



State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	7999	NAICS Code:	713920	SPDES Number:	NY0296660
Discharge Class (CL):	04	DEC Number:	5-1554-00013/02015		
Toxic Class (TX):	N	Effective Date (EDP):			
Major-Sub Drainage Basin:	10 - 04	Expiration Date (ExDP):			
Water Index Number:	C - 25 - 26	Item No.:	830 - 257	Modification Dates (EDPM):	
Compact Area:	NEIWPCC				

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:	Olympic Regional Development Authority		Attention:	Emma Lamy, Sustainability & Environmental Compliance Officer	
Street:	37 Church Street		State:	NY	Zip Code: 12946
City:	Lake Placid		Phone:	(518) 302-5314	
Email:	elamy@orda.org				

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL												
Name:	Whiteface Mountain Ski Center											
Address / Location:	5021 State Route 86						County:	Essex				
City:	Wilmington				State:	NY		Zip Code:	12997			
Facility Location:	Latitude:	44 ° 21 ' 12 " N			& Longitude:	73 ° 51 ' 40 " W						
Primary Outfall No.:	N/A	Latitude:				& Longitude:						
Wastewater Description:	Stormwater	Receiving Water:	West Branch Ausable River			NAICS:	713920	Class:	C		Standard:	C(T)

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 any authorization to discharge in accordance with Part II.A. of this permit, shall expire on midnight of the expiration date shown above. The permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. If the permittee intends to continue to discharge beyond the permit expiration date, the permittee shall submit a complete permit renewal application not less than 180 days prior to the permit expiration date shown above.

DISTRIBUTION:

- R5 – Permit Coordinator
- R5 – Permit Writer
- CO BWC - SCIS
- R5 – RWE

Permit Administrator:			
Address:			
Signature:		Date:	//

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES INDIVIDUAL PERMIT FOR STORMWATER DISCHARGES FROM
CONSTRUCTION ACTIVITIES AT AN ORDA FACILITY**

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Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

1. Provided all of the permit conditions are met, including Part II.A., this permit authorizes stormwater *discharges to surface waters of the State* from the following *construction activities*, excluding *routine maintenance activity*, for individual projects, identified in the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment, dated March 2, 2022:

1. New Trail Yellow Dot (95)
2. New Trail High Country Road (94)
3. Wildway Widening (59a)
4. New Trail 2200 Road (61)
5. Upper Thruway Widening (20)
6. Upper Parkway Widening (18)
7. Lower Thruway Widening (21)
8. Burton's Widening (24)
9. Danny's Bridge Widening (28)
10. Brookside Widening (68)
11. New Trail (91) and Ski Bridge
12. New Trail 92
13. New Trail 12a
14. New Glade 5a
15. New Trail 74 – Lower
16. New Trail 75 – Upper
17. New Trail 73, 73a, 73b
18. New Trails C1-C6
19. Paron's Run Realignment (38a)
20. New Trail Connector (58a)
21. Easy Way Widening (45)
22. Easy Street Widening (26)
23. Upper Boreen Widening (46)
24. Boreen Loop Widening (82)
25. Parkway Exit Widening (72)
26. Bobcat Widening (34)
27. Flying Squirrel Widening (36)
28. Runner Up Widening (42)
29. Moose Widening (43)
30. Porcupine Pass Widening (37)
31. Learning Area Widening

32. Niagara Widening (81)
33. Ladies Bridge Widening (48)
34. Lower Gap Widening (49)
35. Upper Empire Widening (12)
36. Upper Mackenzie Widening (13)
37. Upper Wilderness Widening (15)
38. Upper Valley Widening (22)
39. Lower Valley Widening (23)
40. Broadway Widening (25)
41. Boreen Widening (27)
42. Bobcat Widening (34)
43. Otter Widening (35)
44. Bobcat Chute Widening (40)
45. Little Whiteface Lift (Lift G)
46. Mountain Run Lift (Lift H)
47. Freeway Lift (Lift I)
48. Bear Den Transport Lift (Lift N)
49. Parking Lot Transport Lift (Lift O)
50. NYSEF Building Expansion
51. Demolish Operations Building
52. Base Lodge Improvements
53. Relocate & Expand Fox Pole Barn
54. New Cloudsplitter Lodge (Summit)
55. Don Straight's Building Expansion
56. Bear Den Lodge Upgrades
57. Build New Snowmaking Reservoir
58. Snow Guns & Hose Repair & Replacement
59. Replace Culvert #2 with a Vehicular Bridge
60. Install Debris Control Structures upstream of culverts in accordance with plans
61. New Potable Water Source for Cloudsplitter Lodge
62. Develop new wastewater disposal system for Cloudsplitter Lodge
63. Electric Infrastructure Upgrades
64. Bulk Petroleum Storage Upgrades
65. Install EV Chargers
66. Expand Bus Lot
67. New Maintenance & Staff Access Road
68. Access Road Bus Drop Off Lane
69. Lot #3 Expansion
70. Improve pedestrian and vehicular circulation between Base Lodge & parking areas
71. New Bus Parking Lot

