

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7
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May 27, 2022

Bobby Spencer
Town of Caroline
2670 Slaterville Road
PO Box 136
Slaterville Springs, New York 14881

**RE: Emergency Repairs to Unnamed Tributary of Sixmile Creek
DEC ID#: 7-5020-00174
Town of Caroline, Tompkins County**

EMERGENCY AUTHORIZATION **EFFECTIVE MAY 27, 2022 TO JUNE 26, 2022**

Dear Mr. Spencer:

This letter is in response to your request for an emergency authorization, submitted on your behalf by the Tompkins County Soil and Water Conservation District, associated with work to repair a section of streambank on an unnamed tributary of Sixmile Creek (NYS Water Index #: Ont-66-12-P 296-75-5-41), a Class A stream, which has sustained erosion and created instability at the shoulder of Buffalo Road. In response to this erosion, the Town of Caroline is proposing to install a stepped-back retaining wall approximately 232 feet in length along the eroded section of streambank. The work is proposed to prevent the imminent destabilization of the base of the roadway.

DEC has reviewed the provided information and determined that this project is covered under the Blanket Section 401 Water Quality Certification the Department has issued for Nationwide Permit #13, therefore, an Individual WQC permit is not required.

Based upon review of the provided information, DEC has determined that an emergency exists in accordance with the requirements of the NYS Uniform Procedures Act (6 NYCRR Part 621.12), and that the project is necessary because further erosion of the streambank, and subsequently damage to the roadway, can result in serious damage to life, health, or other natural resources. Regulations require, however, that any such emergency work shall be performed so as to cause the least change, modification, disturbance, or damage to the environment.

Therefore, you are hereby authorized under Article 15 of the Environmental Conservation Law to perform the above repairs in accordance with the conditions noted below:

1. Approved Plans – All work must be conducted in strict accordance with the plans submitted with this request for authorization. Such approved plans were prepared by the Tompkins County Soil and Water Conservation District, titled BUFFALO ROAD BANK FAILURE 5/13/2022 (3 sheets) and received by the Department on May 26, 2022.

2. Water Clarity – Stream water downstream from the construction areas shall always remain as clear (non-turbid) as stream water upstream of the construction area. No visible turbidity in the water shall occur from the permitted project.
3. Siltation Prevention Measures – Siltation prevention measures, such as silt fencing, fiber rolls, compost socks, cofferdams, water diversion, turbidity curtains, sediment traps or settling basins, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into any watercourse, stream, waterbody, or wetland. These practices are to be installed prior to the start of any ground disturbing practices and removed as soon as they are no longer necessary. Silt fence must be removed when no erosion is apparent and disturbed soils have reached a uniform 80% vegetative cover.
4. Water Diversion Around Work Site – To protect water quality downstream of the project site, unless the streambeds are dry at the time of work, all flowing water must be isolated from the construction site by means of a cofferdam.
5. Maintain Water Flow Through Work Area – During periods of work activity, flow immediately downstream of the work site shall equal flow immediately upstream of the work site. Sufficient flow of water shall be maintained at all times to sustain aquatic life downstream.
6. Cofferdam Installation – Any temporary cofferdam shall be constructed of materials such as sheet piling, sandbags, commodity bags, Jersey Barriers, water-filled dams or clean gravel that will not contribute to turbidity or siltation of the waterbody and provide an effective means to segregate turbid water from clean water. All cofferdam materials must be completely removed only after the water clarity in the coffered area matches that of outside work area. All fish trapped within the cofferdam shall be netted and returned, alive and unharmed, to the water outside the confines of the cofferdam, in the same stream, before the dewatering process begins.
7. Limits on In-water Work – Work must be done with equipment located out of the water whenever work area can be reached from dry land. Equipment may work from a dry or dewatered location within the stream channel. If in-water work is necessary, equipment may work from mats or rock placed in the stream above the water level. At all times the water level must not touch the axle or undercarriage of the equipment. Any mats or rock added to channel must be immediately removed when no longer needed or anytime high water is expected. With backhoes and similar heavy equipment, the bucket may enter the water.
8. Crossing Stream with Equipment – The number of in-water stream crossings must be kept to the minimum necessary. Water depth at the time of crossing use must be lower than the undercarriage of the equipment using the crossing. Crossing must be located in a section with a firm stream bottom. Any cuts in the streambank made to facilitate access must be restored to original slope and bank height as soon as the crossing is no longer needed for the project. Access must not remain usable after the project is completed or the permit expires, whichever comes first.
9. Dewatering Excavated Areas – Water pumped out of the work area must be passed through sediment filtration bags, a settling basin, or a well-vegetated upland areas more than 100 feet from the streambank or wetland area prior to release to the natural system. The outflow or discharge shall not have a visible contrast in clarity from the receiving water. Outflow or discharge shall not cause erosion or sedimentation upon re-entry of the discharge water into the waterbody or wetland

area. Sediment capture devices shall be appropriately maintained so that they are functioning adequately at all times.

