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Operations Work Plan – Main Building

First Prize Center BCP Site (C401076)

68 Exchange Street

City of Albany and Town of Colonie, Albany County

May 28, 2021

Introduction

Jackson Demolition Service, Inc. (JDS) has been awarded the contract for the asbestos abatement and demolition of the former Tobin's First Prize facility. This includes four (4) separate outbuilding structures and the Main Building. The buildings are identified as Buildings 1, 2a/2b, 3, 5 and the Main Building. Please see **Exhibit 1 – Site Layout** attached for the locations of the buildings being demolished.

This plan provides a general description of the Main Building and presents further detail regarding the asbestos abatement and physical demolition of the structure, handling of the demolition materials, and the final cleanup of the site surface.

Demolition of the Main Building will generally be performed after the structure has been cleared of asbestos containing materials (ACM). ACM abatement will be performed per NYS Department of Labor (DOL) 12 NYCRR Part 56 (Code Rule 56) and the approved DOL site-specific variance File No. 21-0022 (SSV 2). Please see **Exhibit 2 – SSV 21-0022.** It will also be completed in accordance with applicable New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH) regulation and guidance.

Portions of the Main Building are currently undergoing further evaluation based on their deteriorated and poor condition. If it is discovered that ACM cannot be safely removed using traditional methods, an amendment to the SSV will be submitted to DOL requesting controlled-

demolition methods. **Exhibit 1 – Site Layout** identifies areas under further evaluation with yellow outlining. These areas include the West Loading Dock, the South Side Overhang, and the Boiler House.

Main Building Background/Building Construction

The Main Building is a large multi-story structure prominently situated south of Exchange Street. It was most recently used as a general warehouse but was historically used as a meat-packing facility until the early 1980's. The first phase of the facility was constructed around 1924 and several additions were added on over the next few decades.

The building varies in height from single story at approximately 16'-0" in height to four stories at approximately 48'-0" in height. Generally speaking, the west side of the building is one to two stories in height and the east side of the structure is two to four stories in height, with the exception of the East Loading Dock. The Low-Rise (East Side) of the building is the newest section of building and there is a clear delineation from the High-Rise (West Side) of the structure. Please see **Exhibit 3 – Low-High-Rise** for a visual representation.

The entire structure has a footprint of approximately 145,977 SF, the entire building contains approximately 408,000 gross SF which includes all floor levels of the structure.

The Low-Rise section is slab on grade construction. The north side of the Low-Rise is approximately 24'-0" in height and is constructed of cast-in-place concrete with circular mushroom columns supporting reinforced concrete floors and roof systems. There is a built-up roof system on the concrete deck. Brick was used to infill the exterior walls between the concrete columns and beams. On the south side of the Low-Rise, the exterior load-bearing walls are approximately 16'-0" in height and are constructed of brick. The roof structure is flat and consists of wood beams and joists, with a wooden deck. The roofing membrane is built-up rolled roofing.

The High-Rise section of the building ranges in height from 24'-0" to 48'-0" and is constructed of cast-in-place concrete with circular mushroom columns supporting reinforced concrete floors and roof systems. There is a built-up roof system on the concrete deck. Brick and/or concrete was used to infill the exterior walls between the concrete columns and beams. Approximately 82,000 SF of the structure has a basement. The basement extends approximately 10'-0" below grade and the walls and floor are cast-in-place concrete which are generally in good condition. A sewer manhole is located within the basement. This drain and any other penetrations will be plugged

and filled with concrete prior to building demolition. The remainder of the High-Rise is slab-on-grade construction.

A pre-demolition asbestos survey was conducted on the Main Building and several asbestos containing materials were identified. **Please see Exhibit 4 – Main Building Asbestos Containing Materials List**.

Demolition Scope of Work for the Main Building

1) Install perimeter fencing along Exchange Street (completed) and the eastern border of the property (pending building 2a wall removal).
2) Obtain a demolition permit from the designated municipality.
3) Obtain permits and/or approvals for the disconnection of water, storm, and sewer laterals for those applicable to building demolition.
4) Call Dig Safe 811 and record utility clearances from all providers.
5) Install best management practices (BMPs) as indicated in the project specific stormwater pollution prevention plan (SWPPP), which is attached hereto as **Exhibit 5**.
6) Isolate and disconnect water laterals.
7) Disconnect and cap all storm and sewer laterals as directed by the municipalities.
8) Perform rodent inspections (completed).
9) Obtain a site-specific variance (SSV) for asbestos abatement (obtained).
10) Submit 10-day United States (US) Environmental Protection Agency (EPA) notifications.
11) Submit 10-day NYSDOL asbestos notifications.
12) Collect all universal waste from the building and removed from site for proper disposal.
13) Complete a pre-demolition engineering survey per US Occupational Safety and Health Administration (OSHA) 1926.850.
14) Provide traffic control as needed to facilitate demolition activities.
15) Abate ACM per NYS Department of Labor (DOL) 12 NYCRR Part 56 (Code Rule 56) and the approved DOL site-specific variance File No. 21-0022 (SSV 2).
16) Remove all slabs, foundation walls, piers, and footings to 7’-0” below grade.
17) Crush hardfill to 4” minus and stockpile on site once approval has been received from NYSDEC.

18) Rough grade the excavations to make safe. After rough grading is complete, the disturbed areas will be stabilized with topsoil and seed or mulched in compliance with the SWPPP. Topsoil imported to the Site will be pre-approved by NYSDEC per DER-10 Section 5.4(e).

Pre-Demolition

The Site-Specific Health and Safety Plan developed for JDS personnel, site specific SWPPP, and this work plan will be reviewed with all JDS personnel and visitors coming on to the project site. A jobsite trailer will be setup and all visitors will need to sign in prior to entering work areas and sign out when exiting the work areas. COVID-19 protocols will be in place at all times enforcing social distancing and requiring masks if social distancing cannot be enforced. Employees and visitors will be screened and logged in accordance with US Center for Disease Control (CDC), NYS, and local guidelines.

JDS will obtain all required permits from the local municipalities. This generally consists of demolition permits, highway use permits, excavation permits, and utility disconnection permits. To date, a highway use permit along with utility disconnection permits are in place to perform the water, sanitary sewer, and storm sewer disconnections required along Exchange Street. The application for the demolition permit for the Main Building has been submitted and is awaiting verification of disconnection of utilities for approval.

JDS will comply with the site specific C.T. Male prepared SWPPP (see **Exhibit 5**) for the Site. Prior to performing any excavation or demolition activities, erosion and sediment controls (ESC) will be installed. Then, all necessary inspections will be performed by SWPPP trained staff, maintenance/repair of ESC's will take place as needed, and JDS will coordinate stabilization efforts of the disturbed areas with the owner. ESC's for the project site generally consist of the installation of construction entrances, catch basin inlet protection, and the installation of silt fencing/silt socks along the southern and eastern portions of the project to prevent runoff from leaving the site.

Utilities to the building will be disconnected prior to starting demolition. These utilities include, electric, gas, water, sanitary sewer, storm sewer, communication lines, and any other utilities identified. Dig Safe 811 has been called and mark out services have been provided. This helps to ensure that the utilities are properly marked and that the jurisdictions are aware of the project and have an opportunity to locate their utilities. JDS has coordinated with the Town of Colonie and the City of Albany and disconnection plans for municipal utilities are in place. In general, the

water, sanitary sewer, and storm lines will be disconnected approximately 5-10' outside of the building footprints and the sanitary and storm manholes that flow to the municipal systems will be targeted. See **Exhibit 6 – UG Utility Disconnect Plan** for more information. The site owner obtained work orders from National Grid and for the disconnection of the electric and gas services and this work has been completed. Communication lines feeding the building have been confirmed inactive and are ready for disconnection.

The demolition of the Main Building will be completed in 3 phases as detailed below. The first phase involves the abatement of friable ACM within the structure. This will be followed by the removal of non-friable ACM both within and outside the structure. Once the friable and non-friable material have been removed demolition of the building will be performed.

A SSV for the project was approved by NYS DOL on 2/4/21. This document is File Number 21-0022. Asbestos abatement for the building will be performed in accordance with Code Rule 56 Procedures and SSV 21-0022. Please reference **Exhibit 2 – SSV 21-0022** for additional information.

At least 10 days prior to performing ACM abatement or demolition activities, JDS will submit both the U.S. EPA Notification of Demolition and Renovation and the NYS DOL Asbestos Project Notifications for the building. ACM abatement project postings will be placed on the building in accordance with Code Rule 56.

During asbestos abatement, the entire building will be considered a restricted area, with no entry by uncertified or unauthorized visitors. Asbestos warning signs will be posted in accordance with the requirements of Code Rule 56-7.4(c). The regulated areas will be the active removal areas. Because there are several work areas and the method of abatement being employed, remote decontamination facilities will be utilized on the project.

Generally speaking, the building will be prepared for ACM abatement by closing off accessible openings with a single layer of 6-mil poly sheeting. Wet methods will be employed during the removal of ACM, unless the ambient air temperature is less than 32 degrees Fahrenheit. Negative air machines will be used surrounding the work area as an additional engineering control to further eliminate dust.

Friable ACM materials will be removed first, with the office area being the only exception. Generally, 6-mil poly sheeting will be used to delineate the friable work areas. The friable ACM

will be removed in accordance with the SSV, deposited into double-lined containers or trailers, and properly disposed of as RACM.

Non-friable ACM material will be removed upon completion of the friable removals. Since many areas of the structure are contaminated with non-friable ACM, poly work areas will not need to be established. The debris will be removed from the building using mechanical methods. During this phase of the project all C&D materials will be removed from the building including interior contents, furniture, and wood, leaving bare concrete floors, walls, and ceilings. The cleanout process will start on the upper floor working down to the basement level, until complete. The debris will be deposited into double-lined containers, dumpsters or waste trailers and disposed of as C&D. All trailers will be staged on site so the public roadway will not be impacted. No road closures are anticipated to be needed during the abatement portion of work.

Air sampling will be conducted during all phases of the removal/clean-up activities associated with the abatement. Since the inside of the building is considered contaminated, the air sample placement will be up to the project monitor on site and will include at least five air samples per shift. There will be an additional 2 air samples collected on the exterior of the building upwind and two air samples collected downwind from the site similar to a building demolition with asbestos in place. Additional exterior air samples will be collected at locations near openings that cannot have full critical barriers installed.

Prior to razing the structure, JDS will remove all assumed universal wastes from the building. This includes, mercury bulbs, ballasts, switches, exit signs, paints, chemicals, cleaners and any other wastes encountered. The universal waste will be collected, properly containerized in 55-gallon drums and removed from the site for proper disposal. At this point all that will remain in the buildings is concrete, CMU block, metal, and brick.

Finally, prior to commencing demolition activities, JDS will perform a pre-demolition engineering survey for the building per OSHA 1926.850. The purpose of this survey is to familiarize the demolition workers with the construction of each building, identify any potential hazards, confirm all necessary engineering controls are in place, and ensure the building is prepared for safe demolition activities. This survey will be performed by a JDS' competent person, as defined at OSHA 1926.850.

Demolition

Low-Rise

Building demolition will take place in a methodical manner utilizing 80,000 – 200,000 pound (lb.) hydraulic excavators equipped with universal processors, grapples, and hydraulic hammers, along with track loaders. Dust will be suppressed by spraying the building components with water utilizing a 1-1/2" fire hose throughout demolition and monitored in accordance with the NYSDEC approved Community Air Monitoring Plan. Demolition will start on the Low Rise (west end) of the project and progress towards the east.

To demolish the Low-Rise, a hydraulic excavator with a universal processor will be used. Single story sections of the building will be demolished first. This will be accomplished using a hydraulic excavator with a grapple attachment. These sections of building will be demolished from the top down. C&D from the wood roofs will be deposited into 100 CY walking-floor trailers and will be disposed of as C&D. The exterior masonry walls will be stockpiled on the building pad to be processed.

Next the reinforced concrete section of building will be razed. First, the end walls will be opened to reveal the exterior perimeter concrete support beams and columns. Then, the horizontal beams will be sheared out of the first bay of the building. Next, the columns will be sheared and/or hammered. As the columns are crippled, the second floor will begin to sag. Once the second floor has sagged, excavators with grapples, hammers, and/or universal processors will be used to complete the razing. This process will continue bay by bay and the debris will be deposited on the slab.

After the debris is deposited onto the slab, excavators with buckets and/or grapples will be used to sort the material. Scrap metal will be removed from the debris and loaded into 90-ton dump trailers and trucked off site to a local scrap yard. Brick will be placed into one pile and CMU block and concrete will be deposited into another. The concrete will be processed down to approximately 2' x 2'x 2' sections. Then, a track loader or bulldozer will be used to push the debris piles to the west end of the slab where a mobile jaw crusher will be staged. The masonry debris will be stockpiled onsite, to be processed (crushed) at a later date once approval has been obtained from NYSDEC.

The crusher will be loaded with the downsized concrete, CMU block, and brick using an excavator with a bucket attachment or loader. The material will be processed (crushed) to a 4" minus size. A stacker will be used to convey the crushed material away from the crusher and the material will be stockpiled adjacent to the building footprint on the west end of the site for future reuse on site.

Next, the slabs, foundation walls, columns, and footers will be excavated, downsized to approximately 2' x 2' x2', and stockpiled on the Low-Rise footprint. This will generally be done using an excavator with a bucket and hydraulic hammer and/or pulverizer. The crusher will be staged adjacent to the work area, on the west end, and will follow the removal process to eliminate double handling. The crushed concrete will be stockpiled on the former building footprint for future reuse on site with approval from NYSDEC.

High-Rise

Demolition of the High-Rise will be performed in a similar manner as the low rise with a few exceptions. Dust will be suppressed by spraying the building components with water utilizing a 1-1/2" fire hose throughout demolition and monitored in accordance with the approved Community Air Monitoring Plan. First, in areas where the building cannot be safely razed by crippling the columns, a UHD (ultra-high demolition) excavator will be used to demolish the upper floors. This machine is a 90,000 lb. excavator capable of reaching 75' in height. The UHD will be equipped with a multi-processor attachment capable of shearing both concrete and metal support columns and concrete walls. Second, the High-Rise is located in close proximity to Exchange Street. Therefore, while the tallest section of building is being razed a detour will likely need to be setup, rerouting traffic from the section of Exchange Street on the north side of the building. Please see **Exhibit 7 – Proposed Detour Map** for our preliminary plan. Third, the material will be deposited into the basement of the High-Rise. After the structure is razed that material will be excavated from the basement level, deposited onto the footprint of the Low-Rise and will be sorted, separated, and processed in a similar manner as described previously.

Demolition will continue from west to east until the entire structure has been demolished.
After the hardfill debris has been removed from the basement, foundation removals will begin. The foundations walls will be removed to 7'-0" below grade. Basement floor slabs, footings, and piers below that elevation will be left in place.

Post-Demolition

After sections of the building have been demolished and the foundations have been removed excavators will be used to grade the excavations at a 1 on 1 slope to help prevent erosion and to make safe for personnel on site. This will be followed by stabilization with topsoil and seed or mulch in accordance with the SWPPP. Topsoil imported to the Site will be pre-approved by NYSDEC per DER-10 Section 5.4(e).

Sequence of Demolition and Proposed Durations

Please see **Exhibit 8 – Proposed Project Schedule.** The attached schedule is subject to change upon approval of work starting and should only be referenced for approximate duration of work to be performed.

List of Attached Exhibits

Exhibit 1 – Site Layout
Exhibit 2 – SSV 21-0022
Exhibit 3 – Low-High Rise
Exhibit 4 – Main Building Asbestos Containing Materials
Exhibit 5 – SWPPP
Exhibit 6 – UG Utility Disconnect Plan
Exhibit 7 – Proposed Detour
Exhibit 8 – Proposed Project Schedule

EXHIBIT 1: SITE MAP

Exchange Street

West Loading Dock

Main Building

Building 1

Building 2-A

Everett Road

Boiler House

South Side Overhang

Building 2-B

Building 5

Building 3

0 50 100 200

FT

1 inch = 100 feet

First Prize Center

Town of Colonie / City of Albany — Albany County, NY

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Project Number: 17.7536
Data Source: NYSGIS Clearinghouse
Projection: State Plane NAD83 NYE (feet)
Date: November 30, 2018
File: FirstPrizeCenter11x17.mxd
GIS: C Secor

Map Note: The locations and features depicted on this map are approximate and do not represent a field survey.

EXHIBIT 2: NYSDOL VARIANCE

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Petition

of

Ambient Environmental, Inc.
Petitioner's Agent on Behalf of

First Prize Development Partners, LLC
Petitioner

in re

Premises: Former Tobin's 1st Prize – Main Building
76 Exchange Street
Albany, NY

Interior/Exterior Friable ACM Cleanup and Removals

File No. 21-0022

DECISION

Cases 1-13

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 21-0022 on January 13, 2021 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the initial submission of the petitioner dated January 13, 2021; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1	ICR 56-6-LIMITED
Case No. 2	ICR 56-7.1(b)
Case No. 3	ICR 56-8.1(b)
Case No. 4	ICR 56-7.5(b)(e)
Case No. 5	ICR 56-7.8-LIMITED
Case No. 6	ICR 56-7.11(a)(b)(e)
Case No. 7	ICR 56-7.11(f)(1)(i)(ii)(a)
Case No. 8	ICR 56-8.6(b)
Case No. 9	ICR 56-8.9(g)
Case No. 10	ICR 56-9.1(b)(c)
Case No. 11	ICR 56-9.1(f)
Case No. 12	ICR 56-9.2(f)
Case No. 13	ICR 56-11.5(c)(6)

VARIANCE GRANTED. The Petitioner's proposal for cleanup and removal of interior/exterior friable ACM and debris in quantities as noted in the petitioner's proposal at the subject premises in accordance with the attached 18-page stamped copy of the Petitioner's submittal is accepted with modifications noted; subject to the Conditions noted below:

THE CONDITIONS

1. A full-time independent project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.

2. The Project Monitor shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:

   a. Inspect of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor;
   b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used and are in compliance with all asbestos laws and regulations;
   c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable rules and/or regulations;
   d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.

3. The PM shall alert the nearest District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos Supervisor, unresolved conditions remain at the asbestos project which present significant potential to adversely human health or the environment.

4. The restricted areas, regulated abatement work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25') where possible, and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved or the abatement project is complete. For areas where 25-feet aren't possible, the areas shall be cordoned off as practical, and a daily abatement air sample shall be included at the barrier. These areas shall have Signage posted in accordance with Subpart 56-8.1(b) of this Code Rule.

5. All adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting. If the owner of an adjacent building does not allow openings to be sealed as required, the asbestos abatement contractor's supervisor must document the issue within the daily project log, and have the affected building owner sign the log

confirming that the owner will not allow the asbestos abatement contractor to seal the openings in the building as required. In addition, a daily abatement air sample shall be included within ten feet of the affected portion of the adjacent building.

