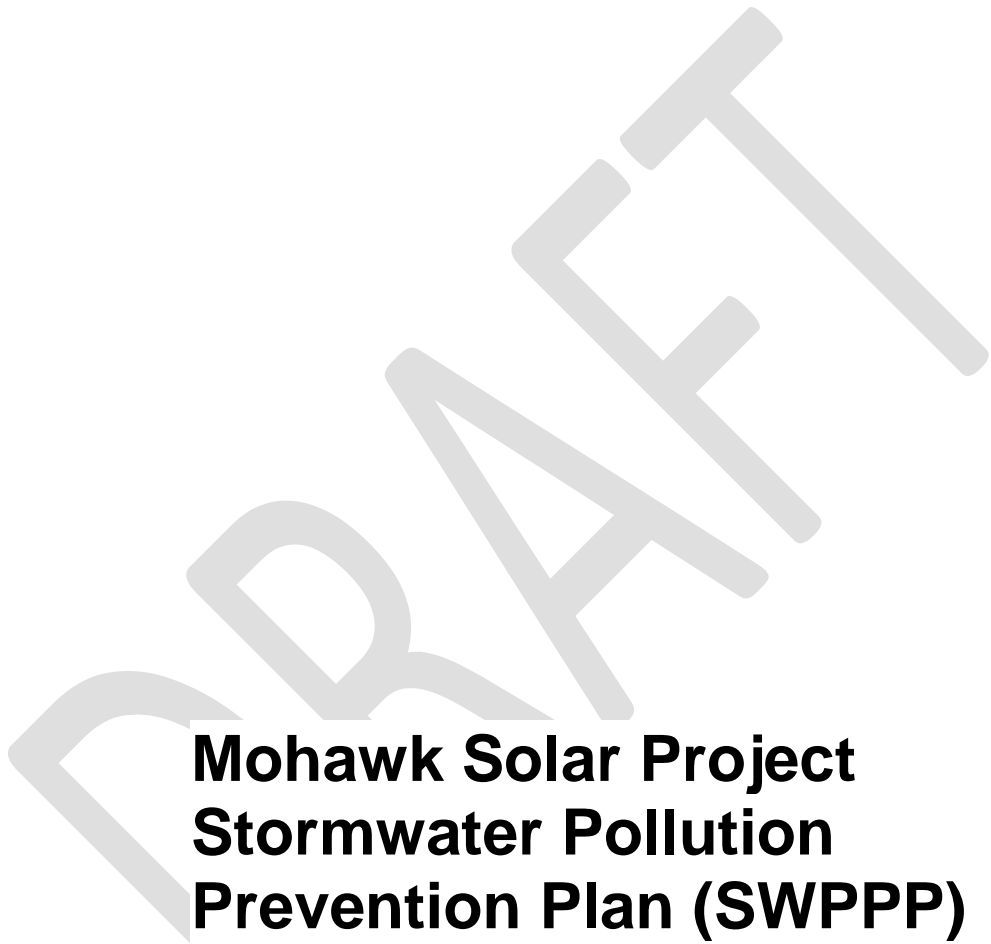




# **Mohawk Solar Project Stormwater Pollution Prevention Plan (SWPPP)**

February 20, 2019



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February 20, 2019

DRAFT

# Issue and revision record

Revision	Date	Originator	Checker	Approver	Description
V1	2/20/2019	T. Albanese	J. Hicks	E. Tomadakis	Final Draft/Response to Comments

## Document reference:

### Information class: Standard

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# Acronyms

Acronym	Definition
AC	alternating current
APO	Agency Historic Preservation Office
AVGD	Avangrid
Contractor	Prime Contractor
CPESC	Certified Professional in Erosion and Sediment Control
CPv	Channel Protection Volume
DC	direct current
DEC	Department of Environmental Conservation
DOW	Division of Water (NYSDEC)
EIA	U.S. Energy Information Administration
Engineer	Mott MacDonald
GIS	Geographical Information Systems
kV	kilovolt
LLC	Limited liability corporation
MS4	Municipal Separate Storm Sewer System
MW	megawatt
MWh	megawatt-hour
National Grid	Niagara Mohawk Power Corporation
NOI	Notice of Intent
NOT	Notice of Termination
NW	Northwest
NYCRR	New York Codes, Rules, and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
O&M	operations and maintenance
OPRHP	Office of Parks Recreation and Historic Preservation
Owner	Mohawk Solar LLC, a Delaware limited liability company
POI	Point of Interconnect
PPE	Personal Protective Equipment
Project	Mohawk Solar Project
PV	photovoltaic
Qf	Extreme Flood Control
Qp	Overbank Flood Control
ROW	Right-of-way
RRv	Runoff Reduction Volume
SDS	Safety Data Sheet
SHPA	State Historic Preservation Act
SHPO	State Historic Preservation Office
SMP	Stormwater Management Practices
SPCC	Spill Prevention, Control and Countermeasures
SPRP	Spill Prevention and Response Plan
SPDES	State Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
TBD	To be determined

Acronym	Definition
UG	Underground
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
WQv	Water Quality Volume

## Definitions

**Commencement of construction:** the initial disturbance of soils associated with clearing, grading, or excavation activities, or other construction activities that disturb or expose soils such as demolition or stockpiling of fill material.

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

**Final stabilization:** all soil disturbance activities at the site have ceased, and uniform perennial vegetative cover with a density of 80 percent over the entire pervious surface has been established or 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.

**Prime Contractor:** responsible contractor for the completion of the project under the contract terms and conditions. The Prime Contractor can utilise and manage subcontractors or hire people for specific parts of the work to complete the work.

**Qualified Inspector:** a person that is knowledgeable in the principles and practices of erosion and sediment control. Qualified Inspectors include:

- Licensed Professional Engineer
- Certified Professional in Erosion and Sediment Control (CPESC)
- Registered Landscape Architect
- Person working under the direct supervision of, and at the same company as, the license Professional Engineer or Register Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control (i.e., the individual has received four hours of NYSDEC endorsed training in proper erosion and sediment control within the prior three years).

**Project Area:** area being evaluated to host the Project consists of approximately 800 acres of rural and agricultural landscape.

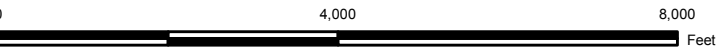
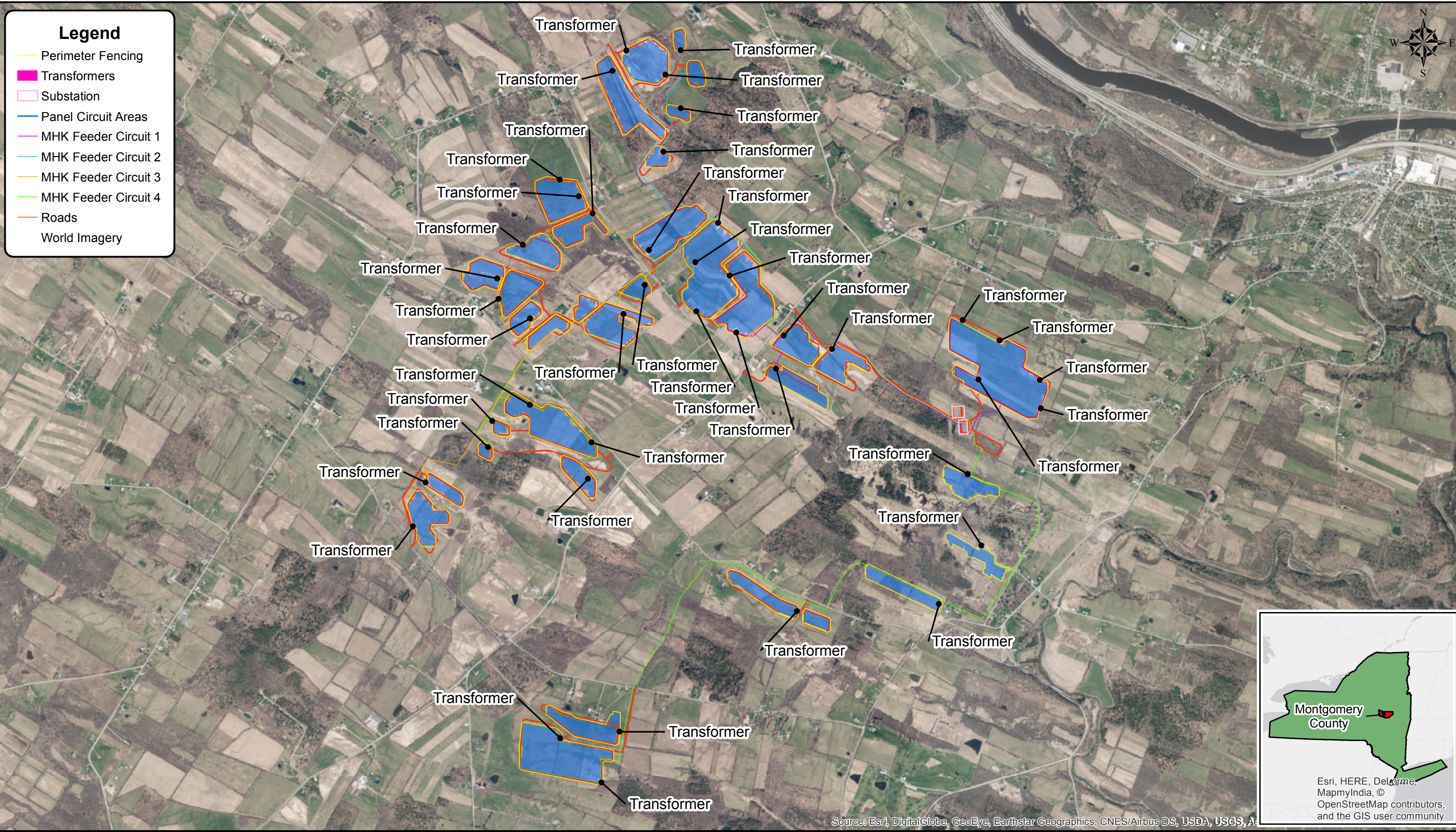
**Trained Contractor:** an employee from a contracting (construction) firm that has received four hours of NYSDEC endorsed training from a Soil and Water Conservation District (or other NYSDEC endorsed entity), in proper erosion and sediment control principles no later than two years from the date this general permit is issued. After receiving the initial training, the trained individual shall receive four hours of training every three years.

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

**Temporary Stabilization:** when exposed soil has been covered with materials to prevent the exposed soil from eroding as set forth in the NYS Standards and Specifications for Erosion and

Sediment Control. Examples of materials include mulch, seed and mulch, and rolled erosion control products.





Map Document: (C:\Users\mor62606\Documents\ArcGIS\Mohawk\MO\De\Mohawk\_Facility\_Overview.mxd)  
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<div>M M</div> <div>MOTT MACDONALD</div> <div>111 Wood Avenue South Iselin, New Jersey 08830-4112</div>	AVAGRID RENEWABLES MONTGOMERY COUNTY, NEW YORK MOHAWK SOLAR FACILITY OVERVIEW MAP				
	Designed XXX	Drawn	Checked	Approved	Date 12/18/2018



# Stormwater Pollution Prevention Plan (SWPPP) - DRAFT

## 1 Introduction and Regulatory Requirements

Mohawk Solar is a proposed 90 megawatt (MW) alternating current (AC) photovoltaic (PV) solar energy generating project located within the Towns of Canajoharie and Minden, Montgomery County, New York. The project is known as the Mohawk Solar Project (the Project). Additional Project details are found in Section 3 of this document.

This draft Stormwater Pollution Prevention Plan (SWPPP) has been prepared by Mott MacDonald (Engineer), to provide instruction on appropriate construction management practices that will guide Mohawk Solar, LLC (Owner), in its field activities and operations to minimize the discharge of pollutants in stormwater runoff and protect water quality during and after construction activities.

All personnel engaged in the Mohawk Solar Project construction activities shall abide by this SWPPP. This SWPPP is a requirement of New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities, Permit No. GP0-15-002 (General Permit), effective January 29, 2015 with an expiration date of January 28, 2020 (Attachment A). The General Permit authorizes stormwater discharges to surface waters of the State from construction related activities. The contents of this SWPPP discuss and describe the requirements of this permit.

The SWPPP will be kept at the Project site and made available for review by applicable regulatory agencies, the Engineer, and contractors. Regulatory agencies that have jurisdiction over the Project site may elect to review this SWPPP and if necessary may notify the Owner that modifications to the SWPPP or site conditions are required.

The Notice of Intent (NOI), SWPPP and Inspection reports must be made available for public review by the Owner. The Owner shall produce copies of these documents for any person within five business days of the receipt of a written request. The requester is responsible for copying costs.

