

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

First3.99

Industrial Code:
Discharge Class (CL): **11**
Toxic Class (TX):
Major Drainage Basin: **14**
Sub Drainage Basin: **04**
Water Index Number: **D-63**
Compact Area: **DEL**

SPDES Number: **NY- 027 0679**
DEC Number: **0-9999-00096/00005**
Effective Date (EDP):
Expiration Date (ExDP):
Modification Dates: (EDPM)

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

PERMITTEE NAME AND ADDRESS

Name: **Crossroads Ventures, LLC**
Street: **72 Andrews Lane Road, PO Box 267**
City: **Mt. Tremper**

Attention: **Dean Gitter, President**
State: **NY** Zip Code: **12457**

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: **Belleayre Resort at Catskill**
Location (C,T,V):
Facility Address: **NYS Route 28**
City: **Shandaken**

County: **Ulster and Delaware**

State: **NY** Zip Code: **12441**

NYTM -E: NYTM - N:
From Outfall No.: at Latitude: & Longitude:
into receiving waters known as: **Todd Mountain Brook, Emory Brook, Crystal Spring Brook and Unnamed tributary to Emory Brook** Class:

and; (list other Outfalls, Receiving Waters & Water Classifications)

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; 6 NYCRR Part 750-1.2(a) and 750-2 and 40 CFR Part 450.21.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: **N/A**
Street:
City: State: Zip Code:
Responsible Official or Agent: Phone:

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

DISTRIBUTION:

CO BWP - Permit Coordinator

RWE
RPA
EPA Region II - Michelle Josilo

Deputy Regional Permit Administrator:	
Address:	
Signature:	Date: / /

Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Coverage - This permit authorizes stormwater discharges to surface waters of the State from the following construction activity, provided the permittee complies with the provisions of this permit; the “Stormwater Management Design Report for The Modified Belleayre Resort at Catskill Park” prepared by The LA Group and dated March 2012; and the “Individual Stormwater Pollution Prevention Plan for the Phase 1(A) of the Modified Belleayre Resort at Catskill Park” prepared by The LA Group and dated March 2011, revised March 2012 and March 2013:

Belleayre Resort at Catskill
NYS Route 28
Shandaken, NY 12441

B. Maintaining Water Quality - It shall be a violation of this permit and the Environmental Conservation Law (“ECL”) for any discharge authorized by this permit 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 including, but not limited to:

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.

C. Discharges Eligible For Coverage Under This Permit

1. This permit may authorize all discharges of stormwater from construction activity to surface waters and groundwaters except for ineligible discharges identified under subparagraph D. 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 C.1 and C.2 above, the following non-stormwater discharges may be authorized by this permit: discharges from fire fighting 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 Stormwater Pollution Prevention Plan (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. With the exception of flows from fire fighting activities, these discharges must be identified in the SWPPP. Under all circumstances, the permittee must still comply with water quality standards in Part I.B.

D. Discharges Which Are Ineligible for Coverage Under This Permit - The following discharges are **not** authorized by this permit:

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 C.3. of this Part and identified in the SWPPP;
3. Discharges from construction activities that adversely affect a listed, or proposed to be listed, endangered or threatened species, or its critical habitat;
4. Discharges which either cause or contribute to a violation of water quality standards adopted pursuant to the ECL and its accompanying regulations;
5. Construction activities that adversely affect a property that is listed or is eligible for listing on the State or National Register of Historic Places.

Part II. PERMIT CONDITIONS

A. Permit Authorization - Coverage under this permit authorizes stormwater discharges from only those areas of disturbance that are identified in the permit application. If the permittee wishes to have stormwater discharges from additional construction activities authorized, they must apply for a permit modification, unless otherwise notified by the Department.

B. Construction Phasing

1. The permittee shall use the "Individual Stormwater Pollution Prevention Plan for the Phase 1(A) of the Modified Belleayre Resort at Catskill Park" prepared by The LA Group and dated March 2011, revised March 2012 and March 2013 as the model when preparing the SWPPP for future phases of construction.
2. Construction of future phases of the Modified Belleayre Resort at Catskill Park project shall not commence until the Department has approved the SWPPP for that phase.
3. The permittee shall submit the SWPPP (including detailed construction drawings) for

future phases of construction at least sixty (60) business days before construction of that phase is scheduled to commence.

4. Construction of future phases of the project cannot commence until all earth disturbing activities in the current phase are complete and final stabilization measures have been applied to all disturbed areas and these areas have been protected with either a temporary or permanent non-erosive cover. The permittee shall have the qualified inspector perform a site inspection and prepare a written statement certifying that this condition has been achieved. The permittee shall submit the qualified inspector's certification statement along with a written notification of project phase completion to the Regional Office stormwater contact person prior to commencing construction on the next phase (see Appendix B).

C. General Requirements

1. The permittee 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.

2. Unless otherwise notified by the Department, the permittee shall amend the SWPPP whenever the provisions of the SWPPP prove to be ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site; whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants; and to address issues or deficiencies identified during an inspection by the qualified inspector, the Department or other regulatory authority. The permittee shall notify the Regional Office stormwater contact person (see Appendix B) in writing of each amendment to the SWPPP within five (5) business days of the identification/observation of a SWPPP deficiency.