6. In large open work areas that cannot be maintained due to the various physical restrictions (i.e., 25 foot buffer zone, buildings/structures, roadways, right-of-way's, etc.), the work area shall be extended to the extent feasible and localized HEPA filtered ventilation units as needed to control visible emissions shall be utilized at the immediate cleanup area along with wet methods, to aid with fiber control. In addition, during the removal and cleanup, additional daily abatement air samples shall be collected at barriers to the regulated abatement work area at appropriate distant intervals/locations (i.e., every 75-100 feet) as per ICR 56-7.1(c)(1), for the duration of each workshift.

Remote Personal Decontamination Units

7. Remote Decontamination Units as per ICR 56-7.5(d)(e) **are allowed**. Intact pipe insulation removals that need to be abated shall be performed in negative pressure enclosure/tents and glovebags or negative pressure glovebags or as per ICR 56-11.8. If visible emissions are observed during abatement work, work shall stop, and the Decontamination units shall be connected to the abatement work area prior to work continuation.

8. Remote Personal Decontamination Units must be located on-site and within 50 foot of the structure that is subject to abatement. These enclosure systems shall be removed only after satisfactory clearance air monitoring results have been achieved or the abatement project is complete. The walkway from the regulated abatement work area to the decontamination system or next work area shall have a cleared pathway. The pathway will require at least two (2) layers of six (6) mil fire retardant reinforced plastic sheeting shall be used for floor/carpet protection of the area. This walkway will be delineated and separated from non-certified personnel access.

9. To avoid having to block off access, the designated walkway from the regulated abatement work area to the personal decontamination system, as required by ICR 56-7.5(d)(4), shall be cordoned off only while workers are actively using the pathway.

10. Each restricted area shall have an attached air lock within which workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote decontamination unit over a walkway as defined above.

11. If remote decontamination units are to be used, an airlock as defined in Subpart 56-7.5(b) (11) of this Code Rule shall be constructed at the entrance to each restricted area and shall be large enough to serve as a changing area. Within the airlock, workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote personal decontamination unit over a walkway as defined above. The airlock/changing area shall not be used as a waste storage area.

12. Waste decontamination shall comply with ICR 56-7.5(f).

Negative Pressure Glovebag Use

13. A commercially available negative pressure glovebags may be utilized for removals, in lieu of glovebag removals within negative pressure tent/shroud enclosures. Glovebag removal procedures shall be consistent with ICR 56-8.4 for all insulation removals.

14. If negative pressure glovebags are not available, standard glovebags placed under negative pressure using a HEPA vacuum during removal may be utilized. These glovebags shall be fitted with adequate interior support to prevent collapse while under negative pressure. The integrity of the glovebag shall not be compromised by this additional support. (See glovebag design submitted with the Variance Petition).

15. The makeup air inlet to the glovebag shall be fitted with a HEPA filter.

16. Under areas where ACM is scheduled for negative pressure glovebag operations without a tent enclosure, a dropcloth, made of 6 mil fire retardant polyethylene sheeting, shall be placed below the material to be removed to prevent spread of any ACM remnants. This dropcloth shall be a minimum of 10 feet wide with an additional 10 feet. of width for every 20 feet in height above the floor/ground level where removal work will take place. This dropcloth shall be removed and containerized following removal of the glovebags or abandoned piping, prior to the cleaning stage. All remnants observed on the dropcloth shall be collected and immediately bagged or containerized for disposal as ACM.

Exhausting to an Interior Space

17. Negative pressure ventilation units that cannot be exhausted to the outside of the building or structure shall be directed to an unoccupied, controllable location within the building.

18. This location shall be accessible for the placement of air monitoring equipment as required by the applicable sections of this code.

19. A controllable area shall be defined as an existing, vacant room or an area within a larger space isolated by barrier tape and warning signs. This location shall be adequately sized to accommodate the increase in positive pressure to the area.

20. All openings within 25 feet of the Negative air machine exhaust termination shall be sealed with two layers of fire-retardant polyethylene.

21. Air monitoring shall be conducted at each tube when exhausting to an interior space. Banking of tubes for air monitoring is not permitted.

22. If elevated air samples are indicated, work shall stop immediately. The faulty negative air machine shall be taken out of service and repaired. A replacement

machine shall be installed to maintain the required negative air pressure differential in the work area.

23. Elevated air samples results shall be submitted to the Commissioner as required by ICR 56-4.10 (a)

24. Then all surfaces within area where the faulty negative air machine is exhausting to shall be wet wiped and HEPA vacuumed. The Project Monitor shall conduct a visual inspection of the area prior to resumption of work.

25. A summary of the cleanup activities and negative air machine repairs shall be documented in the Supervisor's daily log.

Interior ACM Removals

26. ACM debris from the incidental disturbance shall be cleaned up prior to abatement of the remaining ACM.

27. Once the regulated abatement work area is occupied by the abatement contractor, the asbestos project begins, and PPE shall be worn at all times even during Preparation.

28. All non-porous wall, ceiling, floor surfaces, fixtures, and movable and fixed objects contaminated with asbestos debris shall be cleaned as part of this abatement project. Porous materials, if any, shall be disposed of as RACM.

29. When feasible as part of providing passive containment and prior to removal of ACM and ACM debris, installation of critical/isolation barriers as per ICR 56-7.11 (a)(b), shall be completed. All visible accumulations of ACM in the area of the critical barriers shall be cleaned as per ICR 56-7.10(c)(1) prior to installation of the barriers. In lieu of hard wall barriers, two-layer six-mil fire retardant plastic sheeting may be used as critical/ isolation barriers as per ICR 56-7.11(b). These plastic sheeting isolation barriers shall be adequately supported for the duration of the asbestos project. All isolation barriers shall remain in place until receipt of satisfactory clearance air results for the regulated abatement work area.

30. Installation of wall and ceiling plastic sheeting is not required on removal surfaces and surfaces that are potentially contaminated and shall be cleaned as part of the asbestos project and in accordance to ICR 56-11.7(b)(5).

31. When relief is granted to not plasticize or when a tent/enclosure unit is used, one thorough cleaning as described in ICR 56-9.1(e) and one settling, waiting period shall suffice, except when an air test fails.

32. Glovebags shall be utilized for intact pipe insulation removals in accordance with ICR 56-8.4(a).

33. If at any time during the mechanical operations visible ACM friable debris(dust) is generated, all removal operations shall immediately cease, and the debris shall be cleaned up as per the requirements of Section 56-11.2(f). Alternative removal

methods that will not generate visible friable debris shall be utilized for the remainder of the asbestos project.

34. An asbestos handler (worker) shall keep the material continually wet while another worker with a HEPA vacuum will position the vacuum hose within four (4) inches of the material being removed to capture small pieces of non-friable ACM and asbestos fines. The hose end will be positioned so that as many smaller pieces of material as possible will fall into the vacuum hose end. Larger pieces of ACM should be immediately bagged or containerized.

35. Office Area or other areas where containments are utilized: A minimum of 8 air changes per hour must be observed once the negative air has been established. A minimum two-hour pre-abatement settling period as per 56-8.2(b) shall elapse once the negative air has been established.

36. Office Area or other areas where containments are utilized: After removal and cleanings are complete and a minimum eight (08) hour waiting/drying period has been observed, the Project Monitor shall determine if the area is dry and free of visible asbestos debris in accordance with 56-9.1(d)(1). If the area is determined to be acceptable, the Project Monitor may authorize clearance air sampling in accordance with ICR 56-9.2(d).

37. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

38. ACM removals shall be performed wet.

39. Under areas where ACM is removed, a drop cloth, made of six (6) mil fire retardant polyethylene sheeting shall be placed on the ground below the work area to prevent spread of any ACM remnants.

40. Asbestos containing material will not be allowed to accumulate on the drop cloth.

41. During Phase IIC, in addition to the requirements of Subpart 56-4.9(c), air monitoring within the work area shall be conducted daily for the entire workshift. The number of required inside work area air samples shall be consistent with the size of the work area (i.e. 1-minor, 3-small, 5-large). The inside work area sample locations shall be distributed throughout the work area.

42. In lieu of post-abatement clearance air monitoring in compliance with ICR-56-9.2(d), the most recent daily abatement air samples collected during cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

43. After removal and cleanings are complete and a minimum drying period has elapsed, an authorized and qualified Project Monitor shall determine if the area is dry, the scope of work complete, and the work area free of visible asbestos debris/residue. If the area is determined to be acceptable and the most recent

daily abatement air sample results meet 56-4.11 clearance criteria, the final dismantling of the site may begin.

Tents

44. All provisions within section 56-7.11(f)(1) shall be followed for constructing the one (1) layer negative pressure tent enclosure to be utilized in order to adequately wet and double bag the contents of the friable ACM, plus the following:

    a. A minimum one hour (1) waiting period with negative air units operating after manometer reads a minimum of .02" or when the Project Monitor determines the tent is satisfactory and maintaining negative air conditions, whichever is longer, shall be observed before entering the work area.

    b. Tent enclosures shall be adequately supported and reinforced to withstand local environmental conditions and the negative pressures developed within them.

    c. Each tent enclosure shall be large enough to accommodate workers, equipment, removal and cleaning operations as well as the piping subject to removal activities.

    d. A minimum of eight (8) air changes per hour must be observed once the negative air has been established.

    e. A personal and waste decontamination system shall be constructed and maintained in accordance with ICR 56-7.5 and shall be attached or remote as to the work areas as per the variance and the variance proposal

    f. A minimum eight (08) hour waiting/drying period shall be observed prior to the Project Monitor determines that the area is dry and free of visible asbestos. If the area is determined to be acceptable, the Project Monitor may authorize the clearance air sampling to be performed.

Preparation of Waste Transport Equipment

45. Dumpsters/trailers used to haul non-friable ACM materials do not need to be doubled lined as required by ICR 56-11.5 (c) (11).

46. Such trailers must be made air, dust and watertight prior to leaving the site.

47. Trailers used to haul RACM shall be double lined as per ICR-56.

48. After abatement of the asbestos and asbestos debris, all plastic sheeting and tape will be treated as contaminated material and properly disposed of asbestos waste at the end of the project.

Wrap and Cut Procedures:

49. Wrap and Cut conduit removals shall be per ICR 56-11.8, the above conditions and the following:

    a. Nylon slings shall be used to lower/move insulated pipe sections of convenient lengths. No dry disturbance or removal of asbestos material shall be permitted.

    b. Once each section of pipe is removed, a thorough cleaning of any remaining ACM or ACM debris must be completed in the immediate area.

    c. Any observed wire insulation debris will be wet down and immediately containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting and secured airtight prior to transport to the waste decontamination facility.

    d. If needed, all cuts to the conduit shall be done using glovebag methods.

50. One layer of 6-mil fire retardant plastic sheeting shall be used as a dropcloth below removal locations.

51. Piping removed shall be containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting and secured airtight prior to transport to the waste decontamination facility.

52. Upon completion of the ACM intact component removal, all remaining waste materials shall be removed within each work area and the critical barrier caulk, tape and/or interior plastic sheeting, shall be containerized or immediately wrapped in two layers of 6 mil, fire retardant plastic sheeting or bagged and secured air tight prior to transport to the waste decontamination facility.

Freezing Temperature Requirements

53. Removal of ACM in freezing temperatures shall be performed in accordance with the petitioner's proposal, the applicable NESHAP standards (Title 40, Part 61, Subpart M, Section 61.145(c)(7) and as follows:

    a. When temperatures are below 32°F and adequately wetting would cause physically hazardous conditions to workers, wetting of ACM during removal is not required however; ACM shall be removed in as large as possible sections and using minimal water, if possible, to control visible emissions and using methods to minimize asbestos disturbance.

    b. This applies when the temperature at the point of applying water is below 32 degrees.

    c. During these periods, the temperature in the area shall be recorded at the beginning, middle and end of the workday and the daily temperature shall be recorded and available for inspection.

d. The owner shall retain the temperature records for at least two (2) years.

e. All required air monitoring/sampling still applies.

f. Decontamination of non-porous materials for salvageable must be performed using wet methods.

54. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.

3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.

4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.

5. This DECISION shall terminate on **February 28, 2022.**

Date: February 4, 2021

ROBERTA L. REARDON
COMMISSIONER OF LABOR

By Edward A Smith

Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Mark G. Wykes, P.E.
Professional Engineer 1 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

New York State Department of Labor
Division of Safety and Health - Engineering Services Unit
Building 12 , Room 159
State Office Campus
Albany, N.Y. 12240

Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
- Send two copies of the petition and all attachments, with your $350 fee, to the address at the top of this page.
  - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. **Is this petition related to a safety or health emergency?** _____ Yes x No
b. If yes, explain: _____

2a. **Name of Petitioner,** (Property Owner): First Prize Development Partners, LLC
b. Street Address: 8 Paddock Circle
c. City: Saratoga Springs d. State: NY e. Zip: _____
f. Telephone Number: ( ) - g. Fax Number: ( ) -
h. Petitioner's Federal Employee Identification Number (FEIN) 38-3955991

3a. **Petitioner's Agent (Asbestos Contractor) Firm Name:** Ambient Environmental Inc
b. Street Address: 828 Washington Avenue
c. City: Albany d. State: NY e. Zip: 12203
f. Telephone Number: (518) 482 - 0704 g. Fax Number: (518) 482 - 0750

4a. Asbestos Contractor License No. 29608 b. Name of Firm: Ambient Environmental Inc

5. **Building Description:**
a. Affecting premises known as: Former Tobins 1st Prize
b. These premises are situated on the ____North, ____South, ____East, ____West side of _____Street, ____Ave, ____Road.
c. County of Albany
d. Street Address: 76 Exchange Street
e. City Albany f. State: NY g. Zip _____
h. Is building occupied? _____Yes x No
i. Current function of building: _____
j. Approximate area (square feet) of building: _____ k. Number of stories or height in feet: _____
l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: _____

6. **Order To Comply or Notice of Violation.** Attach copy.
a. Issued to: _____Owner _____Asbestos Contractor _____Operator _____Other
b. Name on Order or Notice: _____ c. Date issued: ____/____/____
d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation: _____

7. If a variance has been granted previously for work closely resembling this project list:
a. Variance number: _____ b. Date variance granted: ____/____/____

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
		See Attached					

9. **ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. SEE ATTACHED

10. **Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. SEE ATTACHED

11. **Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.
    a. Will proposed abatement methods render non-friable ACM material friable? ____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. ____

SEE ATTACHED

Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

I certify that the information contained in this petition is true and accurate.

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I.registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Joella Viscusi

b. Project Design Asbestos Contractor firm name: Ambient Environmental Inc.

c. Street: 828 Washington Avenue

d. City: Albany e. State: NY f. Zip: 12203 g. Phone: (518) 482 - 0704

h. Designer certificate number: 01-19282 i. Expiration Date: 04 /31 /2021

j. Design Firm Asbestos Contractor License Number: 29608 k. Expiration Date: 07 /31 /2021

13 a. Project designer signature: Joella Viscusi b. Date: 01 /13 /2021

Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE,
SBA EDWOSB & DBE

21-0022

Background

This variance will address the Main Building of the Tobins First Prize property. A variance for the outbuildings has already been submitted to and approved by the NYS DOL.

There is a significant number of incidental disturbances throughout the main building. As such, the entire interior of the building is considered to be contaminated. A lot of the disturbances are non friable asbestos containing material. The main source of the non friable debris is the cork mastic, roofing materials, and floor tile and mastic. The cork mastic, with over 380,000 SF identified throughout the building, is on ceilings, walls (behind ceramic tile) and some floors throughout the production area. *See Attachment 1* – list from pre-demolition survey report for identified asbestos containing materials.

This building is overwhelming filthy and has been vacant for many years, a lot of the cork and associated mastic has been disturbed and is on the ground due to either the failing of the ceilings and walls from water infiltration (failed asbestos containing roofing), deterioration, etc. You cannot walk through the building without walking on the cork and/or roofing debris just about any area in the building.

Conditions of the building currently are as follows:

- Most, if not all, windows are missing,
- Portions of roofs are missing,
- Many doors are missing,
- Entire portions of walls are missing

See Variance Conditions on critical/isolation barriers- mgw

There is also a number of friable disturbances as well throughout the building (mostly on the basement level and first floor). A contamination assessment was conducted to delineate the friable disturbances to allow the clean up of the friable material prior to demolition. This assessment was done by visual inspection and location of the source in relation to the debris piles. Air sampling was not conducted as it is determined that the entire building is contaminated. Please see attached drawings to identify the areas where there is friable debris and contamination.

The intent of this variance is to clean up of the friable asbestos debris and remove any remaining intact friable material first in each work area (with one area as an exception) and then conduct the clean up and abatement of the non friable material on that floor. Due to the number of open areas of the building (missing windows, walls, roofs, doors, etc.) it is not feasible to close all of them up and allow for full containments with negative pressure.

See variance conditions regarding isolation and critical barriers - mgw

That being said, we feel the most cost effective way to achieve this abatement (keeping the health and safety of the workers at the forefront) would be to embark upon this project using methods outlined for open air, exterior abatements. Keeping in mind that this building is vacant,

has no power, no heat, deteriorating, damaged, and has penetrations throughout the walls and roofs, with most windows missing and/or broken. There are also areas of the building that will most likely be condemned due to structural instability.

There will be a locked fence surrounding the building so access can easily be controlled and will only be accessed by certified or authorized personnel.

Areas of Exception to Procedures Outlined below:

Asbestos Containing Plaster in Office Areas:

There is an approximate 10,000 SF area in the building (on the first floor) that has asbestos containing plaster that requires clean up and abatement during this project. This area is in the office area and can easily be isolated from the rest of the building (see drawing for location of plaster in the building). This area will be isolated prior to commencement of clean up and abatement of the remaining building and will be cleaned up and abated after everything else on the interior is completed. This will allow the plaster to be abated inside a tent with proper negative pressure, attached decon and proper air sampling outside the containment in a now cleaned and cleared building.

106 Boiler Room and 139 Adjoining Area; 137 Loading Dock (west end); and Structure at South End) Rear Overhang)

These areas are currently being evaluated for stability and will most likely be condemned. Another amendment will be sent in once a decision has been made. See Attachment 2 – map of potential areas of condemnation.

Answer to No. 9 – ICR 56 Relief Sought

Code Rule 56 Section	Title	Containment Type
56-6	Background Air Sampling-Limited	Various as described in petition
56-7.1(b) 56-8.1(b)	Work Area Prep and Daily Air Sampling	
56-7.5(b)(e)	Personal and Waste Decontamination System Enclosures	
56-7.8	Engineering Controls - limited	
56-7.11(a)(b)(e)	Critical and Isolation Barriers; Floor, Wall & Ceiling Plasticizing and Sealing	
56-7.11(f)(1)(i)(ii)(a)	Negative Pressure Tent Regulated Abatement Work Area	
56-8.6(b)	Requirements for Sequential Abatement	
56-8.9(g)	Trailers and Dumpsters	
56-9.1(b)(c)	First and Second Cleaning	
56-9.1(f)	Waiting/Settling and Drying Time Requirements	
56-9.2(d)	Clearance Air Sampling	
56-11.5(c)(6)	Wet Methods	

Answer to No. 10 – Hardship Description

56-6 No background air samples will be collected since asbestos containing materials has already been disturbed.

