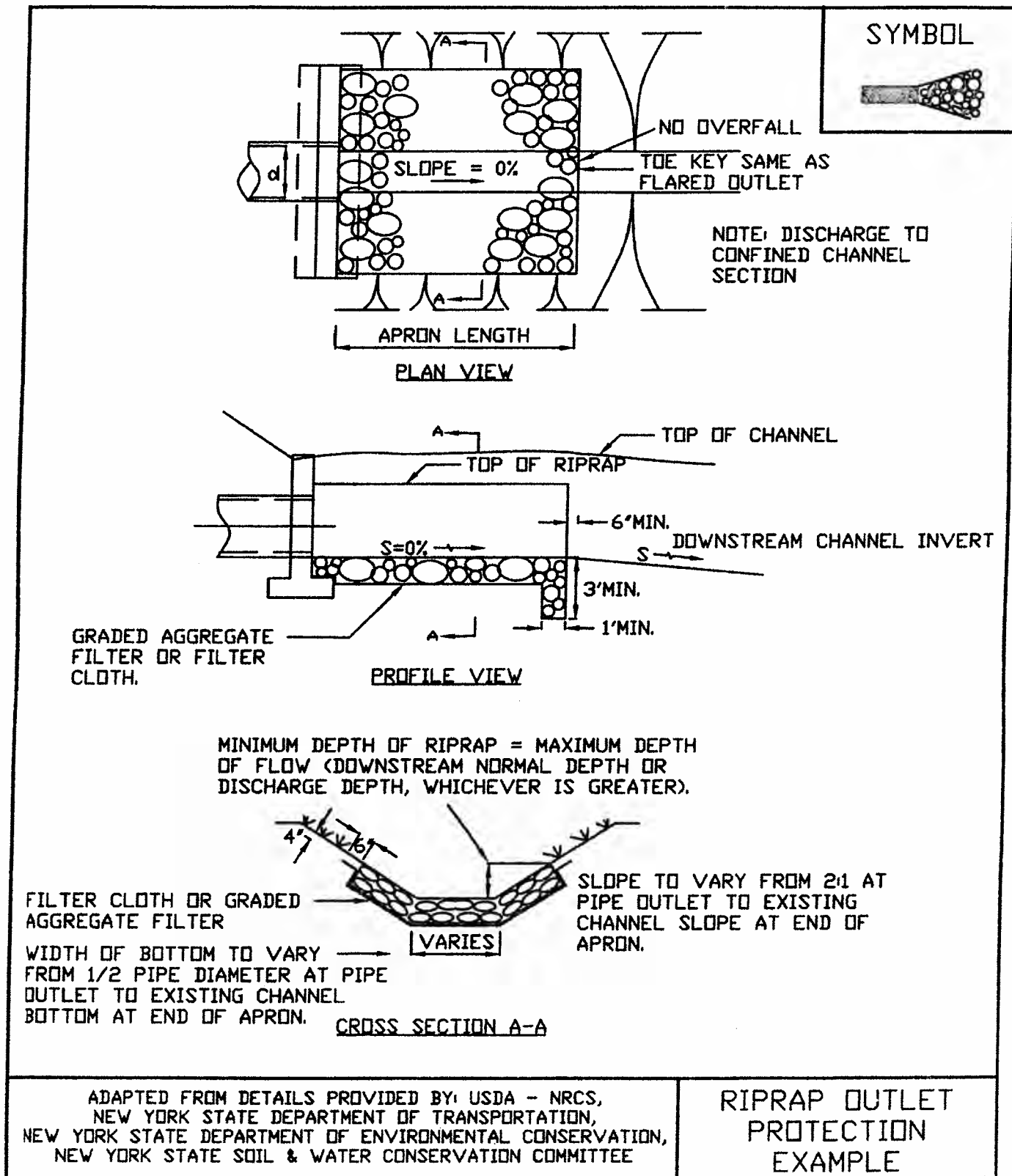
