



# State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

|                           |                |                         |                           |                            |                   |
|---------------------------|----------------|-------------------------|---------------------------|----------------------------|-------------------|
| SIC Code:                 | <b>1521</b>    | NAICS Code:             | <b>236117</b>             | SPDES Number:              | <b>NY 0305162</b> |
| Discharge Class (CL):     | <b>11</b>      | DEC Number:             | <b>4-1946-00252/00001</b> |                            |                   |
| Toxic Class (TX):         | <b>N</b>       | Effective Date (EDP):   | <b>DRAFT</b>              |                            |                   |
| Major-Sub Drainage Basin: | <b>12 - 02</b> | Expiration Date (ExDP): | <b>DRAFT EDP+5</b>        |                            |                   |
| Water Index Number:       | <b>NA</b>      | Item No.:               | <b>NA</b>                 | Modification Dates (EDPM): |                   |
| Compact Area:             | <b>-</b>       |                         |                           |                            |                   |

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. '1251 et.seq.)

| PERMITTEE NAME AND ADDRESS |                                                                    |  |  |            |                       |
|----------------------------|--------------------------------------------------------------------|--|--|------------|-----------------------|
| Name:                      | <b>Windham Skye Capital Acquisition Co. LLC</b>                    |  |  | Attention: | <b>Ziad Barghash</b>  |
| Street:                    | <b>242 Old Brunswick Rd, Suite 390</b>                             |  |  | Owner      |                       |
| City:                      | <b>Piscataway</b>                                                  |  |  | State:     | <b>NJ</b>             |
|                            |                                                                    |  |  | Zip Code:  | <b>08854</b>          |
| Email:                     | <a href="mailto:ziadbarghash@gmail.com">ziadbarghash@gmail.com</a> |  |  | Phone:     | <b>(518) 622-9667</b> |

is authorized to discharge from the facility described below:

| FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL |                                                         |                  |                                                    |               |              |             |             |               |           |
|---------------------------------------------|---------------------------------------------------------|------------------|----------------------------------------------------|---------------|--------------|-------------|-------------|---------------|-----------|
| Name:                                       | <b>Windham Skye Subdivision Construction Stormwater</b> |                  |                                                    |               |              |             |             |               |           |
| Address / Location:                         | <b>County Route 10</b>                                  |                  |                                                    |               |              |             | County:     | <b>Greene</b> |           |
| City:                                       | <b>Windham</b>                                          |                  |                                                    |               | State:       | <b>NY</b>   | Zip Code:   | <b>12496</b>  |           |
| Facility Location:                          | Latitude:                                               | <b>42</b> °      | <b>21</b> '                                        | <b>00</b> " N | & Longitude: | <b>74</b> ° | <b>15</b> ' | <b>50</b> " W |           |
| Primary Outfall No.:                        | Latitude:                                               |                  |                                                    | " N           | & Longitude: |             |             | " W           |           |
| Wastewater Description:                     | <b>Storm-water</b>                                      | Receiving Water: | <b>Wetlands tributary to tribs of Batavia Kill</b> |               |              | NAICS:      |             | Class:        | Standard: |

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Subparts 750-1 and 750-2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

## DISTRIBUTION:

BWP Permit Coordinator ([permit.coordinator@dec.ny.gov](mailto:permit.coordinator@dec.ny.gov))  
BWP Permit Writer  
RWE  
RPA  
EPA Region II ([Region2\\_NPDES@epa.gov](mailto:Region2_NPDES@epa.gov))

|                       |                                                         |
|-----------------------|---------------------------------------------------------|
| Permit Administrator: |                                                         |
| Address:              | 1130 North Westcott Road<br>Schenectady, New York 12306 |
| Signature             | Date                                                    |

NOTE: *Italicized* words are defined in Appendix A

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## Part I. General Requirements

### A. Authorized Activities

This permit authorizes *stormwater discharges* to *surface waters of the State* from *construction activity* provided the *permittee* complies with the provisions of this permit and the *Stormwater Pollution Prevention Plan* ("SWPPP") for the project as defined in Appendix A.

The permittee shall not disturb greater than **4.85** acres at any one time.

If any condition of this permit conflicts with the *SWPPP*, the permit condition shall prevail.

### B. Types of Discharges Authorized

1. The following *stormwater discharges* are authorized under this permit:
  - a. *Stormwater discharges*, including *stormwater* runoff, snowmelt runoff, and surface runoff and drainage, associated with *construction activity*, are authorized under this permit.
  - b. *Stormwater discharges* from construction support activities at the *construction site* (including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas) if the following requirements are met:
    - i. The construction support activity is directly related to the *construction site* required to have permit coverage for *stormwater discharges*; and
    - ii. The construction support activity is not a commercial operation, nor does it serve multiple unrelated *construction sites*; and
    - iii. The construction support activity does not continue to operate beyond the completion of the *construction activity* at the site it supports.
2. The following non-*stormwater discharges* associated with *construction activity* are authorized under this permit:
  - a. Non-*stormwater discharges* listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: "*Discharges* from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned"; and
  - b. Non-*stormwater discharges* of waters to which other components have not been added that are used in accordance with the *SWPPP* to control dust or irrigate vegetation in stabilized areas; and
  - c. Uncontaminated *discharges* from *dewatering* operations.
3. Authorized *discharges* of *stormwater* or authorized *discharges* of non-*stormwater*, commingled with a *discharge* authorized by a different SPDES permit and/or a *discharge* that does not require SPDES permit authorization, are also authorized under this permit.