56-7.1(b) & 56-8.1(b) Air sampling will be conducted during all phases of the removal/clean up activities associated with this project. However, since the entire inside of the building is considered contaminated the air sample placement will be up to the project monitor on site and will include at least five (5) air samples per shift. There will also be an additional two (2) air samples collected on the exterior of the building upwind and an additional two (2) air samples collected downwind from the site similar to a building demolition with asbestos in place.

Additional exterior air samples shall be installed and located near openings that are not properly criticaled. mgw

56-7.5(b)(e) The use of containments or tents is limited and the interior of the building is contaminated, therefore remote decontamination facilities will be utilized.

56-7.8 Due to the large work areas and the clean up/abatement being conducted without the use of containment or tent structures, establishment of appropriate air changes for negative pressure cannot be achieved. However, the use of negative air machines will be established in surrounding areas as a source of engineering control to limit dust. Where feasible, negative air machines will be placed within 10 feet of the immediate work area of clean up/abatement. In conjunction with the request for modified engineering controls (negative air), in some cases, it will not be feasible to exhaust to the exterior of the building, we are requesting to exhaust inside the building. The negative air machines will be exhausted into mobile diffuser boxes to prevent the exhaust from impacting surfaces that are contaminated and scheduled for cleaning.

56-7.11(a)(b)(e)(f)(1)(i)&(ii)(a) With some exceptions, there will be no containments and the building will be secured, therefore, there will be ~~no~~ need for critical or isolation barriers. If a containment is required (plaster area), we are requesting to use single-layer, 6-mil, fire retardant poly tent containments in lieu of hardwall or 2 layer poly tent containments. We are also requesting to conduct gross abatement of friable materials (>160 SF or 260 LF) in these tents. Limited critical barriers will be installed as the intent of this abatement project is to conduct it as an exterior abatement, therefore typical critical barriers are not warranted. However, in addition to the negative air machines in operation in the surrounding abatement areas as stipulated above, as an additional engineering control, all missing windows will be covered with one layer of poly.

See variance for critical and isolation barriers - mgw

56-8.6(b) Where the debris on the ground interferes with the removal of overhead piping or other intact friable material, those debris piles will be cleaned up prior to the abatement. This will prevent personnel walking through, or other equipment, etc. from dragging through the piles of confirmed or suspect asbestos containing debris piles. Also, the office area where the asbestos containing plaster is located will be cleaned up/abated last as previously described. Because most of the friable material and/or debris is on the basement and first floor, these areas will be cleaned first to prevent tracking through friable material (in lieu of working from top, down).

56-8.9(g) Dumpsters used to haul non friable asbestos containing materials do not need to be double lined with poly. Trailers will be made air, dust and watertight prior to leaving the site.

56-9.1(b)(c) This work will entail either no containment structures or tent containments, therefore, there will be no first or second clean. There will be one, final clean prior to waiting/drying/settling period.

56-9.1(f) and 56-9.2(d) Where there are no containment structures or fully established negative air, wait times and aggressive final air sampling would not be feasible or required. However, where tents are utilized with negative pressure and gross abatement of friable material is being conducted a reduction to an 8 hour wait time is being requested.

and agressive air samples performed - mgw

56-11.5(c)(6) Due to the upcoming winter months and anticipated freezing temperatures, we are requesting relief from the wetting of asbestos containing materials during demolition in freezing temperatures. The contractor shall comply with NESHAP regulation 61.145(c)(7). If temperatures are below 32 degrees Fahrenheit wetting of ACM during removal is not required. ACM shall be removed in as large as possible sections and using methods to minimize disturbance. On days when temperatures are below 32 degrees Fahrenheit and water is not being used, the temperature is to be recorded by the asbestos abatement contractor at the beginning, middle and end of each day. Only for Interior removals. A re-opening of the variance shall be made when condemnation letters are submitted and controlled demolition is performed.

Answer to No. 11 – Proposed Abatement Method Description

General

The entire building will be considered a restricted area, with no entry by uncertified or unauthorized visitors. The regulated areas will be the active removal areas (i.e., debris clean up, 25 foot barriers for wrap and cut removals, etc.). Due to the excessive amount of work areas, and the procedures we would like to use for abatement, remote personal and waste decontamination facilities will be utilized on this project.

As mentioned earlier the building is vacant, unheated, and has many penetrations and broken windows throughout the building. Due to the current adverse weather conditions, and the inability to temporarily heat the buildings we are requesting that the workers be allowed to wear ~~street clothes~~ beneath their disposable protective coveralls.
Appropriate clothing

Again, due to the large quantities of asbestos containing materials in the building and the complexity of the abatement itself, it would not be prudent to conduct final air sampling (or use daily air sample results as finals) after each individual clean up. Instead, we are requesting to perform modified final air sampling clearance at the completion of all removals and debris pile clean up. Described in better detail below.

Daily air samples shall be performed at all abatement work areas - mgw

Final Clearance Hardships:

There are many specific hardships to consider during this abatement, however, some issues that will clearly be detrimental to the final clearance of these buildings are as follows:

1. These buildings are never "dry" due to steady infiltration of water from missing roofs, walls, windows, etc. When final clearance activities are performed the independent project monitor and the contractor's supervisor will clear the work area if it is as "dry as it can be". Meaning that it is free of visible signs of controlled water in the work area. If there is uncontrollable water present, it will be noted in each of their respective project logs.
2. As mentioned earlier in this variance, the building remains open to the outside contaminants due to broken windows, missing overhead doors, holes in walls roofing, etc. To visually clear these areas so that there is no visible debris may only be for a snapshot in time. There is no guarantee that these buildings will not have visible debris shortly after the final visual clearance has been performed.
3. In order to perform this abatement in an organized manner, there will be several different "work areas" on each floor. Each area will have a visual clearance conducted to identify that all intact removal has been satisfactorily completed. However, final air sampling shall not be conducted until completion of final cleaning of each area (or floor) is completed. This will

Daily air samples are to be performed in each work areas - mgw

allow work areas to be combined once intact removals are completed and remaining debris in that area can be removed. The specific work areas will be determined per floor depending on access and placement of dumpsters (described below). Each work area will be denoted on a drawing to aide in identification of cleaned and cleared areas vs "areas still requiring cleaning and clearing.

Wasteout Hardships

Since the interior of the building is contaminated and this abatement is being conducted with similar practices to demolition with asbestos in place, it is not feasible to perform prescribed wasteout procedures. The procedures will follow demolition with asbestos in place and be live loaded into dumpsters (for the most part).

First floor and basement wasteout:

- The dumpster will be stationed on the exterior of the building with access from inside via the loading dock or an access point made through the wall most likely where a portion of the wall/windows are missing. The access points will be sealed with poly upon the completion of each workshift.
- Friable debris and material will be disposed of as RACM ~~unless it can be decontaminated.~~

Second and Third Floors:

- Same procedures as listed above, however, debris/material will be loaded into a lull from the skid steer (or the like) and lowered down to the ground and into the dumpster. There will be access points made through the walls (again most likely where windows/portions of walls are missing) to accommodate the loading of the material. The access points will be sealed with poly upon the completion of each shift.
- Friable debris and material will be disposed of as RACM ~~unless it can be decontaminated~~.

Fourth Floor:

- The fourth floor has minimal material and/or debris compared to the other floors. Most likely this material will be manually cleaned up and put in bags for disposal.

Abatement Procedures:

1. Only certified persons or authorized visitors shall be allowed within the abatement work area until satisfactory clearance air monitoring results are met, and the abatement contractor has demobilized from the work area.
2. A NYS certified asbestos project monitor shall be on site at all times when the asbestos abatement contractor is performing abatement related activities to ensure compliance with this variance and other asbestos regulations.
3. A remote personal and waste decontamination enclosure shall be utilized since the interior of the building is considered to be contaminated.

4. Critical barriers and engineering controls (negative air) will be implemented to the extent it is outlined above. Floors, walls and ceilings will not be covered with poly sheeting as these surfaces are subject to abatement and cleaning. See variance conditions - mgw
5. Daily air sampling shall be conducted during all phases of the project. Background air sampling shall not be conducted since there has already been an incidental disturbance. As described above, placement of air samples will be at the discretion of the project/air monitor due to extensive contamination inside the building. Additional exterior air samples as described above will also be conducted anytime the abatement contractor is performing abatement/clean up activities.
6. Once the limited critical barriers are established and negative air machines are running (limited). The contractor may immediately commence with the clean up and removal.
7. When the abatement contractor begins clean up/abatement on a floor or work area, the friable material on that floor or work area will be completed first. Since the debris is a mix of large objects (equipment, concrete blocks, wood, bricks, etc.) in conjunction with the TSI debris, these large areas will be cleaned up utilizing both manual and mechanical methods (skid steer or the like) similar to demolition with asbestos in place. All intact pipe insulation will be done utilizing wrap and cut procedures as outlined in 56-11.8, Abandoned Pipe/Duct/Conduit Wrap and Cut Removal or utilizing glovebags with poly drop cloths. All debris/material shall be disposed of as described above in "Wasteout Hardships".
8. Once all friable debris and material for that floor or work area is completed, a visual inspection by the project monitor and abatement supervisor will be conducted and logged as being completed. The contractor may now commence with clean up/removal of the non friable debris/material in that work area. This will also be done using both manual and mechanical methods as noted above. The removal of the intact, non friable material will also be done utilizing mechanical methods as it will require removing portions of the walls to get to the cork mastic behind ceramic tile or other finishes. All debris/material shall be disposed of as described above in "Wasteout Hardships".
9. If the work area that was just completed is in an area that ***will not*** require travel through to get to another active work area or traveled through to get to the dumpster from an active work area the following shall be conducted:

If an area that has been cleaned becomes re-contaminated then that area shall be re-cleaned. mgw

   a. Once all debris and intact material has been removed from a specific work area, a final cleaning of that entire work area shall be completed. During the final cleaning a new set of air samples (5 for large; 3 for small; 1 for minor) shall be placed inside the work area and one air sample outside the building. → and at all openings that have not been properly criticaled or isolation barriers installed
   b. After the final cleaning is completed, the project monitor in conjunction with the abatement supervisor shall conduct the final visual clearance.
   c. If the last set of daily air samples (as described in 9a.) are below 0.01 f/cc that particular work area shall be considered cleared and complete.
   d. The abatement contractor will tape off that work area so that travel through that work area does not occur.

10. If the work area that was just completed is in an area that ***will*** require travel through to get to another active work area or traveled through to get to the dumpster from an active work area the following shall be conducted:
    a. Once all debris and intact material has been removed from a specific work area, a visual clearance by the project monitor in conjunction with the abatement

supervisor shall be completed to ensure that all intact asbestos and debris has been successfully removed from that work area.

b. A final cleaning and clearance of that work area will be completed once the area can be isolated from any passthrough that will be required in that area. Procedures outlined in #9 above will be followed.

11. These procedures will be followed until the entire inside of the building has been completed. It may end up that several work areas or combination of partial multiple floors are having a final cleaning done simultaneously, with daily air samples being utilized as final clearance air samples. If this is the case, each floor will have at least five (5) air samples collected inside the work area, with an additional air sample for every 5,000 square feet above 25,000 square feet of floor space per floor and one air sample outside the building.
12. When the final cleaning is completed, a final visual clearance of the work area shall be conducted by the project monitor in conjunction with the abatement supervisor. If the work area passes the visual clearance and the last set of daily air samples (as described above) are below 0.01 f/cc, the area shall be considered clean and the abatement contractor can demobilize from that work area.
13. The area will be returned to the Owner only after satisfactory clearance monitoring has been obtained and the abatement contractor has demobilized from the work area.

Plaster Wall Abatement Procedures:

When the cleaning/abatement of the building interior has been completed, the cordoned off area requiring plaster abatement and clean up can be completed.

This will be conducted using a one layer tent with an attached personal/waste decontamination enclosure.

Since the building will now be considered "clean"; negative pressure can be established, and air sampling can be conducted in accordance with ICR 56. However, the exhaust may not be able to be exhausted to the exterior. If that is the case, the negative air machines will be exhausted to the interior and an air sample will be placed at the exhaust.

Potential Condemned Portions of the Building:

Will be submitted as an amendment – waiting on potential condemnation letter from the Town of Colonie. Controlled Demolition of the building will require amendment to the original variance. mgw

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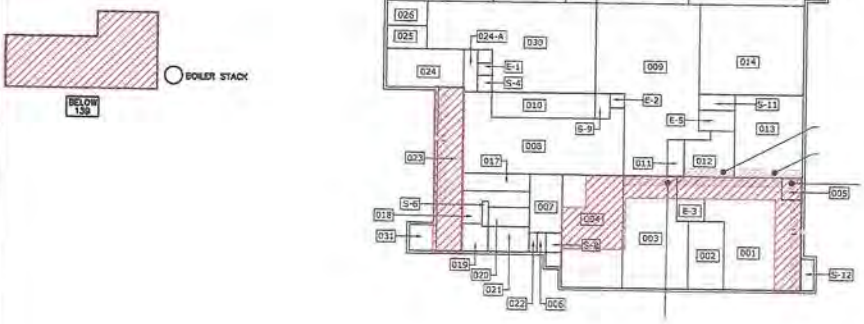

2

AREA BELOW ROOM 132
+/- 3,000 SF OF TSI DEBRIS
180 LF OF TSI TO BE ABATED

ROOMS 001 THROUGH 005
+/- 4,000 SF OF TSI DEBRIS
450 LF OF TSI TO BE ABATED

ROOM 023
+/- 3,440 SF OF TSI DEBRIS
100 LF OF TSI TO BE ABATED

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

Ambient Environmental, Inc.
Building Science and EHS Solutions
826 Washington Avenue, Albany, NY 12203
PH: 518.482.0704 FAX: 518.482.0750
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LEGEND

ASBESTOS CONTAINING TSI DEBRIS

REVISIONS

PROJECT LOCATION

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

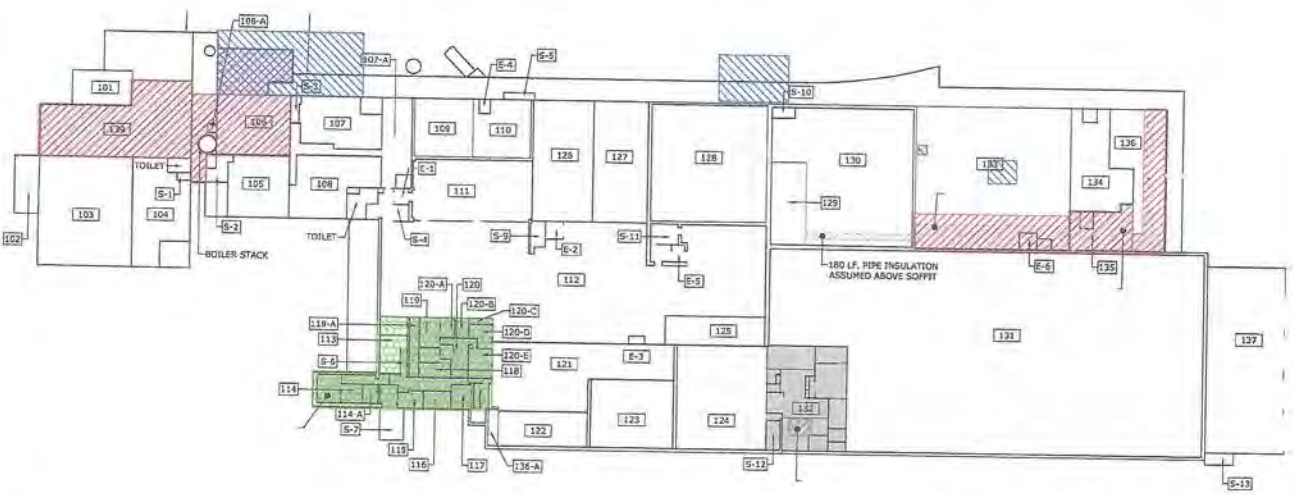
DRAWING TITLE

BASEMENT ASBESTOS MATERIAL LOCATIONS

DATE: 11-15-2021	SCALE: NTS
PROJECT NO.	20F0524C
DRAWN BY	KAJ
CHECKED BY	CBW

DWG. NO.

ASB-100A



BOILER ROOM 106

+/- 2,925 SF OF TSI AND TRANSITE DEBRIS

600 LF OF TSI PIPE INSULATION TO BE ABATED

130 SF OF TANK INSULATION TO BE ABATED

6,230 SF OF BOILER AND DUCTWORK TO BE ABATED

EXTERIOR

2,400 SF OF TRANSITE DEBRIS FROM 2ND LEVEL OVER LOADING DOCK

1,200 SF OF TRANSITE PANELS TO BE ABATED FROM 2ND LEVEL OVER LOADING DOCK

3,000 SF OF TRANSITE DEBRIS FROM 3RD LEVEL ROOM 303 OVER LOADING DOCK

4,095 SF OF TRANSITE PANELS TO BE ABATED FROM 3RD LEVEL ROOM 303 OVER LOADING DOCK

ROOM 122

+/- 3,000 SF OF TSI DEBRIS

120 LF OF TSI TO BE ABATED

850 SF OF TANK INSULATION TO BE ABATED

35 CY OF STORED TSI TO BE ABATED

ROOMS 113 THROUGH 120A

+/- 6,000 SF OF PLASTER DEBRIS

60,000 SF PLASTER TO BE ABATED

ROOM 130

180 LF OF TSI ASSUMED TO BE IN SOFFIT

ROOMS 132 THROUGH 136

+/- 4,000 SF OF TSI DEBRIS

1250 LF OF TSI TO BE ABATED

+/- 500 SF OF TRANSITE DEBRIS (ROOM 133)

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

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LEGEND

- ASBESTOS CONTAINING TSI DEBRIS
- ASBESTOS CONTAINING TRANSITE AND TSI DEBRIS
- ASBESTOS CONTAINING TRANSITE DEBRIS
- ASBESTOS CONTAINING PLASTER DEBRIS

REVISIONS

PROJECT LOCATION:

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

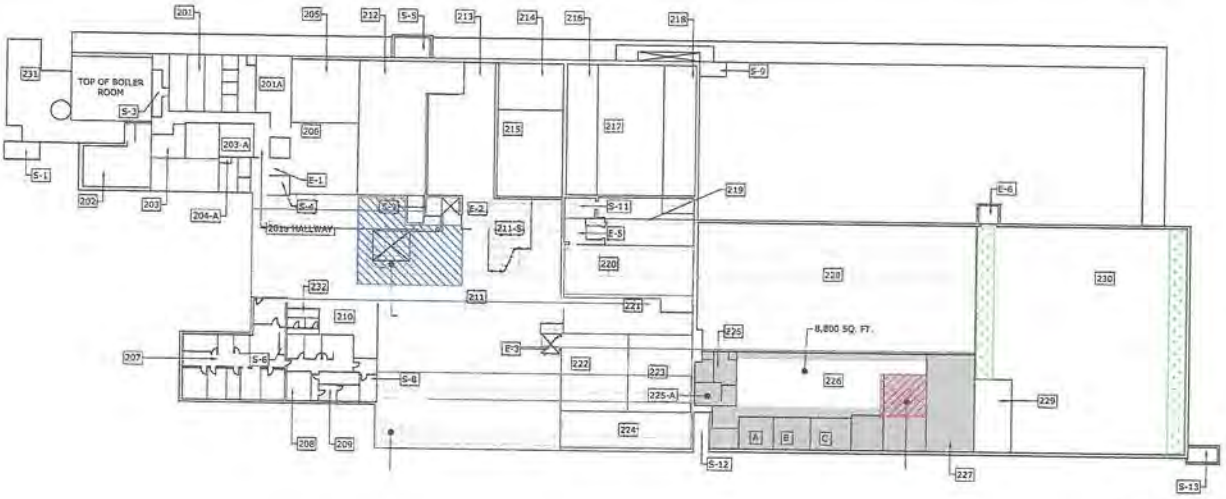
DRAWING TITLE

FIRST FLOOR ASBESTOS SAMPLE LOCATIONS

DATE:	11-16-2020
SCALE:	NTS
PROJECT NO.	20010041
DRAWN BY	KAJ
CHECKED BY	CDW

DWG. NO.