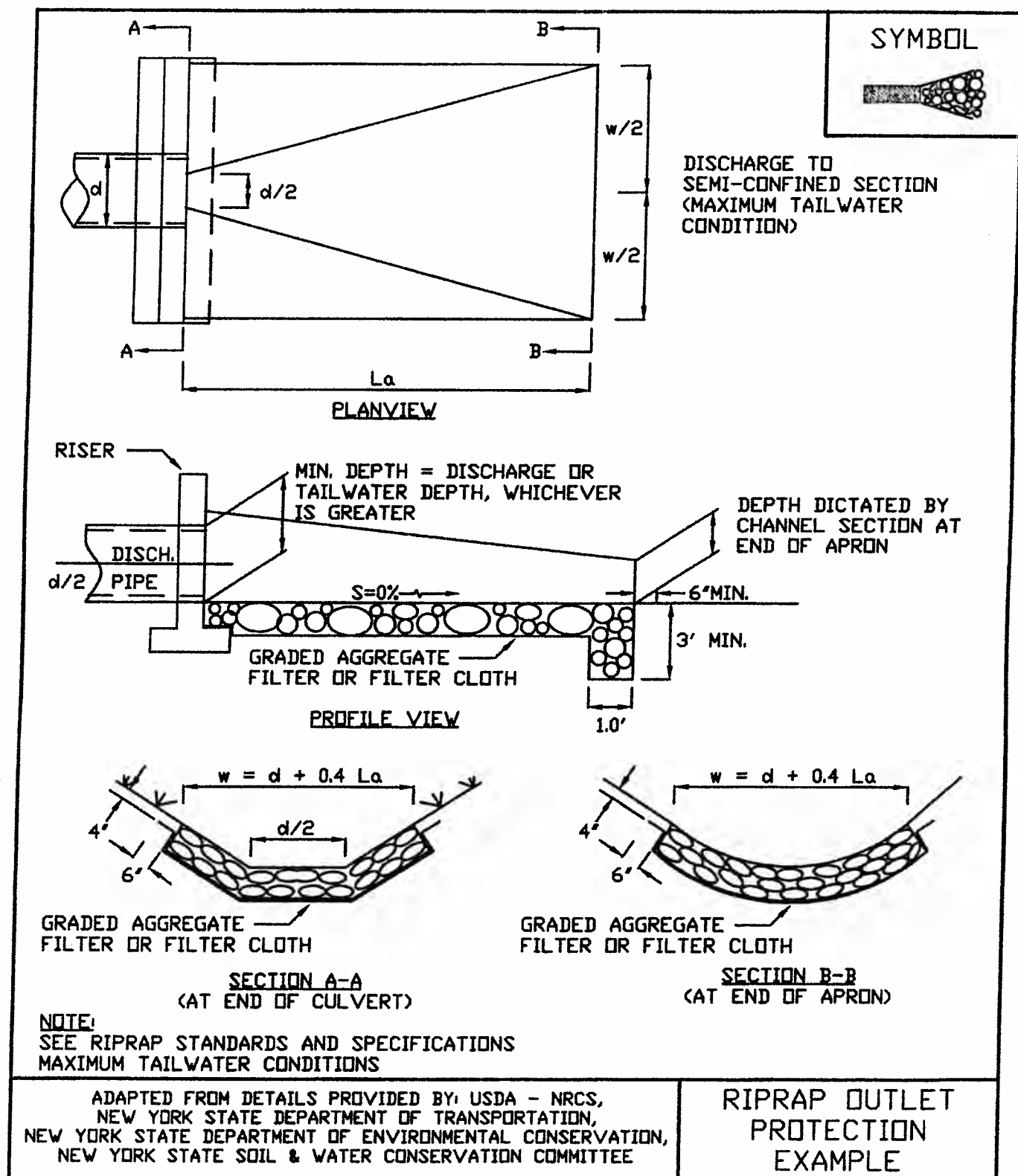


