



PRELIMINARY STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

Boralex - Greens Corners Solar



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Vatsal A. Shah, PE, Ph.D
New York PE No. 090390

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1. Introduction

Greens Corners Solar LLC, a wholly owned subsidiary of Boralex Inc. (the Applicant, or Owner) has commissioned this Preliminary Stormwater Pollution Prevention Plan (SWPPP) for the Greens Corners Solar project (the Project, or Facility) to provide details on appropriate construction practices and establish requirements and instructions for the management of construction-related stormwater discharges from the Project Area.

As this Project is subject to Chapter XVIII, Title 19 of NYCRR Part 900, Office of Renewable Energy Siting, this Preliminary SWPPP has been prepared as required by §900-2.14 Exhibit 13: Water Resources and Aquatic Ecology, (C) Stormwater. The Preliminary SWPPP has also been prepared in accordance with the New York State Stormwater Management Design Manual, which identifies the post-construction stormwater management practices that will be used to manage stormwater runoff from the developed facility site. In addition to completing engineering design to maintain the natural hydrology of the site to the maximum extent practicable, these practices may include runoff reduction/green infrastructure practices, water quality treatment practices, and practices that control the volume and rate of runoff. A Final SWPPP is anticipated to be prepared by the Engineer of Record based on detailed design, and prior to construction.

As required by the New York State Department of Environmental Conservation (NYSDEC), the filing of a Notice of Intent (NOI) will be prepared and submitted as part of the State Pollutant Discharge Elimination System (SPDES) General Permit No. GP-0-20-001 (General Permit). This General Permit was issued by NYSDEC in January 2020 and was effective on January 29, 2020. The NYSDEC requires coverage under the General Permit for *“construction activities involving soil disturbances of one 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.”*

Before commencing construction activity, Greens Corners Solar must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity for any construction activity that will involve soil disturbance of one or more acres. In order to gain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity, Greens Corners Solar has developed this Preliminary SWPPP in accordance with the requirements in the General Permit for Stormwater Discharges from Construction Activity. Upon preparation of the Final SWPPP and intent to complete construction activities, Greens Corners Solar will then submit a completed Notice of Intent to the NYSDEC using the online eNOI. It should be noted that an electronic version of the NOI form has been provided as a reference as Appendix A; however, as of the time of issuance of this document, NOI submissions are now required by NYSDEC to be completed online using their eNOI portal. The NOI should be completed as a collaboration between Greens Corners Solar, the Engineer of Record, and Contractor using project details, disturbances, and procedures developed following final engineering design.

2. Permit Coverage and Applicability

The erosion and sedimentation control devices designed as part of this Preliminary SWPPP were selected to minimize the discharge of pollutants and to assist in the prevention of a violation of the water quality standards as discussed in the General Permit under Section 1.B for Effluent Limitations Applicable to Discharges from Construction Activities. If deviations are proposed during subsequent revisions of the SWPPP, a demonstration of equivalence must be included. This Preliminary SWPPP has been prepared with no deviations from the New York State (NYS) Standards and Specifications for Erosion and Sediment Control (SSESC, or “SSESC”, November 2016)¹. However, it should be noted that this Preliminary SWPPP will be updated by the Engineer of Record during detailed design, and that this document may also be amended due to field conditions. This Preliminary SWPPP serves as the *minimum* requirements necessary to address soil exposure and stormwater management during construction activities.

As required in Section C of the General Permit, the post-construction stormwater management practices included in this SWPPP were selected and designed to meet the performance criteria in the 2015 NYS Stormwater Management Design Manual (to be developed during final design). Construction related stormwater discharges from the Facility Area will be authorized five business days from the date the electronic NOI is received by the NYSDEC, or 10 business days from the date the paper NOI is received by the NYSDEC.

In addition to the NYSDEC-required NOI, ANS Geo has reviewed the NYSDEC Stormwater Interactive Map² to determine if the Project exists within the boundaries of a Municipal Separate Storm Sewer System (MS4). Based on available mapping, the Project is not within the boundaries of a MS4; therefore, a MS4 SWPPP Acceptance Form is not required for this Project.

It is anticipated that the Engineer of Record, on behalf of Greens Corners Solar, will amend this Preliminary SWPPP to include site-specific post-construction stormwater practices during preparation of the Final SWPPP. The Final SWPPP will detail the proposed post-construction stormwater practices which will be utilized to treat and control runoff from the Project per the requirements of the General Permit. The post-construction stormwater control practices will provide water quality volume treatment, runoff reduction, and will control the volume and rate of the stormwater runoff. The stormwater design will incorporate green infrastructure practices such as reduction in clearing and grading, using open spaces, and locating development in less sensitive areas to the maximum extent practicable. Anticipated stormwater practices may include the use of pervious haul roads for access roads, infiltration basins, vegetated swales and level spreaders, as well as infiltration trenches along the access roads and adjacent to equipment pads. The proposed post-construction stormwater practices will be designed in accordance with the requirements of the General Permit, as well as the NYS SSESC.

¹ Lake Jr., Donald W. New York State Standards and Specifications for Erosion and Sediment Control. New York State Department of Environmental Conservation, OAD., <https://www.dec.ny.gov/chemical/29066.html>

² Stormwater Interactive Map, New York State Department of Environmental Conservation, <https://gisservices.dec.ny.gov/gis/stormwater/>

As required by the General Permit, the SWPPP must be kept up to date to accurately document the current and future erosion and sediment control and post-construction stormwater practices for the site. Greens Corners Solar, or the prime contractor (Contractor), will be responsible to amend this SWPPP if and when modifications to the design, construction, operator or maintenance of the Facility dictate. At that time, amendments to the SWPPP will be made as appropriate to reflect current site conditions. Any necessary modifications to this SWPPP will be implemented within seven calendar days of an inspection. Some example situations include:

- The currently installed erosion and sediment control practices are ineffective in minimizing pollutants in stormwater discharges;
- If an additional contractor will be implementing the stormwater management and/or erosion and sediment control facilities, then that contractor must complete the Contractor Certification;
- Issues are identified by the Qualified Inspector, a NYSDEC representative, or other regulatory authority that requires a modification; and,
- To document the final construction conditions.

It is anticipated that Greens Corners Solar will maintain this SWPPP and associated documentation, and ensure that revised erosion and sediment control practices are accurately documented that could have an effect on the potential for discharge of pollutants in stormwater runoff. In accordance with GP-0-20-001, routine, documented site inspections are required to confirm that the required erosion and sediment control measures have been installed properly as intended, and that these control measures are in good, functional condition. It is expected that, as a requirement of this Preliminary SWPPP and the Final SWPPP, routine inspections will occur for the duration of construction. These inspections will be completed by the Contractor and are expected to occur once erosion control measures are implemented, until earth-disturbing construction activities have completed, and after final stabilization has been achieved.

3. Facility Description and Project Site Information

The proposed Project is classified as a commercial-scale solar project that is intended to generate 120 megawatts of solar powered renewable energy generation capacity. The Project involves construction activities that require the preparation of a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of the NYSDEC General Permit. A copy of the General Permit is provided in Appendix B of this SWPPP. In addition to the General Permit, guidance provided by NYSDEC specifically related to the preparation and implementation of a SWPPP for solar projects is provided as Appendix C.

The Project has been designed to include photovoltaic (PV) solar panels ground-mounted on a low-profile racking system that will be supported by small I-beam posts driven into the ground. It is anticipated that this type of development and construction methodology will result in limited ground disturbance in areas associated with PV solar panels. The Project will also include:

- Inverters (with transformers) placed on concrete pads throughout the Facility to convert DC electricity to AC electricity;
- A medium voltage cable collection system that will extend underground to aggregate the AC output from the inverters;
- A step-up substation at the point of interconnect (POI), which includes a High Voltage Transformer and roughly 155' x 160' concrete pad foundation pad;
- Project infrastructure, such as stone access roads (approximately 15 to 20 feet wide), grassed access corridors, and security fencing around Facility equipment; and,
- Temporary laydown areas within the project footprint for equipment and material staging during construction.

As part of the Project, public roads will be used for construction access and general access during Facility operation. It is not anticipated that any improvements to public road intersections or the addition of turnarounds will be required.

The Project will be sited on approximately 3,031 acres located primarily west of Interstate 81 and southwest of the City of Watertown in the Town of Watertown and Town of Hounsfield in Jefferson County, New York. Preservation of natural areas, minimizing clearing and grading, and reduction of impervious cover have been considerations in the layout and design. This provides flexibility during Facility development to minimize and avoid impacts to wetlands, forested areas, stream buffers, cultural resources, visual resources, wildlife habitat, and other sensitive resources.

The Applicant intends to construct, own, and operate the proposed Project. As owner-operator, the Applicant intends to build a long-term relationship with the Towns, landowners, and project stakeholders.

The Project construction, operation, and decommissioning will be committed to the health, safety, and welfare of the Project stakeholders. At the time of issuance of this Plan, a point of contact for the Project is listed below.

- **Applicant Name:** Greens Corners Solar LLC
- **Contact:** Andrew Buckley, Greenfield Development Manager
- **Address:** 39 Hudson Falls Road, South Glens Falls, NY 12803
- **Telephone:** 518-538-8152
- **E-mail:** andrew.buckley@boralex.com

It is possible and likely that the Project contact person may differ from development, into construction, and through long-term operation. The Applicant will update this plan to revise the Project contact person if it should change during the evolution of the Project's life. The updated plan will be provided to Project stakeholders, including the Town of Watertown and Town of Hounsfield upon update.

4. Project Soil Classification

The United States Department of Agriculture (USDA), through the Natural Resource Conservation Service (NRCS), maintains soil resource mapping of the United States through an online Web Soil Survey. The purpose of the available mapping was originally intended for agricultural use; however, the application has extended to evaluate not only drainage capacity of the soil for irrigation and productive use, but also erodibility, corrosivity, and soil re-use. Based on review of the NRCS Web Soil Survey, it is noted that the Facility Area is predominantly comprised of the Collamer silt loam, Farmington loam, and Niagara silt loam units. A summary of soil units and their Hydrologic Soil Group (HSG) properties has been provided in the Table below.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	Hydrologic Soil Group
CnB	Collamer silt loam, 3 to 8 percent slopes	442	16.60%	C/D
FaB	Farmington loam, 0 to 8 percent slopes	376.2	14.20%	D
NoA	Niagara silt loam, 0 to 3 percent slopes	308.1	11.60%	C/D
WnB	Wilpoint silty clay loam, 3 to 8 percent slopes	169.9	6.40%	D
GIB	Galway silt loam, 3 to 8 percent slopes	134.9	5.10%	C/D
NoB	Niagara silt loam, 3 to 8 percent slopes	129.6	4.90%	C/D
GIA	Galway silt loam, 0 to 3 percent slopes	118	4.40%	C/D
MdB	Madrid sandy loam, 3 to 8 percent slopes	110.2	4.10%	C
Cb	Canandaigua mucky silt loam	95.5	3.60%	C/D
Nn	Newstead silt loam	84.5	3.20%	C/D
BgB	Benson-Galoo complex, very rocky, 0 to 8 percent slopes	80.2	3.00%	D
Ca	Canandaigua silt loam	79.5	3.00%	C/D
CnC	Collamer silt loam, 8 to 15 percent slopes	79.3	3.00%	C/D
MdC	Madrid sandy loam, 8 to 15 percent slopes	79.8	3.00%	C
ClA	Chaumont silty clay, 0 to 3 percent slopes	54.4	2.00%	D
Gv	Guffin clay	44.2	1.70%	D
GmC	Galway very stony silt loam, 0 to 15 percent slopes	35.2	1.30%	C/D
HuB	Hudson silt loam, 3 to 8 percent slopes	34.5	1.30%	C/D
PoB	Plainfield sand, 0 to 8 percent slopes	25.5	1.00%	A
Various	<i>Various Soil Types (total of all soil groups which are each less than 1% of project area)</i>	170.70	6.40%	A -D

In the context of stormwater, the drainage capacity of each soil type is an important consideration; therefore, review of each soil units' Hydrologic Soil Group (HSG) is an important consideration. Soils with HSG "A" are considered to have low run-off potential, as the capacity for drainage through the soil is high. On the contrary, soils with HSG "D" are considered to have poor drainage capacity; therefore, the potential for run-off is highest.

The NRCS defines each HSGs 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.

For soils assigned a dual hydrologic group, the first letter refers to drained areas and the second refers to undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes. In project areas of unknown soil type or areas not within agricultural land, the more conservative soil classification is assumed.

A full Soil Resource Report prepared by the USDA NRCS Web Soil Survey for the project site has been provided as Appendix D.

5. Plan Implementation and Contract Documents

As part of the General Permit, Part III.A(6), prior to the commencement of construction activity, Greens Corners Solar 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. Greens Corners Solar will 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 will be known as the trained contractor. Greens Corners Solar will ensure that at least one trained contractor is on site on a daily basis when soil disturbance activities are being performed.

A copy of the most current SWPPP will be kept at the Facility at all times throughout the construction process, and made available for review by Project stakeholders such as participating regulatory agencies, approved contractors and subcontractors, the Engineer of Record, the Owner, and their representatives. Regulatory agencies having jurisdiction over the Facility may elect to review this SWPPP and, if necessary and warranted, notify Greens Corners Solar or the preparer that modifications to the SWPPP or site conditions are required for compliance with applicable laws.

During construction and implementation of the SWPPP, the Contractor is ultimately responsible for the installation of all erosion and sediment control devices as specified in this SWPPP. If changes in site conditions occur as a result of the workmanship or actions of the Contractor, time of year, and/or weather conditions, the Contractor will be responsible to revise the SWPPP documents, implement all revisions, and install all additional or revised stormwater management, and erosion and sediment control devices. If existing site conditions observed by the Contractor are different than what is shown in the SWPPP documents, the Contractor will report in writing all discrepancies to Greens Corners Solar prior to any site disturbance. Greens Corners Solar will review the documented discrepancies and provide in writing acceptance or denial of discrepancies to the Contractor. When Greens Corners Solar provides written acceptance of any agreed upon discrepancies prior to any site disturbance, Greens Corners Solar will revise this Preliminary SWPPP and provide it to the Contractor within three days. If applicable, the Contractor will review the revised SWPPP within three days of receipt, and document in writing any changes to the negotiated contract.

During the course of work, Greens Corners Solar will 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 19 (Part III.A.6) the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit 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 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"

A copy of the Contractor Certification with required statement is provided as Appendix E. It is required that this Certification for each contractor or subcontractor to complete site activities for the Project be included with each 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.

6. Plan Responsibilities

Greens Corners Solar (Owner/Operator), the Contractor, and the Engineer of Record and preparer of the Final SWPPP each maintain responsibility to properly design, implement, and execute the measures required as part of this Plan. Responsibilities which are shared among each party generally include, but are not limited to:

- Implementation of the SWPPP;
- Evaluate functionality of the intended stormwater management practices designed as part of the SWPPP;
- Conduct routine inspections, and note deviations or recommended changes to the SWPPP;
- Assist in and rectify potential erosion, sedimentation, and pollutant sources during construction; and,
- Document activities associated with the implementation of this SWPPP and supporting documents.

A detailed list of responsibilities is provided below:

6.1 Owner/Operator (Greens Corners Solar) Responsibilities

- Assist in the development of a Final SWPPP in accordance with all applicable requirements of the NYSDEC General Permit.
- Submission of a completed NOI form using the eNOI system to be authorized to discharge under this General Permit.
- Have SWPPP preparer sign the “SWPPP Preparer Certification” and submit through eNOI prior to submitting the form to the NYSDEC.
- Prohibit commencing construction activity until authorization to discharge under the General Permit goes into effect.
- Identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, inspecting, and maintaining the erosion and sediment control practices included in the SWPPP. Have each sign the Contractor’s Certification Statement included as Appendix E.
- Ensure at least one trained individual is present at the Project site daily when soil disturbance activities are being performed.
- Verify the provisions of the SWPPP are implemented from the commencement of construction activity until all areas of disturbance have achieved final stabilization and the NYSDEC Notice of Termination (NOT) has been submitted and acknowledged.

- Maintain a copy of all SWPPP records and applicable forms, such as the NYSDEC General Permit, NOI, NOI Acknowledgment Letter, SWPPP, inspection reports, and all documentation necessary on-site 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 NYSDEC. Project documents must be maintained in a secure location such as a construction trailer and be accessible during normal business hours to any individual performing a compliance inspection or regulatory agency.
- Conduct periodic inspections to ensure that the SWPPP available on-site includes any updates and revisions such that it accurately documents the erosion and sediment controls practices currently being used to manage site conditions.
- Pay the required initial and annual fees upon receipt of invoices from NYSDEC. These invoices are generally issued in the fall of each year.
- In areas where soil disturbance activity has been temporarily or permanently ceased, install temporary and/or permanent soil stabilization measures within 14 days from the date the soil disturbance activity ceased. Stabilization measures should be in conformance with the NYS SDESC.
- Conduct a compliance audit each quarter (three-month period) to evaluate the SWPPP, to ensure it matches current site conditions, and all daily and routine inspections are being completed.
- Submit a NOT form upon receipt of the Owner's certification of final Facility Area stabilization.
- Request and receive all SWPPP records from Contractor and/or Engineer of Record. Maintain all SWPPP records for a minimum of five years after the NOT is filed.

6.2 Engineer of Record Responsibilities

- Prepare the Final SWPPP using good engineering practices, best management practices, and in compliance with all federal, state, and local regulatory requirements.
- Prepare the NOI form, sign the "SWPPP Preparer Certification" section of the NOI, and forward to Greens Corners Solar for signature.
- Establish and prepare a Construction Site Logbook. This Logbook will be used to maintain a record of all inspection reports generated throughout the duration of construction.
- Provide routine on-site inspections to determine compliance with the Final SWPPP. All inspection reports will be signed by the Qualified Inspector and will be maintained at the Project site. A sample inspection form is provided in Appendix F.
- Review the Contractor's SWPPP records on a periodic basis to verify compliance with the requirements for daily reports and inspections and maintenance logs. Complete remedial activities and measures, as needed, to ensure SWPPP intent is being carried out.

- Conduct a final site assessment and submit a certification letter to the Operator indicating that, upon review of the material testing and inspection reports prepared by the firm retained by the Operator, review of the completed topographic survey, and evaluation of erosion and sediment control measures and best management practices have been constructed substantially in accordance with the contract documents and should function as designed.
- Assist in preparation of the NOT. Sign the NOT Certifications VI (Final Stabilization) and forward the NOT to the Owner/Operator for his signature on Certification VIII (Owner or Operator Certification).

6.3 Contractor/Subcontractor Responsibilities

- Sign the SWPPP Contractor's Certification Form (Appendix E) and forward to the Engineer of Record for inclusion in the Construction Site Logbook.
- Identify at least one Trained Contractor that will be responsible for implementation of the SWPPP. Verify that at least one Trained Contractor is on the Facility Area daily when soil disturbance activities are being performed.
- Provide the names and addresses of all subcontractor(s) responsible for implementation of the SWPPP. Require all subcontractors who will be involved with construction activities that will result in soil disturbance to identify at least one Trained Contractor that will be on site daily when soil disturbance activities are being performed; and to sign a copy of the Contractor's Certification Form (Appendix E) and forward to the Owner's Engineer for inclusion into the Construction Logbook. This information must be retained as part of the Construction Site Logbook.
- Provide copies of the SWPPP to Owner, regulatory agencies, and Township project stakeholders once all signatures and attachments are complete.
- Conduct an initial assessment of the Facility Area prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment control measures described within this SWPPP have been adequately installed and implemented to verify overall preparedness of the Facility Area.
- Prepare a Spill Prevention and Response Plan (SPRP) for the Project to detail the steps needed to be followed in the event of an accidental spill. The SPRP should also include contact information and phone numbers of individuals in responsible charge to manage spill operations, and list of agency phone numbers and contacts for same. The Plan should also include Safety Data Sheets (SDS) for all materials to be stored on-site and should be kept on-site along with the SWPPP and Construction Site Logbook.
- Train all workers and subcontractors on safe handling and spill prevention procedures for all materials used during construction.
- Host regular toolbox talks or tailgate meetings to discuss implementation of the SWPPP and SPRP during all daily site activities.

- Designate areas for equipment cleaning, maintenance, and repair, and communicate these specific, restricted work areas to all site personnel. Demarcate and protect these areas with signage or temporary perimeter berm.
- If any site areas are planned to be used for storage, material stockpiling, spoil stockpiling/gathering and are not included or noted as such in the SWPPP, notify the Engineer of Record and Owner to allow the SWPPP to be updated accordingly.
- Stage construction materials only in dedicated areas. Staging areas should be cordoned and protected such that they minimize impacts of the construction materials which have potential to impact stormwater quality. Any chemicals, paints, solvents, fertilizers, and other toxic material must be stored in waterproof containers and stored in locations to be identified by the Contractor and in conformance with the SPRP. Except during application, the contents must be kept in trucks or within storage facilities.
- Implement site stabilization, erosion and sediment control measures, and other requirements of the SWPPP.
- Prepare and retain written documentation of inspections as well as of all repairs/maintenance activities performed in the Construction Site Logbook.
- Begin implementing corrective actions within one day of receipt of notification by the Qualified Inspector that deficiencies exist with the erosion and sedimentation control measures employed at the site. Corrective actions will be completed within a reasonable time frame.
- Maintain the Construction Site Logbook throughout the duration of construction.
- Communicate with the Engineer of Record to update the SWPPP each time there is a significant modification to the pollution prevention measures, or a change of the principal Contractor working on the Project who may disturb on-site soil.
- Maintain a record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the Facility Area, and when stabilization measures are initiated, until the NOT is filed.
- Transfer the SWPPP documents, along with NOIs, permit certificates, NOTs, Construction Site Logbook, and written records required by the General Permit to Greens Corners Solar for archiving.

7. SWPPP Construction Activities, Requirements, and Sequencing

The minimization of erosion and sediment transport is the ultimate goal of a properly designed, implemented, and executed SWPPP. A summary of anticipated construction activities and relation to the SWPPP are outlined within this specification. However, the construction sequence suggested within this section is not intended to dictate the Contractor's means and methods, it does not encapsulate or detail all individual steps and components of each item within the sequence, nor should it be construed as a construction specification.

The various planned site activities are expected to be completed as part of several sequence items, including: Pre-Construction Activities; Site Preparation; Construction; and, Site Restoration. Throughout the site activities, the Contractor is expected to follow the guiding principles listed below throughout the construction phase:

- Protect and maintain existing vegetation wherever possible;
- Minimize the area of disturbance;
- To the extent possible, route unpolluted flows around disturbed areas;
- Install approved erosion and sediment control devices as early as possible;
- Minimize the time disturbed areas are left un-stabilized; and,
- Maintain erosion and sediment control devices in proper condition.

Each sequence item has been elaborated in the following subsections.

7.1 Pre-Construction Activities

- Prior to start of construction, Greens Corners Solar will require the Contractors and subcontractors to identify at least one person from their company who meet the requirements of a Trained Contractor. That individual or individuals will be responsible for the implementation of the SWPPP.
- Prior to the commencement of construction, a Qualified Inspector will conduct a site assessment of the Facility and certify that the appropriate erosion and sediment control structures have been adequately installed and implemented.
- File an NOI with the NYSDEC at least 5 business days prior to commencing construction in accordance with the General Permit.
- Perform DIGSAFE (NY-811) notifications and mark existing utilities/infrastructure.

7.2 Site Preparation

- Implement temporary erosion and sediment control measures, such as silt fences, stabilized construction entrances/access roads, and stockpile, staging and containment areas.
- Mark-out and delineate environmentally sensitive resources such as waterbodies, wetlands, habitats, and other areas of importance.
- Perform tree clearing and vegetation management, if necessary, and grading of work areas, as required. Clear and grub only areas necessary to install erosion control measures.
- Once five acres of grubbing are completed, apply temporary stabilization measures in accordance with the NYS SDESC.

7.3 Construction

- Strip topsoil and create stabilized stockpile areas.
- Begin site grading operations. This includes limited and minimal grading in array areas, for access roads, for underground utilities, for erosion and sediment control practices, and for any minor slope changes while maintaining pre- development hydrology.
- Install perimeter access roads.
- Install site security (perimeter fencing).
- Install vegetated screening during appropriate planting season.
- Complete the embedment and installation of foundation posts to support PV array modules.
- Construct concrete foundations for transformer pads and step-up substation at Point-of-Interconnect.
- Set and install racking, as well as PV modules.
- Install underground collection lines and electrical cabling to connect project components to inverters and project substation.
- Install drainage pipe (culverts), as required for construction-phase and post-construction stormwater management.
- Conduct final site grading.

7.4 Restoration

- Install topsoil and complete restoration in areas where earthmoving was completed.
- Prepare soils as-needed, such as restoration of original grade, de-compaction of highly-trafficked or loaded areas, add soil amendments, to allow the application of permanent seeding and mulching.
- Apply permanent seeding and stabilization measures to the site in accordance with the seeding and mulching rates and seed mixtures provided on the drawings for final restoration measures. All seeded and stabilized areas of the site should reach a minimum success rate of 80% vegetated ground cover. Routine inspections should continue on a monthly basis until this minimum vegetative cover requirement is met across the site.
- Remove the temporary erosion and sediment controls when 80% of natural vegetative cover has been achieved and erosion issues are no longer present;
- Remove and dispose of Project-related waste material at an approved disposal facility.
- Perform a final site inspection (Engineer of Record), then submit the NOT to the NYSDEC in accordance with the General Permit.

8. Stormwater Management, Discharges, and Potential Impacts

A primary goal of this Preliminary SWPPP and the Final SWPPP are to maintain the pre-development rate of runoff in order to minimize impacts to adjacent or downstream properties, apply runoff reduction methods, and to minimize the impact to the quality of runoff exiting the Project area. Construction activities and processes that result in either increased stormwater runoff or the potential to add pollutants to runoff are subject to the requirements of this SWPPP. These activities may include areas of land disturbed by grading, excavation, construction, or material storage. Water that encounters the Project site as a result of precipitation is classified as stormwater associated with the Project, and is therefore subject to the requirements of this SWPPP. A number of construction activities associated with the project have potential to negatively impact stormwater generated at the project site. These activities include:

- Tree clearing and removal of vegetation, which can expose and weaken soils and may result in erosion.
- Dust generated by vehicles, or by dry, exposed soil.
- Generation of project-related waste, including solid waste, potential recyclables, and packaging or shipping waste.
- Vehicles accessing and traversing the Project site, which can cause soil to adhere to vehicles and tires and can track soils onto public roadways.
- Site grading and earthmoving, which may expose soil to erosion if not properly stabilized or protected.
- Inadvertent spill or discharge of fuel, lubricants, or other equipment-related fluids attributed to construction vehicle re-fueling, use of vehicles across the site, or general equipment operations.
- Creation of concentrated water flows in rut channels caused by vehicles across the site.

The Final SWPPP will identify and detail stormwater management pollution prevention, and erosion and sediment control measures necessary during and following completion of construction. Notwithstanding, typical erosion and drainage practices and structures including storm pipe, silt fence, temporary check dams, dry swales, slope protection, inlet/outlet protection, timber mats, vegetation protection, stabilized construction entrances, and vegetation filter strips will be implemented to minimize impacts to adjacent or downstream properties, minimize off-site run-off, and to minimize the impact to the quality of runoff exiting the Project area.

In addition to typical erosion control and drainage protection measures, there are a number of conditions in which stormwater discharges are reasonable or prohibited. These are listed in the subsections below.

8.1 Reasonable Stormwater Discharges

- Clean wash water (not containing any soaps, detergents or solvents) from cleaning construction vehicles and equipment.
- Site dewatering (groundwater) from pits, excavations, and trenches, provided groundwater is not impacted.
- In all cases of discharge, including the two listed above, discharges should be directed to a sediment trapping device. These sediment trapping devices should be designed and located by the Contractor and approved by the Engineer of Record prior to installation.
- If clean, potable water is discharged from the site for any reason, it will be directed over a grassed area prior to reaching off-site areas. Potable water will not be discharged directly to a natural waterbody or watercourse.
- Water used for dust control should be applied using appropriate quantities and methods. No chemicals, soaps, detergents, or other dispersant should be used.

8.2 Prohibited Stormwater Discharges

- Wastewater from washout and cleanout of concrete, stucco, paint, form release oils, curing compounds, and other construction materials. These materials should be washed out in an appropriately designated containment area and disposed of legally off-site.
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- Soaps or solvents used in vehicle and equipment washing.
- Toxic or hazardous substances from a spill or other release.

Prior to the commencement of construction activities, temporary erosion and sediment controls should also be installed to prevent erosion of the soils and prevent water quality degradation in wetlands and waterbodies. Erosion and sediment controls will be utilized to limit, control, and mitigate construction related impacts. The stormwater management and pollution controls will include practices that involve runoff control, soil stabilization practices, and sediment control.

The erosion and sediment controls deployed for the Project must be installed and maintained in accordance with GP-0-20-001 and the NYS SDESC. Improper installation of practices may result in an increase in water quality impacts to nearby waterbodies, or sedimentation impacts to undisturbed lands. It is anticipated that field conditions may arise that will require deviations from prescribed control measures in the SWPPP or NYS SDESC. These deviations should be discussed with the Engineer of Record and/or the Qualified Inspector prior to implementing the alternative practice.

If the alternative practice is reasonable, documentation should be prepared and maintained to justify the alternate measures' use, and that the alternate is comparable or better than the technical standard. If the Engineer of Record, Qualified Inspector, Owner, and/or regulatory agency finds the alternative does not match or exceed the technical standard, the Contractor will be required to revise or modify the measure to meet the required Plan conditions. In any event, the modification should be recorded in the Logbook and also updated within the SWPPP.

9. Temporary Erosion and Sediment Controls

Temporary erosion and sediment controls will be employed to reduce erosion, sedimentation, and pollutants in stormwater discharges. These measures will also be used to prevent impacts to undisturbed areas, sensitive resources (wetlands, waterbodies), and downstream areas. It is expected that both stabilization techniques as well as structural methods will be utilized, as needed, to meet these objectives. To meet these criteria, this Preliminary SWPPP has been developed in accordance with the following documents:

- New York State Standards and Specifications for Erosion and Sediment Control (*NYSDEC - November 2016*);
- New York State Stormwater Management Design Manual (*NYSDEC - January 2015*);
- NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, General Permit No. GP-0-20-001 (*NYSDEC - effective January 29, 2020*); and,
- NYSDEC Solar Panel Construction Stormwater Permitting Guidance (*NYSDEC - April 5, 2018*).

A number of standard, temporary erosion control structural measures are expected to be used during preparation of final design drawings, and preparation of the Final SWPPP. These include:

- Silt Fence installed along perimeter of array sites, along proposed road construction areas and at all facility locations including lay-down location;
- Stabilized construction entrance(s);
- Stabilized temporary stockpiles of soil;
- Temporary soil stabilization including seeding and mulching;
- Outlet protection;
- Tree/Vegetation protection fencing erected, as applicable and required;
- Pumped Water Filter Bag, if groundwater pumping and removal is required;
- Construction Road Stabilization, to minimize off-site tracking of soil and dust;
- Concrete Truck Washout, to prevent concrete contamination across project areas;
- Dust Control, to minimize air quality concerns and movement of soil across site from wind;
- Site Pollution Prevention, to implement best practices during construction;
- Stabilized Construction Access, to minimize off-site tracking of soil and dust
- Winter Stabilization, to prevent erosion/deterioration of soil cover during winter months;

- Check Dam, for management of surface water and run-off;
- Water Bar, to divert and convey water to minimize rilling, gullyng, or erosional channels.
- Anchored Stabilization Matting
- Land grading, to maintain pre-existing site contours and site hydrology to pre-construction conditions;
- Mulching, to promote the restoration of soil cover;
- Permanent Construction Area Planting, to promote the restoration of final site conditions and cover;
- Temporary Construction Area Seeding, to promote expeditious growth of temporary soil cover to minimize erosion and deterioration of near-surface soils; and,
- Geotextile Filter Bag, to remove sediment and suspended solids in surface water or groundwater prior to discharge.

The standards and specification for the erosion and sediment control measures mentioned above and recommended by NYS SDESC are provided in Appendix G. Structural erosion and sediment control practices should generally be inspected weekly and within 24-hours after a 0.5-inch (or greater) storm event by the Engineer of Record, or a Qualified Inspector.

The following are additional, non-standard erosion and sediment control measures and Best Management Practices which may be implemented at the site to minimize pollutant transport:

- Aggregate Stockpile Areas - It is expected that the temporary staging and stockpiling of fill material will be required throughout construction. In general, significant amounts of earthmoving is not expected, as final engineering design will aim to balance any cut and fill required across the site. Notwithstanding, import of stone for access roads and other structural components will be required throughout construction. The stockpiling of materials in areas where there is the potential to impact water quality or sensitive resources is prohibited. Where temporary stockpile areas are established, they should be contained and protected with the proper erosion and sediment controls such as silt fencing, coir logs, hay bales and barriers, or other positive control. If left unused for seven days or more, soil stockpiles will be stabilized with vegetation, geotextile fabric or plastic covers. These stockpile areas will be evaluated on a routine basis during site inspections by the Engineer of Record or the Qualified Inspector performing site inspections.
- Protection of Existing Vegetation - Natural vegetation which is maintained will reduce soil erosion. Protections may include barrier fencing to prevent equipment and vehicle traffic in vegetated and environmentally sensitive areas.
- Temporary Spoil Stockpile - Spoil material will be segregated to allow topsoil to be preserved, and any non-useable spoils such as construction debris will be disposed of

properly off-site. A spoil disposal plan will be required to be developed which will list the end use of spoils generated from the project, the expected quantity of spoil, and handling and disposal methods. Excess soil and topsoil will be encouraged to be spread within the immediate disturbed areas, including agricultural areas, if the material is free of rocks. All other spoils will be legally disposed off-site.

- Horizontal Directional Drilling (HDD) – Trenchless installation of cables will occur at sensitive crossings to avoid impact to the sensitive receptor(s). HDDs typically involve drilling boreholes with a fluid mixture, primarily composed of water and bentonite, a naturally occurring clay, which helps with removal of cuttings from the borehole, stabilizes the borehole, and acts as a coolant and lubricant throughout the drilling process. The bentonite-water mixture is not classified as a toxic or hazardous substance, however, if released into waterbodies, bentonite has the potential to temporarily reduce water quality, and therefore, adversely impact fish and other aquatic species. During construction-phase stages of the work, Greens Corners Solar will require the Contractor to provide an Inadvertent Return and Response Plan for HDD activities.
- Material Transport – Proper precautions will be taken to prevent spilling or discharging materials during transport. Any spilled materials will be swept or removed as soon as practicable so that they do not enter a surface and subsurface drainage systems.
- Solid Waste Management – Where feasible, store waste in covered dumpsters or other appropriate containers. Waste is to be disposed of regularly and properly in accordance with local, state, and/or federal regulations.

10. Stabilization Practices

Following proper implementation of erosion and sediment control measures, and the completion of site activities, stabilization will be required to continue to promote the minimization of erosion and run-off. The following stabilization practices prescribed in the NYS SDESC are anticipated for the Project:

- For portions of the site where soil disturbance activities have temporarily or permanently ceased, stabilization measures must be initiated by the end of the next business day and completed within 14 days from the date the most recent soil disturbance activity ceased, or within seven days if the current Facility disturbance is five acres or greater.
- If the site is snow covered and/or frozen then stabilization measure will be implemented as soon as practicable.
- For stabilization on slopes greater than 5%, to the extent possible, the contractor will maintain exiting drainage patterns to allow for no increase in runoff from pre- to post-developed conditions.
- Temporary soil stabilization practices including seeding will be applied in areas where soil disturbance activity has been temporarily or permanently ceased.
- Where land disturbance is necessary, temporary seeding or mulching must be used on areas which will be exposed for more than 7 days. Permanent stabilization should be performed as soon as possible after completion of final grading. The site will be re-vegetated with seed mixes specified in the SWPPP. Slopes greater than 3:1 will use anchor stabilizing mats approved by the NYSDEC in addition to seed.
- Temporary stabilization measures will be completed within seven days of stockpile formation. Stabilization measures will include mulching of the stockpile and erection of a perimeter silt fence. Stockpiles will be located away from environmentally sensitive areas.
- Post-construction vegetative restoration will include reseeding disturbed areas with appropriate native seed mix.

During operation, it is anticipated that Vegetation Management and an Invasive Species Management Plans will be created and implemented. The vegetation maintenance performed around the PV modules is expected to use a combination of chemical and mechanical control methods within the solar array fields, as mowing may not be feasible. Trimming near the forested areas or brush lines will likely be performed using chemical application, in accordance with local and state rules, as these may be necessary management tools to control certain invasive species and maintain adequately cleared areas in-between arrays. Implementation of a vegetation management plan that enhances agricultural use and/or wildlife habitat is preferred.

11. Construction Pollution Prevention and Management of Releases

During construction, it is anticipated that equipment, vehicles, and construction products will be brought on-site to develop the Project. These products may include:

- Chemical products (landscaping materials, pesticides, herbicides, fertilizers);
- Construction products (concrete, cement, and admixtures; imported fill stockpiles);
- Oil products (fuel oils, hydraulic oil, grease products);
- Hazardous waste (caulking, curing compounds, additives, paints/coatings, battery acid);
- Earthmoving by-products (vegetative waste and stumps/branches, topsoil and cut soil);
- Construction debris (trash bags, pallets, food waste, bottles and recyclables); and,
- Sanitary waste (portable toilets and cleaning products).

The specific quantities of each product are unable to be estimated at this time; however, proper material storage, handling, and disposal practices will be required to minimize the risk of impacts to stormwater and sensitive environmental resources. The management, storage, handling, and disposal procedures which are to be followed and enforced by all parties involved in construction and inspection are detailed herein.

It is expected that compliance with this SWPPP and the General Permit will prevent discharges of pollutants which would cause or contribute to a violation of the surface water quality standards contained in Parts 700 through 705 of Title 6 of Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR). Potential violations include:

- An increase of suspended, colloidal, or settleable solids that will accumulate in waterbodies and impair surface waters for their best usages;
- An increase in turbidity, causing substantial visible contrast to natural conditions;
- Degradation of surface water quality and impact to sensitive receptors; and,
- Potential residue from oil and floaters such as visible oil film, sheen, or globules of grease.

Notwithstanding the detail contained within this section for specific pollution prevention and release management, if there is evidence indicating that the stormwater discharges authorized by the General Permit are causing, have reasonable potential to cause, or are contributing to a violation of surface water quality standards, Greens Corners Solar and/or its contractor(s) must take appropriate corrective action within one business day to mitigate and address the violation. The corrective action must be documented in the next SWPPP inspection report. To address the surface water quality standard violation, a modification to the SWPPP may be required, additional controls as listed in Section 9 may need to be implemented, or a project-specific NYSDEC State Pollution Discharge Elimination System (SPEDS) permit may be required.

11.1 Chemical and Oil Management

The first level of protection prior to management of releases is pollution prevention and project planning. Therefore, prior to the start of construction, the Contractor is required to prepare a Spill Prevention, Countermeasure, and Control (SPCC) Plan. The SPCC Plan will be prepared separately from the Final SWPPP, in conformance of the requirements of 40 Code of Federal Regulations §112.

As part of the SPCC, material management best practices will be outlined which will reduce the risk of spills or accidental exposure of chemicals and oil products to stormwater runoff during construction. These best practices may include, but not be limited to, the following:

- Provide secondary containment for oil containers, such as placing such containers inside and/or on top of a secured area. This area should be covered to prevent precipitation or other stormwater from reaching the source pollutant and causing contaminant transport.
- Store and maintain materials away from water resources and environmentally sensitive areas, such as wetlands, streams, storm drains, ditches, and wells.
- Maintain and provide spill kits with absorbent booms, pads, and clothes adjacent to any areas where chemicals or oils are maintained.
- Provide portable spill kits on each construction vehicle and work truck.
- Store any degradable or liquid work product, such as building materials, construction waste, landscape material fertilizers, pesticides, herbicides, cleaning products and detergents, and sanitary waste under a roof, canopy, or other cover.
- Maintain only an amount of product necessary for intended use on site. Excessive quantities of product should not be kept on-site.
- Ensure products which are self-contained, or provided in containers with lids or caps, are properly closed and re-sealed after each use.
- Dispose of surplus product and empty containers in accordance with manufacturers' recommendations and applicable regulations and/or permit conditions. Do not discharge any substances into the storm sewer.
- Continuously monitor vehicles and equipment arriving on-site for leaks, frayed hoses and cables, and visible signs of oil. Prohibit such equipment from being used at the project site, or require maintenance be performed to rectify the concern.
- During fueling, maintenance, or equipment staging activities, take precautions to ensure that spills or drips of chemicals or oils do not enter the ground. During these activities, place absorbent socks, containment pans, and containment mats beneath locations where oils may leak.
- Store all chemicals and oils in impervious containers which are capable of holding at least 110% of the container's rated storage contents. Any oil or fuel storage containers greater than 25-gallons must have secondary containment and be placed under a covered area.

- Park, re-fuel, and service any vehicles or equipment at least 150 feet away from any wetland, waterbody, or other ecologically sensitive area, and at upland locations away from any waterbody or drainage channel.
- Perform regular, preventative maintenance of equipment and vehicles being used on-site.
- Dispose of used oil with care, especially if transferring from equipment or from pan-to-container or container-to-container. Complete transfers on an absorbent containment cloth or within an area of secondary containment.

11.2 Construction Debris and Solid Waste Management

In addition to chemical and oil product management, it is expected that other construction products and activities will generate debris and solid waste at the project site. Similar material management best practices will reduce the risk of spills or impacts of debris to stormwater runoff during construction. These best practices may include, but not be limited to, the following:

- Collect all solid waste in appropriate bins and receptacles.
- Empty solid waste containers routinely, so as not to create an overflow condition which could translate to fugitive waste. Waste should be removed off-site routinely by a licensed solid waste disposal service, and legally disposed at a permitted solid waste facility.
- Implementation of a project solid waste management program. This program will be designed to support proper solid waste disposal and recycling practices. Solid waste and debris that cannot be recycled, reused, or salvaged will be stored in on-site containers for off-site disposal. No loose materials will be allowed at the Project Area and all waste material will be disposed of promptly and properly.
- Prevent concrete washout areas to be within 100 feet of streams, storm drainage, ponds, wetlands and other sensitive areas. A temporary, above-grade lined concrete washout area or diked impervious area should be used for this activity.
- Concrete washout areas should be designed to prevent contact between the concrete wash and stormwater, and should be maintained on a regular basis by the Contractor to prevent contamination of stormwater with waste concrete. Concrete wash-out waste should be collected and be disposed of as non-hazardous construction waste material.
- Concrete washout facilities should be designed and constructed to have sufficient volume to contain the concrete waste resulting from washout, but at no times less than a freeboard of 12 inches. Washout areas should not be filled beyond 95% capacity, and they should be cleaned out once 75% capacity has been met.
- Service and maintain portable toilets regularly, and dispose of their contents properly. Sanitary facilities should not be placed within 100 feet of waterbodies, wetlands, or sensitive receptors. In addition, sanitary facilities will comply with state and local sanitary or septic system regulations, as well as the provider's instructions for maximum load usage of the facility.

- Only store construction materials and equipment in designated staging areas as indicated on engineering drawings, or as direct by the Engineer of Record, or Qualified Inspector.

11.3 Spill Reporting and Management

Spills of petroleum products, chemicals and other materials are required to be reported within two hours of occurrence in accordance with State, Federal, and local regulations. If a spill occurs at the site during construction, the Contractor is responsible to contact the NYSDEC Spill Hotline (1-800-457-7362). The Contractor is also responsible for retaining documentation containing the NYS spill number and spill information, which will be provided to Greens Corners Solar, the Engineer of Record, and the Qualified Inspector. The Contractor is ultimately responsible for cleanup and response activities, including the containment, capture, separation, removal, restoration of, and legal disposal of contaminated products from the site. The NYSDEC Spill Reporting and Initial Notification Requirements, as well as NYSDEC Soil Cleanup Guidance (CP-51), are provided as Appendix H, for reference.

If a hazardous material spill occurs, it must be contained and disposed of immediately. Contaminated soil will be removed from the Project Area and disposed of in accordance with product specific SDS and associated guidelines. Reporting spills to the NYSDEC may be required per 17 New York Codes, Rules and Regulations (NYCRR) 32.3 and 32.4, and the Environmental Conservation Law (ECL) 17-1734.

Throughout all times during construction, the Contractor will coordinate with local first responders for fire safety and emergency response. The Contractor will keep the Construction Supervisor and the Qualified Inspector/Qualified Professional aware of chemicals and waste present on site, and maintain material safety data sheets for each chemical on-site. The Contractor will periodically conduct safety inspections at the Project Area to identify housekeeping issues and employ spill prevention procedures.

In addition to the material best management practices discussed above, it is expected that the Contractor will follow the below-listed best practices for spill preparedness in the event of a spill and required clean-up:

- Spills should be reported and cleaned up immediately after discovery.
- Utilize personal protective equipment (PPE) appropriate for the intended clean-up activity and contaminant of concern. Should caustic, hot, hazardous, or toxic materials be expected to be handled, the cleanup should only be completed by personnel trained in such work.
- Material Safety Data Sheets (MSDS) should be maintained for all products at the site. These sheets should be reviewed, if necessary, to determine proper clean-up, handling, and safety precautions to manage these materials.
- Maintain spill clean-up location in central, visible locations across the project site. Spill kits should be placed at areas where work is being conducted, and on vehicles and

equipment where the potential for leaks are possible. Provide proper education on the location and use of these spill kits to all site personnel.

- Maintain general clean-up items such as heavy-duty trash bags, brooms, dust pans, mops, rags, gloves, goggles and other cleaning tools on-site. The lack of basic cleaning products or improper education that these products are available on-site will yield poor working and cleaning conditions throughout the duration of the program.
- If a spill does occur at the site, a spill report is to be completed and filed with this SWPPP. Include the date, a description of the spill, the cause, and the corrective actions taken.

12. Inspection and Reporting Requirements

Throughout the course of the project, during pre-construction, through construction, and post-construction, the Contractor will be responsible to engage an Engineer of Record to prepare the Final SWPPP, inspect erosion and sediment control practices, postconstruction stormwater management practices that are under construction, disturbed areas, and all points of discharge from the construction facility. Specifically, for inspections, in addition to the Engineer of Record, a Qualified Inspector may complete site evaluations and walkthroughs in the field.

Throughout the course of the work, the SWPPP will be inspected and evaluated by a Qualified Inspector. Generally, the role of the Qualified Inspector will include:

- Inspection of all erosion and sediment control practices to verify integrity and effectiveness;
- Verification that erosion and sediment control practices required by the SWPPP and the General Permit have been installed as appropriate for the phase of work and conditions at the Facility;
- Verification that post-construction stormwater management practices are installed in accordance with the SWPPP;
- Inspection of all areas of disturbance that have not achieved final stabilization;
- Observation and noting all points of discharge from the facility, including natural surface waterbodies located within or immediately adjacent to construction activities, conveyance systems and overland flow;
- Photo-document site conditions, with date stamp, that clearly show the conditions of erosion and sediment control practices and stormwater management practices at the site;
- Prepare an inspection report within 5 business days of each inspection. A suggested inspection form template is provided as Appendix F;
- Document and communicate any areas needing corrective actions, and of practices that have had corrective actions since the last inspection; and,
- Assist in the preparation of SWPPP updates, as necessary.

Each of the various inspections, and the intended scope of each investigation, are outlined below.

12.1 Pre-Construction Inspections

Prior to the start of construction activities, a pre-construction inspection will be conducted by the Qualified Inspector to evaluate and ensure the planned erosion and sediment controls have

been adequately and appropriately installed. It is the Contractor's responsibility to contact and arrange for the Qualified Inspector to complete the pre-construction inspection immediately after installation of the planned erosion and sediment control measures. At no point should construction activities commence prior to the Qualified Inspector completing the required pre-construction inspection, and confirmation that all required and planned erosion and sediment control measures are implemented and functional.

12.2 Construction Inspections

Throughout construction, Greens Corners Solar and the contractor(s) must ensure the erosion and sediment control practices implemented at the Project Area have been maintained in accordance with GP-0- 20-001 and the SSESC. The Contractor, and any subcontractor(s), will be required to regularly maintain, inspect, and repair the erosion and sediment control practices and deployed pollution prevention measures to ensure effectiveness of the measures. Corrective actions to the identified deficiencies will be made within a reasonable time frame, and updates will be made to the SWPPP to keep it current with site conditions.

In addition to Greens Corners Solar and the Contractor's responsibilities for inspection, regular site inspections will be required by the Qualified Inspector or Engineer of Record to ensure implementation of the SWPPP. Inspections will be completed at least once every seven calendar days or within 24-hours following rainfall events in excess of 0.5 inches. If authorization to disturb greater than five acres of soil at one time is received, the Qualified Inspector will be required to conduct *at least* two site inspections every seven calendar days. There will be a minimum of two full calendar days between inspections. An example Inspection Form for has been provided as Appendix F. In addition to routine stormwater and erosion control site inspections, the Qualified Inspector will inspect debris removal on a periodic basis during construction to ensure proper staging/stockpiling and disposal procedures are being followed.

If corrective actions are identified and necessary during routine inspections, the Qualified Inspector must notify Greens Corners Solar and the appropriate contractor within one business day of completing the inspection. The contractor will be required to begin implementing the corrective action within one business day of receiving notification, and complete any corrective actions and measures within seven calendar days following the date of the notification.

If soil disturbing activities are required to be suspended for an extended period of time (i.e., winter shutdown, impending storm or outside forces of nature, or application of temporary stabilization measures requires work stoppage), inspections may be reduced to a minimum of one inspection every 30 calendar days. Greens Corners Solar will be required to contact the NYSDEC Regional Office in writing prior to reducing the frequency of inspections. Correspondence with the NYSDEC should be included with the updated version of the SWPPP. In addition, Greens Corners Solar will be required to resume inspections in accordance with this section as soon as soil disturbance activities resume. During any planned work stoppage extending beyond two weeks, the Contractor will be required to temporarily stabilize all disturbed areas prior to the work stoppage.