ASB-101A



ROOM 211
+/- 2,000 SF OF TRANSITE
Ceilings
400 SF OF TRANSITE TO BE ABATED

ROOM 226
+/- 300 SF OF TSI DEBRIS
50 LF OF TSI TO BE ABATED

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

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LEGEND

- ASBESTOS CONTAINING TSI DEBRIS
- ASBESTOS CONTAINING TRANSITE DEBRIS
- ASBESTOS CONTAINING WHITE SKIM ON CORK SOFFIT

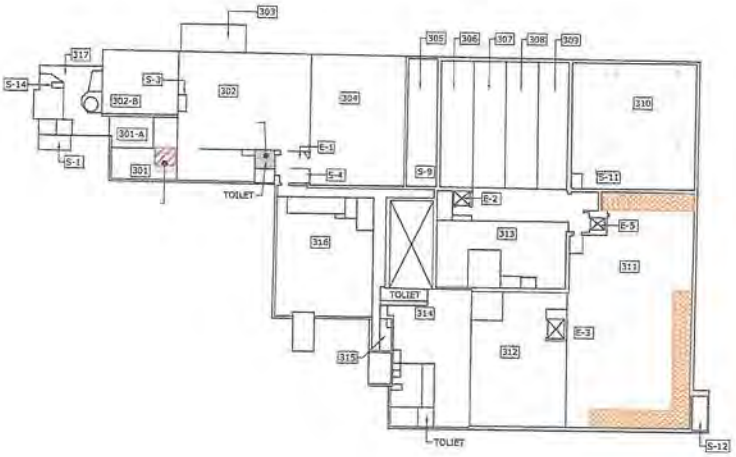
REVISIONS

PROJECT LOCATION
Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

DRAWING TITLE
SECOND FLOOR
ASBESTOS MATERIAL
LOCATIONS

DATE:	11-10-2020
SCALE:	NTS
PROJECT NO.	20110204C
DRAWN BY	KAJ
CHECKED BY	GDW

DWG. NO.
ASB-102A



ROOM 301
+/- 200 SF OF TSI DEBRIS
4 LF OF TSI TO BE ABATED

*PLEASE REFER TO THE ASSUMPTIONS AND LIMITATIONS SECTION OF REPORT

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LEGEND

ASBESTOS CONTAINING TSI DEBRIS

ASBESTOS CONTAINING DULL FLACK MASTIC ON CORK SOFFIT

REVISIONS

PROJECT LOCATION

Former First Prize Center
76 EXCHANGE STREET
ALBANY, NEW YORK

DRAWING TITLE

THIRD FLOOR ASBESTOS MATERIAL LOCATIONS

DATE: 11-18-2020	SCALE: NTS
PROJECT NO.	20110AC
DRAWN BY	AAJ
CHECKED BY	CDH

DWG. NO.

ASB-103A

EXHIBIT 3: LOW- HIGH RISE MAP


First Prize
Legend
Russell Rd
Exchange St
Low-Rise
(West Side)
High-Rise
(East Side)
Google Earth
© 2020 Google
N
300 ft

EXHIBIT 4: ACM MATERIALS

Main Building Asbestos Containing Materials List

Boiler House	
Area 106 (et al) Pipe/Fitting Insulation	600 Ln. Ft. Friable/Damaged
Thermal Insulation Debris	3,500 Sq. Ft. Friable/Damaged
Tank Insulation	130 Sq. Ft. Friable/Damaged
Breeching Insulation	1,800 Sq. Ft. Friable/Damaged
Boiler 1 Insulation**	1,550 Sq. Ft. Friable/Damaged
Boiler 2 Insulation**	2,880 Sq. Ft. Friable/Damaged
Cement Board	1,300 Sq. Ft. Friable/Damaged
Area 139 Pipe/Fitting Insulation	110 Ln. Ft. Friable/Damaged
Thermal Insulation Debris	3,150 Sq. Ft. Friable/Damaged
Tank 1 Insulation	500 Sq. Ft. Friable/Damaged
Tank 2 Insulation	350 Sq. Ft. Friable/Damaged
Under Area 139 Pipe/Fitting Insulation	370 Ln. Ft. Friable/Damaged
Stored Pipe Insulation	15 Cu. Yd. Friable/Damaged
Thermal Insulation Debris	2,800 Sq. Ft. Friable/Damaged
Cement Board	130 Sq. Ft. Friable/Damaged
Area 101 Pipe/Fitting Insulation	130 Ln. Ft. Friable/Damaged
Thermal Insulation Debris	1,600 Sq. Ft. Friable/Damaged
Chimney Stack Paint	7,000 Sq. Ft. Non-Friable/Damaged
Basement	
Areas 001-005 Pipe/Fitting Insulation	270 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	4,020 Sq. Ft. Friable/Damaged
Area 005 Pipe/Fitting Insulation	60 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	120 Sq. Ft. Friable/Damaged
Areas 012- 013 Pipe/Fitting Insulation	90 Ln. Ft. Friable/Damaged
Area 023 Fitting Insulation (large)	5 Units. Friable/Damaged
First Floor	
Main Office Area Plaster (finish coat)	10, 000 Sq. Ft. Friable/Damaged
Floor Tile and Mastic	5,800 Sq. Ft. Non-Friable/Damaged
Office Area 132 Floor Tile and Mastic	2.800 Sq. Ft. Non-Friable/Damaged
Pipe/Fitting Insulation***	300 Ln. Ft. Friable/Damaged
Warehouse 130 Pipe/Fitting Insulation	180 Ln. Ft. Friable/Damaged
Warehouse 133 Pipe/Fitting Insulation	600 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	1,500 Sq. Ft. Friable/Damaged
Warehouse 135-136 Pipe/Fitting Insulation	900 Ln. Ft. Friable/Damaged
Pipe Insulation Debris**	1,500 Sq. Ft. Friable/Damaged
Second Floor	
Office Area 226 Floor Tile and Mastic	8,800 Sq. Ft. Non-Friable/Damaged
Pipe/Fitting Insulation**	6 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	200 Sq. Ft. Friable/Damaged
Open Space 223 Pipe/Fitting Insulation	3 Ln. Ft. Friable/Damaged

Cement Board	400 Sq. Ft. Non-Friable/Damaged
Cement Board Debris	1,000 Sq. Ft. Non-Friable/Damaged
Third Floor	
Space 301 Pipe/Fitting Insulation	4 Ln. Ft. Friable/Damaged
Pipe Insulation Debris	200 Sq. Ft. Friable/Damaged
Room in Space 302 Floor Tile and Mastic	100 Sq. Ft. Non-Friable/Damaged
Block Windows Caulk (interior)	20 Sq. Ft. Non-Friable/Intact
Fourth Floor	
Office Areas Floor Tile and Mastic	1,800 Sq. Ft. Non-Friable/Damaged
Pipe/Fitting Insulation**	300 Ln. Ft. Friable/Damaged
Doors/Windows Glazing Compound	700 Sq. Ft. Non-Friable/Damaged
Switchgear Cement Board	200 Sq. Ft. Non-Friable/Damaged
Cement Board Debris	200 Sq. Ft. Non-Friable/Damaged
Elevated Room Cement Board	600 Sq. Ft. Non-Friable/Damaged
Cement Board Debris	1,000 Sq. Ft. Non-Friable/Damaged
Loading Dock Overhang Coating	4,000 Sq. Ft. Non-Friable/Intact
Roofs Asphalt Roofing	155,000 Non-Friable/Damaged
Building Perimeter Asphalt Roofing Debris	Unknown Quantity
Exterior Stack Paint	7,000 Sq. Ft. Non-Friable/Intact
Cork Mastic	380,000 Sq. Ft. Non-Friable Damaged

EXHIBIT 5: SWPPP

January 26, 2021
Updated May 11, 2021

Stormwater Pollution Prevention Plan (SWPPP)

First Prize Center Site
68 Exchange Street
City of Albany & Town of Colonie
Albany County, New York
BCP Site #C401076

Prepared for:

FIRST PRIZE DEVELOPMENT PARTNERS, LLC
8 Paddocks Circle
Saratoga Springs, NY 12866

Prepared by:

C.T. MALE ASSOCIATES
50 Century Hill Drive
Latham, New York 12110
518-786-7400
FAX 518-786-7299

C.T. Male Project No: 17.7536

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
FIRST PRIZE CENTER SITE

TABLE OF CONTENTS

Page

FIGURE(S)

APPENDICES

1.0 CERTIFICATIONS

1.1 Contractor

All Contractors and Subcontractors who perform earth disturbance on the project site shall sign and date a copy of the following certification statement before undertaking any construction activity at the project site:

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the Owner or Operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) General Permit (GP-0-20-001) for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect, or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

CONTRACTOR:
Company _____

Name/Title/Date _____

SUBCONTRACTOR:
Company _____

Name/Title/Date _____

SUBCONTRACTOR:
Company _____

Name/Title/Date _____

If additional Contractors/Subcontractors must sign the *Stormwater Pollution Prevention Plan* (SWPPP), please continue on the back of this page.

1.2 Contractor Responsibilities

Prior to the commencement of construction activity, the Contractor(s) and Subcontractor(s) that shall be responsible for installing, constructing, repairing, inspecting, monitoring and maintaining the erosion and sediment control measures included below and as indicated on the plans.

The following chart shall be filled out prior to commencement of construction by Owner/Operator.

Task:	**Responsible Contractor:**
Installing erosion and sediment controls (ESC)	_____
Daily inspection of ESC	_____
Maintenance/Repair of ESC	_____
Seeding/stabilization of disturbed areas	_____

Each of the Contractors and Subcontractors shall identify at least one trained individual from their company who will be responsible for implementation of the SWPPP. One trained individual shall be on-site on a daily basis when soil disturbance activities are being performed.

A trained contractor is defined by the General Permit as:

An employee from a contracting (construction) firm that has received four (4) hours of training, which has been endorsed by the NYSDEC, from a Soil and Water Conservation District, Certified Professional in Erosion and Sediment Control (CPESC), Inc., or other NYSDEC endorsed entity, in proper erosion and sediment control principles. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years. This individual shall be responsible for implementation of the SWPPP.

The following individuals have been identified on this project as **trained contractors**:

CONTRACTOR:
Company _____

Trained Individual_____

SUBCONTRACTOR:
Company _____

Trained Individual_____

SUBCONTRACTOR:
Company _____

Trained Individual_____

1.3 Certification of SWPPP Preparer

"I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the General Permit (GP-0-20-001). Furthermore, I understand that certifying false, incorrect, or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

Name: Lauren Sherman, P.E.

Title: Project Engineer

Signature: 

Date: May 11, 2021

2.0 PERMIT OVERVIEW

The technical standards for erosion and sediment controls are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the *Empire State Chapter of the Soil and Water Conservation Society*, last updated November 2016.

Refer to Appendix A for a copy of the SPDES General Permit GP-0-20-001.

2.1 General

The conditions of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit GP-0-20-001 for Stormwater Discharges from Construction Activities (henceforth referred to as General Permit) must be adhered to on this construction project.

The SWPPP and the General Permit contain specific measures to be followed by the Contractor and Subcontractors to prevent pollutants from leaving the project site. Each Contractor or Subcontractor who performs earth disturbance must sign and complete the appropriate pages in Section 1.0 prior to start of work on this site. Contractors shall maintain a complete set of the documents comprising the SWPPP at the construction site for review by NYSDEC representatives at all times during the construction process. All SWPPP inspections shall be performed by the qualified inspector.

Each Contractor shall comply with the requirements of the SWPPP including, but not limited to: specific practices shown on the drawings, practices not shown on the drawings but necessary for the prevention of stormwater pollution and to ensure compliance with the conditions of the General Permit, preparation of required submittals, maintenance of the required erosion and sediment control measures, and removal of non-permanent practices in accordance with the approved construction sequence.

The NOI (Notice of Intent), SWPPP, and inspection reports required by this permit are public documents that the Owner/Operator must make available for review and copying by any person within five (5) business days of the owner or operator receiving a written request by any such person to review the NOI, SWPPP or inspection reports. Copying of documents will be done at the requester's expense.

Revisions to the SWPPP and to the Erosion and Sediment Control Plan may occur during construction. Any additional instructions or directed changes made to the contract

documents must be made by the Engineer and implemented by the Contractor as soon as practicable.

2.2 Execution of the General Permit

Prior to initiation of any construction-related land disturbance, the Contractor shall notify the qualified inspector to conduct this inspection prior to initiating construction. A qualified inspector shall perform the first weekly site inspection and certify that the erosion and sediment control measures are in place, and then construction may begin. Contractors shall commence land disturbing construction activities only after evidence of the qualified inspector's acceptance to the site erosion and sediment controls. Site disturbance without installation of proper erosion and sediment control measures and certification from the qualified professional is in direct violation of the General Permit.

Stabilization of any disturbed areas shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. If any portion of the site has been undisturbed for more than fourteen (14) calendar days, and work on that portion of the site is not scheduled to commence in seven (7) calendar days, the area of the site must be temporarily stabilized with straw, or mulch.

A Notice of Termination (NOT) shall be filed by Owner/Operator only when construction is complete and permanent stabilization of disturbed areas has occurred.

3.0 PROJECT OVERVIEW

The existing First Prize Center project site (Project Site) is a 32± acre parcel that contains several concrete and brick structures, which have generally been vacant for a number of years. The site was originally home to Tobin's First Prize Center, which was constructed in the 1920s and closed down in the early 1980s. The majority of the project site is surfaced with impervious cover. The Project Site is located at the corner of Everett Road and Exchange Street in Albany, and it spans the City of Albany and Town of Colonie boundary line. Several buildings on the project site are slated to be demolished as part of the proposed project, which will create over one (1) acre of disturbance. This phase of work and disturbance is limited to building demolition. As such, a SWPPP with erosion and sediment controls will cover the disturbance associated with the proposed work.

3.1 Area of Disturbance

The total amount of physical land disturbance associated with the Project will be approximately 4.9 acres; therefore, the amount of disturbance exceeds the threshold of 1.0 acre. Consequently, the Applicant is required to apply for permit coverage under the SPDES General Permit (GP-0-20-001), which requires the preparation of a SWPPP and the submission of a completed Notice of Intent (NOI) to the NYSDEC prior to starting construction. Disturbance at any given time will not exceed 5 acres; however, if during construction site disturbance may exceed five (5) acres in total, a waiver must be applied for and obtained. Areas where building foundations are to be removed will be stabilized as soon as practicable and well in advance of site disturbance exceeding 5 acres. Onsite areas will be properly stabilized, as needed, in order to remain under the 5-acre simultaneous disturbance threshold. Site disturbance numbers are based on the existing conditions survey building footprint square footages. A copy of the draft NOI is included in Appendix C.

3.2 Watershed Information

Under existing conditions, the discharge from the south/southwest side of the Project Site is generally collected in onsite catch basins and is piped and/or sheet flows to the south/southeast. Runoff that leaves the site enters the Patroon Creek, a Class C stream, and then ultimately discharges to the Hudson River. The Patroon Creek is not a 303(d) segment that is impaired by pollutants related to construction activity. The project is not located within a watershed with enhanced phosphorus removal standards and it

traverses the City of Albany and Town of Colonie, both of which are traditional land use control Municipal Separate Storm Sewer Systems (MS4s).

Soils information has been obtained from a review of the USDA's Web Soil Survey. Soils information is contained within the project specification documents. The predominant soil types present within the project areas consist of Urban Land and Udipsamments. While the Urban Land does not have a specific Hydrologic Soil Group (HSG) designation, surrounding soil types (Udipsamments) are classified as HSG "A" soils. A printout from Web Soil Survey, along with boring and test pit logs, is included in Appendix B, Soils Information.

3.3 Intended Sequence of Disturbance

The anticipated sequence of land disturbance activities for the Project is included on sheet C-101 of the plans, which are included in Appendix E of the SWPPP.

4.0 STORMWATER MANAGEMENT OBJECTIVES

Stormwater management practices (treatment or detention) are not required for this project, as all areas to be demolished will either be topsoiled and seeded or stabilized with 4-inches (minimum thickness) of hardwood mulch. Any topsoil to be used for site cover or imported will need prior approval by the NYSDEC. This permit will be active during the demolition phase of work and will be closed out following the completion of demolition and stabilization activities.

5.0 EROSION AND SEDIMENT CONTROLS

The erosion and sediment controls for this project are in accordance with the *New York Standards and Specifications for Erosion and Sediment Control,* dated November 2016.

Erosion control measures selected for this Project site include, but are not limited to, the following: compost filter socks/silt fence and stabilized construction entrance(s). The locations of erosion and sediment control measures can be found on the erosion and sediment control plan and detail sheet, which are included as Appendix E of this report.

5.1 General Stabilization Requirements

Stabilization in areas to remain vegetated shall consist of seeding and straw/mulch. The Contractor shall initiate stabilization measures as soon as practical in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) calendar days after construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:

A. When the initiation of stabilization is not practicable due to excessive snow cover (which is defined as at least one foot), at the discretion of the qualified inspector.

B. When construction activity on a portion of the site has temporarily ceased and earth-disturbing activities shall resume within twenty-one (21) calendar days, then temporary stabilization measures do not need to be initiated on that portion of the site.

5.2 Winter Stabilization Requirements

Site runoff and sediment control must be adequately managed when site work/disturbance is slated to occur during wither months.

A. Snow must be managed to provide adequate storage for snow and control of melt water, requiring cleared snow to be stored in a manner not affecting ongoing construction activities.

B. Snow must be managed such that silt fence and/or other erosion and sediment controls are maintained/protected. If erosion and sediment controls are damaged due to snow removal/movement activities, they must be promptly repaired.

C. A minimum 25-foot buffer shall be maintained from all perimeter controls such as silt fence. Mark silt fence/compost filter socks with tall stakes to keep visible above snow pack.

D. Drainage structures must be kept free/open of snow and ice dams. Any debris, ice dams or debris from blowing that restrict the flow of runoff and meltwater shall be removed.