### C. Prohibited Discharges

1. Non-*stormwater discharges* prohibited under this permit include:
  - a. Wastewater from washout of concrete; and

## Part I.C.1.b.

- b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; and
- c. Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance; and
- d. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
- e. Toxic or hazardous substances from a spill or other release.

**D. General Requirements**

1. The *permittee* must ensure compliance with all requirements of this permit and that the provisions of the *SWPPP*, including any changes made to the *SWPPP* in accordance with Part III.A.1., are properly implemented and maintained from the *commencement of construction activity* until:
  - a. all areas of disturbance have achieved *final stabilization*; and
  - b. the *permittee's* coverage under this permit is terminated in accordance with Part V.B.
2. As of the date of the *commencement of construction activities* until Part I.D.1.a. and b. have been met, the *permittee* must maintain at the *construction site*, a copy of:
  - a. this permit; and
  - b. the *SWPPP*.
3. The *permittee* must maintain at the *construction site*, until Part I.D.1.a. and b. have been met, as of the date the documents become final or are received, a copy of the:
  - a. responsible contractor's or subcontractor's certification statement(s) in accordance with Part III.A.2.; and
  - b. inspection reports in accordance with Part IV.C.3. and 5.
4. The *permittee* must maintain the documents in Part I.D.2. and 3. 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. The documents must be paper documents unless electronic documents are accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be. If electronic documents are kept on site, the *permittee* must maintain functional equipment on site available to an inspector during normal hours of operation such that an inspector may view the electronic documents in a format that can be read in a similar manner as a paper record and in a legally dependable format with no less evidentiary value than their paper equivalent.
5. Upon a finding of significant non-compliance with the practices described in the *SWPPP* or violation of this permit, NYSDEC may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order must be in writing, describe the non-compliance in detail, and be sent to the *permittee*.

## Part I.D.6.

6. If any human remains or archaeological remains are encountered during excavation, the *permittee* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.
7. The *SWPPP* and inspection reports required by this permit are public documents that the *permittee* must make available for review and copying by any person within five business days of the *permittee* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.
8. The permittee shall comply with the regulations in Part I.D.8.a and b.
  - a. General Conditions
    - i. Duty to comply 6 NYCRR 750-2.1(e) & 2.4
    - ii. Duty to reapply 6 NYCRR 750-1.16(a)
    - iii. Need to halt or reduce activity not a defense: 6 NYCRR 750-2.1(g)
    - iv. Duty to mitigate 6 NYCRR 750-2.7(f)
    - v. Permit actions 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h)
    - vi. Property rights 6 NYCRR 750-2.2(b)
    - vii. Duty to provide information 6 NYCRR 750-2.1(i)
    - viii. Inspection and entry 6 NYCRR 750-2.1(a) & 2.3
  - b. Records and Reporting Requirements
    - i. Records 6 NYCRR 750-2.5 (c)(1)
    - ii. Signatory requirements 6 NYCRR 750-1.8 & 2.5(b)
    - iii. Reporting requirements 6 NYCRR 750-2.5(e) & 2.7(e)
    - iv. Transfers 6 NYCRR 750-1.17
    - v. Compliance schedules 6 NYCRR 750-1.14
    - vi. Other information 6 NYCRR 750-2.1(f)

## Part II. Water Quality-Based Effluent Limitations

### A. Maintaining Water Quality

NYSDEC expects that compliance with the requirements of this permit will control *discharges* necessary to meet applicable *water quality standards*. It shall be a violation of the ECL for any *discharge* to either cause or contribute to a violation of the following *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:

1. There must be no increase in turbidity that will cause a substantial visible contrast to natural conditions; and

## Part II.A.2

2. There must be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There must be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the *stormwater discharges* authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standard*, the *permittee* must take appropriate corrective action in accordance with Part IV.C.4. of this permit and document in accordance with Part IV.C.3. of this permit. To address the *water quality standard* violation the *permittee* must include and implement appropriate controls in the *SWPPP* to correct the problem.

**B. Effluent Limitations Applicable to *Discharges* from *Construction Activities***

As described in the *SWPPP*, *discharges* authorized by this permit will achieve, at a minimum, the effluent limitations in Part II.B.1.a., b., c., d., and e. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *permittee* must select, design, install, implement, and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part II.B.1.a., b., c., d., and e. and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (BB), dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *permittee* must include in *SWPPP* the reason(s) for the deviation, or alternative design, and provide information in the *SWPPP* demonstrating that the deviation or alternative design is *equivalent* to the technical standard.
  - a. **Erosion and Sediment Controls.** At a minimum, erosion and sediment controls must be selected, designed, installed, implemented, and maintained to:
    - i. *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize* pollutant *discharges*; and
    - ii. Control *stormwater discharges*, including both peak flow rates and total *stormwater* volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points; and
    - iii. *Minimize* the amount of soil exposed during *construction activity*; and
    - iv. *Minimize* the disturbance of *steep slope*; and
    - v. *Minimize* sediment *discharges* from the site; and
    - vi. Provide and maintain *natural buffers* around surface waters, direct *stormwater* to vegetated areas and maximize *stormwater* infiltration to reduce *pollutant discharges*, unless *infeasible*; and
    - vii. *Minimize* soil compaction. *Minimizing* soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and

