NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
General Permit Number   GP-0-11-002

PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-11-002
NYSDOT General Permit

Permit Issued To: Facility:
__________________________ __________________________
__________________________ __________________________
__________________________ __________________________
__________________________ __________________________
Applicable DEC Region(s):     ALL
General Permit Authorized Activity: This General Permit authorizes the New York State Department of Transportation to conduct the following activities within the limits of NYSDEC-regulated freshwater wetlands and their regulated adjacent areas -
1) Bank and channel stabilization activities for transportation related construction activities.
   Bank and channel stabilization activities include:
   • rehabilitation or new installation of stone fill (riprap) or other suitable non-erodible material;
   • rehabilitation or new installation of erosion control fabrics, mats, nettings, geotextiles or similar materials; and
   • the planting of grasses and other vegetation.
   Bank and channel stabilization activities shall be allowed on embankment slopes, within 200 linear feet of bridge or culvert inlets and outlets, at structure foundations, or at similar locations.

2) Permanent and temporary placement of earth fill when such fill is related to the rehabilitation or replacement of an existing transportation facility.
   Placement of earth fill is allowed when it is associated with any of the following activities:
   • highway and bridge replacement or rehabilitation on essentially the same alignment;
   • culvert rehabilitation, repair, replacement, or extension; [modified 12/22/2014]
   • installation of temporary non-erodible water control structures (cofferdams);
   • installation of temporary non-erodible construction access facilities; and
   • installation of temporary non-erodible detour facilities.

3) Installation or repair of utility lines when associated with transportation related construction activities.
   Installation activities include the placement of material for backfill or bedding of underground utility lines and utility poles and towers.
   Authorized utility lines include: pipes or pipelines for the transportation of gaseous, liquid or slurry substances; or cables or wires for electricity or telecommunications.
4) Rehabilitation or in-kind and in-place replacement of existing transportation facilities.
   Authorized activities include rehabilitation or replacement (essentially replicating existing facility in
   configuration, alignment and dimension) of: highway and shoulder pavement; bridge superstructure
   elements (deck, sidewalk, girders, etc.); bridge substructure elements (piers, footings, abutments,
   wingwalls, etc.); drainage culverts; culvert end sections and aprons; fencing; headwalls; guiderails;
   traffic signs; traffic signals; and the removal of vegetation (not involving the use of pesticides or
   chemicals) associated with the authorized activity.

5) Survey and exploratory activities for highway related construction activities.
   Authorized activities include: instrument surveys, archaeological and paleontological surveys;
   seismic operations; drilling of test wells or bore holes; excavation of test pits; core sampling; soil
   sampling; and other similar exploratory-type activities.

This permit does not authorize any use of herbicides.

Permit Authorizations

Freshwater Wetlands - Under Article 24
Effective Date: 08/24/2011   Expiration Date: 07/31/2021

Water Quality Certification - Under Section 401 - Clean Water Act
Effective Date: 08/24/2011   Expiration Date: 07/31/2021

NYSDEC Approval

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

General Permit Authorized by
Permit Administrator: STUART M FOX, Deputy Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: ___________________________ Date: 08/24/2011

Permit modifications 12/22/2014: - General Permit Authorized Activity;
   - Permit Condition 4;
   - Permit Condition 6.

Authorized Signature: ___________________________ Date: 12/22/2014
Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; FRESHWATER WETLANDS

1. Request for Authorization / Notification of Intent
   a. For Projects described in the Authorized Activity of this General Permit as (1) Bank and channel stabilization activities, and (2) Permanent and temporary placement of earth fill -

      Prior to the use of this General Permit for a project, NYSDOT must submit a Request for Authorization Form and one (1) set of project plans to the Regional Supervisor of Natural Resources at the appropriate NYSDEC Regional Office. (DOT/DEC Region listing and Addresses of NYSDEC Regional Supervisors of Natural Resources are attached to this permit.)