E. Sediment barriers must be installed at all perimeter and sensitive locations. Silt fence and other practices requiring earth disturbance must be installed before the ground freezes.

F. Soil stockpiles must be adequately protected per the NYSDEC "Blue" Book or site-approved remediation plan.

G. If straw mulch alone is used for temporary stabilization, it must be applied at 4 tons/acre (i.e., double the standard application rate).

H. To ensure adequate stabilization of disturbed soil in advance of a melt event, areas of disturbed soil shall be stabilized at the end of each workday unless:

   a. work will resume within 24 hours in the same area and no precipitation is forecast or;

   b. the work is in disturbed areas that collect and retain runoff, such as open utility trenches, foundation excavations or water management areas.

I. Use stone paths and/or existing paved surfaces to provide access to areas where construction vehicle traffic is anticipated.

5.3 Trench/Excavation De-Watering

5.3.1 Uncontaminated Waters

Uncontaminated water is defined as stormwater that has accumulated in low lying areas, in a trench or in an open excavation without known or suspected environmental impairment. Trench/excavation dewatering shall be conducted using a portable pump and hose, as needed. At the end of the hose, a geotextile filter sack shall be used to filter sediment from the water. If a filter sack is not used, the water must be pumped to an approved sedimentation trap. The pumped water shall be discharged into an upland area (not into streams or wetlands), and away from any steep slopes to prevent erosion. The filter sack

shall be cleaned periodically as sediment accumulates within the sack. Sediments from the filter sack shall be properly placed in upland areas or disposed of off-site.

5.3.2 Contaminated Waters

Contaminated waters are defined as water with petroleum odor or sheens, or otherwise documented through analytical testing performed by C.T. Male as part of the Remedial Investigation (RI) under the New York State Brownfield Cleanup Program (BCP). Management and handling of contaminated waters need to be coordinated through Jeffrey A. Marx, P.E., Remediation Engineer for C.T. Male and will likely require a permit to discharge, and coordination with NYSDEC and applicable municipalities or disposal facilities.

5.4 Dust Control

Dust shall be controlled on the Project by use of a water truck. The qualified inspector shall determine the frequency of water application in order to control dust. Chemicals or other methods of dust control are prohibited to be used on the Project.

5.5 Construction Materials Management Plan

During construction, the following materials could be used and stored on-site: Concrete additives, paints/solvents, acids, cleaning products, petroleum-based products/fuel, pesticides, fertilizers, construction wastes, sanitary wastes, and tackifier for soil stabilization. The aforementioned materials shall be managed using the following procedures:

1. ***Good Housekeeping:***
    1.1. Store only products required to do the job on the site, and use all of a product before disposing of the container.
    1.2. All materials stored on-site shall be stored in a neat and orderly manner. Containers shall be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.
    1.3. Products shall be kept in their original container with manufacturers' label.
    1.4. Manufacturer's recommendations for proper use and disposal shall be followed.

2. Hazardous Products:

2.1. Material Safety Data Sheets (MSDS) for each substance with hazardous properties shall be provided on-site. Each employee who must use the product shall be instructed on the use of MSDS Sheets and specific information applicable to that product.

2.2. If a surplus of the product must be disposed of, manufacturer's, local/state/federal recommended methods for disposal shall be followed.

3. Petroleum Products:

3.1. All on-site vehicles shall be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage.

3.2. Petroleum products shall be sealed in properly labeled containers.

4. Fertilizers:

4.1. Fertilizers shall be applied in the minimum amounts recommended by the manufacturer and be immediately worked into the soil to limit exposure to stormwater.

4.2. Storage of fertilizers shall be placed in a plastic bin and stored in a covered area to prevent spills.

5. ***Paints, Solvents:***

5.1. Excess paint and solvents shall not be discharged into the storm sewer and shall be properly disposed of according to New York State regulations.

6. Concrete Wastes:

6.1. Wash water may be disposed of on the site in a specifically designed diked area or into forms to make other useful concrete products.

6.2. Hardened residue from the concrete washout area shall be disposed of as construction waste.

6.3. All concrete wash areas shall be located in an area where it is not likely to contribute to stormwater discharged. This determination shall be made by the Engineer or qualified professional during construction.

7. Solid/Construction Wastes:

7.1. All waste materials shall be stored in an appropriate lidded dumpster, and disposed of by a licensed waste management company.

7.2. No construction materials shall be buried on-site, and all personnel shall be instructed on correct procedures for waste disposal.

8. Sanitary Wastes:

8.1. All sanitary waste shall be collected from portable units by a New York State licensed portable facility provider.

8.2. All portable units shall be located in a place where it is not likely to contribute to stormwater discharge.

5.6 Maintenance and Repairs

The Contractor is responsible to perform maintenance and repairs of the erosion and sediment control measures, within one (1) business day of the deficiencies being observed.

The erosion and sediment control measures shall be installed and maintained by the Contractor until the vegetated areas have achieved 80% growth.

6.0 INSPECTION AND MAINTENANCE REQUIREMENTS

6.1 Contractor Requirements

1. All erosion and sediment control measures in the SWPPP and on the accompanying plans shall be maintained in effective operating condition during construction.
2. Per the General Permit, the Contractor shall inspect the erosion and sediment control measures in the SWPPP to ensure that they are being maintained in effective operating condition during construction. If soil disturbance activities have been temporarily suspended and temporary stabilization measures have been applied to disturbed areas, the Contractor may cease these ongoing inspections.
3. The Contractor may cease ongoing inspections of erosion and sediment control measures and remove these features when the Project has been completed and areas have received final stabilization as defined in Section 5.1.

6.2 Qualified Inspector Requirements

The qualified inspector is defined by the General Permit as the following:

"A person knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the trained individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years."

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for impoundment, shall be performed by a licensed Professional Engineer.

6.3 SWPPP Inspection Requirements

The qualified inspector shall conduct site SWPPP inspections in accordance with the General Permit the following timetable:

1. Inspect the installed erosion and sediment control measures at the site prior to the start of construction activities.
2. Inspect the site once every seven (7)-calendar days during ongoing construction activities.
3. Inspect the site every thirty (30) days where soil disturbance activities have been temporarily suspended and temporary stabilization measures have been applied to disturbed areas. Owner/Operator shall contact the Town of Colonie in writing prior to reducing the frequency of inspections.
4. Inspect all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site.
5. Upon project completion, perform a final inspection to certify that the vegetated areas have achieved 80% growth.

The inspector shall perform the SWPPP inspections in accordance with the General Permit requirements. Within one (1) business day of completing the SWPPP inspection, the qualified inspector shall notify the Owner/Operator and Contractor of any corrective actions that need to be taken.

All completed SWPPP inspection forms shall be maintained in Appendix D of this SWPPP and shall always be on the construction site until permit coverage is terminated. A sample SWPPP inspection report is included in Appendix D.

7.0 WINTER SHUTDOWN PLAN

The Contractor shall notify the SWPPP inspector of the erosion control measures intended to stabilize the site against erosion. In preparation for winter shutdown, the Contractor shall provide and implement one (or a combination) of the following erosion control measures on areas where vegetation has not been established:

- jute/coconut fiber blankets;
- geotextile;
- tackifier;
- straw mulch; or
- alternate method(s) acceptable to the Engineer and the NYSDEC.

Following the SWPPP inspector's acceptance of the erosion control measures selected for winter shutdown, the site shall have a minimum of one (1) SWPPP inspection conducted per month. Additionally, SWPPP inspections shall also be conducted after rainfalls in excess of one-half (½") inch in a 24-hour period and after significant snowmelt occurs. If these inspections reveal areas damaged by erosion, the Contractor shall provide repairs prior to the next scheduled SWPPP inspection.

FIGURE 1

Site Location Map

Date	RECORD OF WORK	Appr.

FIGURE 1: SITE LOCATION MAP

CITY OF ALBANY/T/o COLONIE | ALBANY COUNTY, NY

Drafter: LJS | Checker: LJS

Appr. by: LJS | Proj. No. 17.7536

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
www.ctmale.com

SCALE: 1"=500' | DATE:DEC. 8, 2020

APPENDIX A

SPDES General Permit 0-20-001

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001

Issued Pursuant to Article 17, Titles 7, 8 and Article 70

of the Environmental Conservation Law

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator

1-23-20

Authorized Signature

Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a *point source* and therefore, pursuant to ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* cannot wait until there is an actual *discharge* from the *construction site* to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

Table of Contents

Part 1. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;

2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State.*

3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

*Discharge*s authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the *Stormwater Pollution Prevention Plan* (“SWPPP”) the reason(s) for the

deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

   (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharge*s;

   (ii) Control stormwater *discharge*s, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;

   (iii) *Minimize* the amount of soil exposed during *construction activity*;

   (iv) *Minimize* the disturbance of *steep slopes*;

   (v) *Minimize* sediment *discharge*s from the site;

   (vi) Provide and maintain *natural buffer*s around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharge*s, unless *infeasible*;

   (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;

   (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and

   (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.

b. **Soil Stabilization**. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering**. *Discharge*s from *dewatering* activities, including *discharge*s from *dewatering* of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures**. Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited *Discharges*.** The following *discharge*s are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

(i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100% of the WQv shall be documented in the SWPPP.

For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site discharges directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

b. *Sizing Criteria* for *New Development* in Enhanced Phosphorus Removal Watershed

(i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be

calculated in accordance with the criteria in Section 10.3 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible.*

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site *discharge*s directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

c. Sizing Criteria for Redevelopment Activity

(i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.

(1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or

(2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or

(3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or

(4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

(ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iii) *Overbank* Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharge*s necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;

2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and

3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharge*s authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharge*s authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharge*s; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.

3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: "Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned"; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharge*s from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.

4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

1. *Discharge*s after *construction activities* have been completed and the site has undergone *final stabilization*;

2. *Discharge*s that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;

3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;

4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*

operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.D.2 of this permit;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;

6. *Construction activities* for residential, commercial and institutional projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

7. *Construction activities* for linear transportation projects and linear utility projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:

   a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.

      - 1-5 acres of disturbance - 20 feet
      - 5-20 acres of disturbance - 50 feet
      - 20+ acres of disturbance - 100 feet, or

   b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
      (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
      (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
      (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
      (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or

   c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

(i) No Affect
(ii) No Adverse Affect
(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharge*s from *construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the “MS4 SWPPP Acceptance” form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.

3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4* . This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

B. Notice of Intent (NOI) Submittal

1. Prior to December 21, 2020, an owner or operator shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (http://www.dec.ny.gov/). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address:

   NOTICE OF INTENT
   NYS DEC, Bureau of Water Permits
   625 Broadway, 4th Floor
   Albany, New York 12233-3505

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

C. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.

2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:

   a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (http://www.dec.ny.gov/) for more information,

   b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621), or the equivalent from another New York State agency, have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators* of *construction activities* that are required to obtain *UPA* permits

must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,

c. the final SWPPP has been prepared, and

d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.

3. An *owner or operator* that has satisfied the requirements of Part II.C.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

   a. For *construction activities* that are <u>not</u> subject to the requirements of a *regulated, traditional land use control MS4*:

      (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

      (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has <u>not</u> been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

      (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:

(i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed "*MS4* SWPPP Acceptance" form, or

(ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

D. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor's or subcontractor's certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.

3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land*

use control MS4, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:

a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.

c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

d. The *owner or operator* shall install any additional site-specific practices needed to protect water quality.

e. The *owner or operator* shall include the requirements above in their SWPPP.

4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements or consistent with Part VII.K..

5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.

6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

regulated, traditional land use control MS4 in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice.

E. Permit Coverage for Discharges Authorized Under GP-0-15-002

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of *a construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, unless otherwise notified by the Department.

   An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-20-001.

F. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4,* the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.

2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

3. Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or*

operator was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.

2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.

3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.

4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP, including construction drawings:

    a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge* of *pollutants*;

c. to address issues or deficiencies identified during an inspection by the *qualified inspector,* the Department or other regulatory authority; and

d. to document the final construction conditions.

5. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor.* The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

   The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

   "I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with

the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharge*s from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the *construction site*. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:

    a. Background information about the scope of the project, including the location, type and size of project

b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge*(s);

c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);

d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;

e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;

f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;

g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;

h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;

i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection

schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;

j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;

k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the *construction site*; and

l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

   Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

   The post-construction stormwater management practice component of the SWPPP shall include the following:

   a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;

b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;

c. A Stormwater Modeling and Analysis Report that includes:
   (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;

   (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

   (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;

   (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

   (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and

   (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;

d. Soil testing results and locations (test pits, borings);

e. Infiltration test results, when required; and

f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria,* Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall

begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- New York State Erosion and Sediment Control Certificate Program holder
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:

   a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located

in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and

d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:

a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.

b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.D.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization,* and all temporary, structural erosion and sediment control measures have been removed*;* and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.

e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization,* all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, and all points of *discharge* from the *construction site*.

4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

a. Date and time of inspection;

b. Name and title of person(s) performing inspection;

c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;

d. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This shall include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;

e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;

f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;

g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;

j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);

k. Identification and status of all corrective actions that were required by previous inspection; and

l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

6. All inspection reports shall be signed by the *qualified inspector.* Pursuant to Part II.D.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:

   a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;

c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.F. of this permit.

d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.

3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.

4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "MS4 Acceptance" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector*'s final site inspection certification(s) required in Part V.A.3. of this permit.

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:

   a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),

c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,

d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.B.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water

Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator,* its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit , or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:

    a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) the chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field,

superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and,

c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.

3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.

4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4,* or by a duly authorized representative of that person.

   It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any owner or operator authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any discharger authorized by a general permit to apply for an individual SPDES permit, it shall notify the discharger in writing that a permit application is required. This notice shall

include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the owner or operator to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from owner or operator receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge*(s), the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a *construction site* which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the owner’s or operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.

4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.

2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

APPENDIX A – Acronyms and Definitions

Acronyms

APO – Agency Preservation Officer
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
Cpv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DOW – Division of Water
EAF – Environmental Assessment Form
ECL - Environmental Conservation Law
EPA – U. S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review
SEQRA - State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

Definitions

All definitions in this section are solely for the purposes of this permit.

Agricultural Building – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agricultural Property –means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both "sewage" and "stormwater".

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for "*Construction Activity(ies)*" also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for "*Commence (Commencement of) Construction Activities"* and "*Larger Common Plan of Development or Sale" also.*

Dewatering – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a *construction site* by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a *construction site* to a separate storm sewer system

and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or *point source*.

Embankment –means an earthen or rock slope that supports a road/highway.

Endangered or Threatened Species – see 6 NYCRR Part 182 of the Department's rules and regulations for definition of terms and requirements.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term “plan” in “larger common plan of development or sale” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State*;*
(ii) Designed or used for collecting or conveying stormwater;
(iii) Which is not a *combined sewer*; and
(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Natural Buffer –means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

New York State Erosion and Sediment Control Certificate Program – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Point Source - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is authorized to discharge under New York State DEC's

SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or *embankment*,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank* Flood (Qp), and Extreme Flood (Qf).

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Steep Slope – means land area designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%) , or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

Streambank – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and *nonpoint source*s. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for *point source* discharges, load allocations (LAs) for *nonpoint source*s, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed

training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part 621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B – Required SWPPP Components by Project Type

Table 1
Construction Activities that Require the Preparation of a SWPPP That Only Includes Erosion and Sediment Controls

The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:

- Single family home not located in one of the watersheds listed in Appendix C or not *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E
- Construction of a barn or other *agricultural building*, silo, stock yard or pen.

The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:

All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains
- Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects
- Pond construction
- Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover
- Cross-country ski trails and walking/hiking trails
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.
- Slope stabilization projects
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

Table 1 (Continued) CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) excluding projects that *alter hydrology from pre to post development* conditions,
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions
- Demolition project where vegetation will be established, and no redevelopment is planned
- Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*
- Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

Table 2

CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family home that disturbs five (5) or more acres of land
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other *agricultural building* (e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

Table 2 (Continued)

CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover,* and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

- Entire New York City Watershed located east of the Hudson River **-** Figure 1
- Onondaga Lake Watershed **-** Figure 2
- Greenwood Lake Watershed **-**Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

