PSEG LONG ISLAND LLC

on Behalf of and as Agent for the

LONG ISLAND LIGHTING COMPANY d/b/a LIPA

Southampton to Deerfield Transmission Project

ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN

Appendix B

Stormwater Pollution Prevention Plan

1 INTRODUCTION

Attached to the following appendix are the project associated stormwater pollution prevention plans

Attached to the following document are:

- Attachment 1 – Project ROW and Substation Stormwater Pollution Prevention Plan
- Attachment 2 – Project Laydown Yard Stormwater Pollution Prevention Plan

ATTACHMENT 1 – PROJECT ROW AND SUBSTATION STORMWATER POLLUTION PREVENTION PLAN

STORMWATER POLLUTION PREVENTION PLAN

PSEG Long Island
Southampton to Deerfield
New 138-kV Underground Transmission Cable

NPV No.23033

Prepared for Submission to:

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1.0 PROPOSED ACTION DESCRIPTION

1.1 Proposed Action Scope

Nelson & Pope/Nelson, Pope & Voorhis was retained by PSEG Long Island to obtain coverage under the NYSDEC SPDES General Permit (see **Appendix A**) for Stormwater Discharges from Construction Activity (GP-0-25-001) for the proposed Southampton to Deerfield Transmission Project (the "Proposed Action"), which involves the installation of new 138-kV underground conduit and cable from the Southampton Substation to the Deerfield Substation, spanning a total distance of approximately 4.5 miles. The project route travels through the Village of Southampton, Town of Southampton, Hamlet of North Sea and the Hamlet of Water Mill in Suffolk County, New York (see **Figure 1, Location Map**). The Notice of Intent (NOI) for this Proposed Action is provided in **Appendix B**. The MS4 No Jurisdiction Form is provided in **Appendix C**, since the Traditional Land Use Control MS4 Operator does not have review authority over the Proposed Action.

Except for short segments in the vicinity of the two substations totaling about 0.2-mile (approximately 4.5 percent of the entire 4.5±-mile length), the proposed cable will be installed in conduit below grade beneath the existing paved roadways, with a limited amount of disturbance occurring within the adjacent maintained pervious (vegetated) areas inside the roadway ROW. The cable lengths outside the roadway ROW occur within each substation.

- Southampton Substation – 710 linear feet (15' wide disturbance)
- Deerfield Substation – 360 linear feet (30' wide disturbance in the vegetated areas)

In addition to the proposed underground cable, twelve splice vaults will be installed along the project route, which primarily accounts for the small amount of disturbance in the roadway ROW that will extend outside paved areas. Each vault will have inside dimensions of 8 feet by 20 feet and 9 feet, 8 inches deep, with an excavation area of approximately 364 square feet.

A new termination structure will be constructed in the northeast portion of the Southampton Substation to provide an interconnection point for the cable. The cable will enter the northwest side of the Deerfield Substation and will connect to a new termination structure to be located in the northeast corner of the substation. These installations will occur within the existing substation fence lines.

Overall, the limit of disturbance for the Proposed Action is approximately 3.4± acres, of which 2.62± acres will be within impervious surface. The remaining 0.78± acres of disturbance will occur within permeable areas and involves temporary (0.51± acres) and permanent (0.27± acres)

clearing of vegetation. Permanent clearing of vegetation is proposed to occur primarily in the vicinity of the Deerfield substation.

It is proposed that installation of the cable and conduit for the Proposed Action be undertaken entirely via open trenching construction methods. The final design of the Proposed Action will be subject to review and approval by the agencies having jurisdiction of the roadways and other lands along the proposed cable route.

The Proposed Action will include the following (See **Attachment 1, Erosion Control Plan**):

- Installation of a 4.5± mile new 138-kV underground transmission circuit from the Southampton Substation, in the Village of Southampton to the Deerfield Substation, in the Town of Southampton.
- Installation of twelve precast splice vaults intermittently throughout the proposed route – distances between these underground structures varies between 1,500± ft and 2,400± ft.
- One termination structure to be constructed in the northeast portion of the Southampton Substation and one termination structure to be constructed in the northeast portion of the Deerfield Substation.
- Resurfacing of affected roadways, and revegetation of disturbed vegetated areas.

As noted above, with the exception of the areas immediately adjacent to each substation, the entirety of the Proposed Action consists of paved roadways and maintained roadside shoulders. As such, the majority of the vegetated portions of the Proposed Action are covered with low-growing herbaceous species. A limited amount of tree clearing may be necessary within the boundaries of both substations and along the ROW to create space for open trench construction and/or staging of equipment. (See **Attachment 1, Erosion Control Plan**). **Table 1** summarizes the land coverage conditions that occur for the entirety of the proposed cable transmission route. The coverages of the Proposed Action area are further addressed in the discussion of stormwater and receiving surface waters below (see **Section 2.2**).

TABLE 1: Site and Drainage Area Characteristics

Land Use or Cover Type	Preferred Alternative Area Existing Conditions (acres)
Roads, Buildings, Substations and other paved or impervious surfaces	2.63
Mowed Roadside/ Mowed Lawn	0.14
Forested	0.63
Total	**3.4**

This type of Proposed Action (underground linear utility) is listed in Table 1 of the Construction General Permit (GP-0-25-001). Therefore, post-construction water quality and water quantity controls are not required for this SWPPP. It is anticipated that construction associated with the Proposed Action will commence in December 2025 and will take approximately 18 months to complete, not including any seasonal work closures that may apply, which may limit or eliminate construction in the summer season, for example.

1.2 Location & Land Use

Proposed Action activities involve the installation of a new 138-kV underground transmission cable from the Southampton Substation to the Deerfield Substation, spanning a total distance of approximately 4.5 miles. The project route travels through the Village of Southampton and Town of Southampton in Suffolk County, New York (see **Figure 1, Location Map**).

The Southampton Substation is located in the Village of Southampton, Suffolk County, New York. The Deerfield Substation is located in the Hamlet of Water Mill, Town of Southampton, Suffolk County, New York. The proposed route for the underground transmission line will travel from the Southampton Substation through the Village of Southampton, the Town of Southampton, the Hamlet of North Sea and Hamlet of Water Mill, Suffolk County, New York, where it will terminate at the Deerfield Substation.

The new 138-kV underground transmission cable will have the following routing, from southwest to northeast:

- The cable will exit from the west side of the Southampton Substation and travel 750± feet east to North Sea Road.
- The cable will continue north along North Sea Road for 420± feet before turning east on Willow Street.
- The cable will continue east on Willow Street for 0.29± mile.
- The cable will turn north onto North Main Street for 1.07± miles.
- The cable will turn east onto North Sea Mecox Road for 0.46± mile.
- At the intersection of North Sea Mecox Road and David Whites Lane, the cable will turn north and follow the latter roadway for 0.35± mile before turning east on Edge of Woods Road.
- The cable will continue northeast on Edge of Woods Road for 1.33± miles.
- The cable will turn north on Water Mill Towd Road for 0.59± mile before reaching the Deerfield Substation property.
- The cable will continue north for an additional 0.13± mile where it terminates at the Deerfield Substation.

Existing land uses in the vicinity of the Southampton Substation are the LIRR Montauk branch to the north, woodlands to the west, residential to the south/southwest, and commercial uses east and southeast.

Existing land uses in the vicinity of the Deerfield Substation are woodlands surrounding the immediate area with low-density residential development in the greater area.

Primary land uses along the proposed transmission cable route include medium-density residential development and low-density commercial development from the Southampton Substation until reaching 400± feet north of the intersection between North Main Street and the Southampton Bypass (CR-39). From this point on North Main Street until the Edge of Woods Road portion of the route, the surrounding area is primarily low-density residential and agricultural lands. Once the route reaches Edge of Woods Road, surrounding land uses remain low-density residential while woodlands greatly increase in density. The woodlands are consistent along the route and provide a buffer for the nearby residences from the roadway and neighboring properties. Low-density residential and higher density woodlands continue until the final 0.45± mile of the proposed route, where it becomes minimally residential and is almost entirely composed of woodlands until the cable terminates at the Deerfield Substation (see **Figure 2, Aerial Map**).

Portions of the Proposed Action in the southern and northern sections of the study area are located within archaeologically sensitive areas (See **Figure 3, Cultural Resource Information Systems Map**). Consultation was initiated with New York State (NYS) Office of Parks, Recreation, and Historic Preservation (OPRHP) on October 12, 2023 for the original proposed route. A Phase IA archaeological investigation was performed along the originally proposed route in October 2023, and portions of the study area were recommended for Phase IB testing that were situated within the archaeological sensitive areas. A total of 28 shovel test pits were excavated in proximity to the Southampton and Deerfield Substations. The results of this survey indicate that the Proposed Action route has a low sensitivity for intact archaeological sites. Most of the Proposed Action route did not undergo a Phase 1B Archaeological Survey as approximately 95% of the route takes place within public roadway ROW. No cultural materials were encountered during the Phase IB testing conducted in October 2023. OPRHP responded in a letter dated October 26, 2023, indicating that the Proposed Action would have no impact on historic properties, including archaeological and/or historic resources (see **Appendix D, NYS OPRHP Response Letter**).

According to the New York Natural Heritage database, the Northern Long-eared Bat has been documented within 1.25 miles of the project site. The proposed disturbance area associated with the Proposed Action is primarily within paved areas of the roadway and road shoulder. Limited tree clearing may be necessary along very limited areas of the right-of-way and within the two substation properties that may provide potential habitat for Northern Long-eared Bat. However, PSEG Long Island is committed to restricting tree clearing associated with the Proposed Action to the permissible clearing window between December 1 to February 28 of any given year to prevent impacts to possible Northern Long-eared Bats in the area. Coordination with NYSDEC will be conducted, as required, prior to clearing. Additionally, the NYSDEC-signed Joint Proposal for the Proposed Action includes bat protections as certificate conditions. Therefore, the proposed action will not adversely affect a species that is endangered or threatened. See **Appendix E** for documentation pertaining to endangered and threatened species.

2.0 EXISTING CONDITIONS ANALYSIS

The following sections provide an overview of the existing site conditions, including soils, topography, stormwater runoff characteristics and receiving water bodies.

2.1 Soil Characteristics and Topography

The Proposed Action is within areas of topography that are characterized as relatively flat to gently sloping. Topographic elevation of the Proposed Action route is at 39± feet above mean sea level (asl) at the Southampton Substation in the southwestern portion of the Proposed Action route, and at 118± feet at the Deerfield Substation in the northeastern portion of the Proposed Action route. The topographic elevation of the Proposed Action route slightly decreases from 39± ft asl down to a minimum elevation of 32± ft asl as it progresses from the Southampton Substation to North Sea Road in the Town of Southampton. As the route progresses from Willow Street down the 1.07± mile stretch of North Main Street, elevation remains consistent around 39± ft asl until it approaches the intersection of North Main Street and North Sea Mecox Road, where elevation increases to 62± ft asl. Along North Sea Mecox Road and David Whites Lane, the elevation gradually increases to 98± ft asl, where David Whites Lane intersects with Edge of Woods Road. The elevation along the 1.33± mile stretch on Edge of Woods Road slightly fluctuates throughout, but ultimately decreases from 98± ft asl down to 59± ft asl, where the route turns north on Water Mill Towd Road. The elevation consistently increases until the route terminates at the Deerfield Substation, which sits at 118± ft asl, the maximum elevation of the Proposed Action. (See **Attachment 1, Erosion and Sediment Control Plans**).

The NRCS Soil Survey identifies soil types resulting from natural deposition and modification, as well as human-induced alterations associated with land use. A summary of the soils found in the disturbance area associated with the Proposed Action is provided in **Table 2**. (See **Soils Map, Figure 4-1** through **Figure 4-10**.)