## Part II.B.1.a.viii.

- viii. Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and
- ix. *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of *pollutants* that could be *discharged* from the site.
- b. **Soil Stabilization.** In areas where soil disturbance activity has ceased, whether permanently or *temporarily ceased*, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) calendar days from the date the current soil disturbance activity ceased.
- c. **Dewatering.** *Discharges* from *dewatering* activities, including *discharges* from *dewatering* of trenches and excavations, must be managed by appropriate control measures.
- d. **Pollution Prevention Measures.** Select, design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be selected, designed, installed, implemented, and maintained to:
  - i. *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. Soaps, detergents and solvents cannot be used; and
  - ii. *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to *stormwater*. *Minimization* of exposure is not required in cases where the exposure to precipitation and to *stormwater* will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of *stormwater* contamination (such as final products and materials intended for outdoor use); and
  - iii. Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.
- e. **Surface Outlets.** When discharging from basins and impoundments, the surface outlets must be designed, constructed, and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

**Part III. Stormwater Pollution Prevention Plan (SWPPP)****A. General SWPPP Requirements**

1. The *permittee* must keep the *SWPPP* current so that, at all times, it accurately documents the erosion and sediment control practices that are being used or will be used during construction, and all post-construction stormwater management practices (SMPs) that will be constructed on the site. At a minimum, the *permittee* must modify the *SWPPP*, including construction drawings:

## Part III.A.1.a.

- a. whenever the current provisions prove to be ineffective in *minimizing pollutants* in *stormwater discharges* from the site; and
- 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*, NYSDEC, or other regulatory authority; and
- d. to document the final construction conditions in an as-built drawing.

If the permittee proposes to modify the design of SMPs, the permittee must modify the SWPPP and submit a permittee-initiated permit modification request to NYSDEC for review and approval of the modified SWPPP. The permittee is not authorized to install modified SMPs until the permit is modified.

2. Prior to the commencement of *construction activity*, the *permittee* 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 SMPs included in the *SWPPP*. The *permittee* must have each of the contractors and subcontractors identify at least one person from their company to be *trained contractor* that will be responsible for implementation of the *SWPPP*. The *permittee* must ensure that at least one *trained contractor* is on site daily when soil disturbance activities are being performed.

The *permittee* must have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before the *commencement of construction activities*:

"I hereby certify under penalty of law that I understand and agree to comply with the requirements of the *SWPPP* and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *permittee* must comply with the requirements of this permit and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations."

In addition to providing the certification statement above, the certification page must also identify the specific elements of the *SWPPP* that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for *SWPPP* implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *permittee* must 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 the *commencement of construction activities*, they must also sign the certification statement and provide the information listed above prior to performing *construction activities*.



## **Part IV. Inspection and Maintenance Requirements**

### **A. General Construction Site Inspection and Maintenance Requirements**

1. The *permittee* must ensure that all erosion and sediment control practices (including pollution prevention measures), and all SMPs identified in the *SWPPP*, are inspected and maintained in accordance with Part IV.B. and C.

### **B. Contractor Maintenance Inspection Requirements**

1. The *permittee* must have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor must:
  - a. if the corrective action does not require engineering design:
    - i. begin implementing corrective actions within one business day; and
    - ii. complete the corrective actions within five business days; or
  - b. if the corrective action requires engineering design:
    - i. begin the engineering design process within five business days; and
    - ii. complete the corrective action in a reasonable time frame but no later than within 60 calendar days.
2. For *construction sites* where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections in accordance with Part IV.B.1. The *trained contractor* must 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 *trained contractor* can stop conducting the maintenance inspections in accordance with Part IV.B.1. if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational.

### **C. Qualified Inspector Inspection Requirements**

1. A *qualified inspector* must conduct site inspections in accordance with the following timetable:
  - a. For *construction sites* where soil disturbance activities are ongoing, the *qualified inspector* must conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections must be separated by a minimum of two (2) full calendar days; or
  - b. 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* must conduct a site inspection at least once every thirty (30) calendar days. The *permittee* must notify the DOW Water (SPDES)

Part IV.C.1.b.

Program contact at the Regional Office (see contact information in Appendix B) in writing prior to reducing the inspections to this frequency and again in writing prior to re-commencing construction; or

- c. For *construction sites* where soil disturbance activities have been shut down with partial project completion, the requirement to have the *qualified inspector* conduct inspections ceases if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational. The *permittee* must notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix B) in writing prior to the shutdown and again in writing prior to resuming *construction activity*. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *permittee* must terminate coverage by meeting the requirements of Part V; or
2. At a minimum, the *qualified inspector* must inspect:
  - a. all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness; and
  - b. all SMPs under construction to ensure that they are constructed in conformance with the *SWPPP*; and
  - c. all areas of disturbance that have not achieved *final stabilization*; and
  - d. all points of *discharge* to *surface waters of the State* located within, or immediately adjacent to, the property boundaries of the *construction site*; and
  - e. all points of *discharge* from the *construction site*.
3. The *qualified inspector* must prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report must include and/or address all of the following, for all construction activities:
  - a. Permit identification number; and
  - b. Date and time of inspection; and
  - c. Name and title of person(s) performing inspection; and
  - d. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection, including the temperature at the time of the inspection; and
  - e. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This must 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; and
  - f. A description of the condition of all *surface waters of the State* located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This must include identification of any *discharges* of sediment to the *surface waters of the State*; and

Part IV.C.3.g.