Figure 1 - New York City Watershed East of the Hudson

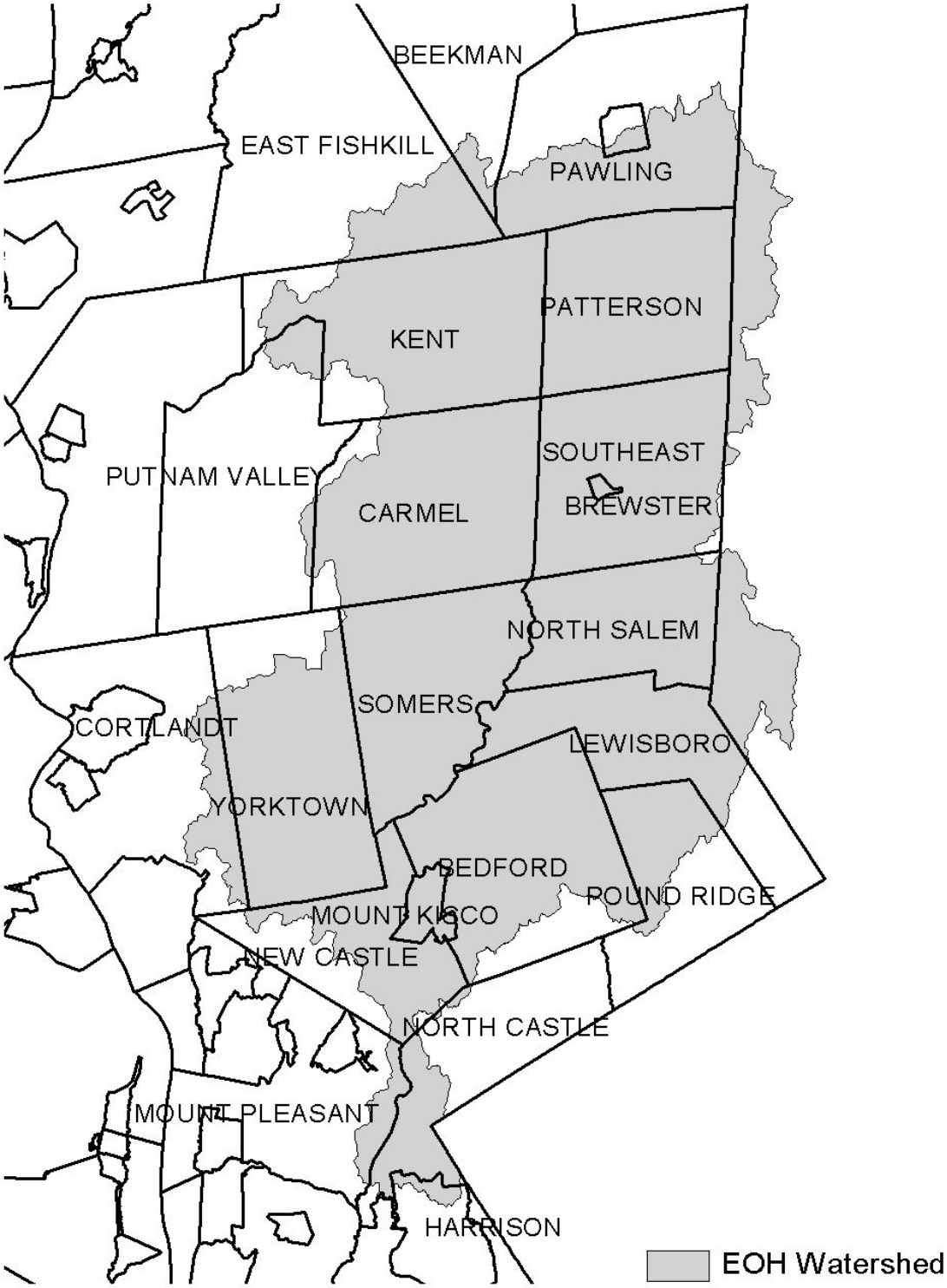


Figure 2 - Onondaga Lake Watershed

Figure 3 - Greenwood Lake Watershed

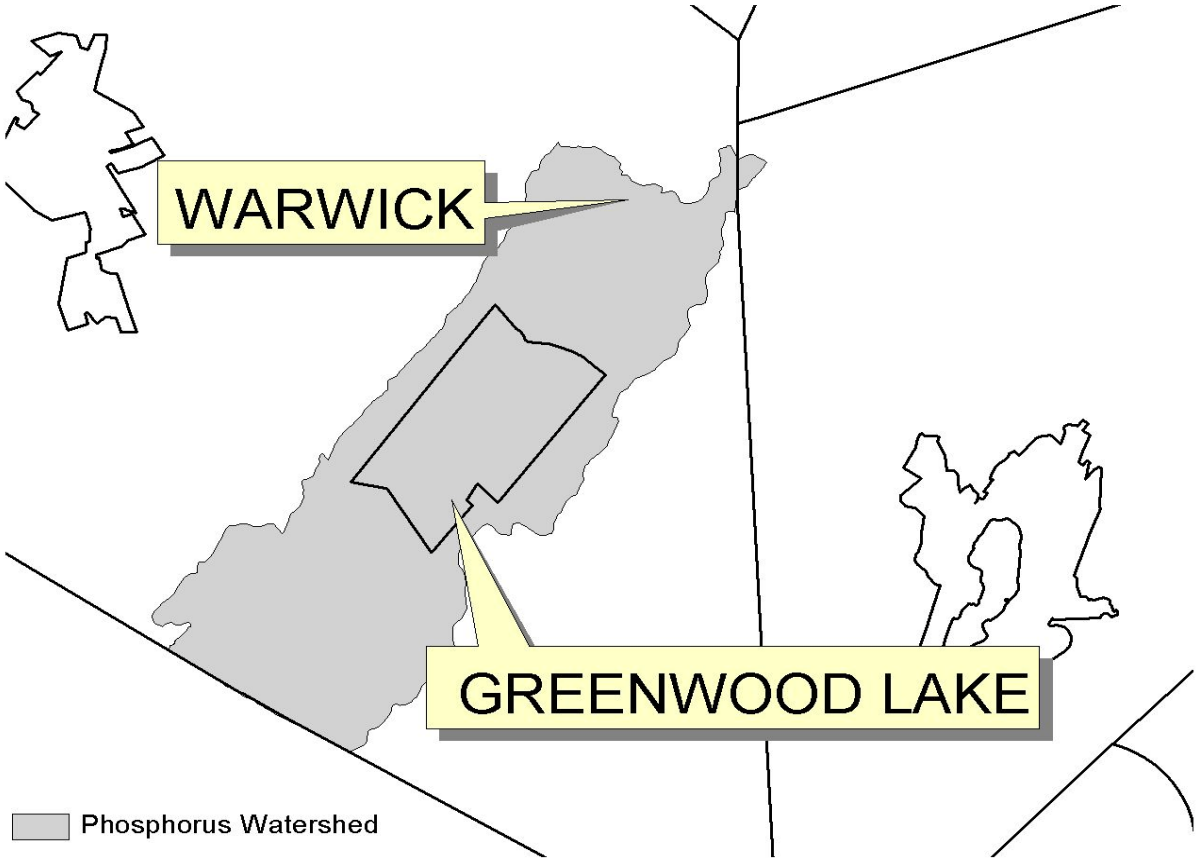


Figure 4 - Oscawana Lake Watershed

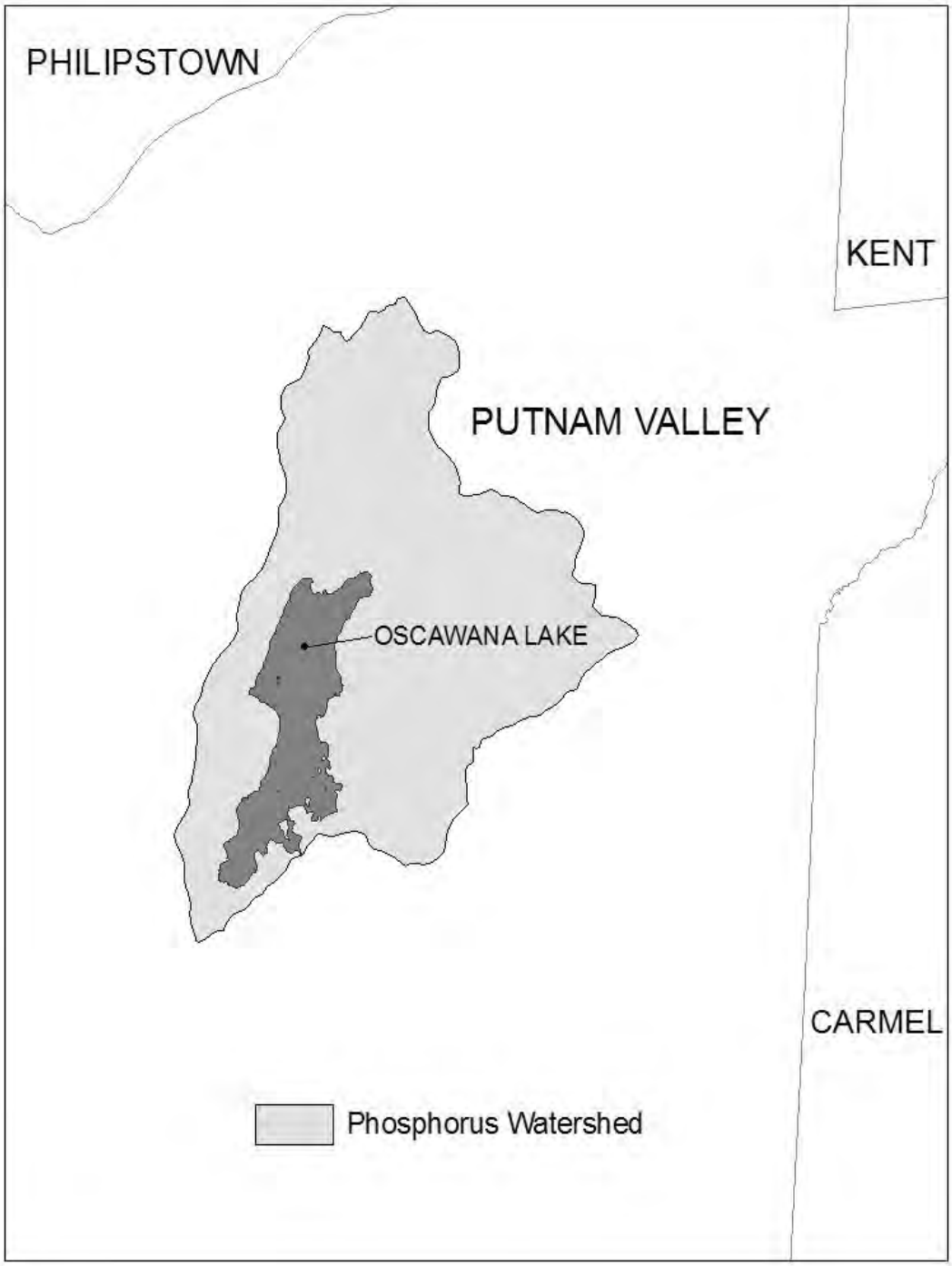
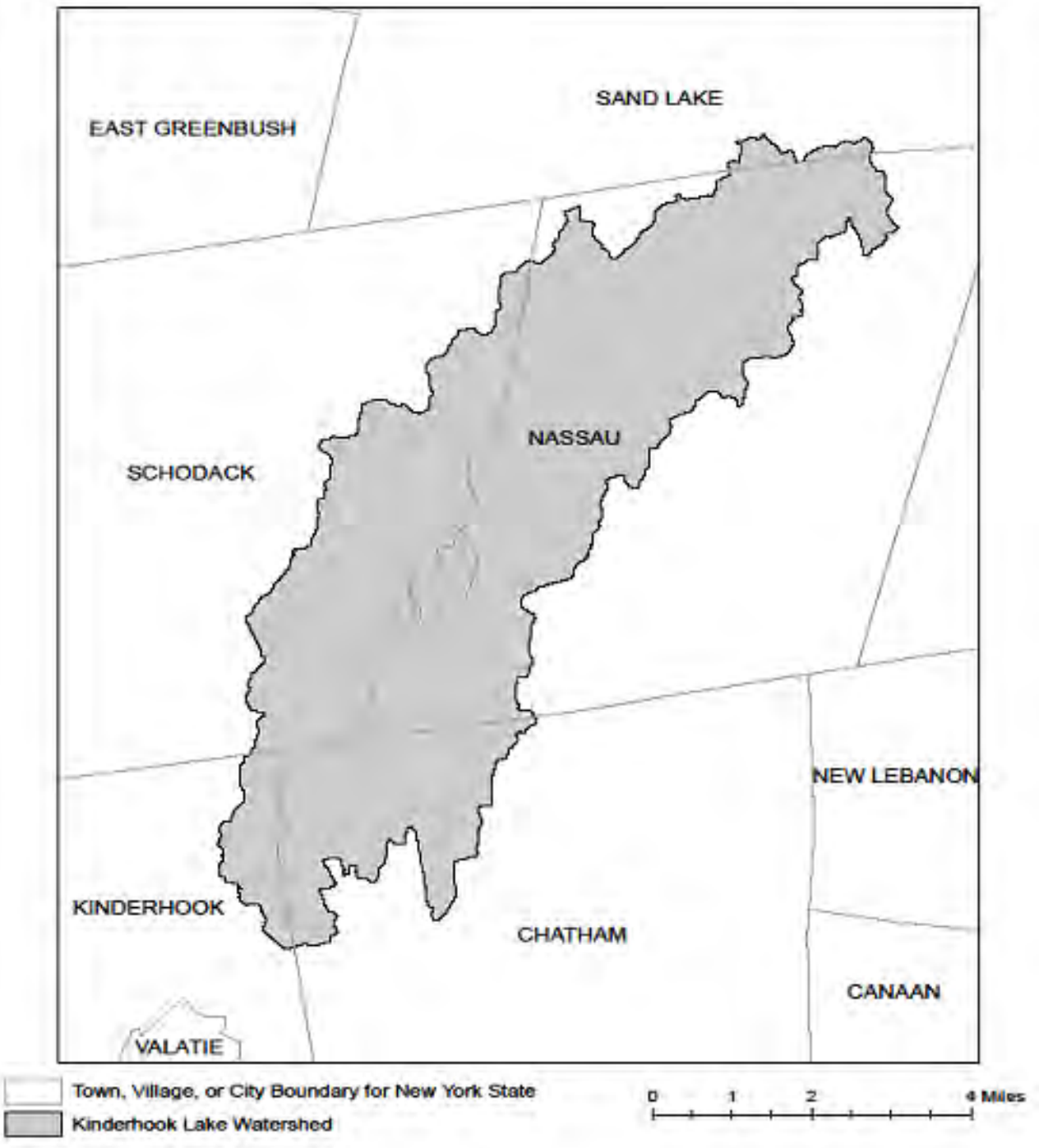


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Watersheds with Lower Disturbance Threshold

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River **-** See Figure 1 in Appendix C

APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribs to Lake Lonely	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment

303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

APPENDIX F – List of NYS DEC Regional Offices

Region	Covering the following counties:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) Permit Administrators	DIVISION OF WATER (DOW) Water (SPDES) Program
1	Nassau and Suffolk	50 Circle Road Stony Brook, NY 11790 Tel. (631) 444-0365	50 Circle Road Stony Brook, NY 11790-3409 Tel. (631) 444-0405
2	Bronx, Kings, New York, Queens and Richmond	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4997	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4933
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester	21 South Putt Corners Road New Paltz, NY 12561-1696 Tel. (845) 256-3059	100 Hillside Avenue, Suite 1w White Plains, NY 10603 Tel. (914) 428 - 2505
4	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie	1150 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2069	1130 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2045
5	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington	1115 State Route 86, Po Box 296 Ray Brook, NY 12977-0296 Tel. (518) 897-1234	232 Golf Course Road Warrensburg, NY 12885-1172 Tel. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROADAVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX B

Soils Information

Hydrologic Soil Group—Albany County, New York
(First Prize Center)

Map Scale: 1:3,270 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 45 90 180 270

Feet
0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

Soil Rating Polygons

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Albany County, New York
Survey Area Data: Version 18, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 1, 2014—Sep 22, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ud	Udipsamments, smoothed	A	1.6	9.8%
Uf	Udipsamments-Urban land complex	A	0.0	0.2%
Ur	Urban land		14.4	87.2%
Us	Urban land-Udipsamments complex, 0 to 8 percent slopes		0.5	2.9%
Totals for Area of Interest			**16.6**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

APPENDIX C

Draft Notice of Intent (eNOI)

Application Form

NOI for coverage under Stormwater General Permit for Construction Activity

version 1.29

(Submission #: HP4-VQ7T-MQKZA, version 1)

Details

Submission Alias	NOI for coverage under Stormwater General Permit for Construction Activity - First Prize Center
Originally Started By	Lauren Sherman
Submission ID	HP4-VQ7T-MQKZA
Submission Reason	New
Status	Draft
Active Steps	Form Submitted

Form Input

Owner/Operator Information

Owner/Operator Name (Company/Private Owner/Municipality/Agency/Institution, etc.)
First Prize Development Partners, LLC

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
Arcangel

Owner/Operator Contact Person First Name
Michael

Owner/Operator Mailing Address
8 Paddocks Circle

City
Saratoga Springs

State
New York

Zip
12866

Phone
5184416250

Email
michael.arcangel@rbc-ny.com

Federal Tax ID
NONE PROVIDED

Project Location

Project/Site Name
First Prize Center Site

Street Address (Not P.O. Box)
68 Exchange Street

Side of Street
South

City/Town/Village (THAT ISSUES BUILDING PERMIT)
Town of Colonie

State
NY

Zip
12205

County
ALBANY

DEC Region
4

Name of Nearest Cross Street
Everett Rd. Ext.

Distance to Nearest Cross Street (Feet)
0

Project In Relation to Cross Street
West

Tax Map Numbers Section-Block-Parcel
53.16-1-23.1

Tax Map Numbers
53.60-1-153.59-1-3.1

1. Coordinates

Provide the Geographic Coordinates for the project site. The two methods are:
- Navigate to the project location on the map (below) and click to place a marker and obtain the XY coordinates.
- The "Find Me" button will provide the lat/long for the person filling out this form. Then pan the map to the correct location and click the map to place a marker and obtain the XY coordinates.

Navigate to your location and click on the map to get the X,Y coordinates
42.68746,-73.787773

Project Details

2. What is the nature of this project?
Redevelopment with no increase in impervious area

3. Select the predominant land use for both pre and post development conditions.

Pre-Development Existing Landuse
Industrial

Post-Development Future Land Use
Demolition, No Redevelopment

3a. If Single Family Subdivision was selected in question 3, enter the number of subdivision lots.
NONE PROVIDED

4. In accordance with the larger common plan of development or sale, enter the total project site acreage, the acreage to be disturbed and the future impervious area (acreage)within the disturbed area.

*** ROUND TO THE NEAREST TENTH OF AN ACRE. ***

Total Site Area (acres)
32.0

Total Area to be Disturbed (acres)
4.9

Existing Impervious Area to be Disturbed (acres)
4.9

Future Impervious Area Within Disturbed Area (acres)
0.0

5. Do you plan to disturb more than 5 acres of soil at any one time?
No

---

6. Indicate the percentage (%) of each Hydrologic Soil Group(HSG) at the site.

A (%)
100

B (%)
0

C (%)
0

D (%)
0

7. Is this a phased project?
No

8. Enter the planned start and end dates of the disturbance activities.

Start Date
3/1/2021

End Date
12/31/2021

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.
Patroon Creek

9a. Type of waterbody identified in question 9?
Stream/Creek Off Site

Other Waterbody Type Off Site Description
NONE PROVIDED

9b. If "wetland" was selected in 9A, how was the wetland identified?
NONE PROVIDED

10. Has the surface waterbody(ies in question 9 been identified as a 303(d) segment in Appendix E of GP-0-20-001?
No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001?
No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?
No

If No, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey?
NONE PROVIDED

If Yes, what is the acreage to be disturbed?
NONE PROVIDED

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?
No

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?
Yes

16. What is the name of the municipality/entity that owns the separate storm sewer system?
Town of Colonie/City of Albany

17. Does any runoff from the site enter a sewer classified as a Combined Sewer?
Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?
No

19. Is this property owned by a state authority, state agency, federal government or local government?
No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)
Yes

Required SWPPP Components

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?
Yes

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?
No

If you answered No in question 22, skip question 23 and the Post-construction Criteria and Post-construction SMP Identification sections.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?
NONE PROVIDED

24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:
Professional Engineer (P.E.)

SWPPP Preparer
C.T. Male Associates

Contact Name (Last, Space, First)
Sherman Lauren

Mailing Address
50 Century Hill Drive

City
Latham

State
New York

Zip
12110

Phone
5187867618

Email
l.sherman@ctmale.com

Download SWPPP Preparer Certification Form
Please take the following steps to prepare and upload your preparer certification form:

1) Click on the link below to download a blank certification form
2) The certified SWPPP preparer should sign this form
3) Scan the signed form
4) Upload the scanned document
Download SWPPP Preparer Certification Form

Please upload the SWPPP Preparer Certification
> NONE PROVIDED
> **Comment**
> NONE PROVIDED

Erosion & Sediment Control Criteria

25. Has a construction sequence schedule for the planned management practices been prepared?
Yes

26. Select all of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural
Silt Fence
Stabilized Construction Entrance
Dust Control

Biotechnical
None

Vegetative Measures
None

Permanent Structural
None

Other
NONE PROVIDED

Post-Construction Criteria

*** IMPORTANT: Completion of Questions 27-39 is not required if response to Question 22 is No.**

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.
NONE PROVIDED

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).
NONE PROVIDED

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout). (Acre-feet)
NONE PROVIDED

29. Post-construction SMP Identification
Use the Post-construction SMP Identification section to identify the RR techniques (Area Reduction), RR techniques(Volume Reduction) and Standard SMPs with RRv Capacity that were used to reduce the Total WQv Required (#28).