Table 2 – Soil Types within Disturbance Area

Soil Type	Percent (%)	NRCS Soil Name
BgA	4.8	Bridgehampton silt loam, 0 to 2 percent slopes
BgB	1.7	Bridgehampton silt loam, 2 to 6 percent slopes
Bm	2.3	Bridgehampton silt loam, graded

Soil Type	Percent (%)	NRCS Soil Name
CpC	4.2	Carver and Plymouth soils, 3 to 15 percent slopes
CpE	0.3	Carver and Plymouth soils, 15 to 35 percent slopes
HaA	14.0	Haven loam, 0 to 2 percent slopes
HaB	11.0	Haven loam, 2 to 6 percent slopes
He	2.0	Haven loam, thick surface layer
PlA	0.0	Plymouth loamy coarse sand, 0 to 3 percent slopes
PlB	19.8	Plymouth loamy coarse sand, 3 to 8 percent slopes
PlC	6.4	Plymouth loamy coarse sand, 8 to 15 percent slopes
PsA	2.7	Plymouth loamy sand, silty substratum, 0 to 3 percent slopes
RdA	13.2	Riverhead sandy loam, 0 to 3 percent slopes
RdB	13.8	Riverhead sandy loam, 3 to 8 percent slopes
RdC	3.9	Riverhead sandy loam, 8 to 15 percent slopes

Note: Due to rounding, total percentage of soil type coverage exceeds 100%.

The following descriptions of the remaining soil types found in the Proposed Action area are based on information in the Soil Survey:

Bridgehampton Silt Loam, 0-2% slopes (BgA) *- Consists of deep, well drained to moderately well drained, medium-textured soils that form thick silt deposits over coarse sand and gravel. Bridgehampton soils are only on the south fork of the county in an area extending eastward from the Village of Southampton to Amagansett. This soil is nearly level and is on outwash plains on very broad, level flats. The soils are generally level, but undulate in some areas. The hazard of erosion is slight.*

Bridgehampton Silt Loam, 2-6% slopes (BgB) *– Consists of gently sloping soils found on outwash plains, moderately undulating areas on the side of hills and broad flats and intermittent drainageways. Soil may be shallow in some areas due to past erosion. Erosion hazard is moderate*.

Carver and Plymouth sands, 3-15% slopes (CpC) *- The Carver series consists of deep, excessively drained coarse-textured soils. This soil type is found mainly on rolling moraines; however, they are also found on the side slopes of many drainage channels on the outwash plains. The hazard for erosion is slight to moderate.*

Carver and Plymouth sands, 15-35% slopes (CpE) *- The Carver series consists of deep, excessively drained coarse-textured soils. This soil type is found almost exclusively on moraines except for a*

few steep areas on side slopes along some of the more deeply cut drainage channels on outwash plains. The hazard for erosion is moderate to severe.

Haven loam 0-2% slopes (HaA) *- This map unit consists of deep, well drained, medium textured soils that formed in a loamy or silty mantle over stratified coarse sand and gravel. Most of these areas are on outwash plains; some are on moraines and generally are on top of low-lying hills. The hazard of erosion is slight and internal drainage is good. Natural fertility is low.*

Haven loam 2-6% slopes (HaB) *- The Haven series consists of deep, well drained, medium textured soils that formed in a loamy or silty mantle over stratified coarse sand and gravel. This soil is found on outwash plains and moraines, commonly along shallow drainage channels. The hazard of erosion is moderate to slight.*

Haven Loam, Thick Surface Layer (He) *- This soil is mainly on outwash plains throughout the county. These soils generally occupy the bottom of the larger drainage channels or closed depressions where silty material has accumulated from surrounding areas. Slopes are usually less than three (3) percent and areas of this soil are generally quite small.*

Plymouth loamy sand, 0-3% slopes (PlA) *- Consists of deep, excessively drained, coarse-textured soils that form a mantle of loamy sand or sand over thick layers of stratified coarse sand and gravel. These soils are mainly on outwash plains south of the Ronkonkoma moraine. The areas are generally level, but undulate in some areas. The hazard of erosion is slight.*

Plymouth loamy sand, 3-8% slopes (PlB) *- Consists of deep, excessively drained, coarse-textured soils that formed in a mantle of loamy sand over thick layers of stratified coarse sand and gravel. This soil is on moraines and outwash plains. The erosion hazard is slight and soil tends to be droughty.*

Plymouth loamy sand, 8-15% slopes (PlC) *- This map unit consists of moderately sloping soils on moraines and outwash plains. Where it occurs on moraines, slopes are rolling in many places, and the surface is broken by closed depressions. On outwash plains this soil type is on the short side slopes along intermittent drainageways. The hazard of erosion is moderate to severe because of the slopes and the sandy texture of the soil. Slope and droughtiness are the main limitations on this soil for most nonfarm uses.*

Plymouth Loamy Sand, silty substratum, 0-3% slopes (PsA) *– This nearly level soil type is found on outwash plains between Sagaponack and East Hampton. It is generally associated with Bridgehampton soils and exists as a transition to coarser Carver and Plymouth soils. This soil is droughty and there is a slight erosion hazard.*

Riverhead Sandy Loam, 0-3% slopes (RdA) *- Consists of deep, excessively drained, coarse - textured soils that formed in a mantle of sandy loam or fine sandy loam over thick layers of coarse sand and gravel. This soil is generally found on outwash plains, and the areas are large and uniform. The hazard of erosion is slight.*

Riverhead sandy loam, 3-8% slopes (RdB) *- The Riverhead series consist of deep, well-drained, moderately course-textured soils. These soils occur primarily on outwash plains. A few small irregular areas are on the moraines. Riverhead soils have moderate to high available moisture capacity. Internal drainage is good, with moderately rapid to very rapid permeability. Natural fertility is low.*

Riverhead Sandy Loam, 8-15% slopes (RdC) *- Consists of deep, excessively drained, coarse - textured soils that formed in a mantle of sandy loam or fine sandy loam over thick layers of coarse sand and gravel. This soil is found in narrow bands on outwash plains along the side slopes of deep intermittent drainageways. The hazard of erosion is moderately severe.*

Based on the predominant soil types, the disturbance area soils would be classified primarily under **Hydrologic Soil Groups A and B** *(**Soil and Water Conservation Society, 1997**).*

2.2 Existing Stormwater Runoff Characteristics & Receiving Water(s)

There are no freshwater wetlands and surface waters in proximity of the Southampton Substation, or the Deerfield Substation, or along the transmission cable route. The nearest significant surface water to the Proposed Action is Lake Agawam, which lies approximately two thirds of a mile south of the Southampton Substation. There are several small freshwater ponds and associated wetlands in the Town of Southampton, but none are in the vicinity of the Proposed Action or within the 100-foot NYSDEC freshwater wetlands buffer zone. **Figure 5** depicts NYSDEC freshwater wetlands within the greater area of the Proposed Action.

The proposed transmission cable will be primarily installed within public roadway ROW, which consist of paved roadways, maintained lawns, and vegetated roadsides. From the Southampton Substation to the intersection between North Main Street and CR-39, stormwater will mostly travel on the impermeable pavement to the drainage inlets present along the roadways. There are several areas where stormwater may permeate nearby lawns/landscapes in this area. As the route continues north, stormwater will primarily travel from the impermeable roadway into the permeable roadsides. There are minimal stormwater controls (curbing, drainage) along the remainder of the route, allowing for most stormwater to infiltrate into the nearby driveways,

woodlands, and landscapes without traveling long distances. There are intermittent drainage inlets on the route as part of the roadway infrastructure which help to limit flooding during large precipitation events.

Impervious surfaces are present within the Southampton Substation and Deerfield Substation properties, which include the access driveways and limited foundations within the substations for various equipment. While these substations do not contain drainage infrastructure (e.g., catch basins, leaching pools, etc.), the substations are stabilized with a granular substrate (dolomite) which allows for stormwater infiltration within the void spaces of the dolomite and within the well-drained soils underlying the dolomite. Most surfaces within the vicinities of each substation are comprised of woodlands or permeable surfaces, thus allowing for additional stormwater drainage and infiltration.

3.0 PROPOSED CONSTRUCTION PLAN

3.1 Description of Proposed Construction Activities

As described in Section 1, the Proposed Action involves the installation of a new 138-kV underground transmission cable from the Southampton Substation to the Deerfield Substation, spanning a total distance of approximately 4.5 miles. The cable route travels entirely through the Town of Southampton including the Village of Southampton, the Hamlet of North Sea, and the Hamlet of Water Mill in Suffolk County, New York (see **Figure 1, Location Map**).

The Proposed Action will include the following (See **Attachment 1, Erosion Control Plan**):

- the installation of a 4.5± mile new 138-kV underground transmission circuit from the Southampton Substation to the Deerfield Substation, in the Town of Southampton.
- the installation of twelve precast splice vaults intermittently throughout the proposed route – distances between these structures varies between 1,500± ft and 2,400± ft.
- one termination structure to be constructed in the northeast portion of the Southampton Substation and one termination structure to be constructed in the northeast portion of the Deerfield Substation.
- Resurfacing of affected roadways, and revegetation of disturbed vegetated areas.

The Proposed Action involves installation of the proposed new 138-kV underground transmission cable along a 4.5±-mile route between the Southampton and Deerfield Substations, primarily in public roadway ROW. Construction in these ROW is proposed to consist of the installation of the conduit and cable via the excavation of a trench in the roadway pavement, and associated excavation that may extend slightly into the adjacent unpaved portion of the ROW for the placement of 12 splice vaults. As the proposed project is an underground linear utility, post-construction water quality and water quantity controls are not required for this SWPPP.

It is anticipated that the proposed activities will result in a total disturbance of approximately 3.4 acres, of which 2.62± acres are located within impervious areas and 0.78± acres are located within pervious area (See **Attachment 1, Erosion Control Plan**).

Groundwater along the route ranges from depths of approximately 18 to 95 feet below ground surface. Given that the lowest depth of groundwater is ~18 ft below ground surface, it is not anticipated that the Proposed Action will require dewatering during the construction process.

3.2 Temporary Erosion and Sediment Controls

A variety of temporary erosion and sediment controls are proposed to ensure soil stabilization and protection of exposed areas for the duration of the construction period in accordance with the NYSDEC State Standards and Specifications for Erosion and Sediment Control (Blue Book), November 2016 version. (Please see **Attachment 1, Erosion Control Plan**). These measures include the use of silt fencing along the down slope contour of disturbance areas within the substations, splice vault installation locations, and at various stages of the cable routing to minimize/prevent sediment from washing into adjacent properties and/or water features. Inlet protection will be utilized around drainage inlets to prevent sedimentation. Temporary staging areas is expected to be necessary in the utility right of ways, substations, and/or as determined necessary in the field. A temporary concrete wash out will be utilized within a designated area at each substation. A dust control and watering plan has also been prepared and is included on the Erosion Control Plan, which includes specification for temporary stabilization practices (see Dust Control Notes, **Attachment 1, Erosion Control Plan**). The proposed locations, dimensions, material specifications, and installation details for all of the temporary erosion and sediment control practices planned during site construction activities are provided on the Erosion Control Plans. All erosion and sediment control practices will be installed and maintained in accordance with the NYSDEC State Standards and Specifications for Erosion and Sediment Control (Blue Book), November 2016 version as per the NYC Stormwater Manual (p. 2-13).

3.3 Schedule of Operations

Construction of the Proposed Action consists of several major components, including conduit installation, splice vault installation, cable pulling, cable splicing, and site restoration. Splice vaults are typically placed before the conduits, but this can vary based on logistical considerations. The vaults and conduits must be set before cable pulling can proceed, followed by splicing, with site restoration always being the final step at a given location. Construction can proceed in parallel at multiple locations, with the possibility of different stages of the work in progress at any given time.