The General Permit requires that a review of the Project be completed to determine whether stormwater discharge or construction activities would have an effect on a property that is a historic or archeological resource that is listed or eligible for listing on the State or National Register of Historic Places. The DEC consultation form shall be sent to Office of Parks, Recreation and Historic Preservation (OPRHP) and receive documentation from OPRHP that the construction activity will result in No Impact, or a determination of No Adverse Impact, or a Letter of Resolution signed by the owner/operator, OPRHP and the Agency Historic Preservation Officer (APO) which allows for this construction activity to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA). Documentation of this review is included in Attachment E – State Historic Preservation Office (SHPO) Documentation (*Not available until future Project development*).

The General Permit requires that a review of the Project be completed to assess whether potential construction activities or discharges from construction activities may adversely affect an endangered or threatened species, unless the owner or operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the NYSDEC or USFWS, or applicable

Agency has issued a letter of non-jurisdiction for the project. Documentation of this review is included in Attachment E Documentation (*Not available until future Project development*).

The Owner shall retain the following documents for a period of at least five years from the date that the site achieves final stabilization:

- The SWPPP including:
  - NOI,
  - NOI acknowledgement letter,
  - Contractor Certification(s) and,
  - Notice of Termination (NOT).
- Stormwater Construction Site Inspection Reports.
- Contract Documents including Construction Drawings and Technical Specifications
- Correspondence (from NYSDEC, town(s), engineer, etc.) regarding stormwater management.
- All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.C.2 of this General Permit.

## 2 Permit Coverage

The erosion and sedimentation control devices included in this SWPPP were selected to minimize the discharge of pollutants and to assist in the prevention of a violation of the water quality standards as discussed in the General Permit under Section 1.B for Effluent Limitations Applicable to Discharges from Construction Activities. If there are any deviations proposed, then a demonstration of equivalence must be included. The SWPPP for the Project has been prepared with no deviations from the New York State Standards and Specifications for Erosion and Sediment Control (November 2016).

As required in Section C of the General Permit, the post-construction stormwater management practices included in this SWPPP were selected and designed to meet the performance criteria in the 2015 New York State Stormwater Management Design Manual (*to be developed during final design*).

Construction related stormwater discharges from the Project site will be authorized five business days from the date the electronic NOI is received by the NYSDEC, or 10 business days from the date the paper NOI is received by the NYSDEC (Attachment B).

The Mohawk Solar Project site is not located within a regulated MS4.

The SWPPP must be kept up to date to accurately document the current and future erosion and sediment control and post-construction stormwater practices for the site. The Owner or the Prime Contractor (Contractor) shall amend this SWPPP when modifications to the design, construction, operator, or maintenance of the Project could have an effect on the potential for discharge of pollutants in stormwater runoff. Some example situations include:

- The currently installed erosion and sediment control practices are ineffective in minimizing pollutants in stormwater discharges.
- If an additional contractor will be implementing the stormwater management and/or erosion and sediment control facilities, that contractor must complete the Contractor certification.
- Issues are identified by Qualified Inspector, a NYSDEC representative, or other regulatory authority that require a modification.



The Contractor is responsible for the installation of all erosion and sediment control devices as specified in this SWPPP.

If changes in site conditions occur as a result of the workmanship or actions of the Contractor, time of year, and/or weather conditions, the Contractor will be responsible to revise the SWPPP documents, implement all revisions, and install all additional or revised stormwater management, and erosion and sediment control devices at their own cost.

All SWPPP revisions will be completed within seven days of receiving notification that revisions are necessary. Revisions shall be reviewed and accepted by the Owner and the Engineer prior to implementation. All SWPPP revisions must be marked with the revision date and distributed by the Owner or the Contractor to the involved parties (i.e., subcontractors, Engineer, and municipality).

If existing site conditions observed by the Contractor are different than what is shown in the SWPPP documents, the Contractor shall report in writing all discrepancies to the Owner prior to any site disturbance. The Owner shall review the documented discrepancies and provide in writing acceptance or denial of discrepancies to the Contractor. When the Owner provides written acceptance of any agreed upon discrepancies prior to any site disturbance, the Owner shall revise the SWPPP and provide it to the Contractor within three days. The Contractor shall review the revised SWPPP within three days of receipt, and document in writing any changes to the negotiated contract.

After acceptance by the Owner, the Contractor shall be responsible for full implementation of the revised SWPPP's stormwater management, and erosion and sediment control practices.

### **3 Project Description and Site Information**

Mohawk Solar is a proposed photovoltaic (PV) solar energy generating project de-rated to 90.5 megawatt (MWac) at the Point of Interconnect (POI) and is located within the Towns of Canajoharie and Minden, Montgomery County, New York. The Project will represent the largest utility-scale solar power plant in New York State. A general vicinity and Project location are depicted in Attachment D. As depicted on the location map selected parcels within the Project Area will be developed with solar facilities. Preservation of natural areas, minimizing clearing and grading, and reduction of impervious cover have been considerations in the layout and design. This provides flexibility during project development to minimize and avoid impacts to wetlands, forested areas, cultural resources, visual resources, wildlife habitat, and other sensitive resources.

The Project site is in the regional Mohawk River Watershed. Major tributaries in the project vicinity include the Otsquago and Canajoharie Creeks.

Both Canajoharie and Minden are within District 1 of the County's agricultural Districts. There are no identified parcels designated by the State of New York as prime agricultural land of Statewide significance.

Project components will ultimately be sited on approximately 800 acres of leased private land, which is primarily rural and agricultural lands. Leasing land from private landowners, provides a stable and predictable revenue stream that can offset the risk of growing crops and help keep the land "in the family." The final location of the Project will be identified in detail in the Article 10 Application. However, in accordance with 16 NYCRR § 1000.5 (l)(1), a preliminary layout of the Project is depicted in Attachment D.

The proposed Project consists of the construction and operation of a utility-scale solar power project, including:

- A solar field of PV panels producing direct current (DC) electricity mounted on a single-axis tracking system.
- Inverters placed throughout the Project (internal to the panel arrays) to convert DC electricity to alternating current (AC) electricity.
- A medium voltage UG collection system that will aggregate the AC output from the inverters;
- A substation where the Project's electrical output voltage will be combined, and its voltage increased to the transmission line voltage of 115 kV via a step-up transformer;
- A generation tie line (gen-tie) that will connect the Project to the designated point of interconnection (POI);
- A switching station to be specified by Niagara Mohawk Power Corporation (d/b/a National Grid) (National Grid), where the electricity will be injected into the existing bulk transmission system and delivered to homes and businesses;
- Internal infrastructure including access roads and fencing; and
- Temporary laydown areas within the array for equipment staging and excess soil temporary stockpile during construction.

In addition, an on-site operations and maintenance (O&M) facility will be constructed as depicted on the civil drawing plan set. The new O&M facility which would be a 2,500 to 3,000 square foot (40' x 32' layout) building constructed on a footprint occupying three to five acres in size. The O&M facility would be fenced and located adjacent to or near the substation. The location and details of the O&M facility would be further identified and described in the Article 10 Application.

To deliver power to the New York State power grid, the Applicant proposes to interconnect with the existing St. Johnsville-Marshville 115 kV transmission line, which is owned and operated by National Grid. An existing substation associated with this transmission line, the Marshville substation, is located along Route 10, but is not included as part of the Project. Existing above-ground transmission lines traverse the proposed Area from this substation in an east-west and north-south orientation.

Mohawk Solar will have a nameplate capacity of 90.5 MWAC at Point of Interconnection and is expected to generate approximately 185,000 MWh of energy for year one of operation. This will be enough electricity to meet the average annual consumption of over 20,000 households, based on average annual electric consumption of 7.2 MWh for New York State (U.S. Energy Information Administration EIA, 2014). Solar energy is most beneficial during the summer demand to meet air conditioning loads during the day. Because it uses no fuel, it both offsets additional air pollution from burning fossil fuels and dampens the cost of power at this time of peak conventional power cost. Solar modules have followed the same cost pattern as many other electrical devices. Module costs have fallen significantly over the last five years, dramatically changing their role in wholesale power supply.

The total proposed (estimated) Project land disturbance is approximately 300 acres. Below is a breakdown of the proposed project land disturbance activities:

- Solar array sites
- 23 permanent access roads and a total of 42 culverts/pipe crossings. Any excess soils will be temporarily stockpiled within the array space and used throughout the site during construction. See *Section 4.2.2*.
  - Solar Site perimeter access drives which is approximately 70 acres of disturbance.
- Substation: permanent land disturbance area is approximately 6.4 acres

- Operations & Maintenance Facility – proposed grading of approximately 0.31 acres
- Temporary Laydown Area will occupy an area ranging in size from 6-8 acres.
- Temporary disturbance for installation of Underground (UG) Transmission Lines
- Wetland and waterbodies disturbance resulting in permanent impacts of approximately 0.44 acres.
- Tree clearing/removal: approximately 17.9 acres

## Soils

The soil types and map units associated with the Project are provided in Attachment D. Per USDA, hydrologic soil groups are based on estimates of runoff potential. Soils are grouped into one of four groups based on the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms. The four soil groups are A, B, C, and D and three dual classes (A/D, B/D, and C/D). See \*legend below for description of each group. Work that is undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, of County Soil Survey are ineligible for coverage under this General Permit. As depicted in the Table below, none of the project area has slopes with soil slopes of 25% or greater.

The hydrologic soil characteristics of the Project watershed areas were obtained from Soil Survey Mapping of Montgomery County, New York, and available GIS data and are as follows:

**Table 1: Facility Soil Parameters**

Map Soil Unit	Map Unit Name	Hydrologic Soil Group Rating	Acres	Percent
AnB	Angola silt loam, 3 to 8 percent slopes	D	27.6	3.94%
ApA	Appleton silt loam, 0 to 3 percent slopes	B/D	5.6	0.80%
ApB	Appleton silt loam, 3 to 8 percent slopes	B/D	147.5	21.05%
Br	Brockport silt loam	D	1.8	0.26%
BuB	Burdett channery silt loam, 3 to 8 percent slopes	C/D	13.5	1.93%
ChA	Churchville silty clay loam, 0 to 3 percent slopes	C/D	10.5	1.50%
ChB	Churchville silty clay loam, 3 to 8 percent slopes	C/D	41.1	5.86%
DaA	Darien silt loam, 0 to 3 percent slopes	C/D	7.6	1.08%
DaB	Darien silt loam, 3 to 8 percent slopes	C/D	154.3	22.02%
Fo	Fonda mucky silty clay loam	C/D	3.7	0.53%
HoB	Hornell silt loam, 3 to 8 percent slopes	D	14	2.00%
IIA	Ilion silt loam, 0 to 3 percent slopes	C/D	31	4.42%
IIB	Ilion silt loam, 3 to 8 percent slopes	C/D	35.7	5.09%
LaB	Lansing silt loam, 3 to 8 percent slopes	B	40.5	5.78%
LaC	Lansing silt loam, 8 to 15 percent slopes	B	53.5	7.63%

Map Soil Unit	Map Unit Name	Hydrologic Soil Group Rating	Acres	Percent
LaD	Lansing silt loam, 15 to 25 percent slopes	B	7.1	1.01%
Ma	Madalin silty clay loam, 0 to 3 percent slopes	C/D	27.6	3.94%
MsD	Mohawk silt loam, 15 to 25 percent slopes	B	0.9	0.13%
PaB	Palatine silt loam, 3 to 8 percent slopes	C	31.7	4.52%
PaC	Palatine silt loam, 8 to 15 percent slopes	C	13.8	1.97%
PpB	Phelps gravelly loam, 3 to 8 percent slopes	B/D	2.3	0.33%
RhA	Rhinebeck silty clay loam, 0 to 3 percent slopes	C/D	22.9	3.27%
RhB	Rhinebeck silty clay loam, 3 to 8 percent slopes	C/D	6.6	0.94%
TOTALS			700.8	100.00%

Source: USDA Web Soil Survey

*\*Legend: **Group A.** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission. **Group B.** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission. **Group C.** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission. **Group D.** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high-water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission. If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.*

### 3.1 Owner/Operator Contact Information

Contact information for the site is as follows: Owner/Operator: Mohawk Solar LLC, a Delaware limited liability company

Contact: Scott L. McDonald

Address: 11125 NW Couch Street, Suite 700  
Portland, Oregon, 97209  
Phone No.: (612) 804-9209

### 3.2 Owner/Operator Responsibilities

The Owner shall be responsible for the following:

1. Development of a SWPPP in accordance with all applicable requirements of SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-15-002).
2. Submission of a completed NOI form (Attachment B) in order to be authorized to discharge under this General Permit to the following agencies:
  - NYSDEC, Bureau of Water Permits

- 625 Broadway, 4th Floor
  - Albany, New York 12233-3505
  - Towns of Canajoharie and Minden
  - Montgomery County Agency (TBD)
3. Have SWPPP preparer sign the “SWPPP Preparer Certification” statement on the NOI prior to submitting the form to the NYSDEC.
  4. Do not commence construction activity until authorization to discharge under the General Permit goes into effect.
  5. Pay the required initial and annual fees upon receipt of invoices from NYSDEC. These invoices are generally issued in the fall of each year.
  6. Verify the provisions of the SWPPP are implemented from the commencement of construction activity until all areas of disturbance have achieved final stabilization and the NOT has been submitted to the same address where the NOI was submitted. The NOT can be found in Attachment M.
  7. Maintain a copy of the General Permit (GP-0-15-002), NOI, NOI Acknowledgment Letter, SWPPP, inspection reports, and all documentation necessary to demonstrate eligibility with this permit at the construction site until all disturbed areas have achieved final stabilization and the NOT has been submitted to the NYSDEC. 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.
  8. The SWPPP must be current at all times so that it accurately documents the erosion and sediment controls practices that are being used or will be used during construction.
  9. Schedule a pre-construction meeting that shall include the Towns of Canajoharie and Minden representatives, Montgomery County Agency (TBD), Owner’s Contractor, and their sub-contractors to discuss responsibilities as they relate to the implementation of this SWPPP.
  10. Forward a copy of the NOI Acknowledgement Letter received from the DEC to the Owner’s Engineer for Project records, and to the Contractor for display at the job site.
  11. Prior to the commencement of construction activity, identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP. The contractor(s) and subcontractor(s) must identify at least one trained individual from their company that will be responsible for implementation of the SWPPP. Each of these contractors and subcontractors must sign a copy of the Contractor’s Certification Statement included in Attachment J.
  12. In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within 14 days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control.
  13. Verify that at least one trained individual is on the Site daily when soil disturbance activities are being performed.
  14. Prepare a written summary of the Project’s status with respect to compliance with the general permit at a minimum frequency of every three months during which coverage under

the permit exists. The summary should address the status of achieving the overall goal of the SWPPP. The summary shall be maintained at the Site in a publicly accessible location.

15. Prior to submitting a NOT, verify there is a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the Owner's deed of record.
16. Submit a NOT form within 48 hours of receipt of the Owner's certification of final Site stabilization to the following agencies:
  - NYS DEC, Bureau of Water Permits
  - 625 Broadway, 4th Floor
  - Albany, New York 12233-3505
  - Towns of Canajoharie and Minden
  - Montgomery County Agency
17. Request and receive all SWPPP records from the Owner's Engineer and archive those records for a minimum of five years after the NOT is filed.
18. Require the implementation of the Post-Construction Inspections and Maintenance procedures.

### 3.3 Owner's Engineer's Responsibilities

The Owner's Engineer shall be responsible for the following:

1. Prepare the SWPPP using good engineering practices, best management practices, and in compliance with all federal, state, and local regulatory requirements.
2. Prepare the NOI form, sign the "SWPPP Preparer Certification" section of the NOI, and forward to Owner/Operator for signature.
3. Provide copies of the SWPPP to the Towns of Canajoharie and Minden once all signatures and attachments are complete.
4. Prepare a construction Site Log Book to be used in maintaining a record of all inspection reports generated throughout the duration of construction.
5. Participate in a pre-construction meeting with the Towns of Canajoharie and Minden representatives, Operator, Contractor, and their sub-contractors to discuss responsibilities as they relate to the implementation of this SWPPP.
6. Enter Contractor's information in Section 6.5, SWPPP Participants, once a Contractor is selected by the Owner.
7. Conduct an initial assessment of the Site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment control measures described within this SWPPP have been adequately installed and implemented to verify overall preparedness of the Site.
8. Provide on-site inspections to determine compliance with the SWPPP. At a minimum, the inspection report shall include and/or address the following:
  - Date and time of inspection;
  - Name and title of person(s) performing inspection;
  - A description of the weather and soil conditions (e.g., dry, wet, saturated) at the time of the inspection;
  - 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 (e.g., pipes, culverts, ditches, etc.) and overland flow;

- Identification of all erosion and sediment control practices that need repair or maintenance;
- Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
- Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;
- Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices.
- Include color photographs with date stamp, taken with a digital camera that clearly show the condition of all practices that have been identified as needing corrective actions. Color copies of photographs shall be attached to the inspection report within seven calendar days of inspection. Color photographs with date stamp, taken with a digital camera must clearly show the condition of practice(s) after the corrective action has been completed. Color copies of the photographs, that document completion of the corrective action work within seven calendar days of inspection, shall be attached to inspection report.

All inspection reports shall be signed by the Qualified Inspector and shall be maintained on Site with the SWPPP. A sample inspection form is provided in Attachment H.

1. Review the Contractor's SWPPP records on a periodic basis to verify compliance with the requirements for daily reports and inspections and maintenance logs.
2. Maintain the construction Site Log Book throughout the duration of construction.
3. Update the SWPPP each time there is a significant modification to the pollution prevention measures or a change of the principal Contractor working on the Project who may disturb Site soil.
4. Conduct a final site assessment and prepare a certification letter to the Operator indicating that, upon review of the material testing and inspection reports prepared by the firm retained by the Operator, review of the completed topographic survey, and evaluation of erosion and sediment control measures and best management practices have been constructed substantially in accordance with the contract documents and should function as designed.
5. Prepare the NOT. Sign the NOT Certifications VI (Final Stabilization) and forward the NOT to the Owner/Operator for his signature on Certification VIII (Owner or Operator Certification).
6. Transfer the SWPPP documents, along with all NOIs, permit certificates, NOTs, construction Site Log Book, and written records required by the General Permit to the Operator for archiving.

### 3.4 Contractor's Responsibilities

The Contractor shall be responsible for the following:

1. Sign the SWPPP Contractor's Certification Form and forward to the Owner's Engineer for inclusion in the Site Log Book.
2. Identify at least one Trained Contractor that will be responsible for implementation of the SWPPP. Verify that at least one Trained Contractor is on the Site daily when soil disturbance activities are being performed.
3. Provide the names and addresses of all subcontractor(s) responsible for implementation of the SWPPP. Require all subcontractors who will be involved with construction activities that



will result in soil disturbance to identify at least one Trained Contractor that will be on site daily when soil disturbance activities are being performed; and to sign a copy of the Contractor's Certification Form and forward to the Owner's Engineer for inclusion into the Site Log Book.

This information must be retained as part of the Site Log Book.

4. A Spill Prevention and Response Plan (SPRP) shall be developed for the Site by the Contractor. The plan shall detail the steps needed to be followed in the event of an accidental spill and shall identify contact names and phone numbers of people and agencies that must be notified. The plan shall include Safety Data Sheets (SDS) for all materials to be stored on-Site. All workers on-Site will be required to be trained on safe handling and spill prevention procedures for all materials used during construction. Regular tailgate safety meetings shall be held and all workers that are expected on the Site during the week shall be required to attend.

The SPRP will be maintained on site and available for review. This Plan shall be provided to the Owner's Engineer for inclusion in the Site Log Book.

5. Participate in a pre-construction meeting which shall include the Towns of Canajoharie and Minden representatives, Montgomery County, Operator, Owner's Engineer, and all sub-contractors to discuss responsibilities as they relate to the implementation of this SWPPP.
6. The Contractor will designate areas for equipment cleaning, maintenance, and repair. The Contractor and subcontractors will utilize those areas. The areas will be protected by a temporary perimeter berm.
7. If Contractor plans to utilize adjacent properties for material, waste, borrow, or equipment storage areas, Contractor shall submit appropriate documentation to the Owner's Engineer so that the SWPPP can be modified accordingly.

Construction materials shall be stored in a dedicated staging area. The staging area shall be in an area that minimizes the impacts of the construction materials affecting stormwater quality. Chemicals, paints, solvents, fertilizers, and other toxic material must be stored in waterproof containers. Except during application, the contents must be kept in trucks or within storage facilities.

- For construction of the panels, the individual array areas would be used as temporary staging and equipment laydown areas, as required, instead of a centralized location.
  - For construction of the substations, an all-purpose lay down yard/area will be utilized. In the location of the proposed substations there is a field area located east of the transmission ROW comprising 10.5 acres in total. This location is depicted on the civil drawings. The temporary laydown/staging area will occupy an area of approximately 6 acres of available land.
8. Implement Site stabilization, erosion and sediment control measures, and other requirements of the SWPPP.
  9. In addition to the inspections performed by the Qualified Inspector, routine inspections shall be performed by the Contractor and include a visual check of all erosion and sediment control measures. All inspections and maintenance shall be performed in accordance with the inspection and maintenance schedule provided on the drawings.
  10. Prepare and retain written documentation of inspections as well as of all repairs/maintenance activities performed. This information must be retained as part of the Site Log Book.
  11. Maintain a record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the Site, and when stabilization measures are initiated, until the NOT is filed.



12. Begin implementing corrective actions within one day of receipt of notification by the Qualified Inspector that deficiencies exist with the erosion and sedimentation control measures employed at the site. Corrective actions shall be completed within a reasonable time frame.

### 3.5 Contract Documents

The Contract Documents include Construction Drawings as listed in the Table of Contents, technical specifications, and this SWPPP.

## 4 SWPPP Construction Requirements

### 4.1 Pre-construction Requirements

Prior to construction, the Owner shall have the Contractors and subcontractors identify at least one person from their company who meet the requirements of a Trained Contractor, that will be responsible for the implementation of the SWPPP and the inspection of the erosion and sediment controls in accordance with the New York Standards and Specifications for Erosion & Sediment Controls.

Prior to the commencement of construction, a Qualified Inspector shall conduct a site assessment of the Project and certify that the appropriate erosion and sediment control structures have been adequately installed and implemented. Pre-construction Requirements to be followed by the Owner and Contractor, including subcontractor, prior to the commencement of any construction activities are described in Attachment F.

### 4.2 Construction Requirements

#### 4.2.1 Area of Disturbance

Construction activity will not disturb greater than five acres of soil at any one time without prior written permission of the Owner's Representative and the Department contact at the Regional NYSDEC office contact. To obtain approval from the Regional NYSDEC office, the Owner will submit a written request to DOW Water (SPDES) Program contact at the Regional NYSDEC office that contains the following information:

- A phasing plan that defines:
  - The maximum disturbed acres per phase;
  - The required cuts and fills;
  - Any additional erosion and sediment control measures that will be implemented; and
  - Identification of additional water quality treatment practices to be installed.

*\*The Phasing Plan will be submitted with the Final SWPPP.*
- An explanation of why the five-acre disturbance limit must be exceeded;
- Acknowledgement that a Qualified Inspector will conduct at least two site inspections every seven days. The inspections must be separated by a minimum of two calendar days.
- Acknowledgement that where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures, in conformance with the New York State Standards and Specifications for Erosion and Sediment Control, shall be installed within seven days from the date the soil disturbance activity ceased.
- Acknowledgement that the Owner/Operator shall install any additional practices to protect water quality based as necessary based on site conditions.

If the current site disturbance is reduced to less than five acres, then the inspection frequency can be reduced to the required frequency as identified in Section 4.2.3. The Owner shall notify the DOW (SPDES) Program contact at the Regional NYSDEC office in writing prior to reducing the frequency of inspections.

The construction drawings associated with the Project shall include:

- The total site area and site location map;
- Existing conditions including existing vegetation;
- Existing and final contours;
- Locations of different soil types with boundaries;
- On-site and adjacent off-site surface waterbodies, floodplain/floodway boundaries, wetlands and drainage patterns;
- All improvements including proposed facilities;
- Areas of disturbance;
- Erosion control plans depicting controls to be implemented;
- Site plan and access road layout, grading plan and profiles including drainage infrastructure and location of stormwater discharge(s);
- Typical civil details;
- General Construction notes;
- Grading and Drainage notes, and
- Material, waste, borrow or equipment storage areas located on adjacent properties.
- Waterway/stream cross-section details

The drawings will depict perimeter fencing and approximate limits of disturbance and clearing limits for all Facility components (PV panels, inverters, access roads, buildings, electric lines, substations, fences, inverters, etc.) based on impact assumptions. Grading will depict proposed final contours. Electric collection lines required number of circuits for each collection line route are indicated on site plan drawings. Turn-around areas are also depicted and are to be used during construction.

