



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

**GENERAL PERMIT**

**Permittee and Facility Information**

**Permit Issued To:**

---

---

---

---

**Facility:**

---

---

---

---

**Applicable DEC Region(s):** 7

**General Permit Authorized Activity:** County Soil and Water Conservation District (SWCD) projects in navigable waters of the state; non-navigable waters of the state classified C with a standard of (T) or higher; and/or NYS DEC regulated Freshwater Wetlands (FWW) and their 100 foot wide Adjacent Areas (AA); all which do not exceed the following thresholds:

1. Blocking of channel braids to maintain normal channel flow.
2. Tile drain and surface water outlet not exceeding a disturbance of greater than 50 linear feet upstream or downstream from the project area.
3. Stabilization of stream bed and/or bank for the purpose of reducing turbidity generated during typical agricultural activities, and limiting access to more sensitive portions of the stream.
4. Installation of equipment and livestock crossing not to exceed 20 feet in width.
5. Stream crossing limited to single crossing over and back for accessing other side of stream.
6. Construction or placement of a single-span bridge with no central supports, including associated bank and substructure erosion protection that involves stream bed/bank disturbance which totals less than two hundred (200) linear feet.
7. The implementation of stream bank bioengineering practices involving less than 2,000 linear feet of stream.
8. The installation of up to 12 in-stream stabilization structures, including but not limited to rock vanes or cross vanes, within any 2,000 lineal feet of stream for the purposes of stream feature and habitat restoration.
9. New installation, replacement or repair of a single arch, box, elliptical or round culvert and associated headwall protection that involves stream bed/bank disturbance which totals less than one hundred (100) linear feet.
10. Placement of stone rip rap, not in conjunction with any other activity listed herein, that involves stream bed/bank disturbance which totals less than two hundred (200) linear feet.
11. Restoration, maintenance, replacement, substantial reconstruction, modification or expansion of existing functional structures or facilities, including but not limited to utility lines, bridges, roads, highways, culverts, railroad beds or paved areas; provided the activity involves less than one-quarter (1/4) acre of new disturbance in the regulated FWW and/or AA.
12. Installation of dry hydrants for fire protection purposes.
13. Removal of trees and/or debris other than bed material that is blocking or impeding drainage or navigation, and/or jeopardizing the banks of a stream or structure.



**Permit Authorizations**

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

Effective Date: 06/01/2009 Expiration Date: 12/31/2009

**Freshwater Wetlands - Under Article 24**

Effective Date: 06/01/2009 Expiration Date: 12/31/2009

**Stream Disturbance - Under Article 15, Title 5**

Effective Date: 06/01/2009 Expiration Date: 12/31/2009

**Water Quality Certification - Under Section 401 - Clean Water Act**

Effective Date: 06/01/2009 Expiration Date: 12/31/2009

**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: JOHN H FELTMAN , Regional Permit Administrator

Address: NYSDEC REGION 7 HEADQUARTERS  
615 ERIE BOULEVARD WEST  
SYRACUSE, NY 13204-2400

Authorized Signature: \_\_\_\_\_ Date: 05/21/2009



## Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; STREAM DISTURBANCE; FRESHWATER WETLANDS; EXCAVATION & FILL IN NAVIGABLE WATERS**

### REPORTING AND RECORD KEEPING

- 1. Other Agency Approvals** This SWCD General Permit does not eliminate the need to obtain approvals from other local, state or federal agencies such as the U.S. Army Corps of Engineers (USACE) for projects which are located in Federal waters or wetlands. For projects located in Federal waters or wetlands, a permit from the US Army Corps of Engineers (USACE) may be required before you can proceed with your project. Certain activities may meet the terms and conditions of existing Nationwide Permits. Information regarding Nationwide Permits and the associated general and regional conditions, including application requirements may be found at: [http://www.lrb.usace.army.mil/regulatory/nwp\\_NY.htm](http://www.lrb.usace.army.mil/regulatory/nwp_NY.htm). The Nationwide Permits that would most likely be applicable to this General Permit are Nationwide Permit numbers 3, 12, 13, and 14 including the associated general and regional conditions. For agricultural activities, please review 33 CFR Part 323.4 for exempt activities at: [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx). You may also contact the USACE Buffalo District at 716-879-4330 for additional information.
- 2. Floodplain Regulations** The project must meet all local and federal floodplain regulations and, if applicable, a written approval from the floodplain administrator must be kept on file.
- 3. Project Segmentation Prohibited** This General Permit (GP) shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project. This GP shall not be used for any activity that is part of an overall project for which an individual permit is required.
- 4. Notice of Intent to Commence Work** The permittee shall notify the Regional Permit Administrator at least 3 days prior to the commencement of work that work will begin on the project. Notification shall be made by completing and faxing, e-mailing or mailing the SWCD GENERAL PERMIT AUTHORIZATION to the Regional Permit Administrator.
- 5. 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.