- g. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance; and
  - h. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced; and
  - i. Description and sketch (map) of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection; and
  - j. Estimates, in square feet or acres, of the following areas:
    - i. Total area with active soil disturbance (not requiring either *temporary stabilization* or *final stabilization*); and
    - ii. Total area with inactive soil disturbance (requiring either *temporary stabilization* or *final stabilization*); and
    - iii. Total area that has achieved *temporary stabilization*; and
    - iv. Total area that has achieved *final stabilization*; and
  - and
  - k. Current stage of construction of all SMPs and identification of all *construction activity* on site that is not in conformance with the *SWPPP* and technical standards; and
  - l. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the SMP(s); and
  - m. Identification and status of all corrective actions that were required by previous inspection; and
  - n. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* must attach 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* must 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* must 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.
4. Within one business day of the completion of an inspection, the *qualified inspector* must notify the *permittee*, and appropriate contractor or subcontractor identified in Part III.A.2., of any corrective actions that need to be taken. The contractor or subcontractor must:
- a. if the corrective action does not require engineering design
    - i. begin implementing corrective actions within one (1) business day; and
    - ii. complete the corrective actions within five (5) business days; or

Part IV.C.4.b.

- b. if the corrective action requires engineering design:
  - i. begin the engineering design process within five (5) business days; and
  - ii. complete the corrective action in a reasonable time frame but no later than within 60 calendar days.
- 5. All inspection reports must be signed by the *qualified inspector*. In accordance with Part I.D.4., the inspection reports must be maintained on site with the *SWPPP*. In addition, a copy of each inspection report must be submitted to the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix B).

## **Part V. How to Terminate Permit Coverage.**

### **A. Requirements for Terminating Coverage**

- 1. The permittee must terminate coverage when one of the following requirements has been met:
  - a. Total project completion:
    - i. all *construction activity* identified in the *SWPPP* has been completed; and
    - ii. all areas of disturbance have achieved *final stabilization*; and
    - iii. all temporary, structural erosion and sediment control measures have been removed; and
    - iv. all SMPs have been constructed in conformance with the *SWPPP* and are operational; and
    - v. an as-built drawing has been prepared; or
  - b. Planned shutdown with partial project completion:
    - i. all soil disturbance activities have ceased; and
    - ii. all areas disturbed as of the project shutdown date have achieved *final stabilization*; and
    - iii. all temporary, structural erosion, and sediment control measures have been removed; and
    - iv. all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational; and
    - v. an as-built drawing has been prepared.
- 2. Prior to requesting the termination of permit coverage in accordance with Part V.B., the *permittee* must:
  - a. have the *qualified inspector* perform a final site inspection confirming that all the requirements in Part V.A.1.a. or b. have been achieved, and

Part V.A.2.b.

- b. have the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix B) perform a final site inspection confirming that all the requirements in Part V.A.1.a. or b. have been achieved, and
- c. ensure that a mechanism is in place to require operation and maintenance of the SMPs in accordance with the operation and maintenance plan.

**B. Termination of Coverage Process**

1. The *permittee* must submit a completed Notice of Completion Form (Appendix C), to the DOW Water (SPDES) Program contact at the Regional Office and to the Regional Permit Administrator (see contact information in Appendix B).
2. Permit coverage terminates on the date in the Regional Permit Administrator's response to the Notice of Completion Form submitted in accordance with Part V.B.1.

**APPENDIX A – Abbreviations and Definitions****Abbreviations**

|               |                                                                                                               |
|---------------|---------------------------------------------------------------------------------------------------------------|
| <b>BB</b>     | New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), dated November 2016 |
| <b>CPESC</b>  | Certified Professional in Erosion and Sediment Control                                                        |
| <b>DOW</b>    | NYSDEC Division of Water                                                                                      |
| <b>ECL</b>    | chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law   |
| <b>NYSDEC</b> | The New York State Department of Environmental Conservation                                                   |
| <b>RWE</b>    | Regional Water Engineer                                                                                       |
| <b>SMP</b>    | Post-Construction Stormwater Management Practice                                                              |
| <b>SPDES</b>  | State Pollutant Discharge Elimination System                                                                  |
| <b>SWPPP</b>  | Stormwater Pollution Prevention Plan                                                                          |
| <b>USDA</b>   | United States Department of Agriculture                                                                       |

## **Definitions**

All definitions in this section are solely for the purposes of this permit. If a word is not italicized in the permit, use its common definition.

**Commence (Commencement of) Construction Activities** – 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)** – identified within 40 CFR 122.26(b)(14)(x), 122.26(b)(15)(i), and 122.26(b)(15)(ii), any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, mechanized 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, which is excluded from the calculation of the soil disturbance for a project. Routine maintenance includes, but is not limited to:

- Re-grading of gravel roads or parking lots; and
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and maintains or improves the hydraulic capacity of the ditch; and
- Replacement of existing culverts that maintains the approximate original line and grade, and maintains or improves the hydraulic capacity of a ditch; and
- Replacement of existing bridges that maintains the approximate original line and grade, and maintains or improves the hydraulic capacity beneath the bridges; and
- 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); and
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*; and
- 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; and
- Long-term use of equipment storage areas at or near highway maintenance facilities; and
- 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*; and
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts; and

- Maintenance of ski trails including brush hog use and mowing; and
- Above ground snowmaking pipe replacement; and
- Replacement of existing utility poles; etc.

**Construction Site** – the land area where *construction activity(ies)* will occur. See also the definitions for “*Commence (Commencement of) Construction Activities.*”

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

**Discharge(s)(d)** – any addition of any *pollutant* to waters of the State through an outlet or *point source*.

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

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

**Final Stabilization** – 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.

**Impervious Area (Cover)** – all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and compacted gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks), building rooftops, and miscellaneous impermeable structures such as patios, pools, and sheds.

**Infeasible** – not technologically possible, or not economically practicable and achievable considering best industry practices.

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

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

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

**Permittee** – the person or entity to which this SPDES permit has been issued or transferred, as named on page 1 of this permit or on an approved permit transfer application.



**Phase** – a defined area in which *construction activities* are occurring or will occur separate from other defined area(s).

