Storm Water Pollution Prevention Plan

for
Remedial Construction - Areas A, B and C

Former Buffalo Color Site
100 Lee Street
Buffalo, New York

Prepared for:

South Buffalo Development, LLC

Prepared by:

MACTEC

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March 2010

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Certifications

Project Identification:

South Buffalo Development; Areas A, B and C Remedial Construction
100 Lee Street
Buffalo, NY

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.

Owner/Operator:		
South Buffalo Development		03/24/10
Name (print)	Signature	Date

Contractor:		
Company Name:	Ontario Specialty Contracting, Inc.	
Company Address:	333 Ganson St., Buffalo, NY 14203	
Company Phone No.:	716-856-3333	
SWPPP Component:		
Erosion and Sediment Control Component	John Yensan Vice President	03/24/10
	Contractor Name (print), Signature and Title	Date
	Trained Contractor Name (print), Signature and Title	Date
Post-Construction Stormwater Quality and Quantity Component	John Yensan Vice President	3/24/10
	Contractor Name (print), Signature and Title	Date
	Ryan P. McCann PM	3/24/10
	Trained Contractor Name (print), Signature and Title	Date

1.0 Narrative Report

1.1 Site Description

MACTEC Engineering and Consulting, Inc. (MACTEC) has prepared this Storm Water Pollution Prevention Plan (SWPPP) on behalf of South Buffalo Development LLC (SBD) for Areas A, B and C of the Former Buffalo Color Corporation (BCC) Site (Site). This SWPPP has been prepared specifically to address remedial construction activities planned for Areas A, B and C in 2010 and 2011. The remedial work will be completed under the existing Brownfield Cleanup Agreements (BCAs) between SBD and the New York State Department of Environmental Conservation (NYSDEC). The location of the Site is shown on Figure 1 and the Site Plan drawings are included in Attachment 4.

This SWPPP was prepared in accordance with the New York State requirements for stormwater associated with construction activities under the SPDES General Permit for Stormwater Discharges from Construction Activity - GP-0-10-001. A copy of General Permit GP-0-10-001 is included in Attachment 2. A Notice of Intent (NOI) form for coverage under the General Permit, specifically addressing the remedial construction work planned for Areas A, B and C in was issued to NYSDEC by MACTEC on behalf of SBD on March 2, 2010. A copy of the NOI is provided in Attachment 3.

SBD has teamed with Honeywell to facilitate the demolition of the former Buffalo Color plant and remediate the property. The proposed remediation and redevelopment approach for the Site, crafted jointly by Honeywell and SBD, will utilize the Track 4 cleanup track in accordance with the New York Brownfield Cleanup Program (BCP) regulations to transform the Site from an abandoned and blighted property into viable commercial/industrial property. The goal for this Site is to remediate and build new, environmentally sustainable commercial/industrial facilities that will support jobs and promote the economic stability of the region. The plan also calls for creation of substantial open space and potential access to the Buffalo River for the public. A web site has been established by SBD that provides information about the project. The web site address is http://www.buffalocolorredevelopment.com.

Boundaries for Areas A, B and C have been defined based on site remediation considerations. However, the remedial activities planned for these three defined areas are similar and stormwater conditions for each of these areas are also similar. For this SWPPP, much of the information is presented as generally applicable to Areas A, B and C. However, separate plan sheets are provided for each of these Areas separately and, where appropriate, discussion within the SWPPP is separated into sections for Areas A, B and C.

Area A is approximately 10.2 acres in size and is located on the southern end of the Site. The property is fenced and is accessible by vehicle via gated entrances along South Park Avenue. Presently, it includes various former production buildings, several aboveground storage tank (AST) farms, and an office/maintenance building. The former production buildings, all chemical storage tanks and associated piping, and most of the other ancillary buildings are scheduled for demolition in 2010. Several smaller outbuildings, as well as possibly Building 75 (a single-story concrete block building on the northeastern corner of Area A that was previously was used for

maintenance), are to be preserved and reused. Area A is bounded by South Park Avenue to the north, the Buffalo River to the east, an inactive rail line to the south (beyond which is Area D, which is not part of the Site for the purposes of this remedial effort), and railroad tracks to the west.

Area B is approximately 5.5 acres in size and is located to the north of Area A. Area B is fenced and is accessible by vehicle via a gated entrance along Lee Street. Area B includes the former BCC office building, located at 100 Lee Street, and surrounding asphalt parking area which totals approximately three acres and is under separate ownership; this portion of Area B is not owned or controlled by SBD, nor is it part of the Brownfield Cleanup Agreements (BCA). The western portion of Area B (approximately 2.5 acres) is owned and controlled by SBD and is included in the BCA. Area B is bounded by a rail spur and Area C to the north, Lee Street to the east, South Park Avenue to the south, and railroad tracks to the west.

Area C is located on the northwestern corner of the Site. It is fenced and accessible by vehicle from gated entrances along Lee Street. Area C covers approximately six acres and includes the former powerhouse building and former ice house – SBD currently plans to pursue the renovation and adaptive reuse of these structures. Area C is bounded by Elk Street to the north, Lee Street to the east, a rail spur and Area B to the south, and railroad tracks to the west.

SBD began demolition of of the former Buffalo Color plant in June 2009. SBD intends to complete the demolition work, including the demolition of structures on Areas A, B and C, by the end of the Third Quarter of 2010.

Remedial construction activities planned for Areas A, B and C in 2010-2011 include the following:

- Installation of new underground piping, conduit, and manholes across Areas A and B as part of required modifications to the existing Area A groundwater extraction system (GWES);
- Installation of a cover system across Areas A, B and C, with all surface areas covered by either 12 inches of clean soil (with underlying demarcation layer), new or existing pavement, or existing buildings;
- Installation of a hydraulic barrier wall adjacent to the Buffalo River on Area A;
- In-situ treatment of shallow groundwater with elevated concentrations of VOCs on the northern half of Area C;; and
- Rehabilitation or abandonment of the existing storm sewer systems that discharge to the Buffalo River via Outfall 006 (Area A) and Outfall 011 (Areas B and C).

1.2 Storm Water Management Objectives

Storm water management objectives for this project are as follows:

1. Minimize erosion of the proposed 12-inch thick soil cover over the project area.
2. Minimize transport of eroded soil from the proposed soil cover into the existing storm sewers.

3. Ensure that adequate storm water runoff controls are established for the other remedial construction activities that will occur on Areas A, B and C, including the installation of groundwater recovery and treatment system piping across Areas A and B.
4. Establish a low-maintenance native grass vegetative cover that minimizes runoff rates, runoff volumes, erosion, and need for on-going fertilizer, herbicide and pesticide applications.

1.3 Pre-Development Conditions

Storm water runoff within Areas A, B, and C currently drains to a series of storm sewer inlets, with limited periphery areas discharging as sheet flow from the site. Underground storm drain systems in Areas B and C are interconnected and historically water captured by these systems was pumped into the storm drain system at Area E by a lift station located in the southeastern part of Area C. However, there is currently no electrical power to that lift station, so water captured in this system is retained in the system until, or unless, it can seep out through pipe joints or cracks. So, currently, there is in effect no functional buried storm drain system for Areas B and C and runoff is overland flow. The areas are flat and definition of point discharges is limited. The area, in general, slopes southerly toward the Buffalo River. However, the grading to the existing inlets on Areas B and C will continue to provide depression storage until and unless the stormwater pumping station is re-activated.

Area A has an underground storm drainage system that discharges to the Buffalo River through Outfall 006. The area is flat and drainage directions/points are poorly defined by available topographic information. Sheet flow from the site is expected at numerous locations. The Outfall 006 discharge at the Buffalo River is submerged and backwater from the River has been observed in the storm drain system However, the area is above the 100-year Buffalo River floodplain, so a positive drainage gradient in the system will exist for all but a very unlikely event of extremely high River level combined with local storm runoff. The FEMA 100-year high water elevation is approximately 582 ft NAVD 1988, which is approximately 3 feet lower than the lowest ground elevations within Areas A, B, and C.

There are also numerous manholes associated with the facility process/sanitary sewers, which discharge to the Buffalo Sewer Authority (BSA). These manholes are typically closed and not designed for collection of storm water. The facility process/sanitary lines flow into an interceptor sewer near the northeast corner of Area E at the intersection of Elk Street and Orlando Street. The Site, like the surrounding area, is flat and there is no significant runoff from adjoining properties onto the project area of disturbance. No other bodies of water or known wetlands are impacted by drainage structures on the site.

The site is currently an inactive industrial site, with demolition activities ongoing. The ground surface at the site is not native soil, but built up and contains a range of fill materials at the surface. Much of Areas A, B and C are covered by existing buildings, concrete pads, asphalt drives, and other paved areas. Grass and overgrown gravel-covered areas presently exist on the southern half and periphery of Area A, the western side and around the office building at Area B, and on the northern half of Area C. There are no environmentally sensitive areas with erodible soils, steep slopes, natural resource conservation areas or wildlife habitats within the project site.

With the exception of the various sewer lines and a river water pipeline associated with the Buffalo River Improvement Corporation (BRIC) located on Area A, other underground utilities crossing the site have been abandoned or are not functioning.

The existing surface soil types contained within the project site include urban land (Ud), according to the NRCS web soil survey information (see Attachment 1). As indicated above, the fill materials at the site are variable and may include bricks, concrete, miscellaneous debris, and other materials, as well as soil.

1.4 Post-Development Conditions

The immediate proposed development condition of the site will consist of the following:

- Area A – several existing ancillary buildings will remain; the rest of the site will be covered by a combination of paved areas (asphalt and concrete slabs from former structures) and areas covered by the 12-inch thick vegetated clean soil cover.

