



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

**GENERAL PERMIT GP-3-16-001**  
**Greenwood Lake General Permit**

**Permittee and Facility Information**

**Permit Issued To:**

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

**Facility:**

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

**Applicable DEC Region(s):** 3

**General Permit Authorized Activity:** This permit authorizes the following activities during the seasonal drawdown of Greenwood Lake:

- Maintenance dredging. This permit does not authorize maintenance dredging at commercial or public marinas.
- Repair or in-kind replacement of existing bulkheads, retaining walls, docks, boathouses, platforms or other existing structures, including the use of new support structures/pilings.
- Debris removal.
- Replenishment of existing beach areas on the shoreline and exposed lake bottom.

**Permit Authorizations**

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

Effective Date: 06/08/2016 Expiration Date: 12/31/2021

**Docks, Platforms & Moorings - Under Article 15, Title 5**

Effective Date: 06/08/2016 Expiration Date: 12/31/2021

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

Effective Date: 06/08/2016 Expiration Date: 12/31/2021

**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: DANIEL T WHITEHEAD , Regional Permit Administrator  
Address: NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY 12561

Authorized Signature: *Daniel Whitehead* Date: 06/08/2016

**This permit is not effective without the signature below:**

**Validation under this General Permit**

Authorized By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date    /    /   

**Permit Components**

- NATURAL RESOURCE PERMIT CONDITIONS
- WATER QUALITY CERTIFICATION SPECIFIC CONDITION
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

- 1. Request for Authorization** Prior to the use of this General Permit for a project, the Applicant must submit a Joint Application Form with the required attachments to the Regional Permit Administrator at the NYSDEC Region 3 Office. Upon review of the project, NYSDEC will determine if the project can be issued under this General Permit. NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit, and to require the Applicant to obtain an individual permit. No work is authorized until the Permittee receives the signed and validated Permit from NYSDEC.
- 2. 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. Any deviation from the work authorized by this permit or its terms and conditions must be authorized in writing by the Department of Environmental Conservation.



**3. Work within Freshwater Wetland Prohibited** Work authorized by this permit is prohibited within the boundaries of freshwater wetland GR-5 or its associated 100 foot adjacent area. This area includes the portion of the lake adjacent to Old Tuxedo Road, Old Monroe Road and County Road #5 within the Village of Greenwood Lake.

**4. Notify DEC 48 Hrs Prior to Work** The permittee or authorized representative must notify the Department at least 48 hours in advance of the start of work. Notice shall be via email to:

- Regional Permit Administrator at [DEP.R3@dec.ny.gov](mailto:DEP.R3@dec.ny.gov), and
- Ms. Tracey O'Malley at [tracey.omalley@dec.ny.gov](mailto:tracey.omalley@dec.ny.gov).

If email is not available, the permittee must notify Ms. O'Malley by telephone at 845-256-3059.

**5. Work Only in Dry** Work shall be limited to the shoreline and dewatered area of the lake bed during the time the lake is lowered.

**6. No Placement of Fill** No filling of any kind (other than that specifically authorized under other conditions of this permit) is authorized.

**7. Maintenance Dredging** Dredging is limited to a maximum of 10 cubic yards from any one private property.

Any material dredged shall be removed evenly, without leaving ridges, deposits or deep holes across or along the bed of the waterway or floodplain.

Dredge spoil shall be removed to an area above the high water line of the lake where it cannot reasonably re-enter the water. Spoil shall not be placed in any other portion of the lake or in any stream, freshwater wetland or other body of water.

Any on-site spoil disposal site shall be rough graded and stabilized in accordance with permit conditions.

**8. No Commercial or Public Marina Dredging** This permit does not authorize any new or maintenance dredging of commercial or public marinas. An individual permit is required for this activity.

**9. Repair/Replacement of Existing Bulkheads, Retaining Walls and Boathouses** Replacement bulkheads or retaining walls constructed on the lakeside of existing structures shall be constructed in the same foot print as the previous structure. No further encroachment into the Lake is authorized.

Only clean fill or spoil may be used to backfill eroded areas behind repaired or replaced structures. Acceptable fill materials include sand, gravel, rock, overburden, topsoil and similar natural mineral materials.



10. **Debris Removal** Debris removal utilizing hand tools only is not considered a regulated activity, and no permit is required.

All debris (i.e., rubbish, rocks, construction and demolition material, and organics such as muck, aquatic weeds, stumps, leaves, and branches) from the project area, including areas below the high water line of the lake and the shoreline, shall be taken to an appropriate upland area for disposal. Rocks of any size from collapsed seawalls or bulkheads may be retrieved for use in reconstruction or as backfill behind bulkheads or retaining walls. Rocks greater than one foot in diameter may be moved aside if posing an obstruction or safety hazard, but they must remain below the mean high water line in order to retain aquatic habitat.

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

12. **Replacement of Beach Areas** Replenishment or replacement of existing beach and swimming areas using beach sand, pea stone or other DEC accepted materials shall not extend more than 6 feet lakeward from the mean high water line, nor more than 50 feet in length on any one property.

13. **Use of Heavy Equipment** Heavy equipment entering the lakebed shall first be inspected and shall be free of any leaks. Support pads or mats may be utilized where necessary, but shall be fully removed upon completion of work. Equipment is prohibited from entering the waters of Greenwood Lake.

14. **Wood Preservatives**

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in marine or brackish waters.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland and/or water body. (Note "E." below for handling wash water.)
- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.

15. **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.



**16. Seed, Mulch Disturbed Soils** All areas of soil disturbance resulting from this project (above the mean high water line) shall be temporarily stabilized by applying a temporary straw mulch followed by seeding with an appropriate perennial grass seed at the earliest opportunity when weather conditions favor germination and growth, but no later than April 30th following the seasonal drawdown of Greenwood Lake.

**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 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.

**19. 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.

**20. 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.

## WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.



**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, Docks, Platforms & Moorings, 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.