12.3 Post-Construction Inspections

At the completion of construction activities, the Qualified Inspector will perform a final inspection of the site. This inspection will be to confirm that all disturbed areas have achieved final stabilization, temporary erosion and sediment control practices have been removed, and post-construction stormwater management practices have been constructed in conformance with the SWPPP. Prior to certification, the Contractor will supply as-built topographic surveys of all post-construction stormwater management practices to document that the stage/storage relationship has been met. Upon satisfactory completion of the final site inspection, the Qualified Inspector will sign the appropriate sections of the NOT form (provided as part of NYSDEC forms under Appendix A).

In the event that construction ceases for a period of two years following a temporary shutdown, Greens Corners Solar will be required to have the Engineer of Record or Qualified Inspector complete a final inspection and certify that final stabilization has been achieved. After this milestone, all temporary erosion and sediment control features can be removed. Similar to the final construction milestone, Greens Corners Solar will complete the NOT form and submit the form to the NYSDEC.

12.4 Recordkeeping

Greens Corners Solar should retain the SWPPP, required forms, and revisions to the SWPPP for a period of at least five years from the date the Facility reaches final stabilization. The documents intended to be retained will include:

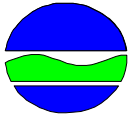
- Final SWPPP
- NYSDEC-required forms:
 - Notice of Intent
 - NOI acknowledgement letter (from NYSDEC)
 - Contractor Certification(s)
 - Notice of Termination (NOT)
- Stormwater Construction Site Inspection Reports
- Contract Documents
 - Construction Drawings
 - Technical Specifications
 - Project permit(s)
 - Environmental compliance correspondence (Agency responses/determinations)



APPENDIX A

NYSDEC Forms

NOTICE OF INTENT



**New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505**

NYR
(for DEC use only)

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002
All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

- IMPORTANT -
RETURN THIS FORM TO THE ADDRESS ABOVE
OWNER/OPERATOR MUST SIGN FORM

Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

Owner/Operator Contact Person First Name

Owner/Operator Mailing Address

City

State Zip -

Phone (Owner/Operator) - - Fax (Owner/Operator) - -

Email (Owner/Operator)

FED TAX ID - (not required for individuals)

3. Select the predominant land use for both pre and post development conditions.
SELECT ONLY ONE CHOICE FOR EACH

**Pre-Development
Existing Land Use**

- FOREST
- PASTURE/OPEN LAND
- CULTIVATED LAND
- SINGLE FAMILY HOME
- SINGLE FAMILY SUBDIVISION
- TOWN HOME RESIDENTIAL
- MULTIFAMILY RESIDENTIAL
- INSTITUTIONAL/SCHOOL
- INDUSTRIAL
- COMMERCIAL
- ROAD/HIGHWAY
- RECREATIONAL/SPORTS FIELD
- BIKE PATH/TRAIL
- LINEAR UTILITY
- PARKING LOT
- OTHER

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Post-Development
Future Land Use**

- SINGLE FAMILY HOME
- SINGLE FAMILY SUBDIVISION
- TOWN HOME RESIDENTIAL
- MULTIFAMILY RESIDENTIAL
- INSTITUTIONAL/SCHOOL
- INDUSTRIAL
- COMMERCIAL
- MUNICIPAL
- ROAD/HIGHWAY
- RECREATIONAL/SPORTS FIELD
- BIKE PATH/TRAIL
- LINEAR UTILITY (water, sewer, gas, etc.)
- PARKING LOT
- CLEARING/GRADING ONLY
- DEMOLITION, NO REDEVELOPMENT
- WELL DRILLING ACTIVITY *(Oil, Gas, etc.)
- OTHER

Number of Lots

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--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

***Note:** for gas well drilling, non-high volume hydraulic fractured wells only

4. In accordance with the larger common plan of development or sale, enter the total project site area; the total area to be disturbed; existing impervious area to be disturbed (for redevelopment activities); and the future impervious area constructed within the disturbed area. (Round to the nearest tenth of an acre.)

Total Site Area	Total Area To Be Disturbed	Existing Impervious Area To Be Disturbed	Future Impervious Area Within Disturbed Area																				
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5. Do you plan to disturb more than 5 acres of soil at any one time? Yes No

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

<p>A</p> <table border="1" style="width: 40px; height: 25px;"> <tr> <td></td><td></td><td></td> </tr> </table> <p>%</p>				<p>B</p> <table border="1" style="width: 40px; height: 25px;"> <tr> <td></td><td></td><td></td> </tr> </table> <p>%</p>				<p>C</p> <table border="1" style="width: 40px; height: 25px;"> <tr> <td></td><td></td><td></td> </tr> </table> <p>%</p>				<p>D</p> <table border="1" style="width: 40px; height: 25px;"> <tr> <td></td><td></td><td></td> </tr> </table> <p>%</p>			

7. Is this a phased project? Yes No

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

<p>Start Date</p> <table border="1" style="width: 60px; height: 25px;"> <tr> <td></td><td></td><td></td><td></td><td></td> </tr> </table>						/	/	<table border="1" style="width: 60px; height: 25px;"> <tr> <td></td><td></td><td></td><td></td><td></td> </tr> </table>						-	/	/	<table border="1" style="width: 60px; height: 25px;"> <tr> <td></td><td></td><td></td><td></td><td></td> </tr> </table>					

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)? Yes No Unknown

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

Two rows of empty grid boxes for text entry.

17. Does any runoff from the site enter a sewer classified as a Combined Sewer? Yes No Unknown

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

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

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) Yes No

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 No

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)? Yes No
If No, skip questions 23 and 27-39.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual? Yes No

Post-construction Stormwater Management Practice (SMP) Requirements

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.

- Preservation of Undisturbed Areas
- Preservation of Buffers
- Reduction of Clearing and Grading
- Locating Development in Less Sensitive Areas
- Roadway Reduction
- Sidewalk Reduction
- Driveway Reduction
- Cul-de-sac Reduction
- Building Footprint Reduction
- Parking Reduction

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).

- All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
- Compacted areas were considered as impervious cover when calculating the **WQv Required**, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

Total WQv Required

. acre-feet

29. Identify the RR techniques (Area Reduction), RR techniques (Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required (#28).

Also, provide in Table 1 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 Tables 1 and 2 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.

Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

<u>RR Techniques (Area Reduction)</u>	<u>Total Contributing Area (acres)</u>		<u>Total Contributing Impervious Area(acres)</u>	
<input type="radio"/> Conservation of Natural Areas (RR-1) ...	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="radio"/> Sheetflow to Riparian Buffers/Filters Strips (RR-2)	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="radio"/> Tree Planting/Tree Pit (RR-3)	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="radio"/> Disconnection of Rooftop Runoff (RR-4) ..	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<u>RR Techniques (Volume Reduction)</u>				
<input type="radio"/> Vegetated Swale (RR-5)				
<input type="radio"/> Rain Garden (RR-6)				
<input type="radio"/> Stormwater Planter (RR-7)				
<input type="radio"/> Rain Barrel/Cistern (RR-8)				
<input type="radio"/> Porous Pavement (RR-9)				
<input type="radio"/> Green Roof (RR-10)				
<u>Standard SMPs with RRv Capacity</u>				
<input type="radio"/> Infiltration Trench (I-1)				
<input type="radio"/> Infiltration Basin (I-2)				
<input type="radio"/> Dry Well (I-3)				
<input type="radio"/> Underground Infiltration System (I-4)				
<input type="radio"/> Bioretention (F-5)				
<input type="radio"/> Dry Swale (O-1)				
<u>Standard SMPs</u>				
<input type="radio"/> Micropool Extended Detention (P-1)				
<input type="radio"/> Wet Pond (P-2)				
<input type="radio"/> Wet Extended Detention (P-3)				
<input type="radio"/> Multiple Pond System (P-4)				
<input type="radio"/> Pocket Pond (P-5)				
<input type="radio"/> Surface Sand Filter (F-1)				
<input type="radio"/> Underground Sand Filter (F-2)				
<input type="radio"/> Perimeter Sand Filter (F-3)				
<input type="radio"/> Organic Filter (F-4)				
<input type="radio"/> Shallow Wetland (W-1)				
<input type="radio"/> Extended Detention Wetland (W-2)				
<input type="radio"/> Pond/Wetland System (W-3)				
<input type="radio"/> Pocket Wetland (W-4)				
<input type="radio"/> Wet Swale (O-2)				

33. Identify the Standard SMPs in Table 1 and, if applicable, the Alternative SMPs in Table 2 that were used to treat the remaining total WQv(=Total WQv Required in 28 - Total RRv Provided in 30).

Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.

Note: Use Tables 1 and 2 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.

WQv Provided

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acre-feet

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 - RRv 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).

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35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)? **Yes** **No**

If Yes, go to question 36.
If No, sizing criteria has not been met, so 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 **CPv Provided**

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acre-feet

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acre-feet

36a. The need to provide channel protection has been waived because:

- Site discharges directly to tidal waters or a fifth order or larger stream.
- Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.

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

Total Overbank Flood Control Criteria (Qp)

Pre-Development **Post-development**

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CFS

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CFS

Total Extreme Flood Control Criteria (Qf)

Pre-Development **Post-development**

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CFS

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CFS

**New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505**

(NOTE: Submit completed form to address above)

**NOTICE OF TERMINATION for Storm Water Discharges Authorized
under the SPDES General Permit for Construction Activity**

Please indicate your permit identification number: NYR _____

I. Owner or Operator Information

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person:

4a. Telephone:

4b. Contact Person E-Mail:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

III. Reason for Termination

9a. All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. *Date final stabilization completed (month/year): _____

9b. Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR _____

(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? yes no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? yes no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued**

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? yes no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- For post-construction stormwater management practices that are privately owned, a mechanism is 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.
- For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____
(acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? yes
 no
(If Yes, complete section VI - "MS4 Acceptance" statement)

V. Additional Information/Explanation:
(Use this section to answer questions 9c. and 10b., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:

Title/Position:

Signature:

Date:

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. 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.

Printed Name:

Title/Position:

Signature:

Date:

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. 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.

Printed Name:

Title/Position:

Signature:

Date:

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. 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.

Printed Name:

Title/Position:

Signature:

Date:

(NYS DEC Notice of Termination - January 2015)



Owner/Operator Certification Form

SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-20-001)

Project/Site Name: _____

eNOI Submission Number: _____

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



SWPPP Preparer Certification Form

*SPDES General Permit for Stormwater
Discharges From Construction Activity
(GP-0-20-001)*

Project Site Information Project/Site Name

Owner/Operator Information Owner/Operator (Company Name/Private Owner/Municipality Name)

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.

First name

MI

Last Name

Signature

Date



APPENDIX B
NYSDEC State Pollutant Discharge
Elimination System (SPDES) General
Permit No. GP-0-20-001



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

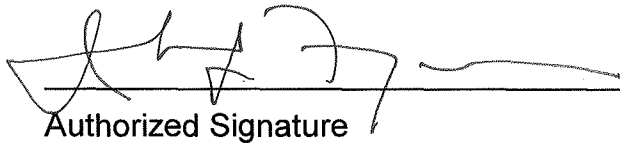
Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator



Authorized Signature

1-23-20
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**

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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

Discharges 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 discharges*;
 - (ii) Control stormwater *discharges*, 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 *discharges* from the site;
 - (vi) Provide and maintain *natural buffers* around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, 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.** *Discharges* from *dewatering* activities, including *discharges* 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 *discharges* 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 *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.

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 *discharges* 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 *discharges* 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 *discharges* 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 *discharges* 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 *discharges*; 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 *discharges* 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. *Discharges* after *construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* 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 *discharges* 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 *discharges* 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. *Discharges 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 not 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 not 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 *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 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

- I. 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 sources*. 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 sources*, 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

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</p> <ul style="list-style-type: none">• Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> 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 <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E• Construction of a barn or other <i>agricultural building</i>, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <p>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.</p>
<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none">• 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

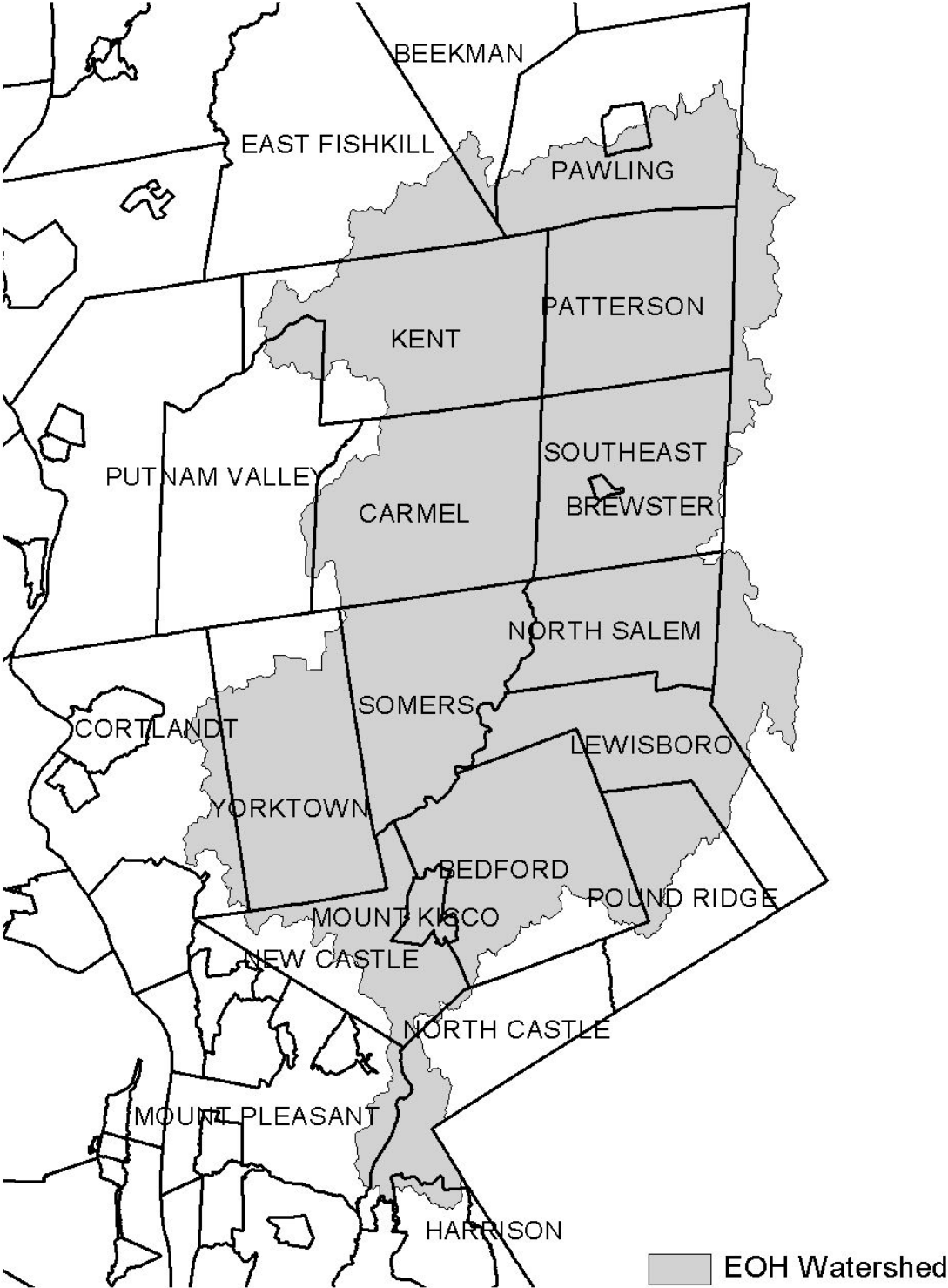


Figure 2 - Onondaga Lake Watershed



Figure 3 - Greenwood Lake Watershed

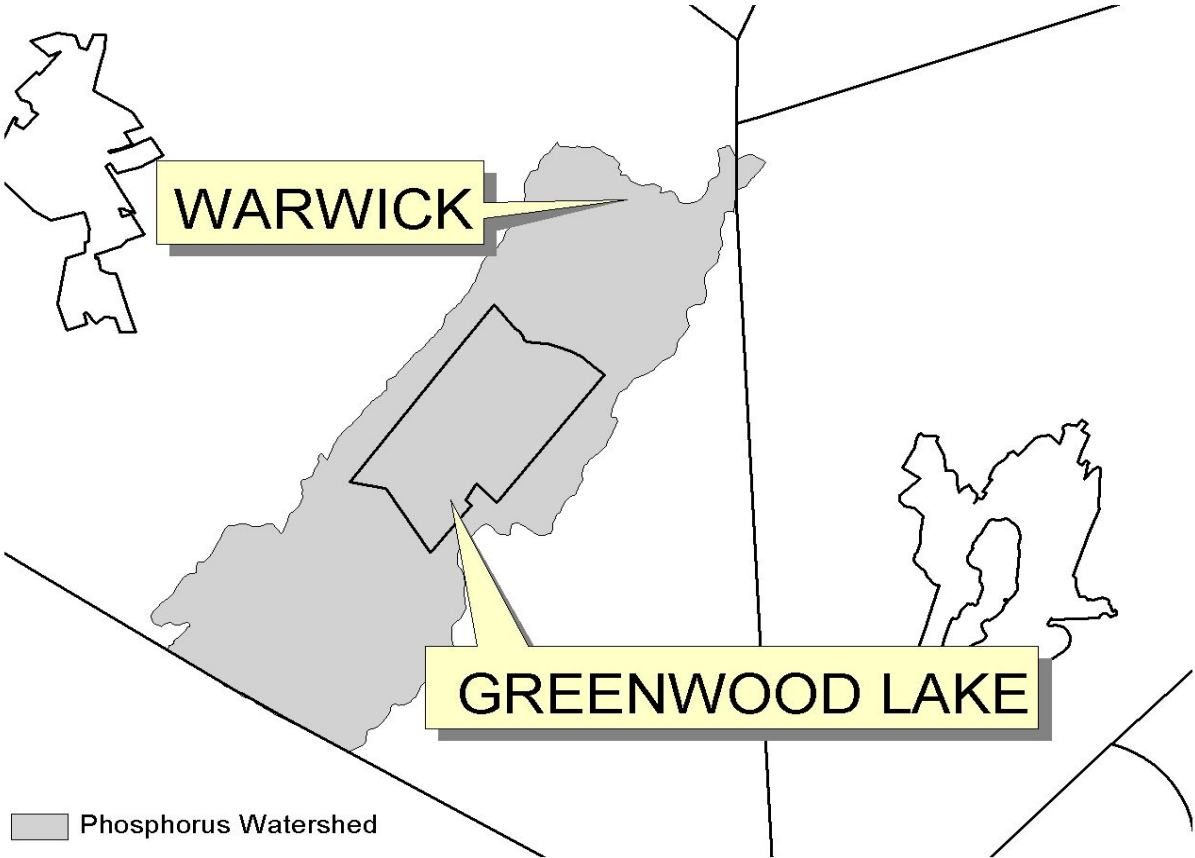


Figure 4 - Oscawana Lake Watershed

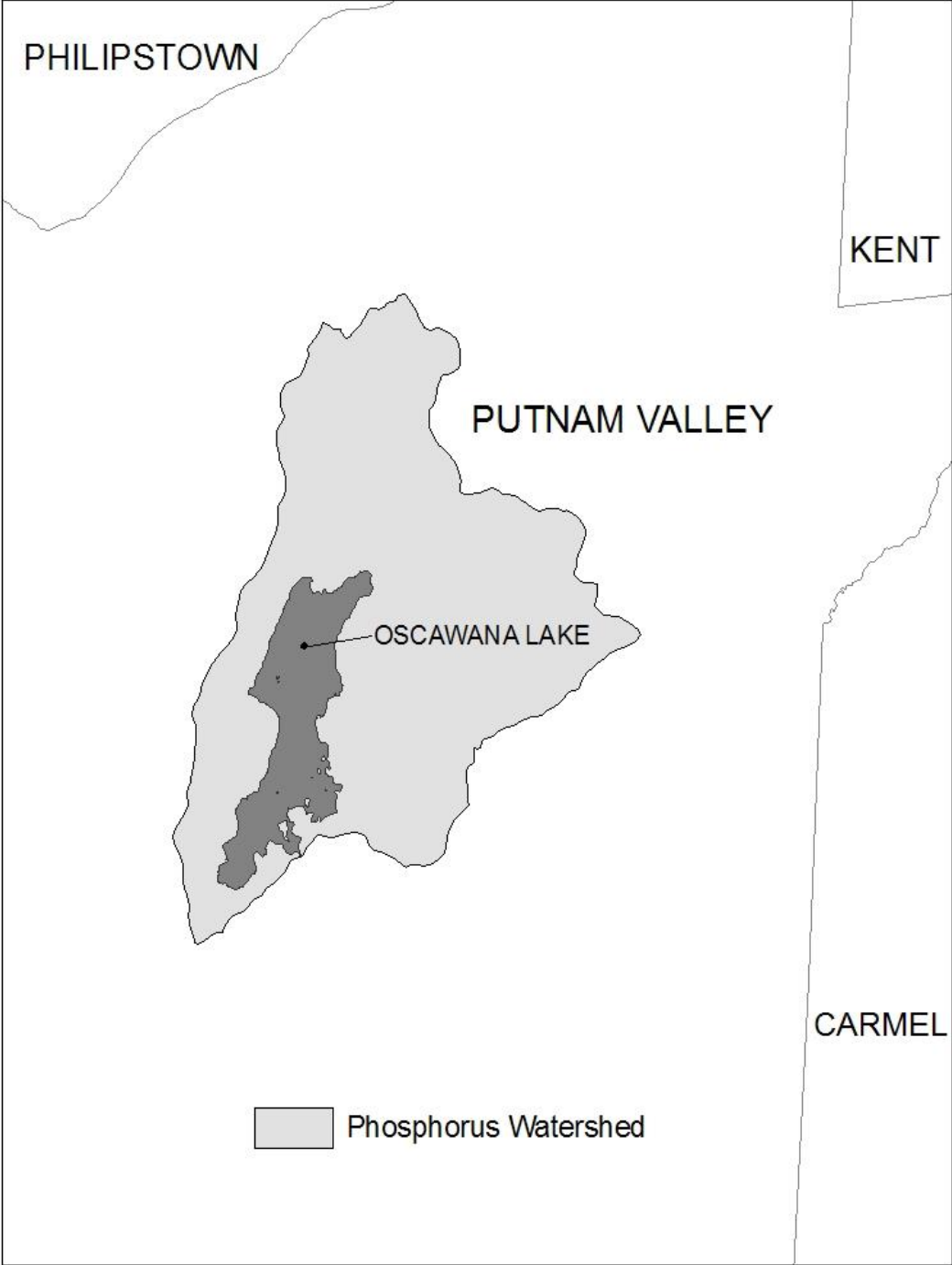
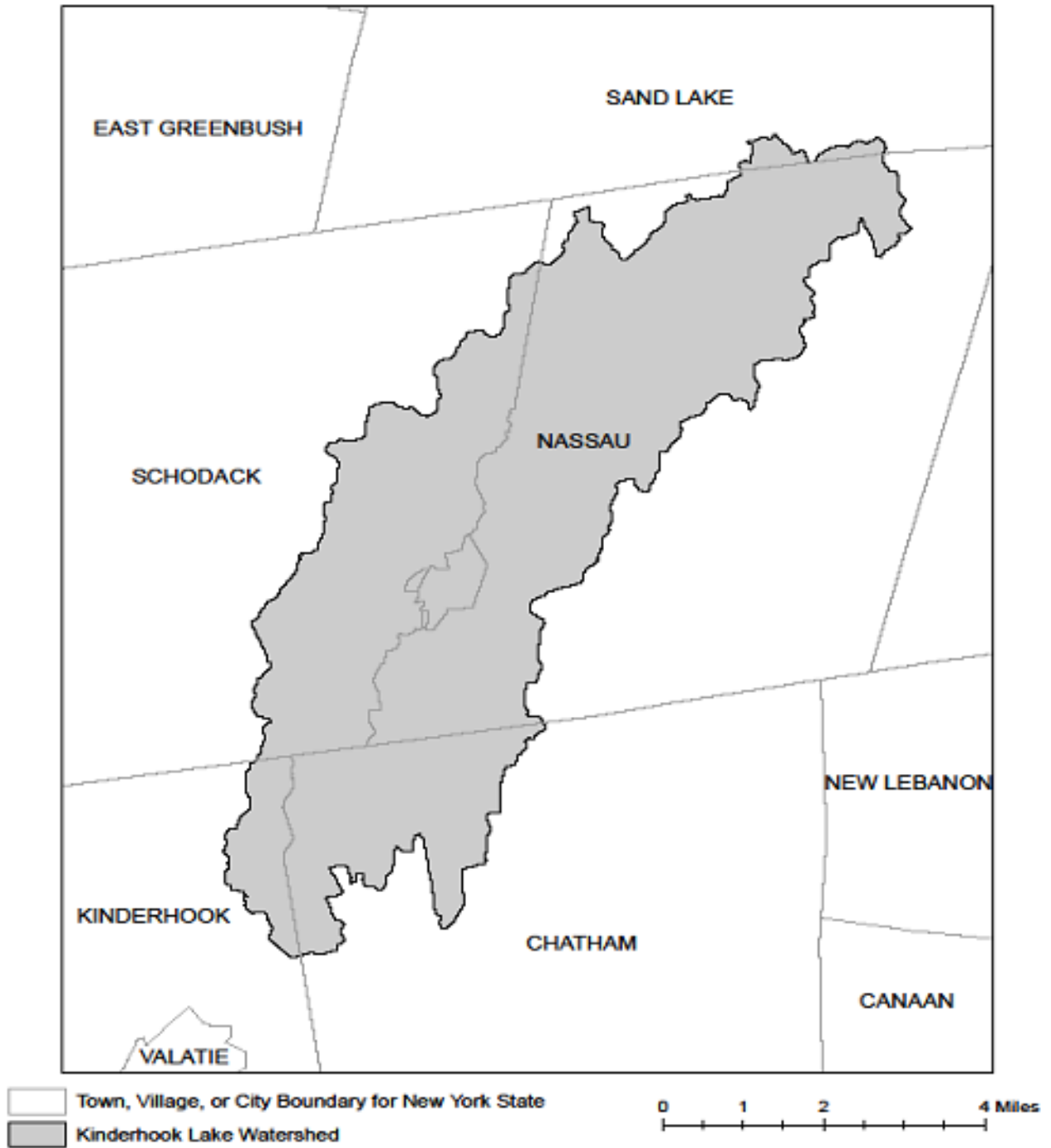


Figure 5 - Kinderhook Lake Watershed



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

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
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 C


Agency Correspondence

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505
P: (518) 402-8111 | F: (518) 402-9029
www.dec.ny.gov

MEMORANDUM

TO: Regional Water Engineers

FROM: Robert Wither, Chief, South Permit Section 

SUBJECT: Solar Panel Construction Stormwater Permitting/SWPPP Guidance

DATE: April 5, 2018

Issue

The Department is seeing an increase in the number of solar panel construction projects across New York State. This has resulted in an increase in the number of questions on Construction General Permit (CGP) and Stormwater Pollution Prevention Plan (SWPPP) requirements from design professionals because the current CGP (GP-0-15-002) does not include a specific reference to the SWPPP requirements for solar panel projects in Tables 1 and 2 of Appendix B. To address this issue, the Division of Water (DOW) has developed the following guidance on CGP/SWPPP requirements for the different types of solar panel projects.

Scenario 1

The DOW considers solar panel projects designed and constructed in accordance with the following criteria to be a “*Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields)*” type project as listed in Table 1, Appendix B of the CGP. Therefore, the SWPPP for this type of project will typically just need to address erosion and sediment controls.

1. Solar panels are constructed on post or rack systems and elevated off the ground surface,
2. The panels are spaced apart so that rain water can flow off the down gradient side of the panel and continue as sheet flow across the ground surface*,
3. For solar panels constructed on slopes, the individual rows of solar panels are generally installed along the contour so rain water sheet flows down slope*,
4. The ground surface below the panels consist of a well-established vegetative cover (see “Final Stabilization” definition in Appendix A of the CGP),
5. The project does not include the construction of any traditional impervious areas (i.e. buildings, substation pads, gravel access roads or parking areas, etc.),
6. Construction of the solar panels will not alter the hydrology from pre-to post development conditions (see Appendix A of the CGP, for definition of “Alter the hydrology...”). Note: The design professional shall perform the necessary site assessment/hydrology analysis to make this determination.

*Refer to Maryland's "Stormwater Design Guidance- Solar Panel Installations" attached for guidance on panel installation.

**See notes below for additional criteria.

Scenario 2

If the design and construction of the solar panels meets all the criteria above, except for item 6, the project will fall under the "*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*" project type as listed in Table 2, Appendix B of the CGP. Therefore, the SWPPP for this type of project must address post-construction stormwater practices designed in accordance with the sizing criteria in Chapter 4 of the NYS Stormwater Management Design Manual, dated January 2015 (Note: Chapter 10 for projects in NYC EOH Watershed). The Water Quality Volume (WQv)/Runoff Reduction Volume (RRv) sizing criteria can be addressed by designing and constructing the solar panels in accordance with the criteria in items 1 – 4 above, however, the quantity control sizing criteria (Cpv, Qp and Qf) from Chapter 4 (or 10) of the Design Manual must still be addressed, unless one of the waiver criteria from Chapter 4 can be applied. **See notes below for additional criteria.

**** Notes**

- **Item 1:** For solar panel projects where the panels are mounted directly to the ground (i.e. no space below panel to allow for infiltration of runoff), the SWPPP must address post-construction stormwater management controls designed in accordance with the sizing criteria in Chapter 4 of the NYS Stormwater Management Design Manual, dated January 2015 (Note: Chapter 10 for projects in NYC EOH Watershed).

- **Item 5:** For solar panel projects that include the construction of traditional impervious areas (i.e. buildings, substation pads, gravel access roads or parking areas, etc.), the SWPPP must address post-construction stormwater management controls for those areas of the project. This applies to both Scenario 1 and 2 above.

cc: Carol Lamb-Lafay, BWP
Dave Gasper, BWP

Nationwide Permit 51 - Land-Based Renewable Energy Generation Facilities

Effective Date: March 19, 2017; Expiration Date: March 18, 2022

(NWP Final Notice, 82 FR 1860)

Nationwide Permit 51 - Land-Based Renewable Energy Generation Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.

Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove utility lines and/or road crossings, then NWP 12 and/or NWP 14 shall be used if those activities meet the terms and conditions of NWPs 12 and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

A. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/ or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights

and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. **Management of Water Flows.** To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species.

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If preconstruction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district

engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable

measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the

Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require preconstruction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require preconstruction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed

through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee- responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee responsible mitigation may be environmentally preferable if there are no mitigation banks or in- lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization

authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3- acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a preconstruction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of

wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP's, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

B. District Engineer's Decision.

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWP's 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP

activity will result in only minimal individual and cumulative adverse environmental effects. For those NWP's that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWP's 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2- acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWP's 21, 49, and 50), with activity specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual

or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

C. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

D. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined

at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWP, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Preconstruction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where preconstruction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Reestablishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Reestablishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines.

Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization. Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored

floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of “waterbodies” include streams, rivers, lakes, ponds, and wetlands.

ADDITIONAL INFORMATION

Information about the U.S. Army Corps of Engineers regulatory program, including nationwide permits, may also be accessed at <http://www.swt.usace.army.mil/Missions/Regulatory.aspx> or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>



Stormwater Design Guidance – Solar Panel Installations

Revisions to Maryland's stormwater management regulations in 2010 require that environmental site design (ESD) be used to the maximum extent practicable (MEP) to mimic natural hydrology, reduce runoff to reflect forested wooded conditions, and minimize the impact of land development on water resources. This applies to any residential, commercial, industrial, or institutional development where more than 5,000 square feet of land area is disturbed. Consequently, stormwater management must be addressed even when permeable features like solar panel installations exceed 5,000 square feet of land disturbance.

Depending on local soil conditions and proposed imperviousness, the amount of rainfall that stormwater requirements are based on varies from 1.0 to 2.6 inches. However, addressing stormwater management does not mean that structural or micro-scale practices must be constructed to capture and treat large volumes of runoff. Using nonstructural techniques like disconnecting impervious cover reduces runoff by promoting overland filtering and infiltration. Commonly used with smaller or narrower impervious areas like driveways or open roads, the Disconnection of Non-Rooftop Runoff technique (see pp. 5.61 to 5.65 of the **2000 Maryland Stormwater Design Manual**¹) is a low cost alternative for treating runoff in situations like rows of solar panels.

When non-rooftop disconnection is used to treat runoff, the following factors should be considered:

- The vegetated area receiving runoff must be equal to or greater in length than the disconnected surface (e.g., width of the row of solar panels)
- Runoff must sheet flow onto and across vegetated areas to maintain the disconnection
- Disconnections should be located on gradual slopes ($\leq 5\%$) to maintain sheetflow. Level spreaders, terraces, or berms may be used to maintain sheetflow conditions if the average slope is steeper than 5%. However, installations on slopes greater than 10% will require an engineered plan that ensures adequate treatment and the safe and non-erosive conveyance of runoff to the property line or downstream stormwater management practice.
- Disconnecting impervious surfaces works best in undisturbed soils. To minimize disturbance and compaction, construction vehicles and equipment should avoid areas used for disconnection during installation of the solar panels.
- Groundcover vegetation must be maintained in good condition in those areas receiving disconnected runoff. Typically this maintenance is no different than other lawn or landscaped areas. However, areas receiving runoff should be protected (e.g., planting shrubs or trees along the perimeter) from future compaction.

Depending on the layout and number of panels installed, the disconnection of non-rooftop runoff technique may address some or all of the stormwater management requirements for an individual project. Where the imperviousness is high or there is other infrastructure (e.g., access roads, transformers), additional runoff may need to be treated. In these situations, other ESD techniques or micro-scale practices may be needed to provide stormwater management for these features.

Example 1 – Using Non-Rooftop Disconnection Where the Average Slope $\leq 5\%$

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope does not exceed 5%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed according to Figure 1 below. In this scenario, the disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). Therefore, each row of panels is adequately disconnected and the runoff from 1.0 inch of rainfall is treated.

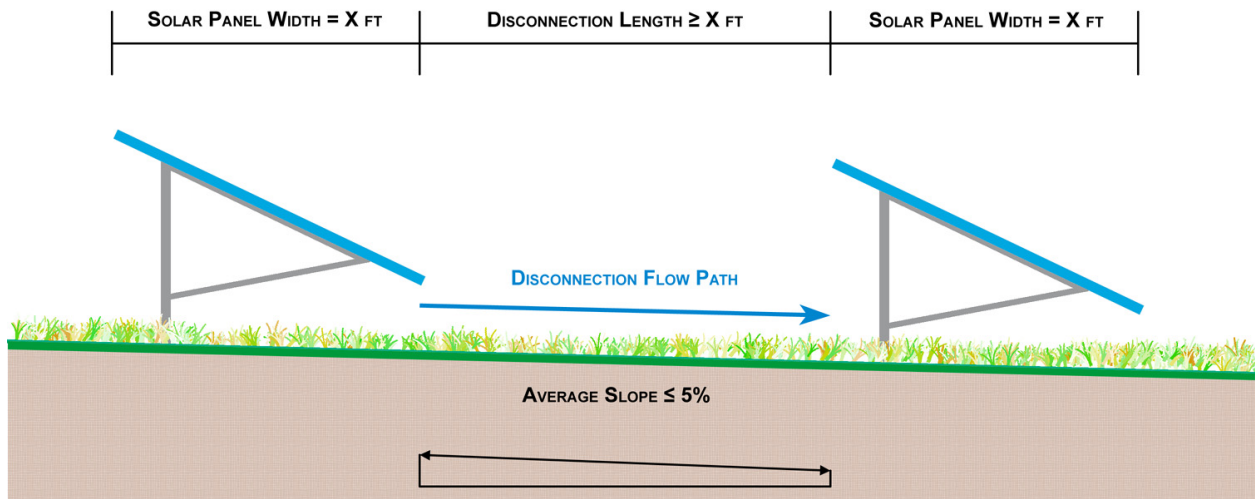


Figure 1. Typical Installation - Slope $\leq 5\%$

Example 2 – Using Non-Rooftop Disconnection Where the Average Slope $\geq 5\%$ but $\leq 10\%$

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope is greater than 5% but less than 10%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed as shown in Figure 2 below. The disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). However, in this example, a level spreader (typically 1 to 2-foot wide and 1 foot deep) has been located at the drip edge of each row of panels to dissipate energy and maintain sheetflow.

Discussion

To meet State and local stormwater management requirements, ESD must be used to the MEP to reduce runoff to reflect forested conditions. While all reasonable options for implementing ESD must be investigated, minimally, the runoff from 1 inch of rainfall must be treated. In each of the examples above, there may be additional opportunities to implement ESD techniques or practices and reduce runoff that should be explored. However, simply disconnecting the runoff from the solar panel arrays captures and treats the runoff from 1.0 inch of rainfall. Where imperviousness is low and soil conditions less optimal (e.g., HSG C or D), this may be sufficient to completely address stormwater management requirements. In more dense applications or in sandy soils, additional stormwater management may be required.

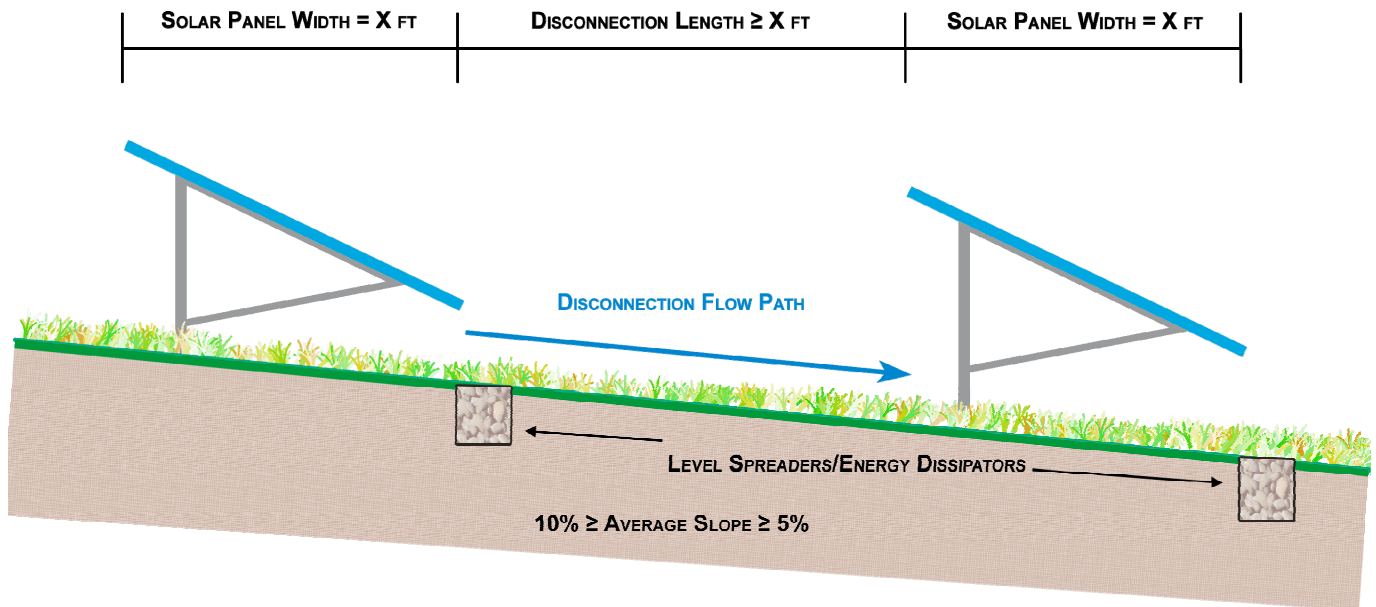


Figure 2. Typical Installation – Slope $\geq 5\%$ but $\leq 10\%$

Conclusion

The primary purpose of Maryland's stormwater management program is to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Any land development project that exceeds 5,000 square feet of disturbance, including solar panel projects, must address stormwater management. However, for solar panels, stormwater management may be provided in a cost-effective manner by disconnecting each row of panels and directing runoff over the vegetated areas between the individual rows.

Resources

¹ [2000 Maryland Stormwater Design Manual, Volumes I and II](http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/MarylandStormwaterDesignManual/Pages/Programs/WaterPrograms/SedimentandStormwater/stormwater_design/index.aspx), MDE, October 2000
 (http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/MarylandStormwaterDesignManual/Pages/Programs/WaterPrograms/SedimentandStormwater/stormwater_design/index.aspx)



APPENDIX D

USDA NRCS Web Soil Survey



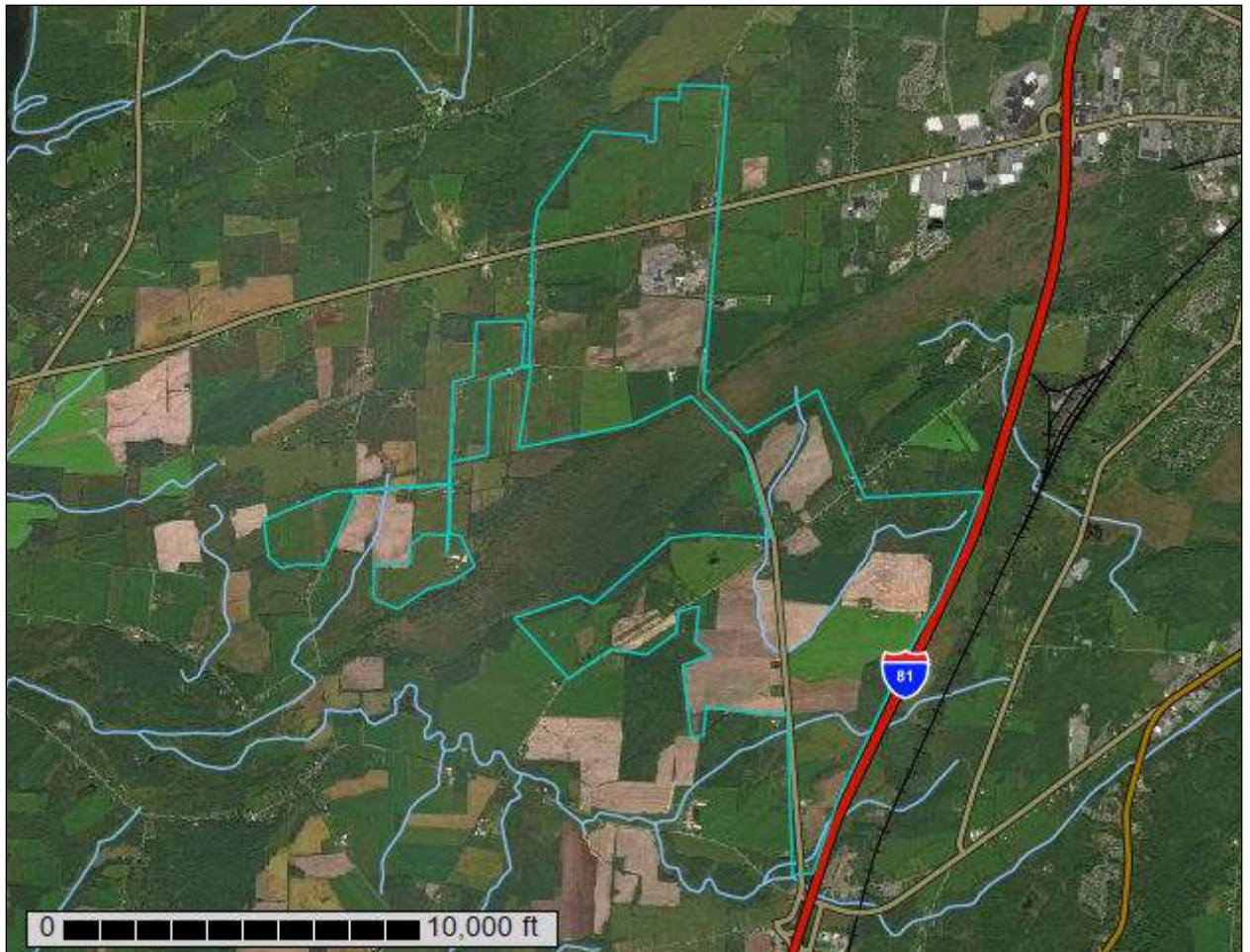
United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Jefferson County, New York



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map




The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

MAP LEGEND




















Area of Interest (AOI)





Area of Interest (AOI)

Soils


-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


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.