      Upon review of the project, NYSDEC will determine if the project can be issued under this General Permit. Written confirmation of authorization must be received prior to any work. This authorization may be issued "in the field."

   b. For Projects described in the Authorized Activity of this General Permit as (3) Installation or repair of utility lines, (4) Rehabilitation or in-kind and in-place replacement, and (5) Survey and exploratory activities -

      Prior to the use of this General Permit for a project, NYSDOT must submit a Notification of Intent Form and one (1) set of project plans to the Regional Supervisor of Natural Resources at the appropriate NYSDEC Regional Office. (DOT/DEC Region listing and Addresses of NYSDEC Regional Supervisors of Natural Resources are attached to this permit.)

      This Form must be received at least 10 days prior to the start of work. If there are no environmental concerns expressed by NYSDEC during the 10 day review period, NYSDOT is authorized to perform the project activity applied for under this General Permit without further approval. When concerns are identified by NYSDEC during the review period, no work is authorized until all concerns are resolved.

      Expedited Action. When unforeseen circumstances require work on a more immediate time frame, application and project plan submission shall include a detailed reason for requesting expedited action and shall be made at least 48 hours before the proposed start date. NYSDOT shall confirm that NYSDEC received the application information through telephone, fax, or e-mail communication.
If NYSDEC concurs with the NYSDOT’s request for expedited action and there are no environmental concerns expressed by NYSDEC during the 48 hour review period, NYSDOT is authorized to perform the project activity applied for under this General Permit without further approval. When concerns are identified by NYSDEC during the review period, no work is authorized until all concerns are resolved.

NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit, and to require the permittee to obtain an individual permit. Exclusions may be due to situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, such as endangered species habitat.

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

3. Bank and Channel Stabilization Activities  (Refer to the General Permit Authorized Activity #1.) Activities must be the minimum necessary, and must not
   a. be in excess of 200 linear feet in total length in any single wetland. The total length must be measured cumulatively when a project has several individual areas in a single wetland receiving bank or channel stabilization.
   b. exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark.
   c. result in a constriction of the cross-sectional area of any affected stream channel.

Materials must be of the type and size, and must be placed in such a manner, so as to not impair surface or groundwater flow into or out of the wetland or inhibit the natural movements of resident or migratory fish species.

Materials must be placed in such a manner to prevent its dispersion or movement by normal or highwater flows.

Changes to streambeds and the bottom and side slopes of channels should be minimized as much as possible.

4. Minor Fill Activities  (Refer to the General Permit Authorized Activity #2.) The placement of earth fill must not cause the temporary or permanent conversion of more than one-tenth of one acre of NYSDEC-regulated freshwater wetland. Impacts to the adjacent area should be minimized to the extent possible, but are not limited by the one-tenth acre threshold.

For highway and/or bridge widening, the placement of earth fill must be limited to the minimum necessary to bring the facility into compliance with current design, safety and capacity standards.

Replacements of existing pipe and box culverts must be within 50 feet of their existing location. The culvert must not require more than 100 feet of flow alignment activities within the wetland, and must not alter the existing flow or water table characteristics of the wetland or inhibit the natural movements of resident or migratory aquatic life.

[modified 12/22/2014]
5. Utility Line Activities  (Refer to the General Permit Authorized Activity #3.) The installation or repair of the utility line must not result in significant change in the preconstruction contours, flow or water table characteristics of the wetland.

All material excavated as a result of trenching operations may be temporarily sidecast into the wetland or adjacent area for no more than 30 days, and all sidecast material must be placed and stabilized in such a manner so as to prevent its dispersion by normal or high water flows.

The area of wetland disturbance must be limited to the minimum necessary to construct the utility line. Clearing of existing vegetation must be limited to that material which poses an immediate hazard or hindrance to construction activities.

The top 6 to 12 inches of the trench must be backfilled with topsoil excavated from the trench, and all excess material must be removed to upland areas and stabilized immediately upon completion of construction.