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

**Pollutant(s)** – dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast *discharged* into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq.

**Qualified Inspector** – a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, *New York State Erosion and Sediment Control Certificate Program* holder or other NYSDEC 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 NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC 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 SMPs that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

**Qualified Professional** – 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 NYSDEC endorsed individual(s). Individuals preparing *SWPPPs* that require the SMP component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the *SWPPP* that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

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

**Stormwater** – that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the State.

**Stormwater Pollution Prevention Plan (SWPPP)** – The *SWPPP Report for Windham Skye* and *Individual Lot SWPPP Report for Windham Skye*, revised July 23, 2025; the *Windham Skye SWPPP Addendum* dated February 17, 2026; the *Hydrologic Modeling for Windham Skye* report revised July 17, 2025; the drawing set titled *Windham Skye*, revised July 17, 2025; and subsequent modifications or amendments pursuant to Part III.A of this permit.

**Streambank** – the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

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

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

**Temporary Stabilization** – 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).

**Trained Contractor** – an employee from the contracting (construction) company, identified in Part III.A.2., that has received four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC 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.2., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, *New York State Erosion and Sediment Control Certificate Program* holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4)

hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity).

The *trained contractor* is responsible for the day-to-day implementation of the *SWPPP*.

**Water Quality Standard** – 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 – DEC Regional Office Contacts**

### **DOW Water (SPDES) Program Contact**

Rebecca Mitchell  
NYS DEC Region 4  
1130 North Westcott Road  
Schenectady, NY 12306  
Phone: (518) 357-2378  
Email: [rebecca.mitchell@dec.ny.gov](mailto:rebecca.mitchell@dec.ny.gov)

### **Regional Permit Administrator**

Division of Environmental Permits  
NYS DEC Region 4  
1130 North Westcott Road  
Schenectady, NY 12306  
Phone: (518) 357-2069  
Email: [R4DEP@dec.ny.gov](mailto:R4DEP@dec.ny.gov)

## **APPENDIX C – Notice of Completion Form**

The SWPPP Notice of Completion Form required by this permit begins on the following page.

## Notice of Completion Form

SPDES Permit No. NY0305162

DEC No. 4-1946-00252/00001

Windham Skye Subdivision

Date of final *qualified inspector* site inspection per Part V.A.2.a. \_\_\_\_\_

### **Qualified Inspector Certification**

I hereby certify that (select option A or B)

☐ **A. Total project completion:**

1. all *construction activity* identified in the *SWPPP* has been completed; and
2. all areas of disturbance have achieved *final stabilization*; and
3. all temporary, structural erosion and sediment control measures have been removed; and
4. all SMPs have been constructed in conformance with the *SWPPP* and are operational; and
5. an as-built drawing has been prepared.

OR

☐ **B. Planned shutdown with partial project completion:**

1. all soil disturbance activities have ceased; and
2. all areas disturbed as of the project shutdown date have achieved final stabilization; and
3. all temporary, structural erosion, and sediment control measures have been removed; and
4. all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational; and
5. an as-built drawing has been prepared.

A person is guilty of offering a false instrument for filing when, knowing that a written instrument contains a false statement or false information, they offer or present it to a public office or public servant with the knowledge or belief that it will be filed with, registered, or recorded in, or otherwise become a part of, the records of such public office or public servant. A person is guilty of making a false written statement when they knowingly make a false statement, which they do not believe to be true, in a written instrument bearing a legally authorized form notice to the effect that false statements made therein are punishable. Making a punishable false written statement is a class A misdemeanor.

Qualified Inspector Printed Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Company: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Notice of Completion Form

SPDES Permit No. NY0305162

DEC No. 4-1946-00252/00001

Windham Skye Subdivision

Date of DEC site inspection per Part V.A.2.b. \_\_\_\_\_

Describe the mechanism in place to require operation and maintenance of the SMPs in accordance with the operation and maintenance plan per Part V.A.2.c.

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### **Permittee Certification**

I hereby certify compliance with Part V.A.1. and 2. of the permit and request termination of permit coverage per Part V.B.1. of the permit.

A person is guilty of offering a false instrument for filing when, knowing that a written instrument contains a false statement or false information, they offer or present it to a public office or public servant with the knowledge or belief that it will be filed with, registered, or recorded in, or otherwise become a part of, the records of such public office or public servant. A person is guilty of making a false written statement when they knowingly make a false statement, which they do not believe to be true, in a written instrument bearing a legally authorized form notice to the effect that false statements made therein are punishable. Making a punishable false written statement is a class A misdemeanor.

Permittee Printed Name: \_\_\_\_\_

Permittee Title/Position: \_\_\_\_\_

Permittee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# **SPDES Permit Fact Sheet Windham Skye Capital Acquisition Co. LLC Windham Skye Subdivision Construction Stormwater NY0305162**





## Summary

A new individual State Pollutant Discharge Elimination System (SPDES) permit has been drafted to authorize stormwater discharges from the construction of a portion of the Windham Skye Subdivision Construction Stormwater. The permit is a five (5) year permit for discharges of stormwater to surface waters of the State from construction activities as defined in 40 CFR 122.26(b)(14)(x) and (b)(15)(i - ii).