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: Jefferson County, New York
 Survey Area Data: Version 20, 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: Dec 31, 2009—Apr 1, 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.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AmA	Amenia loam, 0 to 3 percent slopes	3.3	0.1%
AmB	Amenia loam, 3 to 8 percent slopes	4.2	0.2%
BfF	Benson channery silt loam, very rocky, 25 to 50 percent slopes	8.4	0.3%
BgB	Benson-Galoo complex, very rocky, 0 to 8 percent slopes	80.2	3.0%
BoA	Bombay loam, 0 to 3 percent slopes	13.8	0.5%
BoB	Bombay loam, 3 to 8 percent slopes	13.0	0.5%
Ca	Canandaigua silt loam	79.5	3.0%
Cb	Canandaigua mucky silt loam	95.5	3.6%
CIA	Chaumont silty clay, 0 to 3 percent slopes	54.4	2.0%
CIB	Chaumont silty clay, 3 to 8 percent slopes	12.8	0.5%
CnB	Collamer silt loam, 3 to 8 percent slopes	442.0	16.6%
CnC	Collamer silt loam, 8 to 15 percent slopes	79.3	3.0%
CoB	Collamer silt loam, bedrock substratum, 3 to 8 percent slopes	5.6	0.2%
FaB	Farmington loam, 0 to 8 percent slopes	376.2	14.2%
Fu	Fluvaquents-Udfluvents complex, frequently flooded	0.2	0.0%
GaB	Galen fine sandy loam, 3 to 8 percent slopes	0.8	0.0%
GIA	Galway silt loam, 0 to 3 percent slopes	118.0	4.4%
GIB	Galway silt loam, 3 to 8 percent slopes	134.9	5.1%
GmC	Galway very stony silt loam, 0 to 15 percent slopes	35.2	1.3%
Gv	Guffin clay	44.2	1.7%
HuB	Hudson silt loam, 3 to 8 percent slopes	34.5	1.3%
Ju	Junius loamy fine sand	2.3	0.1%
Ma	Madalin silt loam, 0 to 3 percent slopes	4.2	0.2%

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Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
MdB	Madrid sandy loam, 3 to 8 percent slopes	110.2	4.1%
MdC	Madrid sandy loam, 8 to 15 percent slopes	79.8	3.0%
MdD	Madrid sandy loam, 15 to 25 percent slopes	19.2	0.7%
MoB	Massena silt loam, 3 to 8 percent slopes	0.7	0.0%
Mv	Minoa fine sandy loam	5.8	0.2%
NIB	Nellis loam, 3 to 8 percent slopes	11.8	0.4%
NIC	Nellis loam, 8 to 15 percent slopes	7.9	0.3%
NmE	Nellis and Madrid soils, 25 to 50 percent slopes	4.9	0.2%
Nn	Newstead silt loam	84.5	3.2%
NoA	Niagara silt loam, 0 to 3 percent slopes	308.1	11.6%
NoB	Niagara silt loam, 3 to 8 percent slopes	129.6	4.9%
Pa	Palms muck	23.4	0.9%
Pn	Pits, sand and gravel	2.8	0.1%
PoB	Plainfield sand, 0 to 8 percent slopes	25.5	1.0%
RhA	Rhinebeck silt loam, 0 to 3 percent slopes	11.0	0.4%
RhB	Rhinebeck silt loam, 3 to 8 percent slopes	3.4	0.1%
Te	Teel silt loam	10.3	0.4%
W	Water	1.2	0.0%
WnB	Wilpoint silty clay loam, 3 to 8 percent slopes	169.9	6.4%
WnC	Wilpoint silty clay loam, 8 to 15 percent slopes	0.2	0.0%
WoB	Windsor loamy fine sand, 0 to 8 percent slopes	2.6	0.1%
Totals for Area of Interest		2,655.5	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named

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according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

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An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Jefferson County, New York

AmA—Amenia loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 9slp
Elevation: 250 to 1,230 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Amenia and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Amenia

Setting

Landform: Till plains, drumlinoid ridges, hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Calcareous loamy till

Typical profile

H1 - 0 to 9 inches: loam
H2 - 9 to 19 inches: loam
H3 - 19 to 60 inches: gravelly fine sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 20 to 36 inches to densic material
Natural drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: D
Ecological site: Moist Till Upland (F142XB013NY)
Hydric soil rating: No

Minor Components

Lowville

Percent of map unit: 5 percent
Hydric soil rating: No

Massena

Percent of map unit: 5 percent
Hydric soil rating: No

Nellis

Percent of map unit: 5 percent
Hydric soil rating: No

Galway

Percent of map unit: 3 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 2 percent
Hydric soil rating: Yes

AmB—Amenia loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9slq
Elevation: 250 to 1,310 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Amenia and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Amenia

Setting

Landform: Till plains, drumlinoid ridges, hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Calcareous loamy till

Typical profile

H1 - 0 to 9 inches: loam
H2 - 9 to 19 inches: loam
H3 - 19 to 60 inches: gravelly fine sandy loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 20 to 36 inches to densic material
Natural drainage class: Moderately well drained

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Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Depth to water table: About 18 to 36 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2e

Hydrologic Soil Group: D

Ecological site: Moist Till Upland (F142XB013NY)

Hydric soil rating: No

Minor Components

Nellis

Percent of map unit: 5 percent

Hydric soil rating: No

Lowville

Percent of map unit: 5 percent

Hydric soil rating: No

Massena

Percent of map unit: 5 percent

Hydric soil rating: No

Galway

Percent of map unit: 3 percent

Hydric soil rating: No

Unnamed soils

Percent of map unit: 2 percent

Hydric soil rating: Yes

BfF—Benson channery silt loam, very rocky, 25 to 50 percent slopes

Map Unit Setting

National map unit symbol: 9slx

Elevation: 90 to 1,000 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Not prime farmland

Map Unit Composition

Benson and similar soils: 75 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Benson

Setting

Landform: Benches, ridges, till plains

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Channery loamy till underlain by limestone or calcareous shale

Typical profile

H1 - 0 to 3 inches: channery silt loam

H2 - 3 to 12 inches: extremely channery loam

H3 - 12 to 16 inches: unweathered bedrock

Properties and qualities

Slope: 25 to 50 percent

Depth to restrictive feature: 10 to 20 inches to lithic bedrock

Natural drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 1 percent

Available water storage in profile: Very low (about 1.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: D

Ecological site: Shallow Rich Till Upland (F142XB010NY)

Hydric soil rating: No

Minor Components

Rock outcrop

Percent of map unit: 8 percent

Hydric soil rating: Unranked

Galoo

Percent of map unit: 8 percent

Hydric soil rating: No

Farmington

Percent of map unit: 7 percent

Hydric soil rating: No

Unnamed soils, stones on surface

Percent of map unit: 2 percent

Hydric soil rating: No

BgB—Benson-Galoo complex, very rocky, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9sly
Elevation: 90 to 1,250 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Benson and similar soils: 55 percent
Galoo and similar soils: 35 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Benson

Setting

Landform: Till plains, benches, ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Channery loamy till underlain by limestone or calcareous shale

Typical profile

H1 - 0 to 3 inches: channery silt loam
H2 - 3 to 12 inches: extremely channery loam
H3 - 12 to 16 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Natural drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 1 percent
Available water storage in profile: Very low (about 1.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: D
Ecological site: Shallow Rich Till Upland (F142XB010NY)
Hydric soil rating: No

Description of Galoo

Setting

Landform: Benches, ridges, till plains

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: A thin layer of loamy till that overlies limestone or calcareous sandstone bedrock

Typical profile

H1 - 0 to 4 inches: silt loam

H2 - 4 to 7 inches: channery silt loam

H3 - 7 to 11 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 8 percent

Depth to restrictive feature: 2 to 10 inches to lithic bedrock

Natural drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 1 percent

Available water storage in profile: Very low (about 1.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: D

Ecological site: Shallow Rich Till Upland (F142XB010NY)

Hydric soil rating: No

Minor Components

Rock outcrop

Percent of map unit: 5 percent

Hydric soil rating: Unranked

Farmington

Percent of map unit: 2 percent

Hydric soil rating: No

Unnamed soils

Percent of map unit: 1 percent

Hydric soil rating: No

Galway

Percent of map unit: 1 percent

Hydric soil rating: No

Newstead

Percent of map unit: 1 percent

Hydric soil rating: No

BoA—Bombay loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 9smd
Elevation: 310 to 1,250 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Bombay and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bombay

Setting

Landform: Till plains, drumlinoid ridges, hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Loamy till derived mainly from sandstone and limestone

Typical profile

H1 - 0 to 8 inches: loam
H2 - 8 to 17 inches: gravelly loam
Bt - 17 to 39 inches: gravelly fine sandy loam
C - 39 to 65 inches: gravelly fine sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 15 to 24 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Moderate (about 7.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: C/D
Ecological site: Moist Till Upland (F142XB013NY)
Hydric soil rating: No

Minor Components

Madrid

Percent of map unit: 5 percent
Hydric soil rating: No

Unnamed soils, wet areas and stony areas

Percent of map unit: 4 percent
Hydric soil rating: Yes

Niagara

Percent of map unit: 4 percent
Hydric soil rating: No

Collamer

Percent of map unit: 4 percent
Hydric soil rating: No

Galway

Percent of map unit: 3 percent
Hydric soil rating: No

BoB—Bombay loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9smf
Elevation: 260 to 1,280 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Bombay and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bombay

Setting

Landform: Hills, till plains, drumlinoid ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Loamy till derived mainly from sandstone and limestone

Typical profile

H1 - 0 to 8 inches: loam
H2 - 8 to 17 inches: gravelly loam
Bt - 17 to 39 inches: gravelly fine sandy loam

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C - 39 to 65 inches: gravelly fine sandy loam

Properties and qualities

Slope: 3 to 8 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: About 15 to 24 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Moderate (about 7.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2e

Hydrologic Soil Group: C/D

Ecological site: Moist Till Upland (F142XB013NY)

Hydric soil rating: No

Minor Components

Madrid

Percent of map unit: 5 percent

Hydric soil rating: No

Collamer

Percent of map unit: 4 percent

Hydric soil rating: No

Niagara

Percent of map unit: 4 percent

Hydric soil rating: No

Unnamed soils, wet areas and stony areas

Percent of map unit: 4 percent

Hydric soil rating: Yes

Galway

Percent of map unit: 3 percent

Hydric soil rating: No

Ca—Canandaigua silt loam

Map Unit Setting

National map unit symbol: 9smk

Elevation: 100 to 1,000 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Canandaigua and similar soils: 75 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Canandaigua

Setting

Landform: Depressions

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Concave

Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 10 inches: silt loam

H2 - 10 to 58 inches: silt loam

H3 - 58 to 72 inches: silty clay loam

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: About 0 to 6 inches

Frequency of flooding: None

Frequency of ponding: None

Available water storage in profile: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: C/D

Ecological site: Wet Lake Plain Depression (F101XY010NY)

Hydric soil rating: Yes

Minor Components

Niagara

Percent of map unit: 9 percent

Hydric soil rating: No

Minoa

Percent of map unit: 6 percent

Hydric soil rating: No

Lamson

Percent of map unit: 5 percent

Landform: Depressions

Hydric soil rating: Yes

Collamer

Percent of map unit: 5 percent

Hydric soil rating: No

Cb—Canandaigua mucky silt loam

Map Unit Setting

National map unit symbol: 9sml
Elevation: 100 to 1,000 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Canandaigua and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Canandaigua

Setting

Landform: Depressions
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 10 inches: silt loam
H2 - 10 to 58 inches: silt loam
H3 - 58 to 72 inches: silty clay loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water storage in profile: Very high (about 13.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: C/D
Ecological site: Wet Lake Plain Depression (F101XY010NY)
Hydric soil rating: Yes

Minor Components

Canandaigua, poorly drained

Percent of map unit: 10 percent
Landform: Depressions
Hydric soil rating: Yes

Niagara

Percent of map unit: 5 percent
Hydric soil rating: No

Lamson

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Minoa

Percent of map unit: 5 percent
Hydric soil rating: No

CIA—Chaumont silty clay, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 9sms
Elevation: 250 to 1,020 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Chaumont and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Chaumont

Setting

Landform: Lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Clayey glaciolacustrine deposits or glaciomarine deposits

Typical profile

H1 - 0 to 5 inches: silty clay
H2 - 5 to 11 inches: clay
H3 - 11 to 22 inches: clay
H4 - 22 to 27 inches: silty clay
H5 - 27 to 31 inches: unweathered bedrock

Custom Soil Resource Report

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: 20 to 40 inches to lithic bedrock

Natural drainage class: Somewhat poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)

Depth to water table: About 6 to 18 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Low (about 3.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: D

Hydric soil rating: No

Minor Components

Covington

Percent of map unit: 5 percent

Landform: Depressions

Hydric soil rating: Yes

Kingsbury

Percent of map unit: 5 percent

Hydric soil rating: No

Wilpoint

Percent of map unit: 5 percent

Hydric soil rating: No

Guffin

Percent of map unit: 5 percent

Landform: Depressions

Hydric soil rating: Yes

Unnamed soils, rock outcrop and fragments

Percent of map unit: 3 percent

Livingston

Percent of map unit: 2 percent

Landform: Depressions

Hydric soil rating: Yes

CIB—Chaumont silty clay, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9smt

Elevation: 250 to 950 feet

Mean annual precipitation: 33 to 50 inches

Custom Soil Resource Report

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Chaumont and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Chaumont

Setting

Landform: Lake plains

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Linear

Parent material: Clayey glaciolacustrine deposits or glaciomarine deposits

Typical profile

H1 - 0 to 5 inches: silty clay

H2 - 5 to 11 inches: clay

H3 - 11 to 22 inches: clay

H4 - 22 to 27 inches: silty clay

H5 - 27 to 31 inches: unweathered bedrock

Properties and qualities

Slope: 3 to 8 percent

Depth to restrictive feature: 20 to 40 inches to lithic bedrock

Natural drainage class: Somewhat poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)

Depth to water table: About 6 to 18 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Low (about 3.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: D

Hydric soil rating: No

Minor Components

Kingsbury

Percent of map unit: 5 percent

Hydric soil rating: No

Wilpoint

Percent of map unit: 5 percent

Hydric soil rating: No

Unnamed soils, rock fragments and rock outcrops

Percent of map unit: 3 percent

Covington

Percent of map unit: 3 percent
Landform: Depressions
Hydric soil rating: Yes

Guffin

Percent of map unit: 2 percent
Landform: Depressions
Hydric soil rating: Yes

Livingston

Percent of map unit: 2 percent
Landform: Depressions
Hydric soil rating: Yes

CnB—Collamer silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9smx
Elevation: 250 to 1,080 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Collamer and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Collamer

Setting

Landform: Lake plains
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 18 inches: silt loam
H3 - 18 to 32 inches: silty clay loam
H4 - 32 to 60 inches: stratified silt loam to very fine sand to clay

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained

Custom Soil Resource Report

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)

Depth to water table: About 18 to 24 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2e

Hydrologic Soil Group: C/D

Ecological site: Moist Lake Plain (F101XY009NY)

Hydric soil rating: No

Minor Components

Unnamed soils, clayey surface texture and sandy areas

Percent of map unit: 10 percent

Hydric soil rating: No

Niagara

Percent of map unit: 8 percent

Hydric soil rating: No

Canandaigua

Percent of map unit: 2 percent

Landform: Depressions

Hydric soil rating: Yes

CnC—Collamer silt loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 9smv

Elevation: 250 to 720 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Collamer and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Collamer

Setting

Landform: Lake plains

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Custom Soil Resource Report

Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 18 inches: silt loam
H3 - 18 to 32 inches: silty clay loam
H4 - 32 to 60 inches: stratified silt loam to very fine sand to clay

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)
Depth to water table: About 18 to 24 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C/D
Ecological site: Moist Lake Plain (F101XY009NY)
Hydric soil rating: No

Minor Components

Unnamed soils, clay surface layer and sandy areas

Percent of map unit: 10 percent
Hydric soil rating: No

Niagara

Percent of map unit: 8 percent
Hydric soil rating: No

Canandaigua

Percent of map unit: 2 percent
Landform: Depressions
Hydric soil rating: Yes

CoB—Collamer silt loam, bedrock substratum, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9sn0
Elevation: 250 to 660 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days

Custom Soil Resource Report

Farmland classification: All areas are prime farmland

Map Unit Composition

Collamer, bedrock substratum, and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Collamer, Bedrock Substratum

Setting

Landform: Lake plains

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Convex

Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 8 inches: silt loam

H2 - 8 to 18 inches: silt loam

H3 - 18 to 32 inches: silty clay loam

H4 - 32 to 48 inches: stratified silt loam to very fine sand to clay

H5 - 48 to 52 inches: unweathered bedrock

Properties and qualities

Slope: 3 to 8 percent

Depth to restrictive feature: 40 to 60 inches to lithic bedrock

Natural drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.57 in/hr)

Depth to water table: About 18 to 24 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Moderate (about 8.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2e

Hydrologic Soil Group: C/D

Ecological site: Moist Lake Plain (F101XY009NY)

Hydric soil rating: No

Minor Components

Unnamed soils, stony areas, wet spots, sand spots

Percent of map unit: 8 percent

Hydric soil rating: Yes

Niagara

Percent of map unit: 8 percent

Hydric soil rating: No

Collamer

Percent of map unit: 4 percent

Hydric soil rating: No

FaB—Farmington loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9sng

Elevation: 100 to 900 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Farmington and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Farmington

Setting

Landform: Till plains, benches, ridges

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy till or congliturbate derived from limestone, dolomite, shale, and sandstone, and in many places mixed with wind and water deposits

Typical profile

H1 - 0 to 8 inches: loam

H2 - 8 to 19 inches: loam

H3 - 19 to 23 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 8 percent

Depth to restrictive feature: 10 to 20 inches to lithic bedrock

Natural drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 5 percent

Available water storage in profile: Very low (about 2.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3s

Hydrologic Soil Group: D

Ecological site: Shallow Rich Till Upland (F142XB010NY)

Hydric soil rating: No

Minor Components

Benson

Percent of map unit: 5 percent
Hydric soil rating: No

Galway

Percent of map unit: 5 percent
Hydric soil rating: No

Galoo

Percent of map unit: 5 percent
Hydric soil rating: No

Unnamed soils, stony, clayey, sandy areas, wet spots

Percent of map unit: 5 percent
Hydric soil rating: Yes

Fu—Fluvaquents-Udifuluents complex, frequently flooded

Map Unit Setting

National map unit symbol: 9snh
Elevation: 100 to 3,000 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Fluvaquents, frequently flooded, and similar soils: 46 percent
Udifuluents and similar soils: 44 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fluvaquents, Frequently Flooded

Setting

Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Alluvium with highly variable texture

Typical profile

H1 - 0 to 5 inches: mucky silt loam
H2 - 5 to 72 inches: very gravelly sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches

Custom Soil Resource Report

Natural drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high
(0.06 to 5.95 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Frequent
Frequency of ponding: Frequent
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Udifluvents

Setting

Landform: Flood plains
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Alluvium with a wide range of texture

Typical profile

H1 - 0 to 4 inches: gravelly loam
H2 - 4 to 70 inches: very gravelly sand

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very
high (0.06 to 19.98 in/hr)
Depth to water table: About 24 to 72 inches
Frequency of flooding: Frequent
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Low (about 5.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: A
Hydric soil rating: No

Minor Components

Hamlin

Percent of map unit: 3 percent
Hydric soil rating: No

Teel

Percent of map unit: 3 percent
Hydric soil rating: No

Wayland

Percent of map unit: 2 percent
Landform: Flood plains
Hydric soil rating: Yes

Podunk

Percent of map unit: 2 percent
Hydric soil rating: No

GaB—Galen fine sandy loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9snk
Elevation: 250 to 800 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Galen and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Galen

Setting

Landform: Deltas on lake plains
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Deltaic deposits with a high content of fine and very fine sand

Typical profile

H1 - 0 to 8 inches: fine sandy loam
H2 - 8 to 26 inches: fine sandy loam
H3 - 26 to 40 inches: loamy fine sand
H4 - 40 to 60 inches: stratified fine sand to very fine sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 5.95 in/hr)
Depth to water table: About 18 to 24 inches
Frequency of flooding: None
Frequency of ponding: None

Custom Soil Resource Report

Calcium carbonate, maximum in profile: 1 percent
Available water storage in profile: Moderate (about 6.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: A/D
Ecological site: Moist Outwash (F101XY006NY)
Hydric soil rating: No

Minor Components

Arkport

Percent of map unit: 8 percent
Hydric soil rating: No

Deerfield

Percent of map unit: 7 percent
Hydric soil rating: No

Minoa

Percent of map unit: 5 percent
Hydric soil rating: No

GIA—Galway silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 9snn
Elevation: 150 to 1,000 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Galway and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Galway

Setting

Landform: Ridges, till plains, benches
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Calcareous loamy till

Typical profile

H1 - 0 to 9 inches: silt loam
H2 - 9 to 23 inches: gravelly loam

Custom Soil Resource Report

H3 - 23 to 26 inches: very gravelly loam
H4 - 26 to 30 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)
Depth to water table: About 18 to 40 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 25 percent
Available water storage in profile: Low (about 3.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2s
Hydrologic Soil Group: C/D
Ecological site: Rich Till Upland (F142XB012VT)
Hydric soil rating: No

Minor Components

Farmington

Percent of map unit: 5 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 4 percent
Hydric soil rating: Yes

Nellis

Percent of map unit: 3 percent
Hydric soil rating: No

Amenia

Percent of map unit: 3 percent
Hydric soil rating: No

Newstead

Percent of map unit: 3 percent
Hydric soil rating: No

Newstead, poorly drained

Percent of map unit: 2 percent
Hydric soil rating: Yes

GIB—Galway silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9snp
Elevation: 150 to 1,000 feet

Custom Soil Resource Report

Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Galway and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Galway

Setting

Landform: Till plains, benches, ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Calcareous loamy till

Typical profile

H1 - 0 to 9 inches: silt loam
H2 - 9 to 23 inches: gravelly loam
H3 - 23 to 26 inches: very gravelly loam
H4 - 26 to 30 inches: unweathered bedrock

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)
Depth to water table: About 18 to 40 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 25 percent
Available water storage in profile: Low (about 3.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C/D
Ecological site: Rich Till Upland (F142XB012VT)
Hydric soil rating: No

Minor Components

Farmington

Percent of map unit: 5 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 4 percent
Hydric soil rating: No

Newstead

Percent of map unit: 3 percent
Hydric soil rating: No

Nellis

Percent of map unit: 3 percent
Hydric soil rating: No

Amenia

Percent of map unit: 3 percent
Hydric soil rating: No

Newstead, poorly drained

Percent of map unit: 2 percent
Hydric soil rating: Yes

GmC—Galway very stony silt loam, 0 to 15 percent slopes

Map Unit Setting

National map unit symbol: 9snr
Elevation: 250 to 1,210 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Galway, very stony, and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Galway, Very Stony

Setting

Landform: Till plains, benches, ridges
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Calcareous loamy till

Typical profile

H1 - 0 to 9 inches: silt loam
H2 - 9 to 23 inches: gravelly loam
H3 - 23 to 26 inches: very gravelly loam
H4 - 26 to 30 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 15 percent
Percent of area covered with surface fragments: 1.6 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)
Depth to water table: About 18 to 40 inches

Custom Soil Resource Report

Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 25 percent
Available water storage in profile: Low (about 3.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: C/D
Ecological site: Rich Till Upland (F142XB012VT)
Hydric soil rating: No

Minor Components

Benson

Percent of map unit: 4 percent
Hydric soil rating: No

Lowville

Percent of map unit: 3 percent
Hydric soil rating: No

Nellis

Percent of map unit: 3 percent
Hydric soil rating: No

Newstead, poorly drained

Percent of map unit: 2 percent
Hydric soil rating: Yes

Newstead

Percent of map unit: 2 percent
Hydric soil rating: No

Madrid

Percent of map unit: 2 percent
Hydric soil rating: No

Amenia

Percent of map unit: 2 percent
Hydric soil rating: No

Sun

Percent of map unit: 1 percent
Hydric soil rating: Yes

Galoo

Percent of map unit: 1 percent
Hydric soil rating: No

Gv—Guffin clay

Map Unit Setting

National map unit symbol: 9sp0

Custom Soil Resource Report

Elevation: 250 to 800 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Guffin and similar soils: 75 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Guffin

Setting

Landform: Depressions

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Concave

Parent material: Clayey glaciolacustrine deposits or glaciomarine deposits

Typical profile

H1 - 0 to 7 inches: clay

H2 - 7 to 19 inches: clay

H3 - 19 to 22 inches: clay

H4 - 22 to 26 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: 20 to 40 inches to lithic bedrock

Natural drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)

Depth to water table: About 0 to 6 inches

Frequency of flooding: None

Frequency of ponding: Occasional

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Low (about 3.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: D

Ecological site: Wet Clayplain Depression (F142XB007VT)

Hydric soil rating: Yes

Minor Components

Kingsbury

Percent of map unit: 5 percent

Hydric soil rating: No

Chaumont

Percent of map unit: 5 percent

Hydric soil rating: No

Livingston

Percent of map unit: 5 percent

Custom Soil Resource Report

Landform: Depressions
Hydric soil rating: Yes

Covington

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Unnamed soils

Percent of map unit: 3 percent

Wilpoint

Percent of map unit: 2 percent
Hydric soil rating: No

HuB—Hudson silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9spf
Elevation: 300 to 1,800 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Hudson and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hudson

Setting

Landform: Lake plains
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Clayey and silty glaciolacustrine deposits

Typical profile

H1 - 0 to 12 inches: silt loam
H2 - 12 to 16 inches: silty clay loam
H3 - 16 to 59 inches: silty clay
H4 - 59 to 70 inches: silty clay

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Custom Soil Resource Report

Depth to water table: About 18 to 24 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 20 percent
Available water storage in profile: High (about 9.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C/D
Ecological site: Clayplain (F142XB005VT)
Hydric soil rating: No

Minor Components

Unnamed soils, wet spots, sand spots

Percent of map unit: 10 percent
Hydric soil rating: Yes

Rhinebeck

Percent of map unit: 8 percent
Hydric soil rating: No

Madalin

Percent of map unit: 2 percent
Hydric soil rating: Yes

Ju—Junius loamy fine sand

Map Unit Setting

National map unit symbol: 9spp
Elevation: 100 to 650 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Junius, somewhat poorly drained, and similar soils: 50 percent
Junius, poorly drained, and similar soils: 30 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Junius, Somewhat Poorly Drained

Setting

Landform: Deltas on lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear

Custom Soil Resource Report

Parent material: Calcareous sandy glaciolacustrine or deltaic deposits

Typical profile

H1 - 0 to 8 inches: loamy fine sand
H2 - 8 to 26 inches: loamy fine sand
H3 - 26 to 60 inches: stratified sand to fine sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Low (about 4.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: A/D
Hydric soil rating: No

Description of Junius, Poorly Drained

Setting

Landform: Deltas on lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Calcareous sandy glaciolacustrine or deltaic deposits

Typical profile

H1 - 0 to 8 inches: loamy fine sand
H2 - 8 to 26 inches: loamy fine sand
H3 - 26 to 60 inches: stratified sand to fine sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: About 6 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Low (about 4.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Minor Components

Granby

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Deerfield

Percent of map unit: 5 percent
Hydric soil rating: No

Junius, gravelly and cobbly substratum

Percent of map unit: 5 percent
Hydric soil rating: No

Lamson

Percent of map unit: 3 percent
Landform: Depressions
Hydric soil rating: Yes

Minoa

Percent of map unit: 2 percent
Hydric soil rating: No

Ma—Madalin silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2spk0
Elevation: 230 to 930 feet
Mean annual precipitation: 31 to 57 inches
Mean annual air temperature: 41 to 50 degrees F
Frost-free period: 100 to 190 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Madalin and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Madalin

Setting

Landform: Depressions
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Brown clayey glaciolacustrine deposits derived from calcareous shale

Custom Soil Resource Report

Typical profile

Ap - 0 to 8 inches: silt loam
Btg1 - 8 to 16 inches: silty clay loam
Btg2 - 16 to 25 inches: silty clay
Btg3 - 25 to 33 inches: silty clay
C - 33 to 79 inches: stratified silt to clay

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Poorly drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)
Depth to water table: About 0 to 8 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 25 percent
Available water storage in profile: High (about 9.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: C/D
Ecological site: Wet Lake Plain Depression (F101XY010NY)
Hydric soil rating: Yes

Minor Components

Rhinebeck

Percent of map unit: 5 percent
Landform: Lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Hydric soil rating: No

Fonda

Percent of map unit: 4 percent
Landform: Depressions
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

Canandaigua

Percent of map unit: 4 percent
Landform: Depressions
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

Cosad

Percent of map unit: 2 percent
Landform: Lake plains
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Tread
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

MdB—Madrid sandy loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9sq5
Elevation: 260 to 1,230 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Madrid and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Madrid

Setting

Landform: Till plains, drumlinoid ridges, hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy till derived mainly from sandstone and limestone

Typical profile

H1 - 0 to 8 inches: sandy loam
H2 - 8 to 32 inches: sandy loam
H3 - 32 to 38 inches: fine sandy loam
H4 - 38 to 60 inches: gravelly fine sandy loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent

Custom Soil Resource Report

Available water storage in profile: Moderate (about 7.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2e

Hydrologic Soil Group: C

Hydric soil rating: No

Minor Components

Bombay

Percent of map unit: 5 percent

Hydric soil rating: No

Amenia

Percent of map unit: 5 percent

Hydric soil rating: No

Nellis

Percent of map unit: 5 percent

Hydric soil rating: No

Galway

Percent of map unit: 5 percent

Hydric soil rating: No

MdC—Madrid sandy loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 9sq6

Elevation: 260 to 1,260 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Madrid and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Madrid

Setting

Landform: Drumlinoid ridges, hills, till plains

Landform position (two-dimensional): Shoulder

Landform position (three-dimensional): Crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy till derived mainly from sandstone and limestone

Custom Soil Resource Report

Typical profile

H1 - 0 to 8 inches: sandy loam
H2 - 8 to 32 inches: sandy loam
H3 - 32 to 38 inches: fine sandy loam
H4 - 38 to 60 inches: gravelly fine sandy loam

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Moderate (about 7.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Hydric soil rating: No

Minor Components

Nellis

Percent of map unit: 5 percent
Hydric soil rating: No

Amenia

Percent of map unit: 5 percent
Hydric soil rating: No

Galway

Percent of map unit: 5 percent
Hydric soil rating: No

Bombay

Percent of map unit: 5 percent
Hydric soil rating: No

MdD—Madrid sandy loam, 15 to 25 percent slopes

Map Unit Setting

National map unit symbol: 9sq7
Elevation: 260 to 1,310 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Madrid and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Madrid

Setting

Landform: Till plains, drumlinoid ridges, hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy till derived mainly from sandstone and limestone

Typical profile

H1 - 0 to 8 inches: sandy loam

H2 - 8 to 32 inches: sandy loam

H3 - 32 to 38 inches: fine sandy loam

H4 - 38 to 60 inches: gravelly fine sandy loam

Properties and qualities

Slope: 15 to 25 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Moderate (about 7.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4e

Hydrologic Soil Group: C

Hydric soil rating: No

Minor Components

Bombay

Percent of map unit: 5 percent

Hydric soil rating: No

Unnamed soils, stones, boulders on surface

Percent of map unit: 5 percent

Hydric soil rating: No

Nellis

Percent of map unit: 5 percent

Hydric soil rating: No

Lowville

Percent of map unit: 5 percent

Hydric soil rating: No

MoB—Massena silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9sqc
Elevation: 100 to 1,000 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Massena, somewhat poorly drained, and similar soils: 60 percent
Massena, poorly drained, and similar soils: 20 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Massena, Somewhat Poorly Drained

Setting

Landform: Till plains, drumlinoid ridges, hills
Landform position (two-dimensional): Footslope, summit
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Loamy till dominated by siliceous rocks with varying proportions of limestone

Typical profile

H1 - 0 to 9 inches: silt loam
H2 - 9 to 27 inches: gravelly loam
H3 - 27 to 60 inches: gravelly sandy loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 10 percent
Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Hydric soil rating: No

Description of Massena, Poorly Drained

Setting

Landform: Hills, till plains, drumlinoid ridges

Landform position (two-dimensional): Footslope, summit

Landform position (three-dimensional): Base slope

Down-slope shape: Concave

Across-slope shape: Linear

Parent material: Loamy till dominated by siliceous rocks with varying proportions of limestone

Typical profile

H1 - 0 to 9 inches: silt loam

H2 - 9 to 27 inches: gravelly loam

H3 - 27 to 60 inches: gravelly sandy loam

Properties and qualities

Slope: 3 to 8 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)

Depth to water table: About 6 to 12 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 10 percent

Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3w

Hydrologic Soil Group: C/D

Hydric soil rating: Yes

Minor Components

Amenia

Percent of map unit: 8 percent

Hydric soil rating: No

Sun

Percent of map unit: 7 percent

Landform: Depressions

Hydric soil rating: Yes

Bombay

Percent of map unit: 5 percent

Hydric soil rating: No

Mv—Minoa fine sandy loam

Map Unit Setting

National map unit symbol: 9sqj
Elevation: 250 to 800 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Minoa and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Minoa

Setting

Landform: Deltas on lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Deltaic or glaciolacustrine deposits with a high content of fine and very fine sand

Typical profile

H1 - 0 to 8 inches: fine sandy loam
H2 - 8 to 27 inches: loamy very fine sand
H3 - 27 to 60 inches: loamy fine sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 5 percent
Available water storage in profile: High (about 9.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: B/D
Ecological site: Rich Lacustrine Terraces Frigid (F142XA012NY)
Hydric soil rating: No

Minor Components

Galen

Percent of map unit: 5 percent
Hydric soil rating: No

Niagara

Percent of map unit: 5 percent
Hydric soil rating: No

Lamson

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Arkport

Percent of map unit: 4 percent
Hydric soil rating: No

Unnamed soils, cobblestones on the surface

Percent of map unit: 4 percent

Canandaigua

Percent of map unit: 2 percent
Landform: Depressions
Hydric soil rating: Yes

NIB—Nellis loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2wr dv
Elevation: 80 to 1,540 feet
Mean annual precipitation: 26 to 59 inches
Mean annual air temperature: 39 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Nellis and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nellis

Setting

Landform: Drumlinoid ridges, terraces, low hills
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Crest, tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy lodgement till derived from limestone

Typical profile

Ap - 0 to 8 inches: loam
Bw1 - 8 to 18 inches: loam
Bw2 - 18 to 27 inches: loam
BC - 27 to 37 inches: gravelly loam
C - 37 to 79 inches: gravelly sandy loam

Properties and qualities

Slope: 3 to 8 percent
Percent of area covered with surface fragments: 0.0 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very high (0.01 to 14.17 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 35 percent
Available water storage in profile: Moderate (about 6.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: B
Hydric soil rating: No

Minor Components

Amenia

Percent of map unit: 5 percent
Landform: Drumlinoid ridges
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Crest, side slope
Down-slope shape: Concave
Across-slope shape: Convex
Hydric soil rating: No

Massena

Percent of map unit: 4 percent
Landform: Drumlinoid ridges
Landform position (two-dimensional): Toeslope, footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: No

Madrid

Percent of map unit: 3 percent
Landform: Till plains, drumlinoid ridges, hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Galway

Percent of map unit: 3 percent
Landform: Hills
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

NIC—Nellis loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2wrdy
Elevation: 100 to 590 feet
Mean annual precipitation: 26 to 59 inches
Mean annual air temperature: 39 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Nellis and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nellis

Setting

Landform: Terraces, low hills, drumlinoid ridges
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Crest, side slope, tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy lodgement till derived from limestone

Typical profile

Ap - 0 to 8 inches: loam
Bw1 - 8 to 18 inches: loam
Bw2 - 18 to 27 inches: loam
BC - 27 to 37 inches: gravelly loam
C - 37 to 79 inches: gravelly sandy loam

Properties and qualities

Slope: 8 to 15 percent
Percent of area covered with surface fragments: 0.0 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very high (0.01 to 14.17 in/hr)
Depth to water table: More than 80 inches

Custom Soil Resource Report

Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 35 percent
Available water storage in profile: Moderate (about 6.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Hydric soil rating: No

Minor Components

Amenia

Percent of map unit: 5 percent
Landform: Drumlinoid ridges
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Crest, side slope
Down-slope shape: Concave
Across-slope shape: Convex
Hydric soil rating: No

Massena

Percent of map unit: 4 percent
Landform: Drumlinoid ridges
Landform position (two-dimensional): Toeslope, footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: No

Madrid

Percent of map unit: 3 percent
Landform: Till plains, drumlinoid ridges, hills
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Galway

Percent of map unit: 3 percent
Landform: Hills
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

NmE—Nellis and Madrid soils, 25 to 50 percent slopes

Map Unit Setting

National map unit symbol: 2wrf4
Elevation: 300 to 1,280 feet
Mean annual precipitation: 26 to 59 inches
Mean annual air temperature: 39 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Nellis and similar soils: 60 percent
Madrid and similar soils: 30 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nellis

Setting

Landform: Drumlinoid ridges, terraces, low hills
Landform position (two-dimensional): Backslope, summit
Landform position (three-dimensional): Side slope, crest, tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy lodgement till derived from limestone

Typical profile

Ap - 0 to 8 inches: loam
Bw1 - 8 to 18 inches: loam
Bw2 - 18 to 27 inches: loam
BC - 27 to 37 inches: gravelly loam
C - 37 to 79 inches: gravelly sandy loam

Properties and qualities

Slope: 25 to 50 percent
Percent of area covered with surface fragments: 0.0 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very high (0.01 to 14.17 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 35 percent
Available water storage in profile: Moderate (about 6.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e

Custom Soil Resource Report

Hydrologic Soil Group: B
Hydric soil rating: No

Description of Madrid

Setting

Landform: Drumlinoid ridges
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy till derived mainly from sandstone and limestone

Typical profile

H1 - 0 to 8 inches: sandy loam
H2 - 8 to 19 inches: sandy loam
H3 - 19 to 25 inches: fine sandy loam
H4 - 25 to 60 inches: gravelly fine sandy loam

Properties and qualities

Slope: 25 to 50 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Moderate (about 7.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C
Hydric soil rating: No

Minor Components

Amenia

Percent of map unit: 5 percent
Landform: Drumlinoid ridges
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Crest, side slope
Down-slope shape: Concave
Across-slope shape: Convex
Hydric soil rating: No

Massena

Percent of map unit: 3 percent
Landform: Drumlinoid ridges
Landform position (two-dimensional): Toeslope, footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: No

Galway

Percent of map unit: 2 percent
Landform: Hills
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Nn—Newstead silt loam

Map Unit Setting

National map unit symbol: 9sqw
Elevation: 350 to 1,800 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Newstead, somewhat poorly drained, and similar soils: 50 percent
Newstead, poorly drained, and similar soils: 30 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Newstead, Somewhat Poorly Drained

Setting

Landform: Till plains, benches, ridges
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Loamy till derived from limestone, with varying amounts of sandstone, shale, and granite

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 16 inches: silt loam
H3 - 16 to 22 inches: gravelly loam
H4 - 22 to 30 inches: gravelly loam
H5 - 30 to 34 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)

Custom Soil Resource Report

Depth to water table: About 6 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Low (about 3.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Hydric soil rating: No

Description of Newstead, Poorly Drained

Setting

Landform: Till plains, benches, ridges
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Loamy till derived from limestone, with varying amounts of sandstone, shale, and granite

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 16 inches: silt loam
H3 - 16 to 22 inches: gravelly loam
H4 - 22 to 30 inches: gravelly loam
H5 - 30 to 34 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.60 in/hr)
Depth to water table: About 6 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Low (about 3.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Hydric soil rating: Yes

Minor Components

Sun

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Galway

Percent of map unit: 5 percent
Landform: Depressions

Custom Soil Resource Report

Hydric soil rating: No

Massena

Percent of map unit: 3 percent

Hydric soil rating: No

Benson

Percent of map unit: 3 percent

Hydric soil rating: No

Unnamed soils, small stony areas

Percent of map unit: 2 percent

Massena

Percent of map unit: 2 percent

Hydric soil rating: Yes

NoA—Niagara silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 9sqx

Elevation: 250 to 930 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Prime farmland if drained

Map Unit Composition

Niagara and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Niagara

Setting

Landform: Lake plains

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Linear

Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 13 inches: silt loam

H2 - 13 to 35 inches: silt loam

H3 - 35 to 75 inches: silt loam

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Somewhat poorly drained

Custom Soil Resource Report

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: About 6 to 18 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: High (about 10.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3w

Hydrologic Soil Group: C/D

Hydric soil rating: No

Minor Components

Guffin

Percent of map unit: 5 percent

Landform: Depressions

Hydric soil rating: Yes

Collamer

Percent of map unit: 5 percent

Hydric soil rating: No

Canandaigua

Percent of map unit: 5 percent

Landform: Depressions

Hydric soil rating: Yes

NoB—Niagara silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9sqy

Elevation: 250 to 790 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 110 to 170 days

Farmland classification: Prime farmland if drained

Map Unit Composition

Niagara and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Niagara

Setting

Landform: Lake plains

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Tread

Custom Soil Resource Report

Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 13 inches: silt loam
H2 - 13 to 35 inches: silt loam
H3 - 35 to 75 inches: silt loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: High (about 10.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Hydric soil rating: No

Minor Components

Guffin

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Collamer

Percent of map unit: 5 percent
Hydric soil rating: No

Canandaigua

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Pa—Palms muck

Map Unit Setting

National map unit symbol: 9sr0
Elevation: 250 to 1,500 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Palms and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Palms

Setting

Landform: Swamps, marshes

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Talf

Down-slope shape: Concave

Across-slope shape: Concave

Parent material: Organic material over loamy glacial drift

Typical profile

H1 - 0 to 16 inches: muck

H2 - 16 to 45 inches: muck

H3 - 45 to 72 inches: sandy clay loam

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Very poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)

Depth to water table: About 0 inches

Frequency of flooding: None

Frequency of ponding: Frequent

Calcium carbonate, maximum in profile: 20 percent

Available water storage in profile: Very high (about 20.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 5w

Hydrologic Soil Group: A/D

Hydric soil rating: Yes

Minor Components

Carlisle

Percent of map unit: 10 percent

Landform: Swamps, marshes

Hydric soil rating: Yes

Unnamed soils, sandy and loamy soils

Percent of map unit: 10 percent

Hydric soil rating: No

Pn—Pits, sand and gravel

Map Unit Setting

National map unit symbol: 9sr5
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Pits, sand and gravel: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pits, Sand And Gravel

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydric soil rating: Unranked

Minor Components

Dumps

Percent of map unit: 10 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 10 percent

PoB—Plainfield sand, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9sr6
Elevation: 720 to 1,150 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Plainfield and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Plainfield

Setting

Landform: Outwash plains, deltas, terraces
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Sandy glaciofluvial or deltaic deposits

Typical profile

H1 - 0 to 8 inches: sand
H2 - 8 to 28 inches: sand
H3 - 28 to 65 inches: sand

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 3.4 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4s
Hydrologic Soil Group: A
Hydric soil rating: No

Minor Components

Deerfield

Percent of map unit: 5 percent
Hydric soil rating: No

Windsor

Percent of map unit: 5 percent
Hydric soil rating: No

Agawam

Percent of map unit: 5 percent
Hydric soil rating: No

Pits, sand and gravel

Percent of map unit: 5 percent
Hydric soil rating: No

RhA—Rhinebeck silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 9src
Elevation: 80 to 1,000 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Rhinebeck and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rhinebeck

Setting

Landform: Lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Clayey and silty glaciolacustrine deposits

Typical profile

H1 - 0 to 12 inches: silt loam
H2 - 12 to 26 inches: silty clay
H3 - 26 to 60 inches: stratified silty clay to silt to very fine sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 10 percent
Available water storage in profile: Moderate (about 8.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Hydric soil rating: No

Minor Components

Madalin

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Unnamed soils

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Chaumont

Percent of map unit: 5 percent
Hydric soil rating: No

Hudson

Percent of map unit: 5 percent
Hydric soil rating: No

RhB—Rhinebeck silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9srd
Elevation: 80 to 1,000 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Rhinebeck and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rhinebeck

Setting

Landform: Lake plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Clayey and silty glaciolacustrine deposits

Typical profile

H1 - 0 to 12 inches: silt loam
H2 - 12 to 26 inches: silty clay
H3 - 26 to 60 inches: stratified silty clay to silt to very fine sand

Custom Soil Resource Report

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 10 percent
Available water storage in profile: Moderate (about 8.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Hydric soil rating: No

Minor Components

Hudson

Percent of map unit: 5 percent
Hydric soil rating: No

Madalin

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Chaumont

Percent of map unit: 5 percent
Hydric soil rating: No

Wilpoint

Percent of map unit: 3 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 2 percent
Landform: Depressions
Hydric soil rating: Yes

Te—Teel silt loam

Map Unit Setting

National map unit symbol: 9srv
Elevation: 600 to 1,800 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Teel and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Teel

Setting

Landform: Flood plains

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Talf

Down-slope shape: Concave

Across-slope shape: Convex

Parent material: Silty alluvium

Typical profile

H1 - 0 to 8 inches: silt loam

H2 - 8 to 40 inches: silt loam

H3 - 40 to 60 inches: silt loam

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)

Depth to water table: About 18 to 24 inches

Frequency of flooding: Occasional

Frequency of ponding: None

Calcium carbonate, maximum in profile: 1 percent

Available water storage in profile: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2w

Hydrologic Soil Group: B/D

Hydric soil rating: No

Minor Components

Hamlin

Percent of map unit: 5 percent

Hydric soil rating: No

Fluvaquents

Percent of map unit: 5 percent

Hydric soil rating: Yes

Udifluvents

Percent of map unit: 4 percent

Hydric soil rating: No

Blasdell

Percent of map unit: 3 percent

Hydric soil rating: No

Wayland

Percent of map unit: 3 percent

Custom Soil Resource Report

Landform: Flood plains
Hydric soil rating: Yes

W—Water

Map Unit Setting

National map unit symbol: 9ss2
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Water: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

WnB—Wilpoint silty clay loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9ss9
Elevation: 250 to 720 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Wilpoint and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Wilpoint

Setting

Landform: Lake plains
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Convex
Parent material: Clayey glaciolacustrine or glaciomarine deposits

Typical profile

Ap - 0 to 6 inches: silty clay loam
H2 - 6 to 9 inches: silty clay
H3 - 9 to 22 inches: clay
C - 22 to 29 inches: clay
2R - 29 to 33 inches: unweathered bedrock

Custom Soil Resource Report

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)
Depth to water table: About 15 to 24 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Available water storage in profile: Low (about 4.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: D
Hydric soil rating: No

Minor Components

Chaumont

Percent of map unit: 7 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 5 percent
Hydric soil rating: Yes

Guffin

Percent of map unit: 3 percent
Hydric soil rating: Yes

WnC—Wilpoint silty clay loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 9ssb
Elevation: 250 to 560 feet
Mean annual precipitation: 33 to 50 inches
Mean annual air temperature: 45 to 46 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Wilpoint and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Wilpoint

Setting

Landform: Lake plains

Custom Soil Resource Report

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Convex

Parent material: Clayey glaciolacustrine or glaciomarine deposits

Typical profile

Ap - 0 to 6 inches: silty clay loam

H2 - 6 to 9 inches: silty clay

H3 - 9 to 22 inches: clay

C - 22 to 29 inches: clay

2R - 29 to 33 inches: unweathered bedrock

Properties and qualities

Slope: 8 to 15 percent

Depth to restrictive feature: 20 to 40 inches to lithic bedrock

Natural drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)

Depth to water table: About 15 to 24 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 15 percent

Available water storage in profile: Low (about 4.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3e

Hydrologic Soil Group: D

Hydric soil rating: No

Minor Components

Chaumont

Percent of map unit: 7 percent

Hydric soil rating: No

Unnamed soils

Percent of map unit: 5 percent

Hydric soil rating: Yes

Guffin

Percent of map unit: 3 percent

Hydric soil rating: Yes

WoB—Windsor loamy fine sand, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9ssc

Elevation: 250 to 1,200 feet

Mean annual precipitation: 33 to 50 inches

Mean annual air temperature: 45 to 46 degrees F

Custom Soil Resource Report

Frost-free period: 110 to 170 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Windsor and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Windsor

Setting

Landform: Outwash plains, deltas, terraces

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Sandy glaciofluvial or deltaic deposits

Typical profile

H1 - 0 to 5 inches: loamy fine sand

H2 - 5 to 28 inches: loamy fine sand

H3 - 28 to 60 inches: fine sand

Properties and qualities

Slope: 0 to 8 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water storage in profile: Low (about 4.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3s

Hydrologic Soil Group: A

Hydric soil rating: No

Minor Components

Pits, sand and gravel

Percent of map unit: 5 percent

Hydric soil rating: No

Deerfield

Percent of map unit: 5 percent

Hydric soil rating: No

Unnamed soils, blowout areas

Percent of map unit: 5 percent

Hydric soil rating: No

Agawam

Percent of map unit: 5 percent

Hydric soil rating: No

Custom Soil Resource Report

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Building Site Development

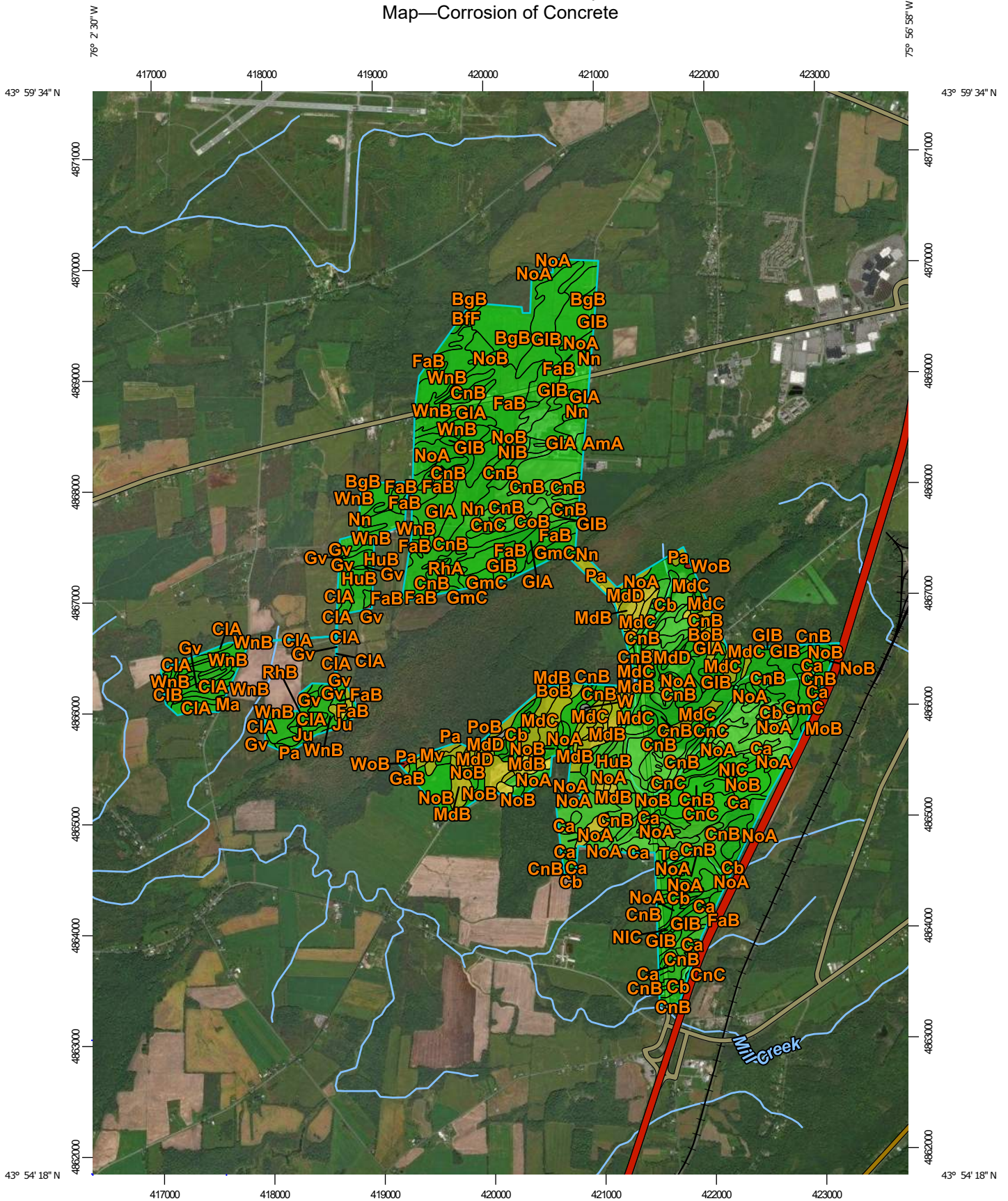
Building site development interpretations are designed to be used as tools for evaluating soil suitability and identifying soil limitations for various construction purposes. As part of the interpretation process, the rating applies to each soil in its described condition and does not consider present land use. Example interpretations can include corrosion of concrete and steel, shallow excavations, dwellings with and without basements, small commercial buildings, local roads and streets, and lawns and landscaping.

Corrosion of Concrete

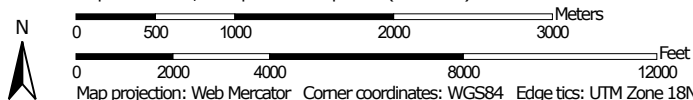
"Risk of corrosion" pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens concrete. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the concrete in installations that are entirely within one kind of soil or within one soil layer.

The risk of corrosion is expressed as "low," "moderate," or "high."

Custom Soil Resource Report Map—Corrosion of Concrete























Map Scale: 1:47,600 if printed on A portrait (8.5" x 11") sheet.



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

MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
- Background**
 -  Aerial Photography
- Soils**
 - Soil Rating Polygons**
 -  High
 -  Moderate
 -  Low
 -  Not rated or not available
 - Soil Rating Lines**
 -  High
 -  Moderate
 -  Low
 -  Not rated or not available
 - Soil Rating Points**
 -  High
 -  Moderate
 -  Low
 -  Not rated or not available
- Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads

MAP INFORMATION

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

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: Jefferson County, New York
 Survey Area Data: Version 20, 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: Dec 31, 2009—Apr 1, 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.