72. Mountain Biking Trails

73. Hiking Trails

2. Coverage under this permit may authorize stormwater *discharges* to *surface waters of the State* from only those *construction activities* for the individual projects identified in Part I.A.1. of this permit. If the permittee wishes to have stormwater *discharges* from future or additional *construction activities* authorized that are not listed in Part I.A.1. of this permit, the permittee must apply for a permit modification. The permittee shall not *commence construction activity* on the future or additional areas until its authorization to *discharge* under the modified permit goes into effect.

B. Effluent Limitations Applicable to Discharges from Construction Activities

Discharges authorized by this permit, per Part II.A., for individual projects identified in Part I.A., must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. 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 I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where control measures are not designed in conformance with the design criteria included in the technical standard, the permittee must include in the *Stormwater Pollution Prevention Plan* (“SWPPP”) the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
 - a. **Erosion and Sediment Controls.** The permittee must design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:
 - (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;

- (ii) Control stormwater *discharges*, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;
 - (iii) *Minimize* the amount of soil exposed during *construction activity*;
 - (iv) *Minimize* the disturbance of *steep slopes*;
 - (v) *Minimize* sediment *discharges* from the site;
 - (vi) Provide and maintain *natural buffers* around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
 - (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;
 - (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 *temporarily ceased* or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) 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.** The permittee must 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 designed, installed, implemented and maintained to:

- (i) *Minimize the discharge of pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;
 - (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. **Prohibited Discharges.** The following *discharges* are prohibited:
- (i) Wastewater from washout of concrete;

Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 - (ii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;
 - (iii) Soaps or solvents used in vehicle and equipment washing; and
 - (iv) Toxic or hazardous substances from a spill or other release.
- f. **Surface Outlets.** When discharging from basins and impoundments, the outlets shall 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.

C. Post-construction Stormwater Management Practice Requirements

1. Where post-construction stormwater management practices for a *construction activity* are required, pursuant to Part III.B.2. of this permit, the permittee must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual (“Design Manual”), dated January 2015. Where post-construction stormwater management practices (“SMPs”) are not designed in conformance with the *performance criteria* in the Design Manual, the permittee must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. Where post-construction stormwater management practices for a *construction activity* are required, pursuant to Part III.C. of this permit, the permittee must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c., or d. of this permit.

a. Sizing Criteria for New Development

- (i) Runoff Reduction Volume (“RRv”): Reduce the total Water Quality Volume (“WQv”) by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The SWPPP must include the specific site limitations that prevent the reduction of 100% of the WQv. For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.4 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (“CPv”): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event;

remaining after runoff reduction. The CPv requirement does not apply when:

- (1) Reduction of the entire CPv is achieved by application of runoff reduction techniques or infiltration systems, or
- (2) The 1-year post-development peak discharge is less than or equal to 2.0 cfs, or
- (3) A CPv control orifice is provided, with a minimum orifice size of 3 inches, with acceptable external rack or internal orifice protection, or
- (4) The site discharges directly to tidal waters or a fifth order or larger water body (stream, river, or lake),. Where the increase in smaller flows will not impact the stream bank or channel integrity. However, the point of discharge must be adequately protected against scour and erosion by the increased peak discharge.

(iv) *Overbank Flood Control Criteria* (“Qp”): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:

- (1) the site discharges directly to tidal waters or fifth order or larger streams, or
- (2) A downstream analysis reveals that *overbank* control is not required.

(v) *Extreme Flood Control Criteria* (“Qf”): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:

- (1) the site discharges directly to tidal waters or fifth order or larger streams, or
- (2) A downstream analysis reveals that *overbank* control is not required.

b. Sizing Criteria for Redevelopment Activity

(i) *Water Quality Volume (WQv)*: The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual,

- (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or

- (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
- (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
- (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

- (ii) Channel Protection Volume (CPv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iii) *Overbank* Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

c. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions 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 *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

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 standards*, the permittee must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the permittee may need to provide additional information or include and implement appropriate controls in the SWPPP to correct the violation.