- Area B – the western side of Area B, which is currently owned by SBD and subject to the Brownfield Cleanup Agreement, will consist of open space covered by the 12-inch thick vegetated clean soil cover with limited areas covered by asphalt pavement.

- Area C- the main structures (former boiler house and adjacent buildings) will be renovated and reused; surrounding asphalt drives and parking areas will be repaired; the northern, open half of Area C will be provided with a 12-inch thick vegetated clean soil cover.

The soil cover will consist of a minimum of 10 inches of clean soil (obtained by SBD from a local source and approved by NYSDEC) covered by a minimum of 2 inches of top soil. The entire soil cover will be seeded with native grasses. A woven geotextile demarcation layer will be placed between the bottom of the soil cover and top of existing grade to provide a visual indicator. As noted above, the areas not covered by the 12-inch clean soil layer will be covered by buildings, or pavement (asphalt or concrete slabs from former buildings).

Future redevelopment proposed by SBD includes construction of commercial or light industrial buildings. A new NOI and SWPPP will be required when the scope and schedule of redevelopment is determined.

Approximately 10.6 acres of the 21.4 acre project site will be disturbed during 2010 - 2011 remedial construction activities. The duration of activity is anticipated to be from March 2010 through the Spring of 2011. The boundaries for the soil cover, which encompasses the anticipated disturbed area for the project, are shown on the attached post-development plans for Areas A, B and C provided in Attachment 4. Overall, there will be less impervious surface on the project site after remedial construction than for existing conditions. Some buildings will be removed and some paved driveways or other paved areas will be removed and replaced with the soil cover. The change is, however, not large. It is anticipated that post-remediation pervious areas will contribute significantly less runoff than do existing condition pervious surfaces due to

change in vegetation that will occur on the pervious surfaces and the compaction of the existing surface soils in those existing pervious areas. Placement of the 12-inch clean soil cover layer will improve overall stormwater quality because it will prevent contact with contaminated fill material.

No existing utilities will be disturbed by the project other than raising certain inlets and manhole lids 12 inches to remain flush with the soil cover ground surface. No new utilities or structures will be installed within the project area.

There are no natural environmentally sensitive areas that will be protected from disturbance. The storm drainage system catchment area boundaries are shown on the attached post-development conditions plan. Because the 12-inch soil cover will be placed without significant grading or disturbance of the existing surface, the entire soil cover, with the exception of an approximately 10-ft wide edge, will have slopes replicating the existing ground surface slopes; therefore, there are no proposed changes to drainage boundaries compared with the pre-development conditions. The 12-inch thick soil cover will transition to the existing ground surface with a 10 percent (10 horizontal to 1 vertical) slope at the edges.

1.5 Pollution Prevention Measures

A site **perimeter silt fence** will be installed around Areas A, B and C, to include the soil cover areas any temporary soil stockpiles, except a stockpile that will exist only during a single working day, and any other ground disturbing activities associated with remedial construction such as trenching for groundwater extraction system piping and for installation of the Area A hydraulic barrier wall. Because the area is flat with potential for sheet flow in many locations/directions, the silt fence will encompass the entire perimeter. The silt fence will be in accordance with the New York Standards and Specifications For Erosion and Sediment Control (NY Standards). All open-grated storm drains will receive storm drain **inlet protection** in compliance with the NYSDEC regulations. A **stabilized construction entrance** consistent with the NY Standards will be installed at locations used for truck access/egress , as determined necessary by SBD and its contractors to allow work on Areas A, B and C. . Anticipated locations are indicated on the plan drawing sets (Attachment 4). Additional stabilized entrances, of similar size and construction as specified herein, will be required at any other vehicle access points that may be established along public streets or right-of-ways.

A poly fabric cover will be placed over any excavated material stockpiled on the site and secured. **Dust control** for the soil cover area and any access roadways will be provided as needed, including application of water or mulch. Dust control will continue until the site is finally stabilized with grass cover.

It is anticipated that the required construction schedule will result in some soil cover placement during the late winter time, outside of the local planting period. Therefore, temporary stabilization of the soil cover with mulch cover is anticipated. Any **temporary mulch** used for stabilization will be applied in accordance with NY Standards.

The soil cover will be installed with compaction via passage of heavy equipment used to spread the soil, as well as via use of a vibratory roller, to prevent significant settlement and maintenance of a minimum 12-inch thickness. The final seeded soil cover surface will have a slightly **roughened surface** to promote retention of precipitation and reduce erosion per the NY Standards.

The soil cover, with a minimum 2-inch **topsoil** layer, will be seeded with a mixture of native grasses at the earliest practical time following soil cover placement. The **native grass vegetative cover** will be seeded with required fertilizer and soil amendments, if any, based on the topsoil imported to the site for use. A mulch cover will be provided and the site watered as needed to attain the 80 percent cover criteria for final stabilization.

During the construction period, **litter control** will be provided on a regular basis, including avoiding release of litter and pick up of fugitive litter, on a regular basis, with the required minimum inspection frequency confirming compliance. It is not anticipated that there will be significant amounts of construction waste material generated on site. Any containers used to contain seed, mulch, etc. or other types of wrapper materials will be removed on a daily basis.

Construction equipment maintenance, including fueling, performed at the site will be performed using best management practices to avoid spills. Equipment will be properly maintained to prevent significant drips or other avoidable releases of petroleum or other equipment fluids. Any significant releases will be properly cleaned up.

The site does not discharge to a total maximum daily load (TMDL) or a Clean Water Act Section 303(d) listed water body.

Implementation

The owner and contractor identifications and certifications for this project are included on the certification page. The anticipated project schedule is provided in Table 1.

Maps

Attached as part of this SWPPP are the following maps for Areas A, B and C:

1. Location Map (Figure 1)
2. Site Soil Types Map (Attachment 1)
3. Existing Conditions (Attachment 4)
4. Future Conditions (Attachment 4)

2.0 Erosion and Sediment Control Component

2.1 Step 1: Pre-Construction Actions

Resource Protection

The project site is a former industrial site. As such, there are no features such as

important trees, wetlands, on-site septic system absorption fields, etc. that require protection or preservation. The site surface soil consists of urban fill material. There is presently insufficient vegetated area around the perimeter to use as a filter strip.

Surface Water Protection

The drainage areas are shown on the Existing Conditions plans. Since the site is surrounded by public streets, drainage from the surrounding area does not flow directly across the site but is rather captured in the existing storm sewer system. There are no bodies of water on the project site. Because the historic stormwater pumping station on Area C no longer has power supplied to it, runoff from Areas B and C no longer flows to the Buffalo River through the 42-inch diameter storm drain on Area E to Outfall 011. Runoff instead will flow from Areas B and C as sheet flow to adjacent streets and properties. City stormwater inlets exist at various locations along the public streets.. Because the area is flat and a healthy native grass cover will be provided, significant retention and depression storage will exist on each of these project areas.

Stabilized Construction Entrance

The primary construction entrances to Areas A and B will be via Lee Street. Access to Area A will be primarily through Area B via the underpass that exists at South Park Avenue. Limited construction access to Area B may also be provided from an existing access driveway off of South Park Avenue. A stabilized construction entrance for Area C will be located at the entry point between Areas B and C from Lee Street. A secondary construction entrance into Area C is located further north along Lee Street. Any sediment tracked onto the public streets will be removed on a daily basis. Any additional construction entrances established by the Contractor will require a stabilized construction entrance of similar construction.

Perimeter Sediment Controls

Silt fence as shown on the future conditions plan shall be installed in compliance with NYSDEC guidelines. Silt fence shall be placed along parallel contours where there is no concentration of water flowing to the silt fence and where erosion occurs in the form of sheet erosion. Storm drain inlet protection shall be placed as shown on the plans and as needed to meet field conditions.

2.2 Step 2: Runoff and Drainage Control

Runoff Control

Best Management Practices (BMP) consisting of storm drain inlet protection, stabilized construction entrances, and silt fence shall be installed before any excavation, including trenching for the Area A hydraulic barrier wall construction and groundwater treatment system piping installation, or the placement of the 12-inch soil cover. Upon placement of the 12-inch thick cover, mulch shall be placed until the appropriate time for final seeding. All final grading shall be performed in a manner to prevent erosion. Any stockpiled excavation material shall receive dust control in the form of poly fabric which shall be inspected daily and any tears, etc. repaired. Any contaminated or potentially-contaminated soil stockpiles will also require a base layer of poly sheeting, of suitable

thickness to prevent tears or shredding, bermed or folded up at the edges to prevent runoff of any groundwater or liquids.

Runoff Conveyance System

Within the project limits, in an industrial setting, there are no natural conveyance systems such as channels or swales. The existing storm sewers will be protected by the use of storm drain inlet protection. The entire 12-inch cover for the project will have runoff stabilization consisting of topsoil, mulch and seeding.

Groundwater Recharge

The native grasses to be planted across the entire extent of the soil cover will maximize the retention and infiltration of stormwater. This will assist in the minimization of concentrated runoff or erosive flow.

Outlet Stabilization

The storm runoff from the individual drainage areas will run to the existing storm sewer system. The various storm inlets will be protected with storm drain inlet protection. Erosion potential at the transition from the 12-inch cover areas to the existing ground lines will be minimized via the underlying demarcation fabric and by transitioning at a 1 vertical to 10 horizontal slope that is seeded with native grasses.

2.3 Step 3: Grading

The project site will receive only minimal grading of the existing surface, at limited locations. The final cover will be graded to a uniform 12-inch thickness. Mulch will be placed over the cover until such time that planting of native grasses is appropriate. There are no bodies of water or steep slopes that will be impacted by the finish grade of the site.