Identify the SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use the Post-Construction SMP Identification section to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29. (acre-feet)
NONE PROVIDED

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28)?
NONE PROVIDED

If Yes, go to question 36. If No, go to question 32.

32. Provide the Minimum RRv required based on HSG. [Minimum RRv Required = (P) (0.95) (Ai) / 12, Ai=(s) (Aic)] (acre-feet)
NONE PROVIDED

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?
NONE PROVIDED

If Yes, go to question 33.
Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

33. SMPs
Use the Post-construction SMP Identification section to identify the Standard SMPs and, if applicable, the Alternative SMPs to be used to treat the remaining total WQv (=Total WQv Required in #28 - Total RRv Provided in #30).

Also, provide the total impervious area that contributes runoff to each practice selected.

NOTE: Use the Post-construction SMP Identification section to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question #29. (acre-feet)
NONE PROVIDED

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).
NONE PROVIDED

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)?
NONE PROVIDED

If Yes, go to question 36.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv required and provided or select waiver (#36a), if applicable.

CPv Required (acre-feet)
NONE PROVIDED

CPv Provided (acre-feet)
NONE PROVIDED

36a. The need to provide channel protection has been waived because:
NONE PROVIDED

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (#37a), if applicable.

Overbank Flood Control Criteria (Qp)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

Total Extreme Flood Control Criteria (Qf)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

37a. The need to meet the Qp and Qf criteria has been waived because:
NONE PROVIDED

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?
NONE PROVIDED

If Yes, Identify the entity responsible for the long term Operation and Maintenance
NONE PROVIDED

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). (See question #32a) This space can also be used for other pertinent project information.
NONE PROVIDED

Post-Construction SMP Identification

Runoff Reduction (RR) Techniques, Standard Stormwater Management Practices (SMPs) and Alternative SMPs
Identify the Post-construction SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

RR Techniques (Area Reduction)

Round to the nearest tenth

Total Contributing Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Impervious Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Impervious Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

Total Contributing Impervious Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

Total Contributing Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

RR Techniques (Volume Reduction)

Total Contributing Impervious Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

Total Contributing Impervious Acres for Vegetated Swale (RR-5)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Garden (RR-6)
NONE PROVIDED

Total Contributing Impervious Acres for Stormwater Planter (RR-7)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Barrel/Cistern (RR-8)
NONE PROVIDED

Total Contributing Impervious Acres for Porous Pavement (RR-9)
NONE PROVIDED

Total Contributing Impervious Acres for Green Roof (RR-10)
NONE PROVIDED

Standard SMPs with RRv Capacity

Total Contributing Impervious Acres for Infiltration Trench (I-1)
NONE PROVIDED

Total Contributing Impervious Acres for Infiltration Basin (I-2)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Well (I-3)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Infiltration System (I-4)
NONE PROVIDED

Total Contributing Impervious Acres for Bioretention (F-5)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Swale (O-1)
NONE PROVIDED

Standard SMPs

Total Contributing Impervious Acres for Micropool Extended Detention (P-1)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Pond (P-2)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Extended Detention (P-3)
NONE PROVIDED

Total Contributing Impervious Acres for Multiple Pond System (P-4)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Pond (P-5)
NONE PROVIDED

Total Contributing Impervious Acres for Surface Sand Filter (F-1)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Sand Filter (F-2)
NONE PROVIDED

Total Contributing Impervious Acres for Perimeter Sand Filter (F-3)
NONE PROVIDED

Total Contributing Impervious Acres for Organic Filter (F-4)
NONE PROVIDED

Total Contributing Impervious Acres for Shallow Wetland (W-1)
NONE PROVIDED

Total Contributing Impervious Acres for Extended Detention Wetland (W-2)
NONE PROVIDED

Total Contributing Impervious Acres for Pond/Wetland System (W-3)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Wetland (W-4)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Swale (O-2)
NONE PROVIDED

Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Total Contributing Impervious Area for Hydrodynamic
NONE PROVIDED

Total Contributing Impervious Area for Wet Vault
NONE PROVIDED

Total Contributing Impervious Area for Media Filter
NONE PROVIDED

"Other" Alternative SMP?
NONE PROVIDED

Total Contributing Impervious Area for "Other"
NONE PROVIDED

Provide the name and manufaturer of the alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

Manufacturer of Alternative SMP
NONE PROVIDED

Name of Alternative SMP
NONE PROVIDED

Other Permits

40. Identify other DEC permits, existing and new, that are required for this project/facility.
None

If SPDES Multi-Sector GP, then give permit ID
NONE PROVIDED

If Other, then identify
NONE PROVIDED

41. Does this project require a US Army Corps of Engineers Wetland Permit?
No

If "Yes," then indicate Size of Impact, in acres, to the nearest tenth
NONE PROVIDED

42. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.
NONE PROVIDED

MS4 SWPPP Acceptance

43. Is this project subject to the requirements of a regulated, traditional land use control MS4?
Yes - Please attach the MS4 Acceptance form below

If No, skip question 44

44. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?
NONE PROVIDED

MS4 SWPPP Acceptance Form Download
Download form from the link below. Complete, sign, and upload.
MS4 SWPPP Acceptance Form

MS4 Acceptance Form Upload
NONE PROVIDED
Comment
NONE PROVIDED

Owner/Operator Certification

Owner/Operator Certification Form Download
Download the certification form by clicking the link below. Complete, sign, scan, and upload the form.
Owner/Operator Certification Form (PDF, 45KB)

Upload Owner/Operator Certification Form
NONE PROVIDED
Comment
NONE PROVIDED

Status History

	User	Processing Status
12/8/2020 3:43:46 PM	Lauren Sherman	Draft

Processing Steps

Step Name	Assigned To/Completed By	Date Completed
Form Submitted		

Step Name	Assigned To/Completed By	Date Completed
Under Review	DAVID GASPER	

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Owner/Operator Certification Form

SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-20-001)

Project/Site Name: First Prize Center Site

eNOI Submission Number: HP4-VQ7T-MQKZA

eNOI Submitted by: ☐ **Owner/Operator** ☑ **SWPPP Preparer** ☐ **Other**

Certification Statement - Owner/Operator

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Owner/Operator First Name M.I. Last Name

_____

Signature

_____

Date

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form

for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information	
1. Owner/Operator Name:	First Prize Development Partners, LLC
2. Contact Person:	Michael Arcangel
3. Street Address:	8 Paddocks Circle
4. City/State/Zip:	Saratoga Springs, NY 12866
II. Project Site Information	
5. Project/Site Name:	First Prize Center Site
6. Street Address:	68 Exchange Street
7. City/State/Zip:	Albany, NY 12205
III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information	
8. SWPPP Reviewed by:	
9. Title/Position:	
10. Date Final SWPPP Reviewed and Accepted:	
IV. Regulated MS4 Information	
11. Name of MS4:	Town of Colonie/City of Albany
12. MS4 SPDES Permit Identification Number: NYR20A	
13. Contact Person:	
14. Street Address:	
15. City/State/Zip:	
16. Telephone Number:	

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information

(NYS DEC - MS4 SWPPP Acceptance Form - January 2015)

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges From Construction Activity (GP-0-20-001)

Project Site Information

Project/Site Name

First Prize Center Site

Owner/Operator Information

Owner/Operator (Company Name/Private Owner/Municipality Name)

First Prize Development Partners, LLC

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-20-001. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Lauren	J	Sherman
First name	MI	Last Name

Signature

Date

Revised: January 2020

APPENDIX D

SWPPP Inspection Forms

Field Inspection Report: SPDES GP-0-20-001

Project Name: First Prize Center Site CTM Proj. #: 17.7536

Date: _____ Time: _____ Inspector/ Title _____

Weather During Inspection _____ Rain: _____

Previous 24 hours: _____ Rain: _____

Site Soil Conditions: _____

Description of Run off at Discharge Points _____

Erosion and Sediment Control Features: **(Refer to Map for Location)**

	Condition	Corrective Action Required
Temporary ESCs:		
Silt Fence		
Road Sweeping / Offsite		
Construction Entrance(s)		
Compost Fiber Roll		
Permanent Measures:		
Other:		

Field Inspection Report: SPDES GP-0-20-001

Description of Disturbed Area:	
Description of Stabilized Areas:	
Areas that Require Stabilization:	

Permanent Stormwater Management Practices:	
N/A	

Practices not in conformance with SWPPP:

Repairs Required:

Improvements Since Last Visit:

Signature of Qualified Inspector:

Date Inspection Mailed to Owner/Contractor:

Signature of Owner (if required):

APPENDIX E

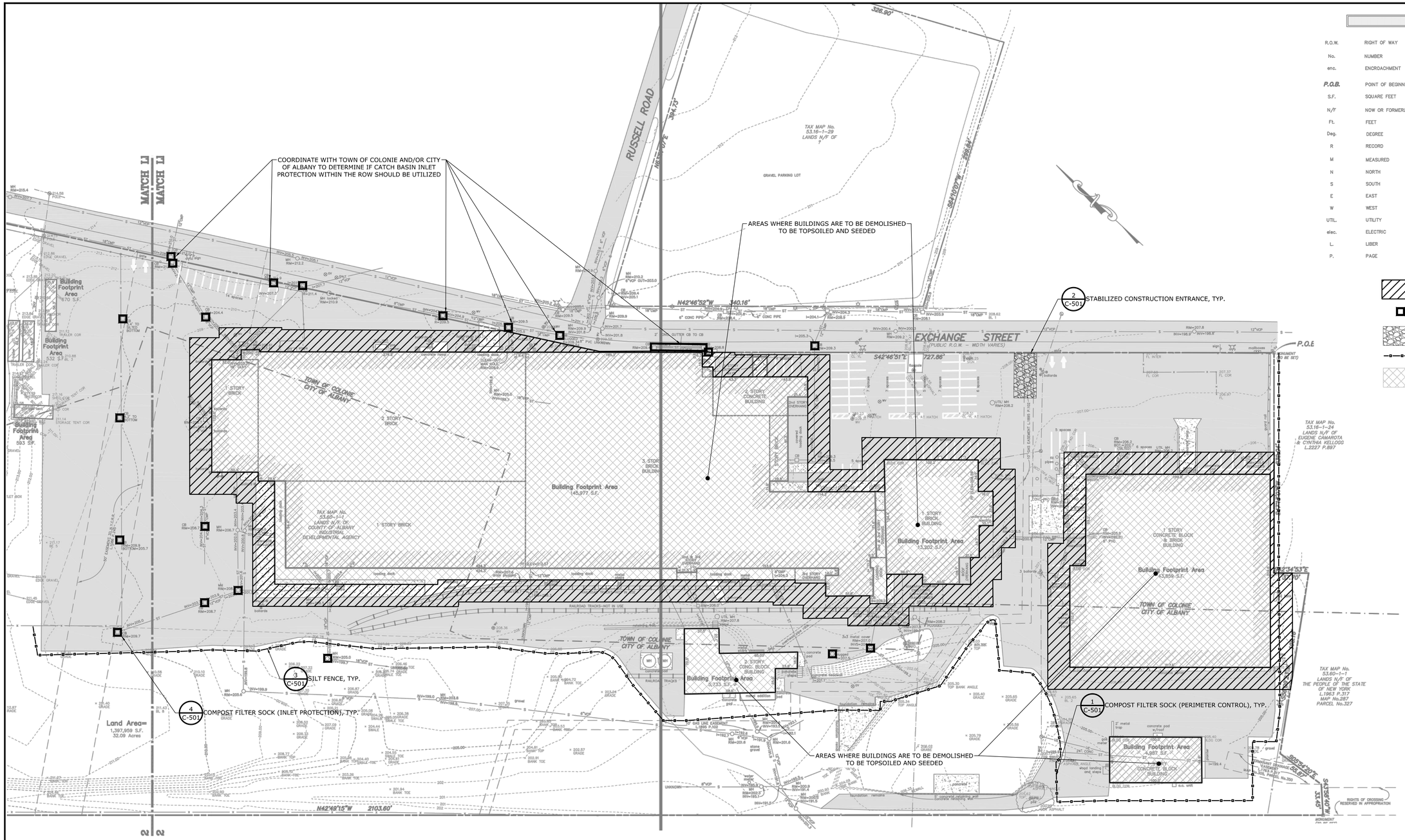
Erosion and Sediment Control Plan & Details

XREFS: NONE

PROJECT NUMBER: 17.7536

CAD DWG. FILE NAME: ESC Plan.dwg

CAD DWG. FILE NAME: K:\Projects\17753\6\Civil\Drawings and Maps\ESC Plan.dwg



MAP REFERENCE:

1. "MAP SHOWING LOCATION OF BUILDINGS AND IMPROVEMENTS WITH REFERENCE TO PROPERTY LINES OF FIRST PRIZE CENTER EXCHANGE STREET", CITY OF ALBANY, COUNTY OF ALBANY, STATE OF NEW YORK, PREPARED BY HERSHBERG & HERSHBERG, DATED 11/20/00, SHEET 1 OF 2, SHEET 2 OF 2, MAP NO. 000426.

BAR SCALE
50 0 25 50 100
1 inch = 50 ft.

EROSION AND SEDIMENT CONTROL SEQUENCING NOTES:

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE(S).
2. INSTALL SILT FENCE AND/OR COMPOST FILTER SOCK ALONG DOWNHILL SIDE OF AREAS TO BE DISTURBED (PERIMETER CONTROLS). IN AREAS CROSSING PAVEMENT, USE COMPOST FILTER SOCK IN LIEU OF SILT FENCING.
3. CATCH BASINS WITHIN 24 FEET OF BUILDING(S) TO BE DEMOLISHED TO BE COVERED WITH STEEL PLATE(S) OR PLYWOOD (UNLESS OTHERWISE SHOWN - REFER TO HATCHED AREAS ON PLAN) IN ORDER TO PROTECT INLETS FROM DEMOLITION DEBRIS.
4. INSTALL INLET PROTECTION ON OTHER CATCH BASINS WITHIN PROJECT AREA (REFER TO PLAN).
5. DEMOLISH BUILDINGS, AS INDICATED ON PLANS.
6. REMOVE BUILDING FOUNDATIONS, BACKFILL AND STABILIZE SURFACE WITH TOPSOIL AND SEED.
7. REMOVE TEMPORARY ESC PRACTICES ONCE ALL DISTURBED, UPLAND AREAS HAVE BEEN STABILIZED (I.E., ALL PERVIOUS DISTURBED AREAS HAVE ACHIEVED AT LEAST 80% VEGETATIVE COVER).

STATE OF NEW YORK
LAUREN J. SHERMAN
LICENSED PROFESSIONAL ENGINEER
090765

DATE		REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				

DESIGNED: LJS
DRAFTED : AJB/LJS
CHECKED : LJS
PROJ. NO : 17.7536
SCALE : 1"=50'
DATE : DEC. 17, 2020

EROSION AND SEDIMENT CONTROL PLAN

FIRST PRIZE CENTER EXCHANGE STREET

TOWN OF COLONIE/CITY OF ALBANY — ALBANY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
www.ctmalle.com

C-101
SHEET 1 OF 2
DWG. NO: 20-XXXX

GENERAL NOTES:

1. BEFORE UNDERTAKING ANY CONSTRUCTION ACTIVITY, ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH SITE WORK THAT INVOLVES PHYSICAL GROUND DISTURBANCE ON THE PROJECT SITE SHALL SIGN AND DATE A COPY OF THE CERTIFICATION STATEMENT, WHICH IS LOCATED IN THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) ATTACHMENT, PREPARED FOR THIS PROJECT.
2. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL CONFORM TO THE "NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL", MOST RECENT EDITION, AND ANY ADDENDA THERETO.
3. THE SEDIMENT CONTROL MEASURES DETAILED IN THESE PLANS SHALL BE IN PLACE PRIOR TO THE START OF EACH CONSTRUCTION PHASE. ONCE CONSTRUCTED, ALL MEASURES SHALL BE PROPERLY MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD, AND THEN REMOVED FROM THE SITE ONCE THE SITE IS STABILIZED.
4. AFTER THE START OF CONSTRUCTION, SITE SWPPP INSPECTIONS SHALL BE CONDUCTED AT LEAST ONCE EVERY (7) CALENDAR DAYS.
5. BASED ON THE WEEKLY SITE SWPPP INSPECTIONS, THE EROSION AND SEDIMENT CONTROL MEASURES IDENTIFIED IN THE SWPPP MAY BE REVISED AS SITE CONDITIONS WARRANT. THE CONTRACTOR SHALL IMPLEMENT THESE CHANGES AS SOON AS PRACTICABLE.
6. THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED BY THE CONTRACTOR UNTIL THE FINAL SURFACE TREATMENT HAS BEEN INSTALLED AND VEGETATED AREAS HAVE ESTABLISHED 80% COVERAGE. AFTER THE VEGETATED AREAS HAVE BEEN STABILIZED WITH AT LEAST 80% VEGETATIVE COVER, AS DETERMINED BY THE ENGINEER, THE OWNER SHALL ASSUME RESPONSIBILITY FOR MAINTAINING THE EROSION AND SEDIMENT CONTROL SYSTEM(S).
7. THE EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE CONTRACT DOCUMENTS WILL NEED TO BE SUPPLEMENTED WITH INTERIM MEASURES PRIOR TO ACHIEVING FINAL GRADES. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN INTERIM EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED TO CONTROL EROSION AND SEDIMENTATION THROUGHOUT THE DURATION OF CONSTRUCTION. THE DETAILS AND EXTENT OF THESE MEASURES ARE HIGHLY DEPENDENT ON THE CONTRACTORS MEANS AND METHODS AND THEREFORE NOT DETAILED ON THESE PLANS. THE COSTS ASSOCIATED WITH INSTALLING AND MAINTAINING THESE INTERIM MEASURES SHALL BE INCLUDED IN THE CONTRACTORS BID.
8. CONSTRUCTION ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCING NOTES.
9. OUTSIDE THE GROWING SEASON, OTHER METHODS OF SOIL STABILIZATION (SUCH AS THE USE OF JUTE MESH AND EXCELSIOR MATTING) SHALL BE USED UNTIL SUCH TIME AS VEGETATIVE COVER CAN BE ESTABLISHED.
10. EXISTING VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE. SITE WORK ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISTURBANCE. REMOVAL OF WOODY VEGETATION SHALL BE KEPT TO THE MINIMUM EXTENT PRACTICABLE.

STABILIZED CONSTRUCTION ENTRANCE NOTES:

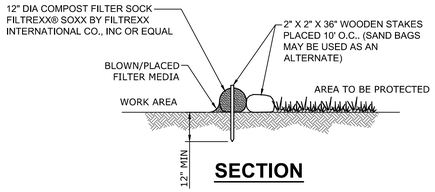
1. STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED WHERE NECESSARY TO PREVENT SEDIMENT FROM BEING TRACKED ONTO ROADWAYS.
2. PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "ROUTES OF CONVENIENCE" SHALL BE AVOIDED. CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES, AND SHALL NOT OPERATE UNNECESSARILY WITHIN WATERWAYS OR DRAINAGE DITCHES.
3. IF INTERNAL CONSTRUCTION ROADS ARE DETERMINED TO BE A SOURCE OF SEDIMENT-LADEN RUNOFF TO SENSITIVE AREAS, THEY SHALL BE STABILIZED AS SOON AS PRACTICABLE.

