



GENERAL PERMIT
For Repair of Damages Resulting From 2011 Storms
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: Permittees specifically identified on the attached completed and signed Authorization Form.

Project Location: All protected streams, navigable waters and freshwater wetlands within DEC Regions 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Authorized Activity: General Permit for repair of damages resulting from Hurricane Irene
Type of Projects covered:

1. Installation or repair of rock rip-rap or other permanent streambank stabilization measures.
2. Stream channel restoration (including excavation/removal of sand, gravel and bedrock, and the use of temporary coffer dams and fill) to pre-flood depth, width, gradient and channel character matching the stable stream channel upstream and downstream of the project area in order to protect water quality as well as protect or restore structures such as roads, utility lines, bridges, houses and other pre-existing buildings.
3. Debris (trees, logs, stumps, brush, trash, metal, concrete) removal.
4. Bridge or culvert replacement or repair.

This General Permit is only valid when the attached Application for General Permit Authorization form is signed by an authorized NYS DEC Representative.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 09/09/2011 Expiration Date: 09/30/2012

Stream Disturbance - Under Article 15, Title 5

Effective Date: 09/09/2011 Expiration Date: 09/30/2012

Freshwater Wetlands - Under Article 24

Effective Date: 09/09/2011 Expiration Date: 09/30/2012

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 09/09/2011 Expiration Date: 09/30/2012



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: Jack A. Nasca
Director, Division of Environmental Permits,
Deputy Chief Permit Administrator
Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233-1750

Authorized Signature: _____

A handwritten signature in black ink that reads "Jack A. Nasca".

Date: 9/9/11

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS – Apply to the Following Permits: Excavation & Fill in Navigable Waters, Stream Disturbance, Freshwater Wetlands, Water Quality Certification

1. Any deviation from the type of project authorized by this permit or from its terms and conditions must be expressly authorized in writing by the Regional Permit Administrator.
2. The permittee shall require that any contractor, project engineer, or other person responsible for the overall supervision of this project reads and understands this permit and all special conditions.
3. Any failure to comply precisely with all of the terms and conditions of this permit, unless authorized in writing, shall be treated as a violation of the Environmental Conservation Law.

EROSION, SEDIMENTATION AND TURBIDITY CONTROLS

4. All work shall be conducted in such a manner as far as reasonably possible to minimize the potential



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for silt and sediment in the streams; the use of properly constructed silt fences or cofferdams may be needed on a site specific basis. If cofferdam or silt fence is required, it will be specified in the additional special conditions.

5. Work shall be conducted in such a manner so the stream reaches downstream of the work site is as clear and clean as the stream reaches upstream of the work site.
6. Gravel removed from the stream bed must be placed beyond the reach of normal high water, and it must be graded and stabilized to prevent reentry into the stream. Gravel will not be pushed up on streambanks, slopes etc., unless otherwise authorized. Building berms with the excavated material is not authorized.
7. Any water from cofferdams, settling basins or other work activity, cannot be returned to a waterway unless it is as clear and clean as the waterway above the work site and if required, subjected to a Department approved treatment method.
8. The discharge of any wet concrete, dry or wet cement or other pollutants into the waterway outside the contained work area is expressly prohibited.
9. Any disturbed stream banks must be graded to a stable slope (i.e. 1 foot vertical to 2 foot horizontal or flatter if rip rap is used, 1 foot vertical to 3 foot horizontal if seeded and mulched), and rip-rapped or planted with suitable grass, shrubs or legumes or seeded and mulched as indicated by conditions.
10. If Special Condition 5 is not adhered to, then all work shall cease until the non-compliance is remedied. If Special Condition 7 or 8 (return water contaminated with wet concrete, dry or wet cement or other pollutants such as petroleum products) are not adhered to, then all work shall cease and measures instituted to contain and clean up this discharge. Work shall not recommence until a plan for remedying the non-compliance is developed and approved by the Department.
11. All work in the flowing stream will be kept to a minimum and the stream must be diverted around the work area whenever possible.
12. Any temporary dike or cofferdam will be constructed as far as reasonably possible of clean gravel material (but not stream or bank run gravel) and protected against erosion by rip rap or plastic liner, filter fabric, etc.
13. Where rip-rap is to be installed, it shall be placed at a stable slope (i.e. 1 foot vertical to 2 foot horizontal or flatter slope). Dumped stone fill is preferable to placed rip rap to mitigate fish habitat losses associated with stream channel work.
14. In cases where gravel deposits are blocking the stream channel, the newly excavated channel shall be equal in width, depth, gradient and character as the stable stream channel upstream and downstream of the project area.
15. Stream channel restoration (including excavation/removal of sand, gravel and bedrock which is blocking the channel as well as the use of temporary cofferdams and fill) must conform to the pre-flood depth, width, gradient and channel character matching the stable stream channel upstream and



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downstream of the project area. No overwidening of the channel is authorized. Work must be immediately necessary to protect water quality as well as protect or restore structures such as roads, utility lines, bridges, houses and other pre-existing buildings and protect water quality. This work must be reasonable and necessary and cause the least change or adverse impacts to natural resources.

BRIDGE/CULVERT REPLACEMENT

16. Culverts, when used, must be positioned so they do not obstruct or impede fish passage. To maintain a stable natural stream bottom, the following standards shall apply:

a. Round culverts shall be buried below the natural stream bed elevation no less than 20% of the culvert diameter to a depth of no less than 12”.

b. Non-round culverts (squash, box bottom, etc.) shall be buried below the natural stream bed elevation no less than 12”.

Both the inlet and outlet of culverts must be placed at the same slope as the existing natural stream bed. The stream channel at both ends of culverts shall be graded to provide a concentrated flow during periods of low water.

17. The opening of the replacement bridge or culvert above the stream bed must not be smaller than the structure being replaced. That is, the new bridge or culvert must be able to pass at least as much water as the existing structure. New culverts may have to be sized larger than the existing culvert being replaced in order to ensure that the new culvert opening above the stream bed (freeboard) is sufficient to pass flood flows after burial. The bridge opening or culvert may have to be larger than the structure to be replaced in order to safely pass flood flows as well as prevent washouts and flood backwater on the upstream side.

18. The opening of the bridge or culvert must be designed to maintain the natural stream profile (width and depth).

19. To the extent reasonably practicable, all in stream work in trout spawning streams (Cts) should be completed by November 30. To the extent that in stream work in trout spawning streams must recommence in 2012 under this permit, to the extent reasonably practicable, it should be resumed on or after June 15 and be completed on or before September 30.

20. Any debris containing any material from an Ash tree shall be disposed of either through chipping or burial in a DEC permitted construction and demolition dump located in the same county and that is covered with soil every night.

21. If granted under 6NYCRR Part 608, 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 or Modifications 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 the Regional Permit Administrator.

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right 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 Transfers Permits are transferrable with the approval of the department 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.



Project Drawings
For Article 15, 24 and Water Quality Certification