2.4 Step 4: Erosion Control (Stabilization)

Mulch will be added to completed portions of the cover as soon as practical, but within 14 days after construction activities have ceased (except where additional construction activities will occur within 21 days) in compliance with the NY Standards for temporary stabilization. Final seeding will be completed as soon as weather and the recommended seeding schedule allow. Transition slopes will be constructed at a grade not to exceed 1 vertical to 10 horizontal. Any stockpiled material will be located away from storm drain inlets and have a sediment barrier (e.g. silt fence) encircling the stockpile.

2.5 Step 5: Sediment Control

The installation of perimeter protection (silt fence) and inlet protection shall be installed prior to the start of placement of cover soils, trenching, or soil stockpiling. Storm inlet protection will prevent sediment from entering the storm sewer system. The sediment control practices shall be inspected regularly and any damage caused by the buildup of sediment repaired. Soil stockpiles will be located away from stormwater inlets and sediment fence installed around the stockpiles on down-gradient sides.

2.6 Step 6: Maintenance and Inspection

The storm drain inlet protection, and silt fence will be inspected for buildup of sediment,

tears or other failures in accordance with the required inspection frequency. The dust control over any stock piles will be inspected weekly for any loose or torn areas. The stabilized entrance will be inspected for buildup of debris from the trucks and will be added to or modified if it is determined that debris is being transferred to the public streets. A schedule of maintenance activities is shown on Construction Sequence Scheduling form. The individual responsible for inspection and maintenance of the storm water controls specified in this plan will document each inspection and provide a written list of any required repairs or maintenance action items to the Contractor. The frequency of these inspections, as required by the NY Standards, will be two times per week with a minimum of two days separating inspections.

2.7 Step 7: Finalize Grading and Landscaping

The entire area of the 12-inch soil cover will be mulched and seeded upon completion of the cover material installation. The site will be inspected to assure that the grass is growing sufficiently prior to project close out. Any erosion evident shall be repaired and additional mulch and seed applied until adequate growth is apparent. The silt fence and storm drain inlet protection will be removed upon attainment of final stabilization, as determined by achieving 80 percent vegetation cover.

2.8 Step 8: Post Construction Controls

The permanent controls to remain on site consist of a project area with a minimal amount of impervious surfaces, the majority of which will be covered with a native grass vegetative cover providing low runoff, preventing contact with underlying soils impacted by prior industrial activities, and minimizing need for application of fertilizers, herbicides, or pesticides. The area will have a relatively flat topography, similar to the existing topography. The native grass is a deep rooted type grass that requires only semiannual mowing and will stabilize the earthen cover material placed on the site. The seed mix in Table 2, or similar mix approved by the Engineer, will be used. All necessary soil amendments will be provided as determined by testing of the imported cover soil.

3.0 Long-Term Stormwater Quality and Quantity Control

This project will result in a net decrease in impervious area within the project area and the stormwater runoff potential for post-project pervious areas is expected to be lower than that for the existing pervious areas. Runoff minimization is a primary stormwater management objective, or best management practice, that provides the control for this remediation site. It is estimated that runoff volumes, runoff rates, and pollutant loading from the project area will be significantly reduced by the project. Basic runoff generation considerations (e.g., SCS runoff curve number and time of concentration) indicate that runoff volumes and peak rates of runoff will be reduced, primarily due to the native grass cover to be installed.
The cover system will result in a permanent surface barrier against underlying existing soils that have been impacted by prior industrial activities.

Use of native grasses will also minimize the need for future chemical additions (fertilizers,

herbicides, and pesticides) at the site. Consequently, no additional structural best management practices providing storage volume are planned for water quality control, channel protection, or flood control until such time as commercial or light industrial redevelopment occurs. While the conditions described above provide adequate justification for not providing additional structural practices at this time, it is also noted that the site discharges through a storm sewer system to the Buffalo River, a large water body with an oversized navigation channel, near the outlet to Lake Erie. Consequently, additional channel protection and flood control provisions would provide little or no benefit.

Table 1. Project Schedule

Type	Activities *(name of planned practices)*	Number *(Quantity)*	Map Symbols	Start Date – End Date	Maintenance Actions
1 – Pre-Construction Actions	-Establish stabilized construction entrance -Install perimeter silt fence -Install inlet protection	1 1 All inlets		March 2010 – June 2011	Inspect, maintain as needed
2 – Runoff & Drainage Control	None appropriate/required	0			
3 – Grading	-Silt fence around imported soil stockpiles -Place cover soil	1 1 1		March 2010 – June 2011	Inspect, maintain as needed
4 – Erosion Control	-Lightly compact cover soils -Rough cover surface -Apply temporary stabilization	1 1 1		June 2010 – June 2011	Visually Inspect, Re-dress surface as needed
5 – Sediment Control	-Maintain perimeter silt fence -Maintain inlet protection silt fence	1 All inlets		March 2010 – June 2011	Visually Inspect, repair / replace as needed
6 – Maintenance, Inspection & Plan Update	-Maintenance of controls -Inspections (2/week minimum with 2 days separation)	1 1		March 2010 – June 2011	Update maintenance log throughout project duration
7 – Finalize Grading & Landscaping	-Seed and mulch soil cover -Water seeded area	1 1		March 2010 – June 2011	Visually inspect for growth. Re-seed non-growing areas as needed.
8 – Post Construction SW Mgmt	-Mow grass soil cover as needed -Invasive species control as needed	1 1		2011 - 1 or 2 times per year 2012 and thereafter - As needed	Visually inspect, mow per specifications.

Table 2. Soil Cover Final Seed Mix

Botanical Name	Common Name	% of Mix	Needed per ac (PLS lbs)	Acres	Amt Needed (PLS lbs)	oz/ac
Andropogon gerardii	Big bluestem	20	3	1	3	48
Bouteloua curtipendula	Side-oats grama	20	3	1	3	48
Chamaecrista fasciculata	Partridge pea	10	1.5	1	1.5	24
Elymus canadensis	Canada wild rye	15	2.25	1	2.25	36
Panicum virgatum	Switchgrass	15	2.25	1	2.25	36
Schizachyrium scoparium	Little bluestem	10	1.5	1	1.5	24
Sorghastrum nutans	Indian grass	10	1.5	1	1.5	24
	Total	**100**	**15**		**15**	

Add 25 bulk pounds per acre annual rye as nurse crop
15 PLS pounds native grass mixture plus 25 bulk pounds annual rye

