



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
UNITED WATER NEW YORK INC

360 W NYACK RD
WEST NYACK, NY 10994-1743
(845) 623-1500

Facility:
UWNY HAVERSTRAW WATER SUPPLY
PROJECT
70 GRASSY POINT RD
HAVERSTRAW, NY

Facility Location: in HAVERSTRAW in ROCKLAND COUNTY **Village:** West Haverstraw
Facility Principal Reference Point: NYTM-E: 585.685 NYTM-N: 4562.993
Latitude: 41°12'49.6" Longitude: 73°58'40.3"

Authorized Activity: Take an additional supply of water of up to 10 million gallons per day from the Hudson River for use in the existing system by the installation of an intake and desalinization water treatment facilities. It is estimated that the withdrawal of 10 mgd will result in 7.5 mgd of finished, potable water.

Excavate approximately 3,000 cubic yards of sediment for the purposes of installing a water intake structure approximately 900 feet into Haverstraw Bay of the Hudson River. Install a water intake structure consisting of five (5) wedgewire screens with a concrete base installed below the river bottom and anchored by piles driven into bedrock. Total fill within the Hudson River of the water intake structure and associated structures will be approximately 5,500 cubic yards. The water intake line from the intake structure to the pumping station will be installed via micro boring technique and will not require the disturbance of the bed of the Hudson River.

Excavate and fill federal wetlands related to the installation and construction of the upland section of the water intake line and the water treatment plant. The construction of the water intake line from the pumping station will require the temporary disturbance of less than .1 acres of federal wetland. The construction of the water treatment plant will require the permanent disturbance of 1.8 acres of federal wetland.

Permit Authorizations

Water Supply - Under Article 15, Title 15

Permit ID 3-3922-00221/00001

(WSA No. 11375)

New Permit Proposed Effective Date: _____ Proposed Expiration Date: No Exp. Date

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

Permit ID 3-3922-00221/00002

New Permit Proposed Effective Date: _____ Proposed Expiration Date: No Exp. Date

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 3-3922-00221/00003

New Permit Proposed Effective Date: _____ Proposed Expiration Date: No Exp. Date

Draft Permit



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.

Permit Administrator: CHRISTOPHER M HOGAN, Deputy Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: _____ Date ____/____/____

Permit Components

WATER SUPPLY PERMIT CONDITIONS

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

WATER SUPPLY PERMIT CONDITIONS

GENERAL REQUIREMENTS

1. Submission of Plans and Specifications Prior to starting new work on any construction authorized herein, detailed plans of the structures proposed to be built and specifications for such work shall have been submitted to and approved by the Department. Thereafter such construction work shall be entirely completed in full accordance with the plans and specifications which have been submitted and approved.

Note: Approval by this Department of final plans and specifications, and of completed works, will not be issued until equivalent approvals have been issued by the NYS Department of Health.

2. Right to Rescind The Department reserves the right to rescind this permit or to take whatever action it may deem suitable and proper if the works authorized to be constructed herein are not initiated by 12 months after the Department issues final approvals of all construction plans and other prerequisites for initiating construction.

3. Transfer of Ownership of Water Supply Systems A new water supply permit application is required for the acquisition or condemnation of an existing water supply system.



4. Permittee Must Maintain Records The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.

5. Final Approval of Work Section 15-1529 of the Environmental Conservation Law forbids the operation of any of these works until, as constructed, they have been approved by the Department. Such final approval will be given only on written request. In general, such approval will not be given until all provisions affecting quality of the water and safety of the works have been complied with in full.

6. Water Sampled and Approved by NYSDOH Before any water from the source(s) approved herein may be used for any purpose, the permittee shall collect and analyze a sample of the water from each source and shall submit the results of such analyses to

[Water Supply Program]

and to the NYS Department of Health (NYSDOH). NYSDOH will notify the Department of any specific treatment required for that source to attain satisfactory sanitary quality. The permittee shall use water from such source only after certifying to the Department that it has achieved full compliance with NYSDOH's treatment requirements.

7. Water Intake Screening The Hudson River intake structure shall be equipped with Wedgewire screening having a slot size opening of no greater than 0.5 millimeters.

8. Minimize Erosion During any construction directly or indirectly associated with the activities authorized herein, the permittee shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.

WATER DISTRIBUTION

9. Treatment Before Distribution Nothing contained in this permit shall authorize the permittee to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water is first treated in a manner satisfactory to the NYS Department of Health (NYSDOH).

10. Reverse Osmosis Treatment required at all times All water withdrawn from the Hudson River must undergo the complete Reverse Osmosis water treatment process as specified by the New York State Department of Health.

11. Additional Treatment in Future The Department reserves the right to require the taking of further sanitary precautions or the further treatment of the water from any source approved herein should future conditions cause the NYS Department of Health (NYSDOH) to specify such action.

12. Meters Required on All Sources and Customers The permittee must maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system.

