

PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-3-17-001
Region 3 Municipal & County General Permit

Permittee and Facility Information

Permit Issued To:

Facility:

Applicable DEC Region(s): 3

General Permit Authorized Activity: This General Permit authorizes municipalities (Towns, Villages and Cities) and counties located in New York State within Region 3 of the New York State Department of Environmental Conservation to conduct the following activities:

1. Bank and channel stabilization activities for transportation related construction activities.
Authorized activities include:
 - a. Repair, restoration and maintenance of highway embankments and shoulders adjacent to waterways and lakes with riprap, stone fill, timber cribbing, retaining walls, stacked rock, head walls or other appropriate stabilization technique.
 - b. Such work may include the stabilization of up to 200 linear feet of eroded stream banks where the bank is actively eroding and threatening the integrity of the public infrastructure and public safety.
 - c. The total length must be measured cumulatively when a project has several individual areas in a single wetland or stream bank.

2. Culvert and Bridge replacement and rehabilitation.
Authorized activities include:
 - a. Replacement of bridges on the same site.
 - b. Replacement of culverts with new structures on the same site, excluding multiple culverts.
 - c. Rehabilitation of bridge elements (deck, sidewalk, girders, piers, footings, abutments, wingwalls).
 - d. Rehabilitation of culverts (not including slip lining).
 - e. Construction of temporary shoring piling, piers, pads, braces, and form work.
 - f. Removal of abandoned bridges.

3. Rehabilitation and repair of existing transportation facilities in similar configuration, alignment and dimension, excluding culvert and bridge replacement/rehabilitation.
Authorized activities include:
 - a. Highway and shoulder work including pavement and guiderails, traffic signs and signals;

- b. Drainage swales and equalization culverts not carrying streams, including end sections, aprons, fencing and headwalls;
- 4. Survey and Exploratory activities for roadway related construction activities.
Authorized activities include:
 - a. Drilling of test wells or bore holes, excavation of test pits, core sampling, soil sampling and other similar exploratory type activities associated with a public infrastructure project;
 - b. Temporary equipment access for structural inspections;
 - c. Installation of staff gauges.
- 5. Debris and Gravel Removal.
Authorized activities include:
 - a. Cutting and removal of fallen trees and other debris which obstruct normal water flow;
 - b. Removal of up to 100 linear feet of gravel accumulations associated with an existing structure.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Effective Date: _____ Expiration Date: _____

Stream Disturbance - Under Article 15, Title 5

Effective Date: _____ Expiration Date: _____

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: _____ Expiration Date: _____

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: _____ Expiration Date: _____

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: {CC_PUBNAME}
 Address: {DISTRICT_GP_DIST_NAME}
 {CC_ADDRESS_LINE1}
 {CC_ADDRESS_LINE2}
 {CC_ADDRESS_LINE_3}

Authorized Signature: _____ Date: _____
 {CC_APPROVAL_DATE}

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN NAVIGABLE WATERS; STREAM DISTURBANCE; FRESHWATER WETLANDS

1. Request For Authorization Prior to the use of this General Permit for a project, the Applicant must submit a Joint Application Form with the required attachments to the Regional Permit Administrator. Upon review of the project, NYSDEC will determine if the project can be authorized under this General Permit. No work is authorized until the Permittee receives the signed General Permit from NYSDEC. NYSDEC may add specific additional requirements or plan notes to the Project Authorization.

NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit, and to require the Applicant to obtain an individual permit.

2. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant or its agent.

3. Bank Stabilization

- a. The stream bank shall be at an appropriate slope to allow for stabilization, with the toe keyed in below the stream bed as far as possible.
- b. Stabilization of the stream bank must not result in a constriction of the cross-sectional area of the affected stream channel to the current width and depth of the immediate vicinity.
- c. Materials must be stockpiled and installed in such a manner to prevent dispersion or movement by normal highwater level flows
- d. Alterations to channel configuration, streambed characteristics including slope, average bedload size side slopes of banks must be minimized as much as possible.

4. Culvert and Bridge Work and Replacement

- a. Flat bottom culverts shall be installed at least 18 inches below the existing streambed elevation
- b. Bridges and culverts must be installed in manner so that they do not constitute a barrier to upstream movement of fish under normal flow conditions or constrict the stream channel.
- c. Culverts should conform as closely as possible to the existing streambed gradient and profile including width and depth of channel while remaining within the bounds of general guidance from natural resource regulatory agencies or manufacturer specifications.
- d. Replacements of existing culverts and bridges must be within 50 feet of their existing location. The culvert must not require more than 100 feet of flow alignment activities within the wetland or stream and must not alter the existing flow or water table characteristics of the wetland or stream or inhibit the natural movements of resident or migratory aquatic life.