#### 4.2.2 Construction Sequence

Project Construction is anticipated to start in the third quarter of 2020 with site mobilization, clearing, grading and other earthwork. Also, within the third quarter of 2020, driving piers, trenching activities and substation work will commence. Electrical and mechanical installation will occur during the first and second quarters of 2021 followed by complete construction and compliance plant performance testing parameters in the third quarter. In the fourth quarter of 2021, COD send power to grid. The BOP Contractor is responsible for installing and implementing erosion control practices, as defined within this SWPPP, and for the site to be stabilized per the NYS Standards for Erosion and Sediment Control.

Below is a preliminary outline of the major construction implementation tasks from start to finish.

1. Install perimeter silt fencing and other required erosion and sediment controls, prior to soil disturbances.
2. Establish limits of site disturbance, including site clearings, stockpiled soil, access roads. Stockpile areas will be delineated in the field and marked on construction drawings.

3. Strip topsoil and create stabilized stockpile areas.
4. Begin site grading operations
5. Install drainage pipe and gravel surfacing
6. Conduct final grading
7. Install topsoil and complete Soil Restoration per Section 5.1.6 of the Design Manual on all areas that disturbed areas that will be vegetated in its final state and on existing access roads identified to be restored. Apply permanent seeding and stabilization measures to the site in accordance with the seeding and mulching rates and seed mixtures provided on the drawings. All seeded and stabilized areas of the site shall reach a minimum success rate of 80% vegetated ground cover.  
{Clean straw mulch is preferred alternative in wetland application.}
8. When site has reached final stabilization, and after review and confirmation by the Owner's representative, the Contractor shall remove temporary erosion and sediment control measures.

#### 4.2.3 Construction Site Inspection

The Owner will be responsible to provide a Qualified Inspector to inspect erosion and sediment control practices, post construction stormwater management practices that are under construction, disturbed areas, and all points of discharge from the construction site.

Specifically, the Qualified Inspector shall:

- Inspect all erosion and sediment control practices to verify integrity and effectiveness,
- Verify that erosion and sediment control practices required by the SWPPP and the General Permit have been installed as appropriate for the phase of work and conditions at the site,
- Verify that post-construction stormwater management practices are installed in accordance with the SWPPP,
- Inspect all areas of disturbance that have not achieved final stabilization, and
- Observe all points of discharge from the site, including natural surface waterbodies located within or immediate adjacent to construction activities, conveyance systems and overland flow.
- An Environmental Monitor (the Qualified Inspector) will be onsite during construction and restoration work including stabilization on agricultural land. The Inspector will coordinate with NYSDAM.

The Qualified Inspector shall also take digital photographs, with date stamp, that clearly show the conditions of erosion and sediment control practices and stormwater management practices that have been identified as needing corrective actions and of practices that have had corrective actions since the last inspection. These photographs shall be attached to the inspection form within seven calendar days of the inspection.

If corrective actions are needed, the Qualified Inspector must notify the Owner and the appropriate Contractor within one business day of completing the inspection. The Contractor shall begin implementing the corrective action within one business day of receiving notification and complete it within seven calendar days following the date of the inspection. Additional mitigation measures are to be implemented by the Contractors if necessary due to site conditions to minimize sediment transport or discharge of sediment laden runoff off-site.

The Qualified Inspector shall complete inspection at least once every seven calendar days or after rainfall events in excess of 0.5 inches. If authorization to disturb greater than five acres of soil at one time is received, the Qualified Inspector shall conduct at least two site inspections every seven calendar days. There shall be a minimum of two full calendar days between inspections. An Inspection Report Form for conducting the inspections is included in Attachment G. Completed inspection reports are to remain on file at the site in Attachment G.

If there are no land disturbing activities during the winter season, exposed soil must be stabilized with established vegetation, straw or other acceptable mulch, matting, rock, or other approved material including erosion control blankets. Where soil disturbing activities have been suspended, such as for winter shutdown, and temporary stabilization measures have been applied (i.e. temporary seeding/mulch) to all disturbed areas, the Owner may reduce inspections to a minimum of one inspection every 30 calendar days. The Owner shall notify the DOW, SPDES Program contact at the NYSDEC Regional Office in writing prior to reducing the frequency of inspections. The Owner shall resume inspections in accordance with this section as soon as soil disturbance activities resume.

The Qualified Inspector shall perform a final inspection of the site to certify that:

- All disturbed areas have achieved final stabilization;
- Temporary erosion and sediment control practices have been removed; and
- Post-construction stormwater management practices have been constructed in conformance with the SWPPP.

Prior to certification, the Contractors at their own cost, shall supply as-built topographic surveys of all post-construction stormwater management practices to document that the stage/storage relationship has been met. Upon satisfactory completion of the final site inspection, the Qualified Inspector shall sign the appropriate sections of the NOT form (Attachment K).

#### 4.2.4 Authorized Stormwater Discharges

Discharges from the following sources are authorized provided that they are directed to a sediment trapping device:

- Clean wash water (does not contain soaps, detergents or solvents) from cleaning construction vehicles and equipment.
- Site dewatering (ground water) from pits, excavations, and trenches
- Water for dust control

Sediment trapping devices shall be designed and located by the Contractor and approved by the Owner and the Engineer prior to installation.

If clean, potable water discharged from the site for any reason, it shall be directed over a grassed area prior to reaching off-site areas. Potable water shall not be discharged directly to a natural waterbody or watercourse.

Water used for dust control shall be applied using appropriate quantities and methods. No chemicals, soaps, detergents, etc., shall be used.

#### 4.2.5 Prohibited Stormwater Discharges

The following discharges are prohibited:

- Wastewater from washout and cleanout of concrete, stucco, paint, form release oils, curing compounds, and other construction materials. (It is a requirement of this SWPPP that these

materials be washed out into a containment area or tank on site. All waste material must be disposed of off-site in accordance with Federal, State, and local requirements);

- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- Soaps or solvents used in vehicle and equipment washing; and
- Toxic or hazardous substances from a spill or other release.

#### 4.2.6 Maintaining Surface Water Quality

It is expected that compliance with this SWPPP and the General Permit, will prevent discharges of pollutants which would cause or contribute to a violation of the surface water quality standards contained in Parts 700 through 705 of Title 6 of Official Compilation of Codes, Rules and Regulations of the State of New York. Potential violations include:

- An increase in turbidity that will cause substantial visible contrast to natural conditions;
- An increase of suspended, colloidal or settleable solids that will cause deposition or impair surface waters for their best usages; and
- A residue from oil and floating substances, visible oil film, or globules of grease.

If there is evidence indicating that the stormwater discharges authorized by the General Permit are causing, have reasonable potential to cause, or are contributing to a violation of surface water quality standards; the Owner or operator must take appropriate corrective action within one business day. The corrective action must be documented in the next SWPPP inspection report. To address the surface water quality standard violation, the Owner or operator may need to provide additional information, include and implement appropriate controls from this SWPPP to correct the problem, or obtain an individual SPDES Permit.

#### 4.2.7 Chemical and Oil Management

Secondary containment for oil containers shall be provided. If on-site above-ground oil storage exceeds either 660 gallons in a single container or 1,320 gallons in total, a spill prevention control and countermeasure (SPCC) plan shall be developed. A preliminary SPCC Plan for the Mohawk Solar Project has been developed conforming to requirements of 40 CFR §112 and is included in Exhibit 23 of the Article 10 application submittal.

#### 4.2.8 Other Pollutant Controls

The following describes other control measures to be employed during construction of this Project.

1. No solid or liquid waste, including building materials, are allowed to be discharged from the Site with stormwater. All solid waste, including disposable materials incidental to the major construction activities, must be collected and placed in containers. The containers shall be emptied periodically by a licensed solid waste disposal service and hauled away from the Site and disposed of at a permitted facility. Substances that have the potential for polluting surface and/or groundwater must be controlled by whatever means necessary in order to confirm that they do not discharge from the Site. As an example, special care must be exercised during equipment fueling and servicing operations. A designated refueling area will be provided that will allow for appropriate containment; however, if a spill occurs, it must be contained and disposed so that it will not flow from the Site or enter groundwater, even if this requires removal, treatment, and disposal of soil. In this regard, potentially polluting substances should be handled in a manner consistent with the impact they represent.

2. All fuel storage areas, tanks and concrete washout areas will be located a minimum of 50 feet from streams, storm drainage, ponds, wetlands and other sensitive areas. A temporary, above-grade lined concrete washout area will be depicted on the construction drawings.
3. Temporary sanitary facilities will be provided throughout the construction phase. Portable toilets will be in locations where they will not be impacted by construction activities. Portable toilets will be cleaned regularly with their contents properly disposed. These facilities shall comply with state and local sanitary or septic system regulations.

## 5 Notice of Termination

A Notice of Termination (NOT) shall be filed with the NYSDEC when the Project is permanently stabilized. The NOT requires certification from the Inspector that the site has been stabilized and that all post-construction practices have been constructed in conformance with the SWPPP. Mohawk Solar, LLC will maintain control of the stormwater facilities, if applicable, via easements and/or use agreements and are required to have a maintenance plan in place.

The Post-Construction Maintenance and Inspection Checklist will be provided by the Qualified Inspector in the future (Attachment H).

## 6 Stormwater Management During Construction

The primary goals of this SWPPP are to maintain the pre-development rate of runoff in order to minimize impacts to adjacent or downstream properties, apply runoff reduction methods, and to minimize the impact to the quality of runoff exiting the Site.

This SWPPP and associated drawings identify and detail stormwater management pollution prevention, and erosion and sediment control measures necessary during and following completion of construction.

This SWPPP considers the impacts associated with the intended development with the following goals:

- Maintain existing drainage patterns as much as possible while continuing the conveyance of upland watershed runoff;
- Control increases in the rate of stormwater runoff resulting from the proposed development so as not to adversely alter downstream conditions; and
- Minimize potential stormwater quality impacts and prevent soil erosion and sedimentation resulting from stormwater runoff generated both during and after construction.

Anticipated locations for the erosion and sediment control practices are shown on the Civil-Preliminary/Construction Drawings. Typical erosion and drainage practices and structures include: storm pipe, silt fence, temporary check dams, dry swales, slope protection, inlet/outlet protection, timber mats, vegetation protection, stabilized construction entrances, and vegetation filter strips. These practices, and any practices added due to conditions at the site, are to be installed and maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. All inspections and maintenance shall be performed in accordance with the inspection and maintenance schedule provided on the drawings.

The Contractor is to provide a construction stabilization and maintenance schedule providing details when construction activities are anticipated to start and when areas will be stabilized. This record shall become part of this SWPPP.

## 7 Erosion and Sediment Controls

The SWPPP and drawings identify the temporary and permanent erosion and sediment control measures that have been incorporated into the design of this Project. These measures will be implemented and maintained during construction, to minimize soil erosion and control sediment transport off-site, and prevent a violation of the water quality standards.

Erosion control measures are intended to retain eroded soil and prevent it from reaching water bodies or adjoining properties. This SWPPP has been developed in accordance with the following documents:

- New York State Standards and Specifications for Erosion and Sediment Control (NYSDEC November 2016),
- New York State Stormwater Management Design Manual (the Design Manual) (NYSDEC January 2015),
- NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-15-002) (effective date January 29, 2015), and
- NYSDEC Solar Panel Construction Stormwater Permitting Guidance, April 5, 2018.

The erosion and sediment control practices are identified in the Contract Documents and must be installed and maintained to meet the requirements of the SWPPP.

Solar panels shall be constructed on piers (elevated off the ground surface). Panels shall be spaced apart so that water can flow off the down gradient side of the panel and reach the ground, therefore allowing infiltration of stormwater. The ground surface below the panels shall be a well-established vegetative cover. Any site grading shall be minor as to not alter the pre-development hydrology characteristics of the native land.

Disturbed areas may need to convey sediment and stormwater runoff to a temporary channel or sediment trap; these practices are not specifically identified in the Project Civil Drawings. However, prior to installing these practices, the Contractor (in coordination with the Inspector) shall provide the detail specification and proposed location of the sediment trap for approval.

Water management practices will account for impacts to receiving waters and include measures to address dewatering, rock outlet aprons, flow dissipation, or excavated plunge pool. Per the NYS Blue Book, waterbodies shall be stabilized in accordance with the appropriate vegetative stabilization standard and specifications and will be dependent on slope, soil type and classification. Activities within or adjacent to wetlands and waterbodies may require a permit from the USACE or NYSDEC pursuant to Article 15 (Protection of Waters) and Article 24 (Freshwater Wetlands) of the Environmental Conservation Law (ECL). Implementation of erosion control measures requirements shall meet permit issuance standards and compliance with any of the ECL permits.

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 to minimize channel and stream bank 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; and
- viii. Unless infeasible, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover.