Figure 5B.16
Riprap Outlet Protection Detail (3)



STANDARD AND SPECIFICATIONS FOR LINED WATERWAY OR OUTLET



Definition

A waterway or outlet with a lining of concrete, stone, or other permanent material. The lined section extends up the side slopes to the designed depth. The earth above the permanent lining may be vegetated or otherwise protected.

Purpose

To provide for the disposal of concentrated runoff without damage from erosion or flooding, where grassed waterways would be inadequate due to high velocities.

Scope

This standard applies to waterways or outlets with linings of cast-in-place concrete, flagstone mortared in place, rock riprap, gabions, or similar permanent linings. It does not apply to irrigation ditch or canal linings, grassed waterways with stone centers or small lined sections that carry prolonged low flows, or to reinforced concrete channels. The maximum capacity of the waterway flowing at design depth shall not exceed 100 cubic feet per second.

Conditions Where Practice Applies

This practice applies where the following or similar conditions exist:

1. Concentrated runoff is such that a lining is required to control erosion.
2. Steep grades, wetness, prolonged base flow, seepage, or piping that would cause erosion.

3. The location is such that damage from use by people or animals precludes use of vegetated waterways or outlets.
4. Soils are highly erosive or other soil and climate conditions preclude using vegetation.
5. High value property or adjacent facilities warrant the extra cost to contain design runoff in a limited space.

Design Criteria

Capacity

1. The minimum capacity shall be adequate to carry the peak rate of runoff from a 10-year, 24-hour storm. Velocity shall be computed using Manning's equation with a coefficient of roughness "n" as follows:

<u>Lined Material</u>	<u>"n"</u>
Concrete (Type):	
Trowel Finish	0.015
Float Finish	0.019
Gunitite	0.019
Flagstone	0.022
Riprap	Determine from Figure 5B.11 on page 5B.19
Gabion	0.030

2. Riprap gradation and filter (bedding) are generally designed in accordance with criteria set forth in the National Cooperative Highway Research Program Report 108, available from the University Microfilm International, 300 N. Zee Road, Ann Arbor, Michigan 48016, Publication No. PB-00839; or the Hydraulic Engineering Circular No. 11, prepared by the U.S. Bureau of Public Roads, available from Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590, HNG-31, or the procedure in the USDA-NRCS's Engineering Field Manual, Chapter 16.

Velocity

1. Maximum design velocity shall be as shown below. Except for short transition sections, flow with a channel gradient within the range of 0.7 to 1.3 of this

flow's critical slope must be avoided unless the channel is straight. Velocities exceeding critical will be restricted to straight reaches.

Design Flow Depth (ft.)	Maximum Velocity (ft./sec.)
0.0 – 0.5	25
0.5 – 1.0	15
Greater than 1.0	10

- Waterways or outlets with velocities exceeding critical shall discharge into an energy dissipater to reduce velocity to less than critical, or to a velocity the downstream soil and vegetative conditions will allow.

Cross Section

The cross section shall be triangular, parabolic, or trapezoidal. Monolithic concrete or gabions may be rectangular.

Freeboard

The minimum freeboard for lined waterways or outlets shall be 0.25 feet above design high water in areas where erosion resistant vegetation cannot be grown adjacent to the paved side slopes. No freeboard is required where good vegetation can be grown and is maintained.

Side Slope

Steepest permissible side slopes, horizontal to vertical will be as follows:

- Non-Reinforced Concrete
 - Hand-placed, formed concrete
 - Height of lining, 1.5 ft or less..... Vertical
 - Hand placed screened concrete or mortared
 - In-place flagstone
 - Height of lining, less than 2 ft..... 1 to 1
 - Height of lining, more than 2 ft..... 2 to 1
- Slip form concrete:
 - Height of lining, less than 3 ft..... 1 to 1
- Rock Riprap..... 2 to 1
- Gabions..... Vertical
- Pre-cast Concrete Sections..... Vertical

Lining Thickness

Minimum lining thickness shall be as follows:

- Concrete.....4 in. (In most problem areas, shall be 5 in. with welded wire fabric reinforcing.)
- Rock Riprap..... 1.5 x maximum stone size plus thickness of filter or bedding.
- Flagstone.....4 in. including mortar bed.

Related Structures

Side inlets, drop structures, and energy dissipaters shall meet the hydraulic and structural requirements of the site.

Filters or Bedding

Filters or bedding to prevent piping, reduce uplift pressure, and collect water will be used as required and will be designed in accordance with sound engineering principles. Weep holes and drains should be provided as needed.

Concrete

Concrete used for lining shall be so proportioned that it is plastic enough for thorough consolidation and stiff enough to stay in place on side slopes. A dense product will be required. A mix that can be certified as suitable to produce a minimum strength of at least 3,000 pounds per square inch will be required. Cement used shall be Portland Cement, Type I, II, IV, or V. Aggregate used shall have a maximum diameter of 1 ½ inches.