## PRE-CONSTRUCTION REQUIREMENTS

**6. Prohibited Streams, Rivers & Wetlands** This General Permit is not valid for use in the following regulated watercourses:

Tributaries to Skaneateles Lake

Salmon River

Owasco and Cayuga Inlets

Wetlands in the watershed of Fall Creek and Beaver Creek in Cortland and Tompkins Counties

## 7. Period for Instream Work

- a. All work shall be done within a water body with a standard of C(t) during the period from May 15 through October 1 to protect natural trout reproduction.
- b. To protect Rainbow Trout reproduction in Finger Lake tributaries, and Cisco reproduction in Hatch Lake all work shall be done during the period from July 15 through October 1.
- c. All work shall be done within a navigable water body that does not have the (T) standard during the period from July 15 through March 15 to protect warm water fish reproduction.

**8. Use Pressure Treated Wood** Where treated wood lumber is to be used in the construction of in-water structures, only pressure treated wood with a preservative and treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association can be used. Wood treated with CCA (Chromated Copper Arsenate) or ACQ (Alkaline Copper Quat) can be used in all aquatic environments. Wood treated with Pentachlorophenol can only be used in freshwater applications.

**9. Prohibited Treated Wood** Creosote treated wood products cannot be used in New York State, except by the following entities: railroad companies for track and grade infrastructure; corporate, public and municipal owned electric utilities for utility poles; and existing marinas and mooring facilities until 01/01/2010.

## PRE-CONSTRUCTION REQUIREMENTS

**10. 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.

**11. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

**12. Install and Maintain Erosion Controls** Staked straw bales, silt fence or other DEC-approved erosion control measures are to be installed on the downslope edge of any disturbed areas. This barrier to sediments is to be put in place before any disturbance of the ground occurs and is to be maintained in a functional condition until all disturbed ground is heavily vegetated or otherwise stabilized. Upon completion of work and satisfactory stabilization of disturbed areas, all erosion controls shall be entirely removed immediately.



## CONSTRUCTION REQUIREMENTS

**13. Clearing of Vegetation and Snags** Clearing of natural vegetation shall be limited to that material which poses a hazard or a hindrance to the construction activity. Snags which provide shelter in streams for fish shall not be disturbed unless they cause serious obstructions, scouring or erosion. Any trees felled onto the immediate banks or into any stream or wetland shall be immediately removed.

**14. Channel Braids** A temporary cofferdam made of double-bagged sandbags or Jersey barriers shall be installed to isolate the work area from the rest of the water body before starting the project. The cofferdam shall remain in place until the water clarity in the coffered area matches the open water. It shall be completely removed upon completion of work. Note: If the project area is in or surrounded by water, or in low-flow situation, the cofferdam may be replaced by a temporary silt curtain weighted across the bottom and suspended on floats, positioned vertically in the water to surround the work area before starting the project. The curtain shall remain in place until the water clarity in the coffered area matches the open water. (Filter fabric, tarps, or plastic sheeting may be used for the silt curtain and shall be completely removed upon completion.) This barrier is to be put in place before any disturbance of the ground occurs. Blocking of channel braids to maintain normal channel flow shall be done using only clean fill. Channel bed material shall not be used as fill. All areas of disturbance shall be stabilized with native plantings.

**15. Tile Drain and Surface Water Outlets** Disturbance to the protected water body shall not exceed a distance greater than 50 linear feet upstream or downstream from the project area. All disturbed banks shall be stabilized according to USDA Natural Resources Conservation Standards.

**16. Livestock/Wheeled Equipment Ford** The crossing may not be located on a bend in the stream. The stream channel must be straight for a distance of at least 25 feet upstream and downstream of the crossing. The crossing must pass through the stream at a right angle to the direction of flow. When used for livestock, the crossing should be fenced. The crossing shall not be used as a skidway for a logging operation under the General Permit.

### **17. Turbidity Control**

**Slack Waters:** If turbidity may be created as a result of this project, a silt screen curtain (maximum opening of U.S. Sieve No. 70) continually weighted across the bottom and suspended on floats or staked upright must be positioned to surround the work site. The curtain must remain in place for at least 12 hours after completion of the project or longer, if necessary.

**Non-Slack Waters:** Refer to Conditions 19, 20, 21 & 22.

**18. Siltation Prevention Measures** Siltation prevention measures, such as silt fencing, sediment traps or settling basins, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into any watercourse, stream, water body or wetland.

**19. 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.

**20. Install Culvert in the Dry** All culverts shall be installed in the dry. This may require constructing a cofferdam and/or pumping or piping the stream flow around the work area.



**21. Cofferdam Specifications** Any temporary cofferdam shall be constructed of materials such as sheet piling, sandbags or clean #1 or larger stone that will not contribute to turbidity or siltation of the waterbody. Sandbags shall be of the filter fabric type, double bagged and individually tied to prevent sand leakage. They shall be placed and removed manually to prevent spillage. Only clean sand free of debris, silt, fine particles, or other foreign substances shall be used to fill the bags. The cofferdam shall be entirely removed immediately upon completion of work.