The following elements constitute the major work included in this Proposed Action:

Construction Schedule:

1. Installation of all erosion control measures and inlet protection as per the plans and as conditions warrant and/or as directed by the inspector to ensure on-site containment of all sediments and run-off, maintain daily.
2. Daily control of debris and dust. Water as necessary or as directed by inspector.
3. Preparing concrete pads for installation of equipment within substations.
4. Installation of substation equipment.
5. Trenching of cable and splice installations. Stockpile topsoil in designated areas and protect or seed as necessary to prevent exposure to erosive elements.
6. Reestablish necessary grades within disturbance area.
7. Restore pavement and crushed blue stone groundcover and seed disturbed soil areas.
8. Remove all temporary erosion control measures following site stabilization.

3.4 Inspection and Restoration Requirements

Inspection Requirements

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 daily when soil disturbance activities are being performed. The owner or operator 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 within five (5) business days. If the corrective action requires engineering design, it should be completed within fifteen (15) business days. The owner or operator shall have each of the contractors and subcontractors sign a copy of the certification statement provided in **Appendix F** before they commence any construction activity.

Qualified Inspector Weekly Inspections

Pursuant to Part IV of the General Permit, for construction sites with less than 5 acres of soil disturbance activities ongoing, the qualified inspector shall conduct at least one site inspection every seven (7) calendar days. If greater than 5 acres of soil are disturbed at any given time, the qualified inspector shall conduct at least two site inspections every seven (7) calendar days. Inspections shall be supervised by a qualified professional and a record of all inspection reports (**Appendix G**) will be maintained on site as required by the General Permit (**NYSDEC, 2025**) (see **Appendix A**).

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 (if applicable) 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. The qualified inspector shall prepare an inspection report (as per General Permit Part IV.C.4) subsequent to each and every inspection. Within one business day of the completion of an inspection, the qualified inspector shall notify the owner or operator and appropriate contractor or subcontractor of any corrective actions that need to be taken. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions within five (5) business days. If the corrective action requires engineering design, it should be completed within fifteen (15) business days. All inspection reports shall be signed by the qualified inspector. The inspection reports (see **Appendix G**) shall be maintained on site with the SWPPP.

Temporary Maintenance Measures:

Maintenance of all temporary erosion and sediment control measures will be performed on an as needed basis to ensure effectiveness. Recommendations for erosion control measures include the following:

1. Remove sediment from silt fencing as needed, or when bulges develop;
2. Clean (or replace) inlet protection when storage capacity is 50% filled;
3. Monitor and replace silt fence as necessary to ensure integrity of fencing.
4. Monitor and regularly remove concrete waste from concrete wash out area and replace straw/hay bales as necessary to ensure integrity of bales/perimeter barrier.
5. Stabilized construction access driveways shall be maintained to prevent tracking or flowing of sediment onto public ROW.

6. Temporary stabilization seeding (or mulch/approved equal in winter conditions) should be applied to any area to remain inactive for 14 days or more (application rates as noted by the Dust Control Notes). Soil stockpiles should be seeded and protected by silt fencing on the down slope side.
7. Stabilized areas (seed, mulch or approved equal) should be inspected to ensure adequate density of vegetative cover/application of stabilization material. Areas shall be reseeded or supplemented with mulch (based on season) as necessary to achieve adequate cover (per details below).

Stabilization and Restoration Requirements

- At the completion of the excavation and backfilling work, the contractor shall restore all areas disturbed by their construction back to an acceptable condition as per PSEG Long Island requirements.
- Grass areas shall receive a four-inch layer of topsoil and an application of seed in accordance with the project's Landscape Restoration Plan.
- Topsoil material shall be the naturally occurring surface layer of soil and shall be free from refuse, recycled or man-made materials, any material toxic to plant growth, subsoil, woody vegetation, and stumps, roots, brush, stones, clay lumps or similar objects larger than two inches in greatest dimension.
- Seed fertilizer and mulch for grass areas shall be applied in a single operation in which the materials are mixed with water and kept in an agitated state in order that the materials are uniformly suspended in water and evenly distributed during spraying (hydroseeding). Seed shall be evenly distributed over the areas to be seeded and applied in accordance with the project's Landscape Restoration Plan.
- The seed material types and quantities shall be in accordance with the Landscape Restoration Plan.
- The Contractor shall restore curbs, paving, driveway aprons, sidewalks, grassed areas, and shrubbery to applicable Code requirements.
- The contractor shall grade, seed, and fertilize all grassed areas attempting to blend in the restored area with the adjacent undisturbed area.

3.5 Description of Materials Stored On-site/Spill Prevention

Construction materials and equipment that are required to be temporarily stored on the Proposed Action site should be stored in designated areas only. Designated areas will be determined prior to the start of construction once a contractor is selected. Such materials will

include machinery and materials for construction activities, granular fill material, stockpiled soil, and temporary storage of materials, as necessary. Silt fence and/or anchored tarps are recommended to completely enclose areas prior to the close of daily operations on the construction site (and during rain/snow events) to prevent the travel of materials of the designed stockpile areas. Fuels, lubricants and coolants, etc. may be necessary for the operation of construction equipment. Such materials must be covered and contained within waste fluid containers in leak-proof condition and with secondary containment. Storage containers should be regularly inspected for leaks, corrosion, support or foundation failure, or any other signs of deterioration and tested for soundness. The General Contractor shall maintain Safety Data Sheets (SDSs) for each substance with hazardous properties that are used on the job site. Each employee who handles hazardous substances shall be instructed on the use of the SDS sheets and safety measures/spill control techniques associated with use of the product. Materials are anticipated to be inert and are not expected to have an adverse impact on groundwater quality at the site. Covered dumpsters will be utilized for waste materials. Sanitary waste will be collected from portable units, as necessary. It will be the responsibility of the site contractor to ensure the equipment and materials stored onsite are protected as necessary to prevent accidental spills.

If a release containing a hazardous substance or oil in an amount equal to or exceeding the reportable quantities pursuant to 40 CFR110, 40 CFR117, 40 CFR302 or 6NYCRR Part 611 occurs, the site operator must:

1. Take all measures to contain the spill and prevent any discharges to stormwater systems or groundwater on or off-site.
2. Contact the Project Manager/site owner/operator immediately.
3. Immediately notify the LIPA Electric System Operator: (516) 545-4007 (night and day) and contact Environmental Compliance personnel (please contact Hardik Parekh at Hardik.Parekh@pseg.com). Environmental Compliance can also be notified by the PSEG Long Island's Environmental Compliance Beeper: (516) 824-2485.
4. Notice must be provided to the NYSDEC Spill Response Unit (1-800-457-7362) or the National Response Center (1-800-424-8802) in accordance with the applicable regulations (noted above) as soon as site staff have knowledge of a reportable release.
5. Mitigation measures to prevent future spill incidents should be employed and the SWPPP modified accordingly.

3.6 Pollution Prevention Plan

Pollution control measures are designed to contain sediment, debris, and pollutants from traveling off site by utilizing sediment barriers and sound construction practices. All sediment spilled, dropped, washed, or tracked onto public rights-of-way should be removed daily. Debris removal and control, and sweeping of adjacent streets, walks, and pavement of site-generated debris is recommended to ensure site cleanliness and reduce possible sediment transport as a result of runoff. The site contractor will be responsible for ensuring storage and stockpiling of construction materials and supplies will be in designated areas and erosion control measures are implemented to prevent/reduce wind-blown dust and erosion from rainwater. The site operator will be responsible for securing an approved carter to empty the site dumpster and haul waste from the site to an approved location for disposal. Washing of vehicles will be done only when necessary and in areas stabilized by stone and which drain into an approved sediment-trapping device. Containment and proper disposal will be provided for with respect to the cleanout of form release oils, curing compounds and other construction materials. Chemicals, paints, solvents, and other toxic material must be stored in waterproof containers. Except during application, the contents must be kept within storage facilities. Runoff containing such material must be collected, removed from the site, treated, and disposed of at an approved solid waste or chemical disposal facility. Construction vehicles will not be refueled on site and will be checked regularly to minimize the possibility of petrochemicals leaking into soils.

3.7 Climate Change

The Project was considered with respect to climate change impacts. The Project area is located where many of the issues outlined in Chapter 355, Section 17-a of the Climate Leadership and Community Protection Act (CLCPA) are not a major concern. The Section states: "… taking into account issues such as: sea level rise, tropical and extra- tropical cyclones, storm surges, flooding, wind, changes in average and 25 peak temperatures, changes in average and peak precipitation, public health impacts, and impacts on species and other natural resources." The Proposed Action is located a significant distance from flood zones and surface waters.

This Proposed Action will also not alter the general topography of the area (see **Section 2.1** above). As the immediate area surrounding the Project is developed and located outside flood zones, there is a minimal threat associated with future climate risk.

3.8 Implementation Responsibilities/Notice of Termination

PSEG Long Island will retain a general contractor that will be responsible for all construction activities, site grading, and installation of the erosion and sediment controls. Once a contractor is retained, signed certification statements from the site contractor (and subcontractors if applicable) involved with construction activity will be completed (See **Appendix F**). PSEG Long Island will document amendments/updates to this SWPPP using a SWPPP Amendment form (See **Appendix H**).

PSEG Long Island is required to submit a Notice of Termination (NOT) form to NYSDEC in order to terminate permit coverage upon the completion of construction. A blank NOT form is provided in **Appendix I**.

3.9 Post-Construction Stormwater Analysis

This Proposed Action is identified as an underground linear utility project as per **Table 1** of the Construction General Permit. Therefore, post-construction water quality controls are not required for this SWPPP.

4.0 REFERENCES

Environmental Protection Agency (EPA), 2002. Construction Site Storm Water Runoff Control Menu of BMP Fact Sheets, URL:http://cfpub.epa.gov/npdes/stormwater/menuofbmps/site_27.cfm.

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Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at http://websoilsurvey.nrcs.usda.gov/.

The Dewberry Companies, 2002, Land Development Handbook / Planning, Engineering, and Surveying, McGraw-Hill, New York, New York.

FIGURES

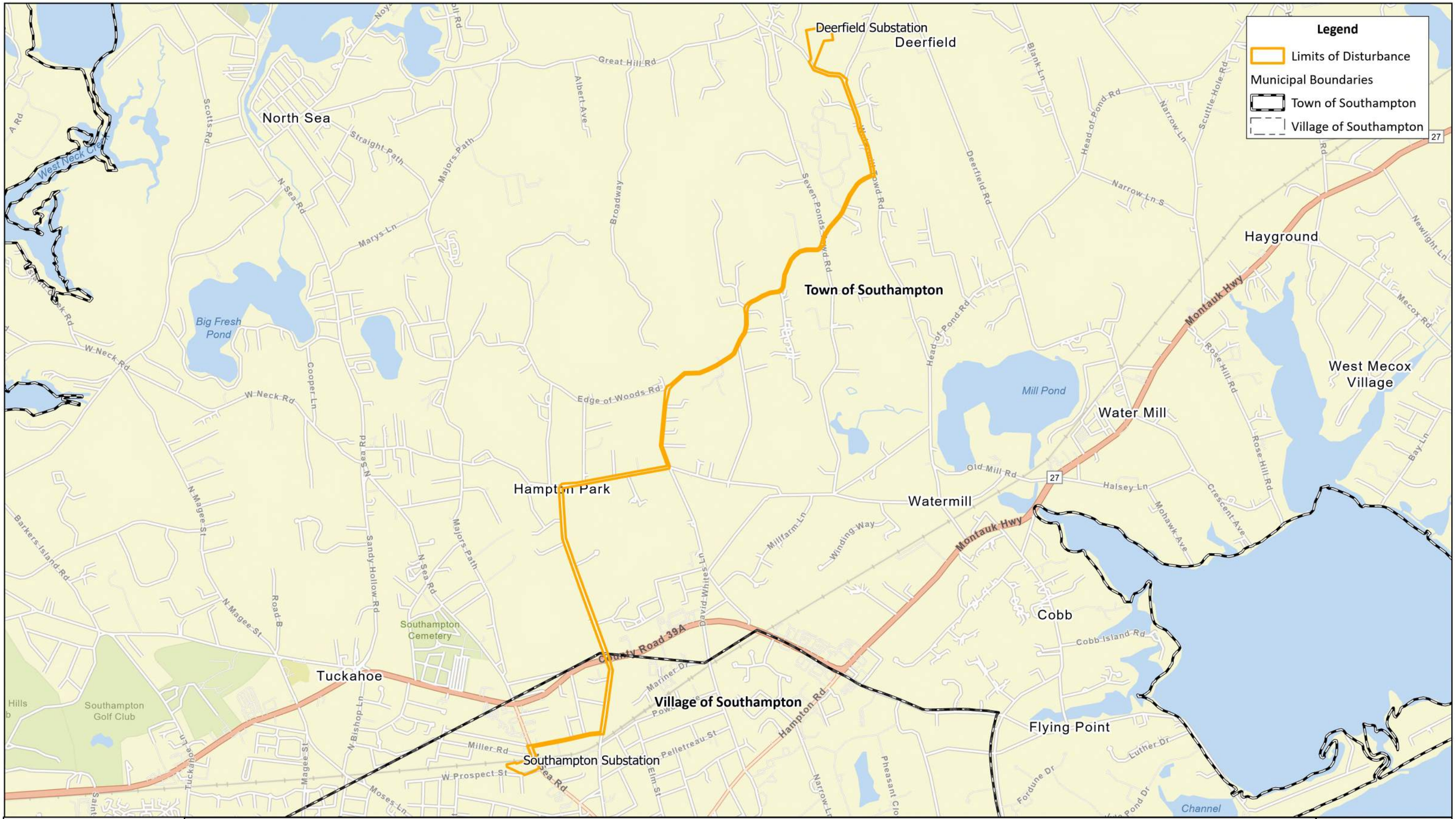


FIGURE 1
PREFERRED ALTERNATIVE ROUTE MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