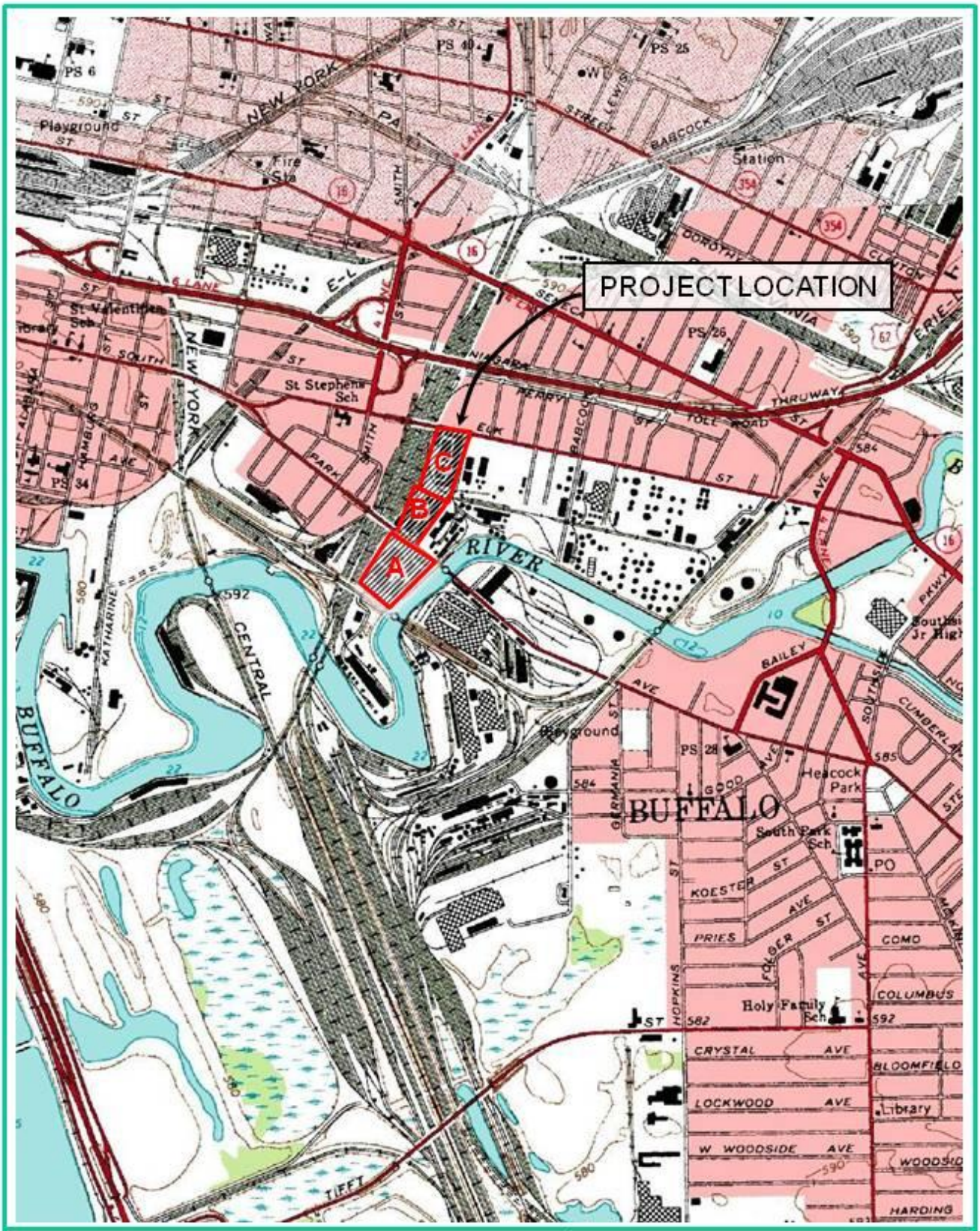


Figure 1. Site Vicinity Map
Remedial Construction
Areas A, B, & C

ATTACHMENT 1

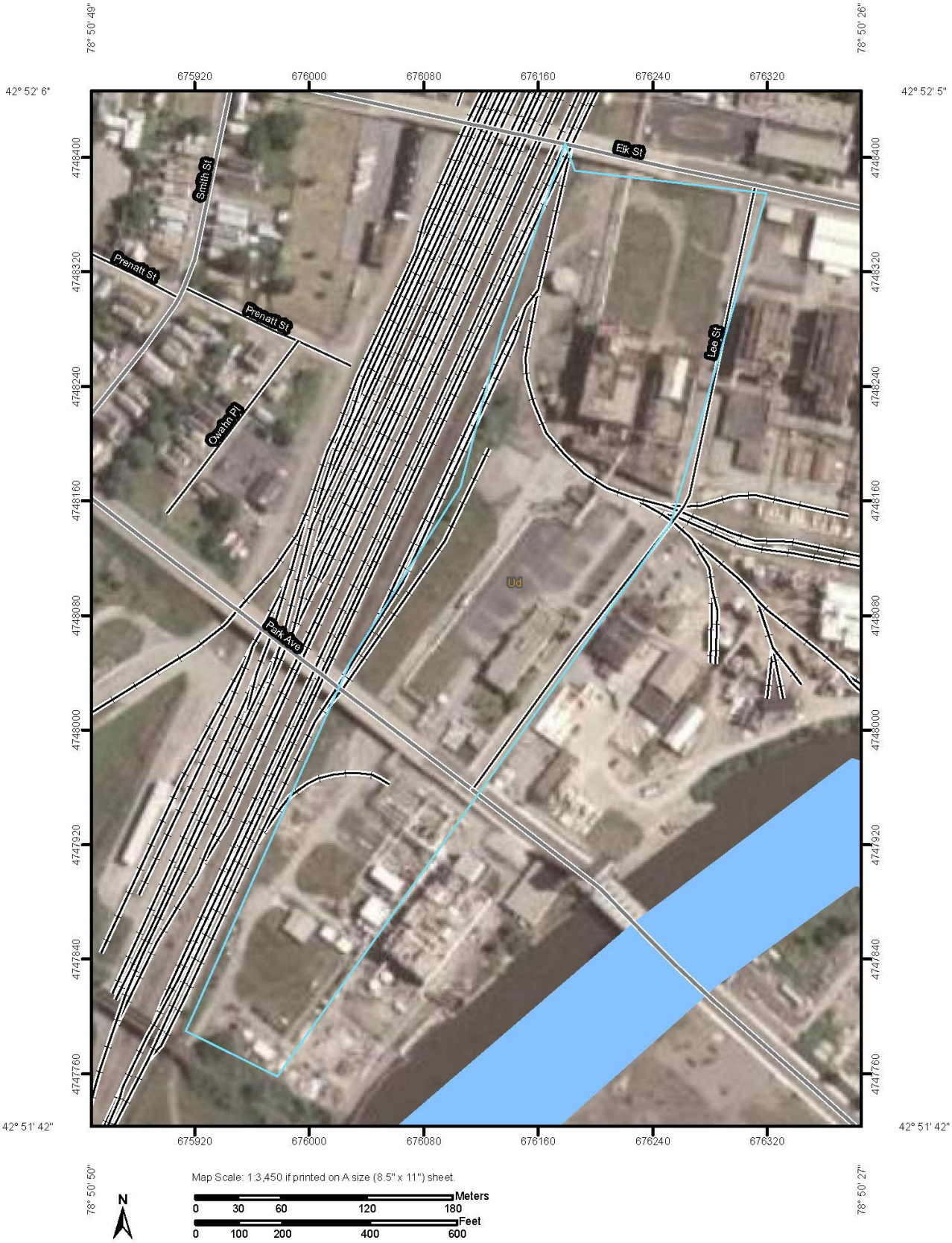
NRCS SOIL SURVEY INFORMATION

Map symbols:

Ud - Urban Land

Us – Urban Land – Niagara Complex

Soil Map—Erie County, New York
(SBD - Areas A, B and C)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Units

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other

Special Line Features
- Gully
- Short Steep Slope
- Other

Political Features
- Cities

Water Features
- Oceans
- Streams and Canals

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

MAP INFORMATION

Map Scale: 1:3,450 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:15,840.

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 17N NAD83

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

Soil Survey Area: Erie County, New York
Survey Area Data: Version 10, Feb 8, 2010

Date(s) aerial images were photographed: 6/21/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

ATTACHMENT 2

General Permit 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 — January 28, 2010
Authorized Signature — 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. <u>Activities Which Are Ineligible for Coverage Under This General Permit</u> - All of the following are **<u>not</u>** 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. <u>Permit Authorization</u>

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 <u>all</u> 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), a*n 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. <u>Required SWPPP Components by Project Type</u> - 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. <u>INSPECTION AND MAINTENANCE REQUIREMENTS</u>

A. <u>General Construction Site Inspection and Maintenance Requirements</u>

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. <u>Owner or Operator Maintenance Inspection Requirements</u>

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* <u>and</u> 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. <u>Qualified Inspector Inspection Requirements</u> - 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, <u>with the exception of</u>:

    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 <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;

    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 <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;

    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;

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)

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. <u>Signatory Requirements</u>

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. <u>Property Rights</u> - 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. <u>Severability</u> - 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. <u>Denial of Coverage Under This Permit</u>

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

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

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

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

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

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

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

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, 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").