The following temporary control structural measures have been included in the Project Civil Design Permitting erosion and sediment control plans.

- Silt Fence installed along perimeter of array sites, along proposed road construction areas and at all facility locations including lay-down location
- Stabilized construction entrance(s)
- Check dams will be installed if crossing a channel depending on need
- Straw bales as barrier in place of silt fence, as feasible
- Temporary stockpiles of soil
- Temporary soil stabilization including seeding and mulching
- Tree/Vegetation protection fencing will be erected, as applicable
- If it is necessary to remove water from a trench, pit or hole, a Pumped Water Filter Bag should be used. Bags should be located in a well-vegetated (grassy) area and discharge into a stable, erosion-resistant area.

Structural erosion and sediment control practices should generally be inspected weekly and within 24-hours after a  $\geq 0.5$ -inch storm event by a Qualified Inspector.

### 7.1 Stabilization Practices

The following stabilization practices, per the 2016 New York State Standards and Specifications for Erosion and Sediment, will be employed by the Contractor as follows:

- For portions of the site where soil disturbance activities have temporarily or permanently ceased, stabilization measures must be initiated by the end of the next business day and completed within 14 days from the date the most recent soil disturbance activity ceased, or within seven days if the current project disturbance is five acres or greater.
- If the site is snow covered and/or frozen then stabilization measure shall be implemented as soon as practicable.
- Winter stabilization measures will be implemented for disturbed areas and will include any of the following practices: seeding and mulching and buffer strips, as deemed appropriate to existing conditions.
- For stabilization on slopes greater than 5%, to the extent possible, the contractor shall maintain existing drainage patterns to allow for no increase in runoff from pre to post developed conditions. Therefore, stormwater runoff will consist of sheet flow to shallow concentrated flow.
- Temporary soil stabilization practices including seeding will be applied in areas where soil disturbance activity has been temporarily or permanently ceased.
- Where land disturbance is necessary, temporary seeding or mulching must be used on areas which will be exposed for more than 7 days. Permanent stabilization should be performed as soon as possible after completion of final grading. The site to be re-vegetated



with mixes specified in the SWPPP. Slopes greater than 3:1 shall use anchor stabilizing mats approved by the NYSDEC in addition to seed.

- Temporary stabilization measures shall be completed within seven (7) days of stockpile formation. Stabilization measures shall include mulching of the stockpile and erection of a perimeter silt fence. Stockpiles shall be located away from environmentally sensitive areas.
- Post-construction vegetative restoration will include reseeding disturbed areas with appropriate native seed mix.
- Agricultural areas that are temporarily disturbed will be decompacted to a depth of 18 inches. Stabilization of farmland/cropland areas temporarily disturbed will include measures, when possible, following the NY State Department of Agriculture, Agricultural and Markets (NYSDAM) guidelines and Guidelines for Agricultural Mitigation for solar Energy Projects (4/19/2018).
- During operation, it is anticipated that Vegetation Management and an Invasive Species Management Plans will be implemented. The Vegetation Maintenance performed around the solar panels will utilize a combination of chemical and mechanical control methods within the solar array fields. Mowing may not be feasible. However, trimming near the forested areas or brush lines shall be performed along with chemical application, in accordance with local and state rules; these may be necessary management tools to control certain invasive species and maintain adequately cleared areas in-between arrays. Implementation of a vegetation management plan that enhances wildlife habitat is preferred.

## 7.2 Additional Stormwater Controls

Stormwater runoff volumes and peak discharges shall be calculated using current hydrologic data; hydrologic data published by the Northeast Regional Climate Center (NRCC) <http://precip.eas.cornell.edu/> combined with construction site runoff curve numbers will be input into appropriate software to calculate peak rates of runoff, runoff volumes, and flow durations.

**An analysis of the applicability stormwater management controls will be developed when final design and construction documents are prepared for these facilities.**

The following are additional Best Management Practices to be implemented at the site to minimize pollutant transport:

- Material Transport – take proper precautions to prevent spilling materials during transport. Any spilled materials will be swept or removed as soon as practicable so that they do not enter a surface and subsurface drainage systems.
- Dust Control – provide dust control measures to prevent dust from leaving the site and mixing into stormwater. Measures may include minimization of soil disturbance, water application or mulching but shall not include use of chemical additives. Any sediment that is tracked off the site shall be removed using a hand broom or other cleaning equipment.
- Solid Waste Management – store waste in covered dumpsters or other appropriate containers. Waste is to be disposed of regularly and properly in accordance with local, state, and/or federal regulations.
- Building materials storage – properly store and contain building materials on-site.

## 8 Post-construction Stormwater Management

The increased emphasis on a holistic approach to stormwater has resulted in a change in stormwater management practices and techniques. The Design Manual requires stormwater management designs to use the Green Infrastructure “Five Step” Process:

1. Site Planning – Conserve of Natural Areas and Reduce Impervious Cover
2. Determine Water Quality Volume (WQv)
3. Meet Runoff Reduction Volume (RRv) Requirements – Apply Green Infrastructure Techniques and Standard Stormwater Management Practices (SMPs) with RRv Capacity
4. Apply Standard Stormwater Management Practices to Address Remaining WQv
5. Meet Rate Reduction Requirements – Apply Volume Control Practices as necessary to meet pre-construction discharge rates

**An analysis of the applicability of each practice or method will be developed when final design and construction documents are prepared for these facilities.**

### 8.1 Stormwater Quantity

Stormwater quantity requirements include the following:

- Channel Protection Volume (Cpv) – extended detention of the one-year storm to protect stream channels from erosion.
- Overbank Flood Control (Qp) – attenuate the 10-year storm post-construction peak discharge rate to preconstruction rates.
- Extreme Flood Control (Qf) – attenuate the 100-year storm post-construction peak discharge rate to preconstruction rates.

Dry swales, stormwater detention, and culverts for conveyance are some of the possible Stormwater Management Practices that may be employed. There is sufficient room to provide both stormwater quality treatment, as well as quantity control for this Project.

**An analysis of stormwater as it relates to quantity control will be developed when final design and construction documents are prepared for these facilities.**

# Appendices

# **1 Attachment A. New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities, Permit No. GP0-15- 002 (General Permit)**



Department of  
Environmental  
Conservation

NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
SPDES GENERAL PERMIT  
FOR STORMWATER DISCHARGES

From

**CONSTRUCTION ACTIVITY**

Permit No. GP-0-15-002

Issued Pursuant to Article 17, Titles 7, 8 and Article 70  
of the Environmental Conservation Law

Effective Date: January 29, 2015

Expiration Date: January 28, 2020

Modification Date:

July 14, 2015 – Correction of typographical error in definition of “New Development”,  
Appendix A

November 23, 2016 – Updated to require the use of the New York State Standards and  
Specifications for Erosion and Sediment Control, dated November  
2016. The use of this standard will be required as of February 1,  
2017.

John J. Ferguson  
Chief Permit Administrator

  
Authorized Signature

11-14-16  
Date

Address: NYS DEC  
Division of Environmental Permits  
625 Broadway, 4th Floor  
Albany, N.Y. 12233-1750



## PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York's *State Pollutant Discharge Elimination System ("SPDES")* is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law ("ECL")*.

This general permit ("permit") is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this permit by submitting a Notice of Intent ("NOI") to the Department. Copies of this permit and the NOI for New York are available by calling (518) 402-8109 or at any New York State Department of Environmental Conservation ("the Department") regional office (see Appendix G). They are also available on the Department's website at:

<http://www.dec.ny.gov/>

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a point source and therefore, pursuant to Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They cannot wait until there is an actual *discharge* from the construction site to obtain permit coverage.

**\*Note: The italicized words/phrases within this permit are defined in Appendix A.**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES  
FROM CONSTRUCTION ACTIVITIES**

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(Part I)

## Part I. PERMIT COVERAGE AND LIMITATIONS

### A. Permit Application

This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

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

*Discharges* authorized by this permit 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 *owner or operator* 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, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the Stormwater Pollution Prevention Plan (“SWPPP”) the reason(s) for the deviation or alternative design and provide information

(Part I.B.1)

which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** 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* 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; and
- (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover.

b. **Soil Stabilization.** In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, 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. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering.** *Discharges* from dewatering activities, including *discharges*

(Part I.B.1.c)

from dewatering of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures.** 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 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;
- (ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- (iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;
- (iv) Soaps or solvents used in vehicle and equipment washing; and
- (v) 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

(Part I.B.1.f)

at or below the outlet does not occur.

### **C. Post-construction Stormwater Management Practice Requirements**

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit 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, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* 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. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit 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 specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. 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 4.3 of the Design Manual.** The remaining portion of the total WQv

(Part I.C.2.a.ii)

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 site *discharges* directly to tidal waters, or fifth order or larger streams.
- (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 New Development in Enhanced Phosphorus Removal Watershed**

- (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 is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be calculated in accordance with the criteria in Section 10.3 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.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or

(Part I.C.2.b.ii)

standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. 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 10.3 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 site *discharges* directly to tidal waters, or fifth order or larger streams.
- (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.

**c. Sizing Criteria for Redevelopment Activity**

(Part I.C.2.c.i)

- (i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *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.



(Part I.C.2.c.iv)

- (iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

**d. *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 *owner or operator* 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 *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or

(Part I.D)

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. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

**E. Eligibility Under This General Permit**

1. This permit may authorize all *discharges* of stormwater from *construction activity to surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges* from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater *discharges* may be authorized by this permit: *discharges* from firefighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated *groundwater* or spring water; uncontaminated *discharges* from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this permit, and who *discharge* as noted in this paragraph, and with the exception of flows from firefighting activities, these *discharges* must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

**F. Activities Which Are Ineligible for Coverage Under This General Permit**

All of the following are not authorized by this permit:

(Part I.F)

1. *Discharges* after *construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;
4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an endangered or threatened species unless the *owner or operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.C.2 of this permit.
5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;
6. *Construction activities* for residential, commercial and institutional projects:
  - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
  - b. Which disturb one or more acres of land with no existing *impervious cover*; and
  - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.
7. *Construction activities* for linear transportation projects and linear utility projects:
  - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
  - b. Which disturb two or more acres of land with no existing *impervious cover*; and
  - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the USDA Soil Survey for the County where the disturbance will occur.

(Part I.F.8)

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.C.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:
  - a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the construction site within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the construction site within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.
    - 1-5 acres of disturbance - 20 feet
    - 5-20 acres of disturbance - 50 feet
    - 20+ acres of disturbance - 100 feet, or
  - b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
    - (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
    - (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
    - (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
    - (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or
  - c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:
    - (i) No Affect
    - (ii) No Adverse Affect

(Part I.F.8.c.iii)

(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharges from construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

## Part II. OBTAINING PERMIT COVERAGE

### A. Notice of Intent (NOI) Submittal

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the Department in order to be authorized to *discharge* under this permit. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (<http://www.dec.ny.gov/>). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address.

**NOTICE OF INTENT  
NYS DEC, Bureau of Water Permits  
625 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12233-3505**

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI.

The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the address in Part II.A.1.

(Part II.A.2)

The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of Owner or Operator) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*.

3. The *owner or operator* shall have the SWPPP preparer sign the “SWPPP Preparer Certification” statement on the NOI prior to submitting the form to the Department.
4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

**B. Permit Authorization**

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
  - a. project review pursuant to the State Environmental Quality Review Act (“SEQRA”) have been satisfied, when SEQRA is applicable. See the Department’s website (<http://www.dec.ny.gov/>) for more information,
  - b. where required, all necessary Department permits subject to the *Uniform Procedures Act* (“UPA”) (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain UPA permits must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary UPA permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,
  - c. the final SWPPP has been prepared, and
  - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above

(Part II.B.3)

will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

- a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:
  - (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or
  - (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;
  - (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.
- b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:
  - (i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed “MS4 SWPPP Acceptance” form, or
  - (ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed “MS4 SWPPP Acceptance” form.

4. The Department may suspend or deny an *owner’s or operator’s* coverage

(Part II.B.4)

under this permit if the Department determines that the SWPPP does not meet the permit requirements. In accordance with statute, regulation, and the terms and conditions of this permit, the Department may deny coverage under this permit and require submittal of an application for an individual SPDES permit based on a review of the NOI or other information pursuant to Part II.

5. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.B. of this permit.