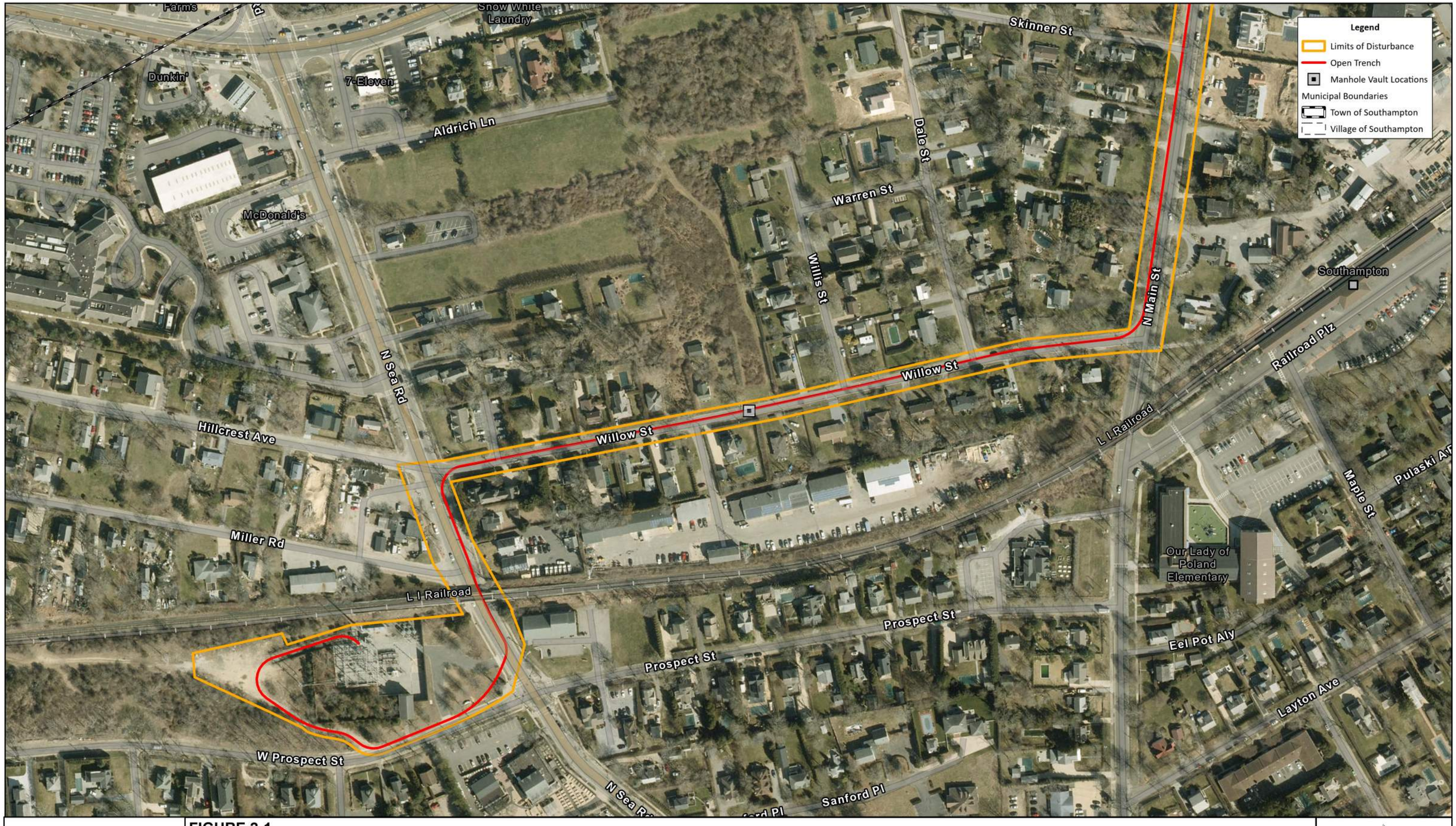
Sources: ESRI WMS; Suffolk County GIS, 2024

PSEG | LONG ISLAND

N

0 1,000 2,000 Feet

Scale: 1 inch equals 2,000 feet



PSEG | LONG ISLAND

FIGURE 2-1
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

FIGURE 2-2
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

PSEG | LONG ISLAND

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

PSEG | LONG ISLAND

FIGURE 2-3
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

PSEG | LONG ISLAND

FIGURE 2-4
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

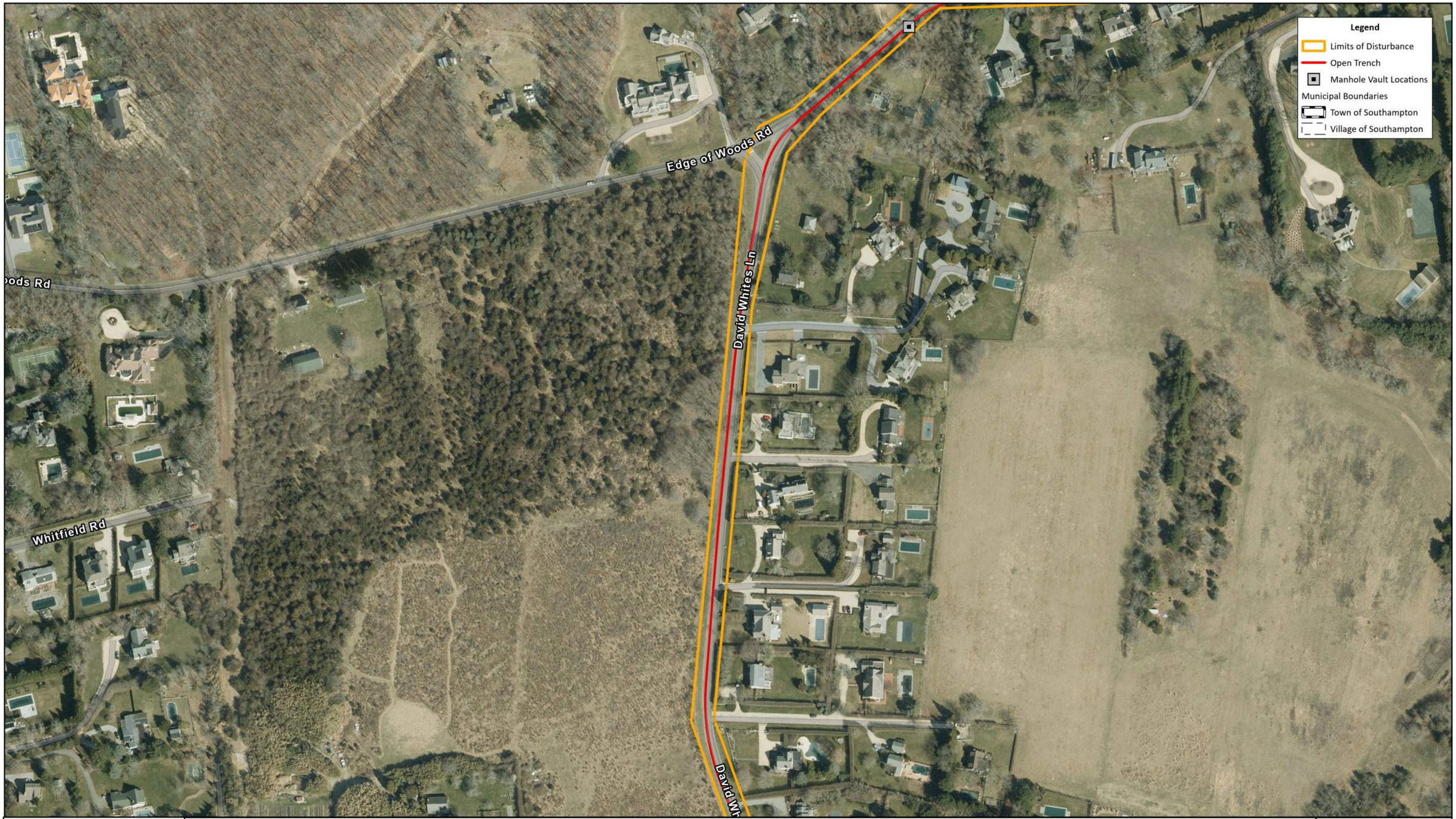


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FIGURE 2-5
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

PSEG | LONG ISLAND

FIGURE 2-6
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

PSEG | LONG ISLAND

FIGURE 2-7
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

PSEG | LONG ISLAND

FIGURE 2-8
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

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FIGURE 2-9
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

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FIGURE 2-10
AERIAL IMAGERY
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

Legend
Limits of Disturbance
Project Route
Manhole Vault Locations
Municipal Boundaries
Town of Southampton
Village of Southampton
Archaeological Buffer Areas
Building USN Points
Eligible
Listed
Not Eligible
Not Eligible - Demolished
Undetermined
Building District USN Polygons
Listed
Undetermined
Deerfield Substation
Deerfield
North Sea
Great Hill Rd
Scotts Rd
Straight Path
Majors Path
Broadway
Watermill Towd Rd
Seven Ponds Towd Rd
Deerfield Rd
Blank Ln
Head of Pond Rd
Narrow Ln
Scuttle Hole Rd
Narrow Ln S
West Neck Creek
N Sea Rd
Marys Ln
Town of Southampton
Big Fresh Pond
W Neck Rd
Cooper Ln
Edge of Woods Rd
Mill Pond
Water Mill
Montauk Hwy
Rose Hill Rd
West Mecox Village
Hampton Park
Watermill
Millfarm Ln
David Whites Ln
N Magee St
Sandy Hollow Rd
Road B
Southampton Cemetery
Tuckahoe
Southampton Golf Club
Tuckahoe Ln
Magee St
County Road 39A
Marner Dr
Powell Ave
Pulaski St
Miller Rd
Southampton Substation
Village of Southampton
Narrow Ln
Moses Ln
Old Mill Rd
Bay Ln
Wiltshire St
Dale St
Willow St
N Main St
Laytons Ave
Elm St
Southampton
Channel