3. The permittee shall submit each inspection report, required by Part II.F. of this permit, to the Regional Office stormwater contact person (see Appendix B) by electronic mail. The inspection reports shall be submitted within two (2) business days of the date the inspection is performed.

4. The Department may suspend or revoke the permittee's coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements.

5. Prior to the commencement of construction activity, the permittee must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, 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 the construction of all post-construction stormwater management practices included in the SWPPP. The permittee shall have each of these contractors and subcontractors identify at

least one individual from their company that will be responsible for implementation of the SWPPP. This person shall be known as the trained contractor. The permittee shall ensure that at least one trained contractor is on site on a daily basis when soil disturbance activities are being performed.

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

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the permittee must comply with the terms and conditions of this State Pollutant Discharge Elimination System ("SPDES") permit and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

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

6. The permittee shall submit the SWPPP in both electronic (PDF only) and paper format, unless otherwise notified by the Department.

D. General Construction Site Inspection and Maintenance Requirements

1. The permittee must ensure that all erosion and sediment control practices identified in the SWPPP are maintained in effective operating condition at all times.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the Environmental Conservation Law, 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.

E. Permittee Maintenance Inspection Requirements

1. The permittee shall, in accordance with the requirements in the most current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control, inspect the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times.
2. Where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the permittee can stop conducting inspections. The permittee shall begin conducting inspections in accordance with Part II.E.1. as soon as soil disturbance activities resume.
3. Where soil disturbance activities have been shut down with partial project completion, the permittee 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.

F. Qualified Inspector Inspection Requirements - The permittee shall have a qualified inspector conduct site inspections in accordance with the following requirements:

1. The qualified inspector shall conduct site inspections in accordance with the following timetable:
 - a. Where soil disturbance activities are ongoing, the qualified inspector shall conduct at least two (2) site inspections every seven (7) calendar days. The two inspections shall be separated by a minimum of two (2) full calendar days.
 - b. Where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every thirty (30) calendar days. The permittee shall notify the Regional Office stormwater contact person (see Appendix B) in writing prior to reducing the frequency of inspections.
 - c. 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 permittee shall notify the Regional Office stormwater contact

person (see Appendix B) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the permittee shall have the qualified inspector(s) 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 and are operational.

2. The qualified inspector, at a minimum, shall inspect all erosion and sediment control practices 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, and all points of discharge from the construction site.

3. 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 that need repair or maintenance;

g. 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;

h. 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;

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 the State's technical standards; and

j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s).

k. 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.

4. Within one business day of the completion of an inspection, the qualified inspector shall notify the permittee and appropriate contractor (or subcontractor) identified in Part II.C.5. 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.

5. All inspection reports shall be signed by the qualified inspector. The inspection reports shall be maintained on site with the SWPPP. In addition, a copy of each inspection report shall be submitted to the Regional Office stormwater contact person (see Appendix B) in accordance with Part II.C.3. of this permit.

Part III. TERMINATION OF PERMIT COVERAGE

A. Notification of Project Completion - Upon completion of construction, the permittee shall have the qualified inspector perform a final site inspection and prepare a written statement certifying that all construction activity identified in the SWPPP has been completed; all disturbed areas have achieved final stabilization; 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 and are operational. The permittee shall submit the qualified inspector's certification statement along with a written notification of project completion to the Regional Office stormwater contact person (see Appendix B) within five (5) business days of the date the final inspection is performed.

B. Termination of Permit Coverage - Unless otherwise notified by the Department, the permittee must maintain coverage under this permit for one (1) year from the date that the

Regional Office stormwater contact person (see Appendix B) receives the notification of project completion. Thirty (30) calendar days prior to the expiration of this one (1) year period, the permittee shall submit a written request to the Regional Office stormwater contact person (see Appendix B) to have their permit coverage terminated.

Part IV. STANDARD PERMIT CONDITIONS

A. Duty to Comply - The permittee 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 permit non-compliance constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against the permittee and/or the contractor/subcontractor; permit revocation 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 permittee or permittee's on-site representative.

B. Enforcement - Failure of the permittee, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a permit violation. 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.

C. Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for a permittee 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.

D. Duty to Mitigate - The permittee 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.

E. Duty to Provide Information - The permittee shall make available to the Department for inspection and copying or furnish to the Department within five (5) business days of receipt of a Department request for such information, any information requested for the purpose of determining compliance with this permit. This can include, but is not limited to, the SWPPP, amendments to the SWPPP, and inspection reports. Failure to provide information requested by the Department shall be a violation of this permit.

F. 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. The permittee must obtain any applicable conveyances, easements, licenses and/or access to real property prior to commencing construction activity.

G. 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.

H. Proper Operation and Maintenance - The permittee 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 permittee to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

I. Inspection and Entry - The permittee shall allow the Department or an authorized representative of EPA, the State, 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 permittee'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).

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

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.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

Groundwater - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere.

Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks);

building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

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).

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 Parts 700 et seq of this Title.

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 in order to prepare a SWPPP that conforms to the Department's technical standard. 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.

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.

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 or underground 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.

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

Trained Contractor - means an employee from the contracting (construction) company, identified in Part II.D.5., 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 II.D.5., 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).

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

Region 3 Stormwater Contact Information

Pat Ferracane
Division of Water
100 Hillside Avenue, Suite 1W
Whiteplains, NY 10603-2860
Tel. (914) 428-2505
E-mail: plferrac@gw.dec.state.ny.us

or

DRAFT