### **C. General Requirements For Owners or Operators With Permit Coverage**

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-15-002), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, and all documentation necessary to demonstrate eligibility with this permit at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
  - a. The *owner or operator* shall



(Part II.C.3.a)

have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

- b. In areas where soil disturbance activity has temporarily 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. 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.
  - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
  - d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.
  - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *regulated, traditional land use control MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice

(Part II.D)

#### **D. Permit Coverage for Discharges Authorized Under GP-0-10-001**

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-10-001), an *owner or operator* of a *construction activity* with coverage under GP-0-10-001, as of the effective date of GP-0-15-002, shall be authorized to *discharge* in accordance with GP-0-15-002, unless otherwise notified by the Department.

An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-15-002.

#### **E. Change of *Owner or Operator***

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

(Part III)

### Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

#### A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* 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 be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP:
  - a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;
  - b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the *discharge* of *pollutants*; and
  - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority.
5. The Department may notify the *owner or operator* at any time that the

(Part III.A.5)

SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.C.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

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

"I hereby certify 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 *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges* from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I 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

(Part III.A.6)

*trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

**B. Required SWPPP Contents**

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:
  - a. Background information about the scope of the project, including the location, type and size of project;
  - 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

(Part III.B.1.d)

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 general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
- h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
- 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;
- 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

(Part III.B.1.I)

and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the 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 *owner or operator* 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 SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the 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

(Part III.B.2.c.iv)

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. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria*, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

### **C. Required SWPPP Components by Project Type**

Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.



(Part IV)

## **Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS**

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

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

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

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B 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. 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* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

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

(Part IV.C)

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

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
  - a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
  - b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
  - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
  - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
  - a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.
  - b. For construction sites where soil disturbance activities are on-going and

(Part IV.C.2.b)

the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

- c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.
- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “*Final Stabilization*” and “*Post-Construction Stormwater Management Practice*” certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.A.1 of this permit.
- e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall

(Part IV.C.2.e)

be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of *discharge* from the construction site.
4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
  - a. Date and time of inspection;
  - b. Name and title of person(s) performing inspection;
  - c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
  - d. A description of the condition of the runoff at all points of *discharge* from the construction site. This shall include identification of any *discharges* of sediment from the construction site. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
  - e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
  - f. Identification of all erosion and sediment control practices 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;

(Part IV.C.4.i)

- 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
  - l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of 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. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

## **Part V. TERMINATION OF PERMIT COVERAGE**

### **A. Termination of Permit Coverage**

- 1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.A.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

(Part V.A.2)

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
  - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;
  - b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;
  - c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E. of this permit.
  - d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the “*Final Stabilization*” and “*Post-Construction Stormwater Management Practice* certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.
4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the “*MS4 Acceptance*” statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector’s* final site inspection certification(s) required in Part V.A.3. of this permit.

(Part V.A.5)

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:
  - a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,
  - b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
  - c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
  - d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

## **Part VI. REPORTING AND RETENTION OF RECORDS**

### **A. Record Retention**

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

### **B. Addresses**

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.A.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.



(Part VII)

## **Part VII. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply**

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* 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.

### **B. Continuation of the Expired General Permit**

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

### **C. Enforcement**

Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

### **D. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

(Part VII.E)

### **E. Duty to Mitigate**

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### **F. Duty to Provide Information**

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

### **G. Other Information**

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

### **H. Signatory Requirements**

1. All NOIs and NOTs shall be signed as follows:

a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the

(Part VII.H.1.a.i)

corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- (ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or
  - c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - (i) the chief executive officer of the agency, or
    - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named

(Part VII.H.2.b)

individual or any individual occupying a named position) and,

- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.
3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.
4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

#### **I. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

#### **J. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

#### **K. Requirement to Obtain Coverage Under an Alternative Permit**

1. The Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any *discharger* authorized by a general permit to apply for an individual SPDES permit, it shall notify the *discharger* in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from *owner or operator* receipt of the notification letter, whereby the authorization to

(Part VII.K.1)

*discharge* under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge(s)*, the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

#### **L. Proper Operation and Maintenance**

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

#### **M. Inspection and Entry**

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a construction site which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

(Part VII.N)

#### **N. Permit Actions**

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

#### **O. Definitions**

Definitions of key terms are included in Appendix A of this permit.

#### **P. Re-Opener Clause**

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

#### **Q. Penalties for Falsification of Forms and Reports**

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

#### **R. Other Permits**

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

## APPENDIX A

### Definitions

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

**Combined Sewer** - means a sewer that is designed to collect and convey both “sewage” and “stormwater”.

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

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

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

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

**Environmental Conservation Law (ECL)** - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

**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.

**General SPDES permit** - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

**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.

**Historic Property** – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

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

**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.

**Municipal Separate Storm Sewer (MS4)** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a *combined sewer*; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**National Pollutant Discharge Elimination System (NPDES)** - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

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

**NOI Acknowledgment Letter** - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

**Owner or Operator** - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

**Performance Criteria** – means the design criteria listed under the “Required Elements” sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf ) in Part I.C.2. of the permit.

**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, 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.).

**Regulated, Traditional Land Use Control MS4** - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

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

- Re-grading of gravel roads or parking lots,
- Stream bank restoration projects (does not include the placement of spoil material),
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

**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 with a Soil Slope Phase that is identified as an E or F, or

the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.

**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).

**Total Maximum Daily Loads (TMDLs)** - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

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

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

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

**Uniform Procedures Act (UPA) Permit** - means a permit required under 6 NYCRR Part

621 of the Environmental Conservation Law (ECL), Article 70.

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

## APPENDIX B

### Required SWPPP Components by Project Type

**Table 1**  
**CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP**  
**THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS**

<p><b>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</b></p> <ul style="list-style-type: none"> <li>• Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E</li> <li>• Single family residential subdivisions with 25% or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E</li> <li>• Construction of a barn or other agricultural building, silo, stock yard or pen.</li> </ul>
<p><b>The following construction activities that involve soil disturbances of one (1) or more acres of land:</b></p> <ul style="list-style-type: none"> <li>• Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains</li> <li>• Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects</li> <li>• Bike paths and trails</li> <li>• Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project</li> <li>• Slope stabilization projects</li> <li>• Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics</li> <li>• Spoil areas that will be covered with vegetation</li> <li>• Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that <i>alter hydrology from pre to post development</i> conditions</li> <li>• 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</li> <li>• Demolition project where vegetation will be established and no redevelopment is planned</li> <li>• Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with <i>impervious cover</i></li> <li>• Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area</li> </ul>
<p><b>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</b></p> <ul style="list-style-type: none"> <li>• All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.</li> </ul>

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

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

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building(e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- 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



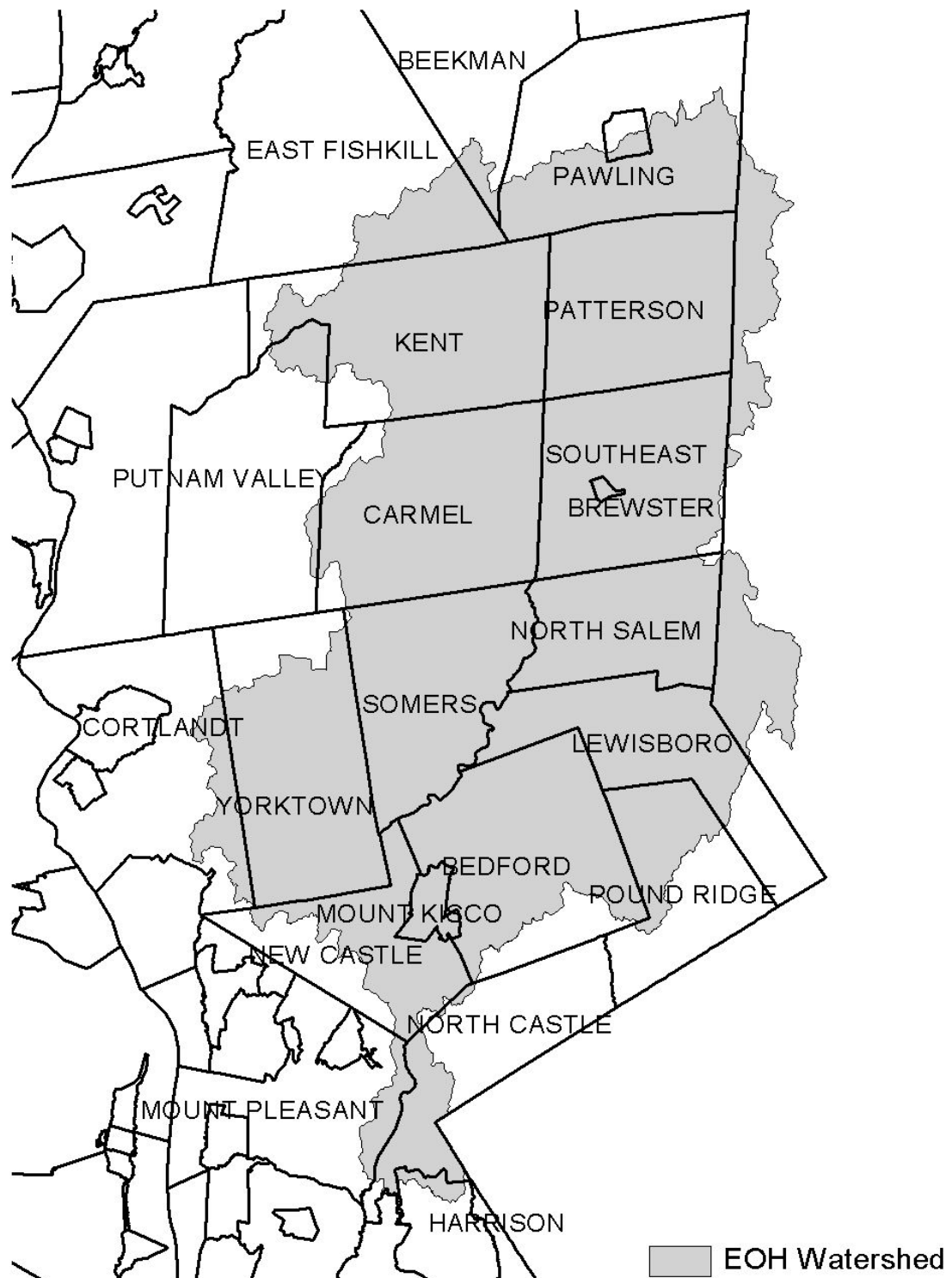
## APPENDIX C

### Watersheds Where Enhanced Phosphorus Removal Standards Are Required

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual (“Design Manual”).

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed -Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

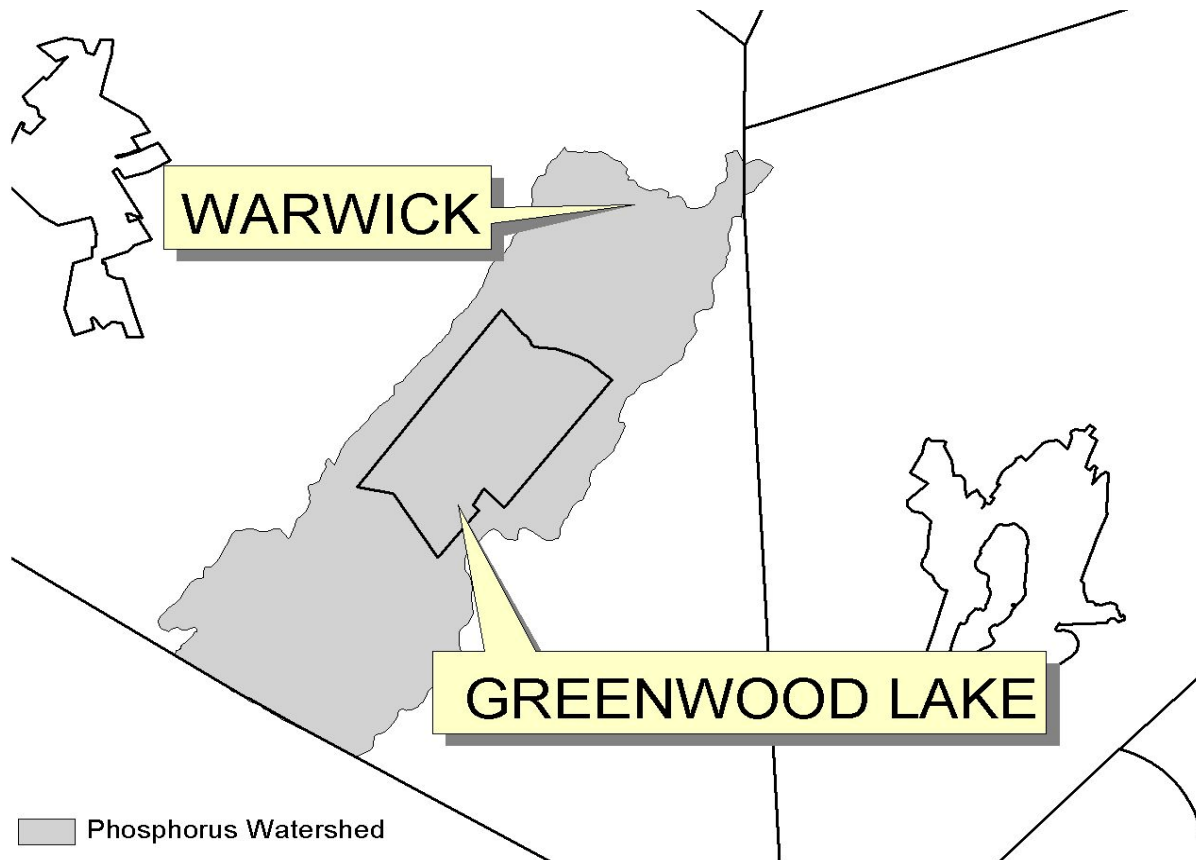
**Figure 1 - New York City Watershed East of the Hudson**



