



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**GENERAL PERMIT GP-2-13-002**  
**Hurricane Sandy Reconstruct Residential Structures**

**Permittee and Facility Information**

**Permit Issued To:**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Facility:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**Applicable DEC Region(s):** 2

1. **General Permit Authorized Activity:** Reconstruct, in-kind and in-place, lawfully existing and functional (as of October 27, 2012) residential structures located in regulated Tidal Wetlands Adjacent Areas and/or Freshwater Wetlands Adjacent Areas (not in the wetlands themselves) which the New York City Department of Buildings has red-tagged for demolition, or yellow-tagged and demolished by the owner, or which have in fact been demolished or removed by the City of New York or the Army Corps of Engineers following the storm.
2. Reconstruct, in-kind and in-place, lawfully existing and functional (as of October 27, 2012) residential appurtenant structures located in regulated Tidal Wetlands Adjacent Areas and/or Freshwater Wetlands Adjacent Areas (not in the wetlands themselves) damaged or destroyed by Hurricane Sandy.

**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**

Effective Date: 07/16/2013 Expiration Date: 10/31/2016

**Tidal Wetlands - Under Article 25**

Effective Date: 07/16/2013 Expiration Date: 10/31/2016



**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: Stuart M. Fox Date: 7/16/2013

**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: TIDAL WETLANDS; FRESHWATER WETLANDS**

1. **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 the applicant or applicant's agent.
2. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.
3. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
4. **Setbacks and Development Restrictions** Reconstruction projects authorized by this General Permit must meet the following setbacks and restrictions:
  - a) No structures are allowed in wetlands. Each rebuilt residential structure must be located within the same footprint as the original residential structure. Variations of three feet or less are allowed in any direction except toward the wetland.



- b) Impervious surface replacement is allowed for walkways, driveways, parking pads, stoops and patios on the exact footprint of the original impervious surfaces, but no new impervious surfaces may be constructed.
- c) Appurtenant structures, including sheds, garages, and pools, on the same property as the house may be replaced, on the exact footprint of the original structures.
- d) Replacement structures may be elevated in accordance with federal, state and New York City requirements for flood resistance.

**5. No Changes to Septic Systems** This permit does not authorize any alteration, expansion or replacement of existing septic systems.

**6. Area of Disturbance for Structures** Disturbance to existing natural vegetation, or topography beyond the footprint of the original lawn areas surrounding the original residential structure, or between the wetlands and the location of the original structure, is prohibited.

**7. Erosion Controls Between Structure and Wetland** A row of staked straw bales and silt fencing shall be placed for erosion control at the edge of the pre-existing lawn area between the construction area and the wetland prior to commencement of construction, and must remain in place and in good, functional condition until the project is completed and all disturbed areas are stabilized with vegetation.

**8. Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked straw bales / silt curtains (or other NYSDEC approved devices) placed around the disturbed or stockpiled area. Stockpiles shall also be covered with tarpaulins when not in active use.

**9. Vegetate All Disturbed Areas** The Permittee shall re-vegetate all exposed faces and disturbed areas to prevent soil erosion prior to the project completion or expiration date of this permit, whichever comes first.

**10. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the property and properly disposed of.

**11. Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

**12. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 50 linear feet from the tidal wetland boundary or freshwater wetland boundary.

**13. 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.

**14. General Permit Authorization Is Not Transferrable** Authorizations for this General Permit are not transferrable. A new permit application is required for a change in permittee/legally responsible party.

**15. 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.

**16. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**17. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**18. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**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  
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, Tidal Wetlands.

**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.