- 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

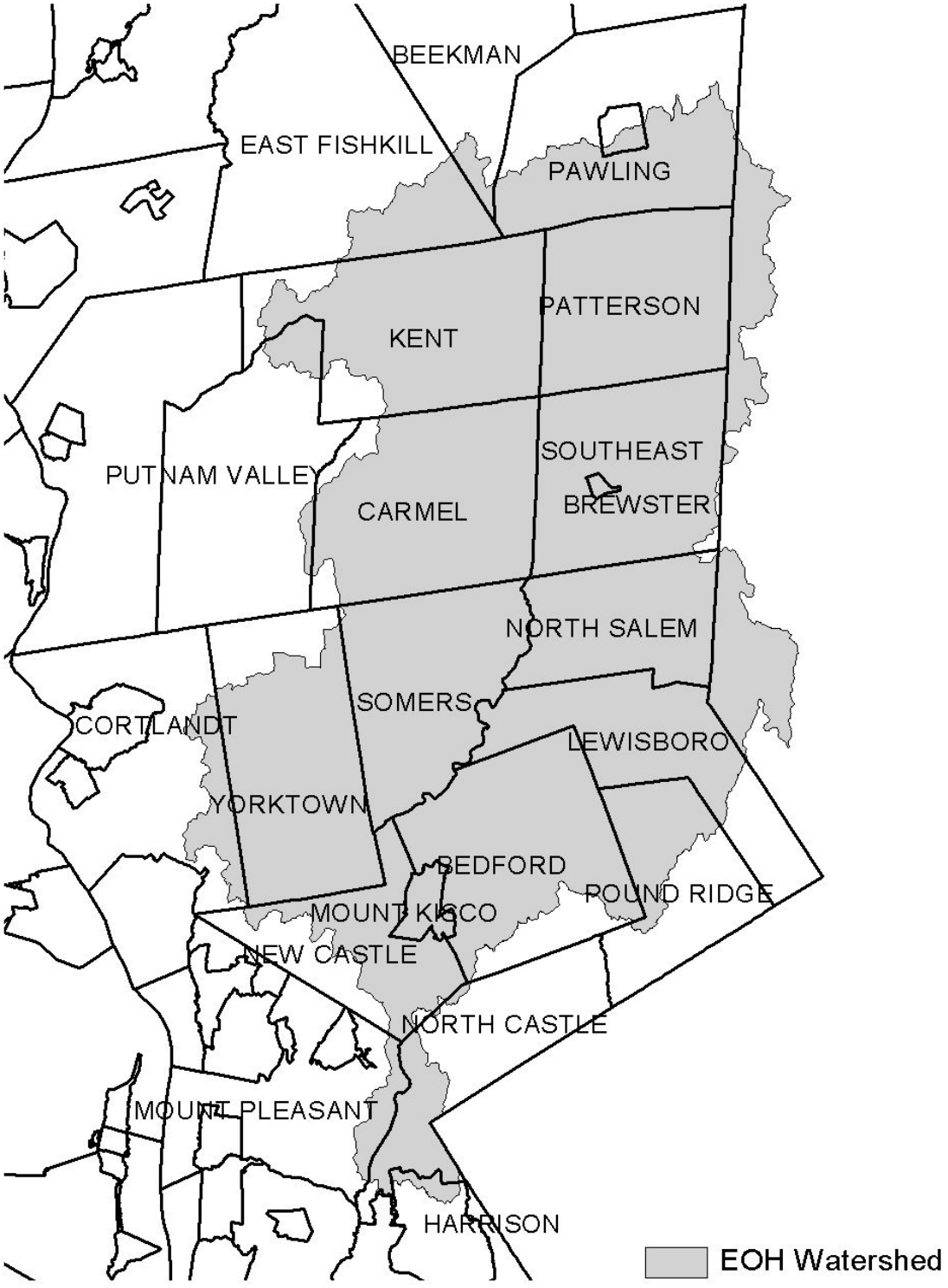
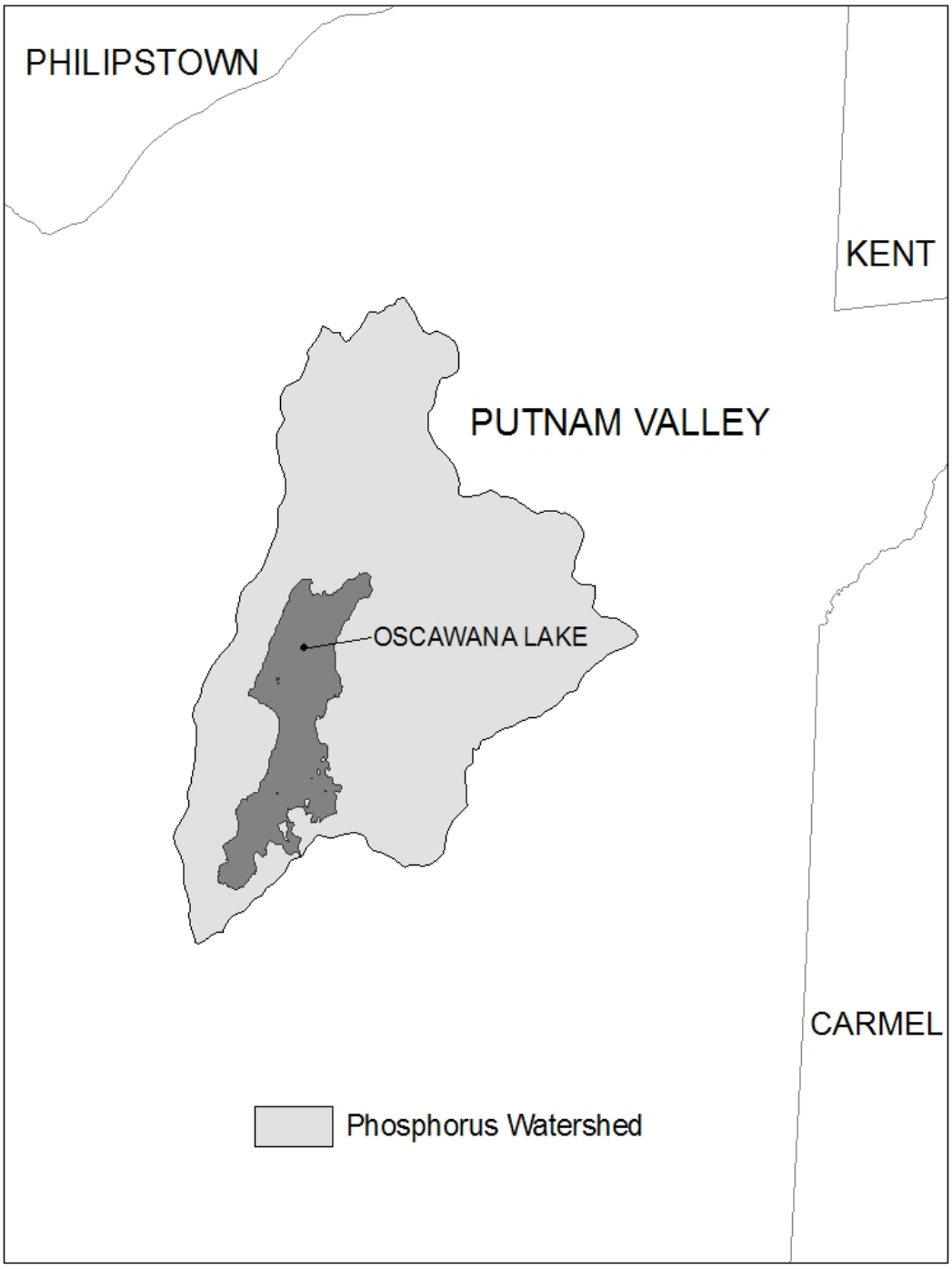


Figure 2 - Onondaga Lake Watershed

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

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

Region	COVERING THE FOLLOWING COUNTIES:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS	DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD, 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

ATTACHMENT 3

Notice of Intent Application

0669273036

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)
South Buffalo Development

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
Yensan

Owner/Operator Contact Person First Name
John

Owner/Operator Mailing Address
333 Ganson St

City
Buffalo

State
NY

Zip
14203 -

Phone (Owner/Operator)
716 - 856 - 3333

Fax (Owner/Operator)
716 - 842 - 1785

Email (Owner/Operator)
jyensan@ontariospecialty.com

FED TAX ID
26 - 3582491 (not required for individuals)

Project Site Information

Project/Site Name
Areas A B & C - Former Buffalo Color Site

Street Address (NOT P.O. BOX)
100 Lee Street

Side of Street
○ **North** ○ **South** ○ **East** ● **West**

City/Town/Village (THAT ISSUES BUILDING PERMIT)
Buffalo

State NY | Zip **14210**- | County Erie | DEC Region 9

Name of Nearest Cross Street
South Park Avenue

Distance to Nearest Cross Street (Feet)
10

Project In Relation to Cross Street
● **North** ○ **South** ○ **East** ○ **West**

Tax Map Numbers
Section-Block-Parcel
122.12-1-36

122.16-1-33.11

Tax Map Numbers
122.12-1-35

122.16-1-9

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)
186051

Y Coordinates (Northing)
4755330055777

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	Post-Development Future Land Use
○ FOREST	○ SINGLE FAMILY HOME
○ PASTURE/OPEN LAND	○ SINGLE FAMILY SUBDIVISION
○ CULTIVATED LAND	○ TOWN HOME RESIDENTIAL
○ SINGLE FAMILY HOME	○ MULTIFAMILY RESIDENTIAL
○ SINGLE FAMILY SUBDIVISION	○ INSTITUTIONAL/SCHOOL
○ TOWN HOME RESIDENTIAL	○ INDUSTRIAL
○ MULTIFAMILY RESIDENTIAL	○ COMMERCIAL
○ INSTITUTIONAL/SCHOOL	○ MUNICIPAL
● INDUSTRIAL	○ ROAD/HIGHWAY
○ COMMERCIAL	○ RECREATIONAL/SPORTS FIELD
○ ROAD/HIGHWAY	○ BIKE PATH/TRAIL
○ RECREATIONAL/SPORTS FIELD	○ LINEAR UTILITY (water, sewer, gas, etc.)
○ BIKE PATH/TRAIL	○ PARKING LOT
○ LINEAR UTILITY	○ CLEARING/GRADING ONLY
○ PARKING LOT	● DEMOLITION, NO REDEVELOPMENT
○ OTHER	○ OTHER

Number of Lots

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	Acreage To Be Disturbed	Existing Impervious Area Within Disturbed	Future Impervious Area Within Disturbed
21.21.2	10.160.6	0.00.0	0.00.0

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	B	C	D
%	%	100%	%

10. Is this a phased project? ● Yes ○ No

11. Enter the planned start and end dates of the disturbance activities. **Start Date** 03/05/2010 - **End Date** 12/31/2011

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

Name

Buffalo River

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): No Wetlands

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

16. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey? ○ Yes ○ No

If Yes, what is the acreage to be disturbed?

[ ][ ][ ][ ].[ ]

17. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area? ○ Yes ● No

18. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)? ● Yes ○ No ○ Unknown

(If No, skip question 19)

19. What is the name of the municipality/entity that owns the separate storm sewer system?

City of Buffalo

20. Does any runoff from the site enter a sewer classified as a Combined Sewer? ● Yes ○ No ○ Unknown

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book) ? ● Yes ○ No

22. Does this construction activity require the development of a SWPPP that includes Water Quality and Quantity Control components (Post-Construction Stormwater Management Practices) ● Yes ○ No

(If No, skip questions 23 and 27-35)

23. Have the Water Quality and Quantity Control components of the SWPPP been developed in comformance with the current NYS Stormwater Management Design Manual ? ● Yes ○ No

24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:

- ● **Professional Engineer (P.E.)**
- ○ **Soil and Water Conservation District (SWCD)**
- ○ **Registered Landscape Architect (R.L.A)**
- ○ **Certified Professional in Erosion and Sediment Control (CPESC)**
- ○ **Owner/Operator**
- ○ **Other**

SWPPP Preparer
Ingram Wayne

Contact Name (Last, Space, First)
Ingram Wayne

Mailing Address
8901 N. Industrial Road

City
Peoria

State
IL

Zip
61615-

Phone
309-692-4422

Fax
309-692-9364

Email
dwingram@mactec.com

SWPPP Preparer Certification

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.

First Name
Donald

MI
W

Last Name
Ingram

Signature
D. Wayne Ingram

Date
03/01/2010

25. Has a construction sequence schedule for the planned management practices been prepared? ● 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

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

Other

Water Quality and Quantity Control

Important: Completion of Questions 27-35 is not required if response to Question 22 is No.