FIGURE 3
ARCHAEOLOGICAL, CULTURAL, AND HISTORIC RESOURCES
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

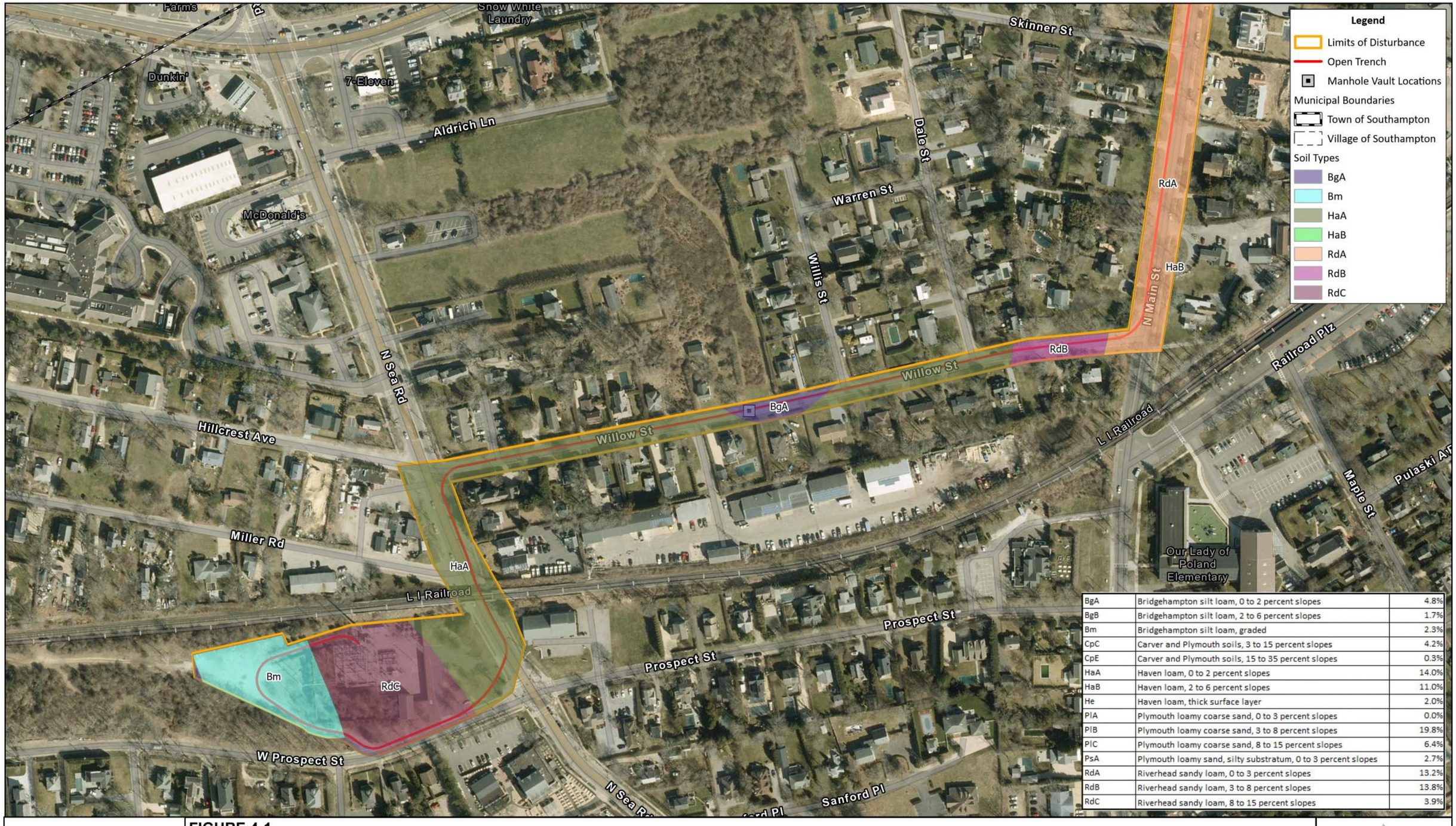
Sources: ESRI WMS; Suffolk County GIS, 2024; NYSOGS, 2024

PSEG | LONG ISLAND

N

0 1,000 2,000 Feet

Scale: 1 inch equals 2,000 feet



BgA	Bridgehampton silt loam, 0 to 2 percent slopes	4.8%
BgB	Bridgehampton silt loam, 2 to 6 percent slopes	1.7%
Bm	Bridgehampton silt loam, graded	2.3%
CpC	Carver and Plymouth soils, 3 to 15 percent slopes	4.2%
CpE	Carver and Plymouth soils, 15 to 35 percent slopes	0.3%
HaA	Haven loam, 0 to 2 percent slopes	14.0%
HaB	Haven loam, 2 to 6 percent slopes	11.0%
He	Haven loam, thick surface layer	2.0%
PlA	Plymouth loamy coarse sand, 0 to 3 percent slopes	0.0%
PlB	Plymouth loamy coarse sand, 3 to 8 percent slopes	19.8%
PlC	Plymouth loamy coarse sand, 8 to 15 percent slopes	6.4%
PsA	Plymouth loamy sand, silty substratum, 0 to 3 percent slopes	2.7%
RdA	Riverhead sandy loam, 0 to 3 percent slopes	13.2%
RdB	Riverhead sandy loam, 3 to 8 percent slopes	13.8%
RdC	Riverhead sandy loam, 8 to 15 percent slopes	3.9%

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FIGURE 4-1
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

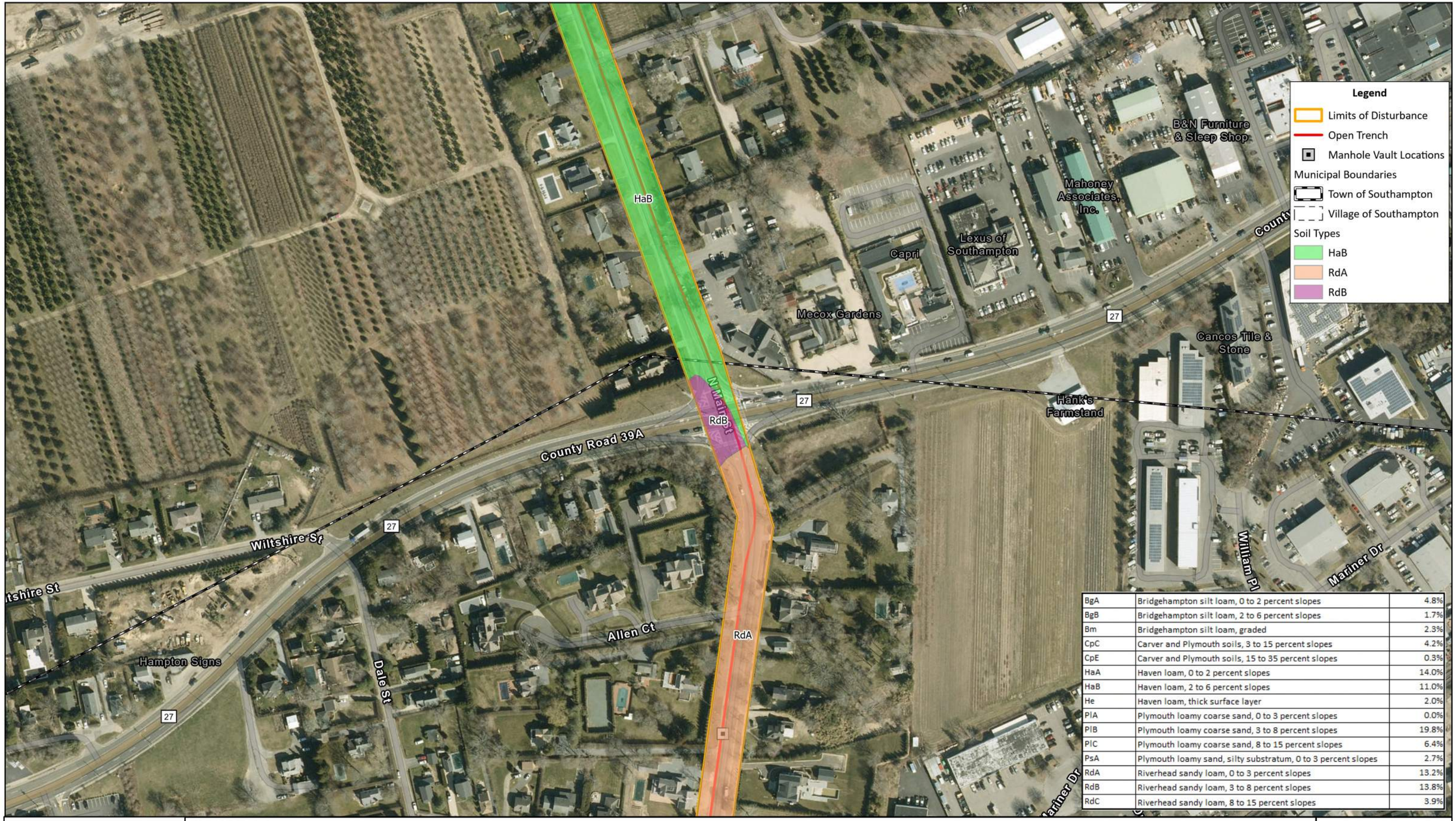

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FIGURE 4-2
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

N

0 100 200 Feet

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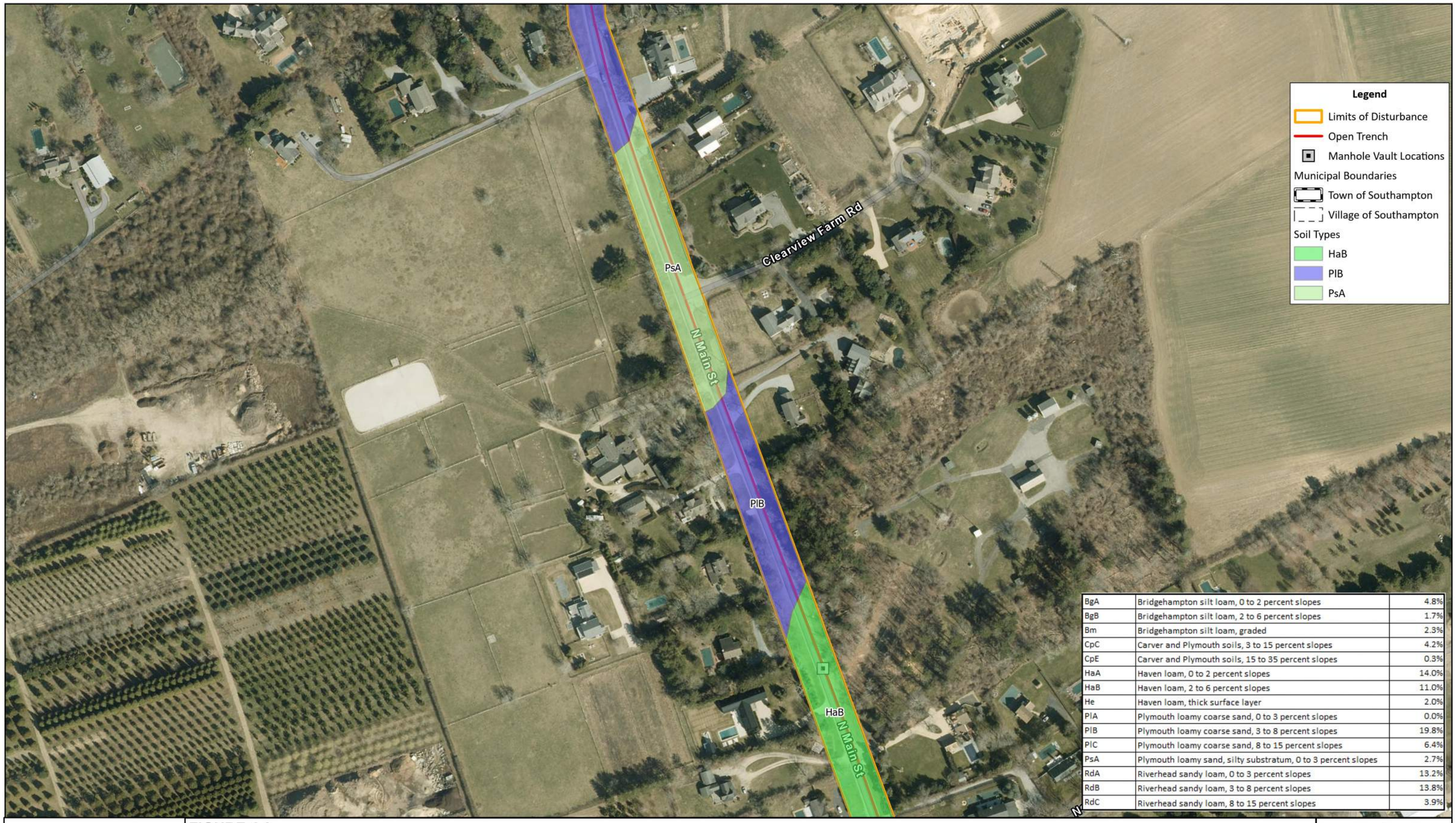