If there is evidence indicating that, despite compliance with the terms and conditions of this permit, the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit until this permit can be modified to prevent the violation(s).

Part II. PERMIT AUTHORIZATION AND IMPLEMENTATION

A. Authorization

1. The permittee shall not *commence construction activity*, for an individual project identified in Part I.A. of this permit, until the authorization to *discharge* for that individual project under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective, for an individual project identified in Part I.A. of this permit, when:

- a. Project review pursuant to the State Environmental Quality Review Act (SEQRA) has been satisfied, when SEQRA is applicable;
- b. Where required, all necessary Department permits subject to the Uniform Procedures Act (UPA) (see 6 NYCRR Part 621), or the equivalent from another New York State agency, have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4);
- c. The individual project SWPPP, prepared in accordance with Parts III.A. and B., is submitted by the permittee to the Department, in accordance with Part III.C. of this permit;
- d. The permittee receives the Individual Project SWPPP Certification and Acceptance Form (IPSCA), Appendix D, from the Department.

B. Implementation

1. The permittee shall ensure that the provisions of the SWPPP, including any changes made to the SWPPP pursuant to Part III.A.4. of this permit, are implemented from the *commencement of construction activity* until
 - a. all areas of disturbance have achieved *final stabilization*; and
 - b. the Individual Project SWPPP Notice of Completion Form (“IPSNOC”) has been submitted to the Department in accordance with Part V. of this permit.
2. Until all disturbed areas have achieved *final stabilization* and the IPSNOC has been submitted to the Department in accordance with Part V, the permittee shall maintain a copy at the *construction site* of the following: this Permit, IPSCA accepted by the Department, SWPPP, inspection reports, responsible contractor’s or subcontractor’s certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
3. The permittee of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time total (collective land disturbance for all concurrently authorized individual project SWPPPs at the facility) without prior written authorization from the Department, in addition to the IPSCA(s) accepted by the Department.

- a. To be authorized to disturb greater than five (5) acres of soil at any one time, the permittee shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
- b. To maintain authorization, to disturb greater than five (5) acres of soil at any one time, the permittee shall:
 - i. meet the conditions of Part IV.C.2.c. for qualified inspector inspection requirements; and
 - ii. in areas where soil disturbance activity has *temporarily ceased* or permanently ceased, initiate the application of soil stabilization measures by the end of the next business day and complete stabilization within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, or demonstrate equivalence per Part III.B.1. of this permit; and
 - iii. install any additional site-specific practices needed to protect water quality.

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. The permittee shall prepare and implement a SWPPP for the *construction activity* of each individual project, identified in Part 1.A, covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and, where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall include items specified in Part II.B. of this permit.
2. The SWPPP shall describe the erosion and sediment control practices and, where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.

3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional*.
4. The permittee must keep each individual project SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site.
 - a. At a minimum, the permittee shall amend the SWPPP, including construction drawings:
 - i. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;
 - ii. to address issues or deficiencies identified during an inspection by the qualified inspector, the Department or other regulatory authority; and
 - iii. to document the final construction conditions.
 - 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/or results in changes to post-construction stormwater management practices, the permittee shall submit a new IPSCA form to the Department with the proposed modifications to the SWPPP and, after Department acceptance of the IPSCA form, make the appropriate updates to the SWPPP.
5. At any time after the Department accepts a SWPPP, the Department may notify the permittee that a SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department in that notification, the permittee shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made.
6. Prior to the *commencement of construction activity*, the permittee must identify in the SWPPP the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices

included in the SWPPP. The permittee shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The permittee shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The permittee shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the permittee must comply with the terms and conditions of the SPDES permit specific to the individual project site and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does 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."

In addition to providing the certification statement above, the certification page must also identify the specific elements of the individual project 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 shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the *construction site*. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, the permittee must also ensure that they also sign the certification statement and provide the information listed above before the permittee can commence any *construction activity*.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where control measures are not designed in conformance with the design criteria included in the technical standard, the permittee must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard. At a minimum, the erosion and sediment control component of the individual project SWPPP shall include the following:
 - a. Background information about the scope of the project, including the location, type and size of project
 - b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
 - c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
 - d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;
 - e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
 - f. A temporary and permanent soil stabilization plan that meets the requirements of this permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated

November 2016, or demonstrates equivalence per Part III.B.1. of this permit, for each stage of an individual project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;

- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
 - h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
 - i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, or demonstrates equivalence per Part III.B.1. of this permit;
 - j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
 - k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the *construction site*; and
 - l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. Post-construction stormwater management practice component – For any individual project from Part I.A with construction activity identified in Table 2 of Appendix B as needing post-construction stormwater management practices, the permittee shall prepare an individual project SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical

standard, New York State Stormwater Management Design Manual dated January 2015.

Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the permittee must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

The post-construction stormwater management practice component of the individual project SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the individual project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;
- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
 - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
 - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
 - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
 - (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;
 - (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and

- (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
 - d. Soil testing results and locations (test pits, borings);
 - e. Infiltration test results, when required; and
 - f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice.
3. If an individual project SWPPP includes *construction activities* identified in both Tables 1 and 2 of Appendix B, all portions must include erosion and sediment control practices designed in conformance with Part III.B.1 of this permit, but only the portions of the SWPPP that address the Table 2 *construction activities* requires the inclusion of post-construction stormwater management practices designed in conformance with Part III.B.2. of this permit.

C. Required SWPPP Submission Timeline

The permittee must submit an individual project SWPPP and a complete IPSCA to the Department 60 calendar days prior to the anticipated construction start date.

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

The following apply to the individual project site once the individual project has been authorized to *discharge* per Part II.A.

A. General Construction Site Inspection and Maintenance Requirements

The permittee must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in an individual project SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.

B. Contractor Maintenance Inspection Requirements

1. The permittee shall 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 shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.
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 required by Part IV.B.1. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit 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* may stop conducting the maintenance inspections, required by Part IV.B.1., if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the individual project SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

The permittee shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B
2. In addition to Part II.B.3., the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
 - a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.

- b. For construction sites where soil disturbance activities are on-going, and one (1) acre or more of *steep slopes* are disturbed, the *qualified inspector shall conduct at least two (2) site inspections every seven (7) calendar days*. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
 - c. For construction sites where soil disturbance activities are on-going and the permittee has received authorization in accordance with Part II.B.3. to disturb greater than five (5) acres of soil at any one time, the *qualified inspector shall conduct at least two (2) site inspections every seven (7) calendar days*. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
 - d. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector shall conduct a site inspection at least once every thirty (30) calendar days*. The permittee shall notify the Regional Stormwater Contact listed in Appendix C in writing prior to reducing the frequency of inspections.
 - e. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector may stop conducting inspections, required by Part IV.C., if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the individual project SWPPP and are operational*. The permittee shall notify the Regional Stormwater Contact listed in Appendix C in writing prior to the shutdown.
3. At a minimum, the *qualified inspector shall inspect: all erosion and sediment control practices and pollution prevention measures to ensure their integrity and effectiveness; all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the individual project SWPPP; all areas of disturbance that have not achieved final stabilization; all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site; and all points of discharge from the construction site*.
4. The *qualified inspector shall prepare an inspection report immediately subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:*

- a. Date and time of inspection;
- b. Name and title of person(s) performing inspection;
- c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
- d. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This shall include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
- e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
- f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
- g. 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;
- h. Description and sketch 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;
- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
- j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
- k. Identification and status of all corrective actions that were required by previous inspection; and

- I. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the permittee, and appropriate contractor or subcontractor identified in Part III.A.6. of this permit, of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
6. Pursuant to Part II.B.2. of this permit, the inspection reports shall be maintained on site with the SWPPP. All inspection reports shall be signed by the *qualified inspector* with the following certification statement below:

"I hereby certify under that I have complied with Part IV.C. of permit number NY0296660. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does 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."

Part V. COMPLETION OF INDIVIDUAL PROJECT

A. Requirements Prior to Closing Authorization

Prior to closing authorization for an individual project from Part I.A of this permit, the following must be met: all *construction activity* identified in the individual project SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and if applicable all post-construction stormwater management practices have been constructed in

conformance with the SWPPP and are operational; and if applicable the conditions of Part III.B.2.f. of this permit have been met.

B. Process to Close Authorization

1. When Part V.A. of this permit has been met, the permittee must:
 - a. have the *qualified inspector* perform a final site inspection meeting the conditions of Part IV.C. of this permit for the individual project from Part I.A. of this permit; and
 - b. submit the completed Individual Project SWPPP Notice of Completion Form (IPSNOC), Appendix E, for an individual project from Part I.A. of this permit, to the Regional Water Engineer and Regional Stormwater Contact.

C. Closure of Authorization

1. Upon completion of Part V.A. and B. of this permit, authorization for the individual project from Part I.A. of this permit is closed.

Part VI. TERMINATION OF PERMIT

The permittee may submit a request to the Regional Permit Administrator to have this permit terminated if all individual projects listed in Part I.A. have been completed per Part V. of this permit. The permittee must maintain this permit for one (1) year from the date that the Regional Permit Administrator receives the request.