6. Rehabilitation or Replacement of Existing Transportation Facilities Activities  (Refer to the General Permit Authorized Activity #4.) Only permanent or temporary placement of fill in the wetland or adjacent area associated with rehabilitation or replacement of existing facilities is allowed. If it meets the limits of minor fill cited in Condition 4. [modified 12/22/2014]

No temporary construction access or detour roads or associated earth fills in the wetland or adjacent area are allowed.

Drainage culverts must be replaced at their existing location and with pipes matching or exceeding the existing culvert size and invert elevations. No adverse flow alignment activities must be allowed.

Clearing of existing vegetation and removal of accumulated sediment and debris are limited to within 25 feet of inlet and outlet to restore original culvert performance.

This permit does not authorize any use of any pesticides or chemicals.

7. Clearing, Grubbing, Grading and Minor Fills Associated with Survey and/or Exploratory Activities  (Refer to the General Permit Authorized Activity #5.) All test wells, test pits and bore holes must be backfilled to the fullest extent possible with soil excavated from the well, pit or hole. All excess material must be immediately removed from the wetland and adjacent area and stabilized immediately upon completion of the activity.

The area of wetland disturbance must be limited to the minimum necessary to perform the survey and exploratory activity. Clearing of existing vegetation must be limited to that material which poses an immediate hazard or hindrance to the necessary activity. Vegetation can be cut and left in place, but if vegetation is piled up it must be immediately removed from the wetland and adjacent area upon completion of the activity.
Any fills required for temporary access facilities must be of non-erodible material up to the ordinary highwater elevation.

Temporary access facilities (including necessary fills) must be located so as to avoid or minimize disturbance of the wetland, and appropriate measures must be taken to maintain preconstruction water flows and water table characteristics.

Temporary access facilities (including necessary fills) must be entirely removed following completion of the necessary activity, and the affected wetland and adjacent area must be graded, seeded and restored to replicate preconstruction conditions (except that the planting of replacement trees and shrubs is not required).

8. No Bar to Movement No activity may disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, or deemed beneficial by the DEC, including those species that normally migrate through the area.

New or replacement culverts placed in the stream must be installed to maintain low flow conditions and should maintain water depths and velocities similar to undisturbed upstream and downstream reaches.

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

10. Maintain Water Flow During Work During periods of work activity, flow immediately downstream of the work site shall equal flow immediately upstream of the work site.

11. Water Clarity Stream reaches downstream of construction areas shall always remain as clear (non-turbid) as the reaches upstream of the construction areas.

12. Work in One Continuous Operation Work in wetlands and buffer areas must be done in one continuous operation.

13. Stream Work Period In-stream or stream bank work, excluding survey activities, shall not be undertaken during the following periods:
   a. For Protected Streams with a standard of (T) or (TS): October 1 - May 31.
   b. For all other Protected Streams: March 1 - July 15.

14. Work in Wetlands To the extent possible, work which must be in a wetland shall be scheduled to be started and completed in the dry or when the ground is frozen.

15. Clean Fill Only All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

16. Prevent Erosion of Excavated Soils To protect wetlands and aquatic resources, the permittee must take measures to minimize transport of soil particles by water. Soil and excavated materials should be set back a sufficient distance from stream banks, wetlands and wetland adjacent areas to prevent bank collapse or washing of materials into any stream, wetland, wetland adjacent area, or other waterbody.
If exposed for an extended period of time, excavated or temporarily stockpiled soils or other materials shall be covered, vegetated, or contained and protected to reduce runoff of fines which may cause turbidity, and to prevent rainwater from soaking the materials and rendering them unsuitable for backfill.

17. Erosion Control Devices  To prevent environmental degradation, practicable measures and devices (such as silt fences, straw bales, check dams, catchment basins, sediment retention basins, water bars, diversion culverts, and other appropriate measures) shall be employed wherever necessary to prevent erodible soils, including those from banks and spoil piles, from entering the wetland or water body.

Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked straw bales along the freshwater wetland boundary. If the activity will occur in the wetland, the outside limit of the work area must comply with this condition, but access to the wetland is allowed without a sediment barrier at the entrance to the work area.

All erosion control devices must be in place prior to ground disturbance and maintained as long as erosion is possible and until permanent vegetation is established.

All erosion control devices and non-degradable markers should be removed no later than one-year after project completion.

All erosion and sediment control practices used shall be designed and implemented in conformance with the most current version of the New York State Standards and Specifications for Erosion and Sediment Control (available at http://www.dec.ny.gov/chemical/29066.html). If alternative erosion and sediment control practices are used, the permittee's project plans must demonstrate equivalence to the New York State Standards and Specifications for Erosion and Sediment Control.

18. Seed/Mulch Streambanks  Stream banks must be stabilized to prevent erosion immediately after stream bank work is completed. When possible the original grade should be restored.

If bank protection consists of native seeding and mulching, growth of protective cover must be successful. Reseeding shall be accomplished if initial growth is unsatisfactory. Where possible, bed and bank revegetation should be of comparable on-site types (e.g., sedge plugs, willow or dogwood splints), and protected from sun scald or desiccation until cover is reestablished.

Revegetation and soil bio-engineering methods shall be considered as an alternative to stone whenever possible, to stabilize a stream bank. The stone used shall meet the sizing requirements of NYSDOT Light Stone Filling (or larger), unless it can be demonstrated that the near bank shear stress can allow for a smaller size of rock.

All disturbed stream banks below the normal high-water elevation must be graded no steeper than 1:2 slope and adequately stabilized, preferably with stone filling (rip rap).

Stream and shoreline erosion protection materials shall be of an appropriate type and size; not to interfere with navigation or the flow of water; and not displaced by normal high flow volumes. Natural stream design structures for erosion protection are preferred, reducing the need for rip rap, and can be

All other areas of soil disturbance, above the ordinary high-water / active channel elevation or elsewhere, should be seeded with native grasses and mulched, or planted with native shrub seedlings.

19. Equipment Operation in Water  At no time should machinery be operated in flowing water when it can reasonably be avoided or without adequate control measures in place.

20. Equipment Prohibited in Waterbody and Wetland  Only equipment necessary for the authorized activity, as indicated on the project plans, may enter the waterbody or wetland.

21. Equipment Cleaning  The permittee must not wash equipment or machinery in any watercourse or wetland and must not permit run-off resulting from washing operations to directly enter any watercourses or wetland. Excess concrete must be disposed of properly.

This condition does not apply to equipment cleaning for purposes of removing invasive species – see Condition # 35.

22. Clearing of Vegetation  Clearing of existing vegetation must be limited to the minimum required to accomplish the authorized activity. Clearing beyond this limit is allowed solely for the purpose of controlling vegetation that is on the Interim List of Invasive Plant Species in New York State (http://www.dec.ny.gov/animals/65408.html).

23. Temporary Access Roads  Existing access roads must be used whenever possible. New temporary access roads and parking areas used during construction activity shall be graded to direct runoff away from streams, wetlands and adjacent areas. The edge of temporary roads which are located near streams or wetlands shall be marked. Traffic should be minimized to essential vehicles only to reduce displacement of native soils.

Proper erosion and sediment controls (i.e., silt fences, straw bales, etc.) shall be used at all times to prevent the discharge of silt and sediment to surface waters, wetlands and adjacent areas. After completion of the construction activities, all disturbed areas shall be stabilized in accordance with the most current version of the New York Standards and Specifications for Erosion and Sediment Control.

Fill material for temporary stream crossing roads shall consist of nontoxic, non-erodible material such as gravel pit tailings or shot rock.

Temporary roads for stream crossings shall maintain culvert pipes of sufficient sizes to allow passage of seasonal high flows and shall not interfere with the up and downstream passage of fish.

24. Temporary Stream Access Road  Temporary stream access roads shall be constructed a sufficient distance from the stream banks so as to avoid destruction of existing stream bank vegetative cover. Exposed banks shall be stabilized with rip-rap or other suitable materials to protect against erosion and accidental collapse.