Custom Soil Resource Report

Table—Corrosion of Concrete

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AmA	Amenia loam, 0 to 3 percent slopes	Low	3.3	0.1%
AmB	Amenia loam, 3 to 8 percent slopes	Low	4.2	0.2%
BfF	Benson channery silt loam, very rocky, 25 to 50 percent slopes	Low	8.4	0.3%
BgB	Benson-Galoo complex, very rocky, 0 to 8 percent slopes	Low	80.2	3.0%
BoA	Bombay loam, 0 to 3 percent slopes	Moderate	13.8	0.5%
BoB	Bombay loam, 3 to 8 percent slopes	Moderate	13.0	0.5%
Ca	Canandaigua silt loam	Low	79.5	3.0%
Cb	Canandaigua mucky silt loam	Low	95.5	3.6%
CIA	Chaumont silty clay, 0 to 3 percent slopes	Low	54.4	2.0%
CIB	Chaumont silty clay, 3 to 8 percent slopes	Low	12.8	0.5%
CnB	Collamer silt loam, 3 to 8 percent slopes	Low	442.0	16.6%
CnC	Collamer silt loam, 8 to 15 percent slopes	Low	79.3	3.0%
CoB	Collamer silt loam, bedrock substratum, 3 to 8 percent slopes	Low	5.6	0.2%
FaB	Farmington loam, 0 to 8 percent slopes	Low	376.2	14.2%
Fu	Fluvaquents-Udifluvents complex, frequently flooded	Moderate	0.2	0.0%
GaB	Galen fine sandy loam, 3 to 8 percent slopes	Moderate	0.8	0.0%
GIA	Galway silt loam, 0 to 3 percent slopes	Low	118.0	4.4%
GIB	Galway silt loam, 3 to 8 percent slopes	Low	134.9	5.1%
GmC	Galway very stony silt loam, 0 to 15 percent slopes	Low	35.2	1.3%
Gv	Guffin clay	Low	44.2	1.7%
HuB	Hudson silt loam, 3 to 8 percent slopes	Low	34.5	1.3%
Ju	Junius loamy fine sand	Moderate	2.3	0.1%

Custom Soil Resource Report

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ma	Madalin silt loam, 0 to 3 percent slopes	Low	4.2	0.2%
MdB	Madrid sandy loam, 3 to 8 percent slopes	Moderate	110.2	4.1%
MdC	Madrid sandy loam, 8 to 15 percent slopes	Moderate	79.8	3.0%
MdD	Madrid sandy loam, 15 to 25 percent slopes	Moderate	19.2	0.7%
MoB	Massena silt loam, 3 to 8 percent slopes	Low	0.7	0.0%
Mv	Minoa fine sandy loam	Moderate	5.8	0.2%
NIB	Nellis loam, 3 to 8 percent slopes	Low	11.8	0.4%
NIC	Nellis loam, 8 to 15 percent slopes	Low	7.9	0.3%
NmE	Nellis and Madrid soils, 25 to 50 percent slopes	Low	4.9	0.2%
Nn	Newstead silt loam	Low	84.5	3.2%
NoA	Niagara silt loam, 0 to 3 percent slopes	Low	308.1	11.6%
NoB	Niagara silt loam, 3 to 8 percent slopes	Low	129.6	4.9%
Pa	Palms muck	Moderate	23.4	0.9%
Pn	Pits, sand and gravel		2.8	0.1%
PoB	Plainfield sand, 0 to 8 percent slopes	Moderate	25.5	1.0%
RhA	Rhinebeck silt loam, 0 to 3 percent slopes	Low	11.0	0.4%
RhB	Rhinebeck silt loam, 3 to 8 percent slopes	Low	3.4	0.1%
Te	Teel silt loam	Low	10.3	0.4%
W	Water		1.2	0.0%
WnB	Wilpoint silty clay loam, 3 to 8 percent slopes	Low	169.9	6.4%
WnC	Wilpoint silty clay loam, 8 to 15 percent slopes	Low	0.2	0.0%
WoB	Windsor loamy fine sand, 0 to 8 percent slopes	High	2.6	0.1%
Totals for Area of Interest			2,655.5	100.0%

Rating Options—Corrosion of Concrete

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Corrosion of Steel

"Risk of corrosion" pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel in installations that are entirely within one kind of soil or within one soil layer.


The risk of corrosion is expressed as "low," "moderate," or "high."

MAP LEGEND

Area of Interest (AOI)





Area of Interest (AOI)

Background





 Aerial Photography

Soils





Soil Rating Polygons

-  High
-  Moderate
-  Low
-  Not rated or not available

Soil Rating Lines

-  High
-  Moderate
-  Low
-  Not rated or not available






Soil Rating Points

-  High
-  Moderate
-  Low
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

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

MAP INFORMATION

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

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: Jefferson County, New York
 Survey Area Data: Version 20, 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: Dec 31, 2009—Apr 1, 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.

Custom Soil Resource Report

Table—Corrosion of Steel

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
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Custom Soil Resource Report

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MdC	Madrid sandy loam, 8 to 15 percent slopes	Low	79.8	3.0%
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WoB	Windsor loamy fine sand, 0 to 8 percent slopes	Low	2.6	0.1%
Totals for Area of Interest			2,655.5	100.0%

Rating Options—Corrosion of Steel

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

References

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

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APPENDIX E

Contractor Certification Form

Contractor Certification Form

**Stormwater Pollution Prevention Plan (SWPPP)
State Pollutant Discharge Elimination System (SPDES) General Permit for
Stormwater Discharges from Construction Activity
GP-0-20-001**

Boralex - Greens Corner Solar Project
Town of Watertown and Town of Hounsfield
Jefferson County, New York

All Contractors and Subcontractors performing construction activities for the Boralex – Greens Corner Solar Project are required to sign the following certification before commencing construction activities. A copy of the certification shall be included in Appendix A of the on-site SWPPP. All Contractors and Subcontractors must identify at least one trained person from their company, who has met the requirements of a *Trained Contractor* as defined in GP-0-20-001, that will be responsible for the implementation of the SWPPP.

"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 19 (Part III.A.6) the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit 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 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."

Name of Construction Company

Address of Construction Company

Telephone Number

Printed Name of Authorized Representative

Title

Signature of Authorized Representative

Date

Printed Name of Trained Contractor(s)

Title(s)

Type of construction services to be provided:



APPENDIX F

Example SWPPP Inspection Form



Stormwater Discharge Inspection Form

General Project Information				
Project Name:				
SPDES Permit Number:			Type of Construction Activities Being Completed:	
Date of Inspection:				
Inspector's Name:				
Time On Site:			Inspection Type:	
Time Off Site:				
General Project Notes:				
SWPPP Amendment Required:	Y	N	If yes describe:	

Weather Inspection				
Weather conditions:				
Temperature:		°F		
Has there been a storm event since the last inspections?		Yes		No
If yes, approximately how many inches?				
Does the project site discharges to any natural waterbodies adjacent or near the area?		Yes		No
if yes, describe:				
Were there any discharges at the time of the inspections?		Yes		No
If yes, were sediment laden discharge observed?		Yes		No
Describe:				
If yes, was erosion or sedimentation observed at the discharge location?		Yes		No
Describe:				

Maintaining Water Quality

Water Quality Observations	Yes	No	N/A
Is there an increase in turbidity causing a substantial visual contrast to natural conditions?			
Is there residue from oil and floating substances, visible oil film, or grease or globules?			
Are all disturbances within the approved limits, as outlined on the plans?			
Have receiving waterbodies and/or wetland been impacted by the Project?			
Are the concrete washout facilities located a minimum of 100 feet from sensitive areas and properly maintained?			
Comments:			



General Housekeeping

Site Conditions	Yes	No	N/A
Is construction site litter and debris appropriately managed?			
Are facilities and equipment necessary for implementation of erosion and sediment controls in working and/or properly maintained?			
Is construction impacting adjacent properties?			
Is dust adequately controlled?			
Comments:			

Temporary Stream Crossings	Yes	No	N/A
Are the maximum necessary diameter pipes installed to span stream without dredging?			
Is non-woven geotextile fabric installed beneath the approaches?			
Is fill composed of aggregate (no earthen or soil material)?			
Is the rock on approaches clean enough to remove mud/sediment from vehicles and prevent sediments from entering the stream during high flows?			
Comments:			

Flow Spreader(s)	Yes	No	N/A
Is the flow spreader installed per the Construction Drawings?			
Was the flow spreader constructed on undisturbed soil, not on fill?			
Does the flow spreader receive only clear, non-sediment laden flows?			
Does the discharge from the flow spreader sheet flow out of the spreader without erosion downstream?			
Comments:			

Interceptor Dikes and Swales	Yes	No	N/A
Is the dike/swale installed per the Construction Drawings?			
Has the dikes/swale been stabilized by geotextile fabric, seed, and/or mulch?			
Was erosion observed within the dike/swale?			
Is sediment-laden runoff directed to a sediment trapping device?			
Comments:			

Stone Check Dam(s)	Yes	No	N/A
Are the dams in good condition (rocks in place and no ponding behind the dams)?			
Has geotextile fabric been placed beneath the rock fill?			
Was sediment accumulation greater than 50% of the design capacity?			
Was erosion observed within the channel?			
Comments:			



Rock Outlet Protection	Yes	No	N/A
Is the rock outlet protection installed per approved plans?			
Was the outlet protection installed concurrently with pipe installation?			
Have the rocks been displaced?			
Is the sediment accumulation 0% of the design capacity?			
Comments:			

Soil Stabilization

Topsoil and Spoil Stockpiles	Yes	No	N/A
Are stockpiles properly stabilized and contained?			
Are sediment control installed at the toe of the slope			
Are idle soil stockpile stabilized with vegetation and/or mulch?			
Comments:			

Revegetation	Yes	No	N/A
Has temporary seed and mulch been applied to idle areas?			
Has soil preparation been applied as specified in the SWPPP and in accordance with the Blue Book? (necessary soil testing/fertilizer/lime, topsoil, decompaction has been applied)			
Has a minimum of 4 inches of topsoil been applied under permanent seeding areas?			
Comments:			

Sediment Control Practices

Linear Sediment Control Barriers	Yes	No	N/A
Are the sediments controls installed along the contour, 10 feet from the toe of the slope and not within conveyance channels?			
Are silt fence joints constructed by wrapping the two ends together for continuous support?			
Is the silt fence fabric is buried a minimum of 6 inches?			
Are the posts stable and the fabric is tight and without rips/frayed areas?			
Does the compost filter sock have good contact with the soil?			
Is the sediment accumulation 0% of the design capacity?			
Comments:			

Stabilized Construction Entrance(s)	Yes	No	N/A
Is the entrance installed per the Construction Drawings?			
Is the stone clean enough to effectively remove mud/sediment from the vehicles tires?			
Does all traffic enter and exit the site at the stabilized construction entrance(s)?			
Is adequate drainage provided to prevent ponding at the entrance(s)			
Comments:			



Storm Drain Inlet Protection	Yes	No	N/A
Is the inlet installed per the Construction Drawings?			
Is the inlet protection structurally sound?			
Are the posts stable and the fabric is tight and without rips/frayed areas?			
Is the sediment accumulation greater than 50% of the design capacity?			
Comments:			

Temporary Sediment Basin	Yes	No	N/A
Is the basin installed per the Construction Drawings?			
Are the basin side slopes stabilized?			
Was the drainage structure flushed and basin surface restored upon removal of the sediment basin facility			
Is the sediment basin dewatering at an appropriate rate?			
Is the sediment accumulation greater than 50% of the design capacity?			
Comments:			

Temporary Sediment Trap	Yes	No	N/A
Is the outlet structure installed per the Construction Drawings?			
Has geotextile fabric been placed beneath the rock fill?			
Are the sediment trap slopes and distributed areas stabilized?			
Is the sediment accumulation greater than 50% of the design capacity?			
Comments:			

Inspection Photographs



Photo 1

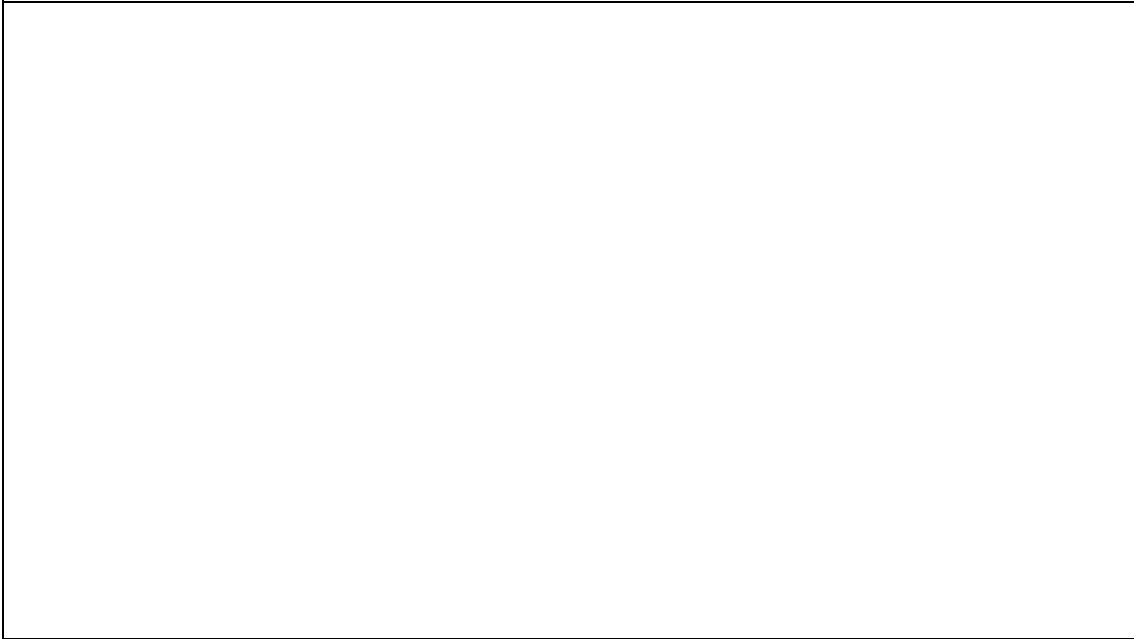


Photo 2

Sketch Map



Comments:	
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Note: Not all erosion and sediment control practices are included in this listing. Add additional pages to this list as required by the specific site design. All practices shall be maintained in accordance with their respective standards.

_____	_____	_____
Qualified Inspector	Qualified Inspector Signature	Date
_____	_____	_____
Qualified Professional	Qualified Professional Signature	Date

The above signed acknowledged that, to the best of their knowledge, all information provided in this report is accurate and complete.



APPENDIX G

NYSDEC Soil Erosion and Sediment Control Typicals and Standards

STANDARD AND SPECIFICATIONS FOR CONSTRUCTION ROAD STABILIZATION



Definition & Scope

The stabilization of temporary construction access routes, on-site vehicle transportation routes, and construction parking areas to control erosion on temporary construction routes and parking areas.

Conditions Where Practice Applies

All traffic routes and parking areas for temporary use by construction traffic.

Design Criteria

Construction roads should be located to reduce erosion potential, minimize impact on existing site resources, and maintain operations in a safe manner. Highly erosive soils, wet or rocky areas, and steep slopes should be avoided. Roads should be routed where seasonal water tables are deeper than 18 inches. Surface runoff and control should be in accordance with other standards.

Road Grade – A maximum grade of 12% is recommended, although grades up to 15% are possible for short distances.

Road Width – 12 foot minimum for one-way traffic or 24 foot minimum for two-way traffic.

Side Slope of Road Embankment – 2:1 or flatter.

Ditch Capacity – On-site roadside ditch and culvert capacities shall be the 10 yr. peak runoff.

Composition – Use a 6-inch layer of NYS DOT sub-base Types 1,2,3, 4 or equivalent as specified in NYSDOT Standard Specifications.

Construction Specifications

1. Clear and strip roadbed and parking areas of all vegetation, roots, and other objectionable material.
2. Locate parking areas on naturally flat areas as available. Keep grades sufficient for drainage, but not more than 2 to 3 percent.
3. Provide surface drainage and divert excess runoff to stabilized areas.
4. Maintain cut and fill slopes to 2:1 or flatter and stabilized with vegetation as soon as grading is accomplished.
5. Spread 6-inch layer of sub-base material evenly over the full width of the road and smooth to avoid depressions.
6. Provide appropriate sediment control measures to prevent offsite sedimentation.

Maintenance

Inspect construction roads and parking areas periodically for condition of surface. Top dress with new gravel as needed. Check ditches for erosion and sedimentation after rainfall events. Maintain vegetation in a healthy, vigorous condition. Areas producing sediment should be treated immediately.

STANDARD AND SPECIFICATIONS FOR CONCRETE TRUCK WASHOUT



Definition & Scope

A temporary excavated or above ground lined constructed pit where concrete truck mixers and equipment can be washed after their loads have been discharged, to prevent highly alkaline runoff from entering storm drainage systems or leaching into soil.

Conditions Where Practice Applies

Washout facilities shall be provided for every project where concrete will be poured or otherwise formed on the site. This facility will receive highly alkaline wash water from the cleaning of chutes, mixers, hoppers, vibrators, placing equipment, trowels, and screeds. Under no circumstances will wash water from these operations be allowed to infiltrate into the soil or enter surface waters.

Design Criteria

Capacity: The washout facility should be sized to contain solids, wash water, and rainfall and sized to allow for the evaporation of the wash water and rainfall. Wash water shall be estimated at 7 gallons per chute and 50 gallons per hopper of the concrete pump truck and/or discharging drum. The minimum size shall be 8 feet by 8 feet at the bottom and 2 feet deep. If excavated, the side slopes shall be 2 horizontal to 1 vertical.

Location: Locate the facility a minimum of 100 feet from drainage swales, storm drain inlets, wetlands, streams and other surface waters. Prevent surface water from entering the structure except for the access road. Provide appropriate access with a gravel access road sloped down to the structure. Signs shall be placed to direct drivers to the facility after their load is discharged.

Liner: All washout facilities will be lined to prevent

leaching of liquids into the ground. The liner shall be plastic sheeting with a minimum thickness of 10 mils with no holes or tears, and anchored beyond the top of the pit with an earthen berm, sand bags, stone, or other structural appurtenance except at the access point.

If pre-fabricated washouts are used they must ensure the capture and containment of the concrete wash and be sized based on the expected frequency of concrete pours. They shall be sited as noted in the location criteria.

Maintenance

- All concrete washout facilities shall be inspected daily. Damaged or leaking facilities shall be deactivated and repaired or replaced immediately. Excess rainwater that has accumulated over hardened concrete should be pumped to a stabilized area, such as a grass filter strip.
- Accumulated hardened material shall be removed when 75% of the storage capacity of the structure is filled. Any excess wash water shall be pumped into a containment vessel and properly disposed of off site.
- Dispose of the hardened material off-site in a construction/demolition landfill. On-site disposal may be allowed if this has been approved and accepted as part of the projects SWPPP. In that case, the material should be recycled as specified, or buried and covered with a minimum of 2 feet of clean compacted earthfill that is permanently stabilized to prevent erosion.
- The plastic liner shall be replaced with each cleaning of the washout facility.
- Inspect the project site frequently to ensure that no concrete discharges are taking place in non-designated areas.

STANDARD AND SPECIFICATIONS FOR DUST CONTROL



dust control (see Section 3).

Mulch (including gravel mulch) – Mulch offers a fast effective means of controlling dust. This can also include rolled erosion control blankets.

Spray adhesives – These are products generally composed of polymers in a liquid or solid form that are mixed with water to form an emulsion that is sprayed on the soil surface with typical hydroseeding equipment. The mixing ratios and application rates will be in accordance with the manufacturer's recommendations for the specific soils on the site. In no case should the application of these adhesives be made on wet soils or if there is a probability of precipitation within 48 hours of its proposed use. Material Safety Data Sheets will be provided to all applicators and others working with the material.

Definition & Scope

The control of dust resulting from land-disturbing activities, to prevent surface and air movement of dust from disturbed soil surfaces that may cause off-site damage, health hazards, and traffic safety problems.

Conditions Where Practice Applies

On construction roads, access points, and other disturbed areas subject to surface dust movement and dust blowing where off-site damage may occur if dust is not controlled.

Design Criteria

Construction operations should be scheduled to minimize the amount of area disturbed at one time. Buffer areas of vegetation should be left where practical. Temporary or permanent stabilization measures shall be installed. No specific design criteria is given; see construction specifications below for common methods of dust control.

Water quality must be considered when materials are selected for dust control. Where there is a potential for the material to wash off to a stream, ingredient information must be provided to the NYSDEC.

No polymer application shall take place without written approval from the NYSDEC.

Construction Specifications

A. **Non-driving Areas** – These areas use products and materials applied or placed on soil surfaces to prevent airborne migration of soil particles.

Vegetative Cover – For disturbed areas not subject to traffic, vegetation provides the most practical method of

B. **Driving Areas** – These areas utilize water, polymer emulsions, and barriers to prevent dust movement from the traffic surface into the air.

Sprinkling – The site may be sprayed with water until the surface is wet. This is especially effective on haul roads and access route to provide short term limited dust control.

Polymer Additives – These polymers are mixed with water and applied to the driving surface by a water truck with a gravity feed drip bar, spray bar or automated distributor truck. The mixing ratios and application rates will be in accordance with the manufacturer's recommendations. Incorporation of the emulsion into the soil will be done to the appropriate depth based on expected traffic. Compaction after incorporation will be by vibratory roller to a minimum of 95%. The prepared surface shall be moist and no application of the polymer will be made if there is a probability of precipitation within 48 hours of its proposed use. Material Safety Data Sheets will be provided to all applicators working with the material.

Barriers – Woven geo-textiles can be placed on the driving surface to effectively reduce dust throw and particle migration on haul roads. Stone can also be used for construction roads for effective dust control.

Windbreak – A silt fence or similar barrier can control air currents at intervals equal to ten times the barrier height. Preserve existing wind barrier vegetation as much as practical.

Maintenance

Maintain dust control measures through dry weather periods until all disturbed areas are stabilized.

STANDARD AND SPECIFICATIONS FOR PROTECTING VEGETATION DURING CONSTRUCTION



Definition & Scope

The protection of trees, shrubs, ground cover and other vegetation from damage by construction equipment. In order to preserve existing vegetation determined to be important for soil erosion control, water quality protection, shade, screening, buffers, wildlife habitat, wetland protection, and other values.

Conditions Where Practices Applies

On planned construction sites where valued vegetation exists and needs to be preserved.

Design Criteria

1. Planning Considerations

A. Inventory:

1) Property boundaries, topography, vegetation and soils information should be gathered. Identify potentially high erosion areas, areas with tree windthrow potential, etc. A vegetative cover type map should be made on a copy of a topographic map which shows other natural and manmade features. Vegetation that is desirable to preserve because of its value for screening, shade, critical erosion control, endangered species, aesthetics, etc., should be identified and marked on the map.

2) Based upon this data, general statements should be prepared about the present condition, potential problem areas, and unique features of the property.

B. Planning:

1) After engineering plans (plot maps) are prepared, another field review should take place and

recommendations made for the vegetation to be saved. Minor adjustments in location of roads, dwellings, and utilities may be needed. Construction on steep slopes, erodible soils, wetlands, and streams should be avoided. Clearing limits should be delineated (See "Determine Limits of Clearing and Grading" on page 2.2).

2) Areas to be seeded and planted should be identified. Remaining vegetation should blend with their surroundings and/or provide special function such as a filter strip, buffer zone, or screen.

3) Trees and shrubs of special seasonal interest, such as flowering dogwood, red maple, striped maple, serviceberry, or shadbush, and valuable potential shade trees should be identified and marked for special protective treatment as appropriate.

4) Trees to be cut should be marked on the plans. If timber can be removed for salable products, a forester should be consulted for marketing advice.

5) Trees that may become a hazard to people, personal property, or utilities should be removed. These include trees that are weak-wooded, disease-prone, subject to windthrow, or those that have severely damaged root systems.

6) The vigor of remaining trees may be improved by a selective thinning. A forester should be consulted for implementing this practice.

2. Measures to Protect Vegetation

A. Limit soil placement over existing tree and shrub roots to a maximum of 3 inches. Soils with loamy texture and good structure should be used.

B. Use retaining walls and terraces to protect roots of trees and shrubs when grades are lowered. Lowered grades should start no closer than the dripline of the tree. For narrow-canopied trees and shrubs, the stem diameter in inches is converted to feet and doubled, such that a 10 inch tree should be protected to 20 feet.

C. Trenching across tree root systems should be the same minimum distance from the trunk, as in "B". Tunnels under root systems for underground utilities should start 18 inches or deeper below the normal ground surface. Tree roots which must be severed should be cut clean. Backfill material that will be in contact with the roots should be topsoil or a prepared planting soil mixture.

D. Construct sturdy fences, or barriers, of wood, steel, or other protective material around valuable

vegetation for protection from construction equipment. Place barriers far enough away from trees, but not less than the specifications in "B", so that tall equipment such as backhoes and dump trucks do not contact tree branches.

E. Construction limits should be identified and clearly marked to exclude equipment.

F. Avoid spills of oil/gas and other contaminants.

G. Obstructive and broken branches should be pruned properly. The branch collar on all branches whether living or dead should not be damaged. The 3 or 4 cut method should be used on all branches larger than two inches at the cut. First cut about one-third the way through the underside of the limb (about 6-12 inches from the tree trunk). Then (approximately an inch further out) make a second cut through the limb from the upper side. When the branch is removed, there is no splintering of the main tree trunk. Remove the stub. If the branch is larger than 5-6 inches in diameter, use the four cut system. Cuts 1 and 2 remain the same and cut 3 should be from the underside of the limb, on the outside of the branch collar. Cut 4 should be from the top and in alignment with the 3rd cut. Cut 3 should be 1/4 to 1/3 the way through the limb. This will prevent the bark from peeling down the trunk. Do not paint the cut surface.

H. Penalties for damage to valuable trees, shrubs, and herbaceous plants should be clearly spelled out in the contract.

PROTECTING TREES IN HEAVY USE AREAS

The compaction of soil over the roots of trees and shrubs by the trampling of recreationists, vehicular traffic, etc., reduces oxygen, water, and nutrient uptake by feeder roots. This weakens and may eventually kill the plants. Table 2.6 rates the "Susceptibility of Tree Species to Compaction."

Where heavy compaction is anticipated, apply and maintain a 3 to 4 inch layer of undecayed wood chips or 2 inches of No. 2 washed, crushed gravel. In addition, use of a wooden or plastic mat may be used to lessen compaction, if applicable.

Table 2.6 Susceptibility of Tree Species to Compaction¹

Resistant:

Box elder.....	<i>Acer negundo</i>	Willows.....	<i>Salix spp.</i>
Green ash.....	<i>Fraxinus pennsylvanica</i>	Honey locust.....	<i>Gleditsia triacanthos</i>
Red elm.....	<i>Ulmus rubra</i>	Eastern cottonwood.....	<i>Populus deltoides</i>
Hawthornes.....	<i>Crataegus spp.</i>	Swamp white oak.....	<i>Quercus bicolor</i>
Bur oak.....	<i>Quercus macrocarpa</i>	Hophornbeam.....	<i>Ostrya virginiana</i>
Northern white cedar....	<i>Thuja occidentalis</i>		

Intermediate:

Red maple.....	<i>Acer rubrum</i>	Sweetgum.....	<i>Liquidambar styraciflua</i>
Silver maple.....	<i>Acer saccharinum</i>	Norway maple.....	<i>Acer platanoides</i>
Hackberry.....	<i>Celtis occidentalis</i>	Shagbark hickory.....	<i>Carya ovata</i>
Black gum.....	<i>Nyssa sylvatica</i>	London plane.....	<i>Platanus x hybrida</i>
Red oak.....	<i>Quercus rubra</i>	Pin oak.....	<i>Quercus palustris</i>
Basswood.....	<i>Tilia americana</i>		

Susceptible:

Sugar maple.....	<i>Acer saccharum</i>	Austrian Pine.....	<i>Pinus nigra</i>
White pine.....	<i>Pinus strobus</i>	White ash.....	<i>Fraxinus americana</i>
Blue spruce.....	<i>Picea pungens</i>	Paper birch.....	<i>Betula papyrifera</i>
White oak.....	<i>Quercus alba</i>	Moutain ash.....	<i>Sorbus aucuparia</i>
Red pine.....	<i>Pinus resinosa</i>	Japanese maple.....	<i>Acer palmatum</i>

¹ If a tree species does not appear on the list, insufficient information is available to rate it for this purpose.

STANDARD AND SPECIFICATIONS FOR SITE POLLUTION PREVENTION



Definition & Scope

A collection of management practices intended to control non-sediment pollutants associated with construction activities to prevent the generation of pollutants due to improper handling, storage, and spills and prevent the movement of toxic substances from the site into surface waters.

Conditions Where Practice Applies

On all construction sites where the earth disturbance exceeds 5,000 square feet, and involves the use of fertilizers, pesticides, petroleum based chemicals, fuels and lubricants, as well as sealers, paints, cleared woody vegetation, garbage, and sanitary wastes.

Design Criteria

The variety of pollutants on a particular site and the severity of their impacts depend on factors such as the nature of the construction activity, the physical characteristics of the construction site, and the proximity of water bodies and conveyances to the pollutant source.

1. All state and federal regulations shall be followed for the storage, handling, application, usage, and disposal of pesticides, fertilizers, and petroleum products.
2. Vehicle and construction equipment staging and maintenance areas will be located away from all drainage ways with their parking areas graded so the runoff from these areas is collected, contained and treated prior to discharge from the site.
3. Provide sanitary facilities for on-site personnel.
4. Store, cover, and isolate construction materials including topsoil, and chemicals, to prevent runoff of

pollutants and contamination of groundwater and surface waters.

5. Develop and implement a spill prevention and control plan. The plan should include NYSDEC's spill reporting and initial notification requirements.
6. Provide adequate disposal for solid waste including woody debris, stumps, and other construction waste and include these methods and directions in the construction details on the site construction drawings. Fill, woody debris, stumps and construction waste shall not be placed in regulated wetlands, streams or other surface waters.
7. Distribute or post informational material regarding proper handling, spill response, spill kit location, and emergency actions to be taken, to all construction personnel.
8. Refueling equipment shall be located at least 100 feet from all wetlands, streams and other surface waters.



STANDARD AND SPECIFICATIONS FOR STABILIZED CONSTRUCTION ACCESS



inert to commonly encountered chemicals, hydro-carbons, mildew, rot resistant, and conform to the fabric properties as shown:

Fabric Properties ³	Light Duty ¹ Roads Grade Sub- grade	Heavy Duty ² Haul Roads Rough Graded	Test Meth- od
Grab Tensile Strength (lbs)	200	220	ASTM D1682
Elongation at Failure (%)	50	60	ASTM D1682
Mullen Burst Strength (lbs)	190	430	ASTM D3786
Puncture Strength (lbs)	40	125	ASTM D751 Modified
Equivalent	40-80	40-80	US Std Sieve
Opening Size			CW-02215
Aggregate Depth	6	10	-

Definition & Scope

A stabilized pad of aggregate underlain with geotextile located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area. The purpose of stabilized construction access is to reduce or eliminate the tracking of sediment onto public rights-of-way or streets.

Conditions Where Practice Applies

A stabilized construction access shall be used at all points of construction ingress and egress.

Design Criteria

See Figure 2.1 on page 2.31 for details.

Aggregate Size: Use a matrix of 1-4 inch stone, or reclaimed or recycled concrete equivalent.

Thickness: Not less than six (6) inches.

Width: 12-foot minimum but not less than the full width of points where ingress or egress occurs. 24-foot minimum if there is only one access to the site.

Length: As required, but not less than 50 feet (except on a single residence lot where a 30 foot minimum would apply).

Geotextile: To be placed over the entire area to be covered with aggregate. Filter cloth will not be required on a single-family residence lot. Piping of surface water under entrance shall be provided as required. If piping is impossible, a mountable berm with 5:1 slopes will be permitted.

Criteria for Geotextile: The geotextile shall be woven or nonwoven fabric consisting only of continuous chain polymeric filaments or yarns of polyester. The fabric shall be

¹Light Duty Road: Area sites that have been graded to subgrade and where most travel would be single axle vehicles and an occasional multi-axle truck. Acceptable materials are Trevira Spunbond 1115, Mirafi 100X, Typar 3401, or equivalent.

²Heavy Duty Road: Area sites with only rough grading, and where most travel would be multi-axle vehicles. Acceptable materials are Trevira Spunbond 1135, Mirafi 600X, or equivalent.

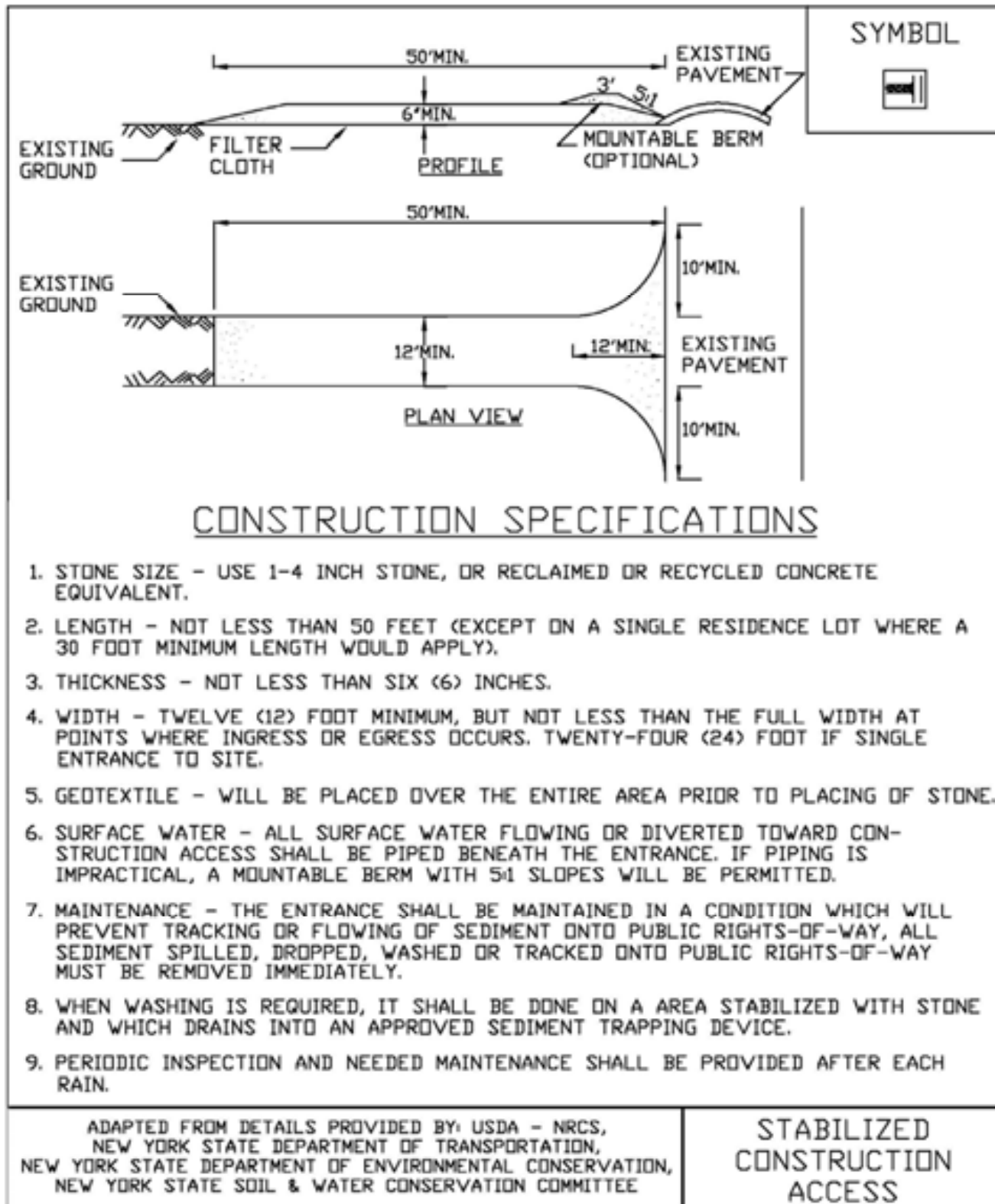
³Fabrics not meeting these specifications may be used only when design procedure and supporting documentation are supplied to determine aggregate depth and fabric strength.

Maintenance

The access shall be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way must be removed immediately.

When necessary, wheels must be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with aggregate, which drains into an approved sediment-trapping device. All sediment shall be prevented from entering storm drains, ditches, or watercourses.

**Figure 2.1
Stabilized Construction Access**



STANDARD AND SPECIFICATIONS FOR TEMPORARY ACCESS WATERWAY CROSSING



Definition & Scope

A temporary access waterway crossing is a structure placed across a waterway to provide access for construction purposes for a period of less than one year. Consideration should be given to stream flow capacity and velocity anticipated during the period of time that the temporary structures will be in place. Temporary access crossings shall not be utilized to maintain traffic for the general public. The purpose of the temporary access waterway crossing is to provide safe, environmentally sound access across a waterway for construction equipment by establishing minimum standards and specifications for the design, construction, maintenance, and removal of the structure. This standard and specification may represent a channel constriction, thus, the temporary nature of waterway access crossing must be stressed. They should be planned to be in service for the shortest practical period of time and removed as soon as their function is completed.

Conditions Where Practice Applies

This standard and specification for temporary access waterway crossings is applicable in non-tidal waterways. It provides designs based on waterway geometry rather than the drainage area contributing to the point of crossing.

The principal consideration for development of the standard and specifications is concern for erosion and sediment control, tracking soil into waterways, blocking fish passage and destruction of aquatic habitat. Structural utility and safety must also be considered when designing temporary access waterway crossings to withstand expected loads.

The three types of standard temporary access

waterway crossings are bridges, culverts, and fords.

General Requirements

1. **In-Stream Excavation:** In-Stream excavation shall be limited to only that necessary to allow installation of the standard methods as presented in Subsection “Temporary Access Waterway Crossing Methods.”
2. **Elimination of Fish Migration Barriers:** Of the two basic methods presented in Subsection “Temporary Access Waterway Crossing Methods,” bridges pose the least potential for creating barriers to aquatic migration. The construction of any specific crossing method as presented in Subsection “Temporary Access Waterway Crossing Methods,” shall not cause a significant water level difference between the upstream and downstream water surface elevations. Fish spawning or migration within waterways generally occurs between October 1 to May 31 for water classified for trout and from March 15 to July 15 for other streams. Fish spawning or migration dates can vary across New York and restrictions imposed by the NYS Department of Environmental Conservation may vary and must be checked.
3. **Crossing Alignment:** The temporary waterway crossing shall be at right angles to the stream. Where approach conditions dictate, the crossing may vary 15 degrees from a line drawn perpendicular to the centerline of the stream at the intended crossing location.
4. **Road Approaches:** The centerline of both roadway approaches shall coincide with the crossing alignment centerline for a minimum distance of 50 feet from each bank of the waterway being crossed. If physical or right-of-way restraints preclude the 50 feet minimum, a shorter distance may be provided. All fill materials associated with the roadway approach shall be limited to a maximum height of 2 feet above the existing flood plain elevation.
5. **Surface Water Diverting Structure:** A water diverting structure such as a swale shall be constructed (across the roadway on both roadway approaches) 50 feet (maximum) on either side of the waterway crossing. This will prevent roadway surface runoff from directly entering the waterway. The 50 feet is measured from the top of the waterway bank. Design criteria for this diverting structure shall be in accordance with the “Standard and Specification” for

the individual design standard of choice. If the roadway approach is constructed with a reverse grade away from the waterway, a separate diverting structure is not required.

6. **Road Width:** All crossings shall have one traffic lane. The minimum width shall be 12 feet with a maximum width of 20 feet.

7. **Time of Operation:** All temporary crossing shall be removed within 14 calendar days after the structure is no longer needed. Unless prior written approval is obtained, all structures shall be removed within one year from the date of the installation.

8. **Materials**

A. **Aggregate:** There shall be no earth or soil materials used for construction within the waterway channel. NYS DOT specifications for coarse aggregate designation No. 4 (2" to 4"), also referenced as AASHTO designation No. 1, shall be the minimum acceptable aggregate size for temporary crossings. Larger aggregates will be allowed.

B. **Filter Cloth:** Filter cloth is a fabric consisting of either woven or nonwoven plastic, polypropylene, or nylon used to distribute the load, retain fines, allow increased drainage of the aggregate and reduce mixing of the aggregate with the subgrade soil. The designer shall specify the appropriate filter fabric/cloth for a specific use.

Temporary Access Waterway Crossing Methods

The following criteria for erosion and sediment control shall be considered when selecting a specific temporary access waterway crossing standard method:

1. **Site aesthetics:** Select a standard design method that will least disrupt the existing terrain of the stream reach. Consider the effort that will be required to restore the area after the temporary crossing is removed.
2. **Site location:** Locate the temporary crossing where there will be the least disturbance to the soils of the existing waterway banks. When possible, locate the crossing at a point receiving minimal surface runoff.
3. **Physical site constraints:** The physical constraints of a site may preclude the selection of one or more of the standard methods.
4. **Time of year:** The time of year may preclude the selection of one or more of the standard methods due to fish spawning or migration restrictions.

5. **Vehicular loads and traffic patterns:** Vehicular loads, traffic patterns, and frequency of crossing should be considered in choosing a specific method.

6. **Maintenance of crossing:** The standard methods will require various amounts of maintenance. The bridge method should require the least maintenance, whereas the ford method will probably require more intensive maintenance.

7. **Removal of the Structure:** Ease of removal and subsequent damage to the waterway should be primary factors in considering the choice of a standard method.

Temporary Access Bridge (Figure 2.2 on page 2.36)

A temporary access bridge is a structure made of wood, metal, or other materials, which provides access across a stream or waterway.

Considerations:

1. This is the preferred method for temporary access waterway crossings. Normally, bridge construction causes the least disturbance to the waterway bed and banks when compared to the other access waterway crossings.
2. Most bridges can be quickly removed and reused.
3. Temporary access bridges pose the least chance for interference with fish migration when compared to the other temporary access waterway crossings.
4. Span width will be limited by the length of the bridging material and weight of equipment that will drive over the temporary bridge. Spans of over 10 feet are difficult to construct.
5. **Restrictions and Permits:** A permit from the New York State Department of Environmental Conservation, Division of Environmental Permits, Regional Permit Administrator, will be needed to install and remove temporary access culverts in streams with a classification of C(T) and higher. Installation and removal may not be permitted during the period of time from the start of trout spawning until the eggs have hatched. In some instances, restrictions may also be applied to bass spawning waters.

Construction Specifications:

1. **Restriction:** Construction, use, or removal of a temporary access bridge will not normally have any time of year restrictions if construction, use, or

removal does not disturb the stream or its banks.

2. **Bridge Placement:** A temporary bridge structure shall be constructed at or above bank elevation to prevent the entrapment of floating materials and debris.

3. **Abutments:** Abutments shall be placed parallel to and on stable banks.

4. **Bridge Span:** Bridges shall be constructed to span the entire channel. If a footing, pier, or bridge support is constructed within the waterway, a stream-disturbance permit may be required.

5. **Stringers:** Stringers shall either be logs, saw timber, pre-stressed concrete beams, metal beams, or other approved materials.

6. **Deck Material:** Decking shall be of sufficient strength to support the anticipated load. All decking members shall be placed perpendicular to the stringers, butted tightly, and securely fastened to the stringers. Decking materials must be butted tightly to prevent any soil material tracked onto the bridge from falling into the waterway below.

7. **Run Planks (optional):** Run planking shall be securely fastened to the length of the span. One run plank shall be provided for each track of the equipment wheels. Although run planks are optional, they may be necessary to properly distribute loads.

8. **Curbs or Fenders:** Curbs or fenders may be installed along the outer sides of the deck. Curbs or fenders are an option, which will provide additional safety.

9. **Bridge Anchors:** Bridges shall be securely anchored at only one end using steel cable or chain. Anchoring at only one end will prevent channel obstruction in the event that floodwaters float the bridge. Acceptable anchors are large trees, large boulders, or driven steel anchors. Anchoring shall be sufficient to prevent the bridge from floating downstream and possibly causing an obstruction to the flow.

10. **Stabilization:** All areas disturbed during installation shall be stabilized within 14 calendar days of that disturbance in accordance with the Standard and Specification for Temporary Construction Area Seeding on page 4.58.

Bridge Maintenance Requirements

1. **Inspection:** Periodic inspection shall be performed by the user to ensure that the bridge, streambed, and streambanks are maintained and not damaged.

2. **Maintenance:** Maintenance shall be performed, as needed to ensure that the structure complies with the standard and specifications. This shall include removal and disposal of any trapped sediment or debris. Sediment shall be disposed of outside of the floodplain and stabilized.

Bridge Removal and Clean-Up Requirements

1. **Removal:** When the temporary bridge is no longer needed, all structures including abutments and other bridging materials shall be removed within 14 calendar days. In all cases, the bridge materials shall be removed within one year of installation.

2. **Final Clean-Up:** Final clean-up shall consist of removal of the temporary bridge from the waterway, protection of banks from erosion, and removal of all construction materials. All removed materials shall be stored outside the waterway floodplain.

3. **Method:** Removal of the bridge and clean-up of the area shall be accomplished without construction equipment working in the waterway channel.

4. **Final Stabilization:** All areas disturbed during removal shall be stabilized within 14 calendar days of that disturbance in accordance with the Standard and Specifications for Permanent Construction Area Planting on page 4.42.

Temporary Access Culvert (Figure 2.3 on page 2.37)

A temporary access culvert is a structure consisting of a section(s) of circular pipe, pipe arches, or oval pipes of reinforcing concrete, corrugated metal, or structural plate, which is used to convey flowing water through the crossing.

Considerations

1. Temporary culverts are used where a) the channel is too wide for normal bridge construction, b) anticipated loading may prove unsafe for single span bridges, or c) access is not needed from bank to bank.

2. This temporary waterway crossing method is normally preferred over a ford type of crossing, since disturbance to the waterway is only during construction and removal of the culvert.

3. Temporary culverts can be salvaged and reused.

Construction Specifications

1. **Restrictions and Permits:** A permit from the New York State Department of Environmental

Conservation, Division of Environmental Permits, Regional Permit Administrator, will be needed to install and remove temporary access culverts in streams with a classification of C(T) and higher. Installation and removal may not be permitted during the period of time from the start of trout spawning until the eggs have hatched. In some instances, restrictions may also be applied to bass spawning waters.

2. Culvert Strength: All culverts shall be strong enough to support their cross sectional area under maximum expected loads.

3. Culvert Size: The size of the culvert pipe shall be the largest pipe diameter that will fit into the existing channel without major excavation of the waterway channel or without major approach fills. If a channel width exceeds 3 feet, additional pipes may be used until the cross sectional area of the pipes is greater than 60 percent of the cross sectional area of the existing channel. The minimum size culvert that may be used is 12-inch diameter pipe.

4. Culvert Length: The culvert(s) shall extend a minimum of one foot beyond the upstream and downstream toe of the aggregate placed around the culvert. In no case shall the culvert exceed 40 feet in length.

5. Filter Cloth: Filter cloth shall be placed on the streambed and streambanks prior to placement of the pipe culvert(s) and aggregate. The filter cloth shall cover the streambed and extend a minimum six inches and a maximum one foot beyond the end of the culvert and bedding material. Filter cloth reduces settlement and improves crossing stability.

6. Culvert Placement: The invert elevation of the culvert shall be installed on the natural streambed grade to minimize interference with fish migration (free passage of fish).

7. Culvert Protection: The culvert(s) shall be covered with a minimum of one foot of aggregate. If multiple culverts are used, they shall be separated by at least 12 in. of compacted aggregate fill. At the minimum, the bedding and fill material used in the construction of the temporary access culvert crossings shall conform with the aggregate requirements cited in the General Requirements subsection.

8. Stabilization: All areas disturbed during culvert installation shall be stabilized within 14 calendar days of the disturbance in accordance with the Standard for Permanent Construction Area Plantings.

ensure that the culverts, streambed, and streambanks are not damaged, and that sediment is not entering the stream or blocking fish passage or migration.

2. Maintenance: Maintenance shall be performed, as needed in a timely manner to ensure that structures are in compliance with this standard and specification. This shall include removal and disposal of any trapped sediment or debris. Sediment shall be disposed of and stabilized outside the waterway flood plain.

Culvert Removal and Clean-Up Requirements

1. Removal: When the crossing has served its purpose, all structures, including culverts, bedding, and filter cloth materials shall be removed within 14 calendar days. In all cases, the culvert materials shall

be removed within one year of installation. No structure shall be removed during the spawning season (generally October 1 through May 31 for trout waters and March 15 through July 15 for other waters).

2. Final Clean-Up: Final clean-up shall consist of removal of the temporary structure from the waterway, removal of all construction materials, restoration of original stream channel cross section, and protection of the streambanks from erosion. Removed material shall be stored outside of the waterway floodplain.

3. Method: Removal of the structure and clean-up of the area shall be accomplished without construction equipment working in the waterway channel.

4. Final Stabilization: All areas disturbed during culvert removal shall be stabilized within 14 calendar days of the disturbance in accordance with the Standard for Permanent Construction Area Plantings.

NOTE: Any temporary access crossing shall conform to the technical requirements of this Standard and Specifications as well as any specific requirement imposed by the New York State Department of Environmental Conservation and the US Army Corps of Engineers. Permits may be required for streambank disturbance.