Part VII. REPORTING

All submissions required under this permit must be submitted electronically to the Appendix C contacts, as specified in this permit. A waiver from this requirement is only available following 40 CFR 127.15 and 127.24. To request a waiver form, the permittee shall contact the Regional Water Engineer.

Part VIII. GENERAL REQUIREMENTS

A. 6 NYCRR Part 750 References

1. The regulations in 6 NYCRR Part 750, including the regulations in paragraphs 2. and 3., are incorporated by reference and are enforceable requirements under this permit. :

2. General Conditions
 - a. Duty to comply 6 NYCRR 750-2.1(e) & 2.4
 - b. Duty to reapply 6 NYCRR 750-1.16(a)
 - c. Need to halt or reduce activity not a defense 6 NYCRR 750-2.1(g)
 - d. Duty to mitigate 6 NYCRR 750-2.7(f)
 - e. Permit actions 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h)
 - f. Property rights 6 NYCRR 750-2.2(b)
 - g. Duty to provide information 6 NYCRR 750-2.1(i)
 - h. Inspection and entry 6 NYCRR 750-2.1(a) & 2.3

3. Records and Reporting Requirements
 - a. Records 6 NYCRR 750-2.5(c)(1)
 - b. Signatory requirements 6 NYCRR 750-1.8 & 2.5(b)
 - c. Reporting requirements 6 NYCRR 750-2.5(e), 2.7(e)
 - d. Transfers 6 NYCRR 750-1.17
 - e. Compliance schedules 6 NYCRR 750-1.14(d)
 - f. Other noncompliance 6 NYCRR 750-2.7(e)
 - g. Other information 6 NYCRR 750-2.1(f)

APPENDIX A – Abbreviations and Definitions

Abbreviations

CPESC – Certified Professional in Erosion and Sediment Control
 CPv – Channel Protection Volume
 DOW – Division of Water
 ECL - Environmental Conservation Law
 HSG – Hydrologic Soil Group
 IPSCA – Individual Project SWPPP Certification and Acceptance Form
 IPSNOC – Individual Project SWPPP Notice of Completion Form
 Qf – Extreme Flood
 Qp – Overbank Flood
 RRV – Runoff Reduction Volume
 RWE – Regional Water Engineer
 SEQR – State Environmental Quality Review
 SEQRA - State Environmental Quality Review Act
 SPDES – State Pollutant Discharge Elimination System
 SWPPP – Stormwater Pollution Prevention Plan
 TMDL – Total Maximum Daily Load
 UPA – Uniform Procedures Act
 USDA – United States Department of Agriculture
 WQv – Water Quality Volume

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Definitions

All definitions in this section are solely for the purposes of this permit.

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

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

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

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for "*Commence (Commencement of) Construction Activities*" and "*Larger Common Plan of Development or Sale*" also.

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

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

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

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

Equivalent (Equivalence) – means that 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 - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire

pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and 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 – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

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

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

Minimize – means 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 – means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

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.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Performance Criteria – means the six performance criteria for each group of SMPs in Chapters 5 and 6 of the technical standard, New York State Stormwater Management Design Manual, dated June 2023. These include feasibility, conveyance, pretreatment, treatment, landscaping, and maintenance. It does not include the Sizing Criteria (i.e. WQv, RRv, CPv, Qp and Qf) in Part I.C.2. of the permit.

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

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the

initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. 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.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

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

- Re-grading of gravel roads or parking lots
- 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,
- Replacement of existing culverts that maintains the approximate original line and grade, and maintains or improves the hydraulic capacity of a ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*,

- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or *embankment*,
- Replacement of curbs, gutters, sidewalks and guide rail posts.
- Maintenance of ski trails, lifelines, and other appurtenant areas including brush hog use and mowing
- Above ground snowmaking pipe replacement
- Emergency snowmaking pipe repairs (repairing or replacing burst air or water snowmaking hydrants or lines)

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (CPv), *Overbank Flood* (Qp), and Extreme Flood (Qf).

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

Steep Slope – means land area designated on the current United States Department of Agriculture (“USDA”) Soil Survey as Soil Slope Phase “D”, (provided the map unit name 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.