Weep holes should be provided in concrete footings and retaining walls to allow free drainage of water. Pipe used for weep holes shall be non-corrosive.

Mortar

Mortar used for mortared in-place flagstone shall consist of a mix of cement, sand, and water. Follow directions on the bag of mortar for proper mixing of mortar and water.

Contraction Joints

Contraction joints in concrete linings, where required, shall be formed transversely to a depth of about one third the thickness of the lining at a uniform spacing in the range of 10 to 15 feet.

Rock Riprap or Flagstone

Stone used for riprap or gabions shall be dense and hard enough to withstand exposure to air, water, freezing, and thawing. Flagstone shall be flat for ease of placement and have the strength to resist exposure and breaking. Rock riprap maximum size shall be as follows:

Velocity, f.p.s.	dmax, inches
5.0	6
8.5	12
10	18
12	24
15	36

A complete riprap gradations is provided in Table 5B.4, page 5B.38.

Cutoff Walls

Cutoff walls shall be used at the beginning and ending of concrete lining. For rock riprap lining, cutoff walls shall be keyed into the channel bottom and at both ends of the lining.

Construction Specifications

1. The foundation area shall be cleared of trees, stumps, roots, sod, loose rock, or other objectionable material.
2. The cross-section shall be excavated to the neat lines and grades as shown on the plans. Over-excavated areas shall be backfilled with moist soil compacted to the density of the surrounding material.
3. No abrupt deviations from design grade or horizontal alignment shall be permitted.
4. Concrete linings shall be placed to the thickness shown on the plans and finished in a workmanlike manner. Adequate precautions shall be taken to

protect freshly placed concrete from extreme (hot or cold) temperatures, to ensure proper curing.

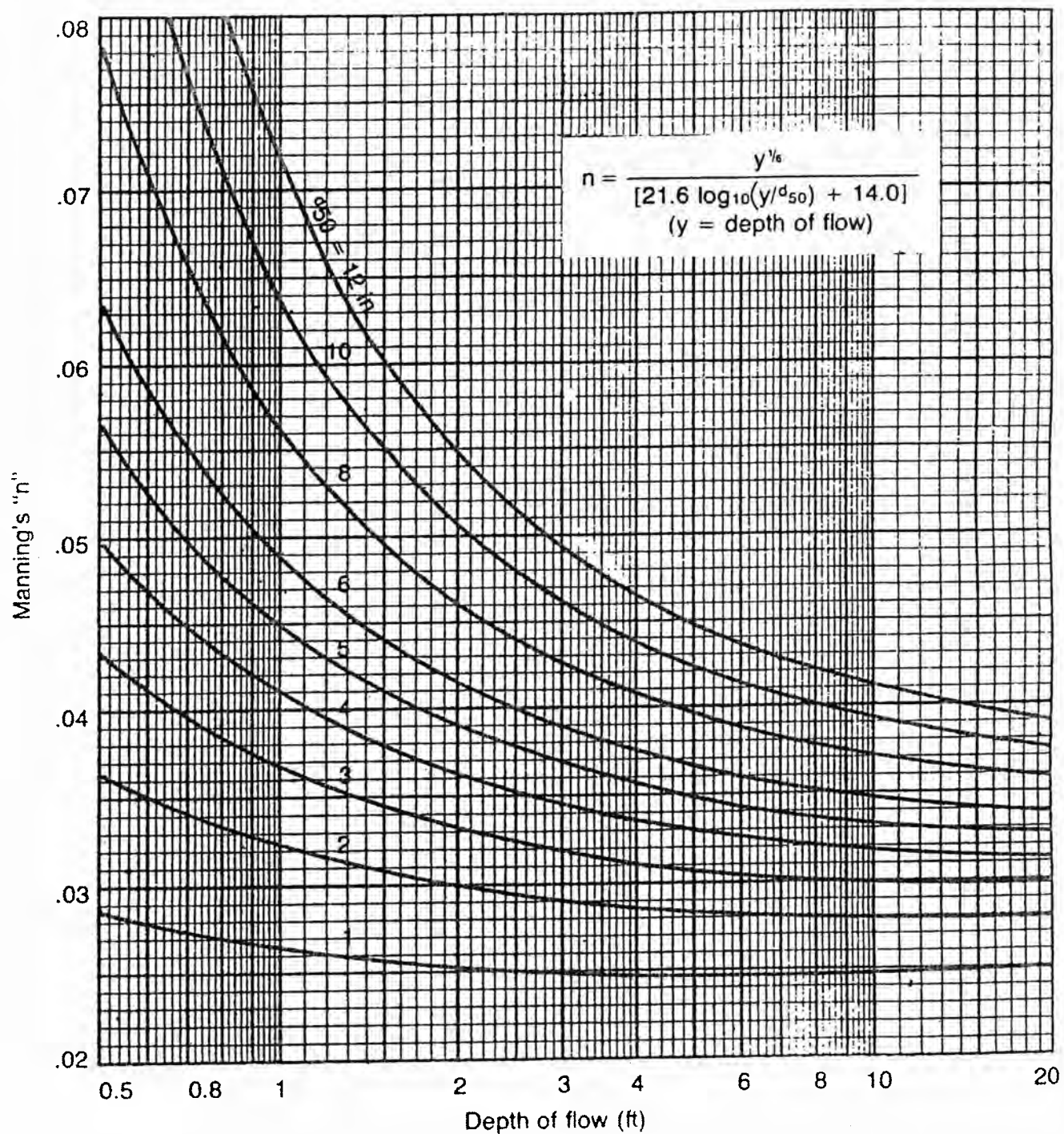
5. Filter bedding and rock riprap shall be placed to line and grade in the manner specified.
6. Construction operation shall be done in such a manner that erosion, air pollution, and water pollution will be minimized and held within legal limits. The completed job shall present a workmanlike appearance. All disturbed areas shall be vegetated or otherwise protected against soil erosion.