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PSEG | LONG ISLAND

FIGURE 4-3
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

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0 100 200 Feet

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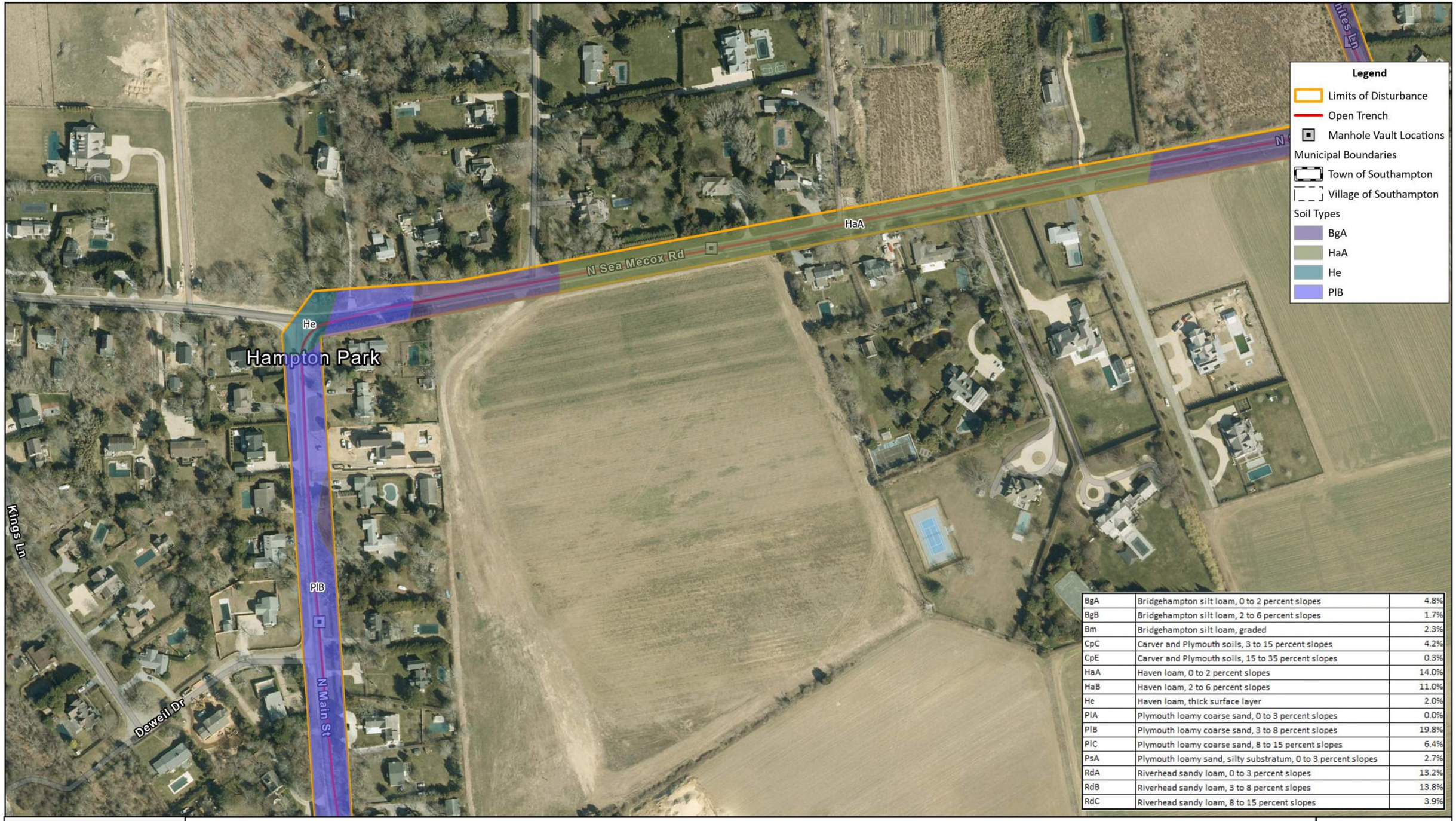

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FIGURE 4-4
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

N

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Scale: 1 inch equals 200 feet

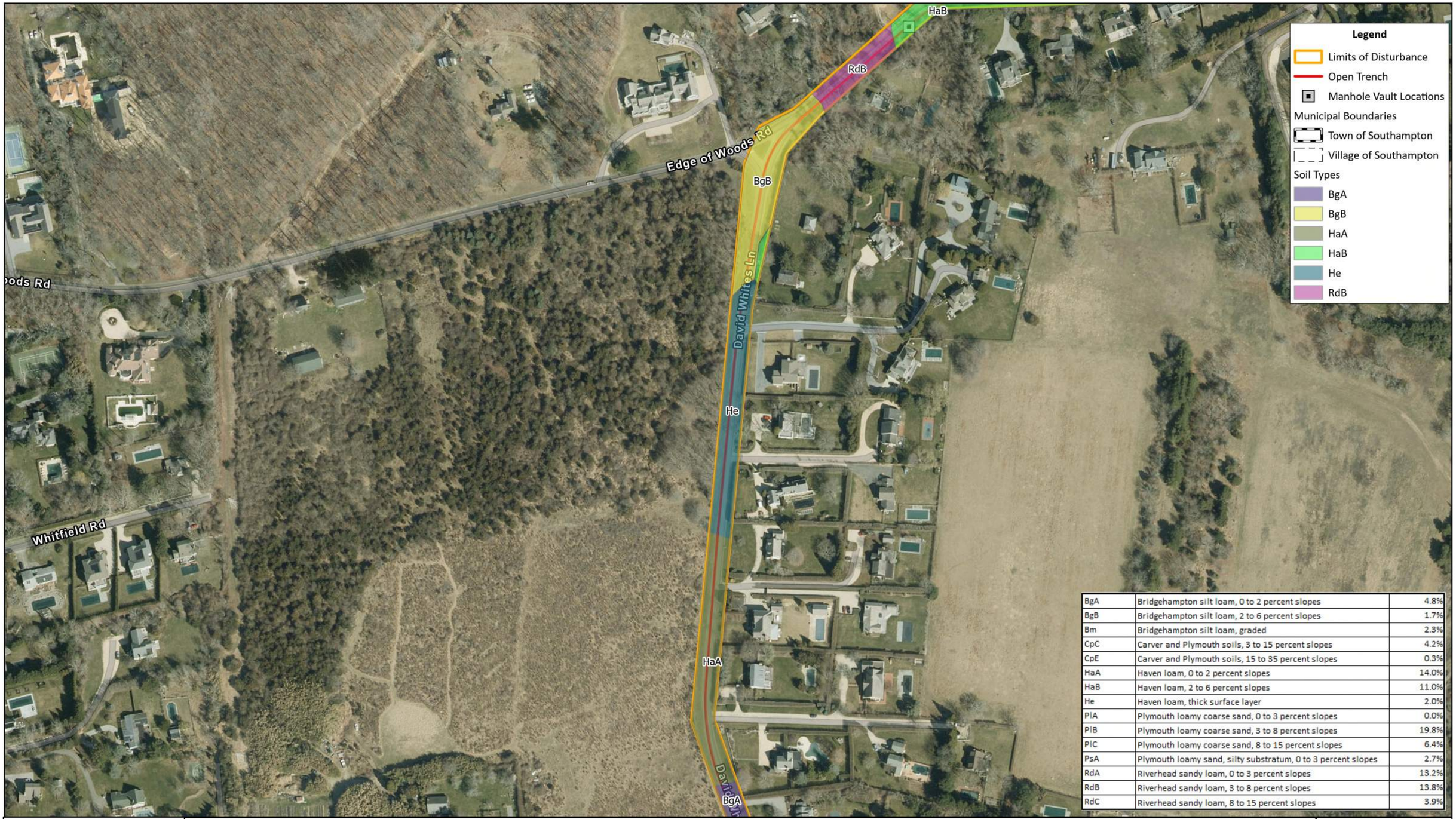

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FIGURE 4-5
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

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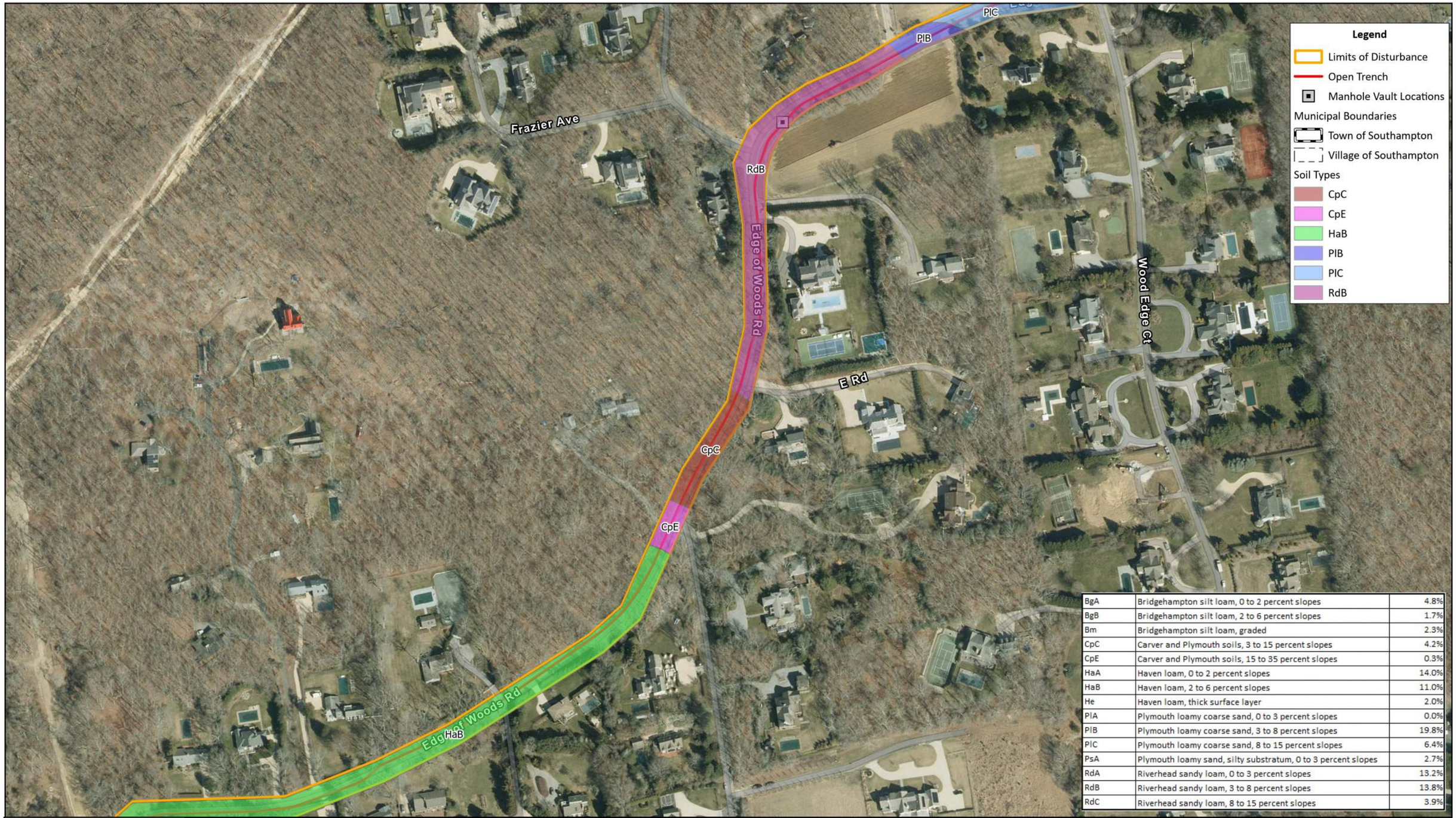