Culvert Maintenance Requirements

1. Inspection: Periodic inspection shall be performed to

Figure 2.2
Temporary Access Bridge

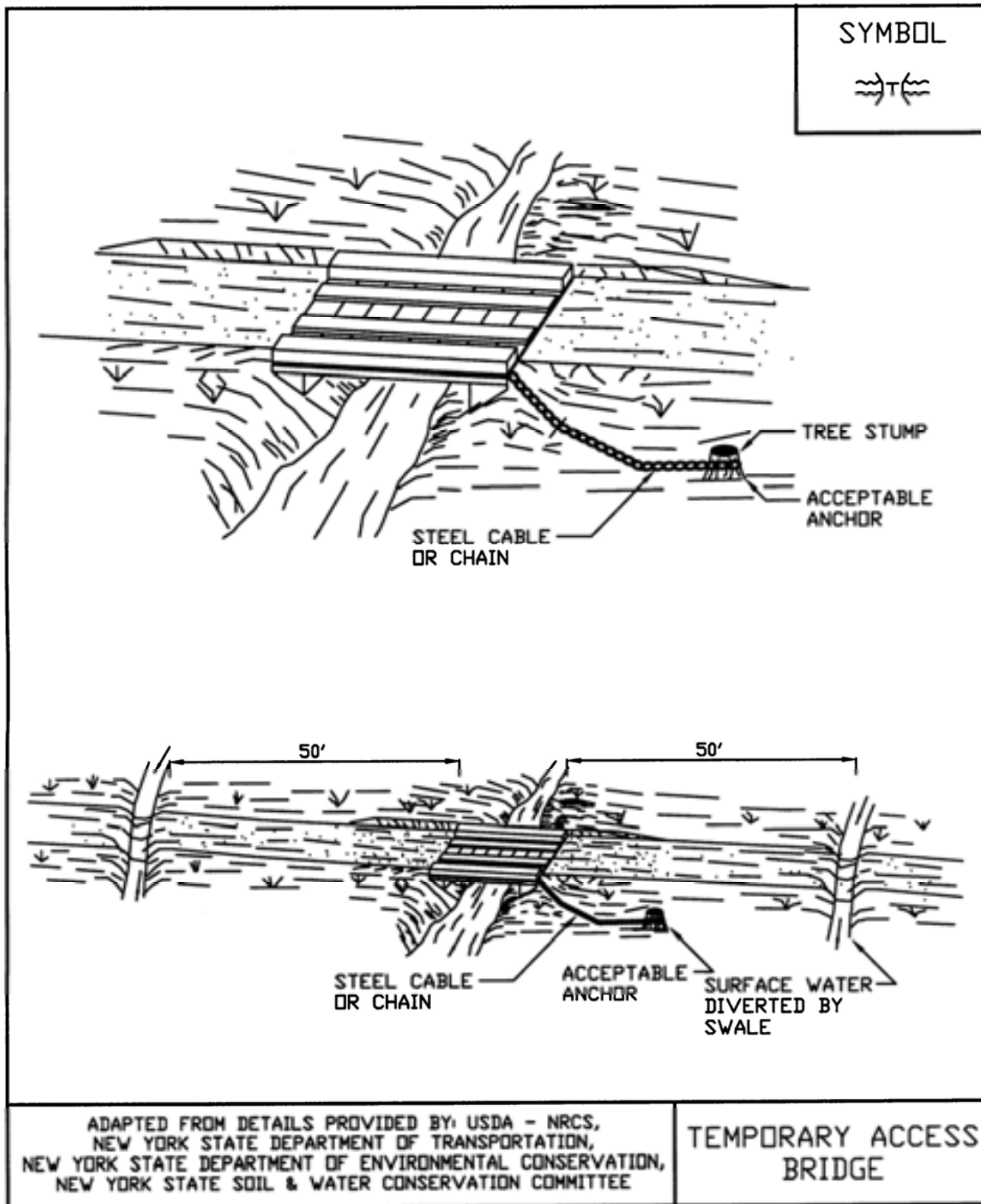
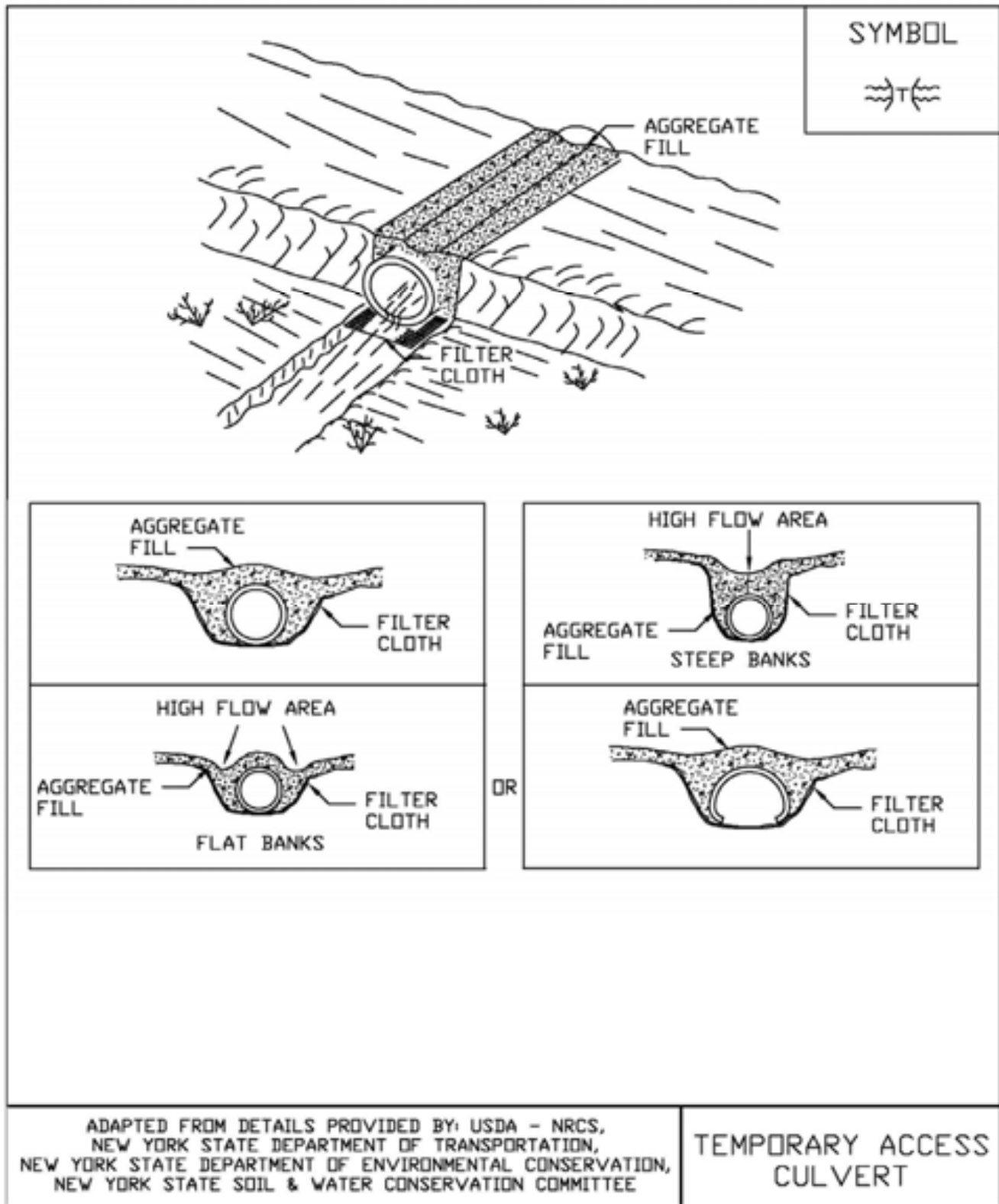


Figure 2.3
Temporary Access Culvert



STANDARD AND SPECIFICATIONS FOR WINTER STABILIZATION



Definition & Scope

A temporary site specific, enhanced erosion and sediment control plan to manage runoff and sediment at the site during construction activities in the winter months to protect off-site water resources.

Conditions Where Practice Applies

This standard applies to all construction activities involved with ongoing land disturbance and exposure between November 15th to the following April 1st.

Design Criteria

1. Prepare a snow management plan with adequate storage for snow and control of melt water, requiring cleared snow to be stored in a manner not affecting ongoing construction activities.
2. Enlarge and stabilize access points to provide for snow management and stockpiling. Snow management activities must not destroy or degrade installed erosion and sediment control practices.
3. A minimum 25 foot buffer shall be maintained from all perimeter controls such as silt fence. Mark silt fence with tall stakes that are visible above the snow pack.
4. Edges of disturbed areas that drain to a waterbody within 100 feet will have 2 rows of silt fence, 5 feet apart, installed on the contour.
5. Drainage structures must be kept open and free of snow and ice dams. All debris, ice dams, or debris from plowing operations, that restrict the flow of runoff and meltwater, shall be removed.
6. Sediment barriers must be installed at all appropriate

perimeter and sensitive locations. Silt fence and other practices requiring earth disturbance must be installed before the ground freezes.

7. Soil stockpiles must be protected by the use of established vegetation, anchored straw mulch, rolled stabilization matting, or other durable covering. A barrier must be installed at least 15 feet from the toe of the stockpile to prevent soil migration and to capture loose soil.
8. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures should be initiated by the end of the next business day and completed within three (3) days. Rolled erosion control blankets must be used on all slopes 3 horizontal to 1 vertical or steeper.
9. If straw mulch alone is used for temporary stabilization, it shall be applied at double the standard rate of 2 tons per acre, making the application rate 4 tons per acre. Other manufactured mulches should be applied at double the manufacturer's recommended rate.
10. To ensure adequate stabilization of disturbed soil in advance of a melt event, areas of disturbed soil should be stabilized at the end of each work day 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.
11. Use stone paths to stabilize access perimeters of buildings under construction and areas where construction vehicle traffic is anticipated. Stone paths should be a minimum 10 feet in width but wider as necessary to accommodate equipment.

Maintenance

The site shall be inspected frequently to ensure that the erosion and sediment control plan is performing its winter stabilization function. If the site will not have earth disturbing activities ongoing during the "winter season", **all** bare exposed soil must be stabilized by established vegetation, straw or other acceptable mulch, matting, rock, or other approved material such as rolled erosion control products. Seeding of areas with mulch cover is preferred but seeding alone is not acceptable for proper stabilization.

Compliance inspections must be performed and reports filed properly in accordance with the SWPPP for all sites under a winter shutdown.

STANDARD AND SPECIFICATIONS FOR CHECK DAM



Definition & Scope

Small barriers or dams constructed of stone, bagged sand or gravel, or other durable materials across a drainageway to reduce erosion in a drainage channel by reducing the velocity of flow in the channel.

Conditions Where Practice Applies

This practice is used as a **temporary** and, in some cases, a **permanent** measure to limit erosion by reducing velocities in open channels that are degrading or subject to erosion or where permanent stabilization is impractical due to short period of usefulness and time constraints of construction.

Design Criteria

Drainage Area: Maximum drainage area above the check dam shall not exceed two (2) acres.

Height: Not greater than 2 feet. Center shall be maintained 9 inches lower than abutments at natural ground elevation.

Side Slopes: Shall be 2:1 or flatter.

Spacing: The check dams shall be spaced as necessary in the channel so that the crest of the downstream dam is at the elevation of the toe of the upstream dam. This spacing is equal to the height of the check dam divided by the channel slope.

Therefore:
$$S = \frac{h}{s}$$

Where: S = spacing interval (ft.)
h = height of check dam (ft.)
s = channel slope (ft./ft.)

Example:

For a channel with and 2 ft. high stone they are spaced as
$$S = \frac{2 \text{ ft}}{0.04 \frac{\text{ft}}{\text{ft}}} = 50 \text{ ft}$$
 a 4% slope check dams, follows:

For stone check dams: Use a well graded stone matrix 2 to 9 inches in size (NYS – DOT Light Stone Fill meets these requirements).

The overflow of the check dams will be stabilized to resist erosion that might be caused by the check dam. See Figure 3.1 on page 3.3 for details.

Check dams should be anchored in the channel by a cutoff trench 1.5 ft. wide and 0.5 ft. deep and lined with filter fabric to prevent soil migration.

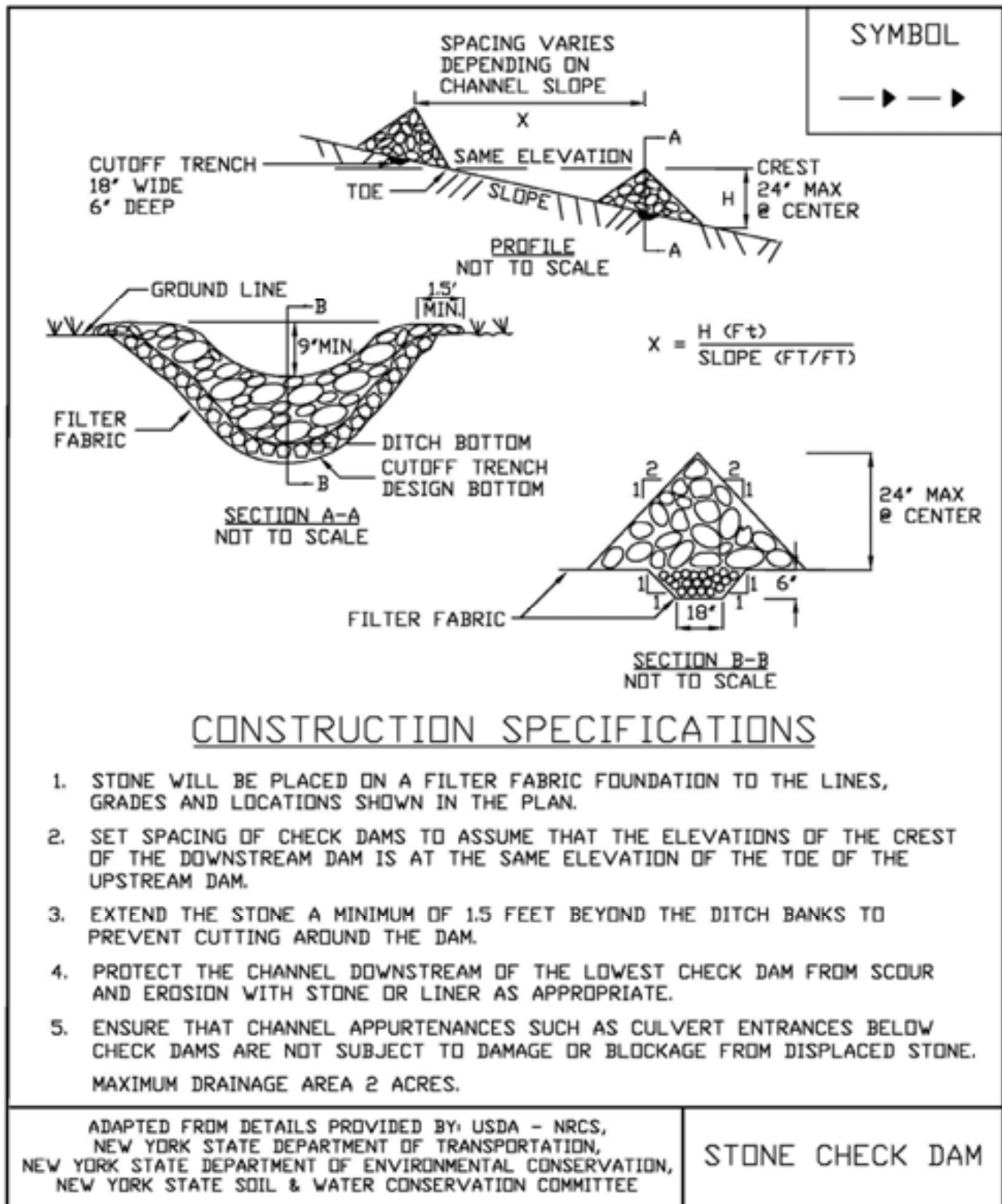
For filter sock or fiber roll check dams: The check dams will be anchored by staking the dam to the earth contact surface. The dam will extend to the top of the bank. The check dam will have a splash apron of NYS DOT #2 crushed stone extending a minimum 3 feet downstream from the dam and 1 foot up the sides of the channel. The compost and materials for a filter sock check dam shall meet the requirements shown in the standard for Compost Filter Sock on page 5.7.

Maintenance

The check dams should be inspected after each runoff event. Correct all damage immediately. If significant erosion has occurred between structures, a liner of stone or other suitable material should be installed in that portion of the channel or additional check dams added.

Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam.

Figure 3.1
Stone Check Dam Detail



STANDARD AND SPECIFICATIONS FOR ROCK OUTLET PROTECTION



Definition & Scope

A **permanent** section of rock protection placed at the outlet end of the culverts, conduits, or channels to reduce the depth, velocity, and energy of water, such that the flow will not erode the receiving downstream reach.

Conditions Where Practice Applies

This practice applies where discharge velocities and energies at the outlets of culverts, conduits, or channels are sufficient to erode the next downstream reach. This applies to:

1. Culvert outlets of all types.
2. Pipe conduits from all sediment basins, dry storm water ponds, and permanent type ponds.
3. New channels constructed as outlets for culverts and conduits.

Design Criteria

The design of rock outlet protection depends entirely on the location. Pipe outlet at the top of cuts or on slopes steeper than 10 percent, cannot be protected by rock aprons or riprap sections due to re-concentration of flows and high velocities encountered after the flow leaves the apron.

Many counties and state agencies have regulations and design procedures already established for dimensions, type and size of materials, and locations where outlet protection is required. Where these requirements exist, they shall be followed.

Tailwater Depth

The depth of tailwater immediately below the pipe outlet

must be determined for the design capacity of the pipe. If the tailwater depth is less than half the diameter of the outlet pipe, and the receiving stream is wide enough to accept divergence of the flow, it shall be classified as a Minimum Tailwater Condition; see Figure 3.16 on page 3.42 as an example. If the tailwater depth is greater than half the pipe diameter and the receiving stream will continue to confine the flow, it shall be classified as a Maximum Tailwater Condition; see Figure 3.17 on page 3.43 as an example. Pipes which outlet onto flat areas with no defined channel may be assumed to have a Minimum Tailwater Condition; see Figure 3.16 on page 3.42 as an example.

Apron Size

The apron length and width shall be determined from the curves according to the tailwater conditions:

Minimum Tailwater – Use Figure 3.16 on page 3.42

Maximum Tailwater – Use Figure 3.17 on page 3.43

If the pipe discharges directly into a well defined channel, the apron shall extend across the channel bottom and up the channel banks to an elevation one foot above the maximum tailwater depth or to the top of the bank, whichever is less.

The upstream end of the apron, adjacent to the pipe, shall have a width two (2) times the diameter of the outlet pipe, or conform to pipe end section if used.

Bottom Grade

The outlet protection apron shall be constructed with no slope along its length. There shall be no overfall at the end of the apron. The elevation of the downstream end of the apron shall be equal to the elevation of the receiving channel or adjacent ground.

Alignment

The outlet protection apron shall be located so that there are no bends in the horizontal alignment.

Materials

The outlet protection may be done using rock riprap, grouted riprap, or gabions. Outlets constructed on the bank of a stream or wetland shall not use grouted rip-rap, gabions or concrete.

Riprap shall be composed of a well-graded mixture of rock size so that 50 percent of the pieces, by weight, shall be larger than the d_{50} size determined by using the charts. A

well-graded mixture, as used herein, is defined as a mixture composed primarily of larger rock sizes, but with a sufficient mixture of other sizes to fill the smaller voids between the rocks. The diameter of the largest rock size in such a mixture shall be 1.5 times the d_{50} size.

Thickness

The minimum thickness of the riprap layer shall be 1.5 times the maximum rock diameter for d_{50} of 15 inches or less; and 1.2 times the maximum rock size for d_{50} greater than 15 inches. The following chart lists some examples:

D₅₀ (inches)	d_{max} (inches)	Minimum Blanket Thick- ness (inches)
4	6	9
6	9	14
9	14	20
12	18	27
15	22	32
18	27	32
21	32	38
24	36	43

Rock Quality

Rock for riprap shall consist of field rock or rough unhewn quarry rock. The rock shall be hard and angular and of a quality that will not disintegrate on exposure to water or weathering. The specific gravity of the individual rocks shall be at least 2.5.

Filter

A filter is a layer of material placed between the riprap and the underlying soil surface to prevent soil movement into and through the riprap. Riprap shall have a filter placed under it in all cases.

A filter can be of two general forms: a gravel layer or a plastic filter cloth. The plastic filter cloth can be woven or non-woven monofilament yarns, and shall meet these base requirements: thickness 20-60 mils, grab strength 90-120 lbs; and shall conform to ASTM D-1777 and ASTM D-1682.

Gravel filter blanket, when used, shall be designed by comparing particle sizes of the overlying material and the base material. Design criteria are available in Standard and Specification for Anchored Slope and Channel Stabilization on page 4.7.

Gabions

Gabions shall be made of hexagonal triple twist mesh with heavily galvanized steel wire. The maximum linear dimension of the mesh opening shall not exceed 4 ½ inches and the area of the mesh opening shall not exceed 10 square inches.

Gabions shall be fabricated in such a manner that the sides, ends, and lid can be assembled at the construction site into a rectangular basket of the specified sizes. Gabions shall be of single unit construction and shall be installed according to manufacturer’s recommendations.

The area on which the gabion is to be installed shall be graded as shown on the drawings. Foundation conditions shall be the same as for placing rock riprap, and filter cloth shall be placed under all gabions. Where necessary, key, or tie, the structure into the bank to prevent undermining of the main gabion structure.

Maintenance

Once a riprap outlet has been installed, the maintenance needs are very low. It should be inspected after high flows for evidence of scour beneath the riprap or for dislodged rocks. Repairs should be made immediately.

Design Procedure

1. Investigate the downstream channel to assure that nonerosive velocities can be maintained.
2. Determine the tailwater condition at the outlet to establish which curve to use.
3. Use the appropriate chart with the design discharge to determine the riprap size and apron length required. It is noted that references to pipe diameters in the charts are based on full flow. For other than full pipe flow, the parameters of depth of flow and velocity must be used to adjust the design discharges.
4. Calculate apron width at the downstream end if a flare section is to be employed.

Design Examples are demonstrated in Appendix B.

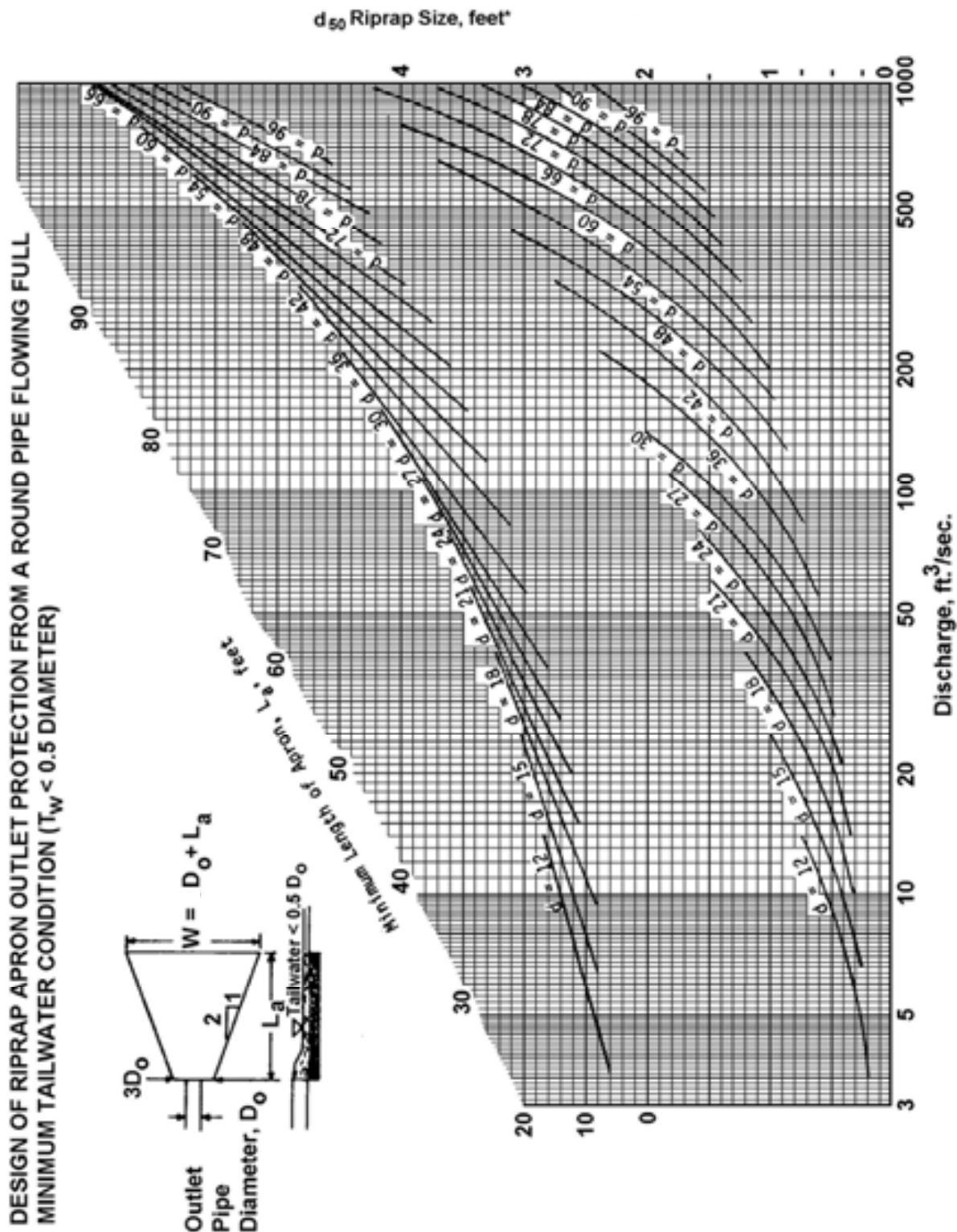
Construction Specifications

1. The subgrade for the filter, riprap, or gabion shall be prepared to the required lines and grades. Any fill required in the subgrade shall be compacted to a density of approximately that of the surrounding undisturbed material.
2. The rock or gravel shall conform to the specified grad-

ing limits when installed respectively in the riprap or filter.

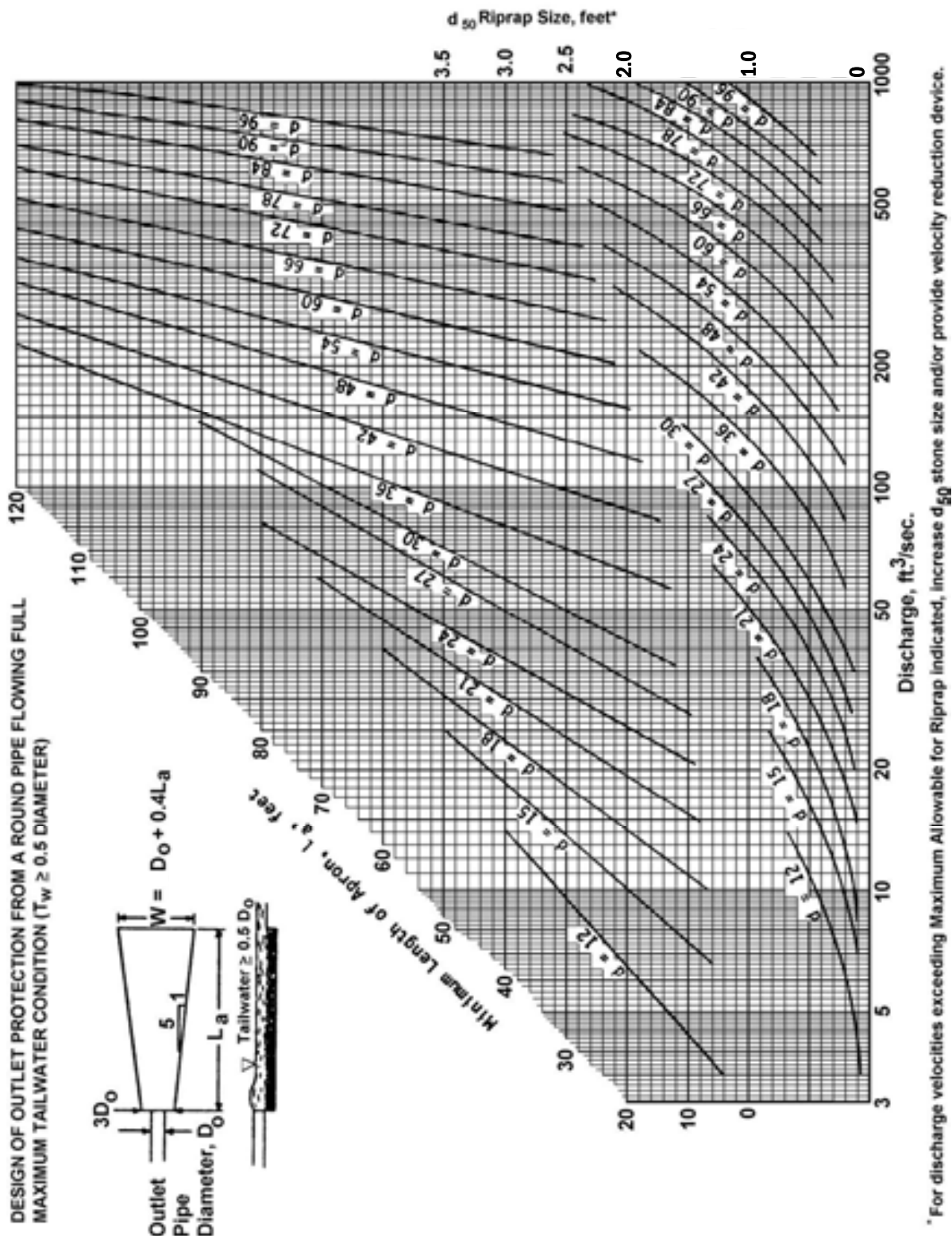
3. Filter cloth shall be protected from punching, cutting, or tearing. Any damage other than an occasional small hole shall be repaired by placing another piece of cloth over the damaged part or by completely replacing the cloth. All overlaps, whether for repairs or for joining two pieces of cloth shall be a minimum of one foot.
4. Rock for the riprap or gabion outlets may be placed by equipment. Both shall each be constructed to the full course thickness in one operation and in such a manner as to avoid displacement of underlying materials. The rock for riprap or gabion outlets shall be delivered and placed in a manner that will ensure that it is reasonably homogenous with the smaller rocks and spalls filling the voids between the larger rocks. Riprap shall be placed in a manner to prevent damage to the filter blanket or filter cloth. Hand placement will be required to the extent necessary to prevent damage to the permanent works.

Figure 3.16
Outlet Protection Design—Minimum Tailwater Condition Chart
(Design of Outlet Protection from a Round Pipe Flowing Full,
Minimum Tailwater Condition: $T_w < 0.5D_o$) (USDA - NRCS)

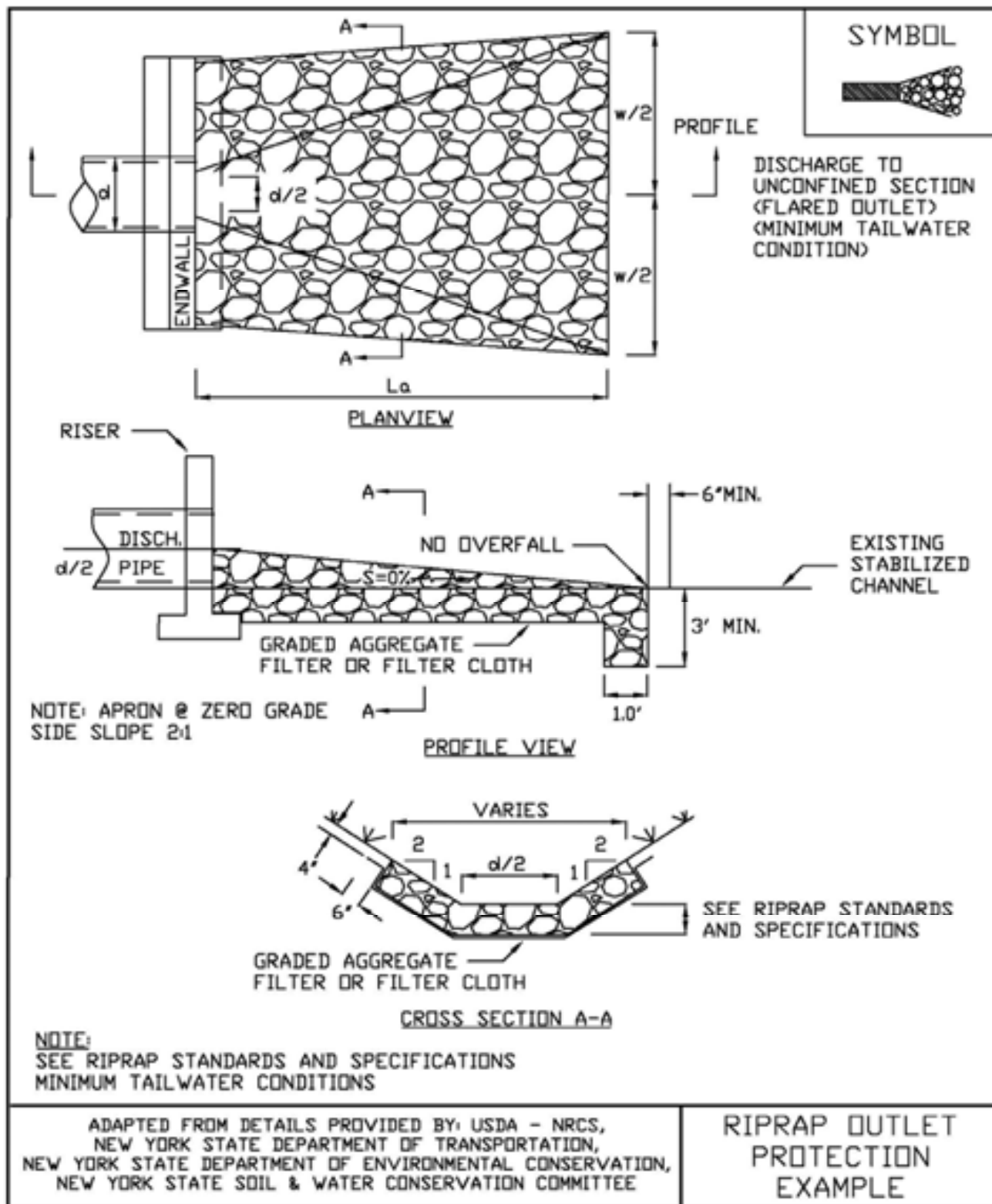


* For discharge velocities exceeding Maximum A for Riprap indicated, increase d_{50} stone size and/or provide velocity reduction device.

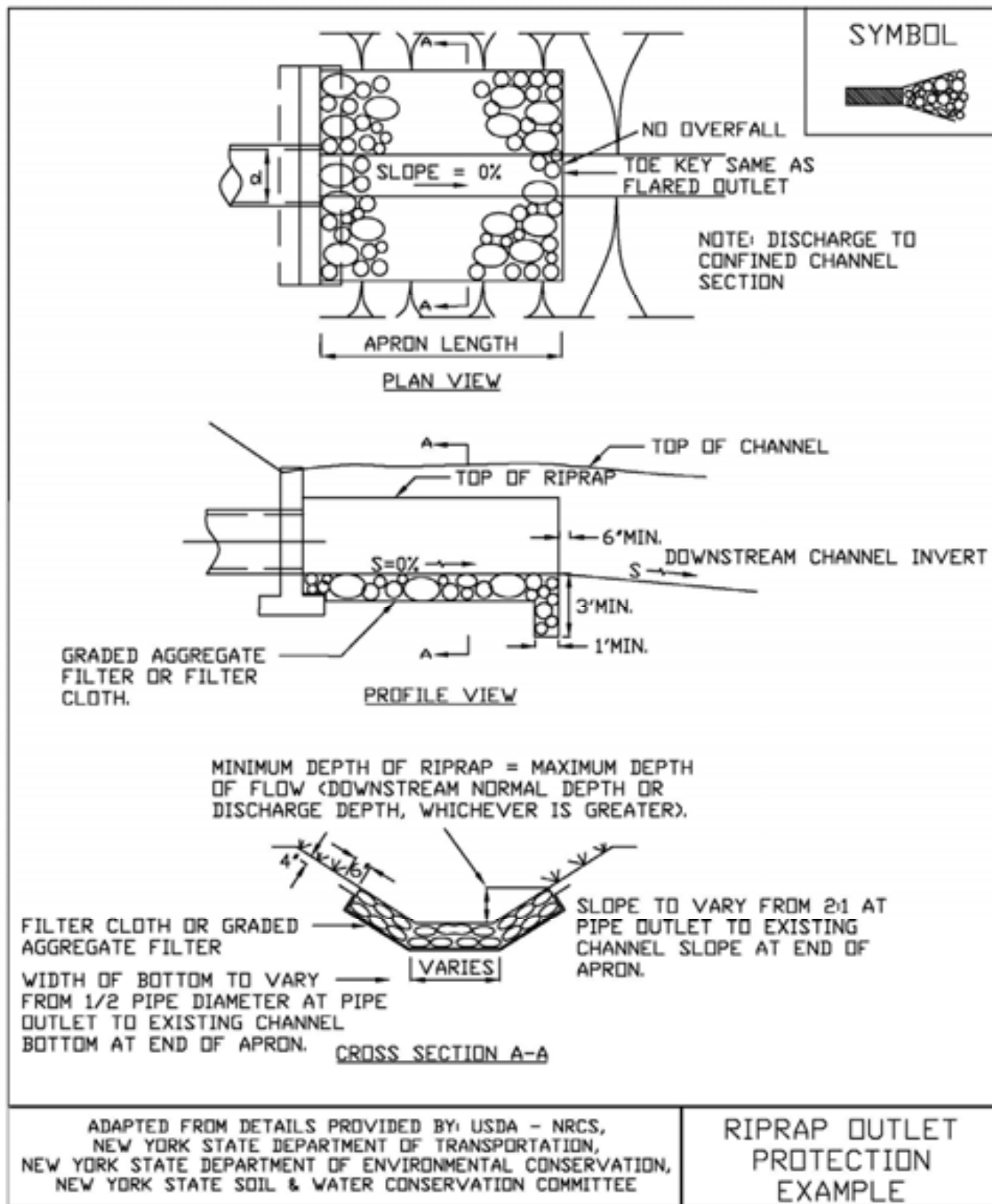
Figure 3.17
Outlet Protection Design—Maximum Tailwater Condition Chart
(Design of Outlet Protection from a Round Pipe Flowing Full,
Maximum Tailwater Condition: $T_w \geq 0.5D_o$) (USDA - NRCS)



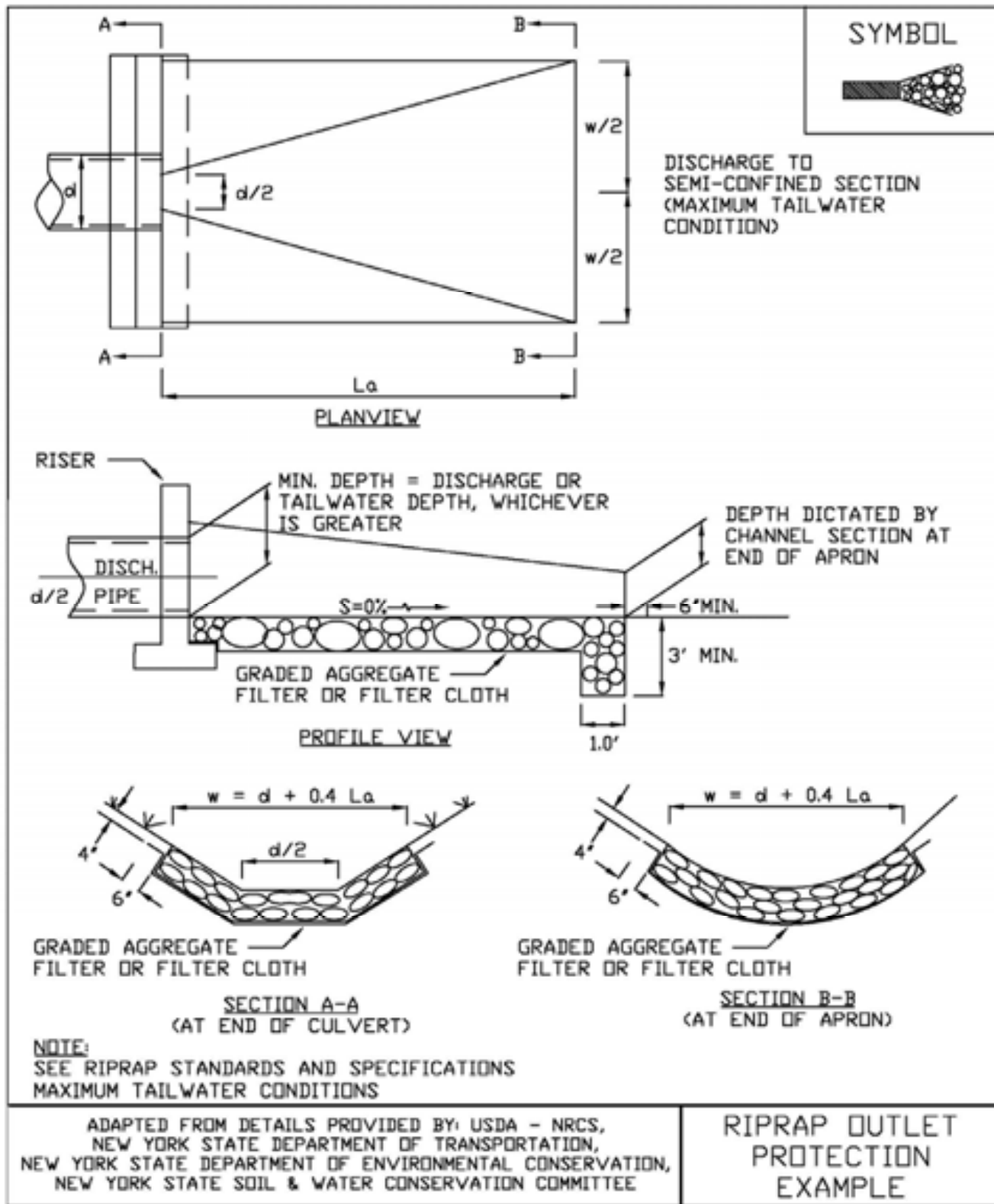
**Figure 3.18
Riprap Outlet Protection Detail (1)**



**Figure 3.19
Riprap Outlet Protection Detail (2)**



**Figure 3.20
Riprap Outlet Protection Detail (3)**



STANDARD AND SPECIFICATIONS FOR WATER BAR



Definition & Scope

A **permanent** or **temporary** ridge, ridge and channel, a structural channel, or flow deflector, constructed diagonally across a sloping road or utility right-of-way that is subject to erosion to limit the accumulation of erosive velocity of water by diverting surface runoff at pre-designed intervals.

Conditions Where Practice Applies

Where runoff protection is needed to prevent erosion from increased concentrated flow on narrow, steep access roads, driveways, and entrance ways to lot parcels as well as utility access right-of-ways generally up to 100 feet in width

Design Criteria

Design computations are not required.

1. The design height shall be minimum of 12 inches measured from channel bottom to ridge top.
2. The side slopes shall be 2:1 or flatter, a minimum of 4:1 where vehicles cross.
3. The base width of the ridge shall be six feet minimum.
4. The spacing of the water bars shall be as follows (Site spacing may need to be adjusted for field conditions to use the most suitable areas for water disposal):

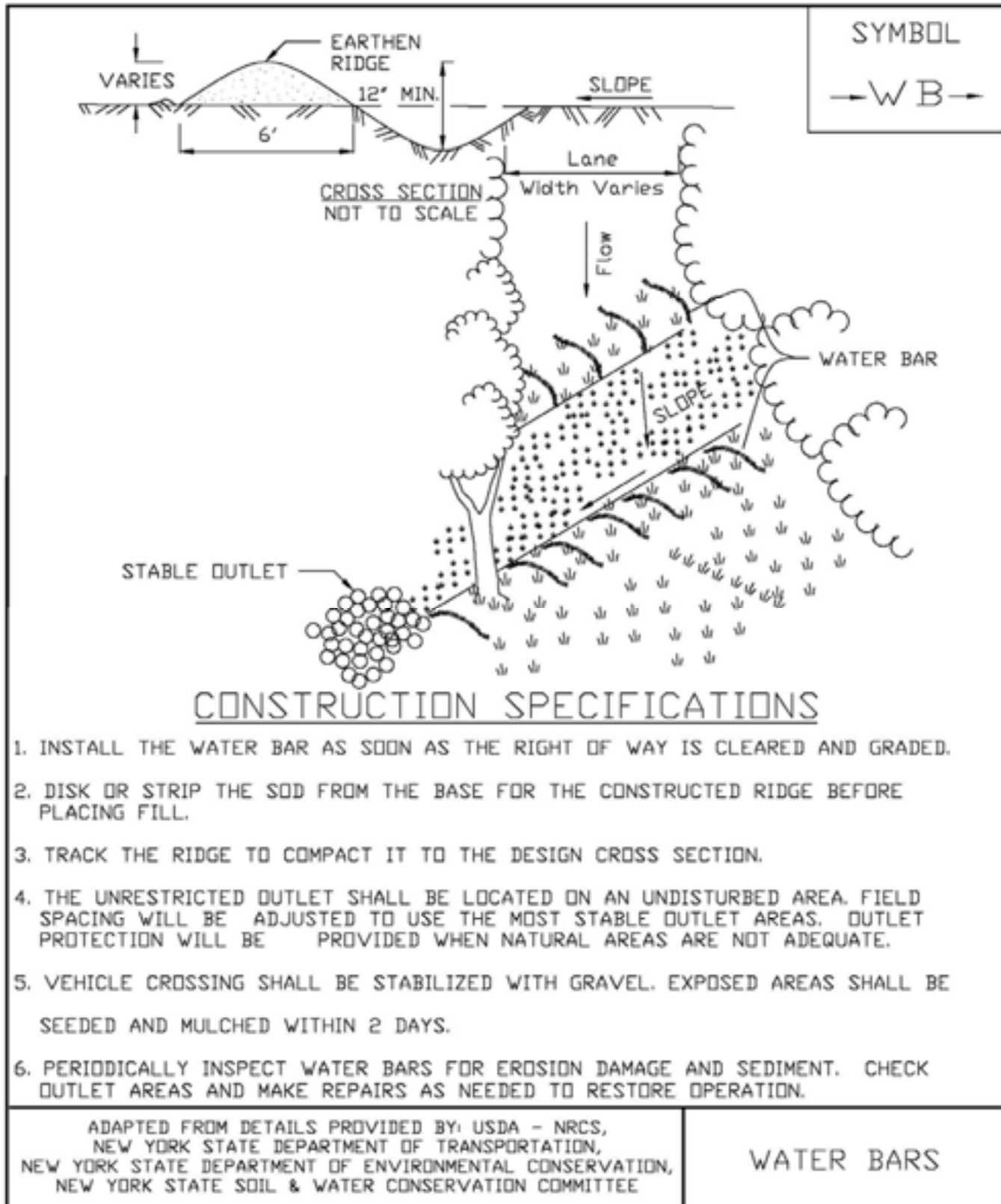
Slope (%)	Spacing (ft.)
<5	125
5 TO 10	100
10 TO 20	75
20 TO 35	50
>35	25

5. The positive grade of the water bar shall not exceed 2%. A crossing angle of approximately 60 degrees is preferred.
6. Once diverted, water must be conveyed to a stable system (i.e. vegetated swale or storm sewer system). Water bars should have stable, unrestricted outlets, either natural or constructed.

See Figure 3.22 on page 3.53 for details.



**Figure 3.22
Water Bar Detail**



STANDARD AND SPECIFICATIONS FOR ANCHORED STABILIZATION MATTING



Definition and Scope

A **temporary** or **permanent** protective covering placed on a prepared, seeded planting area that is anchored in place by staples or other means to aid in controlling erosion by absorbing rain splash energy and withstand overland flow as well as provide a microclimate to protect and promote seed establishment.

Conditions Where Practice Applies

Anchored stabilization mats are required for seeded earthen slopes steeper than 3 horizontal to 1 vertical; in vegetated channels where the velocity of the design flow exceeds the allowable velocity for vegetation alone (usually greater than 5 feet per second); on streambanks and shorelines where moving water is likely to erode newly seeded or planted areas; and in areas where wind prevents standard mulching with straw. This standard does not apply to slopes stabilized with sod, rock riprap or hard armor material.

Design Criteria

Slope Applications - Anchored stabilization mats for use on slopes are primarily used as mulch blankets where the mesh material is within the blanket or as a netting over previously placed mulch. These stabilization mats are NOT effective in preventing slope failures.

1. Required on all slopes steeper than 3:1
2. Matting will be designed for proper longevity need and strength based on intended use.
3. All installation details and directions will be included on the site erosion and sediment control plan and will follow manufactures specifications.

Channel Applications - Anchored stabilization mats, for use in supporting vegetation in flow channels, are generally a non-degradable, three dimensional plastic structure which can be filled with soil prior to planting. This structure provides a medium for root growth where the matting and roots become intertwined forming a continuous anchor for the vegetated lining.

1. Channel stabilization shall be based on the tractive force method.
2. For maximum design shear stresses less than 2 pounds per square foot, a temporary or bio-degradable mat may be used.
3. The design of the final matting shall be based on the mats ability to resist the tractive shear stress at bank full flow.
4. The installation details and procedures shall be included on the site erosion and sediment control plan and will follow manufacturers specifications.



Construction Specifications

1. Prepare soil before installing matting by smoothing the surface, removing debris and large stone, and applying lime, fertilizer and seed. Refer to manufacturers installation details.
2. Begin at the top of the slope by anchoring the mat in a 6" deep x 6" wide trench. Backfill and compact the trench after stapling.
3. In channels or swales, begin at the downslope end, anchoring the mat at the bottom and top ends of the blanket. When another roll is needed, the upslope roll

should overlay the lower layer, shingle style, so that channel flows do not peel back the material.

4. Roll the mats down a slope with a minimum 4" overlap. Roll center mat in a channel in direction of water flow on bottom of the channel. Do not stretch blankets. Blankets shall have good continuous contact with the underlying soil throughout its entire length.
5. Place mats end over end (shingle style) with a 6" overlap, use a double row of staggered staples 4" apart to secure mats.
6. Full length edge of mats at top of side slopes must be anchored in 6" deep x 6" wide trench; backfill and compact the trench after stapling.
7. Mats on side slopes of a channel must be overlapped 4" over the center mat and stapled.
8. In high flow channel applications, a staple check slot is recommended at 30 to 40 foot intervals. Use a row of staples 4" apart over entire width of the channel. Place a second row 4" below the first row in a staggered pattern.
9. The terminal end of the mats must be anchored in a 6"x6" wide trench. Backfill and compact the trench after stapling.
10. Stapling and anchoring of blanket shall be done in accordance with the manufactures recommendations.

Maintenance

Blanketed areas shall be inspected weekly and after each runoff event until perennial vegetation is established to a minimum uniform 80% coverage throughout the blanketed area. Damaged or displaced blankets shall be restored or replaced within 2 calendar days.

STANDARD AND SPECIFICATIONS FOR LANDGRADING



Definition & Scope

Permanent reshaping of the existing land surface by grading in accordance with an engineering topographic plan and specification to provide for erosion control and vegetative establishment on disturbed, reshaped areas.