**Figure 2 - Onondaga Lake Watershed**



**Figure 3 - Greenwood Lake Watershed**



**Figure 4 - Oscawana Lake Watershed**

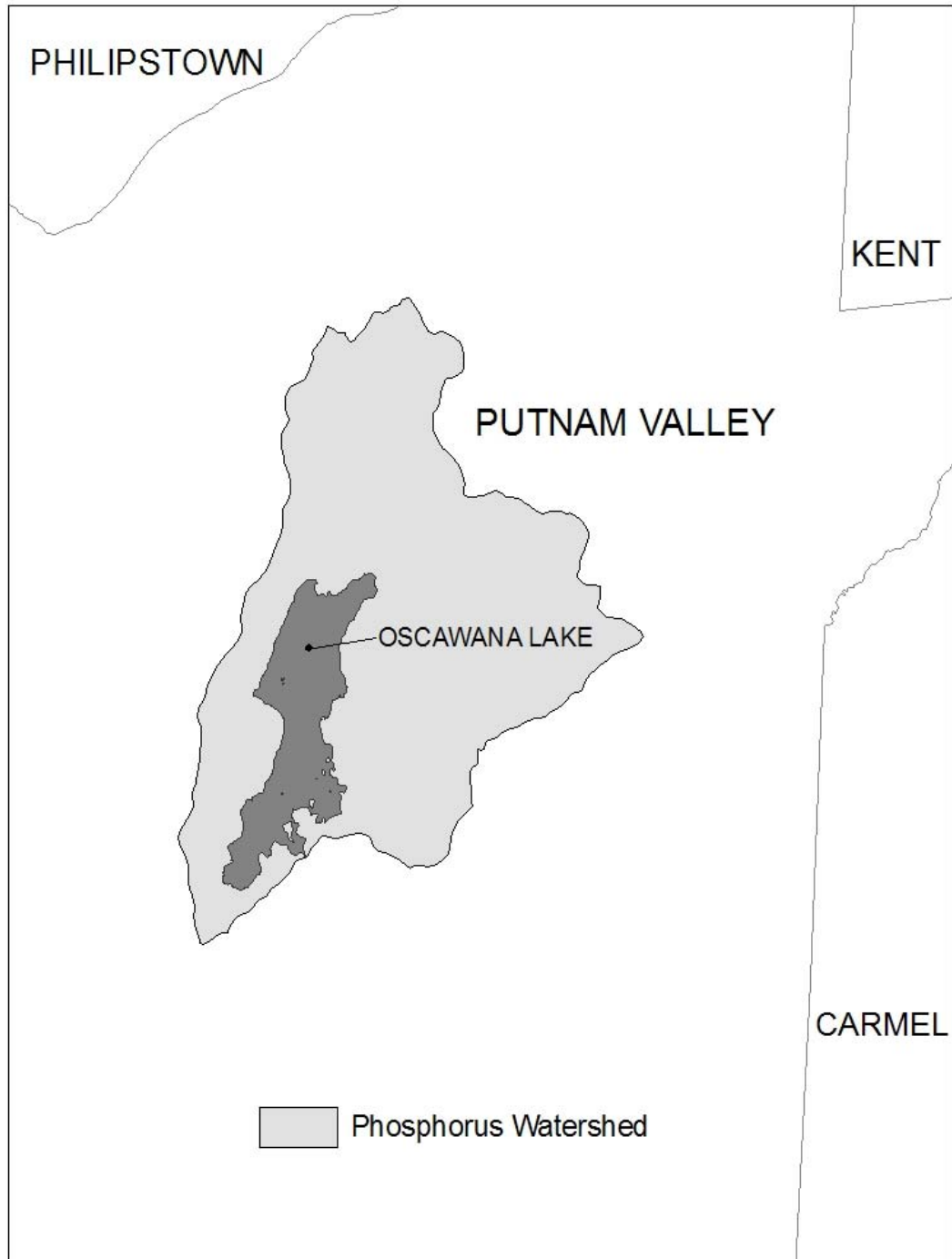
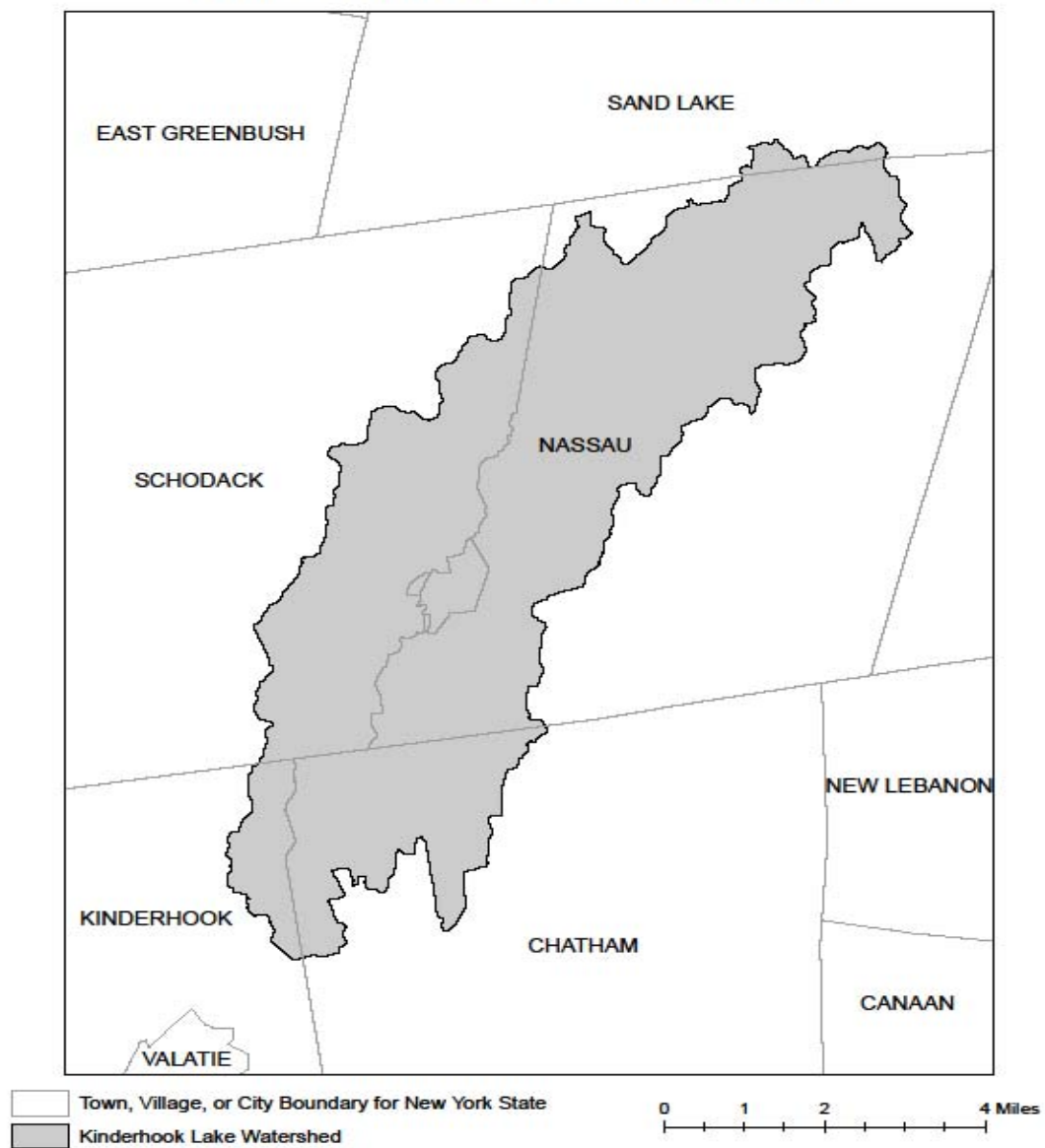


Figure 5: Kinderhook Lake Watershed



## APPENDIX D

**Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.**

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C
--

## APPENDIX E

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual (“Design Manual”), dated January 2015.

COUNTY	WATERBODY	COUNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond	Greene	Sleepy Hollow Lake
Albany	Basic Creek Reservoir	Herkimer	Steele Creek tribs
Allegheny	Amity Lake, Saunders Pond	Kings	Hendrix Creek
Bronx	Van Cortlandt Lake	Lewis	Mill Creek/South Branch and tribs
Broome	Whitney Point Lake/Reservoir	Livingston	Conesus Lake
Broome	Fly Pond, Deer Lake	Livingston	Jaycox Creek and tribs
Broome	Minor Tribs to Lower Susquehanna (north)	Livingston	Mill Creek and minor tribs
Cattaraugus	Allegheny River/Reservoir	Livingston	Bradner Creek and tribs
Cattaraugus	Case Lake	Livingston	Christie Creek and tribs
Cattaraugus	Linlyco/Club Pond	Monroe	Lake Ontario Shoreline, Western
Cayuga	Duck Lake	Monroe	Mill Creek/Blue Pond Outlet and tribs
Chautauqua	Chautauqua Lake, North	Monroe	Rochester Embayment - East
Chautauqua	Chautauqua Lake, South	Monroe	Rochester Embayment - West
Chautauqua	Bear Lake	Monroe	Unnamed Trib to Honeoye Creek
Chautauqua	Chadakoin River and tribs	Monroe	Genesee River, Lower, Main Stem
Chautauqua	Lower Cassadaga Lake	Monroe	Genesee River, Middle, Main Stem
Chautauqua	Middle Cassadaga Lake	Monroe	Black Creek, Lower, and minor tribs
Chautauqua	Findley Lake	Monroe	Buck Pond
Clinton	Great Chazy River, Lower, Main Stem	Monroe	Long Pond
Columbia	Kinderhook Lake	Monroe	Cranberry Pond
Columbia	Robinson Pond	Monroe	Mill Creek and tribs
Dutchess	Hillside Lake	Monroe	Shipbuilders Creek and tribs
Dutchess	Wappinger Lakes	Monroe	Minor tribs to Irondequoit Bay
Dutchess	Fall Kill and tribs	Monroe	Thomas Creek/White Brook and tribs
Erie	Green Lake	Nassau	Glen Cove Creek, Lower, and tribs
Erie	Scajaquada Creek, Lower, and tribs	Nassau	LI Tribs (fresh) to East Bay
Erie	Scajaquada Creek, Middle, and tribs	Nassau	East Meadow Brook, Upper, and tribs
Erie	Scajaquada Creek, Upper, and tribs	Nassau	Hempstead Bay
Erie	Rush Creek and tribs	Nassau	Hempstead Lake
Erie	Ellicott Creek, Lower, and tribs	Nassau	Grant Park Pond
Erie	Beeman Creek and tribs	Nassau	Beaver Lake
Erie	Murder Creek, Lower, and tribs	Nassau	Camaans Pond
Erie	South Branch Smoke Cr, Lower, and tribs	Nassau	Halls Pond
Erie	Little Sister Creek, Lower, and tribs	Nassau	LI Tidal Tribs to Hempstead Bay
Essex	Lake George (primary county: Warren)	Nassau	Massapequa Creek and tribs
Genesee	Black Creek, Upper, and minor tribs	Nassau	Reynolds Channel, east
Genesee	Tonawanda Creek, Middle, Main Stem	Nassau	Reynolds Channel, west
Genesee	Oak Orchard Creek, Upper, and tribs	Nassau	Silver Lake, Lofts Pond
Genesee	Bowen Brook and tribs	Nassau	Woodmere Channel
Genesee	Bigelow Creek and tribs	Niagara	Hyde Park Lake
Genesee	Black Creek, Middle, and minor tribs	Niagara	Lake Ontario Shoreline, Western
Genesee	LeRoy Reservoir	Niagara	Bergholtz Creek and tribs
Greene	Schoharie Reservoir	Oneida	Ballou, Nail Creeks
		Onondaga	Ley Creek and tribs
		Onondaga	Onondaga Creek, Lower and tribs