BgA	Bridgehampton silt loam, 0 to 2 percent slopes	4.8%
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FIGURE 4-6
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

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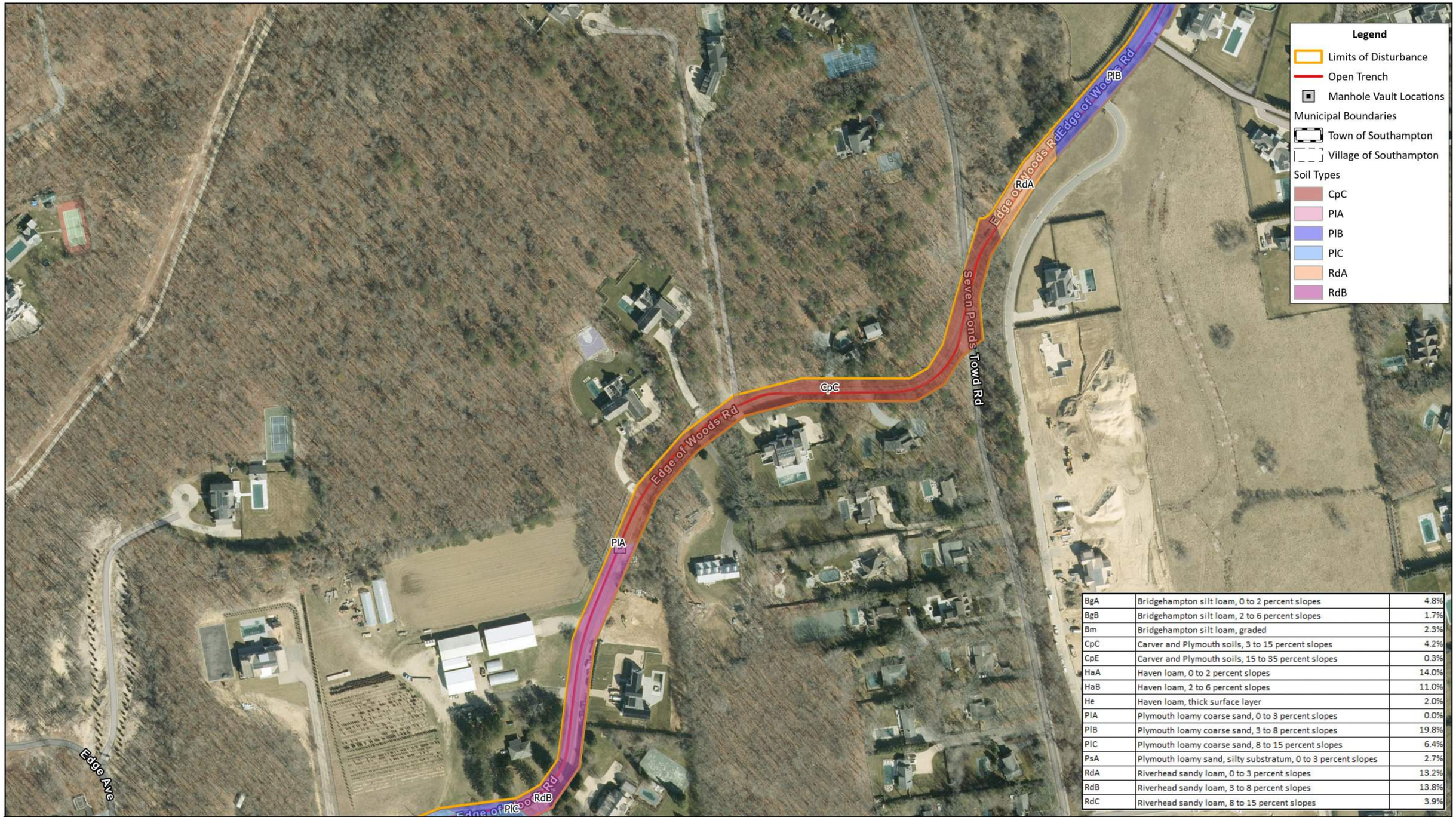

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FIGURE 4-7
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

N

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PSEG | LONG ISLAND

FIGURE 4-8
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

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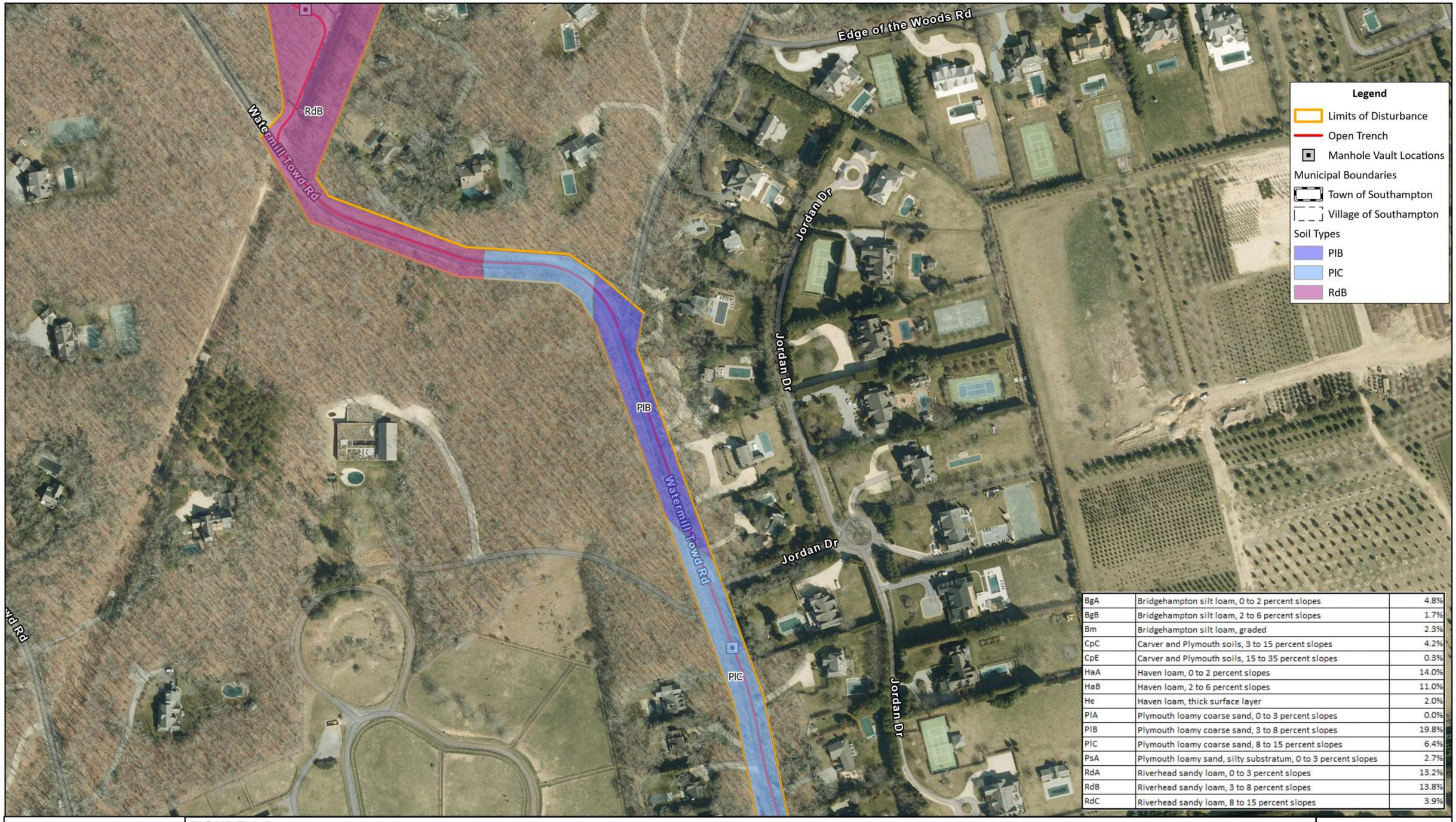
Scale: 1 inch equals 200 feet



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RdA	Riverhead sandy loam, 0 to 3 percent slopes	13.2%
RdB	Riverhead sandy loam, 3 to 8 percent slopes	13.8%
RdC	Riverhead sandy loam, 8 to 15 percent slopes	3.9%

PSEG | LONG ISLAND

FIGURE 4-9
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

N

0 100 200 Feet

Scale: 1 inch equals 200 feet

BgA	Bridgehampton silt loam, 0 to 2 percent slopes	4.8%
BgB	Bridgehampton silt loam, 2 to 6 percent slopes	1.7%
Bm	Bridgehampton silt loam, graded	2.3%
CpC	Carver and Plymouth soils, 3 to 15 percent slopes	4.2%
CpE	Carver and Plymouth soils, 15 to 35 percent slopes	0.3%
HaA	Haven loam, 0 to 2 percent slopes	14.0%
HaB	Haven loam, 2 to 6 percent slopes	11.0%
He	Haven loam, thick surface layer	2.0%
PlA	Plymouth loamy coarse sand, 0 to 3 percent slopes	0.0%
PlB	Plymouth loamy coarse sand, 3 to 8 percent slopes	19.8%
PlC	Plymouth loamy coarse sand, 8 to 15 percent slopes	6.4%
PsA	Plymouth loamy sand, silty substratum, 0 to 3 percent slopes	2.7%
RdA	Riverhead sandy loam, 0 to 3 percent slopes	13.2%
RdB	Riverhead sandy loam, 3 to 8 percent slopes	13.8%
RdC	Riverhead sandy loam, 8 to 15 percent slopes	3.9%