Streambank – as used in this permit, means 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.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater

management controls); and identifies procedures the permittee will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

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 – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

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

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, 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 Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

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

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B – Required SWPPP Components by Project Type

Table 1
Construction Activities that Require the Preparation of a SWPPP That Only Includes Erosion and Sediment Controls

<ul style="list-style-type: none">• Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, water mains, and snowmaking pipe installation or replacement• Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects• Pond construction• Linear bike paths running through areas with vegetative cover• Cross-country ski trails and walking/hiking trails• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;• Slope stabilization projects• Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics• Spoil areas that will be covered with vegetation• Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) excluding projects that <i>alter hydrology from pre to post development</i> conditions,• Athletic fields (natural grass) that do not include the construction or reconstruction of <i>impervious area</i> and do not <i>alter hydrology from pre to post development</i> conditions• Demolition project where vegetation will be established, and no redevelopment is planned• Overhead electric transmission line projects and ski lift tower installation or replacement projects that do not include the construction of permanent access roads or parking areas surfaced with <i>impervious cover</i>• Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete
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Table 2
**CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES
POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Office complexes
- Sports complexes
- Facility buildings, including ski lodges, restroom buildings, pumphouses, ski lift terminals, and maintenance and groomer garages
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1
- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- Utility pads surfaced with *impervious cover*, including electric vehicle charging stations
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C – NYS DEC Region 5 Contacts

Regional Permit Administrator:

Erin Burns
NYSDEC Region 5
1115 State Route 86
Ray Brook, NY 12977
Phone: (518) 897-1234
Email: erin.burns@dec.ny.gov

Regional Water Engineer:

Derek Thorsland
NYSDEC Region 5
232 Golf Course Road
Warrensburg, NY 12885
Phone: (518) 623-1200
Email: derek.thorsland@dec.ny.gov

Regional Stormwater Contact:

Steven Rose
NYSDEC Region 5
1115 State Route 86
Ray Brook, NY 12977
Phone: (518) 897-1265
Email: steven.rose@dec.ny.gov

APPENDIX D – IPSCA Form

The Individual Project SWPPP Certification and Acceptance Form (IPSCA) required by this permit begins on the following page.

DRAFT

Individual Project SWPPP Certification and Acceptance Form (IPSCA)

SPDES Individual Permit No.: _____

ORDA Facility: _____

SWPPP Construction Project Information:

SWPPP Individual Project Name (as listed in Part I.A. of the currently effective permit for the facility):

SWPPP Date: _____

The SWPPP complies with Part II.A.2. of the permit?

a. SEQRA has been satisfied? Yes / No / Not Applicable

a. Lead agency: _____

b. Type: I / II / Unlisted

c. Determination of significance: _____

d. Date of Determination: _____

b. All DEC UPA permits have been obtained? Yes / No / Not Applicable

a. List the UPA permits obtained:

c. The SWPPP complies with the technical requirements? Yes / No

a. If "No," the SWPPP demonstrates equivalence with the technical requirements per Part III.A. and B.? Yes / No / Not Applicable

d. A copy of the SWPPP was approved by the WIG (Region 3 only)? Yes / No / Not Applicable

If on Forest Preserve, does the workplan comply with CP-78? Yes / No / Not Applicable

Total area to be disturbed: _____ acres (to nearest tenth)

Change from original SWPPP if applicable _____ acres (to nearest tenth).

Maximum area proposed to be disturbed at any one time: _____ acres (to nearest tenth)

Change from original SWPPP if applicable _____ acres (to nearest tenth).

Maximum area proposed to be disturbed at any one time on steep slope: _____ acres (to nearest tenth)

Change from original SWPPP if applicable _____ acres (to nearest tenth).

Does the SWPPP include post-construction stormwater management practices? Yes / No / N/A
If a modification, is this a change from original SWPPP? Yes / No

Estimated start date of construction: _____

Estimated end date of construction: _____

This IPSCA is submitted for acceptance of a new SWPPP per Part II.A.2. of the permit? Yes / No
If "Yes," answer "Not Applicable" to the following question.

This IPSCA is submitted for acceptance of a modified SWPPP per Part III.A.4.b. of the permit? Yes / No /
Not Applicable

If "Yes," all DEC UPA permits have been recertified per Part II.A.2.b. of the permit? Yes / No /
Not Applicable

List the UPA permits recertified:

SWPPP Preparer Certification:

For the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment, I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with the terms and conditions of the permit. I certify under penalty of law that the SWPPP and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does 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.

Printed Name: _____

Title/Position: _____

Company: _____

Signature: _____

Date: _____

ORDA Certification Statement – ORDA Representative:

I hereby certify that I read, and will comply with, the individual SPDES permit conditions. I understand that authorization to discharge under the permit for the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment, is dependent on receipt of DEC acceptance of this Individual Project SWPPP Certification & Acceptance form. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does 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.