Design Criteria

The grading plan should be based upon the incorporation of building designs and street layouts that fit and utilize existing topography and desirable natural surrounding to avoid extreme grade modifications. Information submitted must provide sufficient topographic surveys and soil investigations to determine limitations that must be imposed on the grading operation related to slope stability, effect on adjacent properties and drainage patterns, measures for drainage and water removal, and vegetative treatment, etc.

Many municipalities and counties have regulations and design procedures already established for land grading and cut and fill slopes. Where these requirements exist, they shall be followed.

The plan must show existing and proposed contours of the area(s) to be graded. The plan shall also include practices for erosion control, slope stabilization, safe disposal of runoff water and drainage, such as waterways, lined ditches, reverse slope benches (include grade and cross section), grade stabilization structures, retaining walls, and surface and subsurface drains. The plan shall also include phasing of these practices. The following shall be incorporated into the plan:

1. Provisions shall be made to safely convey surface runoff to storm drains, protected outlets, or to stable water courses to ensure that surface runoff will not

damage slopes or other graded areas; see standards and specifications for Grassed Waterway, Diversion, or Grade Stabilization Structure.

2. Cut and fill slopes that are to be stabilized with grasses shall not be steeper than 2:1. When slopes exceed 2:1, special design and stabilization consideration are required and shall be adequately shown on the plans. (Note: Where the slope is to be mowed, the slope should be no steeper than 3:1, although 4:1 is preferred because of safety factors related to mowing steep slopes.)
3. Reverse slope benches or diversion shall be provided whenever the vertical interval (height) of any 2:1 slope exceeds 20 feet; for 3:1 slope it shall be increased to 30 feet and for 4:1 to 40 feet. Benches shall be located to divide the slope face as equally as possible and shall convey the water to a stable outlet. Soils, seeps, rock outcrops, etc., shall also be taken into consideration when designing benches.
 - A. Benches shall be a minimum of six feet wide to provide for ease of maintenance.
 - B. Benches shall be designed with a reverse slope of 6:1 or flatter to the toe of the upper slope and with a minimum of one foot in depth. Bench gradient to the outlet shall be between 2 percent and 3 percent, unless accompanied by appropriate design and computations.
 - C. The flow length within a bench shall not exceed 800 feet unless accompanied by appropriate design and computations; see Standard and Specifications for Diversion on page 3.9
4. Surface water shall be diverted from the face of all cut and/or fill slopes by the use of diversions, ditches and swales or conveyed downslope by the use of a designed structure, except where:
 - A. The face of the slope is or shall be stabilized and the face of all graded slopes shall be protected from surface runoff until they are stabilized.
 - B. The face of the slope shall not be subject to any concentrated flows of surface water such as from natural drainage ways, graded ditches, downspouts, etc.
 - C. The face of the slope will be protected by anchored stabilization matting, sod, gravel, riprap, or other stabilization method.

5. Cut slopes occurring in ripable rock shall be serrated as shown in Figure 4.9 on page 4.26. The serrations shall be made with conventional equipment as the excavation is made. Each step or serration shall be constructed on the contour and will have steps cut at nominal two-foot intervals with nominal three-foot horizontal shelves. These steps will vary depending on the slope ratio or the cut slope. The nominal slope line is 1 ½: 1. These steps will weather and act to hold moisture, lime, fertilizer, and seed thus producing a much quicker and longer-lived vegetative cover and better slope stabilization. Overland flow shall be diverted from the top of all serrated cut slopes and carried to a suitable outlet.
6. Subsurface drainage shall be provided where necessary to intercept seepage that would otherwise adversely affect slope stability or create excessively wet site conditions.
7. Slopes shall not be created so close to property lines as to endanger adjoining properties without adequately protecting such properties against sedimentation, erosion, slippage, settlement, subsidence, or other related damages.
8. Fill material shall be free of brush, rubbish, rocks, logs, stumps, building debris, and other objectionable material. It should be free of stones over two (2) inches in diameter where compacted by hand or mechanical tampers or over eight (8) inches in diameter where compacted by rollers or other equipment. Frozen material shall not be placed in the fill nor shall the fill material be placed on a frozen foundation.
9. Stockpiles, borrow areas, and spoil shall be shown on the plans and shall be subject to the provisions of this Standard and Specifications.
10. All disturbed areas shall be stabilized structurally or vegetatively in compliance with the Permanent Construction Area Planting Standard on page 4.42.
4. Areas to be filled shall be cleared, grubbed, and stripped of topsoil to remove trees, vegetation, roots, or other objectionable material.
5. Areas that are to be topsoiled shall be scarified to a minimum depth of four inches prior to placement of topsoil.
6. All fills shall be compacted as required to reduce erosion, slippage, settlement, subsidence, or other related problems. Fill intended to support buildings, structures, and conduits, etc., shall be compacted in accordance with local requirements or codes.
7. All fill shall be placed and compacted in layers not to exceed 9 inches in thickness.
8. Except for approved landfills or nonstructural fills, fill material shall be free of frozen particles, brush, roots, sod, or other foreign objectionable materials that would interfere with, or prevent, construction of satisfactory fills.
9. Frozen material or soft, mucky or highly compressible materials shall not be incorporated into fill slopes or structural fills.
10. Fill shall not be placed on saturated or frozen surfaces.
11. All benches shall be kept free of sediment during all phases of development.
12. Seeps or springs encountered during construction shall be handled in accordance with the Standard and Specification for Subsurface Drain on page 3.48 or other approved methods.
13. All graded areas shall be permanently stabilized immediately following finished grading.
14. Stockpiles, borrow areas, and spoil areas shall be shown on the plans and shall be subject to the provisions of this Standard and Specifications.

Construction Specifications

See Figures 4.9 and 4.10 for details.

1. All graded or disturbed areas, including slopes, shall be protected during clearing and construction in accordance with the erosion and sediment control plan until they are adequately stabilized.
2. All erosion and sediment control practices and measures shall be constructed, applied and maintained in accordance with the erosion and sediment control plan and these standards.
3. Topsoil required for the establishment of vegetation shall be stockpiled in amount necessary to complete finished grading of all exposed areas.



Figure 4.9
Typical Section of Serrated Cut Slope

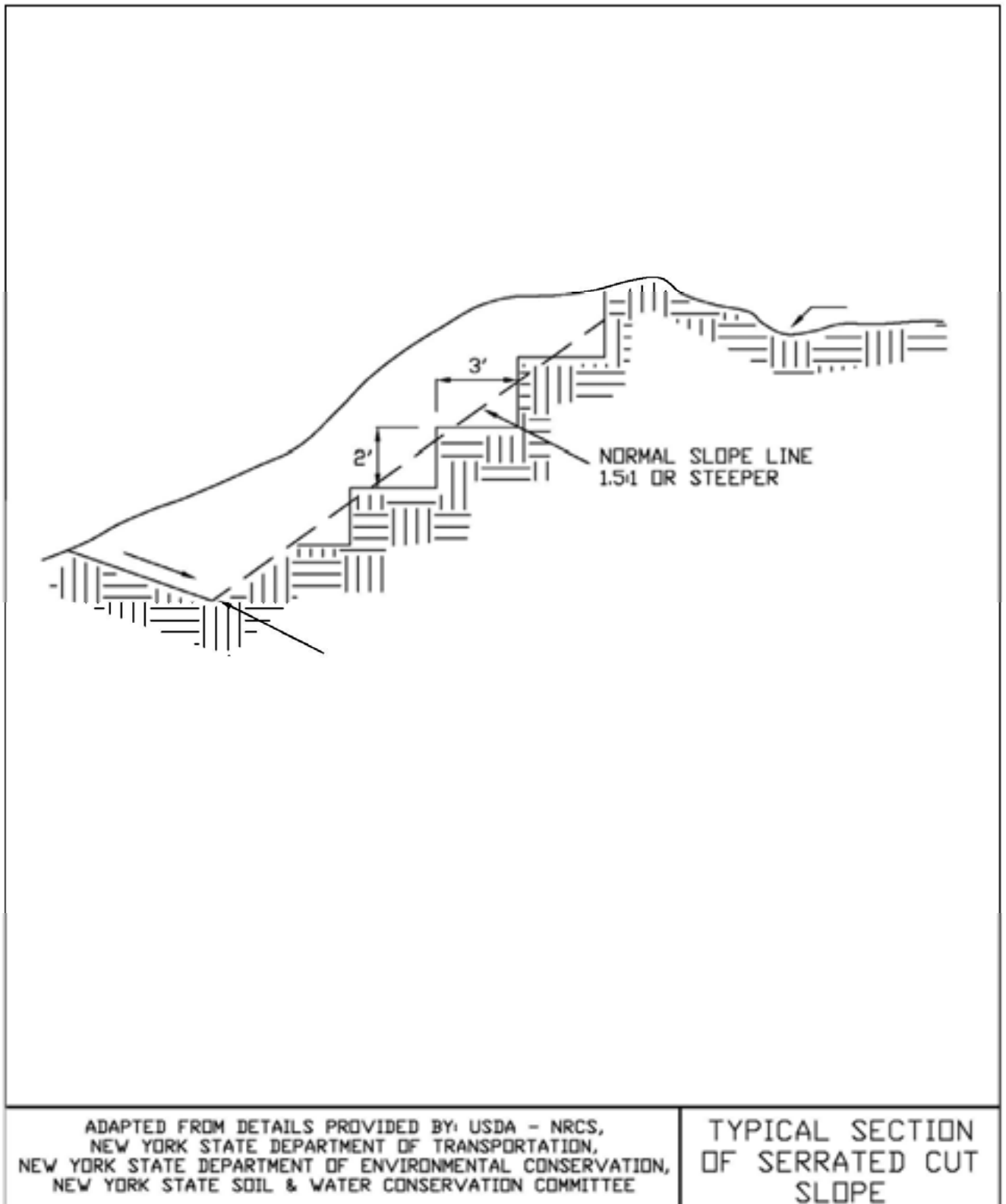


Figure 4.10
Landgrading

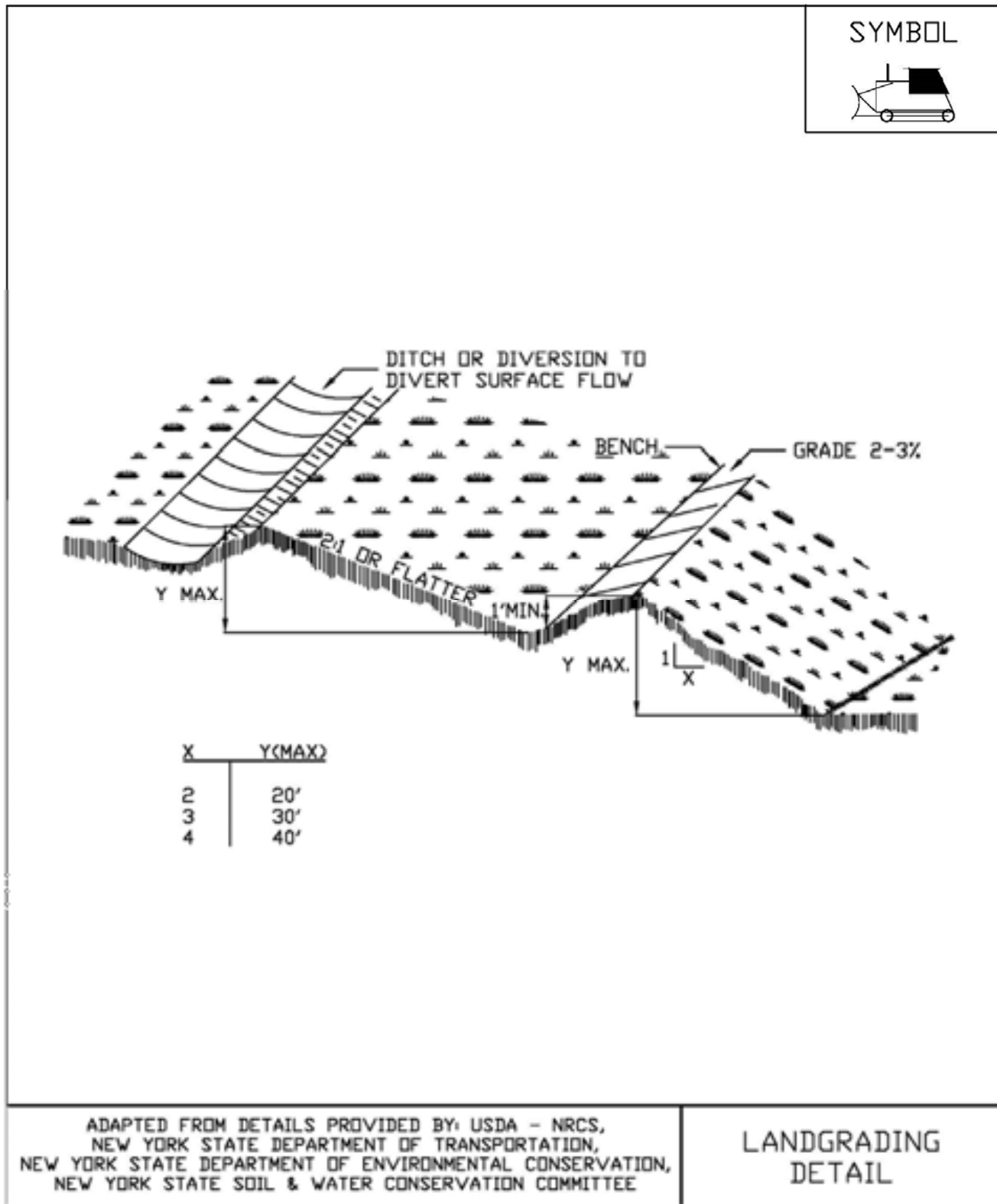


Figure 4.11
Landgrading - Construction Specifications

<u>CONSTRUCTION SPECIFICATIONS</u>	
<ol style="list-style-type: none"> 1. ALL GRADED OR DISTURBED AREAS INCLUDING SLOPES SHALL BE PROTECTED DURING CLEARING AND CONSTRUCTION IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN UNTIL THEY ARE PERMANENTLY STABILIZED. 2. ALL SEDIMENT CONTROL PRACTICES AND MEASURES SHALL BE CONSTRUCTED, APPLIED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN. 3. TOPSOIL REQUIRED FOR THE ESTABLISHMENT OF VEGETATION SHALL BE STOCKPILED IN AMOUNT NECESSARY TO COMPLETE FINISHED GRADING OF ALL EXPOSED AREAS. 4. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS OR OTHER OBJECTIONABLE MATERIAL. 5. AREAS WHICH ARE TO BE TOPSOILED SHALL BE SCARIFIED TO A MINIMUM DEPTH OF FOUR INCHES PRIOR TO PLACEMENT OF TOPSOIL. 6. ALL FILLS SHALL BE COMPACTED AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS. FILL INTENDED TO SUPPORT BUILDINGS, STRUCTURES AND CONDUITS, ETC. SHALL BE COMPACTED IN ACCORDANCE WITH LOCAL REQUIREMENTS OR CODES. 7. ALL FILL SHALL BE PLACED AND COMPACTED IN LAYERS NOT TO EXCEED 9 INCHES IN THICKNESS. 8. EXCEPT FOR APPROVED LANDFILLS, FILL MATERIAL SHALL BE FREE OF FROZEN PARTICLES, BRUSH, ROOTS, SOD, OR OTHER FOREIGN OR OTHER OBJECTIONABLE MATERIALS THAT WOULD INTERFERE WITH OR PREVENT CONSTRUCTION OF SATISFACTORY FILLS. 9. FROZEN MATERIALS OR SOFT, MUCKY OR HIGHLY COMPRESSIBLE MATERIALS SHALL NOT BE INCORPORATED IN FILLS. 10. FILL SHALL NOT BE PLACED ON SATURATED OR FROZEN SURFACES. 11. ALL BENCHES SHALL BE KEPT FREE OF SEDIMENT DURING ALL PHASES OF DEVELOPMENT. 12. SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION SHALL BE HANDLED IN ACCORDANCE WITH THE STANDARD AND SPECIFICATION FOR SUBSURFACE DRAIN OR OTHER APPROVED METHOD. 13. ALL GRADED AREAS SHALL BE PERMANENTLY STABILIZED IMMEDIATELY FOLLOWING FINISHED GRADING. 14. STOCKPILES, BORROW AREAS AND SPOIL AREAS SHALL BE SHOWN ON THE PLANS AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS STANDARD AND SPECIFICATION. 	
<p style="font-size: small; margin: 0;">ADAPTED FROM DETAILS PROVIDED BY: USDA - NRCS, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE</p>	<p style="font-size: large; margin: 0;">LANDGRADING SPECIFICATIONS</p>

STANDARD AND SPECIFICATIONS FOR MULCHING



Definition and Scope

Applying coarse plant residue or chips, or other suitable materials, to cover the soil surface to provide initial erosion control while a seeding or shrub planting is establishing. Mulch will conserve moisture and modify the surface soil temperature and reduce fluctuation of both. Mulch will prevent soil surface crusting and aid in weed control. Mulch can also be used alone for temporary stabilization in non-growing months. Use of stone as a mulch could be more permanent and should not be limited to non-growing months.

Conditions Where Practice Applies

On soils subject to erosion and on new seedlings and shrub plantings. Mulch is useful on soils with low infiltration rates by retarding runoff.

Criteria

Site preparation prior to mulching requires the installation of necessary erosion control or water management practices and drainage systems.

Slope, grade and smooth the site to fit needs of selected mulch products.

Remove all undesirable stones and other debris to meet the needs of the anticipated land use and maintenance required.

Apply mulch after soil amendments and planting is accomplished or simultaneously if hydroseeding is used.

Select appropriate mulch material and application rate or material needs. Hay mulch shall not be used in wetlands or in areas of permanent seeding. Clean straw mulch is preferred alternative in wetland application. Determine local availability.

Select appropriate mulch anchoring material.

NOTE: The best combination for grass/legume establishment is straw (cereal grain) mulch applied at 2 ton/acre (90 lbs./1000sq.ft.) and anchored with wood fiber mulch (hydromulch) at 500 – 750 lbs./acre (11 – 17 lbs./1000 sq. ft.). The wood fiber mulch must be applied through a hydroseeder immediately after mulching.



Table 4.2
Guide to Mulch Materials, Rates, and Uses

Mulch Material	Quality Standards	per 1000 Sq. Ft.	per Acre	Depth of Application	Remarks
Wood chips or shavings	Air-dried. Free of objectionable coarse material	500-900 lbs.	10-20 tons	2-7"	Used primarily around shrub and tree plantings and recreation trails to inhibit weed competition. Resistant to wind blowing. Decomposes slowly.
Wood fiber cellulose (partly digested wood fibers)	Made from natural wood usually with green dye and dispersing agent	50 lbs.	2,000 lbs.	—	Apply with hydromulcher. No tie down required. Less erosion control provided than 2 tons of hay or straw.
Gravel, Crushed Stone or Slag	Washed; Size 2B or 3A—1 1/2"	9 cu. yds.	405 cu. yds.	3"	Excellent mulch for short slopes and around plants and ornaments. Use 2B where subject to traffic. (Approximately 2,000 lbs./cu. yd.). Frequently used over filter fabric for better weed control.
Hay or Straw	Air-dried; free of undesirable seeds & coarse materials	90-100 lbs. 2-3 bales	2 tons (100-120 bales)	cover about 90% surface	Use small grain straw where mulch is maintained for more than three months. Subject to wind blowing unless anchored. Most commonly used mulching material. Provides the best micro-environment for germinating seeds.
Jute twisted yarn	Undyed, unbleached plain weave. Warp 78 ends/yd., Weft 41 ends/yd. 60-90 lbs./roll	48" x 50 yds. or 48" x 75 yds.	—	—	Use without additional mulch. Tie down as per manufacturers specifications. Good for center line of concentrated water flow.
Excelsior wood fiber mats	Interlocking web of excelsior fibers with photodegradable plastic netting	4' x 112.5' or 8' x 112.5'.	—	—	Use without additional mulch. Excellent for seeding establishment. Anchor as per manufacturers specifications. Approximately 72 lbs./roll for excelsior with plastic on both sides. Use two sided plastic for centerline of waterways.
Straw or coconut fiber, or combination	Photodegradable plastic net on one or two sides	Most are 6.5 ft. x 3.5 ft.	81 rolls	—	Designed to tolerate higher velocity water flow, centerlines of waterways, 60 sq. yds. per roll.

Table 4.3
Mulch Anchoring Guide

Anchoring Method or Material	Kind of Mulch to be Anchored	How to Apply
1. Peg and Twine	Hay or straw	After mulching, divide areas into blocks approximately 1 sq. yd. in size. Drive 4-6 pegs per block to within 2" to 3" of soil surface. Secure mulch to surface by stretching twine between pegs in criss-cross pattern on each block. Secure twine around each peg with 2 or more tight turns. Drive pegs flush with soil. Driving stakes into ground tightens the twine.
2. Mulch netting	Hay or straw	Staple the light-weight paper, jute, wood fiber, or plastic nettings to soil surface according to manufacturer's recommendations. Should be biodegradable. Most products are not suitable for foot traffic.
3. Wood cellulose fiber	Hay or straw	Apply with hydroseeder immediately after mulching. Use 500 lbs. wood fiber per acre. Some products contain an adhesive material ("tackifier"), possibly advantageous.
4. Mulch anchoring tool	Hay or straw	Apply mulch and pull a mulch anchoring tool (blunt, straight discs) over mulch as near to the contour as possible. Mulch material should be "tucked" into soil surface about 3".
5. Tackifier	Hay or straw	Mix and apply polymeric and gum tackifiers according to manufacturer's instructions. Avoid application during rain. A 24-hour curing period and a soil temperature higher than 45 ^o Fahrenheit are required.

STANDARD AND SPECIFICATIONS FOR PERMANENT CONSTRUCTION AREA PLANTING



Definition & Scope

Establishing **permanent** grasses with other forbs and/or shrubs to provide a minimum 80% perennial vegetative cover on areas disturbed by construction and critical areas to reduce erosion and sediment transport. Critical areas may include but are not limited to steep excavated cut or fill slopes as well as eroding or denuded natural slopes and areas subject to erosion.

Conditions Where Practice Applies

This practice applies to all disturbed areas void of, or having insufficient, cover to prevent erosion and sediment transport. See additional standards for special situations such as sand dunes and sand and gravel pits.

Criteria

All water control measures will be installed as needed prior to final grading and seedbed preparation. Any severely compacted sections will require chiseling or disking to provide an adequate rooting zone, to a minimum depth of 12", see Soil Restoration Standard. The seedbed must be prepared to allow good soil to seed contact, with the soil not too soft and not too compact. Adequate soil moisture must be present to accomplish this. If surface is powder dry or sticky wet, postpone operations until moisture changes to a favorable condition. If seeding is accomplished within 24 hours of final grading, additional scarification is generally not needed, especially on ditch or stream banks. Remove all stones and other debris from the surface that are greater than 4 inches, or that will interfere with future mowing or maintenance.

Soil amendments should be incorporated into the upper 2 inches of soil when feasible. **The soil should be tested to determine the amounts of amendments needed.** Apply

ground agricultural limestone to attain a pH of 6.0 in the upper 2 inches of soil. If soil must be fertilized before results of a soil test can be obtained to determine fertilizer needs, apply commercial fertilizer at 600 lbs. per acre of 5-5-10 or equivalent. If manure is used, apply a quantity to meet the nutrients of the above fertilizer. This requires an appropriate manure analysis prior to applying to the site. Do not use manure on sites to be planted with birdsfoot trefoil or in the path of concentrated water flow.

Seed mixtures may vary depending on location within the state and time of seeding. Generally, warm season grasses should only be seeded during early spring, April to May. These grasses are primarily used for vegetating excessively drained sands and gravels. See Standard and Specification for Sand and Gravel Mine Reclamation. Other grasses may be seeded any time of the year when the soil is not frozen and is workable. When legumes such as birdsfoot trefoil are included, spring seeding is preferred. See Table 4.4, "Permanent Construction Area Planting Mixture Recommendations" for additional seed mixtures.

<u>General Seed Mix:</u>	Variety	lbs./acre	lbs/1000 sq. ft.
Red Clover ¹ <u>OR</u>	Acclaim, Rally, Red Head II, Renegade	8 ²	0.20
Common white clover ¹	Common	8	0.20
<u>PLUS</u>			
Creeping Red Fescue	Common	20	0.45
<u>PLUS</u>			
Smooth Bromegrass <u>OR</u>	Common	2	0.05
Ryegrass (perennial)	Pennfine/Linn	5	0.10
¹ add inoculant immediately prior to seeding ² Mix 4 lbs each of Empire and Pardee OR 4 lbs of Birdsfoot and 4 lbs white clover per acre. All seeding rates are given for Pure Live Seed (PLS)			

Pure Live Seed, or (PLS) refers to the amount of live seed in a lot of bulk seed. Information on the seed bag label includes the type of seed, supplier, test date, source of seed, purity, and germination. Purity is the percentage of pure seed. Germination is the percentage of pure seed that will produce normal plants when planted under favorable conditions.

To compute Pure Live Seed multiply the “germination percent” times the “purity” and divide that by 100 to get Pure Live Seed.

$$\text{Pure Live Seed (PLS)} = \frac{\% \text{ Germination} \times \% \text{ Purity}}{100}$$

For example, the PLS for a lot of Kentucky Blue grass with 75% purity and 96% germination would be calculated as follows:

$$\frac{(96) \times (75)}{100} = 72\% \text{ Pure Live Seed}$$

For 10lbs of PLS from this lot =

$$\frac{10}{0.72} = 13.9 \text{ lbs}$$

Therefore, 13.9 lbs of seed is the actual weight needed to meet 10lbs PSL from this specific seed lot.

Time of Seeding: The optimum timing for the general seed mixture is early spring. Permanent seedings may be made any time of year if properly mulched and adequate moisture is provided. Late June through early August is not a good time to seed, but may facilitate covering the land without additional disturbance if construction is completed. Portions of the seeding may fail due to drought and heat. These areas may need reseeding in late summer/fall or the following spring.

Method of seeding: Broadcasting, drilling, cultipack type seeding, or hydroseeding are acceptable methods. Proper soil to seed contact is key to successful seedings.

Mulching: Mulching is essential to obtain a uniform stand of seeded plants. Optimum benefits of mulching new seedings are obtained with the use of small grain straw applied at a rate of 2 tons per acre, and anchored with a netting or tackifier. See the Standard and Specifications for Mulching for choices and requirements.

Irrigation: Watering may be essential to establish a new seeding when a drought condition occurs shortly after a new seeding emerges. Irrigation is a specialized practice and care must be taken not to exceed the application rate for the soil or subsoil. When disconnecting irrigation pipe, be sure pipes are drained in a safe manor, not creating an erosion concern.



80% Perennial Vegetative Cover



50% Perennial Vegetative Cover

**Table 4.4
Permanent Construction Area Planting Mixture Recommendations**

Seed Mixture	Variety	Rate in lbs./acre (PLS)	Rate in lbs./1,000 ft ²
Mix #1			
Creeping red fescue	Ensylva, Pennlawn, Boreal	10	.25
Perennial ryegrass	Pennfine, Linn	10	.25
*This mix is used extensively for shaded areas.			
Mix #2			
Switchgrass	Shelter, Pathfinder, Trailblazer, or Blackwell	20	.50
*This rate is in pure live seed, this would be an excellent choice along the upland edge of a wetland to filter runoff and provide wildlife benefits. In areas where erosion may be a problem, a companion seeding of sand lovegrass should be added to provide quick cover at a rate of 2 lbs. per acre (0.05 lbs. per 1000 sq. ft.).			
Mix #3			
Switchgrass	Shelter, Pathfinder, Trailblazer, or Blackwell	4	.10
Big bluestem	Niagara	4	.10
Little bluestem	Aldous or Camper	2	.05
Indiangrass	Rumsey	4	.10
Coastal panicgrass	Atlantic	2	.05
Sideoats grama	El Reno or Trailway	2	.05
Wildflower mix		.50	.01
*This mix has been successful on sand and gravel plantings. It is very difficult to seed without a warm season grass seeder such as a Truax seed drill. Broadcasting this seed is very difficult due to the fluffy nature of some of the seed, such as bluestems and indiangrass.			
Mix #4			
Switchgrass	Shelter, Pathfinder, Trailblazer, or Blackwell	10	.25
Coastal panicgrass	Atlantic	10	.25
*This mix is salt tolerant, a good choice along the upland edge of tidal areas and roadsides.			
Mix #5			
Saltmeadow cordgrass (<i>Spartina patens</i>)—This grass is used for tidal shoreline protection and tidal marsh restoration. It is planted by vegetative stem divisions.			
'Cape' American beachgrass can be planted for sand dune stabilization above the saltmeadow cordgrass zone.			
Mix #6			
Creeping red fescue	Ensylva, Pennlawn, Boreal	20	.45
Chewings Fescue	Common	20	.45
Perennial ryegrass	Pennfine, Linn	5	.10
Red Clover	Common	10	.45
*General purpose erosion control mix. Not to be used for a turf planting or play grounds.			

STANDARD AND SPECIFICATIONS FOR SOIL RESTORATION



Definition & Scope

The decompaction of areas of a development site or construction project where soils have been disturbed to recover the original properties and porosity of the soil; thus providing a sustainable growth medium for vegetation, reduction of runoff and filtering of pollutants from stormwater runoff.

Conditions Where Practice Applies

Soil restoration is to be applied to areas whose heavy construction traffic is done and final stabilization is to begin. This is generally applied in the cleanup, site restoration, and landscaping phase of construction followed by the permanent establishment of an appropriate ground cover to maintain the soil structure. Soil restoration measures should be applied over and adjacent to any runoff reduction practices to achieve design performance.



Design Criteria

1. Soil restoration areas will be designated on the plan views of areas to be disturbed.

2. Soil restoration will be completed in accordance with Table 4.6 on page 4.53.

Specification for Full Soil Restoration

During periods of relatively low to moderate subsoil moisture, the disturbed subsoils are returned to rough grade and the following Soil Restoration steps applied:

1. Apply 3 inches of compost over subsoil. The compost shall be well decomposed (matured at least 3 months), weed-free, organic matter. It shall be aerobically composted, possess no objectionable odors, and contain less than 1%, by dry weight, of man-made foreign matter. The physical parameters of the compost shall meet the standards listed in Table 5.2 - Compost Standards Table, except for "Particle Size" 100% will pass the 1/2" sieve. **Note: All biosolids compost produced in New York State (or approved for importation) must meet NYS DEC's 6 NYCRR Part 360 (Solid Waste Management Facilities) requirements. The Part 360 requirements are equal to or more stringent than 40 CFR Part 503 which ensure safe standards for pathogen reduction and heavy metals content.**



2. Till compost into subsoil to a depth of at least 12 inches using a cat-mounted ripper, tractor mounted disc, or tiller, to mix and circulate air and compost into the subsoil.
3. Rock-pick until uplifted stone/rock materials of four inches and larger size are cleaned off the site.
4. Apply topsoil to a depth of 6 inches.
5. Vegetate as required by the seeding plan. Use appropriate ground cover with deep roots to maintain the soil structure.
6. Topsoil may be manufactured as a mixture or a mineral component and organic material such as compost.

At the end of the project an inspector should be able to push a 3/8” metal bar 12 inches into the soil just with body weight. This should not be performed within the drip line of any existing trees or over utility installations that are within 24 inches of the surface.

Maintenance

Keep the site free of vehicular and foot traffic or other weight loads. Consider pedestrian footpaths.

**Table 4.6
Soil Restoration Requirements**

Type of Soil Disturbance	Soil Restoration Requirement		Comments/Examples
No soil disturbance	Restoration not permitted		Preservation of Natural Features
Minimal soil disturbance	Restoration not required		Clearing and grubbing
Areas where topsoil is stripped only - no change in grade	HSG A&B	HSG C&D	Protect area from any ongoing construction activities.
	Apply 6 inches of topsoil	Aerate* and apply 6 inches of topsoil	
Areas of cut or fill	HSG A&B	HSG C&D	
	Aerate* and apply 6 inches of topsoil	Apply full Soil Restoration**	
Heavy traffic areas on site (especially in a zone 5-25 feet around buildings but not within a 5 foot perimeter around foundation walls)	Apply full Soil Restoration (decompaction and compost enhancement)		
Areas where Runoff Reduction and/or Infiltration practices are applied	Restoration not required, but may be applied to enhance the reduction specified for appropriate practices.		Keep construction equipment from crossing these areas. To protect newly installed practice from any ongoing construction activities construct a single phase operation fence area
Redevelopment projects	Soil Restoration is required on redevelopment projects in areas where existing impervious area will be converted to pervious area.		
<p>* Aeration includes the use of machines such as tractor-drawn implements with coulters making a narrow slit in the soil, a roller with many spikes making indentations in the soil, or prongs which function like a mini-subsoiler. ** Per “Deep Ripping and De-compaction, DEC 2008”.</p>			

STANDARD AND SPECIFICATIONS FOR TEMPORARY CONSTRUCTION AREA SEEDING



Definition & Scope

Providing temporary erosion control protection to disturbed areas and/or localized critical areas for an interim period by covering all bare ground that exists as a result of construction activities or a natural event. Critical areas may include but are not limited to steep excavated cut or fill slopes and any disturbed, denuded natural slopes subject to erosion.

Conditions Where Practice Applies

Temporary seedings may be necessary on construction sites to protect an area, or section, where final grading is complete, when preparing for winter work shutdown, or to provide cover when permanent seedings are likely to fail due to mid-summer heat and drought. The intent is to provide temporary protective cover during temporary shutdown of construction and/or while waiting for optimal planting time.

Criteria

Water management practices must be installed as appropriate for site conditions. The area must be rough graded and slopes physically stable. Large debris and rocks are usually removed. Seedbed must be seeded within 24 hours of disturbance or scarification of the soil surface will be necessary prior to seeding.

Fertilizer or lime are not typically used for temporary seedings.

IF: Spring or summer or early fall, then seed the area with ryegrass (annual or perennial) at 30 lbs. per acre (Approximately 0.7 lb./1000 sq. ft. or use 1 lb./1000 sq. ft.).

IF: Late fall or early winter, then seed Certified 'Aroostook' winter rye (cereal rye) at 100 lbs. per acre (2.5 lbs./1000 sq. ft.).

Any seeding method may be used that will provide uniform application of seed to the area and result in relatively good soil to seed contact.

Mulch the area with hay or straw at 2 tons/acre (approx. 90 lbs./1000 sq. ft. or 2 bales). Quality of hay or straw mulch allowable will be determined based on long term use and visual concerns. Mulch anchoring will be required where wind or areas of concentrated water are of concern. Wood fiber hydromulch or other sprayable products approved for erosion control (nylon web or mesh) may be used if applied according to manufacturers' specification. Caution is advised when using nylon or other synthetic products. They may be difficult to remove prior to final seeding and can be a hazard to young wildlife species.

STANDARD AND SPECIFICATIONS FOR TOPSOILING



Definition & Scope

Spreading a specified quality and quantity of topsoil materials on graded or constructed subsoil areas to provide acceptable plant cover growing conditions, thereby reducing erosion; to reduce irrigation water needs; and to reduce the need for nitrogen fertilizer application.

Conditions Where Practice Applies

Topsoil is applied to subsoils that are droughty (low available moisture for plants), stony, slowly permeable, salty or extremely acid. It is also used to backfill around shrub and tree transplants. This standard does not apply to wetland soils.

Design Criteria

1. Preserve existing topsoil in place where possible, thereby reducing the need for added topsoil.
2. Conserve by stockpiling topsoil and friable fine textured subsoils that must be stripped from the excavated site and applied after final grading where vegetation will be established. Topsoil stockpiles must be stabilized. Stockpile surfaces can be stabilized by vegetation, geotextile or plastic covers. This can be aided by orientating the stockpile lengthwise into prevailing winds.
3. Refer to USDA Natural Resource Conservation Service soil surveys or soil interpretation record sheets for further soil texture information for selecting appropriate design topsoil depths.

Site Preparation

1. As needed, install erosion and sediment control practices such as diversions, channels, sediment traps, and stabilizing measures, or maintain if already installed.
2. Complete rough grading and final grade, allowing for depth of topsoil to be added.
3. Scarify all compact, slowly permeable, medium and fine textured subsoil areas. Scarify at approximately right angles to the slope direction in soil areas that are steeper than 5 percent. Areas that have been overly compacted shall be decompact in accordance with the Soil Restoration Standard.
4. Remove refuse, woody plant parts, stones over 3 inches in diameter, and other litter.

Topsoil Materials

1. Topsoil shall have at least 6 percent by weight of fine textured stable organic material, and no greater than 20 percent. Muck soil shall not be considered topsoil.
2. Topsoil shall have not less than 20 percent fine textured material (passing the NO. 200 sieve) and not more than 15 percent clay.
3. Topsoil treated with soil sterilants or herbicides shall be so identified to the purchaser.
4. Topsoil shall be relatively free of stones over 1 1/2 inches in diameter, trash, noxious weeds such as nut sedge and quackgrass, and will have less than 10 percent gravel.
5. Topsoil containing soluble salts greater than 500 parts per million shall not be used.
6. Topsoil may be manufactured as a mixture of a mineral component and organic material such as compost.

Application and Grading

1. Topsoil shall be distributed to a uniform depth over the area. It shall not be placed when it is partly frozen, muddy, or on frozen slopes or over ice, snow, or standing water puddles.
2. Topsoil placed and graded on slopes steeper than 5 percent shall be promptly fertilized, seeded, mulched, and stabilized by “tracking” with suitable equipment.
3. Apply topsoil in the amounts shown in Table 4.7 below:

Table 4.7 - Topsoil Application Depth		
Site Conditions	Intended Use	Minimum Topsoil Depth
1. Deep sand or loamy sand	Mowed lawn	6 in.
	Tall legumes, unmowed	2 in.
	Tall grass, unmowed	1 in.
2. Deep sandy loam	Mowed lawn	5 in.
	Tall legumes, unmowed	2 in.
	Tall grass, unmowed	none
3. Six inches or more: silt loam, clay loam, loam, or silt	Mowed lawn	4 in.
	Tall legumes, unmowed	1 in.
	Tall grass, unmowed	1 in.

STANDARD AND SPECIFICATIONS FOR COFFERDAM STRUCTURES



Definition & Scope

A **temporary** barrier placed at a worksite to prevent water from flooding the work area so that construction can take place without discharging sediment into the water resource.

Condition Where Practice Applies

Temporary coffer dams are used to separate streams, rivers, lakes, and other sources of surface water from adjacent locations where soil disturbances are undertaken to complete construction. These barriers can be constructed of manufactured components such as geotextile/plastic tubes filled with water, portable dams formed by metal framing with a geo-membrane, or conventionally constructed earth and stone dike systems.

Design Criteria

The maximum height for this application is 10 feet. No construction activity shall commence in the area of the cofferdam until it is completed and stabilized.

Water Filled Structures

1. These structures shall be sized and installed according to the manufacturers recommendations.
2. Adequate freeboard must be provided to prevent flotation during high water events and periods of below freezing temperatures.
3. The foundation shall be prepared to provide full bottom contact prior to filling.
4. An interior dewatering system shall be designed within

the work area to manage seepage.

5. The ends of the water structures shall be anchored on the stream banks or shorelines at an elevation at least above the top of the structure.

Structural Component Dams

1. These structures shall be sized and installed in accordance with the manufacturers recommendations.
2. The foundation area for the placement of the structural steel framing and the impervious fabric membrane shall be as directed by the manufacturer or by qualified personnel.
3. Dewatering the interior of the coffer dam will be done in a manner that does not disturb the foundation area of the structural frame.
4. A minimum of 2 feet of freeboard shall be provided above the expected high water elevation.

Earthen Cofferdams

1. The earthen coffer dam shall be constructed of fill material that will preclude the transmission of water through the dam, or contain an impermeable core.
2. The minimum top width shall be 8 feet with 2:1 side slopes, and compacted in 9 inch lifts with a minimum of 4 passes of construction equipment.
3. The outside slope shall be covered with a 1 foot layer of rock riprap over a graded stone bedding or geotextile to prevent erosion of soil material into water. An alternative method is to cover the outside slope with an anchored plastic cover with a minimum thickness of 20 mil.
4. Interior work will be conducted in a manner that will not disturb or undermine the earthen coffer dam or its foundation.

Inspection and Maintenance

1. All cofferdams will be inspected daily to assure proper performance and stability as vibration from construction equipment can cause disturbance of the structures.
2. Particular attention should be given to the foundation support system at perimeter of structural component dams. Any undermined or settled areas shall be restored immediately.

3. Any holes, leaks, or torn areas in the geo-membranes or fabric shall be repaired immediately.
4. Any shifting, movement, or settling of the coffer dam shall be addressed immediately to protect workers in the construction area.
5. Inspect the interior dewatering system and ensure that the system is discharging clean water, or is being pumped to appropriate sediment control facility prior to returning to the water resource.
6. Repair or replace any loss of rock riprap or fill that may occur and assure the top of the coffer dam is level without any low spots due to settling.
7. Upon completion of the construction work, remove all excess material, accumulated sediment and debris from the work area, and remove the cofferdam in accordance with the site stabilization plan.

STANDARD AND SPECIFICATIONS FOR COMPOST FILTER SOCK



Definition & Scope

A **temporary** sediment control practice composed of a degradable geotextile mesh tube filled with compost filter media to filter sediment and other pollutants associated with construction activity to prevent their migration offsite.

Condition Where Practice Applies

Compost filter socks can be used in many construction site applications where erosion will occur in the form of sheet erosion and there is no concentration of water flowing to the sock. In areas with steep slopes and/or rocky terrain, soil conditions must be such that good continuous contact between the sock and the soil is maintained throughout its length. For use on impervious surfaces such as road pavement or parking areas, proper anchorage must be provided to prevent shifting of the sock or separation of the contact between the sock and the pavement. Compost filter socks are utilized both at the site perimeter as well as within the construction areas. These socks may be filled after placement by blowing compost into the tube pneumatically, or filled at a staging location and moved into its designed location.

Design Criteria

1. Compost filter socks will be placed on the contour with both terminal ends of the sock extended 8 feet upslope at a 45 degree angle to prevent bypass flow.
2. Diameters designed for use shall be 12" – 32" except

that 8" diameter socks may be used for residential lots to control areas less than 0.25 acres.

3. The flat dimension of the sock shall be at least 1.5 times the nominal diameter.
4. The **Maximum Slope Length** (in feet) above a compost filter sock shall not exceed the following limits:

Dia. (in.)	Slope %						
	2	5	10	20	25	33	50
8	225*	200	100	50	20	—	—
12	250	225	125	65	50	40	25
18	275	250	150	70	55	45	30
24	350	275	200	130	100	60	35
32	450	325	275	150	120	75	50

* Length in feet



5. The compost infill shall be well decomposed (matured at least 3 months), weed-free, organic matter. It shall be aerobically composted, possess no objectionable odors, and contain less than 1%, by dry weight, of man-made foreign matter. The physical parameters of the compost shall meet the standards listed in Table 5.2 - Compost Standards Table. **Note: All biosolids compost produced in New York State (or approved for importation) must meet NYS DEC's 6 NYCRR Part 360 (Solid Waste Management Facilities) requirements. The Part 360 requirements are equal to or more stringent than 40 CFR Part 503 which ensure safe standards for pathogen reduction and heavy metals content. When using compost filter socks adjacent to surface water, the compost should have a low nutrient value.**
6. The compost filter sock fabric material shall meet the

7. Compost filter socks shall be anchored in earth with 2” x 2” wooden stakes driven 12” into the soil on 10 foot centers on the centerline of the sock. On uneven terrain, effective ground contact can be enhanced by the placement of a fillet of filter media on the disturbed area side of the compost sock.
8. All specific construction details and material specifications shall appear on the erosion and sediment control constructions drawings when compost filter socks are included in the plan.
3. Socks shall be inspected weekly and after each runoff event. Damaged socks shall be repaired in the manner required by the manufacturer or replaced within 24 hours of inspection notification.
4. Biodegradable filter socks shall be replaced after 6 months; photodegradable filter socks after 1 year. Polypropylene socks shall be replaced according to the manufacturer’s recommendations.
5. Upon stabilization of the area contributory to the sock, stakes shall be removed. The sock may be left in place and vegetated or removed in accordance with the stabilization plan. For removal the mesh can be cut and the compost spread as an additional mulch to act as a soil supplement.

Maintenance

1. Traffic shall not be permitted to cross filter socks.
2. Accumulated sediment shall be removed when it reaches half the above ground height of the sock and disposed of in accordance with the plan.

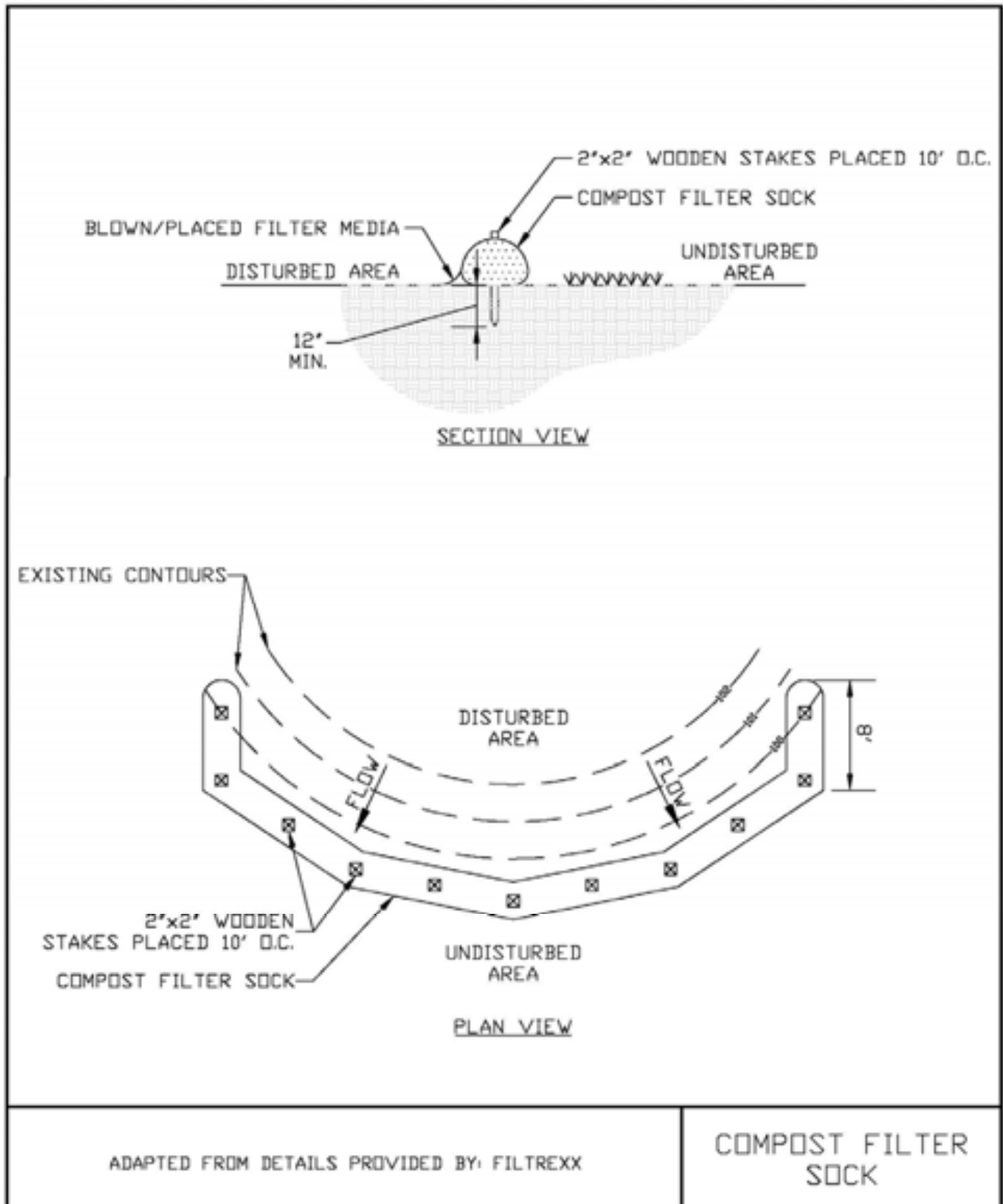
Table 5.1 - Compost Sock Fabric Minimum Specifications Table

Material Type	3 mil HDPE	5 mil HDPE	5 mil HDPE	Multi-Filament Polypropylene (MFPP)	Heavy Duty Multi-Filament Polypropylene (HDMFPP)
Material Characteristics	Photodegradable	Photodegradable	Biodegradable	Photodegradable	Photodegradable
Sock Diameters	12” 18”	12” 18” 24” 32”	12” 18” 24” 32”	12” 18” 24” 32”	12” 18” 24” 32”
Mesh Opening	3/8”	3/8”	3/8”	3/8”	1/8”
Tensile Strength		26 psi	26 psi	44 psi	202 psi
Ultraviolet Stability % Original Strength (ASTM G-155)	23% at 1000 hr.	23% at 1000 hr.		100% at 1000 hr.	100% at 1000 hr.
Minimum Functional Longevity	6 months	9 months	6 months	1 year	2 years

Table 5.2 - Compost Standards Table

Organic matter content	25% - 100% (dry weight)
Organic portion	Fibrous and elongated
pH	6.0 – 8.0
Moisture content	30% - 60%
Particle size	100% passing a 1” screen and 10 - 50% passing a 3/8” screen
Soluble salt concentration	5.0 dS/m (mmhos/cm) maximum

Figure 5.2
Compost Filter Sock



STANDARD AND SPECIFICATIONS FOR GEOTEXTILE FILTER BAG



Definition & Scope

A **temporary** portable device through which sediment laden water is pumped to trap and retain sediment prior to its discharge to drainageways or off-site.

Condition Where Practice Applies

On sites where space is limited such as urban construction or linear projects (e.g. roads and utility work) where rights-of-way are limited and larger de-silting practices are impractical.