25. Cofferdams, Sediment Basins, and Temporary Water Control Structures  Any temporary cofferdam shall be constructed of non-erodible materials, so that failure will not occur during a 2-year, 24-hour storm event or lower flow conditions. Where practicable, an upstream or interior membrane
shall be installed to control percolation and erosion. Any temporary cofferdam shall be constructed of materials that will not contribute to turbidity or siltation of the waterbody. Fill materials for cofferdams must not come from the waterbody or wetland.

Any sandbag cofferdams shall be of the filter fabric type, double bagged and individually tied to prevent sand leakage and only clean sand (e.g., free of debris, silt, fine particles or other foreign substance) shall be used as fill. They shall be placed and removed manually to prevent spillage.

Straw bale sediment control basins are prohibited in the wetland and adjacent area. If used in upland areas, turbid runoff may not enter the wetland or adjacent area.

Any water control structure or cofferdam shall not impair water flow in the waterbody or water flow into and/or out of a wetland.

All temporary water control structures shall be removed in their entirety upon completion of maintenance activity, unless elements of the structure can be converted into habitat enhancement features acceptable to NYSDEC or unless NYSDEC approval is received for retention of the structure.

Water being returned to the waterbody or wetland from the coffered work area or sediment basin or temporary water control structure shall have no discernible difference in water clarity between waters upstream and downstream of the waterbody.

26. Removal of Temporary Water Diversion Structures When the temporary dike, dam or water diversion structure is removed, the erodible material shall be removed first and then the non-erodible structure removed.

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

28. No Turbidity from Dewatering No turbid water resulting from dewatering operations shall be discharged directly to or allowed to enter the stream or wetland. Such water shall be pumped to settling basins or to an upland vegetated area prior to any discharge to stream or wetland. All other necessary measures shall be implemented to prevent any visible increase in turbidity or sedimentation downstream of the work site and adequate scour protection measures are to be employed.

29. Return Fish All fish trapped within the cofferdam during the dewatering process shall be returned, alive and unharmed, to the water outside the confines of the cofferdam.

30. Turbid Discharges Visibly turbid discharges from land clearing, grading or excavation activities, or de-watering operations shall not enter the stream, navigable water, or wetland. Prior to entry into stream, navigable water or wetland, any such discharge shall be:

a. retained in an appropriately maintained upland settling basin;

b. filtered through crushed stone, sand, straw bales, silt screening (maximum opening size of U.S. Sieve Number 20), etc.; or,
c. directed to a grassy upland area a sufficient distance from the stream to prevent change in turbidity of the receiving water.

31. **Storage of Materials** Soil and/or excavated materials may not be stored in streams or wetlands or on top of stream banks, where materials could erode into the stream or cause the bank to collapse, unless the bank has been protected by rip-rap or other suitable materials.

32. **Establish Vegetation** Permanent vegetation must become successfully established to the Department's satisfaction. If vegetation fails to successfully establish, the area must be replanted and monitored until successful vegetation establishment is achieved.

33. **No Construction Debris in Wetland or Adjacent Area** Surplus soil and spoil from construction of this project shall be removed to an approved upland area for disposal. No material is permitted in wetlands and/or protected buffer areas or in areas depicted as flood hazard areas on the National Flood Insurance Rate Maps prepared to identify such areas.