SEEDING & MULCHING NOTES:

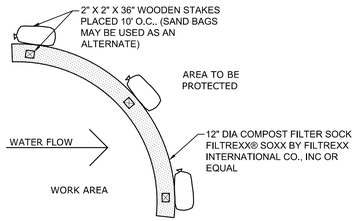
1. TEMPORARY STABILIZATION MEASURES SHALL START AS SOON AS PRACTICAL ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT NOT MORE THAN (7) DAYS AFTER WORK HAS CEASED. ACCEPTABLE TEMPORARY STABILIZATION MEASURES INCLUDE, BUT MAY NOT BE LIMITED TO SEEDING MULCH, STRAW, EROSION CONTROL BLANKETS, SOIL STABILIZING EMULSION PRODUCTS, OR SOME FUNCTIONALLY EQUIVALENT MEASURE. TEMPORARY SEEDING SHALL BE ANNUAL RYE GRASS, APPLIED AT A RATE OF 30 LBS./ACRE.
2. TEMPORARY EROSION CONTROL PROTECTION BY MULCHING SHALL BE CARRIED OUT WITHIN (7) DAYS OF THE FILL GRADE BEING FINALIZED TO AVOID POSSIBLE CONTAMINATION OF PONDS, STREAMS, OR OTHER WATERCOURSES. PLACEMENT OF JUTE MESH OR EROSION CONTROL BLANKETS OVER THE MULCH IS RECOMMENDED TO PROVIDE POSITIVE "TACKING" OF THE MULCH AND INCREASED PROTECTION AGAINST EROSION.

INLET PROTECTION NOTES:

1. ALL CATCH BASINS WITHIN 24 FEET OF A BUILDING BEING DEMOLISHED, AS DENOTED BY THE HATCH ON THE PLANS, SHALL BE COVERED BY STEEL PLATES
2. INLET PROTECTION SHALL BE INSTALLED ON ALL OTHER CATCH BASINS RECEIVING FLOW DURING THE PROJECT.



SECTION



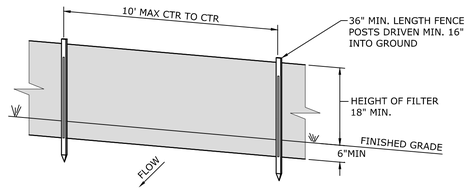
PLAN

NOTE:

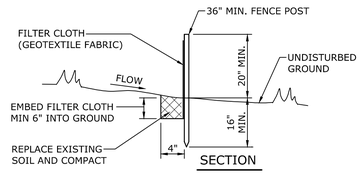
1. FILL COMPOST FILTER SOCK WITH FILTER MEDIA APPROVED BY NYSDEC FOR THIS APPLICATION.
2. WHEN USING COMPOST FILTER SOCKS ADJACENT TO SURFACE WATER, THE COMPOST SHOULD HAVE A LOW NUTRIENT VALUE

1 / C-501 COMPOST FILTER SOCK (PERIMETER CONTROLS)

SCALE: NONE
CROSS REFERENCE: C-101



PERSPECTIVE VIEW



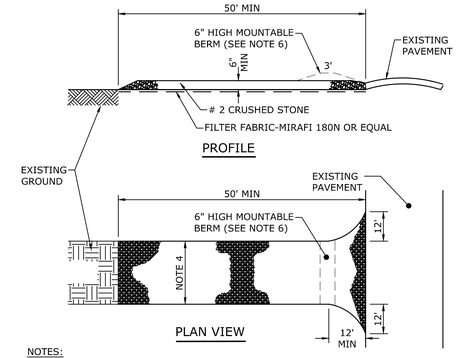
SECTION

NOTES:

1. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH SHALL BE FASTENED SECURELY TO POSTS.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6", FOLDED AND STAPLED.
4. FILTER CLOTH SHALL BE MIRAFI 100X OR APPROVED EQUAL.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL SHALL BE REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE. WHEN THE ACCUMULATED SEDIMENT REACHES 30% OF THE SILT FENCE HEIGHT, THE SEDIMENT SHALL BE REMOVED AND DISPOSED OF IN AN APPROPRIATE UPLAND AREA.
6. PREFABRICATED UNITS SHALL BE MIRAFI SILT FENCE, MIRAFI ENVIROFENCE OR APPROVED EQUIVALENT.

3 / C-501 STANDARD SILT FENCE

SCALE: NONE
CROSS REFERENCE: C-101

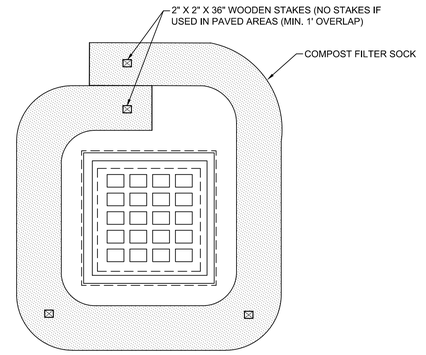


NOTES:

1. USE NYSDOT #2 STONE, RECLAIMED, OR RECYCLED CONCRETE OR APPROVED EQUAL.
2. THE LENGTH SHALL NOT BE LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. CRUSHED STONE SHALL BE MAINTAINED AT A MINIMUM OF 6" IN DEPTH.
4. ENTRANCE SHALL HAVE A 12 FOOT MINIMUM WIDTH, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. ENTRANCE SHALL BE AT LEAST 24 FEET WIDE IF SINGLE ENTRANCE TO SITE.
5. GEOTEXTILE SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACING OF STONE.
6. ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS NOT PRACTICAL, A MOUNTABLE BERM WITH 1:5 SLOPES WILL BE PERMITTED.
7. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

2 / C-501 STABILIZED CONSTRUCTION ENTRANCE DETAIL

SCALE: NONE
CROSS REFERENCE: C-101



NOTE:

1. FILL COMPOST FILTER SOCK WITH FILTER MEDIA APPROVED BY NYSDEC FOR THIS APPLICATION.

4 / C-501 COMPOST FILTER SOCK (INLET PROTECTION)

SCALE: NONE
CROSS REFERENCE: C-101

DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			

STATE OF NEW YORK · LAUREN J. SHERMAN · 090765 · LICENSED PROFESSIONAL ENGINEER

DESIGNED: LJS
DRAFTED : AJB
CHECKED : LJS
PROJ. NO : 17.7536
SCALE : N.T.S.
DATE : DEC. 8, 2020

EROSION AND SEDIMENT CONTROL NOTES AND DETAILS

FIRST PRIZE CENTER EXCHANGE STREET

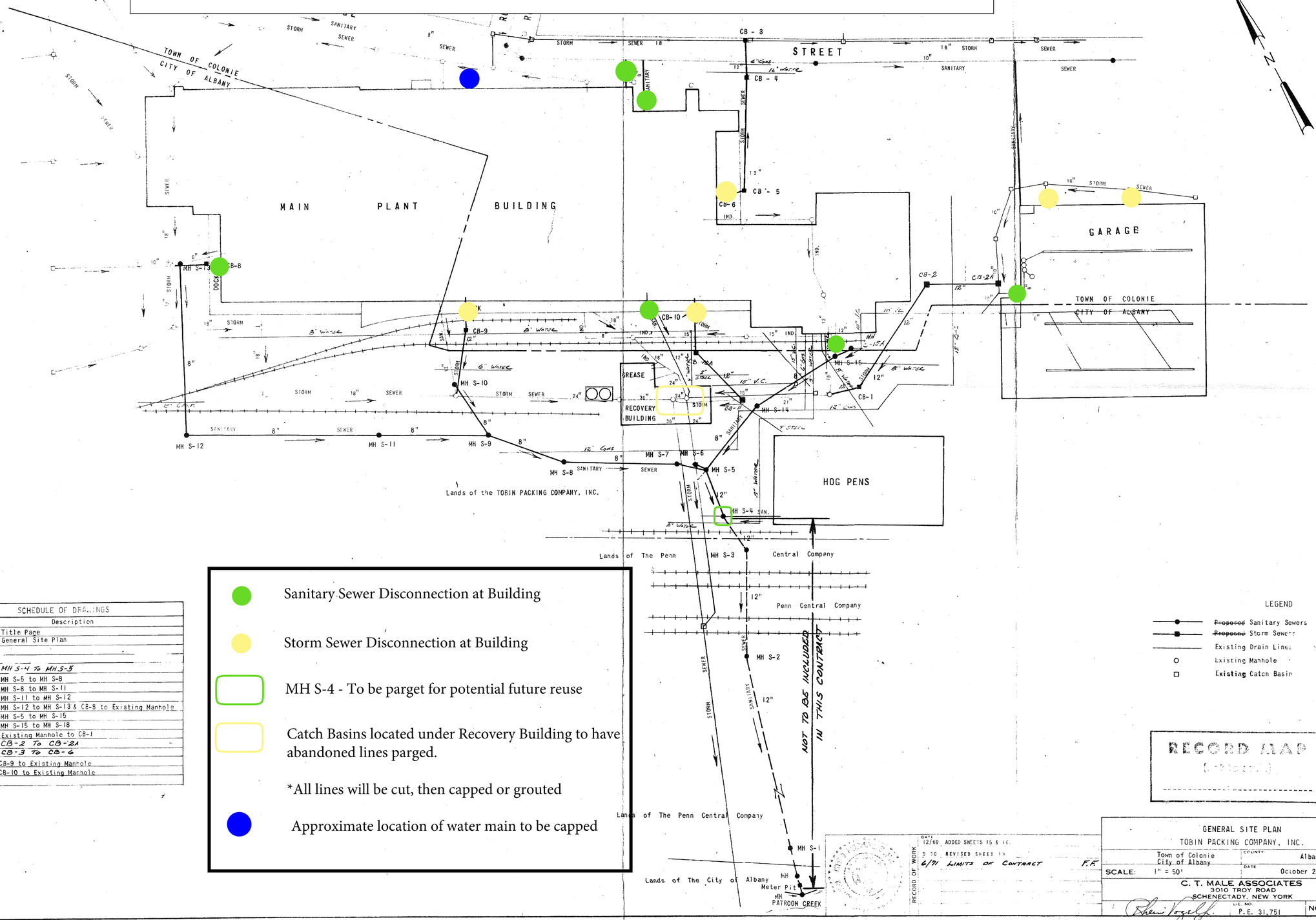
TOWN OF COLONIE/CITY IF ALBANY — ALBANY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY
www.ctmale.com

C-501
SHEET 2 OF 2
DWG. NO: 20-XXXX

EXHIBIT 6: UTILITY DISCONNECT PLAN

Storm and Sanitary Sewer Disconnection Plan to Enable Demolition



SCHEDULE OF DRAWINGS	
Sheet	Description
1	Title Page
2	General Site Plan
3	MH S-4 To MH S-5
4	MH S-5 to MH S-8
5	MH S-8 to MH S-11
6	MH S-11 to MH S-12
7	MH S-12 to MH S-13 & CB-8 to Existing Manhole
8	MH S-5 to MH S-15
9	MH S-15 to MH S-18
10	Existing Manhole to CB-1
11	CB-2 To CB-2A
12	CB-3 To CB-6
13	CB-9 to Existing Manhole
14	CB-10 to Existing Manhole

Sanitary Sewer Disconnection at Building

Storm Sewer Disconnection at Building

MH S-4 - To be parget for potential future reuse

Catch Basins located under Recovery Building to have abandoned lines parged.

*All lines will be cut, then capped or grouted

Approximate location of water main to be capped

LEGEND

- ~~Proposed~~ Sanitary Sewers
- ~~Proposed~~ Storm Sewers
- Existing Drain Lines
- Existing Manhole
- Existing Catch Basin

RECORD MAP

RECORD OF WORK

DATE 12/69 ADDED SHEETS 15 & 16.
5 70 REVISED SHEET 1.
6/71 LIMITS OF CONTRACT F.F.

GENERAL SITE PLAN
TOBIN PACKING COMPANY, INC.

Town of Colonie
City of Albany
COUNTY Albany, N.Y.
SCALE: 1" = 50'
DATE October 27, 1971

C. T. MALE ASSOCIATES
3010 TROY ROAD
SCHENECTADY, NEW YORK
LIC. NO. P.E. 31,751
NO. 71-307

EXHIBIT 7: PROPOSED DETOUR


Proposed Detour
High-Rise Demolition
Legend
First Prize - Main Building
Exchange Street East
Closed Ahead
Road Closed Ahead
Local Traffic Only
Road Closed Ahead
Local Traffic Only
Road Closed Ahead
Local Traffic Only
68 Exchange St
Barricades
Van Dyke Rd
Carol Ann Dr
Sand Creek Rd
University St
Sunnyside Ave
North St
Wendfair Terrace
Jon Michael Terrace
Lynn Ct
Linton Ave
Crestone Rd
Blurry Ave
Rondack Rd
Warwick Ave
Susan Ln
Clit Ct
Old Myers Dr
Russell Rd
Everett Rd
Everett Rd Ext
Atrium Dr
155
Google Earth
© 2021 Google
1000 ft

EXHIBIT 8: PROPOSED SCHEDULE

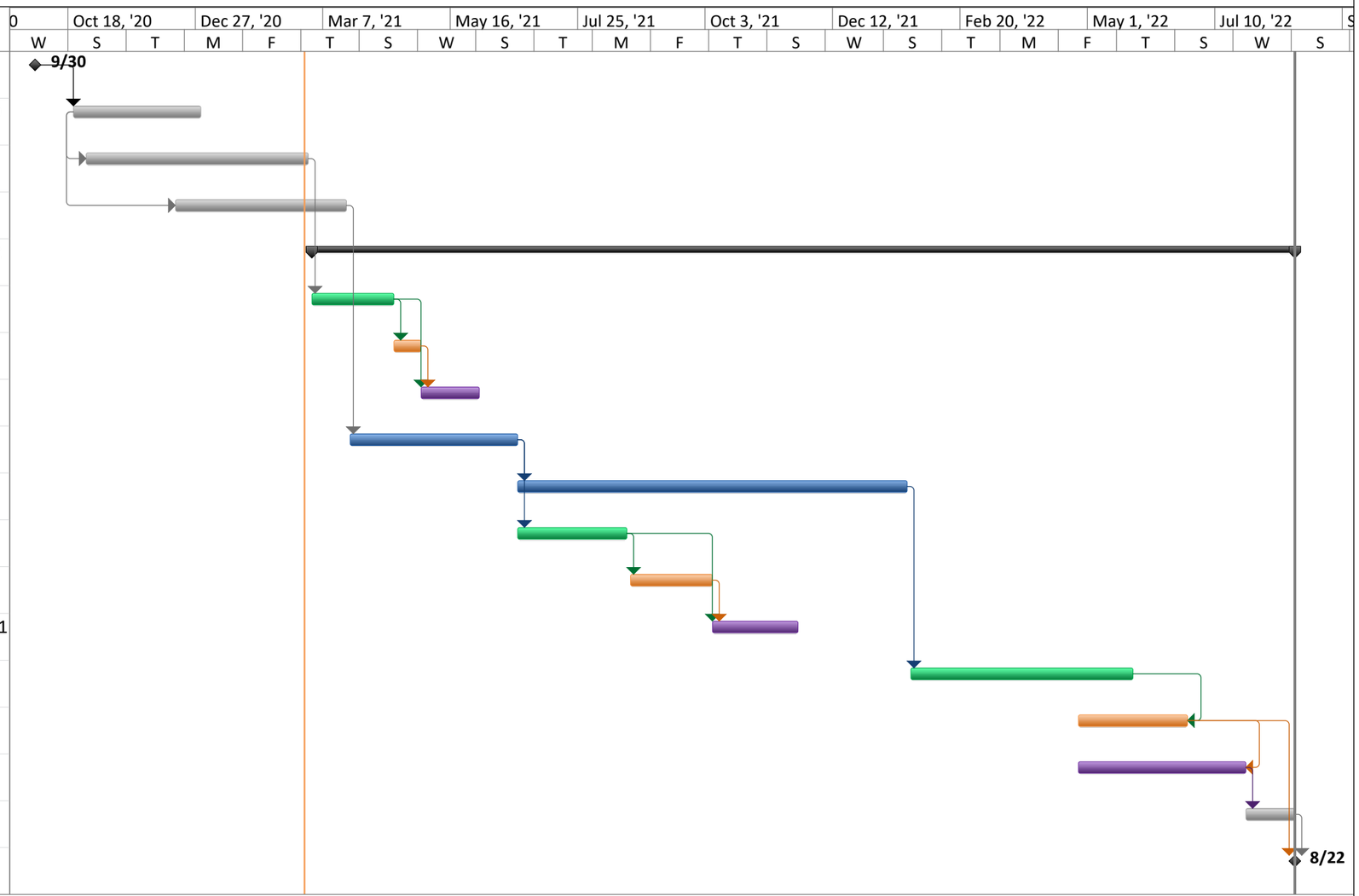
JACKSON DEMOLITION SERVICE, INC.

Project Schedule

First Prize Center - Albany, NY

2/1/21

ID	Task Name	Duration	Start	Finish
1	Contract Execution	0 days	Wed 9/30/20	Wed 9/30/20
2	Permits, Submittals, Etc	50 days	Wed 10/21/20	Tue 12/29/20
3	Utility Disconnects	88 days	Wed 10/28/20	Fri 2/26/21
4	Variance	68 days	Wed 12/16/20	Fri 3/19/21
5	**Demo of Facility**	**386 days**	**Mon 3/1/21**	**Mon 8/22/22**
6	Demolition of Garage/Outbuildings	33 days	Mon 3/1/21	Wed 4/14/21
7	Remove foundations Outbuildings	11 days	Thu 4/15/21	Thu 4/29/21
8	Crush Out Buildings	22 days	Fri 4/30/21	Mon 5/31/21
9	Int Strip Out / ACM - Low Rise	66 days	Mon 3/22/21	Mon 6/21/21
10	Int Strip Out / ACM - High Rise	154 days	Tue 6/22/21	Fri 1/21/22
11	Demolition of Low Rise	44 days	Tue 6/22/21	Fri 8/20/21
12	Remove Foundations - Low Rise	33 days	Mon 8/23/21	Wed 10/6/21
13	Crush Low Rise Material	33 days	Thu 10/7/21	Mon 11/22/21
14	Demolition of High Rise	88 days	Mon 1/24/22	Wed 5/25/22
15	Remove Foundations - High Rise	44 days	Tue 4/26/22	Fri 6/24/22
16	Crush High Rise Material	66 days	Tue 4/26/22	Tue 7/26/22
17	Demobilization	19 days	Wed 7/27/22	Mon 8/22/22
18	Project Completion	0 days	Mon 8/22/22	Mon 8/22/22



Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Progress	
Milestone		External Milestone		Manual Task		Start-only			
Summary		Inactive Task		Duration-only		Finish-only			