- e. Round culverts shall be buried a minimum of 20% of their diameter so that the widest portion of the culvert is at the general elevation of the streambed.
- f. Bridge abutments must be designed and installed in a manner that does not cause a constriction of the stream channel.

5. Rehabilitation and Repair of Transportation Facilities

- a. Temporary construction access, detour roads or associated earth fills in the wetland, wetland adjacent area or stream channel must be completely restored upon completion of the project using native material to the greatest extent.
- b. Drainage culverts in regulated wetlands not carrying streams must be replaced at their existing location and with pipes matching the existing culvert and invert elevations. Repair must not alter hydrology of surrounding area.

6. Survey and Exploratory Activities for Roadway Related Construction

- a. All test wells, test pits and bore holes must be backfilled to the fullest extent possible with soil excavated from the well, pit or hole. All excess material must be immediately removed from the wetland and adjacent area and stabilized immediately upon completion of the activity. No drilling muds or fluids shall be released to surface waters. All such muds, fluids and tailings must be disposed of at an appropriate upland location.
- b. The area of wetland disturbance must be limited to the minimum necessary to perform the survey and exploratory activity. Clearing of existing vegetation must be limited to the material which poses an immediate hazard or hindrance to the necessary activity. Temporary fill for access for exploratory purposes is not authorized, all access for this purpose must utilize temporary mats.

7. Debris and Gravel Removal This permit authorizes the skimming of accumulated gravel from exposed gravel bar from any single location of no more than 100 feet from a structure. For the purposes of this permit, skimming is defined as the selective removal of gravel from the exposed portion of gravel bar or similar deposit to a uniform depth of one foot higher than the normal low water level.

8. Cofferdams, Sediment basins and Temporary Water Control Structures Any temporary cofferdam shall be constructed of materials that will not contribute to turbidity or siltation of the waterbody. Fill materials for cofferdams must not come from the waterbody or wetland unless specifically identified on the plans and authorized. All temporary water control structures shall be removed in their entirety upon completion of maintenance activity.

9. Erosion Control Devices Appropriate measures and devices (such as silt fences, straw bales, turbidity curtains, check dams, catchment basins, sediment retention basins, water bars, diversion culverts, and other appropriate measures) shall be employed wherever necessary to prevent erodible soils, including those from banks and spoil piles, from entering the wetland or water body. All erosion control devices must be in place prior to ground disturbance and maintained as long as erosion is possible and until permanent vegetation is established. All devices should be removed no later than one-year after project completion.

10. No Turbid Discharges Visibly turbid discharges from land clearing, grading or excavation activities or de-watering operations shall not enter the stream, navigable water or wetland. Such water shall be pumped to settling basins or to an upland vegetated area prior to any discharge to stream or wetland.

11. Isolate Work Area Work areas must be isolated from flowing or standing water in a manner that will prevent the contravention of water quality standards that will result in a water quality violation. The definition of a contravention of water quality standards is a visible contrast in water clarity (turbidity) in the case of a stream between upstream and downstream of the work area and in the case of a water body between the vicinity of the work area outside of the isolation and an area a significant distance from the work area. A proposed method of isolation must be shown on the project plans.

12. Concrete Leachate During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetland or water of New York State, nor shall washings from ready-mixed concrete trucks, mixers or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

13. Seed/Mulch Streambanks All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass seed and mulched with hay or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established. If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.

14. Equipment Operation in Wetlands, Water and Waterbodies Only equipment necessary for the authorized activity, as indicated on the project plans, including the bucket of excavators, may enter the waterbody or wetland. At no time should machinery be operated in flowing water when it can reasonably be avoided or without adequate control measure in place.

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

16. Permit Modification Should unforeseen circumstances arise during construction that result in either a turbidity issue or that will require a modification to the approved plans the Department must be contacted immediately. All onsite activities shall focus on the elimination of the problem and stabilization of the site until this has been accomplished. Modifications to the approved plans that affect the final approved layout or substantial modifications of the approved process for construction must be approved by the Department prior to the resumption of construction. Minor modification to the technical construction details where the overall final structure remains unchanged may resume once all problems have been resolved.

17. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

18. Failure to Meet Terms or Conditions Failure of the permittee to meet all the terms or conditions of this general permit may result in an order to immediately cease the permitted activity, conduct remediation and/or civil and/or criminal penalties.

19. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free

navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

20. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

21. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

2. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Stream Disturbance, Excavation & Fill in Navigable Waters, Water Quality Certification.

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

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

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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

Item E: SEQR Unlisted Action, No Lead Agency, No Significant Impact Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action and the Department of Environmental Conservation has determined that it will not have a significant effect on the environment. Other involved agencies may reach an independent determination of environmental significance for this project.