**22. Temporary Diversion Channel** Any temporary diversion channel, culvert or pump-around shall be constructed to prevent running water in the work area. If a diversion channel is used, its sides and bottom shall be protected by rock riprap or other suitable non-erodible materials to prevent scour and erosion. The area of temporary diversion must be restored to its original condition following completion of the work.

**23. Excavation for Authorized Structure Placement** Only that excavation minimally necessary for proper placement of the permitted structure is authorized. Excavation, including but not limited to, dredging of other waterway or freshwater wetland bottom sediments, for any purpose other than those authorized by this GP is expressly prohibited.

**24. Concrete Leachate** 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.

**25. Bridge and Culvert Size** The minimum bridge span (abutment to abutment) and culvert diameter or span shall be equal to or greater than 1.25 times the channel bed width. The channel bed width shall be an average width measured at the project location and straight sections of stream upstream and downstream, which are not influenced by structures or representative of unusual channel characteristics. If this condition cannot be met, an individual permit will be required. Notwithstanding the aforementioned, all culverts must be designed to meet appropriate hydraulic capacity and structural integrity criteria.

**26. Culvert Slope** For streams which have a slope of three percent (3%) or less at the project area, the embedded culvert shall be installed with a zero percent (0%) slope. For streams which have a slope of more than 3% at the project area, a bottomless culvert or bridge must be installed. An individual permit is required for projects which deviate from this condition.

**27. Embed Culverts** All culverts with bottoms, including round culverts, must be installed so that at least 20% of the culvert's vertical height is embedded below the existing stream bed at the outlet end of the culvert. The streambed material that was excavated to accommodate culvert placement shall then be spread evenly throughout the bottom of the new culvert. If it is not practical to spread streambed material throughout the entire bottom of the new culvert, material must be spread in the culvert at the inlet and outlet ends gradually up to streambed elevation to promote natural deposition. Culverts with bottoms, including round culverts, shall not be installed if the placement is on bedrock.

**28. Fill and Riprap at Culvert** Only compacted, clean earthen fill shall be used as backfill and fill around the culvert to minimize water infiltration round the culvert. Both ends of the culvert shall be adequately riprapped to prevent erosion and culvert failure during periods of high water flow.



**29. Maintain Channel Geometry** The stream channel bed width, depth and bank height immediately upstream and downstream of the of the project site shall be consistent with the average channel bed width of the stream. There shall be no widening or constriction of the stream channel bed through the road crossing, and no berms shall be constructed on the stream or river banks.

**30. Riprap Placement Specifications** All stone riprap shall be placed rather than dumped. Riprap shall be installed at a 1 vertical to 2 horizontal slope or flatter. During the bank sloping operation, soil shall not be pushed or placed into the stream bed or the flowing water, and shall not result in flow constriction. The stone riprap shall be placed on a layer of filter material such as gravel, small rock and/or woven filter cloth to provide positive drainage and soil stability. The placement of riprap shall not impede the movement of aquatic life. Riprap may not be consolidated with concrete or by any other means. Rip rap shall be keyed into the stream/lake bottom to prevent undermining.

**31. Stabilize Disturbed Areas** All disturbed stream banks **below** the normal high water elevation must be graded no steeper than 1 vertical to 2 horizontal slope, and adequately stabilized with stone riprap (native stone preferred). All other areas of soil disturbance **above** the ordinary high water elevation, or elsewhere, shall be seeded with an appropriate perennial grass seed (conservation mix) and mulched with straw within two (2) days of final grading. Mulch shall be maintained until suitable vegetative cover is established. Destroyed woody bank vegetation shall be replaced with comparable woody plant material unless natural growth disturbed consisted of species that will regenerate by suckering.

**32. No Rock From Stream/Lake** No rock for use in construction is to come from the lake or stream bed.

**33. No Machinery in Waterbody or Wetland; Store Properly** Machinery shall not be allowed in any protected waterbody or in any portion of a regulated Freshwater Wetland without obtaining prior written approval from this Department. The storage of construction equipment and materials shall be confined to within the project work site and/or upland (non-wetland) areas greater than 100 linear feet from the wetland boundary.

**34. Materials Disposed at Upland Site** Any excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any waterbody, including freshwater wetlands. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area.

**35. Protect Stream, Wetland and Buffer From Road Runoff** Roads, driveways and/or parking areas shall be graded to direct runoff away from streams, freshwater wetlands and/or adjacent areas where possible. The road banks within 50 feet of the stream shall be adequately protected with riprap or seeded (conservation mix) and mulched within 2 days of completion of the crossing. If the protection consists of seeding and mulching, growth of vegetative cover must become successfully established. If vegetation fails to successfully establish, the area must be replanted until successful vegetation establishment is achieved.

**36. 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.



**37. 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.

**38. 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 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.

### 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

---

---

---

---

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

**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 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.