Post-Construction Stormwater Management Practices

27. Indicate **all** Stormwater Management Practice(s) that will be installed/constructed on this site:

Ponds
- ○ **Micropool Extended Detention (P-1)**
- ○ **Wet Pond (P-2)**
- ○ **Wet Extended Detention (P-3)**
- ○ **Multiple Pond System (P-4)**
- ○ **Pocket Pond (P-5)**

Filtering
- ○ **Surface Sand Filter (F-1)**
- ○ **Underground Sand Filter (F-2)**
- ○ **Perimeter Sand Filter (F-3)**
- ○ **Organic Filter (F-4)**
- ○ **Bioretention (F-5)**
- ○ **Other**

Alternative Practice
- ○ **Rain Garden**
- ○ **Cistern**
- ○ **Green Roof**
- ○ **Stormwater Planters**
- ○ **Permeable Paving (Modular Block)**

Wetlands
- ○ **Shallow Wetland (W-1)**
- ○ **Extended Detention Wetland (W-2)**
- ○ **Pond/Wetland System (W-3)**
- ○ **Pocket Wetland (W-4)**

Infiltration
- ○ **Infiltration Trench (I-1)**
- ○ **Infiltration Basin (I-2)**
- ○ **Dry Well (I-3)**
- ○ **Underground Infiltration System**

Open Channels
- ○ **Dry Swale (O-1)**
- ○ **Wet Swale (O-2)**

Verified Proprietary Practice
- ○ **Hydrodynamic**
- ○ **Wet Vault**
- ○ **Media Filter**

28. Describe other stormwater management practices not listed above or explain any deviations from the technical standards.

100% of the disturbed area will be seeded with native grasses requiring minimal use of fertilizer, herbicides and pesticides. This practice will minimize runoff rates, volumes and pollutant loads.

29. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed? ● **Yes** ○ **No**

If Yes, Identify the entity responsible for the long term Operation and Maintenance

Mowing, Inspection of Inlets and
Invasive species control

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

WQv Required 0.00.0 **acre-feet**

WQv Provided 0.00.0 **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 0.00.0 **acre-feet**

CPv Provided 0.00.0 **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 0.00.0 **CFS**

Post-development 0.00.0 **CFS**

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

Pre-Development 0.00.0 **CFS**

Post-development 0.00.0 **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. 0 %

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. 0 %

34. Indicate the total number of post-construction stormwater management practices to be installed/constructed. 2

35. Provide the total number of stormwater discharge points from the site. (include discharges to either surface waters or to separate storm sewer systems) 2

36. Identify other DEC permits that are required for this project.

DEC Permits

○ 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

37. Does this project require a US Army Corps of Engineers Wetland Permit? ○ **Yes** ● **No**
If Yes, Indicate Size of Impact. .

38. Is this project subject to the requirements of a regulated, traditional land use control MS4? ○ **Yes** ● **No**
(If No, skip question 39)

Per Owner's conversation with Buffalo Sewer Authority, MS4 form is not required.

39. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI? ○ **Yes** ○ **No**

40. If this NOI is being submitted for the purpose of continuing coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned. NYR

Owner/Operator Certification

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.

Print First Name John **MI** W

Print Last Name Yensan

Owner/Operator Signature

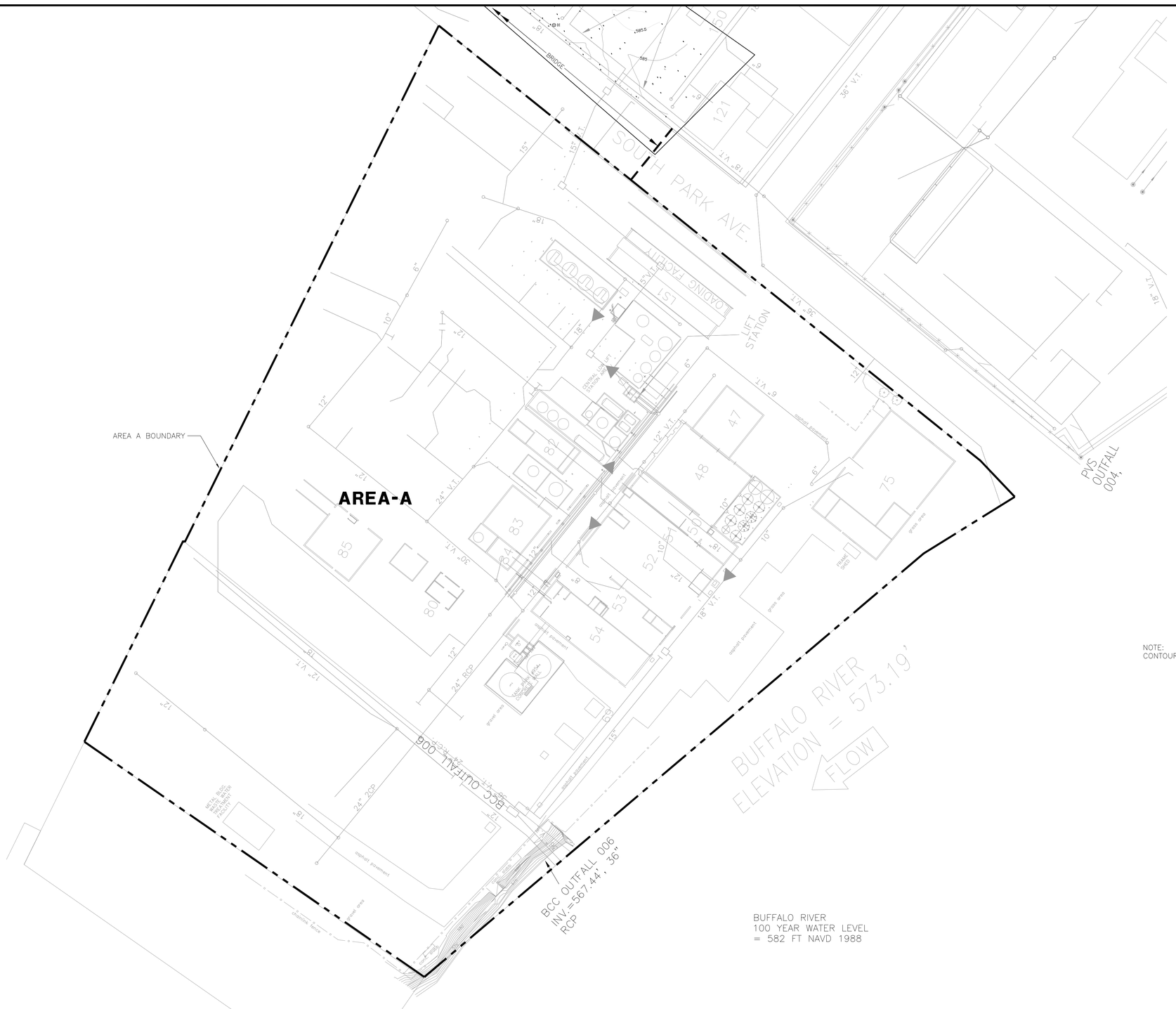
Date / /

ATTACHMENT 4

For each Area (A, B and C):

Site Plan Drawings:

1. Existing Site Plan
2. Finished Site Plan with Erosion and Sediment Controls
3. Details and General Notes



NOTE:
CONTOURS TO BE ADDED WHEN AVAILABLE

BUFFALO RIVER
100 YEAR WATER LEVEL
= 582 FT NAVD 1988

N

0 50' 100'

SCALE: 1 INCH = 50 FEET

REVISIONS

NO.	DATE	DESCRIPTION	APPROVED
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DESIGNED EEA
DRAWN DLK
CHECKED AJS
DATE 02/25/10

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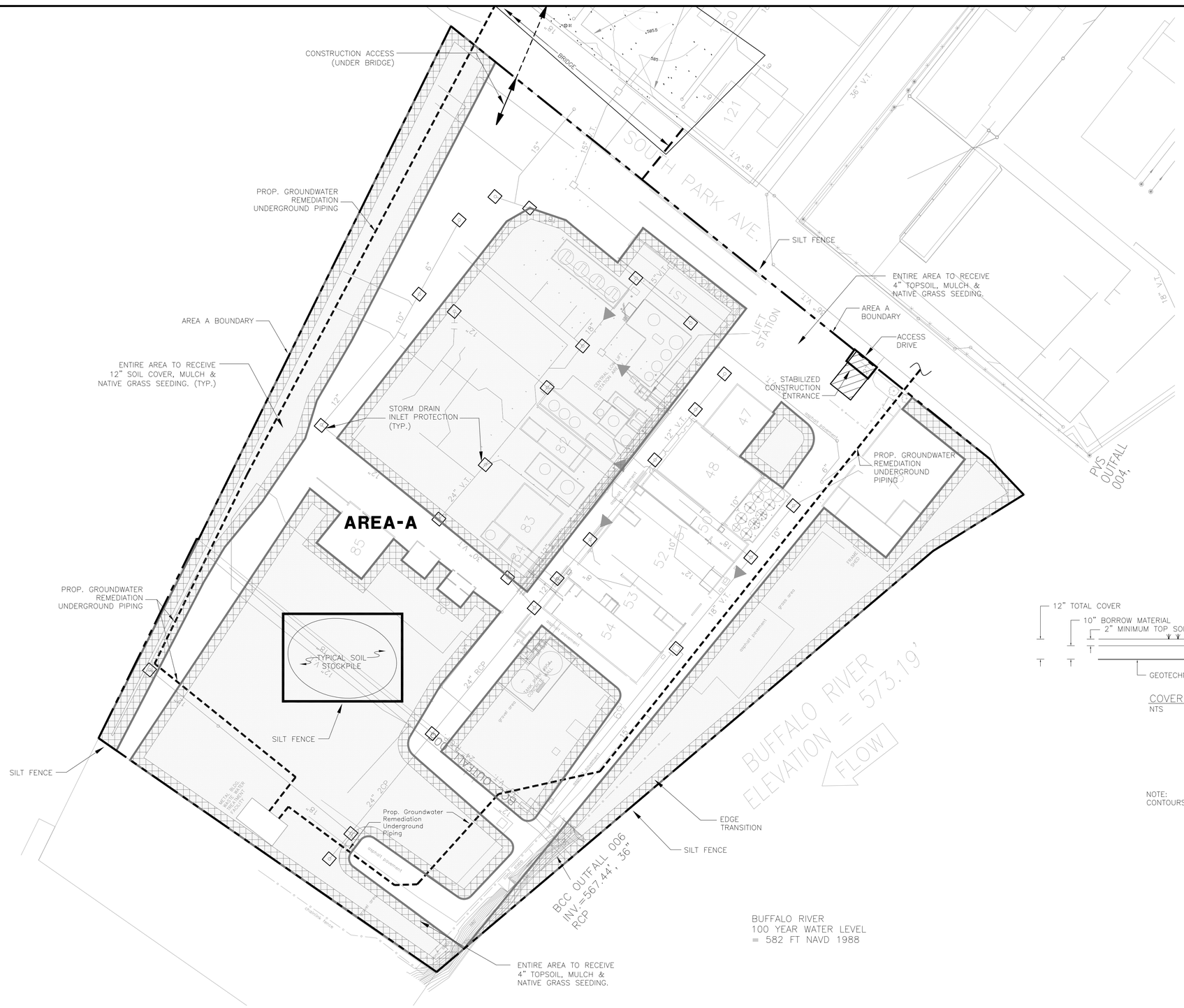
PRE-DEVELOPMENT CONDITONS