ORDA Representative Printed Name: _____
ORDA Representative Title/Position: _____
ORDA Representative Signature: _____
Date: _____

DEC Acknowledgment – DEC Representatives (Two Signatures Needed):

ORDA is authorized to discharge for the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment, because the permit conditions of Part II.A. have been met.

SWPPP Acceptance:

DEC DOW Representative Printed Name: _____
DEC DOW Representative Title/Position: _____
DEC DOW Representative Signature: _____
Date: _____

SEQRA Satisfied and UPA Permits Obtained:

DEC DEP Representative Printed Name: _____
DEC DEP Representative Title/Position: _____
DEC DEP Representative Signature: _____
Date: _____

APPENDIX E – IPSNOC Form

The Individual Project SWPPP Notice of Completion Form (IPSNOC) required by this permit begins on the following page.

DRAFT

Individual Project SWPPP Notice of Completion Form (IPSNOC)

SPDES Individual Permit No.: _____

ORDA Facility: _____

SWPPP Individual Project Name (as listed in Part I.A. of the currently effective permit for the facility):

Has the permittee complied with Part V.A. of the permit? Yes / No

If "No," do not submit this IPSNOC form to the Department as it cannot be accepted.

Date of final site inspection per Part V.B.1.a.? _____

Qualified Inspector Certification – Final Stabilization:

For the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment, I hereby certify that all 1) *construction activity* identified in the individual project SWPPP has been completed; 2) disturbed areas as part of the individual project SWPPP have achieved final stabilization and 3) temporary, structural erosion and sediment control measures have been removed, in accordance with Part V.A. of the permit. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does 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: _____

Did the SWPPP include post-construction stormwater management practices per Part III.B.2. of the permit? Yes / No

If "Yes," complete the "Qualified Inspector Certification – Post-construction Stormwater Management Practice(s)" section below.

If "No," do not complete the "Qualified Inspector Certification – Post-construction Stormwater Management Practice(s)" section below.

Qualified Inspector Certification – Post-construction Stormwater Management Practice(s):

For the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment, I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational, in accordance with Part V.A. of the permit. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does 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: _____

ORDA Certification – ORDA Representative:

For the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment, I hereby certify compliance with Part V.B.1.a. and b. of the permit and request closure of authorization per Part V.B.1.c. of the permit. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does 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.

ORDA Representative Printed Name: _____
ORDA Representative Title/Position: _____
ORDA Representative Signature: _____
Date: _____

SPDES Permit Fact Sheet
NYS Olympic Regional Development Authority (ORDA)
Facility: ORDA – Whiteface Mountain Ski Center
SPDES Permit Number: NY0296660

National and State Stormwater Discharge Regulation

Pursuant to Section 402 of the Clean Water Act (CWA), stormwater discharges from certain construction activities (including discharges through a municipal separate storm sewer system) are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit or by a state permit program. The New York State Department of Environmental Conservation (DEC) administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70. An owner or operator of a construction activity must operate under the SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-20-001 (CGP), if eligible, or operate under an effective individual SPDES permit which addresses the stormwater discharges.

Why the CGP Does Not Apply

As explained in detail in this section, the ORDA facility is not eligible for coverage under the CGP, and therefore an individual SPDES permit for stormwater discharges was required.

ORDA - Whiteface Mountain Ski Center has the Whiteface Mountain Ski Center Intensive Use Area Management Plan Amendment (UMPA), dated March 2, 2022, which is a Larger Common Plan of Development or Sale (LCPD). From the CGP, Appendix A, definition of LCPD:

“...a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term “plan” in “[LCPD]” is broadly defined as any announcement or piece of documentation...that construction activities may occur...”

The UMP is a LCPD because it is a document (“announcement or piece of documentation”) which lists and describes multiple proposed construction activities for the ORDA facility (“a contiguous area where multiple separate and distinct construction activities are occurring, or would occur, under one plan”) which ORDA intends to carry out if ORDA receives board approval and funding (“construction activities may occur”).

Pursuant to Part I.F.6. of the CGP, projects are ineligible for coverage under the CGP if they propose to disturb one or more acres with no existing impervious cover on land where the Soil Slope Phase is identified as E or F (or D if the map unit name is inclusive of slopes greater than 25%) on the USDA Soil Survey for that county and the site is located in a Class AA or AA-Special watershed.

The ORDA facility is not eligible for CGP coverage because: 1) the UMP for the subject ORDA facility contains projects that trigger the CGP Part I.F.6. ineligibility criterion, and 2) the subject ORDA facility has a UMP in place that is a LCPD as described above.