Design Criteria

1. Location - The portable filter bag should be located to minimize interference with construction activities and pedestrian traffic. It should also be placed in a location that is vegetated, relatively level, and provides for ease of access by heavy equipment, cleanout, disposal of trapped sediment, and proper release of filtered water.

The filter bag shall also be placed at least 50 feet from all wetlands, streams or other surface waters.

2. Size - Geotextile filter bag shall be sized in accordance with the manufacturers recommendations based on the pump discharge rate.

Materials and Installation

1. The geotextile material will have the following attributes:

Minimum Grab Tensile Strength	200 lbs.
Minimum Grab Tensile Elongation	50 %
Minimum Trapezoid Tear Strength	80 lbs.
Mullen Burst Strength	380 psi
Minimum Puncture Strength	130 lbs
Apparent Opening Size	40 - 80 US sieve
Minimum UV Resistance	70%
Minimum Flow Thru Rate	70 gpm/sq ft

2. The bag shall be sewn with a double needle machine using high strength thread, double stitched "Joe" type capable of minimum roll strength of 100 lbs/inch (ASTM D4884).
3. The geotextile filter bag shall have an opening large enough to accommodate a 4 inch diameter discharge hose with an attached strap to tie off the bag to the hose to prevent back flow.
4. The geotextile shall be placed on a gravel bed 2 inches thick, a straw mat 4 inches thick, or a vegetated filter strip to allow water to flow out of the bag in all directions.

Maintenance

1. The geotextile filter bag is considered full when remaining bag flow area has been reduced by 75%. At this point, it should be replaced with a new bag.
2. Disposal may be accomplished by removing the bag to an appropriate designated upland area, cut open, remove the geotextile for disposal, and spread sediment contents and seeded and mulched according to the vegetative plan.

STANDARD AND SPECIFICATIONS FOR SILT FENCE



Definition & Scope

A **temporary** barrier of geotextile fabric installed on the contours across a slope used to intercept sediment laden runoff from small drainage areas of disturbed soil by temporarily ponding the sediment laden runoff allowing settling to occur. The maximum period of use is limited by the ultraviolet stability of the fabric (approximately one year).

Conditions Where Practice Applies

A silt fence may be used subject to the following conditions:

1. Maximum allowable slope length and fence length will not exceed the limits shown in the Design Criteria for the specific type of silt fence used ; and
2. Maximum ponding depth of 1.5 feet behind the fence; and
3. Erosion would occur in the form of sheet erosion; and
4. There is no concentration of water flowing to the barrier; and
5. Soil conditions allow for proper keying of fabric, or other anchorage, to prevent blowouts.

Design Criteria

1. Design computations are not required for installations of 1 month or less. Longer installation periods should be designed for expected runoff.
2. All silt fences shall be placed as close to the disturbed area as possible, but at least 10 feet from the toe of a slope steeper than 3H:1V, to allow for maintenance and

roll down. The area beyond the fence must be undisturbed or stabilized.

3. The type of silt fence specified for each location on the plan shall not exceed the maximum slope length and maximum fence length requirements shown in the following table:

		Slope Length/Fence Length (ft.)		
Slope	Steepness	Standard	Reinforced	Super
<2%	< 50:1	300/1500	N/A	N/A
2-10%	50:1 to 10:1	125/1000	250/2000	300/2500
10-20%	10:1 to 5:1	100/750	150/1000	200/1000
20-33%	5:1 to 3:1	60/500	80/750	100/1000
33-50%	3:1 to 2:1	40/250	70/350	100/500
>50%	> 2:1	20/125	30/175	50/250

Standard Silt Fence (SF) is fabric rolls stapled to wooden stakes driven 16 inches in the ground.

Reinforced Silt Fence (RSF) is fabric placed against welded wire fabric with anchored steel posts driven 16 inches in the ground.

Super Silt Fence (SSF) is fabric placed against chain link fence as support backing with posts driven 3 feet in the ground.

4. Silt fence shall be removed as soon as the disturbed area has achieved final stabilization.

The silt fence shall be installed in accordance with the appropriate details. Where ends of filter cloth come together, they shall be overlapped, folded and stapled to prevent sediment bypass. Butt joints are not acceptable. A detail of the silt fence shall be shown on the plan. See Figure 5.30 on page 5.56 for Reinforced Silt Fence as an example of details to be provided.

Criteria for Silt Fence Materials

1. Silt Fence Fabric: The fabric shall meet the following specifications unless otherwise approved by the appropriate erosion and sediment control plan approval authority. Such approval shall not constitute statewide acceptance.

Fabric Properties	Minimum Acceptable Value	Test Method
Grab Tensile Strength (lbs)	110	ASTM D 4632
Elongation at Failure (%)	20	ASTM D 4632
Mullen Burst Strength (PSI)	300	ASTM D 3786
Puncture Strength (lbs)	60	ASTM D 4833
Minimum Trapezoidal Tear Strength (lbs)	50	ASTM D 4533
Flow Through Rate (gal/min/sf)	25	ASTM D 4491
Equivalent Opening Size	40-80	US Std Sieve ASTM D 4751
Minimum UV Residual (%)	70	ASTM D 4355

Super Silt Fence

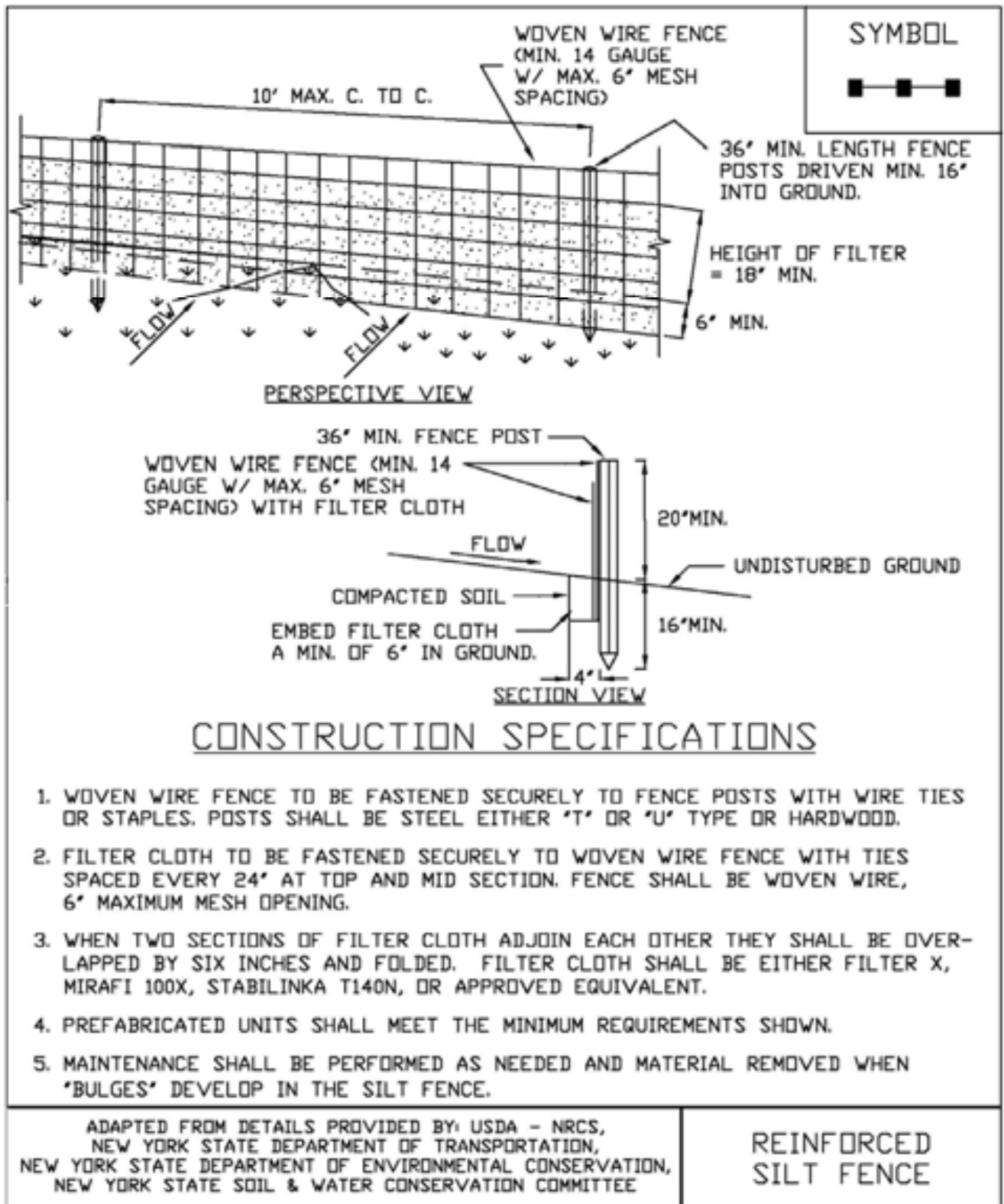


2. Fence Posts (for fabricated units): The length shall be a minimum of 36 inches long. Wood posts will be of sound quality hardwood with a minimum cross sectional area of 3.5 square inches. Steel posts will be standard T and U section weighing not less than 1.00 pound per linear foot. Posts for super silt fence shall be standard chain link fence posts.
3. Wire Fence for reinforced silt fence: Wire fencing shall be a minimum 14 gage with a maximum 6 in. mesh opening, or as approved.
4. Prefabricated silt fence is acceptable as long as all material specifications are met.

Reinforced Silt Fence



**Figure 5.30
Reinforced Silt Fence**



STANDARD AND SPECIFICATIONS FOR STRAW BALE DIKE



quarter of an acre per 100 feet of dike and the length of slope above the dike shall be less than 100 feet.

Design Criteria

The above table is adequate, in general, for a one-inch rain-fall event. Larger storms could cause failure of this practice. Use of this practice in sensitive areas for longer than one month should be specifically designed to store expected runoff. All bales shall be placed on the contour with cut edge of bale adhering to the ground. See Figure 5.34 on page 5.64 for details.

Definition & Scope

A **temporary** barrier of straw, or similar material, used to intercept sediment laden runoff from small drainage areas of disturbed soil to reduce runoff velocity and effect deposition of the transported sediment load. Straw bale dikes have an estimated design life of three (3) months.

Condition Where Practice Applies

The straw bale dike is used where:

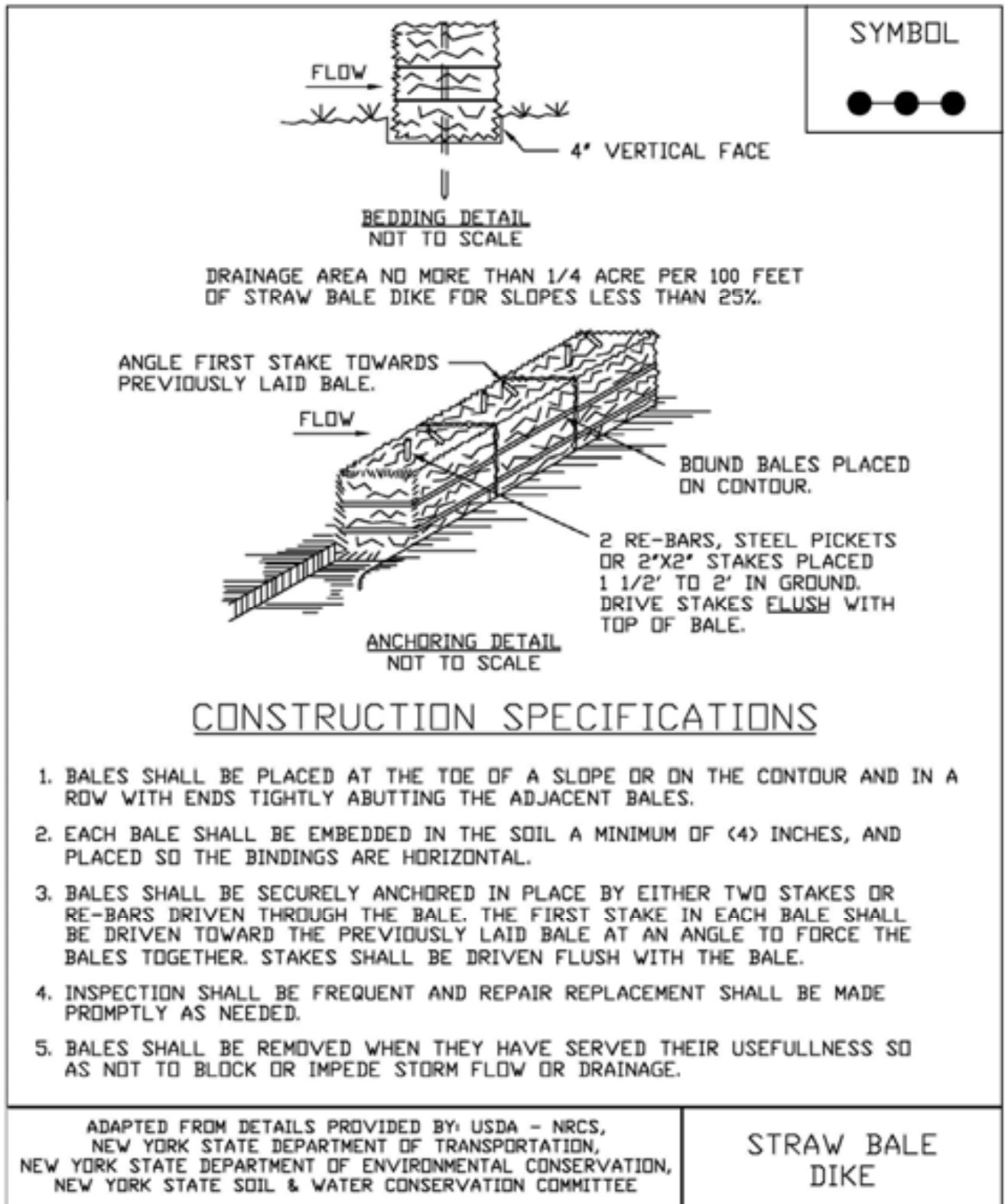
1. No other practice is feasible.
2. There is no concentration of water in a channel or other drainage way above the barrier.
3. Erosion would occur in the form of sheet erosion.
4. Length of slope above the straw bale dike does not exceed the following limits with the bale placed 10 feet from the toe of the slope:

Constructed Slope	Percent Slope	Slope Length (ft.)
2:1	50	25
3:1	33	50
4:1	25	75

Where slope gradient changes through the drainage area, steepness refers to the steepest slope section contributing to the straw bale dike.

The practice may also be used for a single family lot if the slope is less than 15 percent. The contributing drainage areas in this instance shall be less than one

**Figure 5.34
Straw Bale Dike**





APPENDIX H

NYSDEC Spill Reporting and Initial Notification Requirements and Soil Cleanup Guidance (CP-51)

NOTES

Spill Reporting and Initial Notification Requirements

GUIDANCE SUMMARY AT-A-GLANCE

- Reporting spills is a crucial first step in the response process.
- You should understand the spill reporting requirements to be able to inform the spillers of their responsibilities.
- Several different state, local, and federal laws and regulations require spillers to report petroleum and hazardous materials spills.
- The state and federal reporting requirements are summarized in Exhibit 1.1-1.
- Petroleum spills must be reported to DEC unless they meet all of the following criteria:
 - The spill is known to be less than 5 gallons; and
 - The spill is contained and under the control of the spiller; and
 - The spill has not and will not reach the State's water or any land; and
 - The spill is cleaned up within 2 hours of discovery.

All reportable petroleum spills and most hazardous materials spills must be reported to DEC hotline (1-800-457-7362) within New York State; and (1-518 457-7362) from outside New York State. For spills not deemed reportable, it is strongly recommended that the facts concerning the incident be documented by the spiller and a record maintained for one year.

- Inform the spiller to report the spill to other federal or local authorities, if required.
- Report yourself those spills for which you are unable to locate the responsible spiller.
- Make note of other agencies' emergency response telephone numbers in case you require their on-scene assistance, or if the response is their responsibility and not BSPR's.

NOTES

1.1.1 Notification Requirements for Oil Spills and Hazardous Material Spills

Spillers are required under state law and under certain local and federal laws to report spills. These various requirements, summarized in Exhibit 1.1-1, often overlap; that is, a particular spill might be required to be reported under several laws or regulations and to several authorities. Under state law, all petroleum and most hazardous material spills must be reported to DEC Hotline (1-800-457-7362), within New York State, and to 1-518-457-7362 from outside New York State. Prompt reporting by spillers allows for a quick response, which may reduce the likelihood of any adverse impact to human health and the environment. You will often have to inform spillers of their responsibilities.

Although the spiller is responsible for reporting spills, other persons with knowledge of a spill, leak, or discharge is required to report the incident (see Appendices A and B). You will often have to inform spillers of their responsibilities. You may also have to report spills yourself in situations where the spiller is not known or cannot be located. However, it is the legal responsibility of the spiller to report spills to both state and other authorities.

BSPR personnel also are responsible for notifying other response agencies when the expertise or assistance of other agencies is needed. For example, the local fire department should be notified of spills that pose a potential explosion and/or fire hazard. If such a hazard is detected and the fire department has not been notified, call for their assistance immediately. Fire departments are trained and equipped to respond to these situations; you should not proceed with your response until the fire/safety hazard is eliminated. For more information on interagency coordination in emergency situations see Part 1, Section 3, Emergency Response.

Another important responsibility is notifying health department officials when a drinking water supply is found to be contaminated as a result of a spill. It will be the health department's responsibility to advise you on the health risk associated with any contamination.

Exhibits 1.1-1 and 1.1-2 list the state and federal requirements to report petroleum and hazardous substance spills, respectively. The charts describe the type of material covered, the applicable act or regulation, the agency that must be notified, what must be reported, and the person responsible for reporting. New York state also has a emergency notification network for spill situations (e.g., major chemical releases) that escalate beyond the capabilities of local and regional response agencies/authorities to provide adequate response. The New York State Emergency Management Office (SEMO) coordinates emergency response activities among local, state, and federal government organizations in these cases.

Exhibit 1.1-1

State and Federal Reporting Requirements for Petroleum Spills, Leaks, and Discharges

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Petroleum from any source	Navigation Law Article 12; 17 NYCRR 32.3 and 32.4	DEC Hotline 1-800-457-7362	<p>The notification of a discharge must be immediate, but in no case later than two hours after discharge.</p> <ol style="list-style-type: none"> 1. Name of person making report and his relationship to any person which might be responsible for causing the discharge. 2. Time and date of discharge. 3. Probable source of discharge. 4. The location of the discharge, both geographic and with respect to bodies of water. 5. Type of petroleum discharges. 6. Possible health or fire hazards resulting from the discharge. 7. Amount of petroleum discharged. 8. All actions that are being taken to clean up and remove the discharge. 9. The personnel presently on the scene. 10. Other government agencies that have been or will be notified. 	Any person causing discharge of petroleum. Owner or person in actual or constructive control must notify DEC unless that person has adequate assurance that such notice has already been given.
All aboveground petroleum and underground storage facilities with a combined storage capacity of over 1100 gallons.	ECL §17-1007; 6 NYCRR §613.8	DEC Hotline 1-800-457-7362	<ol style="list-style-type: none"> 1. Report spill incident within two hours of discovery. 2. Also when results of any inventory, record, test, or inspection shows a facility is leaking, that fact must be reported within two hours of discovery. 	Any person with knowledge of a spill, leak, or discharge.
Petroleum contaminated with PCB.	Chemical Bulk Storage Act 6 NYCRR Parts 595, 596, 597	DEC Hotline 1-800-457-7362	Releases of a reportable quantity of PCB oil.	Owner or person in actual or constructive possession or control of the substance, or a person in contractual relationship, who inspects, tests, or repairs for owner.

Exhibit 1.1-1

**State and Federal Reporting Requirements for Petroleum Spills, Leaks, and Discharges
(continued)**

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Any liquid (petroleum included) that if released would be likely to pollute lands or waters of the state.	ECL §17-1743	DEC Hotline 1-800-457-7362	Immediate notification that a spill, release, or discharge of any amount has occurred. Owner or person in actual or constructive possession or control of more than 1,100 gallons of the liquid.	
Petroleum Discharge in violation of §311(b)(3) of the Clean Water Act	40 CFR §110.10 (Clean Water Act)	<ol style="list-style-type: none"> 1. National Response Center (NRC) 1-800-424-8802. 2. If not possible to notify NRC, notify Coast Guard or predesignated on-scene coordinator. 3. If not possible to notify either 1 or 2, reports may be made immediately to nearest Coast Guard units, provided NRC notified as soon as possible. 	<p>Immediate notification as soon as there is knowledge of an oil discharge that violates water quality standards or causes sheen on navigable waters.</p> <p>Procedures for notice are set forth in 33 CFR Part 153, Subpart B, and in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300, Subpart E.</p>	Person in charge of vessel or on-shore or off-shore facility.
Petroleum, petroleum by-products or other dangerous liquid commodities that may create a hazardous or toxic condition spilled into navigable waters.	33 CFR 126.29 (Ports and Waters Safety Act)	Captain of the Port or District Commander	As soon as discharge occurs, owner or master of vessel must immediately report that a discharge has occurred.	Owner or master of vessel or owner or operator of the facility at which the discharge occurred.

Exhibit 1.1-1

**State and Federal Reporting Requirements for Petroleum Spills, Leaks, and Discharges
(continued)**

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Petroleum or hazardous substance from a vessel, on-shore or off-shore facility in violation of §311(b)(3) of the Clean Water Act.	33 CFR 153.203 (Clean Water Act)	<ol style="list-style-type: none"> 1. NRC U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593; 1-800-424-8802. 2. Where direct reporting not practicable, reports may be made to the Coast Guard (District Offices), the 3rd and 9th district of the EPA regional office at 26 Federal Plaza, NY, NY 10278; 1-201-548-8730. 3. Where none of the above is possible, may contact nearest Coast Guard unit, provided NRC notified as soon as possible. 	Any discharger shall immediately notify the NRC of such discharge.	Person in charge of vessel or facility.

Exhibit 1.1-2

State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Any hazardous substance pursuant to Article 37. Does not include petroleum.	Chemical Bulk Storage Act 6 NYCRR Parts 595, 596, 597; ECL 40-0113(d)	DEC Hotline 1-800-457-7362	Releases of a reportable quantity of a hazardous substance.	Owner or person in actual or constructive possession or control of the substance, or a person in contractual relationship, who inspects, tests, or repairs for owner.
Hazardous materials or substances as defined in 49 CFR §171.8 that are transported. (See federal reporting requirements.)	Transportation Law 14(f); 17 NYCRR 507.4(b)	Local fire department or police department or local municipality	<p>Immediate notification must be given of incident in which any of the following occurs as a direct result of a spill of hazardous materials:</p> <ol style="list-style-type: none"> 1. Person is killed. 2. Person receives injuries requiring hospitalization. 3. Estimated damage to carrier or other property exceeds \$50,000. 4. Fire, breakage, spillage, or suspected contamination due to radioactive materials. 5. Fire, breakage, spillage, or suspected contamination involving etiologic agents. 6. Situation is such that, in the judgment of the carrier, a continuing danger to life or property exists at the scene of the incident. 	All persons and carriers engaged in the transportation of hazardous materials.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Hazardous materials (wastes included) that are transported, whose carrier is involved in an accident.	Department of Transportation Regulations 49 CFR 171.15; 17 NYCRR Part 924; 17 NYCRR Part 507	<ol style="list-style-type: none"> 1. U.S. Department of Transportation 1-800-424-8802 2. DEC Hotline 1-800-457-7362 3. Rail Carrier <u>On-Duty</u> 518-457-1046 <u>Off-Duty</u> 518-457-6164 4. Notify local police or fire department. 	<p>Notice should be given by telephone at the earliest practicable moment and should include:</p> <ol style="list-style-type: none"> 1. Name of reporter. 2. Name and address of carrier represented by reporter. 3. Phone number where reporter can be contacted. 4. Date, time, and location of incident. 5. The extent of injuries, if any. 6. Classification, name and quantity of hazardous materials involved, if available. 7. Type of incident and nature of hazardous material involved and whether a continuing danger to life exists at scene. 8. Each carrier making this report must also make the report required by §171.16. 	<p>Each carrier that transports hazardous materials involves in an accident that causes any of the following as a direct result:</p> <ol style="list-style-type: none"> 1. A person is killed 2. A person receives injuries requiring hospitalization 3. Estimated damage to carrier or other property exceeds \$50,000 4. Fire, breakage, spillage, suspected or otherwise involving radioactive material. 5. Fire, breakage, spillage, suspected contamination involving etiologic agents. 6. Situation is such that carrier thinks it should be reported in accordance with paragraph b.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Reportable quantity of a hazardous substance into navigable waters or adjoining shorelines. Substances are listed in 40 CFR 302.4.	Department of Transportation Regulations 49 CFR §171.16 as authorized by the Hazardous Materials Transportation Act	U.S. Coast Guard National Response Center (NRC), 1-800-424-8802 or 1-202-267-2675	<p>As soon as person in charge becomes aware of a spill incident, he must notify NRC and provide the following information:</p> <ol style="list-style-type: none"> 1. The information required by 49 CFR §171.15 (see above). 2. Name of shipper of hazardous substance. 3. Quantity of hazardous substance discharged, if known. 4. If person in charge is incapacitated, carrier shall make the notification. 5. Estimate of quantity of hazardous substance removed from the scene and the manner of disposition of any unremoved hazardous substance shall be entered in Part (H) of the report required by 49 CFR 171.16 (see above). 	Person in charge of aircraft, vessel, transport vehicle, or facility. Must inform NRC directly, or indirectly through carrier.
Reportable quantity of a hazardous substance from vessel, on-shore or off-shore facility. Substances and requirements specified in 40 CFR §117.3.	40 CFR §117.21 as authorized under the FWPCA	NRC 1-800-424-8802. If not practicable report may be made to the Coast Guard (3rd or 9th Districts) District Offices or to EPA, designated On-Scene Coordinator, Region II, 26 Federal Plaza, NY, NY 10278; 1-201-548-8730	Immediate notification is required.	Person in charge of vessel, or on-shore or off-shore facility

**Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)**

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
<p>Facilities where a hazardous chemical is produced, used, or stored, and there is a reportable quantity of any extremely hazardous substance as set out in Appendix A to 40 CFR 355 or a CERCLA hazardous substance as specified in 40 CFR 302.4. (This section does not apply to a release that does not go beyond the facility, that emanates from a facility that is federally permitted, is continuous as defined under §103(f) of CERCLA or to any release exempt from CERCLA §103(a) reporting under §101(22) of CERCLA.)</p>	<p>40 CFR 355.40 (SARA)</p> <p>Releases of CERCLA Hazardous Substances are subject to release reporting requirements of CERCLA §103, codified at 40 CFR Part 302, in addition to being subject to the requirements of this Part.</p>	<p>Community emergency coordinator for the local emergency planning committee of any area likely to be affected and the State Emergency Response Commission of any state likely to be affected by the release. If there is no local emergency planning commission notification shall be made to relevant local emergency response personnel.</p>	<p>Immediately notify agencies at left and provide the following information when available:</p> <ol style="list-style-type: none"> 1. Chemical name or identity of any substance involved in the release. 2. Indication of whether the substance is an extremely hazardous substance. 3. An estimate of the quantity released. 4. Time and duration of release. 5. Medium or media into which the release occurred. 6. Known health risks associated with emergency and where appropriate advice regarding medical attention for those exposed. 7. Proper precautions/actions that should be taken, including evacuation. 8. Names and telephone numbers of person to be contacted for further information. <p>As soon as practicable after release, followup notification by providing the following information:</p> <ol style="list-style-type: none"> 1. Actions taken to respond to and contain the release. 2. Health risks. 3. Advice on medical attention for exposed individuals. 	<p>Owner or operator of facility</p>

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Hazardous liquids transported in pipelines, a release of which results in any circumstances as set out in 195.50(a) through (f). Also any incident that results in circumstances listed in 195.52(g).	49 CFR 195.50, 195.52 and 195.54 (Hazardous Liquid Pipeline Safety Act).	NRC, 1-800-424-8802	<p>Notice must be given at the earliest practicable moment and the following information provided:</p> <ol style="list-style-type: none"> 1. Name and address of the operator. 2. Name and telephone number of the reporter. 3. Location of the failure. 4. The time of the failure. 5. The fatalities and personal injuries, if any. 6. All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages. 	Operator of system.
Hazardous wastes in transport	40 CFR §263.30(a) (RCRA)	<ol style="list-style-type: none"> 1. Local authorities 2. If required by 49 CFR 171.15, notify the NRC at 1-800-424-8802 or 1-202-426-2675 3. Report in writing to Director of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590 	<p>Notification must be immediate.</p> <p>For discharge of hazardous waste by air, rail, highway, or water, the transporter must:</p> <ol style="list-style-type: none"> 1. Give notice as in 49 CFR 161.15 (if applicable). 2. Report in writing as in 49 CFR 171.16. <p>Wastes transporter (bulk shipment) must give same notice as required by 33 CFR 153.20.</p>	Transporter by air, rail, highway, or water.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Vinyl Chloride from any manual vent valve, or polyvinyl chloride plants	Clean Air Act 40 CFR 61.64	Administrator of EPA	<p>Within 10 days of any discharge from any manual vent valve, report must be made, in writing, and the following information provided:</p> <ol style="list-style-type: none"> 1. Source, nature and cause of the discharge 2. Date and time of the discharge 3. Approximate total vinyl chloride loss during discharge 4. Method used for determining loss 5. Action taken to prevent the discharge 6. Measures adopted to prevent future discharges. 	Owner or operator of plant.
Radioactive Materials	6 NYCRR §380.7	Commissioner of DEC	<ol style="list-style-type: none"> 1. Notify immediately by telephone when concentration, averaged over a 24-hour period, exceeds or threatens to exceed 5000 times the limits set forth in Schedule 2 of 380.9 (in uncontrolled areas). 2. Notify within 24 hours by telephone when concentration, averaged over 24- hour period, exceeds or threatens to exceed 500 times the limits set forth in Schedule 2 above (in uncontrolled areas). 3. Report within 30 days the concentration and quantity of radioactive material involved, the cause of the discharge, and corrective steps taken or planned to ensure no recurrence of the discharge. 	Operator of the radiation installation.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Low Level radioactive wastes in transport. Any suspected or actual uncontrolled releases.	6 NYCRR 381.16 ECL §27-0305 Waste Transporter Permits	DEC and Department of Health	Immediate notification.	Transporter

TECHNICAL
FIELD GUIDANCE

**SPILL REPORTING AND INITIAL NOTIFICATION
ENFORCEMENT OF SPILLER RESPONSIBILITY**

NOTES

Spill Reporting and Initial Notification - Enforcement of Spiller Responsibility

GUIDANCE SUMMARY-AT-A-GLANCE

Use the "Notification Procedures Checklist" (Exhibit 1.1-3) to document conversations with the responsible party or potentially responsible party (PRP/RP) concerning his or her clean-up responsibilities.

The steps to follow when you inform the PRP/RP of his or her legal responsibility are:

- Give your name and identify yourself as a DEC employee;
- Inform them that they have been identified as the party responsible for the spill;
- Inform PRP/Rps of their liability for all clean-up and removal costs. (If necessary, cite Section 181 of the Navigation Law);
- Ask PRP/Rps "point blank" if they will accept responsibility for the cleanup; and
- If the PRP/RP does not accept responsibility, or does not admit to being the PRP/RP, inform him or her that DEC will conduct the cleanup and send the bill to whoever is the PRP/RP. Also inform them that a DEC-conducted cleanup could be more costly than a PRP/RP-conducted cleanup, and that the PRP/RP could face interest charges and penalties for refusing to clean up the spill.

If the PRP/RP accepts responsibility for the cleanup:

- (1) Send the PRP/RP a "Spiller Responsibility Letter" (Exhibit 1.1-5) and an "Acceptance of Financial Responsibility Form" (Exhibit 1.1-6) and
- (2) Send the PRP/RP an "Option Letter," which should outline the options available to the PRP/RP to clean up the spill. See Exhibit 1.1-4 for a summary of how and when to use these forms and what they may include.

NOTES

1.1.2 Spill Reporting and Initial Notification - Enforcement of Spiller Responsibility

This section provides guidance on those steps you take to inform responsible parties or potentially responsible parties (PRP/Rps) or spillers of their responsibility under state law for cleaning up spills. This guidance applies to all contacts (by phone, by mail, or in person) you have with Rps throughout the response process concerning their fulfillment of this legal responsibility. The possible consequences of an RP's refusal or inability to conduct the spill response are also discussed.

1. State Law and Policy

Under Article 12 of the Navigation Law and Article 71 of the Environmental Conservation law (ECL), those parties responsible for a petroleum release are liable for all costs associated with cleaning up the spill as well as third party damages (see Introduction-A for more information). Section 181 of the Navigation Law states:

Any person who has discharged petroleum shall be strictly liable, without regard to fault, for all cleanup and removal costs and all direct damages, no matter by whom sustained as defined in this section.

There are two ways by which PRP/RPs can pay for the costs associated with cleanups. First, the PRP/RP can reimburse the state for site investigation, clean-up, and remediation costs incurred by the State Oil Spill Fund or federal Leaking Underground Storage Tank (LUST) Trust Fund. Second, the PRP/RP can assume full responsibility for the cleanup from the beginning and bear all costs throughout the clean-up process. It is DEC's policy to make every effort to have PRP/RPs pay for cleanups from the outset.¹

To achieve PRP/RP-directed and PRP/RP-financed cleanups, your responsibilities are to: (1) identify the PRP/RP(s), (2) inform them of their legal responsibilities for the spill, and (3) ensure that they carry out these responsibilities. All investigations of spills and PRP/RPs should be pursued vigorously and without prejudice. Use to your advantage the argument that having the PRP/RP assume responsibility for clean-up costs benefits both DEC and the spiller. It saves DEC the expense of cost-recovery procedures. It also allows the PRP/RP to be more involved in clean-up decisions (e.g., choosing their clean-up contractors) and, more significantly, it usually results in **lower clean-up costs. Because the PRP/RP is responsible for all indirect costs incurred if DEC conducts the cleanup, the spiller will pay for the DEC contractor's clean-up work, as well as the supervision costs incurred by DEC, any third-party claims associated with the spill, and any punitive fines levied.**

¹ Spillers are not only responsible for assuming the costs of a cleanup, but also can be subject to a \$25,000 per day fine for not paying the clean-up costs (among other violations). The Navigation Law provides for these penalties in Section 192, which states:

Any person who knowingly gives or causes to be given any false information as a part of, or in response to, any claim made pursuant to this article for cleanup and removal costs, direct or indirect damages resulting from a discharge, or who otherwise violates any of the provisions of this article or any rule promulgated thereunder or who fails to comply with any duty created by this article shall be liable to a penalty of not more than twenty-five thousand dollars for each offense in court of competent jurisdiction. If the violation is of a continuing nature each day during which it continues shall constitute an additional, separate, and distinct offense. (emphasis added)

NOTES

2. Notification Process

Part 1, Section 4, of this manual discusses the process of identifying the PRP/RP as part of the spill investigation for a particular site. Once you identify the PRP/RP, follow the guidance provided below for informing the PRP/RP of his or her responsibilities for spill cleanup. If you are uncertain about who the PRP/RP is, apply the procedures outlined below with all suspected RPs until the responsible party or parties are identified.

a. Informing RPs of Their Responsibility at the Spill Scene

It is important to inform PRP/RPs of their legal responsibility to clean up a spill as soon as possible. When you arrive at a spill site, you should immediately inform the representative of any PRP/RP of their liability under the Navigation Law and the Environmental Conservation Law. In doing so, follow the steps covered in the "Notification Procedures Checklist" (Exhibit 1.1-3).

Document completion of the notification steps, and identify your contact(s).

Although you should be firm and direct in informing the PRP/RP of their responsibility, you should make every attempt to avoid an adversarial relationship with the RP. The full cooperation of the PRP/RP will result in a more efficient and effective cleanup.

b. Informing Spillers of Their Responsibility in Writing

You should send three different letters to the PRP/RP to inform them of their responsibility (see Exhibit 1.1-4, "Notification Forms Summary"). If a site response was initiated and you are able to confirm the spill visually, the "Spiller Responsibility Letter" (Exhibit 1.1-5) along with an "Acceptance of Financial Responsibility Form" (Exhibit 1.1-6) should be sent as soon as possible. In addition, an "Option Letter" that informs the PRP/RP of their possible options for addressing a spill should be sent. These letters should be kept as part of the Corrective Action Plan (CAP) (see Part 1, Section 5, "Corrective Action Plans.")

**Exhibit 1.1-3
Notification Procedures Checklist**

Completed	Step	Date	Contact(s)
_____	1. Give your name and identify yourself as a DEC employee.		
_____	2. Inform the PRP/RP that he/she has been identified as the party responsible for the spill.		
_____	3. Inform PRP/RPs of their responsibility to pay for all clean-up costs. (As necessary, cite Section 181 of the Navigation Law or Article 71 of the ECL.)		
_____	4. Ask PRP/RPs "point blank" if they will accept responsibility for the cleanup.		
	Response: _____ _____ _____ _____		
_____	5. If the PRP/RP does not accept responsibility, or does not admit to being the spiller, inform him/her that DEC will conduct the cleanup and send the bill to whoever is the spiller.		
_____	6. If the PRP/RP does not accept responsibility also inform him or her that a DEC-conducted cleanup could be more costly than a spiller-conducted cleanup, and that the spiller could face interest charges and a fine for refusing to pay for the billed clean-up costs.		

Exhibit 1-A-4

**Notification Forms Summary
(Send Forms by Certified Mail)**

Notification Form	When and How to Use	Information to be Included
Spiller Responsibility Letter	Send by certified mail to PRP/RP for confirmed spill.	<ul style="list-style-type: none"># Spill location;# Spiller's responsibility under the Navigation Law;# Penalties that can be levied if the spiller does not cooperate; and# Deadline for spiller to begin containment and removal of the spill.
Acceptance of Spiller Responsibility Form	Send by certified mail to PRP/RP for confirmed spill.	<ul style="list-style-type: none"># Request for spiller's signature acknowledging his or her acceptance of responsibility for the spill cleanup.
Option Letter	Send by certified mail to PRP/RP for confirmed or suspected release (e.g., failed tightness test).	<ul style="list-style-type: none"># Spill number;# Date spill was discovered or reported;# Exact location of the spill;# Authority of Article 12 of the Navigation Act; and# Penalties for noncompliance.

Exhibit 1.1-5

Spiller Responsibility Letter

[Date]

[Addressee]

[Address]

Dear []:

This is to inform you that as a result of investigation by our Department, we consider you responsible for Petroleum Spill Number _____, dated _____, at _____. Under Article 12 of the Navigation Law, Section 192, any person who discharges petroleum without a permit and fails to promptly clean up such prohibited discharge may be subject to a penalty of up to \$25,000 a day.

Containment and removal of this spill must be initiated within _____ hours.

Your failure to initiate timely spill cleanup and removal, in addition to the penalty stated above, will result in your being billed for all actual costs incurred by New York State as set forth in Section 181 of the Navigation Law. These costs include cleanup and removal, all direct and indirect damages, including damages incurred by third parties.

Sincerely,

Regional Spill Engineer
Region

Exhibit 1.1-6
Acceptance of Spiller Responsibility Letter

[Date]

SPILL # _____

ACCEPTANCE OF FINANCIAL RESPONSIBILITY

_____, hereby assumes responsibility for containment and
(Name of Company and Person)

cleanup of _____ discharged from _____
(Substance) (Source)

on _____, and recognizes that the determination of the adequacy and propriety of
(Date)

the containment and cleanup operation continues to rest with the New York State
Department of Environmental Conservation On-Scene Coordinator.

(Authorized Signature and Title)

(Name and Title Printed)

(Address of Company)

(Date and Time)

(Witness)

NOTES

The "Spiller Responsibility Letter" informs spillers of their responsibility under the Navigation Law and explains the penalties that can be levied if the spiller does not cooperate. It should be sent to the spiller or suspected spiller as soon as a petroleum spill has been confirmed. The letter notifies the spiller that he or she is required to initiate containment and removal of the spill within a period of time you specify.

There are at least three factors you should consider when specifying a deadline in this letter:

- # The size and nature of the spill;
- # The proximity of the spill to, or its possible effects on, water supplies (surface or ground water), nearby homes and other structures, and/or sensitive environmental areas; and The possible environmental, safety, and/or human health effects of delaying containment and removal.

The "Acceptance of Spiller Responsibility Form" requires the spiller's signature acknowledging his or her responsibility for containment and cleanup of the spill. This form and the "Spiller Responsibility Letter" should be sent by certified mail.

The "Option Letter" outlines the possible options available to the PRP/RP for cleanup of the spill. The contents of this letter can vary somewhat depending on how the release was discovered (e.g., through a complaint or a failed tightness test), the extent and type of spill, and the policies and procedures of your regional office. There is, however, some information that should appear in every "Option Letter." All "Option Letters" should contain the following: spill number, date the spill was discovered, and exact location of the spill. In addition, the letter should cite the response authority provided DEC by Article 12 of the Navigation Act and describe the penalties for noncompliance.

Each "Option Letter" should outline clearly the options open to the PRP/RP to address the spill and the information you wish submitted, and may also specify certain deadlines for taking action. However, it is up to you to determine the particular options, information requirements, and dates you include in the letter. Depending on the circumstances, you may list in your letter one or several options from which the PRP/RP can choose. For example, when an UST fails an initial tank test the following options could be included:

- # Conduct separate integrity tests on the piping and the tanks in order to verify the release source within the tank system.
- # Remove the "non-tight" tank and either remove and dispose of all contaminated soils, or install monitoring wells.

NOTES

- # Install monitoring wells and abandon the "non-tight" tank in-place.
- # Remove the tank within 30 days, according to the requirements for tank removal (outline these requirements in the letter).

The "Option Letter" should always be sent by certified mail. In addition, you should have the PRP/RP inform you as soon as possible about the option(s) he or she has chosen.

Several examples of possible "Option Letters" are included as Exhibits 1.1-7 through 1.1-12. These are provided as examples only; you should use "Option Letters" developed by your own office, or develop your own.

Exhibit 1.1-7 is a sample option letter to an PRP/RP for removal of contaminated soil from an UST release. Note that this option letter includes: (a) specific requirements for removal of the contaminated soil; (b) dates for when the removal must be completed, and (c) requirements for the PRP/RP to forward to DEC copies of the landfill disposal receipt and ample test results. The additional sample option letters apply to the following situations: when an UST has failed an initial tightness test (Exhibit 1.1-8), when an UST fails an isolation tank test (Exhibit 1.1-9), when an UST fails a Petro-tite Systems Test (Exhibit 1.1-10), and ground-water contamination cleanup (Exhibit 1.1-11).

3. Dealing with Uncooperative Spillers

There are generally two ways in which an PRP/RP may fail to fulfill his or her legal responsibilities for spill cleanup: (1) a PRP/RP may refuse from the beginning to accept responsibility, or (2) an PRP/RP may fail to conduct a cleanup in the manner, or in as timely a fashion, as agreed upon with the DEC. If a PRP/RP refuses to cooperate from the outset, try again to change the RP's mind. Send additional notices of spiller responsibility (Exhibit 1.1-12) and/or initiate phone conversations with PRP/RPs to inform them again of the consequences of not cooperating (i.e., higher clean-up costs and possible penalties). If a party claims not to be the PRP/RP, you should inform them of your reasons for believing they are the PRP/RP under the Navigation Law.

If a PRP/RP agrees to conduct and pay for the cleanup and then does not proceed in the manner agreed upon or as quickly as agreed upon, you should inform the PRP/RP immediately that you are dissatisfied with the progress of the cleanup and that DEC is considering taking it over. There are no hard-and-fast rules for deciding when you should take over a cleanup. If possible, you should always work toward having the PRP/RP continue the cleanup in the agreed-upon manner. Attempt to determine why the cleanup is not proceeding as planned and consider means of helping the PRP/RP-directed cleanup get back on track.

Exhibit 1.1-7

Sample Option Letter:
Soil Cleanup Spill

[Date]

[Addressee]

[Address]

Dear []:

This letter is to confirm your - (site meeting) (telephone conversation) with _____ of this Department on _____, (Name) (day) (date) (year) in regards to the above-mentioned spill site. This site involves _____ (explanation)

The following items were discussed and agreed upon:

1. All contaminated material must be removed and stored on site until it can be properly disposed of at a properly permitted landfill.
2. All contaminated material must be sampled for _____ (analyses). The results must be negative for the material to be considered non-hazardous oily debris. You must contact your selected sanitary landfill to verify the sample analyses that they require for disposal.
3. A hauler with a Part 364 permit must be used to haul the contaminated soil to your selected landfill.
4. Please notify this Department after the work is completed but prior to any backfilling of the spill area so that an inspection of the excavation may be made.
5. Please forward to us a copy of the landfill disposal receipt and the sample results.

A schedule for this work is required by _____ (day) (date) (year).

Cleanup must be performed by no later than _____ (day) (date) (year).

If you have any questions, please feel free to contact _____ (Name)

at 847-4590. Your cooperation will be appreciated.

Very truly yours,

Senior Sanitary Engineer

Exhibit 1.1-8

Sample Option Letter:
Initial Tank Failure

[Date]

[Addressee]

[Address]

Dear []:

This Department received notification on _____ that (a)
_____ (day) (date) (year)
_____ tank(s) failed its (their) tank test performed by
(gallons) (product stored)
_____. On _____, Mr. _____ of this Department
(contractor) (date) (name)
discussed with _____ that one of the following options must be done concerning this tank.
(person)

- OPTION 1:
1. The tank is to be immediately isolated from the piping and is to be retested. If the tank tests tight, it may remain in service.
 2. The lines are to be repaired, if necessary, and retested by a state-approved method. Exposed piping may be air tested.
 3. A copy of any test results are to be sent to this office.

- OPTION 2: If the tank fails the retest, or if you decide not to retest, the following must now be done:
1. All product must be immediately removed from the tank.
 2. The tank itself must be removed within thirty days. A Petroleum Bulk Storage form must be submitted to this Department prior to tank removal.
 3. The interior surface of the tank must be cleaned, and all sludge and residue generated by this process must be properly disposed. The tank must be cut open to allow for this work and to ensure proper ventilation of the tank interior.
 4. All safety precautions regarding the opening, cleaning and entering of the tank must be followed. The interior atmosphere of the tank may be explosive and proper procedures must be followed.
 5. Once the tank has been cleaned out, it may be disposed as scrap.

Mr. _____ must be notified when you have a firm date for retesting or removal. Please note, we must be present when this tank is removed to determine if any groundwater or soil contamination exists. If groundwater or soil contamination is found, further remedial work will be required.

If you have any questions, please contact _____ at 847-4590. Your cooperation will be appreciated.

Sincerely,

[]

Exhibit 1.1-9

Sample Option Letter:
Retest Failure, Tank Removal

[Date]

[Addressee]

[Address]

Dear []:

On _____, a _____ gallon _____, underground store storage tank at the
(day) (date) (year) (#) (material)
above-mentioned address failed a system tank test. On _____, this tank failed an isolation tank test.
(day) (date) (year)

Since the tank failed the retest, the following must now be done:

1. All product must be immediately removed from the tank.
2. The tank itself must be removed within thirty days. A Petroleum Bulk Storage form (enclosed) must be submitted to this Department prior to tank removal.
3. The interior surface of the tank must be cleaned, and all sludge and residue generated by this process must be properly disposed. The tank must be cut open to allow for this work and to ensure proper ventilation of the tank interior.
4. All safety precautions regarding the opening, cleaning and entering of the tank must be followed. The interior atmosphere of the tank may be explosive and proper procedures must be followed.
5. Once the tank has been cleaned out, it may be disposed as scrap.

_____ of this Department must be notified when you have a firm
(Name)

date for removal. We must be present when this tank is removed to determine if any groundwater or soil contamination exists. If groundwater or soil contamination is found, further remedial work will be required.

For your use, enclosed is a list of contractors that are known by this Department to do this type of work. This list is by no means complete. Any contractor may be used by you for this work.

If you have any questions, please feel free to call _____ at 847-4590.
(Name)

Your cooperation will be appreciated.

Sincerely,

[]

Exhibit 1.1-10

Sample Option Letter:
Failed Tank Test

[Date]

CERTIFIED - RETURN RECEIPT REQUESTED

[Addressee]

[Address]

RE: Spill No.

Gentlemen:

This office has been informed by _____ (Name) that _____ (tank) failed a Petrotite systems test. In accordance with Article 12 of the New York State Navigation Law, I must determine if there has been any harm to the lands or the groundwater of the State. In order for me to make this determination, you have three options:

1. Prove that it was not a leaking tank by removing all the piping from the tank and separately Petrotite test the tank. If the tank passes the Petrotite test, it is a piping leak. The tank may then be abandoned or the piping can be repaired, attached to the tank, and the system Petrotite tested.
2. Excavate and remove the tank in the presence of a representative from this office so that an inspection of the tank and the soil can be made. If the tank is sound, and there is no evidence of product loss, nothing further need be done. If there is a problem, proceed as in 3 below.
3. Abandon the tank in-place and install several four (4) inch diameter PVC site wells extending five (5) feet into the groundwater with a screen length of ten (10) feet, with slot size of .020 inches. The exact location and number of wells will be determined by a representative from this office. These wells will be checked for a period of twelve months by New York State, and if there is no evidence of product for that period, the spill will be removed from our listing. If free or dissolved product appears, cleanup must begin immediately.

If cleanup does not begin by _____ (Date) by the responsible party, the State will begin the cleanup and bill the responsible party.