SOUTH BUFFALO DEVELOPMENT
AREA A SWPPP
Project No.: 3410090701
BUFFALO, NEW YORK



BUFFALO RIVER
100 YEAR WATER LEVEL
= 582 FT NAVD 1988

COVER EDGE TRANSITION DETAIL
NTS

NOTE:
CONTOURS TO BE ADDED WHEN AVAILABLE

LEGEND

- STORM DRAIN INLET PROTECTION
- SILT FENCE
- EDGE TRANSITION
- SOIL COVER

N

0 50' 100'

SCALE: 1 INCH = 50 FEET

REVISIONS

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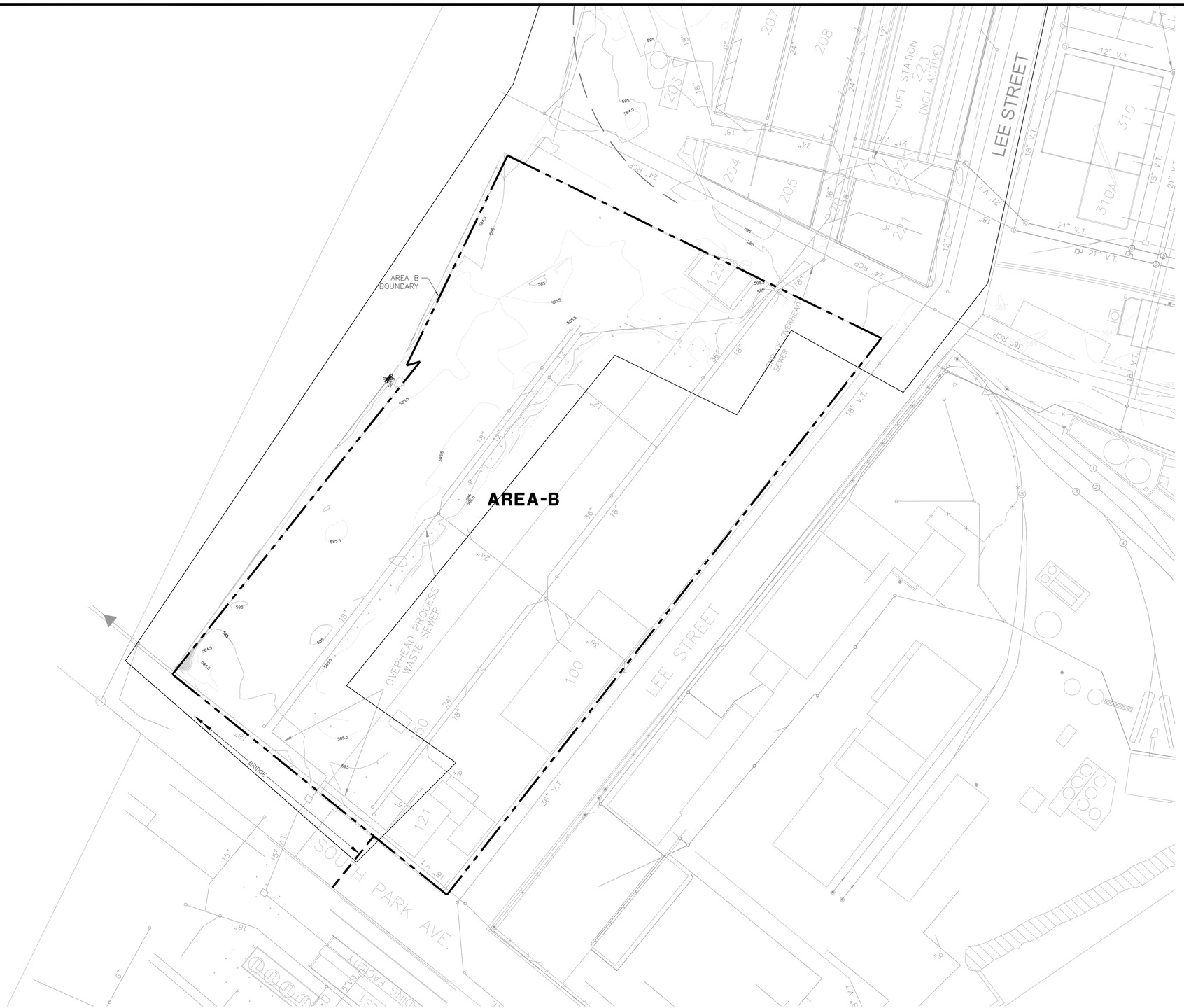
POST-DEVELOPEMENT EROSION AND SEDIMENT CONTROL PLAN

SOUTH BUFFALO DEVELOPMENT

AREA A SWPPP

Project No.: 3410090701
BUFFALO, NEW YORK



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SCALE: 1 INCH = 50 FEET

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PRE-DEVELOPMENT CONDITIONS

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AREA B SWPPP
Project No.: 3410090701
BUFFALO, NEW YORK

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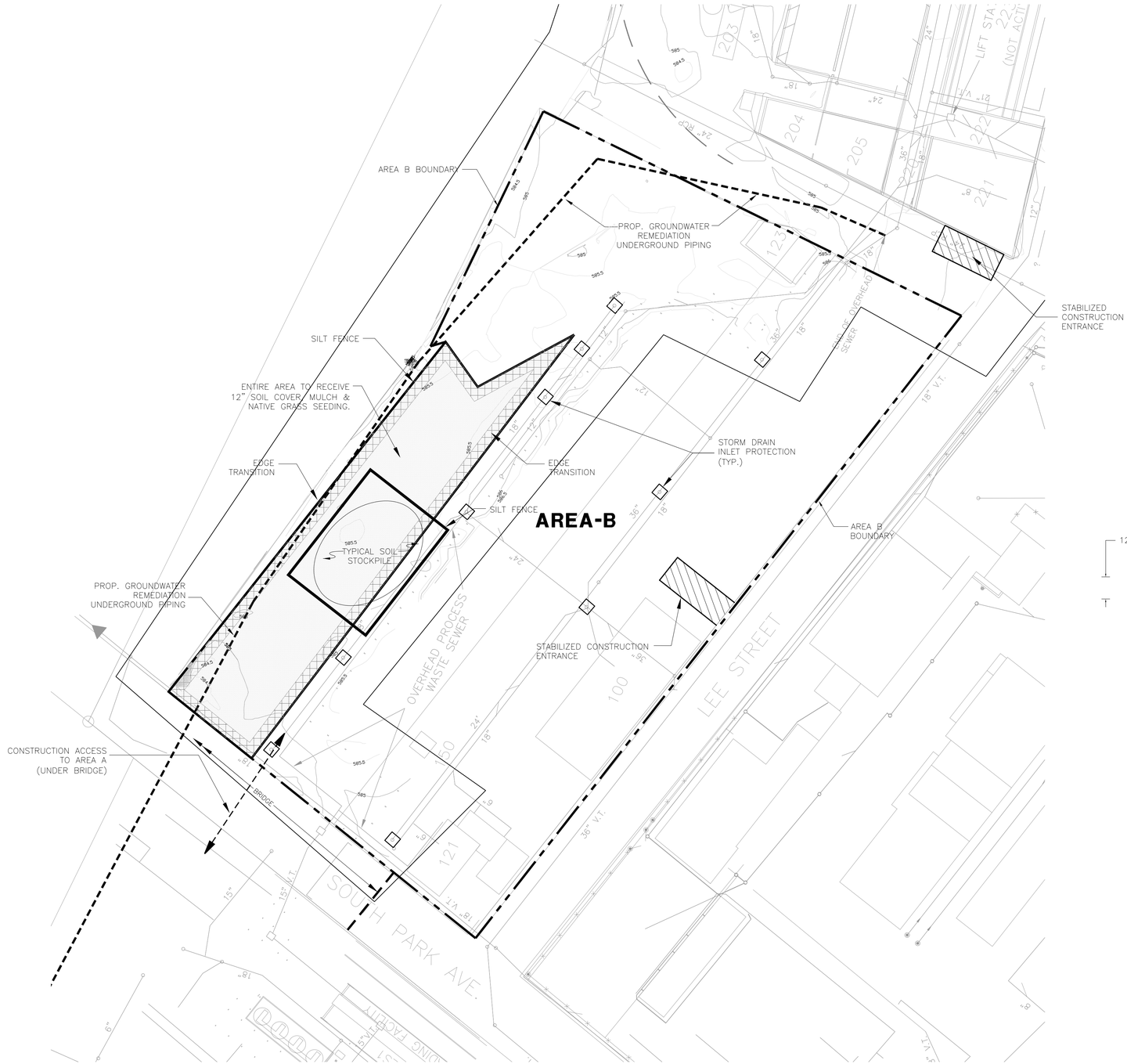