10. Key in Structure – Both ends of the erosion protection structure shall be tied into the upland areas or adjacent erosion protection structures. The bottom of the erosion protection structure shall be keyed into the bed of the waterbody a sufficient depth to prevent undermining. Materials shall be of sufficient size to remain in place during severe weather events.
11. Storage of Materials and Spoils – Temporary stockpiles of dewatered materials shall be located sufficiently landward of the waterbody or wetland so that there is no turbid stormwater runoff discharged directly or indirectly into any waterbody or wetland areas. Temporary stockpiles of fill material other than rock, shall be contained by straw bales or silt fencing if in place longer than 48 hours or if a precipitation event is expected.
12. Equipment Fluid Leak Prevention – All equipment that must work near or in the water shall be inspected for leaks of petroleum, other fluids, or contaminants, and may only enter the work area if found to be free of any leakage. All petroleum deposits must be cleaned from equipment prior to commencing work. Biodegradable fluids are recommended. A spill kit with appropriate water specific cleaning equipment must be on site to contain and clean up any leaks that may occur during work. Any leakage must be reported as per regulations. Follow NYSDEC spills reporting procedure by contacting the NYS Spill Hotline: 1-800-457-7362. Any leakage not meeting reportable threshold must be immediately cleaned up and disposed of according to regulations.
13. Fueling Equipment Within 100 Feet – Equipment must be stored in a location and manner that will prevent any leakage of deleterious substances from reaching the waterbody or wetland area. Any fueling operations occurring closer than 100 feet from the protected resource must be surrounded by oil booms, or on an impervious surface with absorbents capable of containing any leakage of petroleum products. Equipment operators must be in possession of a spill kit with appropriate water specific cleanup equipment. Any leakage must be reported as per regulations. A spill kit must be on site to contain and clean up any leaks that may occur during work. Follow NYSDEC spills reporting procedure by contacting the NYS Spill Hotline: 1-800-457-7362. Any leakage not meeting reportable threshold must be immediately cleaned up and disposed of per regulations.
14. Prevent Introduction or Spread of Invasive Species – To prevent the unintentional introduction and spread of invasive species, the permittee must ensure that all construction equipment is cleaned of mud, seeds, vegetation, and other debris prior to entering and leaving the work site. Soils and plant materials removed during the cleaning process shall be collected, contained in plastic bags or put into a covered conveyance vehicle and disposed at a Regulated Landfill, or the materials shall be otherwise rendered incapable of any growth or reproduction. All excavated material containing invasive species vegetative material, seeds, roots, or rhizomes may only be used as backfill in the exact location from which it was excavated, or bagged and removed from site as described above. A list of invasive species can be found at the following Department webpage: <http://www.dec.ny.gov/animals/99141.html>.
15. Vegetative Stabilization – All areas of disturbed soils and spoil deposition areas shall be seeded with an appropriate upland, riparian or wetland conservation mix and mulched within five days of project completion, final grading, or the expiration of the permit, whichever is first. If weather conditions are not favorable for successful plant growth, soil may be stabilized with straw mulch, or an erosion control blanket made of natural fibers. No plastic or biodegradable plastics may be used.

Seeding can take place as soon as weather conditions are favorable. Erosion control protection, such as silt fence must be removed as soon as the vegetation reaches 80% coverage over disturbed soils. The Department strongly recommends that the permittee replant any woody and native herbaceous vegetation to further stabilize the streambank.

Note: All spoils removed from the site must be effectively stabilized with silt fence, fiber rolls, compost socks, or similar practices. Exposed soils must be seeded and mulched. The Permittee must verify with contractor or Engineer In Charge (EIC) that the final deposition of spoils is not in a location where it can directly or indirectly enter any waterbody, stream, or wetland area.

16. **The permittee may apply for in writing, and the Department may consider approving, one 30-day extension of this authorization if the repair work cannot be completed by June 26, 2022. However, this authorization cannot be extended beyond that second and final 30-day period without the permittee submitting a complete application for a standard (non-emergency) permit to this Department.**

17. A copy of this authorization must be at the work site.

This approval is valid for 30 days from the date of this letter; future work after that date will require an individual permit. All work shall be approved and supervised on-site by yourself.

Please contact me at (315) 426-7444 or email at jonathan.stercho@dec.ny.gov if you have any questions relating to this authorization.

Sincerely,

Jonathan Stercho
Deputy Regional Permit Administrator
Division of Environmental Permits, Region 7

CC: A. Hinickle, TCSWCD
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M. Marko, Regional Director
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