Sincerely,

[]

Exhibit 1.1-11

Sample Option Letter:
Ground-water Cleanup

[Date]

[Addressee]

[Address]

Dear []:

This letter is to confirm your (site meeting) (telephone conversation) with (Name) of this Department on (day) (date) (year). Groundwater at this spill site is contaminated with (free floating oil) (dissolved oil components). The following items were discussed and agreed upon:

1. (#) additional four-inch monitoring wells will be installed at the agreed upon locations. A sketch of a typical monitoring well is enclosed for your use.
2. One recovery well will be installed to recover oil product. Groundwater must be pumped to depress the groundwater table. The groundwater must be pumped to an oil-water separator tank. Accumulated oil may be recovered from the well by bailing or by a second pump. A second type of recovery well pumps both oil and water to a separator tank. Oil from the tank is then recovered. You should check with your contractor to determine the best method for the recovery well. Groundwater must be pumped to depress the groundwater table.
3. The discharge water must be sampled for (Contaminates). Dependent upon the sampling results, it may be discharged with a SPDES permit to (Name). The water must at all times be sheenless. An air stripper or a carbon filter may be necessary for the discharge water.
4. All collected oil must be properly disposed. Copies of receipts indicating the disposal site must be forwarded to this office.

It was also agreed that these actions be completed by (Date). Should you have any questions, please do not hesitate to contact (Name) at 847-4590. Your cooperation will be appreciated.

Sincerely,

[]

Exhibit 1.1-12

Sample Option Letter:
Soil Disposal, Soil Still On Site

[Date]

[Addressee]

[Address]

Dear []:

A recent inspection by (Name) of this office indicated that the contaminated soil at your facility still remains on site. We are requesting this oil be removed by (day) (date) (year) to an acceptable landfill. Please send a copy of the disposal receipt to this office.

If you cannot remove the soil by that date, please contact this office immediately. If you do not contact this office and the soil still remains on site past (Date) , DEC will have the soil removed from your site. You will then be billed for the costs of removal and disposal as well any relevant penalties.

If you have any questions, please feel free to contact (Name) at 847-4590. Your cooperation will be appreciated.

Very truly yours,

Senior Sanitary Engineer

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If all efforts to encourage a PRP/RP to continue the cleanup fail, send a certified letter (Exhibit 1.1-13) notifying them that their actions have been unsatisfactory and that DEC will assume responsibility for the cleanup. This letter again informs the PRP/RP of his or her liability for all costs incurred by DEC during its cleanup.

Exhibit 1.1-13

Unsatisfactory Cleanup Notice Letter

[Date]

CERTIFIED MAIL

SPILL #

[Addressee]

[Address]

Dear Sir:

My letter of (Date) notified you of New York State's interest in a pollution incident for which you are presently considered responsible.

You are hereby given notice that your actions to remove the pollutant and mitigate its effects have been evaluated as unsatisfactory. Effective (Date), the New York State Department of Environmental Conservation will conduct all cleanup activities under the authority of Article 12 of the Navigation Law. Removal will be effected in accordance with the regulations of the Department of Environmental Conservation. You will be billed for all actual costs incurred by New York State as set forth in Section 181 of the Navigation Law, as well as interest and penalties.

Should you require further information concerning this matter, contact: (Name)

Sincerely,

[]

Received and Acknowledged

Time

Date

**TECHNICAL
FIELD GUIDANCE**

**SPILL REPORTING AND INITIAL NOTIFICATIONS -
ACCESS AND RIGHT-OF-ENTRY**

NOTES

Spill Reporting and Initial Notifications - Access and Right-of-Entry

GUIDANCE SUMMARY AT-A-GLANCE

- # Section 178 of the Navigation Law gives you the authority to enter private property to investigate or clean up a suspected spill.
- # In general, you should inform the property owner of your right to enter onto private property and obtain consent from the owner. This consent can be either written or verbal.
- # Detailed information and procedures for access and right-of-entry is considered confidential for spill responders. This information is contained in Appendix L, and is marked confidential.

NOTES

1.1.3 Access and Right-of-Entry

This section addresses the right of NYSDEC personnel to enter private property on which a spill has occurred or is suspected, for the purpose of investigating, containing, and/or cleaning up the spill. Detailed information and procedures of access and right-of-entry are considered confidential. Therefore, this information can be found in Appendix L, including your legal rights to enter property and the procedures to follow to ensure that no charges of trespassing are brought against the Department.

1. State Law and Policy

You have the authority, under the Navigation Law, to enter property to investigate or clean up a real or suspected spill. Specifically, Section 178 of the Navigation Law states:

The department is hereby authorized to enter and inspect any property or premises for the purpose of inspecting facilities and investigating either actual or suspected sources of discharges or violation of this article or any rule or regulations promulgated pursuant to this article. The department is further authorized to enter on property or premises in order to assist in the cleanup or removal of the discharge. Any information relating to secret processes or methods of manufacture shall be kept confidential.

In any emergency or non-emergency, you must possess information supporting a reasonable belief to suspect that a spill has occurred or is occurring, or that the spill is impacting the premises for which access is sought. A reasonable belief may be based on a report of a spill or visual observation. For example, if a gasoline station operator reports an unexpected loss of product from his underground storage tanks that are located near private household wells, you might want to investigate those wells and check the water.

Although you have the authority to enter the premises, *it is always advisable to obtain the consent of the property owner or his or her agent before entering the property.* This consent can be either written or verbal. Obtaining this consent may help avoid civil or criminal charges for trespass being logged. In cases where the owner/agent is not available or not ascertainable, entry should be made.

CP-51 / Soil Cleanup Guidance

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Alexander B. Grannis, Commissioner

Date Issued: October 21, 2010

Latest Date Revised:

I. Summary

This policy provides the framework and procedures for the selection of soil cleanup levels appropriate for each of the remedial programs in the New York State Department of Environmental Conservation (DEC) Division of Environmental Remediation (DER). This policy applies to the Inactive Hazardous Waste Disposal Site Remedial Program, known as the State Superfund Program (SSF); Brownfield Cleanup Program (BCP); Voluntary Cleanup Program (VCP); Environmental Restoration Program (ERP); Spill Response Program - Navigation Law (NL) section 176 (SRP); and the Resource Conservation and Recovery Act (RCRA) Corrective Action Program. It replaces *Technical and Administrative Guidance Memorandum (TAGM) 4046: Determination of Soil Cleanup Objectives and Cleanup Levels* (January 24, 1994); the *Petroleum Site Inactivation and Closure Memorandum* (February 23, 1998); and Sections III and IV of *Spill Technology and Remediation Series (STARS) #1* (August 1992).

This document is used in conjunction with the applicable statutes, regulations and guidance. Site-specific soil cleanup levels, determined in accordance with this guidance, are only applied after:

- the site, or area of concern, is fully investigated to determine the nature and extent of contamination;
- all sources of contamination are addressed consistent with the hierarchy provided in 6 NYCRR 375-1.8(c) or consistent with the RCRA Corrective Action Program (as appropriate);
- groundwater, if contaminated, has been evaluated for appropriate remedial actions consistent with 6 NYCRR 375-1.8(d) or consistent with the RCRA Corrective Action Program (as appropriate); and
- impacts on adjacent residential properties, surface water, aquatic ecological resources are evaluated, as well as indoor air, soil vapor, vapor intrusion and other appropriate media.

II. Policy

It is DEC's policy, consistent with applicable statutes and regulations, that all remedies will be protective of public health and the environment. DEC's preference is that remedial programs, including the selection of soil cleanup levels, be designed such that the performance standard results in the implementation of a permanent remedy resulting in no future land use restrictions. However, some of

DEC's remedial programs are predicated on future site use. Further, it is not always feasible to return to a condition where no restrictions are required.

The procedures set forth herein are intended for the use and guidance of both DEC and remedial parties to provide a uniform and consistent process for the determination of soil cleanup levels. This guidance is not intended to create any substantive or procedural rights, enforceable by any party in administrative or judicial litigation with DEC. DEC reserves the right to act at variance with these procedures to address site-specific circumstances and to change the procedures in this guidance at any time.

Please note that this guidance focuses only on soil cleanup levels. All remedies must be fully protective of public health and the environment and must prevent further off-site migration to the extent feasible, with special emphasis on preventing or minimizing migration onto adjacent residential properties. A remedial party is required to evaluate and investigate, if necessary, all environmental media including soil, groundwater, surface water, sediments, soil vapor, ambient air, and biota. [See 6 NYCRR 375-1.8(a)(6) or RCRA Corrective Action Program (as appropriate)]. This investigation will determine if any of the referenced media are, or may be, impacted by site contamination. Applicable guidance should be consulted for media other than soil.

Nothing contained in this guidance, in itself, forms the basis for changes to previously selected remedies. However, a change in the site remedy may be considered consistent with *DER-2: Making Changes to Selected Remedies* (April 1, 2008). [See Section VI, Related References.] To the extent that a change to a selected remedy at a site in one of DER's remedial programs is necessary as provided in DER-2, as applicable, the Soil Cleanup Objectives (SCOs) may be considered in the evaluation of appropriate changes to the selected remedy. For sites in other programs, applicable regulations and guidance must be used.

III. Purpose and Background

DEC has a number of different remedial programs that were developed over time based on separate and distinct authorities. These programs use different procedures to determine the extent of soil cleanup necessary to satisfy the remedial program goals. The purpose of this document is to set forth how soil cleanup levels are selected for the different programs.

Legislation establishing New York State's Brownfield Cleanup Program (Article 27, Title 14 of the Environmental Conservation Law [ECL]) required DEC, in consultation with the New York State Department of Health (NYSDOH), to develop an approach for the remediation of contamination at brownfield sites. The resulting regulation includes seven sets of SCOs. Four sets provide for the protection of public health for different land uses (residential, restricted residential, commercial, and industrial); two sets provide for the protection of other resources (groundwater and ecological resources); and one set includes SCOs for protection of public health and the environment for all uses (unrestricted use).

With the promulgation of the SCOs, it is necessary to discuss how the SCOs, and soil cleanup levels generally, are arrived at for a specific site. Some key definitions in understanding how cleanup levels for soil are arrived at follow.

Feasible, which means suitable to site conditions, capable of being successfully carried out with available technology, implementable and cost effective [see 6 NYCRR 375-1.2(s)].

Presumptive remedy, which means a technology or technique where experience has shown the remedy to be a proven solution for specific types of sites and/or contaminant classes [See *DER-15: Presumptive/Proven Remedial Technologies* February 27, 2007. Refer to Section VI, Related References.]

Soil cleanup level, which means the concentration of a given contaminant for a specific site that must be achieved under a remedial program for soil. Depending on the regulatory program, a soil cleanup level may be based on the regulation [6 NYCRR 375-6.8(a) or (b)], modified from the regulatory value based on site-specific differences, or based on other information, including background levels or feasibility. Soil cleanup levels may include:

- SCOs promulgated at 6 NYCRR 375-6;
- Supplemental Soil Cleanup Objectives (SSCOs);
- a “totals” approach for a family of contaminants known as Polycyclic Aromatic Hydrocarbons (PAHs);
- Presumptive remedy for Polychlorinated Biphenyls (PCBs); and
- Nuisance Condition.

Soil Cleanup Objective (SCO), which means the chemical concentrations for soil cleanup of individual chemicals contained in 6 NYCRR 375-6.8(a) or (b). The SCOs were developed using the process outlined in the Technical Support Document (TSD). The SCOs and the SSCO defined below are applicable statewide and do not account for many site-specific considerations which could potentially result in higher levels. Soil concentrations that are higher than the SCOs and SSCO are not necessarily a health or environmental concern. When an SCO (or SSCO) is exceeded, the degree of public health or environmental concern depends on several factors, including the magnitude of the exceedance, the accuracy of the exposure estimates, other sources of exposure to the contaminant, and the strength and quality of the available toxicological information on the contaminant.

Supplemental Soil Cleanup Objective (SSCO), which means a) an existing soil cleanup level for a contaminant which had been included in former TAGM 4046 and was not included in 6 NYCRR 375-6; b) has been developed using the same process used for development of the SCOs; and c) new cleanup levels for soil developed by the remedial party following the approach detailed in Appendix E of the TSD. The TSD provides information relative to the development of cleanup objectives for soil that are not set forth in 6 NYCRR 375-6. Cleanup objectives that have been established at the direction of DEC or the election of remedial parties are included in Table 1.

Technical Support Document (TSD), which refers to the document dated December 2006 detailing the development of the SCOs that were promulgated in 6 NYCRR 375-6. It provides the technical background and provides a detailed discussion of the considerations for development of the SCOs for the different land uses and exposure pathways. The TSD is available on DEC’s website [see Section VI, Related References].

The purpose of this guidance is NOT to focus on media other than soil. Accordingly, the remedial program may require remedial activities to address media other than soil (e.g., groundwater, surface

water, sediment, and vapor). Applicable guidance should be consulted for media other than soil. This guidance is to be used in conjunction with the applicable statutes, regulations and guidance. Site-specific soil cleanup levels, determined in accordance with this guidance, are only applied after:

- the site, or area of concern, is fully investigated to determine the nature and extent of contamination;
- all sources of contamination are addressed consistent with the hierarchy provided in 6 NYCRR 375-1.8(c) or consistent with the RCRA Corrective Action Program (as appropriate);
- groundwater, if contaminated, has been evaluated for appropriate remedial actions consistent with 6 NYCRR 375-1.8(d) or consistent with the RCRA Corrective Action Program (as appropriate); and
- an evaluation of impacts on adjacent residential properties, surface water, aquatic ecological resources, as well as indoor air, soil vapor, vapor intrusion and other appropriate media.

IV. Responsibility

The responsibility for maintaining and updating this policy lies with DER. DEC staff are responsible for implementing this policy, with input (as applicable) from NYSDOH.

V. Procedures

A. General Approaches to the Selection of Soil Cleanup Levels

The determination of soil cleanup levels for a site is dependent on:

1. The regulatory program pursuant to which the site is being addressed;
2. Whether the groundwater beneath or down gradient of the site is, or may become contaminated with site-related contaminants;
3. Whether ecological resources constitute an important component of the environment at or adjacent to a site, and which are, or may be, impacted by site-related contaminants; and
4. Other impacted environmental media such as surface water, sediment, and soil vapor.

After fully evaluating the nature and extent of soil contamination associated with a site, the soil cleanup levels will be based on one, or a combination of, the following four approaches.

Approach 1: Utilize the Unrestricted Use Soil Cleanup Objectives [see 6 NYCRR Table 375-6.8(a)]. Under this approach, the soil cleanup levels will be established consistent with the SCOs set forth in 6 NYCRR Table 375-6.8(a). For contaminants of concern which are not included in the rule, DEC may direct development of a soil cleanup level which is protective of public health and the environment without restrictions following the procedure outlined in Appendix E of the TSD. Under this approach, the unrestricted SCOs are applied throughout the soil matrix to the top of bedrock (including the saturated zone).

Approach 2: Utilize the Restricted Use Soil Cleanup Objectives [see 6 NYCRR Table 375-6.8(b)]. Under this approach, soil cleanup levels will be established consistent with the SCOs set forth in 6 NYCRR Table 375-6.8(b) selecting the lowest SCO in the categories described in A

through C below. Generally, after source removal, the soil cleanup levels do not need to be achieved to more than 15 feet below ground surface or to the top of bedrock, whichever is shallower.

- A. Select the applicable land use category for the protection of public health (residential, restricted residential, commercial or industrial);
- B. Determine if the SCOs for the protection of groundwater are applicable (see Section V.D);
and
- C. Determine if the SCOs for the protection of ecological resources are applicable (see Section V.C).

Approach 3: Limited Site-Specific Modifications to Soil Cleanup Objectives. This approach allows for consideration of site-specific information to modify the SCOs promulgated in 6 NYCRR Tables 375-6.8 (a) and (b) following the approach detailed in Appendix E of the TSD. The equations and basic methodology specified for calculating the 6 NYCRR 375-6.8 (a) and (b) values may not be modified under this approach. However, in instances where site-specific parameters were used in the calculation of the SCOs, site data different from the assumptions used to calculate the SCOs may be used to modify the soil cleanup levels for a specific site. These instances are very limited and occur only in certain pathways that are listed below.

- Protection of groundwater pathway
- Particulate inhalation pathway
- Volatile inhalation pathway
- Protection of ecological resources pathway

It should be noted that even if site-specific data modifies these pathways, it may not result in modifying the SCOs because the lowest value from all applicable pathways is used to determine each SCO. The inhalation pathway is very seldom the controlling pathway in the determination of the protection of public health. The specific parameters that can be modified are identified in Appendix E of the TSD (e.g., inhalation dispersion terms, fraction of organic carbon in soil, etc.).

The remedial party should consider the cost of collecting the data necessary to support a request to modify the SCOs with the potential for deriving a higher SCO that provides an appropriate level of protection. The remedial party may be required to submit additional data to support the use of modified SCOs. Once DEC approves one or more modified SCOs, they are applied in the manner described under Approach 2.

Approach 4: Site-Specific Soil Cleanup Objectives. Under this approach, the remedial party may propose site-specific cleanup levels or approaches for soil which are protective of public health and the environment based on other information. This approach sets forth a flexible framework to develop soil cleanup levels by allowing the remedial party to conduct a more detailed evaluation of site information in an effort to calculate protective soil cleanup levels or approaches unique to a site. Under this approach, the remedial party may propose a remedy that does not include specific soil cleanup levels (e.g., excavate the top 6 feet in an area extending 75 feet in all directions from boring B12); modify the input parameters used in the SCO calculations; use site data to improve or confirm predictions of exposures to receptors to contaminants of concern; analyze site-specific risks using

risk assessments; use toxicological information available from alternate sources; or consider site background and historic fill. Data supporting these site-specific adjustments or use of alternate methodologies must also be provided to DEC for review and approval to ensure that the resulting soil cleanup levels are protective.

The Approach 4 framework leaves DEC with discretion to determine whether a different approach is appropriate for the site and, if a different approach is to be used, the proper method of implementation. The remedial party should consider the cost of collecting the data necessary to develop site-specific soil cleanup levels (or approaches) with the potential for deriving a soil cleanup level which is higher than a particular SCO and which provides an appropriate level of protection. The remedial party may also be required to submit additional data to support the use of methodologies in the calculation of site-specific soil cleanup levels or to support the proposed approach.

B. Application of Soil Cleanup Levels for the Specific Remedial Programs: Soil cleanup levels are determined on a site-specific basis depending on the program under which the site is being remediated. In some cases (e.g., BCP Track 1 or Track 2), the soil cleanup levels are the SCOs taken directly from 6 NYCRR 375-6. In other cases, soil cleanup levels may be derived from the Part 375 SCOs but modified based on other information. In yet other cases, the soil cleanup levels may have no relationship or connection to the SCOs, but rather be developed in accordance with DEC-approved methodologies or approaches.

1. Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program): The goal of the remedial program for a specific site is to restore that site to pre-disposal conditions, to the extent feasible. The unrestricted use SCOs are considered to be representative of pre-disposal conditions unless an impact to ecological resources has been identified (see 6 NYCRR 375-2.8(b)(2)). However, it must be recognized that achievement of this goal may not be feasible in every case. At a minimum, all remedies must be protective of public health and the environment. The following procedure is used to determine the most feasible remedy.

- (a) The remedial party shall evaluate, and if feasible, implement a cleanup utilizing Approach 1 (application of unrestricted SCOs).
- (b) Where DEC determines that achieving unrestricted SCOs is not feasible as documented in a feasibility study, the remedial party may evaluate alternatives to remediate the site to the greatest extent feasible (see *DER-10: Technical Guidance for Site Investigation and Remediation*, Chapter 4.3). [See Section VI, Related References.] In this event, the remedial party may propose soil cleanup levels in accordance with any of the general approaches. However, when considering restricted use soil cleanup levels, the remedial party should apply the least restrictive use category feasible. For purposes of this discussion, residential use is the least restrictive use and industrial use is the most restrictive category. This process starts with consideration of residential use, followed by restricted residential use, commercial use, and then industrial use. The evaluation proceeds through the different land uses until a feasible remedy is found. This evaluation is not bound to the SCOs in regulation or SSCOs set forth in this guidance but may result in a site-specific soil cleanup level that is between the SCOs or soil cleanup level for two different land uses (e.g., above the restricted residential SCO and below the commercial SCO).

2. Brownfield Cleanup Program The remedy shall be fully protective of public health and the environment, including, but not limited to, groundwater according to its classification pursuant to ECL 17-0301, drinking water, surface water, air (including indoor air), sensitive populations (including children), and ecological resources (including fish and wildlife). Soil cleanup levels corresponding to the cleanup track under which the site is being remediated are required to be met. The four cleanup tracks are:

Track 1: Cleanups pursuant to this track must achieve unrestricted use of the site. This track requires that the remedial party implement a cleanup utilizing Approach 1. Institutional and engineering controls are allowed only for periods of less than five years (defined as short-term controls) except in the limited instance where a volunteer has conducted remedial activities resulting in a bulk reduction in groundwater contamination to asymptotic levels.

Track 2 : Cleanups pursuant to this track may consider the current, intended, or reasonably anticipated future use in determining the appropriate cleanup levels for soil. This track requires that the remedial party implement a cleanup that achieves the SCOs in the tables in 6 NYCRR 375-6.7(b) for the top 15 feet of soil (or bedrock if less than 15 feet). This track follows approach 2. Institutional and engineering controls are allowed for soil (for the top 15 feet of soil or bedrock if less than 15 feet) for less than five years (defined as short-term controls). Institutional and engineering controls which limit site use and the use of onsite groundwater can be used without regard to duration. Track 2 cleanups at restricted residential, commercial or industrial use sites require site management plans to ensure that material removed from the site (post remedial action) is managed appropriately and to ensure that any buffer zone protecting adjacent residential use sites or ecological resources is maintained.

Track 3: Cleanups pursuant to this track may consider the current, intended, or reasonably anticipated use in determining the appropriate cleanup levels for soil. This track requires that the remedial party implement a cleanup utilizing Approach 3 for those SCOs which the remedial party seeks to modify an established SCO. Institutional and engineering controls are allowed for soil (for the top 15 feet of soil or bedrock if less than 15 feet) for less than 5 years (defined as short-term controls). Institutional and engineering controls which limit site use and the use of on-site groundwater can be used without regard to duration. Track 3 cleanups at restricted residential, commercial or industrial use sites require site management plans to ensure that material removed from the site (post remedial action) is managed appropriately and to ensure that any buffer zone protecting adjacent residential use sites or ecological resources is maintained.

Track 4: Cleanups pursuant to this track may consider the current, intended, or reasonably anticipated use in determining the appropriate cleanup levels for soil. This track allows for the development of site-specific soil cleanup levels below the cover system in accordance with Approach 4. Track 4 remedies must address all sources as a component of the remedy. Short- and long-term institutional and engineering controls are allowed to achieve protection of public health and the environment. The remedy under Track 4 must provide a cover system over exposed residual soil contamination. Soils which are not otherwise covered by structures such as buildings, sidewalks or pavement (i.e., exposed surface soils) must be covered with soil that complies with the use-based SCOs in 6 NYCRR Table 375-6.8(b) levels for the top one foot (non-residential uses) or top two feet (restricted residential use).

3. Environmental Restoration Program: The goal of the program for a specific site is to select a remedy that is protective of public health and the environment, including, but not limited to, groundwater according to its classification pursuant to ECL 17-0301, drinking water, surface water and air (including indoor air), sensitive populations (including children) and ecological resources (including fish and wildlife). At a minimum, the remedy selected shall eliminate or mitigate all significant threats to public health and to the environment presented by contaminants disposed at the site through the proper application of scientific and engineering principles. Soil cleanup levels may be developed in accordance with Approaches 1 – 4 without restriction.

4. Voluntary Cleanup Program: The goal of the program for a specific site is to select a remedy that is protective of public health and the environment for the contemplated use. The soil cleanup levels may be developed in accordance with Approaches 1 – 4 without restriction.

5. Petroleum Spill Response Program: The goal of the Petroleum Spill Response Program is to achieve pre-spill conditions [6 NYCRR 611.6(a)(4)]. Remedial activities under this program shall be undertaken relative to the petroleum contamination that was released along with any co-mingled contamination from other sources. The remedial party shall achieve, to the extent feasible, the unrestricted SCOs for petroleum-related contaminants listed in 6 NYCRR Table 375-6.8(a). For petroleum contaminants not included in 6 NYCRR Table 375-6.8(a) (discussed in Section E below), the remedial party shall apply, to the extent feasible, the soil cleanup levels provided in Table 1. For ease of implementation, two lists of petroleum contaminants (Gasoline and Fuel Oil, Tables 2 and 3) are attached. The tables combine the applicable petroleum-related SCOs from 6 NYCRR 375-6.8(a) and the applicable petroleum related SSCOs from Table 1. Where DEC determines that it is not feasible to achieve the soil cleanup levels as set forth in this paragraph, the remedial party may propose soil cleanup levels in accordance with any of the general approaches. However, when considering restricted use soil cleanup levels, the remedial party should apply the least restrictive use category feasible.

For purposes of this discussion, residential use is the least restrictive use, and industrial use is the most restrictive category. This process starts with consideration of residential use, followed by restricted residential use, commercial use, and then industrial use. The evaluation proceeds through the different land uses until a feasible remedy is found. If the protection of groundwater or ecological SCOs apply, the lower of the applicable protection of the public health SCO or the applicable protection of groundwater or ecological SCO should be achieved to the extent feasible. This evaluation is not bound to the SCOs in regulation or the SSCOs set forth in this guidance but may result in a site-specific soil cleanup level that is between the SCOs or soil cleanup level for two different land uses (e.g., above the restricted residential SCO and below the commercial SCO).

6. RCRA Corrective Action Program: The RCRA program was promulgated to regulate facilities that actively manage hazardous waste. DER administers the RCRA Corrective Action Program, with a goal of achieving soil cleanup levels at Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) that eliminate risks to public health and the environment (i.e., clean the site to unrestricted use) or control said risks (i.e., clean the site or unit(s) to the lowest possible soil cleanup objective, regardless of site use), to the extent feasible. This goal takes into account that certain units at the facility may be permitted to manage hazardous waste under New York State's Hazardous Waste Management (HWM) regulations (6 NYCRR Part 373). The requirements of active HWM facilities, as well as the site's history, will be considered when soil cleanup levels are determined. Selected remedies must be protective of public health and the environment. Soil cleanup levels will be selected using the following procedure.

- (a) The remedial party shall evaluate, and if feasible, implement a cleanup utilizing Approach 1. Under this approach, the unrestricted SCOs apply to the entire soil matrix to the top of bedrock. For contaminants not listed in 6 NYCRR 375-6, a new or existing SSCO may be used.
- (b) If DEC determines that achieving unrestricted SCOs is not feasible, the remedial party may evaluate other alternatives to remediate the site. In this event, the remedial party may propose soil cleanup levels in accordance with any of the general approaches. However, when considering restricted use soil cleanup levels, the remedial party shall apply the use category which is both feasible and least restricted. For purposes of this discussion, residential use is the least restricted category and industrial use is the most restricted category. A soil cleanup level between two different land uses (e.g., residential and restricted residential) may be determined to be feasible, and if selected, must be achieved.

Any soil cleanup levels specified in regulation (i.e., 6 NYCRR 373-2.6(b)-(k) for “regulated units” as defined in 6 NYCRR 373-2.6 (a)(1)(ii)) or in a DEC enforceable document (Part 373 permits, Consent Orders, etc.) shall take precedence over the soil cleanup levels which could be established through use of this document.

C. Determination of Whether Ecological Resources SCOs Apply to a Site: SCOs developed to protect ecological resources (ESCOs) are incorporated in the Unrestricted Use SCO in 6 NYCRR Table 375-6.8(a) and are included as a separate category in 6 NYCRR Table 375-6.8(b). For contaminants of concern which do not have a calculated ESCO in regulation, DEC may direct the remedial party to develop a soil cleanup level which is protective of ecological resources where appropriate, based on the process outlined in Appendix E of the TSD.

The presence of ecological resources and any impact to those resources will be assessed during the remedial investigation. For sites where there is the potential for an ecological resource impact to be present, or where it is likely to be present, an assessment of fish and wildlife resource impacts will be performed. For sites in DER’s SSF, BCP, VCP and ERP, the assessment will be performed in accordance with DEC’s guidance, *Fish and Wildlife Impact Analysis for Inactive Hazardous Waste Sites*, October, 1994, as described in DER-10, Section 3.10. For sites in the RCRA Corrective Action Program, the assessment will be performed using the above referenced fish and wildlife impact analysis document as guidance, and by consulting with appropriate personnel in DEC’s Division of Fish, Wildlife and Marine Resources.

Soil cleanup levels which are protective of ecological resources must be considered and applied, as appropriate, for the upland soils (not sediment) at sites where DEC determines, based on the foregoing analysis, that:

- ecological resources are present, or will be present, under the reasonably anticipated future use of the site, and such resources constitute an important component of the environment at, or adjacent to, the site;
- an impact or threat of impact to the ecological resource has been identified; and
- contaminant concentrations in soil exceed the ESCOs as set forth in 6 NYCRR 375-6.8(b) or the Protection of Ecological Resources SSCOs contained in this document.

Sites or portions thereof that will be covered by buildings, structures or pavement are not subject to the ESCOs. Further, ecological resources do not include pets, livestock, agricultural or horticultural crops, or landscaping in developed areas. (See 6 NYCRR 375-6.6 for more detail.)

D. Determination of Whether Protection of Groundwater SCOs Apply: SCOs developed to protect groundwater are incorporated in the Unrestricted Use SCOs in 6 NYCRR Table 375-6.8(a) and are included as a separate category in 6 NYCRR Table 375-6.8(b). For contaminants of concern which do not have a protection of groundwater SCO, DEC may direct the remedial party to develop a soil cleanup level which is protective of groundwater using the process in Appendix E of the TSD.

1. Except as provided for in (2) below, the protection of groundwater SCOs will be applicable where:
 - (i) contamination has been identified in on-site soil by the remedial investigation; and
 - (ii) groundwater standards are, or are threatened to be, contravened by the presence of soil contamination at concentrations above the protection of groundwater SCOs.
2. DEC may provide an exception to the applicability of the protection of groundwater SCOs, as set forth in 6 NYCRR 375-6.5(a)(1), when (i), (ii), and (iii) exist and either (iv) or (v) also apply, as described below.
 - (i) The groundwater standard contravention is the result of an on-site source which is addressed by the remedial program.
 - (ii) An environmental easement or other institutional control will be put in place which provides for a groundwater use restriction.
 - (iii) DEC determines that contaminated groundwater at the site:
 - (a) is not migrating, nor is likely to migrate, off-site; or
 - (b) is migrating, or is likely to migrate, off-site; however, the remedy includes active groundwater management to address off-site migration.
 - (iv) DEC determines the groundwater quality will improve over time.
 - (v) The groundwater contamination migrating from the site is the result of an off-site source of contamination, and site contaminants are not contributing consequential amounts to the groundwater contamination.
3. In determining whether to provide the exemption set forth in subparagraph 2 above, DEC will consider:
 - (i) all of the remedy selection criteria at 6 NYCRR 375-1.8(h) or in the RCRA Corrective Action program;
 - (ii) the amount of time that the groundwater will need to be actively managed for the protection of public health and the environment; and
 - (iii) the potential impact that groundwater contamination may have on media not specifically addressed by the SCOs (e.g., vapor intrusion, protection of surface water, and protection of aquatic ecological resources).

E. Supplemental Soil Cleanup Objectives: SSCOs are either existing cleanup levels in Table 1 or are new soil cleanup levels developed by the remedial party as part of its remedial program. These SSCOs are in addition to the SCOs that are included in Part 375.

Existing SSCOs: The Table 1 list of SSCOs includes contaminants from former TAGM 4046 that were not included in 6 NYCRR 375-6.8 and soil cleanup levels developed using the process detailed in Appendix E of the TSD but not promulgated. For those contaminants which were part of the former TAGM 4046, soil cleanup levels exist for the protection of public health (based on ingestion) and for the protection of groundwater. In some cases, to be determined on a site-by-site basis, evaluation of other factors is likely needed for the protection of public health, especially when the use of a site includes residential use.

These other factors include other exposure pathways (e.g., homegrown vegetable ingestion, inhalation and dermal contact), potential non-site exposures to the contaminant and current toxicological data on the contaminant. In these instances, DEC (in consultation with NYSDOH) will determine if the additional factors have been adequately addressed. The SSCOs identified in Table 1 (subject to the limitation described above) may be used as if they were included in Part 375. A remedial party is not required to use the SSCOs set forth in Table 1. In lieu of applying an SSCO, the remedial party may elect to develop a soil cleanup level (using the process described in Appendix E of the TSD and discussed below.) Table 1 also includes SSCOs that were developed for some pathways using the same process detailed in the TSD. A remedial party may elect to use those SSCOs directly or confirm that the calculated value for that pathway is correct.

New SSCOs: The remedial party may elect to, or DEC may direct a remedial party to, develop a contaminant-specific SCO for any contaminant not included in 6 NYCRR Tables 375-6.8(a) or (b). Generally, DEC will request that an SCO be developed only where the contaminant is a predominant contaminant of concern (COC) at the site and is not otherwise being addressed to DEC's satisfaction as part of the proposed remedy. This could happen, for example, when a remedial party is seeking a Track 1 cleanup and non-SCO/SSCO contaminants are present and may not be satisfactorily addressed by the remedial activities addressing the SCOs or SSCOs. Guidance on the process for developing new SCOs is provided in Appendix E of the TSD. DEC will include all newly developed soil cleanup levels, developed and approved pursuant to this paragraph in a revised Table 1. The developed SSCO must:

1. be developed utilizing the same methodologies that were used by DEC to develop SCOs that are set forth in Part 375; and
2. apply the maximum acceptable soil concentrations (caps), as set forth in section 9.3 of the TSD.

F. Use of SCOs and SSCOs as a Screening Tool: The SCOs and SSCOs may be used to identify areas of soil contamination and to determine the extent of soil contamination. As noted in Section V.K, consideration of other media is required to determine if remedial action is needed.

1. At sites or areas of concern where contaminant concentrations are equal to or below the unrestricted SCOs in 6 NYCRR Table 375-6.8(a), no action or study is warranted because of soil contamination.

2. The exceedance of one or more applicable SCOs or SSCOs, (which is the lower of protection of public health, protection of groundwater, or protection of ecological resources soil cleanup objectives as described in Section III below), alone does not trigger the need for remedial action, define “unacceptable” levels of contaminants in soil, or indicates that a site qualifies for any DEC remedial program (e.g., BCP, SSF). As noted in the definition of SCO above, SCOs and SSCOs are applicable statewide and do not account for many site-specific considerations which could potentially result in higher levels. Therefore, soil concentrations that are higher than the applicable SCOs or SSCOs are not necessarily health or environmental concerns.
3. When an applicable SCO or SSCO is exceeded, the degree of public health or environmental concern depends on several factors, including:
 - magnitude of the exceedance;
 - accuracy of the exposure estimates;
 - other sources of exposure to the contaminant; and
 - strength and quality of the available toxicological information on the contaminant.

G. Soil Cleanup Levels for Nuisance Conditions: Experience has shown that contaminants in soil that meets the DEC-approved soil cleanup levels can exhibit a distinct odor or other type of nuisance (e.g., staining). This is true even though the contaminants will not leach from the soil (e.g., certain soils with more insoluble substances at higher concentrations). When DEC determines that soil remaining after the remedial action will result in the continuation of a nuisance (e.g., odors, staining, etc), DEC will require that additional remedial measures be evaluated, and may require additional remedial actions be taken to address the nuisance condition.

H. Subsurface Soil Cleanup for Total Polycyclic Aromatic Hydrocarbons: For non-residential use sites (i.e., commercial or industrial use sites) where the ESCOs are not applicable, DEC may approve a remedial program which achieves a soil cleanup level of 500 parts per million (ppm) for total PAHs for all subsurface soil. The 500 ppm soil cleanup level is in lieu of achieving all of the PAH-specific SCOs in 6 NYCRR 375-6. For purposes of this provision, subsurface soil shall mean the soil beneath permanent structures, pavement, or similar cover systems; or at least one foot of soil cover (which must meet the applicable SCOs). Institutional controls (e.g., an environmental easement) along with a site management plan will be required when this soil cleanup level is employed at a site. This cleanup level is determined to be feasible and protective based on DEC's experience in its various remedial programs. This approach has existed in TAGM 4046 since it was first issued in 1992.

I. Soil Cleanup for PCBs: DEC may approve a remedial program which achieves a soil cleanup level for PCBs as set forth herein:

1. **For Non-BCP sites:** An acceptable presumptive remedy for soil where neither the unrestricted SCOs nor the ESCOs are applied in the remedial program may include a soil cleanup level for PCBs of 1 ppm in the surface soils and 10 ppm in subsurface soils.
2. **For BCP sites:** An acceptable presumptive remedy for soil may include a soil cleanup level for PCBs of 1 ppm (the applicable SCO) in the surface soils and 10 ppm in subsurface in limited circumstances as follows:

- cleanup track is Track 4;
 - site use will be restricted residential, commercial or industrial; and
 - ESCOs do not apply.
3. **At industrial use sites**, a level of 25 ppm for PCBs provided that access is limited and individual occupancy is restricted to less than an average of 6.7 hours per week.

For purposes of this provision, subsurface soil shall mean:

- soil beneath permanent structures, pavement, or similar cover systems;
- soil beneath 1 foot of soil cover for commercial and industrial uses; or
- soil beneath 2 feet of soil cover for residential and restricted residential uses.

Institutional controls (i.e., an environmental easement), along with a site management plan, will be required when this soil cleanup level is employed at a site. As with all presumptive remedies, just because a remedy is presumptive does not mean that it will work at every site. For example, this presumptive remedy for PCBs in soil is not applicable at most landfills. This cleanup level is determined to be feasible and protective based on DEC's experience in its various remedial programs. Further, this approach has existed in TAGM 4046 since it was first issued in 1992.

J. Sampling and Compliance with Soil Cleanup Levels: The number of samples to determine if the SCOs have been achieved should be sufficient to be representative of the area being sampled. See attached Table 4 for suggested sampling frequency and subdivision 5.4(e) of DER-10 for details. This frequency can be used for confirmatory samples or for backfill. It is DEC's goal that all confirmatory samples demonstrate that the remedy has achieved the DEC-approved soil cleanup levels. However, recognizing the heterogeneity of contaminated sites and the uncertainty of sampling and analysis, DEC project manager has limited discretion to determine that remediation is complete where some discrete samples do not meet the soil cleanup levels established for a site. See DER-10 for more information regarding the determination that remediation is complete.

K. Other Considerations: All remedies must be fully protective of public health and the environment and prevent off-site migration to the extent feasible with special emphasis for the prevention or minimization of migration onto adjacent residential properties or into ecological resources. A remedial party is required to investigate all environmental media including soil, groundwater, surface water, sediments, soil vapor, indoor air, and biota. (See 6 NYCRR 375-1.8(a)(6) or RCRA Corrective Action Program). This investigation will determine if any of the referenced media are, or may be, impacted by site contamination. However, the SCOs do not directly address these other media. DEC may require remedial actions to address such media and impacts, including but not limited to the application of lower soil cleanup levels or buffer zones where it determines, based on the investigation, that any of these media are, or may be, impacted by site contamination.

VI. Related References:

- ◆ Environmental Conservation Law, Article 27 Titles 3, 5, 9, 13 and 14.
- ◆ Article 12 of the Navigation Law, Section 178.

- ◆ 6 NYCRR Part 375, Environmental Remediation Programs. December 14, 2006.
- ◆ 6 NYCRR Subparts 373-1, 373-2 and 373-3, Requirements for Hazardous Waste Management Facilities. September 6, 2006.
- ◆ 6 NYCRR Part 611, Environmental Priorities and Procedures in Petroleum Cleanup and Removal. November 5, 1984 (amended).
- ◆ [Development of Soil Cleanup Objectives: Technical Support Document](#). New York State Department of Environmental Conservation. December 14, 2006.
- ◆ Supplemental Guidance to RAGS: Calculating the Concentration Term. United States Environmental Protection Agency. Publication 9285.7-081. May 1992.
- ◆ New York State Guidelines for Urban Erosion and Sediment Control. 1997.
- ◆ Fish and Wildlife Impact Analysis for Inactive Hazardous Waste Sites. New York State Department of Environmental Conservation. October 1994.
- ◆ [Program Policy DER-2, Making Changes to Selected Remedies](#). New York State Department of Environmental Conservation. April 1, 2008.
- ◆ [Program Policy DER-10, Technical Guidance for Site Investigation and Remediation](#). New York State Department of Environmental Conservation. May 3, 2010.
- ◆ [Program Policy DER-15, Presumptive/Proven Remedial Technologies](#). New York State Department of Environmental Conservation. February 27, 2007.

TABLES

- 1 - Supplemental Soil Cleanup Objectives**
- 2 - Soil Cleanup Levels for Gasoline Contaminated Soils**
- 3 - Soil Cleanup Levels for Fuel Oil Contaminated Soils**
- 4 - Recommended Number of Soil Samples for Soil Imported to or Exported From a Site**

Table 1
Supplemental Soil Cleanup Objectives
(ppm)

Contaminant	CAS Number	Residential	Restricted Residential	Commercial	Industrial	Protection of Ecological Resources	Protection of Ground-water
METALS							
Aluminum	7429-90-5					10,000 ^{a,b}	
Antimony	7440-36-0					12 ^c	
Boron	7440-42-8					0.5	
Calcium	7440-70-2					10,000 ^{a,b}	
Cobalt	7440-48-4	30				20	
Iron	7439-89-6	2,000					
Lithium	7439-93-2					2	
Molybdenum	7439-98-7					2	
Technetium	7440-26-8					0.2	
Thallium	7440-28-0					5 ^c	
Tin	7440-31-5					50	
Uranium	7440-61-1					5	
Vanadium	7440-62-2	100 ^a				39 ^b	
PESTICIDES							
Biphenyl	92-52-4					60	
Chlordecone (Kepone)	143-50-0					0.06	
Dibenzofuran	132-64-9						6.2
2,4-D (2,4-Dichloro-phenoxyacetic acid)	94-75-7	100 ^a					0.5
Furan	110-00-9					600	
Gamma Chlordane	5103-74-2	0.54					14
Heptachlor Epoxide	1024-57-3	0.077					0.02
Methoxychlor	72-43-5	100 ^a				1.2	900

Contaminant	CAS Number	Residential	Restricted Residential	Commercial	Industrial	Protection of Ecological Resources	Protection of Ground-water
Parathion	56-38-2	100 ^a					1.2
2,4,5-T	93-76-5	100 ^a					1.9
2,3,7,8-TCDD	1746-01-6					0.000001	
2,3,7,8-TCDF	51207-31-9					0.000001	
SEMIVOLATILE ORGANIC COMPOUNDS							
Aniline	62-53-3	48	100 ^a	500 ^a	1000 ^a		0.33 ^b
Bis(2-ethylhexyl) phthalate	117-81-7	50				239	435
Benzoic Acid	65-85-0	100 ^a					2.7
Butylbenzyl-phthalate	85-68-7	100 ^a					122
4-Chloroaniline	106-47-8	100 ^a					0.22
Chloroethane	75-00-3						1.9
2-Chlorophenol	95-57-8	100 ^a				0.8	
3-Chloroaniline	108-42-9					20	
3-Chlorophenol	108-43-0					7	
Di-n-butyl-phthalate	84-74-2	100 ^a				0.014	8.1
2,4-Dichlorophenol	120-83-2	100 ^a				20	0.40
3,4-Dichlorophenol	95-77-2					20	
Diethylphthalate	84-66-2	100 ^a				100	7.1
Di-n-hexyl-phthalate	84-75-3					0.91	
2,4-Dinitrophenol	51-28-5	100 ^a				20	0.2
Dimethylphthlate	131-11-3	100 ^a				200	27
Di-n-octylphthlate	117-84-0	100 ^a					120
1,2,3,6,7,8-HCDF	57117-44-9					0.00021	
Hexachloro-benzene	118-74-1	0.41					1.4
2,6-Dinitrotoluene	606-20-2	1.03					1.0
Isophorone	78-59-1	100 ^a					4.4

Contaminant	CAS Number	Residential	Restricted Residential	Commercial	Industrial	Protection of Ecological Resources	Protection of Ground-water
4-methyl-2-pentanone	108-10-1						1.0
2-methyl-naphthalene	91-57-6	0.41					36.4
2-Nitroaniline	88-74-4						0.4
3-Nitroaniline	99-09-2						0.5
Nitrobenzene	98-95-3	3.7	15	69	140	40	0.17 ^b
2-Nitrophenol	88-75-5					7	0.3
4-Nitrophenol	100-02-7					7	0.1
Pentachloroaniline	527-20-8					100	
2,3,5,6-Tetrachloroaniline	3481-20-7					20	
2,3,4,5-Tetrachlorophenol	4901-51-3					20	
2,4,5-Trichloroaniline	636-30-6					20	
2,4,5-Trichlorophenol	95-95-4	100 ^a				4	0.1
2,4,6-Trichlorophenol	88-06-2					10	
VOLATILE ORGANIC COMPOUNDS							
2-Butanone	78-93-3	100 ^a					0.3
Carbon Disulfide	75-15-0	100 ^a					2.7
Chloroacetamide	79-07-2					2	
Dibromochloromethane	124-48-1					10	
2,4-Dichloro aniline	554-00-7					100	
3,4-Dichloroaniline	95-76-1					20	
1,2-Dichloropropane	78-87-5					700	
1,3-Dichloropropane	142-28-9						0.3
2,6-Dinitrotoluene	606-20-2	1.03					0.17 ^b
Ethylacetate	141-78-6					48	

Contaminant	CAS Number	Residential	Restricted Residential	Commercial	Industrial	Protection of Ecological Resources	Protection of Ground-water
4-methyl-2-pentanone	108-10-1						1.0
113 Freon (1,1,2- TFE)	76-13-1	100 ^a					6
isopropylbenzene	98-82-8	100 ^a					2.3
p-isopropyltoluene	99-87-6						10
Hexachlorocyclopentadiene	77-47-4					10	
Methanol	67-56-1					6.5	
N-nitrosodiphenylamine	86-30-6					20	
Pentachlorobenzene	608-93-5					20	
Pentachloronitrobenzene	82-68-8					10	
Styrene	100-42-5					300	
1,2,3,4-Tetrachlorobenzene	634-66-2					10	
1,1,2,2-Tetrachloroethane	79-34-5	35					0.6
1,1,2,2-Tetrachloroethylene	127-18-4					2	
1,2,3-Trichlorobenzene	87-61-6					20	
1,2,4-Trichlorobenzene	120-82-1					20	3.4
1,2,3-Trichloropropane	96-18-4	80					0.34

^a SCOs for organic contaminants (volatile organic compounds, semivolatile organic compounds, and pesticides) are capped at 100 ppm for residential use, 500 ppm for commercial use, 1000 ppm for industrial use. SCOs for metals are capped at 10,000 ppm.

^b Based on rural background study

^c SCO limited by contract required quantitation limit.

Table 2**Soil Cleanup Levels for Gasoline Contaminated Soils**

Contaminant	CAS Registry Number	Soil Cleanup Level (ppm)
Benzene	71-43-2	0.06
n-Butylbenzene	104-51-8	12.0
sec-Butylbenzene	135-98-8	11.0
Ethylbenzene	100-41-4	1.0
Isopropylbenzene	98-82-8	2.3
p-Isopropyltoluene	99-87-6	10.0
Methyl-Tert-Butyl-Ether	1634-04-4	0.93
Naphthalene	91-20-3	12.0
n-Propylbenzene	103-65-1	3.9
Tert-Butylbenzene	98-06-6	5.9
Toluene	108-88-3	0.7
1,2,4-Trimethylbenzene	95-63-6	3.6
1,3,5-Trimethylbenzene	108-67-8	8.4
Xylene (Mixed)	1330-20-7	0.26

Table 3**Soil Cleanup Levels for Fuel Oil Contaminated Soil**

Contaminant	CAS Registry Number	Soil Cleanup Level (ppm)
Acenaphthene	83-32-9	20
Acenaphthylene	208-96-8	100
Anthracene	120-12-7	100
Benz(a)Anthracene	56-55-3	1.0
Dibenzo(a,h)Anthracene	53-70-3	0.33
Benzene	71-43-2	0.06
n-Butylbenzene	104-51-8	12.0
sec-Butylbenzene	135-98-8	11.0
Tert-Butylbenzene	98-06-6	5.9
Chrysene	218-01-9	1.0
Ethylbenzene	100-41-4	1.0
Fluoranthene	206-44-0	100
Benzo(b)Fluoranthene	205-99-2	1.0
Benzo(k)Fluoranthene	207-08-9	0.8
Fluorene	86-73-7	30
Isopropylbenzene	98-82-8	2.3
p-Isopropyltoluene	99-87-6	10.0
Naphthalene	91-20-3	12.0
n-Propylbenzene	103-65-1	3.9
Benzo(g,h,i)Perylene	191-24-2	100
Phenanthrene	85-01-8	100
Pyrene	129-00-0	100
Benzo(a)Pyrene	50-32-8	1.0
Indeno(1,2,3-cd)Pyrene	193-39-5	0.5
1,2,4-Trimethylbenzene	95-63-6	3.6
1,3,5-Trimethylbenzene	108-67-8	8.4
Toluene	108-88-3	0.7
Xylene (Mixed)	1330-20-7	0.26

Table 4

Recommended Number of Soil Samples for Soil Imported To or Exported From a Site

Contaminant	VOCs ^a		SVOCs, Inorganics & PCBs/Pesticides	
	Soil Quantity (cubic yards)	Discrete Samples	Composite	Discrete Samples/Composite
0-50	1	1	Each composite sample for analysis is created from 3-5 discrete samples from representative locations in the fill.	
50-100	2	1		
100-200	3	1		
200-300	4	1		
300-400	4	2		
400-500	5	2		
500-800	6	2		
800-1000	7	2		
➤ 1000	Add an additional 2 VOC and 1 composite for each additional 1000 Cubic yards or consult with DER. ^b			

^a VOC samples cannot be composited. Discrete samples must be taken to maximize the representativeness of the results.

^b For example, a 3,000 cubic yard soil pile to be sampled and analyzed for VOCs would require 11 discrete representative samples. The same pile to be sampled for SVOCs would require 4 composite samples with each composite sample consisting of 3-5 discrete samples.

APPENDIX I

Detailed Construction Drawings

(To be added during Final SWPPP)