## Administrative History

- |            |                                                                                                                                                                                      |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7/2/2025   | Windham Skye Capital Acquisition Co. LLC ("Windham Skye") submitted a NY-2C permit application and supporting information, including a Stormwater Pollution Prevention Plan (SWPPP). |
| 7/14/2025  | The New York State Department of Environmental Conservation (DEC) requested revisions to the SWPPP.                                                                                  |
| 7/17/2025  | Windham Skye submitted a revised SWPPP in response to DEC's request.                                                                                                                 |
| 7/22/2025  | DEC requested additional revisions to the SWPPP.                                                                                                                                     |
| 7/23/2025  | Windham Skye submitted a revised SWPPP in response to DEC's request.                                                                                                                 |
| 11/26/2025 | DEC forwarded additional comments on the SWPPP to Windham Skye.                                                                                                                      |
| 02/18/2026 | Windham Skye responded to the comments and submitted a SWPPP addendum to complete the permit application.                                                                            |

The Notice of Complete Application, published in the [Environmental Notice Bulletin](#) and newspapers, contains information on the public notice process.

## Project Overview

### Background

The overall common plan of development in this location is to construct a 33-lot residential subdivision on a 107.9-acre parcel on County Route 10 in the Town of Windham, Greene County. When fully developed, the proposed subdivision is expected to include 30 single-family residences. The remaining three lots will be used for two community septic systems and a stormwater pond with a pavilion and picnic area. The entire common plan involves the disturbance of approximately 36 acres of land, with about 1.9 acres of disturbance on slopes exceeding 25%.

Windham Skye developed a phasing plan in the SWPPP for the overall common plan of development. The plan contains 10 sequential phases of construction. The plan shows a maximum total area of disturbance of 4.85 acres at any one time, with all disturbed areas in each phase stabilized prior to the start of the following phase.

### Activities Authorized by This Permit

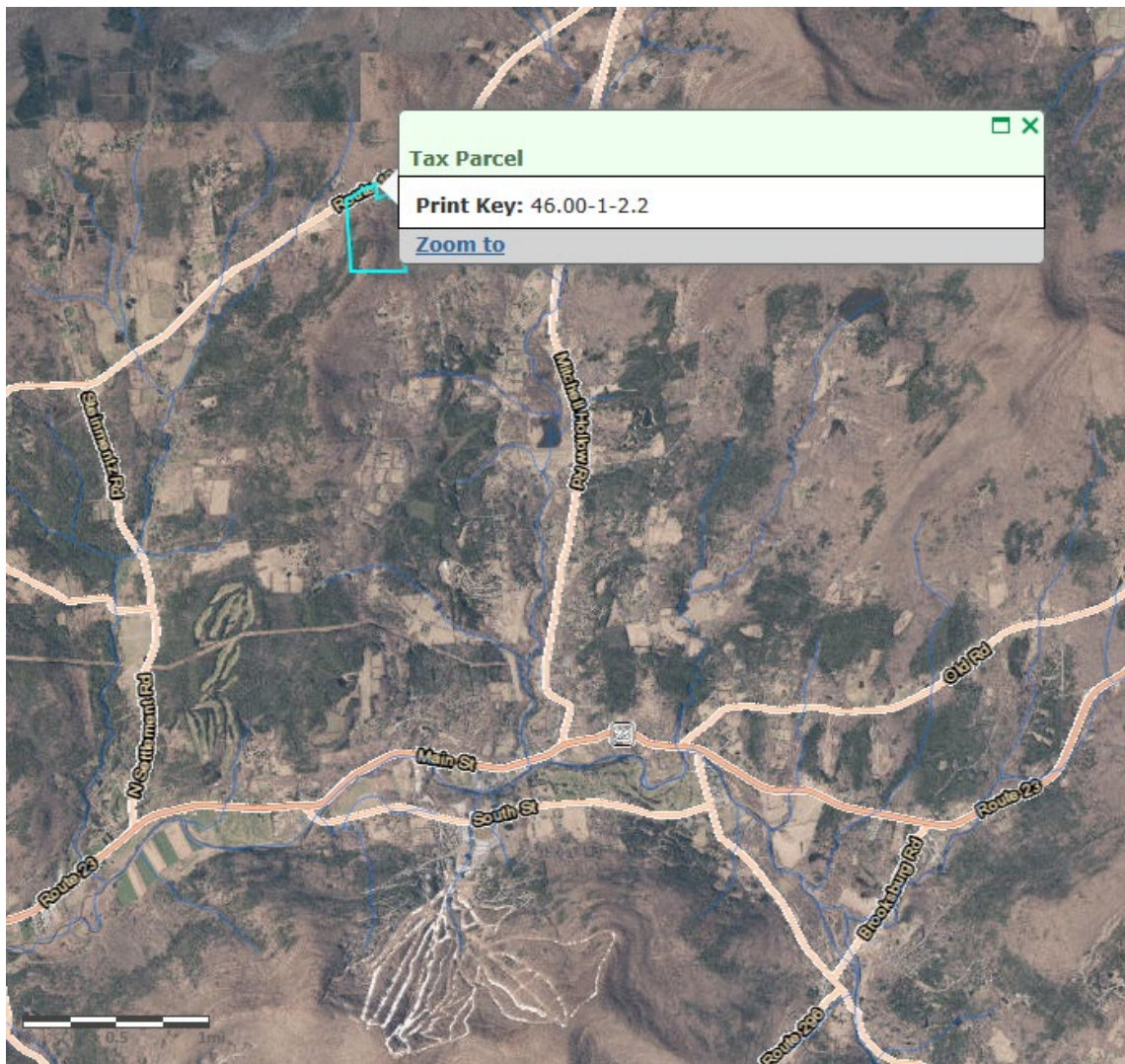
This permit authorizes stormwater discharges from the construction of common areas and infrastructure, including roads and utilities, within the overall common plan. The activities authorized by this permit involve the disturbance of approximately 21 acres. Windham Skye developed a SWPPP for the construction of the common areas and infrastructure. The SWPPP conforms with DEC's technical standards (the 2016 *Standards and Specifications for Erosion and Sediment Controls* and the 2015 *Stormwater Management Design Manual*). The SWPPP describes specific erosion and sediment control measures to be used during construction, as

well as the design of bioretention areas and attenuation basins to treat and attenuate post-development stormwater runoff.