13. Conduct Water Audits The permittee must maintain records of annual metered water production and consumption, and, at least once annually, must conduct a system water audit that utilizes metered production and consumption data to determine unaccounted-for water.

14. Leak Detection and Repair Program The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by



inspecting at least one-third of the system each year. Whenever two consecutive annual water audits show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.

15. Meter Calibration for Privately Owned Systems The permittee must periodically calibrate all of its water meters, including source meters, in accordance with applicable regulations of the NYS Public Service Commission (16 NYCRR, Part 500).

16. No Distribution Beyond District Without Approval Nothing contained herein shall authorize the permittee to distribute water to any other district or service area that has not already been approved by the Department or its predecessors without first obtaining a further permit from the Department.

17. Disinfection of Water Mains The permittee shall ensure that water used for disinfecting water mains, if discharged to area streams, has a free chlorine residual not exceeding 0.05 milligrams per liter (mg/l) at the point of discharge.

18. Water Supply System Management With the addition of the Hudson River source, the total supply of the United Water New York system will be increased. The permittee shall continue to use Lake DeForest to the maximum extent practicable considering factors such as its existing permit, treatment capacity, safe yield, emergency and maintenance activities, authorized improvements at any other United Water New York water source, and water quality conditions which limit the amount of water that can be removed from Lake DeForest for treatment to meet Rockland County water demands. An annual report that details the preceding year's monthly water system demands and the usage of all of the permittee's approved sources of supply in a format approved by the Department (similar to Table 1-4 of the Haverstraw Water Supply Project Draft Environmental Impact Statement) shall be submitted to the Department annually by March 1st of the following calendar year for each year the permit is in effect.

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

GENERAL REQUIREMENTS

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 United Water New York, Inc.'s Revised Joint Application for Permit, dated January 13, 2012.

2. 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.

3. 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.

4. 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.

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

DREDGING

6. Cofferdam Dewatering Cofferdam dewatering shall be conducted so as not to cause a visible plume outside the confines of the enclosure.

7. Environmental Bucket Dredging shall be conducted within the confines of the cofferdam, using a closed environmental bucket or equivalent.

8. No Visible Contrast Dredging operations shall not cause an increase in turbidity that will result in substantial visible contrast to ambient background conditions, outside of the confines of the cofferdam. Best management practices include lowering the bucket to the level of the barge gunwales prior to release of the load and placing the dredged material in a controlled manner. Excessive loss of material from the bucket should be investigated and repaired.

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

10. No Side Casting Dredged material shall not be side cast or returned to the water.

11. Backfill of Cofferdams All cofferdams shall be backfilled using clean material, as needed. Clean material includes non-contaminated excavated material. In no instance shall excavated contaminated sediment be placed back into the river or into the cofferdam.

12. Barge Overflow All barges used shall be in good operating condition. No barge overflow is permitted during the dredging operation or during transport of dredge material to the disposal site.

13. Decanting of Barges Any proposed decanting of barges shall be approved by DEC Staff prior to implementation. If decanting of barges is necessary, a detailed plan shall be submitted to the



Department for review and approval.

14. Proper Disposal of Dredged Material All excavated sediments shall be properly disposed of at an approved location. A plan acceptable to the Department, for the ultimate management of dredge spoils, must be submitted to the Department at least 30 days prior to the start of dredging.

CONSTRUCTION REQUIREMENTS

15. Water Line Right-of-Way Trenching for placement of the water intake line within the wetland area shall take place within a temporary work corridor of no more than 75 feet in width. Trees & shrubs cleared to accommodate this corridor shall be removed to outside the regulated area. Permittee will not chip the woody debris & leave the chips in the regulated area

16. Work Area within the Wetland Trenching for placement of the water line within the wetland area shall take place within a temporary work corridor of no more than 75 feet in width. Trees & shrubs cleared to accommodate this corridor shall be removed to outside the regulated area. Permittee will not chip the woody debris & leave the chips in the regulated area

17. Restoration of the Wetland All top soil excavated from the wetland area for the installation of the water line must be stockpiled on tarps adjacent to the work area. This soil shall be used as backfill for the completed trenching in the wetland. The trenched area shall be restored to pre-existing grade to the extent possible. Any excess excavated material shall be completely removed from the wetland & adjacent area. Upon completion of backfilling the trench within the wetland area the permittee shall seed all disturbed soil with a wetland seed mix. After seeding the wetland shall mulch all disturbed areas with straw. All mulch shall be maintained until the disturbed wetland areas are fully vegetated.

18. Erosion and Sediment Controls Erosion and sedimentation controls must be installed in accordance with the Stormwater SPDES General Permit for Construction Activities (GP-00-10-001) prior to beginning construction activity, maintained during construction, and completely removed upon completion of work. In addition, the permittee shall install conspicuous plastic fencing on this line of controls & shall post the fencing with appropriate signage that indicates that the area beyond is protected.

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:

Deputy Chief Permit Administrator
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY12233

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, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.