Maintenance

Pavement or lining should be maintained as built to prevent undermining and deterioration. Existing trees next to pavements should be removed, as roots can cause uplift damage.

Vegetation next to pavement should be maintained in good condition to prevent scouring if the pavement is overtopped. See Standard and Specifications for Permanent Critical Area Seeding on page 3.5.

Figure 5B.11
Determining "n" for Riprap Lined Channel using Depth of Flow
 (USDA - NRCS)



STANDARD AND SPECIFICATIONS FOR TURBIDITY CURTAIN



Definition

A flexible, impenetrable barrier used to trap sediment in water bodies. This curtain is weighted at the bottom to achieve closure while supported at the top through a flotation system.

Purpose

To prevent the migration of silt from a work site in a water environment into the larger body of water.

Condition Where Practice Applies

A turbidity curtain is generally used when construction activity occurs within a waterbody or along its shoreline and is of short duration, generally less than one month. Curtains are used in calm water surfaces. **Turbidity curtains are not to be used across flowing watercourses.**

Design Criteria

The turbidity curtain shall be located beyond the lateral limits of the construction site and firmly anchored in place. The alignment should be set as close to the work area as

possible but not so close as to be disturbed by applicable construction equipment. The height of the curtain shall be 20 percent greater than the depth of the water to allow for water level fluctuations. The area that the turbidity curtain protects shall not contain large culverts or drainage areas that if flows occur behind the curtain would cause a breach or lost contact at the bottom surface.

If water depths at the design alignment are minimal, the toe can be anchored in place by staking.

See Figure 5A.15 on page 5A.34.

Construction Specifications

The area of proposed installation of the curtain shall be inspected for obstacles and impediments that could damage the curtain or impair its effectiveness to retain sediment. All materials shall be removed so they cannot enter the waterbody. Shallow installations can be made by securing the curtain by staking rather than using a flotation system. Supplemental anchors of the turbidity curtain toe shall be used, as needed, depending on water surface disturbances such as boats and wave action by winds.

Maintenance

The turbidity curtain shall be inspected daily and repaired or replaced immediately. It is not normally necessary to remove sediment deposited behind the curtain; but, when necessary, removal is usually done by hand prior to removal of the barrier. All removed silt is stabilized away from the waterbody. The barrier shall be removed by carefully pulling it toward the construction site to minimize the release of attached sediment. Any floating construction or natural debris shall be immediately removed to prevent damage to the curtain. If the curtain is oriented in a manner that faces the prevailing winds, frequent checks of the anchorage shall be made.

Figure 5A.15
Turbidity Curtain