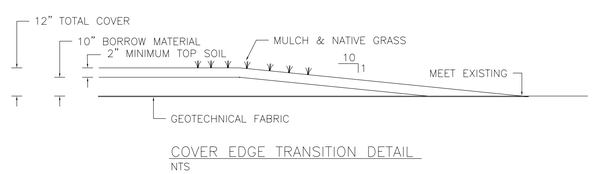

COVER EDGE TRANSITION DETAIL
NTS

LEGEND

- STORM DRAIN INLET PROTECTION
- SILT FENCE
- EDGE TRANSITION
- SOIL COVER

N

0 50' 100'

SCALE: 1 INCH = 50 FEET

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POST-DEVELOPEMENT EROSION AND SEDIMENT CONTROL PLAN

SOUTH BUFFALO DEVELOPMENT

AREA B SWPPP

Project No.: 3410090701

BUFFALO, NEW YORK

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PRE-DEVELOPEMENT CONDITIONS

SOUTH BUFFALO DEVELOPMENT
AREA C SWPPP
Project No.: 3410090701
BUFFALO, NEW YORK

COVER EDGE TRANSITION DETAIL
NTS

LEGEND

- STORM DRAIN INLET PROTECTION
- SILT FENCE
- EDGE TRANSITION
- SOIL COVER

N

0 50' 100'

SCALE: 1 INCH = 50 FEET

REVISIONS			
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POST-DEVELOPEMENT EROSION AND SEDIMENT CONTROL PLAN

SOUTH BUFFALO DEVELOPMENT
AREA C SWPPP
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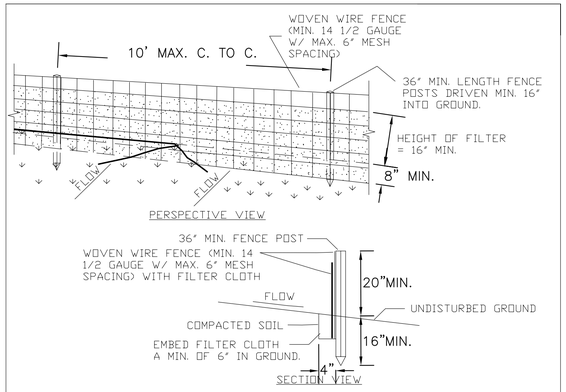
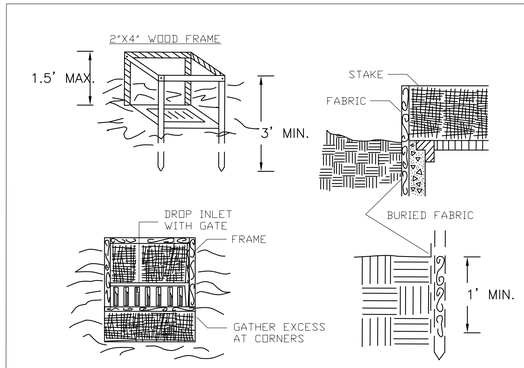


CONSTRUCTION SPECIFICATIONS

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 OVER-LAPPED 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.

U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE	SILT FENCE

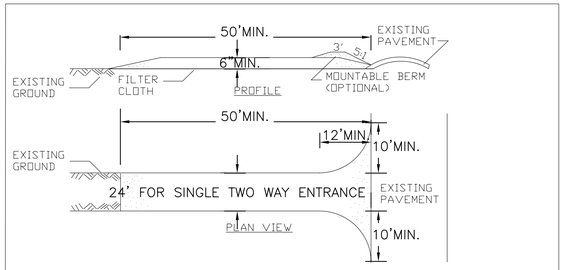


CONSTRUCTION SPECIFICATIONS

1. FILTER FABRIC SHALL HAVE AN EOS OF 40-85. BURLAP MAY BE USED FOR SHORT TERM APPLICATIONS.
2. CUT FABRIC FROM A CONTINUOUS ROLL TO ELIMINATE JOINTS. IF JOINTS ARE NEEDED THEY WILL BE OVERLAPPED TO THE NEXT STAKE.
3. STAKE MATERIALS WILL BE STANDARD 2' x 4' WOOD OR EQUIVALENT. METAL WITH A MINIMUM LENGTH OF 3 FEET.
4. SPACE STAKES EVENLY AROUND INLET 3 FEET APART AND DRIVE A MINIMUM 18 INCHES DEEP. SPANS GREATER THAN 3 FEET MAY BE BRIDGED WITH THE USE OF WIRE MESH BEHIND THE FILTER FABRIC FOR SUPPORT.
5. FABRIC SHALL BE EMBEDDED 1 FOOT MINIMUM BELOW GROUND AND BACKFILLED. IT SHALL BE SECURELY FASTENED TO THE STAKES AND FRAME.
6. A 2' x 4' WOOD FRAME SHALL BE COMPLETED AROUND THE CREST OF THE FABRIC FOR OVER FLOW STABILITY.

MAXIMUN DRAINAGE AREA 1 ACRE

U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE	FILTER FABRIC DROP INLET PROTECTION



CONSTRUCTION SPECIFICATIONS

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.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CON-STRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACTED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE	STABILIZED CONSTRUCTION ENTRANCE

GENERAL NOTES

1. ALL CONSTRUCTION ACTIVITIES SHALL BE IN COMPLIANCE WITH NYSDEC DIVISION OF WATER "NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL" UNLESS DEVIATIONS HAVE BEEN APPROVED BY OWNER.
2. CONTRACTOR SHALL LOCATE ALL STORMWATER DRAINAGE INLETS RECEIVING RUNOFF FROM THE CONSTRUCTION AREA, INCLUDING THOSE FOUND ALONG THE ENTRANCE/EXIST ROADWAYS, AND PROVIDE LOCATED INLETS WITH INLET PROTECTION. INLETS IN ADDITION TO THOSE SHOWN ON DRAWINGS MAY EXIST.
3. STORM DRAINAGE SYSTEM SERVING AREAS B AND C IS NOT ACTIVE - POWER TO LIFT STATION SHUT-OFF. INLETS TO BE LOCATED AND PROTECTED.

STABILIZED CONSTRUCTION ENTRANCE

1. STABILIZED CONSTRUCTION ENTRANCE AREA SHALL BE CLEARLY IDENTIFIED WITH SIGNS OR OTHER MARKERS.
2. IF STABILIZED CONSTRUCTION ENTRANCE IS LOCATED ON EXISTING PAVED ROAD AREA AND AGGREGATE IS NOT UTILIZED, POTENTIAL RUNOFF FROM THE AREA SHALL BE CONTAINED BY PERIMETER CONTROL (E.G., SILT FENCE, SAND BAGS). DRAINAGE FROM DEFINED AREA TO BE TREATED BY FLOW THROUGH SILT FENCE, AGGREGATE SEEPAGE BERM, OR SIMILAR APPROVED SEDIMENT CONTROL.
3. IF ADDITIONAL EGRESS POINTS ARE USED, SIMILAR RUNOFF CONTROLS MEETING THE INTENT OF THE NY STANDARD FOR STABILIZED CONSTRUCTION ENTRANCE SHALL BE IMPLEMENTED.

FINAL VEGETATIVE STABILIZATION

1. PERMANENT SEEDING OF ALL DISTURBED SOIL SURFACE AREAS SHALL BE PROVIDED USING THE SEED MIX BELOW. DEVIATIONS FROM THIS SEED MIX MAY BE MADE WITH APPROVAL OF OWNER.
2. COVER SOIL TESTING SHALL BE PERFORMED AND APPROPRIATE SOIL AMENDMENTS AND FERTILIZER PROVIDED.
3. TEMPORARY CONTROLS SUCH AS INLET PROTECTION SHALL REMAIN IN PLACE UNTIL FINAL STABILIZATION (80% VEGETATIVE COVER) IS ACHIEVED. TEMPORARY CONTROLS TO BE REMOVED UPON ACHIEVING FINAL STABILIZATION.
4. SEEDED AREAS SHALL BE WATERED AS REQUIRED UNTIL AT LEAST 80% VEGETATIVE COVER IS ESTABLISHED.

TABLE 2. SOIL COVER FINAL SEED MIX

BOTANICAL NAME	COMMON NAME	% OF MIX	NEEDED PER AC (PLS LBS)	ACRES	AMT. NEEDED (PLS LBS)	OZ/AC
Andropogen gerardii	BIG BLUESTEM	20	3	1	3	48
Bouteloua curtipendula	SIDE-OATS GRAMA	20	3	1	3	48
Chamaecrista fasciculata	PARTRIDGE PEA	10	1.5	1	1.5	24
Elymus canadensis	CANADA WILD RYE	15	2.25	1	2.25	36
Panicum virgatum	SWITCHGRASS	15	2.25	1	2.25	36
Schizachyrium scoparium	LITTLE BLUESTEM	10	1.5	1	1.5	24
Sorghastrum nutans	INDIAN GRASS	10	1.5	1	1.5	24
	TOTAL	**100**	**15**		**15**	

ADD 25 BULK POUNDS PER ACRE ANNUAL RYE AS NURSE CROP
15 PLS POUNDS NATIVE GRASS MIXTURE PLUS 25 BULK POUNDS ANNUAL RYE

REVISIONS

NO.	DATE	DESCRIPTION	APPROVED
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DESIGNED EEA
DRAWN DLK
CHECKED EEA
DATE 02/25/10

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SWPPP DETAILS

SOUTH BUFFALO DEVELOPMENT
AREA C SWPPP DETAILS
Project No.: 3410090701
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