Consistent with Part III.B.2.b.iii.1.a. of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001), which applies to construction activities that are subject to governmental review and approval where the permittee made any application to that governmental entity prior to January 29, 2025, and such application included a SWPPP developed using the 2015 Design Manual, SMPs have been designed in conformance with the performance criteria of the 2015 Design Manual.

### **Activities not Authorized by This Permit**

This permit does not authorize stormwater discharges from the construction of driveways and homes on the 30 individual residential lots, which is expected to disturb approximately 15 acres in total. A SWPPP that includes the design of lot-specific stormwater management practices must be developed and individual construction stormwater SPDES permit must be obtained prior to the commencement of construction activities on any residential lot.



**Project Location**





## Need for an Individual SPDES Permit

The overall common plan of development, as described above, is ineligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) according to Part I.A.8.b. of GP-0-25-001 because it

- is within the watershed of surface waters of the State classified as AA identified utilizing the Stormwater Interactive Map on DEC's website; and
- will be undertaken on land with no existing impervious cover; and
- will disturb one or more acres of steep slope.

GP-0-25-001 defines "steep slope" as land area designated on the current United States Department of Agriculture (USDA) Soil Survey as Soil Slope Phase D (provided the map unit name or description is inclusive of slopes greater than 25%), Soil Slope Phase E or F (regardless of the map unit name), or a combination of the three designations.

The individual SPDES permit mirrors the requirements of GP-0-25-001 where appropriate<sup>1</sup> but also adds more restrictive requirements as follows to protect water quality from construction on steep slopes:

- a. Part I.A. Authorized Activities and Part I.D. General Requirements: The permit authorizes a maximum disturbance of **4.85** acres at any one time, in accordance with the phasing plan in the SWPPP. Thus, it does not provide a mechanism for the permittee to request permission to disturb more than five (5) acres at any one time as in Part I.E.6 of GP-0-25-001.
- b. Part II.B.1.b. Soil Stabilization: The timeframe to complete soil stabilization has been reduced (from 14 days in GP-0-25-001) to 7 days to limit the potential for erosion on steep slopes.
- c. Part IV.C.1.a. Qualified Inspector Inspection Requirements: The frequency of site inspection has been increased to two (2) site inspections required every seven (7) calendar days (from once every seven (7) calendar days in GP-0-25-001) to better monitor site conditions and ensure that any corrective actions are taken in a timely manner to limit the potential for erosion on steep slopes.
- d. Part IV.C.5: In addition to maintaining the qualified inspector's reports on site as required by GP 0-25-001 Parts I.E.3. and IV.C.6, the permittee must submit each report to DEC to facilitate DEC's oversight of construction activities with the potential to cause erosion on steep slopes.
- e. Part V. How to Terminate Permit Coverage: Final inspections by both a qualified inspector and DEC are required prior to terminating coverage to verify that all disturbed areas have achieved final stabilization, that all temporary erosion and sediment control measures have been removed, and that all SMPs required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.
- f. Appendix C – Notice of Completion Form: The permittee must provide the date of the DEC site inspection per Part V.A.2.b. and a description of the mechanism in place to require operation and maintenance of the SMPs in accordance with the operation and maintenance plan per Part V.A.2.c.

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<sup>1</sup> Incorporating the 2025 CGP fact sheet ([https://dec.ny.gov/sites/default/files/2025-01/fs\\_cgp\\_gp-0-25-001.pdf](https://dec.ny.gov/sites/default/files/2025-01/fs_cgp_gp-0-25-001.pdf)), which details the basis for the conditions of that permit.

The individual SPDES permit also differs from GP-0-25-001 as follows:

- a. It does not include sections on eligibility requirements (GP-0-25-001 Part I.A.) or SWPPP requirements (GP-0-25-001 Part III.). DEC reviewed the individual permit application materials including the SWPPP to determine eligibility for the individual permit.
- b. It does not refer to an electronic Notice of Intent (eNOI; GP 0-25-001 Part I.D.) or an electronic Notice of Termination (eNOT; GP 0-25-001 Part V.A.). The individual SPDES permit application includes all information that would be provided in an eNOI. The process for terminating permit coverage is described in Part V. of the permit.
- c. It does not include a section on a change of owner or operator (GP-0-25-001 Part I.G.) . The individual permit can be transferred to a new permittee using a SPDES permit transfer form provided by DEC in accordance with 6 NYCRR 750-1.17.
- d. It does not describe the requirements for post-construction stormwater management practices (SMPs; GP 0-25-001 Part II.C.). DEC reviewed the SWPPP to verify that the post-construction SMPs were selected and designed, and will be installed, implemented, and maintained, to meet the performance criteria in the January 2015 New York State Stormwater Management Design Manual (2015 Design Manual), using sound engineering judgment.
- e. It does not describe the required contents of the SWPPP (GP-0-25-001 Part III.A.1 – 4, Part III.B., and Part III.C.). DEC reviewed the SWPPP to verify that it adequately documents the measures and practices that will be used to meet the effluent limitations in the permit; considers future physical risks due to climate change; identifies potential sources of pollution; and was prepared by a qualified professional.
- f. Part I.D.8. explicitly incorporates general conditions and record retention and reporting requirements from the SPDES regulations into the permit. It is consistent with the requirements of GP-0-25-001 Part VI. Record Retention and Reporting and Part VII. Standard Permit Requirements.
- g. Part III.A.1: The requirement to submit a modified SWPPP, and modify the permit to incorporate changes to SMPs, is consistent with the requirement in GP-0-25-001 Part I.E.9. to notify DEC and update the electronic Notice of Intent to reflect changes to SMPs. This requirement also complies with 6 NYCRR 750-1.18.
- h. Part V. How to Terminate Permit Coverage: To terminate the permit, the permittee must submit a written statement certifying that the requirements of Part V.A. have been achieved. DEC provides a response to terminate the permit. This process generally follows 6 NYCRR 621.11 with adjustments for this type of activity.