Individual Permit Based on CGP

In response to a SPDES Permit application form that ORDA submitted to DEC in December 2023; DEC prepared an individual SPDES permit pursuant to 6 NYCRR 750-1.7(e).

The permit mirrors the requirements of the CGP where appropriate, but also adds more restrictive requirements as follows to protect water quality from construction on steep slopes:

- a. Part I.B.1.b. Soil Stabilization, the timeframe to complete soil stabilization has been decreased (from 14 days in the CGP) to 7 days in the permit to limit the potential for erosion on steep slopes.
- b. Part IV.C.2.b. Qualified Inspector Inspection Requirements, if one (1) acre or more of steep slopes are disturbed, 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 the CGP) 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.

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). The permit SPDES number follows: NY0296660.

Conditions of the Individual Permit

Water Quality Standards

Pursuant to ECL 17-0501 and 6 NYCRR 750-2.1(b), under all circumstances, the permittee must comply with the permit provisions which will reasonably protect classified water use and assure compliance with applicable water quality standards. Part 1.B.1(e) of the permit lists the prohibited discharges which are ineligible because

they may cause or contribute to a condition in contravention of State water quality standards or guidance values.

EPA Final Effluent Limitations

On December 1, 2009, the U.S. Environmental Protection Agency (EPA) promulgated new narrative effluent limitation guidelines (ELGs) for construction and development, which mandates the application of the best practicable control technology currently available (BPT) to reduce construction and development related pollutants in the effluent. All SPDES permits issued on or after February 1, 2010, must incorporate these requirements (see Part I.B. of the permit for the ELGs).

Type of Discharge Authorized

The permit only authorizes stormwater discharges from construction activities including stormwater runoff, snowmelt runoff, surface runoff and drainage.

Proposed Activity, Type of Discharge and Potential Receiving Waters

Whiteface Mountain Ski Center is a State owned ski center/recreation facility located in the Town of Wilmington, Essex County. Subject to funding allocation and approval of the Board, the applicant is proposing to undertake the construction activities for individual projects identified in the facility's UMP and listed in Part 1.A.1 of the permit.

The receiving waters that have the potential to receive stormwater discharges from the facility are: West Branch Ausable River

Appendix A – Definitions

Several definitions included in the CGP were removed for the permit since they are not relevant in the context of the permit for the subject ORDA facility. Additionally, the definition for "Routine Maintenance Activity" was expanded to clarify activities specific to the permitted facility that do not require coverage under the permit, such as maintenance of ski trails including brush hog use and mowing. These Routine Maintenance Activities do not require coverage because they are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Appendix B – Required SWPPP Components by Project Type

Appendix B Tables 1 and 2 in the permit are based on the CGP Appendix B Tables 1 and 2 and are used to determine which construction activity projects require a Stormwater Pollution Prevention Plan (SWPPP) that only includes erosion and sediment controls or that also includes post-construction stormwater management practices. Several categories included in Tables 1 and 2 in the CGP were removed for the permit since they are not relevant to the subject ORDA facility. Several categories, and further language within existing categories, were added to Tables 1 and 2 in the permit (compared to the CGP) to clarify construction activities specific to the subject ORDA facility, such as ski lift tower installation, ski lodges, and ski lift terminals.

Appendix C – NYS DEC Region Contacts

DEC Regional contacts are provided. Part VII. Reporting of the permit, as well as elsewhere in the permit, indicates which contact (i.e. the Regional Permit Administrator, the Regional Water Engineer, or the Regional Stormwater Contact) should receive a particular submission required by the permit.

Appendix D – IPSCA Form

The Individual Project SWPPP Certification and Acceptance Form (IPSCA) was created for the permit to be used similarly to how the electronic Notice of Intent (eNOI) functions for the CGP. Part III.C. of the permit requires the permittee to submit the IPSCA form to the DEC, and Part II.A.2.e. of the permit requires the permittee to receive the IPSCA form back from the DEC as one of the criteria for an individual project to receive authorization to discharge under the permit. The IPSCA form contains individual project specific information and requires certification signatures from the SWPPP preparer and an ORDA representative.

Appendix E – IPSNOC Form

The Individual Project SWPPP Notice of Completion Form (IPSNOC) was created for the permit to be used similarly to how the Notice of Termination (NOT) functions for the CGP. Part V.B.1.b. of the permit requires the permittee to submit the form to the DEC as one of the criteria for an individual project to close authorization to discharge under the permit. The IPSNOC form collects individual project specific information and requires certification signatures from the Qualified Inspector and an ORDA representative.