34. **Prevent the Spread of Invasive Species** For purposes of this permit, the invasive species contained in the Interim List of Invasive Plant Species in New York State ([http://www.dec.ny.gov/animals/65408.html](http://www.dec.ny.gov/animals/65408.html)), and as it may be modified in the future, or the official regulatory list when promulgated, are the focal species that require the conditions specified below:

   a. Prior to site preparation, any cutting of vegetation, soil disturbance, or ground breaking, the work area and its vicinity shall be field-investigated for the presence of invasive species. Any invasive species found shall be identified and the location and approximate extent of the infestation must be documented on the Project Plans and/or the Project Description.

   b. Prior to site clearing, ground-breaking and construction, all activities must be planned to prevent the potential introduction, export, and spread of invasive species.

   c. Avoid disturbing invasive species populations whenever feasible.

   d. Minimize soil disturbance which may include using existing roads, access points, staging areas and/or alternative construction methods.

   e. During ground disturbance or cutting, no invasive species or parts shall be allowed to escape outside of the immediate work area.

   f. To the greatest extent possible, onsite materials, such as excavated soil and other fill, shall be reused onsite, rather than importing new material. Any new soil or aggregate material brought into the site must be free of evidence of invasive species.

   For a period of 3 years, invasive species that emerge after placement shall be removed and disposed of. However, when a project is located in close proximity to areas with an existing wide expanse of invasive species likely to infest the project area, NYSDOT may seek a waiver of this specific requirement by including a specific request in the Project Description of NYSDOT's Request for Authorization/Notification of Intent form or in other attached project materials. The request will be assumed to be granted by NYSDEC unless (a) NYSDEC's Project Authorization for the Request for Authorization provides an explicit statement to the contrary, or (b) NYSDEC raises the issue as a concern during the 10 day review period of Notification of Intent projects.

   g. Any soils disturbed during work shall be stabilized as soon as possible using erosion control and stormwater management technical standards.

   h. Disturbed soils shall be graded and permanently re-vegetated as soon as possible to prevent the establishment of invasive species.
i. Only native or non-invasive plants may be used for revegetation and landscaping. Plants selected must not be on the invasive species watchlist as provided by the NYSDEC Office of Invasive Species Coordination.

j. Right-of-ways shall be monitored during day-to-day and post-management activities.

k. Additional actions may be necessary depending on (1) the degree of invasiveness; (2) the severity of the current infestation; (3) amount of additional habitat or host at risk for invasion; and (4) feasibility of control with available methods and resources. Such actions must be conducted in accordance with the NYSDOT Environmental Procedures Manual, or more recent document, and the attached "Invasive Species Best Management Practices for Transportation and Utility Right-of-Ways."

This permit does not authorize the use of herbicides.

35. Prevent Transport of Invasive Species  Cleaning procedures for removing invasive species based on “NYSDOT Item 617.11-24 Equipment Cleaning for Invasive Plant Species”: NYSDOT Engineering Instruction EI 09-002, Special Specifications for Invasive Plant Species Control.

Equipment used in areas containing invasive plant species shall be power-washed and cleaned with clean water (no soaps or chemicals) before leaving the invasive-infested area (or immediately adjacent to the wetland and adjacent area if the infestation is in the wetland or adjacent area), to prevent the spread of seeds, roots or other viable plant parts.

Loose plant and soil material that has been removed from clothing, boots and equipment, or generated from cleaning operations shall be rendered incapable of any growth or reproduction, or disposed of off-site. If disposed of off-site, the plant and soil material shall be transported in a secure manner. Any off-site disposal must occur at a State-approved landfill or incinerator.

If upon completion of work, the area remains infested with invasive plant species, the invasive material cleaned from equipment used within the same construction area may remain within the infested area, provided that no filling of a wetland shall occur.

During the notification and review period prior to work under this permit, the DEC Natural Resources staff may make additional site specific requirements for cleaning in areas where protected species or habitats may be affected.

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

37. Human or Archaeological Remains  If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify the Regional Permit Administrator at the appropriate NYSDEC Regional Office. Work shall not resume until written permission to do so has been received from the Department.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

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

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

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

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

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

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

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

   Regional Permit Administrator
   New York State Department of Environmental Conservation
   Division of Environmental Permits
   625 Broadway
   Albany, NY 12233-1750

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Water Quality Certification.

5. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:
   a. materially false or inaccurate statements in the permit application or supporting papers;
   b. failure by the permittee to comply with any terms or conditions of the permit;
c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

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

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.