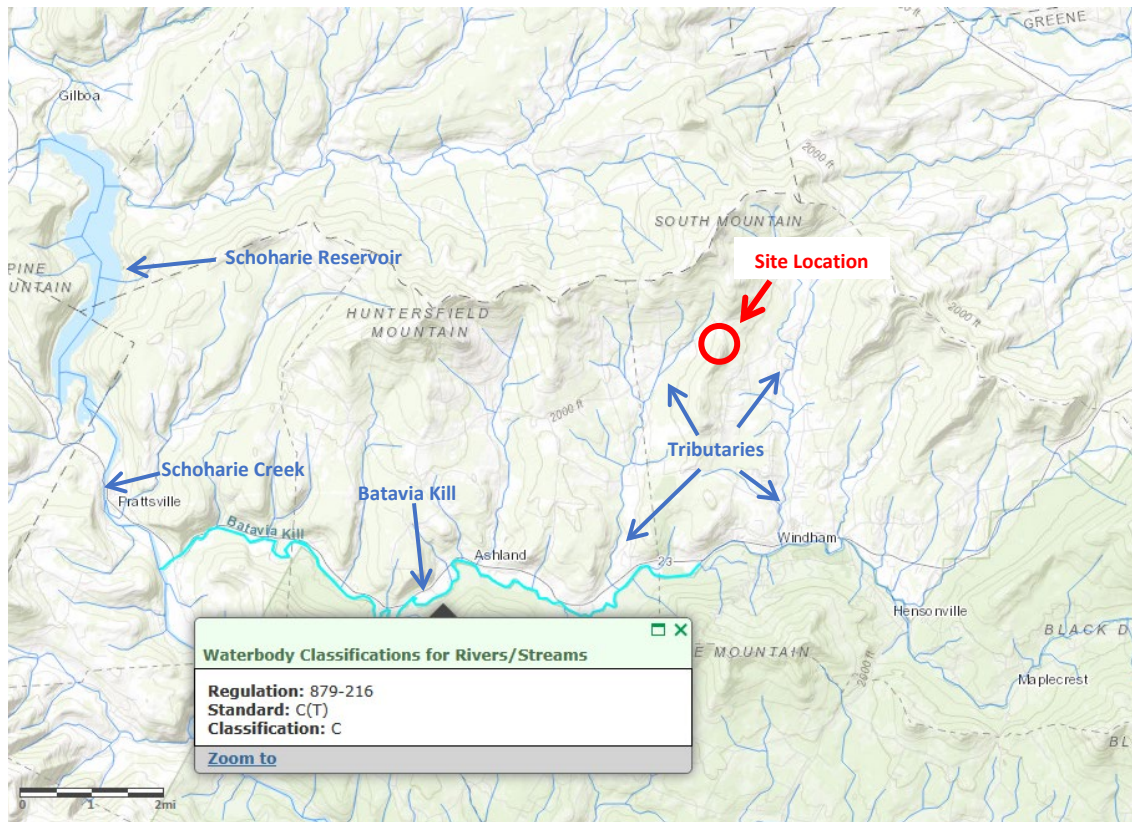
Please see the fact sheet for GP 0-25-001, available on DEC's website at <https://dec.ny.gov/environmental-protection/water/water-quality/stormwater/construction-activity-permit>, for more information on the basis for the requirements of GP-0-25-001.

## Receiving Water Information

The SPDES permit will authorize the discharge of stormwater from construction activity to surface waters of New York State. The receiving waters that have the potential to receive stormwater discharges from the project are:

Schoharie Reservoir (Class AA(TS)) via Schoharie Creek (Class A, B(T), and C(T)) via Batavia Kill (Class A(T) and C(T)) via Tributaries to Batavia Kill (Class C(TS), C(T), and C)





#### Project Location and Potential Receiving Waters

(Maps: NYSDEC Environmental Resource Mapper <http://www.dec.ny.gov/gis/erm/>)

## Permit Requirements

DEC reviewed the SWPPP for conformance with the technical standards of the New York Standards and Specifications for Erosion and Sediment Controls (November 2016) and New York State Stormwater Management Design Manual (January 2015). The SWPPP describes erosion and sediment control measures to be used during construction and stormwater management practices that will be installed during construction and maintained after construction is complete to provide stormwater quality and quantity management. The individual permit requires that the provisions of the SWPPP for the project be implemented from the commencement of construction activity until all areas of disturbance have achieved final stabilization.

The SWPPP comprises the following documents, all prepared by Kaaterskill Engineering.

*SWPPP Report for Windham Skye.* Revised July 23, 2025.

*Individual Lot SWPPP Report for Windham Skye.* Revised July 23, 2025.

*Windham Skye SWPPP Addendum.* Dated February 17, 2026.

*Hydrologic Modeling for Windham Skye.* Revised July 17, 2025.

Drawing set entitled *Windham Skye.* Revised July 17, 2025.