## APPENDIX E

### List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Onondaga	Onondaga Creek, Middle and tribs	Suffolk	Great South Bay, West
Onondaga	Onondaga Creek, Upp, and minor tribs	Suffolk	Mill and Seven Ponds
Onondaga	Harbor Brook, Lower, and tribs	Suffolk	Moriches Bay, East
Onondaga	Ninemile Creek, Lower, and tribs	Suffolk	Moriches Bay, West
Onondaga	Minor tribs to Onondaga Lake	Suffolk	Quantuck Bay
Onondaga	Onondaga Creek, Lower, and tribs	Suffolk	Shinnecock Bay (and Inlet)
Ontario	Honeoye Lake	Sullivan	Bodine, Montgomery Lakes
Ontario	Hemlock Lake Outlet and minor tribs	Sullivan	Davies Lake
Ontario	Great Brook and minor tribs	Sullivan	Pleasure Lake
Orange	Monhagen Brook and tribs	Sullivan	Swan Lake
Orange	Orange Lake	Tompkins	Cayuga Lake, Southern End
Orleans	Lake Ontario Shoreline, Western	Tompkins	Owasco Inlet, Upper, and tribs
Oswego	Pleasant Lake	Ulster	Ashokan Reservoir
Oswego	Lake Neatahwanta	Ulster	Esopus Creek, Upper, and minor tribs
Putnam	Oscawana Lake	Ulster	Esopus Creek, Lower, Main Stem
Putnam	Palmer Lake	Ulster	Esopus Creek, Middle, and minor tribs
Putnam	Lake Carmel	Warren	Lake George
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Warren	Tribs to L.George, Village of L George
Queens	Bergen Basin	Warren	Huddle/Finkle Brooks and tribs
Queens	Shellbank Basin	Warren	Indian Brook and tribs
Rensselaer	Nassau Lake	Warren	Hague Brook and tribs
Rensselaer	Snyders Lake	Washington	Tribs to L.George, East Shr Lk George
Richmond	Grasmere, Arbutus and Wolfes Lakes	Washington	Cossayuna Lake
Rockland	Congers Lake, Swartout Lake	Washington	Wood Cr/Champlain Canal, minor tribs
Rockland	Rockland Lake	Wayne	Port Bay
Saratoga	Ballston Lake	Wayne	Marbletown Creek and tribs
Saratoga	Round Lake	Westchester	Lake Katonah
Saratoga	Dwaas Kill and tribs	Westchester	Lake Mohegan
Saratoga	Tribs to Lake Lonely	Westchester	Lake Shenorock
Saratoga	Lake Lonely	Westchester	Reservoir No.1 (Lake Isle)
Schenectady	Collins Lake	Westchester	Saw Mill River, Middle, and tribs
Schenectady	Duane Lake	Westchester	Silver Lake
Schenectady	Mariaville Lake	Westchester	Teatown Lake
Schoharie	Engleville Pond	Westchester	Truesdale Lake
Schoharie	Summit Lake	Westchester	Wallace Pond
Schuyler	Cayuta Lake	Westchester	Peach Lake
St. Lawrence	Fish Creek and minor tribs	Westchester	Mamaroneck River, Lower
St. Lawrence	Black Lake Outlet/Black Lake	Westchester	Mamaroneck River, Upp, and tribs
Steuben	Lake Salubria	Westchester	Sheldrake River and tribs
Steuben	Smith Pond	Westchester	Blind Brook, Lower
Suffolk	Millers Pond	Westchester	Blind Brook, Upper, and tribs
Suffolk	Mattituck (Marratooka) Pond	Westchester	Lake Lincolndale
Suffolk	Tidal tribs to West Moriches Bay	Westchester	Lake Meahaug
Suffolk	Canaan Lake	Wyoming	Java Lake
Suffolk	Lake Ronkonkoma	Wyoming	Silver Lake
Suffolk	Beaverdam Creek and tribs		
Suffolk	Big/Little Fresh Ponds		
Suffolk	Fresh Pond		
Suffolk	Great South Bay, East		
Suffolk	Great South Bay, Middle		

Note: The list above identifies those waters from the final New York State "2014 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy", dated January 2015, that are impaired by silt, sediment or nutrients.

## APPENDIX F

### LIST OF NYS DEC REGIONAL OFFICES

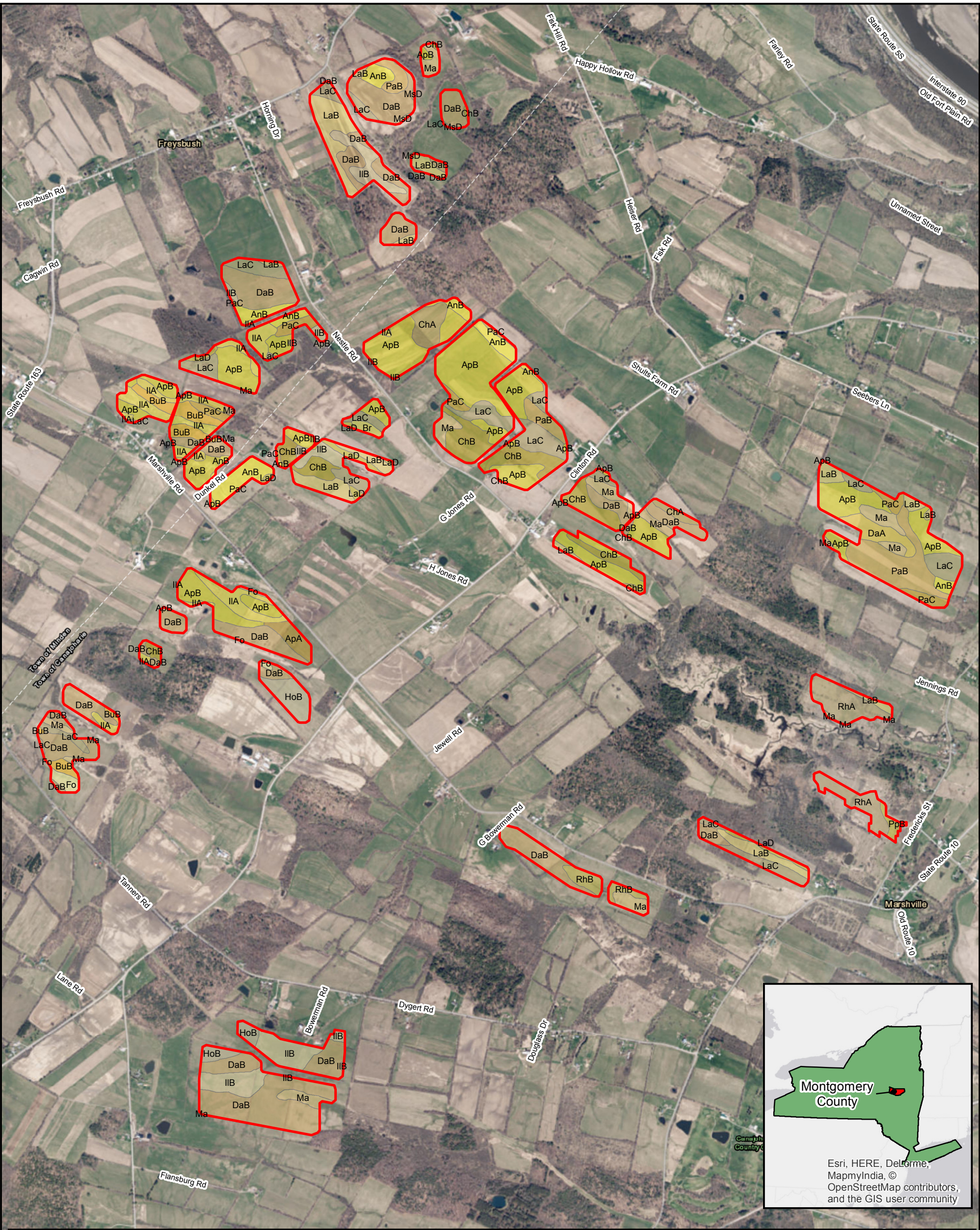
<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW)  WATER (SPDES) PROGRAM</u>
<b>1</b>	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
<b>2</b>	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
<b>3</b>	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
<b>4</b>	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
<b>5</b>	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, Po Box 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
<b>6</b>	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
<b>7</b>	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
<b>8</b>	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
<b>9</b>	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

## **2 Attachment B. NYSDEC Notice of Intent (NOI) [To be prepared during final design]**

### **3 Attachment C. NYSDEC Acknowledgement of NOI Letter**

## **4 Attachment D. Site Location Map/Soils Figure**

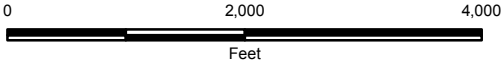




<div></div> AnB - Angola silt loam, 3 to 8 percent slopes	<div></div> FL - Fluvaquents, loamy	<div></div> Ma - Madalin silty clay loam, 0 to 3 percent slopes
<div></div> ApA - Appleton silt loam, 0 to 3 percent slopes	<div></div> Fo - Fonda mucky silty clay loam	<div></div> MsD - Mohawk silt loam, 15 to 25 percent slopes
<div></div> ApB - Appleton silt loam, 3 to 8 percent slopes	<div></div> HoB - Hornell silt loam, 3 to 8 percent slopes	<div></div> PaB - Palatine silt loam, 3 to 8 percent slopes
<div></div> Br - Brockport silt loam	<div></div> IIA - Ilion silt loam, 0 to 3 percent slopes	<div></div> PaC - Palatine silt loam, 8 to 15 percent slopes
<div></div> BuB - Burdett channery silt loam, 3 to 8 percent slopes	<div></div> IIB - Ilion silt loam, 3 to 8 percent slopes	<div></div> PaD - Palatine silt loam, 15 to 25 percent slopes
<div></div> ChA - Churchville silty clay loam, 0 to 3 percent slopes	<div></div> LMF - Lansing and Mohawk soils, 25 to 60 percent slopes	<div></div> PpB - Phelps gravelly loam, 3 to 8 percent slopes
<div></div> ChB - Churchville silty clay loam, 3 to 8 percent slopes	<div></div> LaB - Lansing silt loam, 3 to 8 percent slopes	<div></div> RhA - Rhinebeck silty clay loam, 0 to 3 percent slopes
<div></div> DaA - Darien silt loam, 0 to 3 percent slopes	<div></div> LaC - Lansing silt loam, 8 to 15 percent slopes	<div></div> RhB - Rhinebeck silty clay loam, 3 to 8 percent slopes
<div></div> DaB - Darien silt loam, 3 to 8 percent slopes	<div></div> LaD - Lansing silt loam, 15 to 25 percent slopes	

Legend

Facility Areas



This map was developed using USDA SSURGO publicly-available geospatial data. The data in this product has not been verified by any outside source, and is not verified.

<div>M M</div> <div>MOTT MACDONALD</div> <div>111 Wood Avenue South Iselin, New Jersey 08830-4112</div>	<div>AVANGRID RENEWABLES, LLC</div> <div>MONTGOMERY COUNTY, NEW YORK</div> <div>PROPOSED MOHAWK SOLAR ELECTRICAL GENERATING FACILITY</div> <div>FACILITY SITE SOILS</div>				
	Designed CEM	Drawn CEM	Checked TAA	Approved TAA	Date 12/14/2018

Map Document: (C:\Users\mor8260\Documents\ArcGIS\Mohawk\MXD\Mohawk\_Facility\_SoilMap.mxd) 12/14/2018 10:40:33 AM MCR82609



## **5 Attachment E. SHPO Documentation & Endangered or Threatened Species Agency Review (Documentation will not be available until the final design phase of the project)**

## **6 Attachment F. Pre-Construction Requirements (Will be provided in Final SWPPP)**



## **7 Attachment G. Stormwater Construction Site Inspection Reports (Reports will be provided by the Qualified Inspector)**

## **8 Attachment H. Post-Construction Maintenance and Inspection Checklist (Checklist will be provided by the Qualified Inspector)**

## **9 Attachment I. Stormwater Management Memorandum (Memorandum will be prepared during final design)**

## **10 Attachment J. Contractor and Subcontractor Certifications (Will be provided in Final SWPPP)**

# **11 Attachment K. Qualified Professional's Certification (Will be provided in Final SWPPP)**

## **12 Attachment L. Owner/Operator Certification (Will be provided in Final SWPPP)**

## **13 Attachment M. NYSDEC Notice of Termination (NOT)**