PSEG | LONG ISLAND

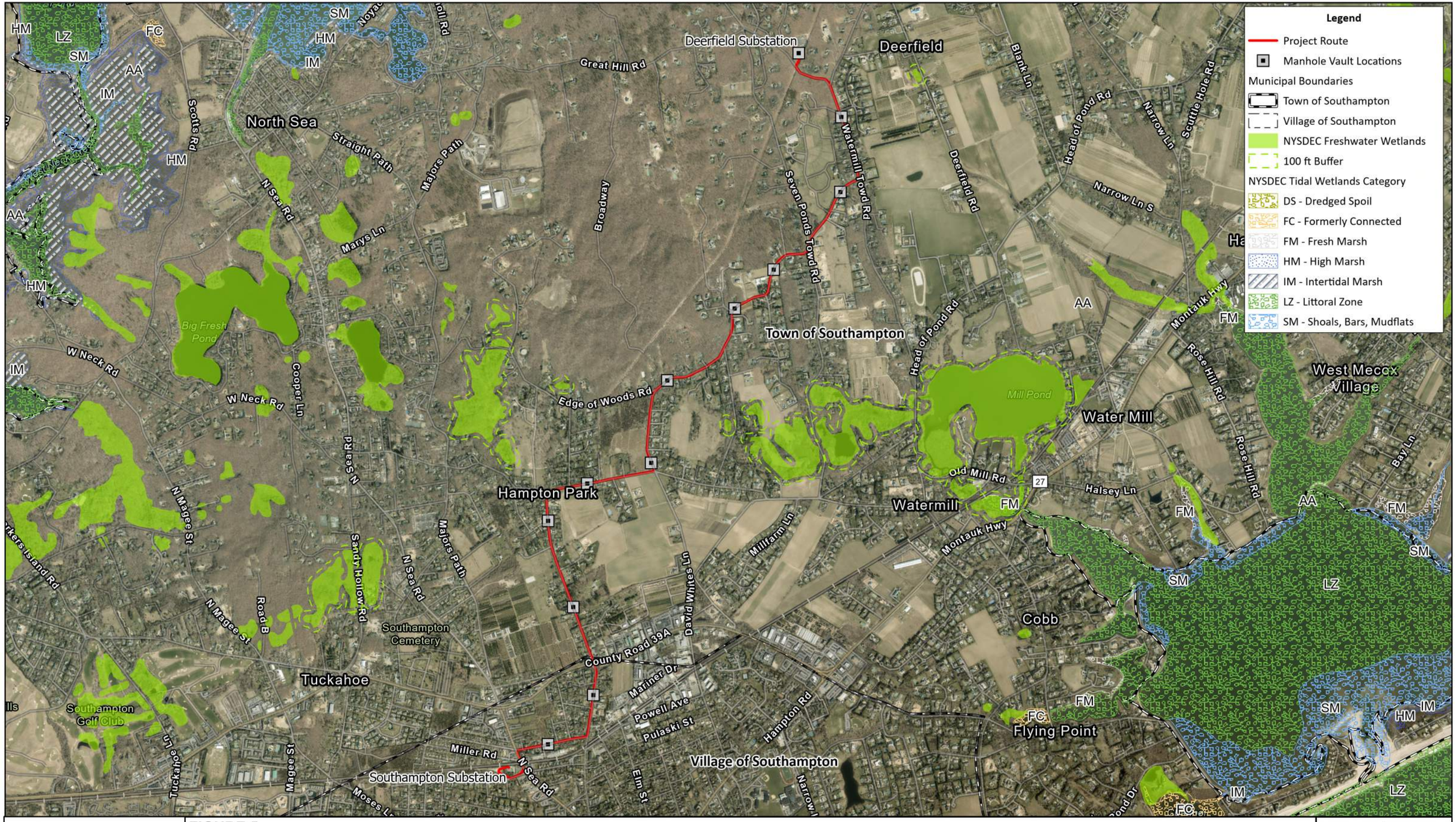
FIGURE 4-10
SOILS MAP
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; USGS websoilsurvey.sc.egov, 2025

N

0 100 200 Feet

Scale: 1 inch equals 200 feet



PSEG | LONG ISLAND

FIGURE 5
NYSDEC FRESHWATER WETLANDS
SOUTHAMPTON TO DEERFIELD NEW 138-kV TRANSMISSION CABLE

Sources: ESRI WMS; Suffolk County GIS, 2024; NYSDEC, 2016

APPENDICES

APPENDIX A

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES
FROM
CONSTRUCTION ACTIVITY
(GP-0-25-001)

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (NYSDEC)

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP-0-25-001

Construction General Permit (CGP)

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

of the Environmental Conservation Law

Effective Date: January 29, 2025 Expiration Date: January 28, 2030

Scott E. Sheeley

Chief Permit Administrator

Scott E. Sheeley JAN. 29, 2025

Authorized Signature Date

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

PREFACE

Pursuant to Section 402 of the Clean Water Act (CWA), and 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), *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 State 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 and 8, and Article 70, as well as 6 NYCRR Parts 621 and 750.

C*onstruction activities* constitute construction of a *point source* and, therefore, pursuant to ECL sections 17-0505, 17-0701, and 17-0803, the *owner or operator* must have coverage under a SPDES permit prior to *commencement of construction activities*. 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 CONSTRUCTION GENERAL PERMIT (CGP) GP-0-25-001
FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

Table of Contents

Part I. How to Obtain Coverage and General Requirements

To be covered under this permit, the *owner or operator* must meet all eligibility requirements in Part I.A. and follow the requirements for obtaining permit coverage in Part I.D., F., or G.

A. Eligibility Requirements

For a *common plan of development or sale*, the *phase(s)* that meet the eligibility requirements in Part I.A. may obtain coverage under this permit even if other *phase(s)* of the same *common plan of development or sale* do not meet the eligibility requirements and require an individual SPDES permit.

1. The *owner's or operator's construction activities* involve soil disturbances of:

    a. one or more acres; or

    b. less than one acre which are part of a *common plan of development or sale* that will ultimately disturb one or more acres; or

    c. less than one acre where NYSDEC 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*.

        i. 5,000 square feet or more, but less than one acre, and are in the New York City Watershed located east of the Hudson River, Appendix C Figure 1; or

        ii. 20,000 square feet or more, but less than one acre, within the municipal boundaries of the City of New York (NYC); or

        iii. less than 20,000 square feet which are part of a *common plan of development or sale* that will ultimately disturb 20,000 square feet or more, but less than one acre, within the municipal boundaries of NYC; or

        iv. that creates 5,000 square feet or more of *impervious area* within the municipal boundaries of NYC.

2. *Discharges* from the *owner's or operator's construction activities* are/were not:

    a. already covered by a different SPDES permit; or

    b. covered under a different SPDES permit that was denied, terminated, or revoked; or

    c. identified in an expired individual SPDES permit that was not renewed; or

    d. required to obtain an individual SPDES permit or another general SPDES permit in accordance with Part VII.K.

3. If *construction activities* may adversely affect a species that is endangered or threatened, the *owner or operator* must obtain a:

    a. permit issued pursuant to 6 NYCRR Part 182 for the project; or

    b. letter issued by NYSDEC of non-jurisdiction pursuant to 6 NYCRR Part 182 for the project.

4. If *construction activities* have the potential to affect an *historic property*, the *owner or operator* must obtain one of the following:

    a. documentation that the *construction activity* is not within an archeological buffer 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:

        i. 1-5 acres of disturbance - 20 feet; or

        ii. 5-20 acres of disturbance - 50 feet; or

iii. 20+ acres of disturbance - 100 feet.

b. NYSDEC consultation form sent to OPRHP,[1] and copied to NYSDEC's Agency Historic Preservation Officer (APO), and

i. the State Environmental Quality Review Act (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 or 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).

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

i. No Affect; or

ii. No Adverse Affect; or

iii. Executed Memorandum of Agreement.

d. documentation that SHPA Section 14.09 has been completed by NYSDEC or another state agency.

5. If *construction activities* are subject to SEQR, the *owner or operator* must obtain documentation that SEQR has been satisfied.

6. If *construction activities* are not subject to SEQR, but subject to the equivalent environmental review from another New York State or federal agency, the

[1] The consultation form can be submitted, along with other project information, through OPRHP's Cultural Resource Information System (CRIS) portal. If submitted through CRIS, paper copies of the consultation form need not be mailed.

owner or operator must obtain documentation that project review, pursuant to a process equivalent to SEQR from another New York State or federal agency, has been satisfied.

7. If *construction activities* require Uniform Procedures Act (UPA) Permits (see 6 NYCRR Part 621) from NYSDEC, or the equivalent from another New York State or federal agency, the *owner or operator* must:

    a. obtain all such necessary permits; or

    b. receive notification from NYSDEC pursuant to 6 NYCRR 621.3(a)(4) excepting Part I.A.7.a.

8. *Construction activities* are not eligible if they meet the following criteria in Part I.A.8.a. or b.:

    a. For linear transportation and linear utility project types, the *construction activities*:

        i. are within the watershed of *surface waters of the State* classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website; and

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

        iii. disturb two or more acres of *steep slope*.

    b. For all other project types, the *construction activities*:

        i. are within the watershed of *surface waters of the State* classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website; and

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

        iii. disturb one or more acres of *steep slope*.

B. Types of *Discharges* Authorized

1. The following *stormwater discharges* are authorized under this permit:

   a. *Stormwater discharges*, including *stormwater* runoff, snowmelt runoff, and surface runoff and drainage, associated with *construction activity*, are authorized under this permit provided that appropriate *stormwater* controls are designed, installed, and maintained in accordance with Part II. and Part III.

   b. *Stormwater discharges* from construction support activities at the *construction site* (including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas) if the following requirements are met:

      i. The support activity is directly related to the *construction site* required to have permit coverage for *stormwater discharges*; and

      ii. The support activity is not a commercial operation, nor does it serve multiple unrelated *construction sites*; and

      iii. The support activity does not continue to operate beyond the completion of the *construction activity* at the site it supports; and

      iv. *Stormwater* controls are implemented in accordance with Part II. and Part III. for *discharges* from the support activity areas.

2. The following non-*stormwater discharges* associated with *construction activity* are authorized under this permit:

   a. Non-*stormwater discharges* 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"; and

   b. Non-*stormwater discharges* of waters to which other components have not been added that are used in accordance with the *SWPPP* to control dust or irrigate vegetation in stabilized areas; and

   c. Uncontaminated *discharges* from *dewatering* operations

3. Authorized *discharges* of *stormwater* or authorized *discharges* of non-*stormwater*, commingled with a *discharge* authorized by a different SPDES permit and/or a *discharge* that does not require SPDES permit authorization, are also authorized under this permit.

C. Prohibited *Discharges*

1. Non-*stormwater discharges* prohibited under this permit include but are not limited to:

    a. Wastewater from washout of concrete; and

    b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; and

    c. Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance; and

    d. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

    e. Toxic or hazardous substances from a spill or other release.

D. Electronic Notice of Intent (eNOI) Submittal

To receive authorization in accordance with Part I.D.3.b., the *owner or operator* must submit a complete eNOI in accordance with the requirements in Part I.D. The eNOI contains questions to: ensure eligibility requirements in Part I.A. have been met; obtain *owner or operator* contact information; obtain the total area to be disturbed and the existing/future *impervious areas* (rounded to the nearest tenth of an acre); confirm *Traditional Land Use Control MS4 Operator* jurisdiction over construction projects; satisfy the EPA eRule requirements; confirm that the Water Quality-Based Effluent Limitations in Part II. have been met; demonstrate consideration of the future risks due to climate change in accordance with Part III.A.2.; and confirm that the other *Stormwater Pollution Prevention Plan (SWPPP)* requirements in Part III. have been met.

1. An eNOI may be submitted for:

    a. *construction activities* that are not part of a *common plan of development or sale*; or

b. an entire *common plan of development or sale*; or

c. separate *phase(s)* of a *common plan of development or sale* if the following requirements are met:

    i. the *common plan of development or sale* meets the eligibility requirements of Part I.A.5. or 6.; and

    ii. the *phase(s)* meet(s) all other eligibility requirements of Part I.A.; and

    iii. Part III.C. Required *SWPPP* Components by Project Type is based on the *common plan of development or sale*, not the *phase(s)*; or

d. *tree clearing* that is associated with, or will support, a *renewable energy* generation, transmission, or storage project that meets Part I.A.5. and 6., if the *tree clearing*:

    i. meets all other eligibility requirements of Part I.A.; and

    ii. will occur in NYSDEC's Regions 3-9; and

    iii. is not within ¼ mile of a bat hibernaculum protected pursuant to 6 NYCRR Part 182; and

    iv. will occur between November 1st and March 31st.

2. As prerequisites for submitting an eNOI, the *owner or operator* must:

    a. prepare a *SWPPP* for Part I.D.1.a., b., c., or d. in accordance with Part III.; and

    b. based on the following criteria, upload the following signature forms signed in accordance with Part VII.J. to the eNOI prior to submission:

        i. for all eNOIs:

            1. the SWPPP Preparer Certification Form, Appendix F, signed by the *SWPPP* preparer; and

2. the Owner/Operator Certification Form, Appendix J, signed by the *owner or operator*; and

ii. if an eNOI includes *construction activities* within the municipal boundary(ies) of *Traditional Land Use Control MS4 Operator(s)* that will *discharge* to the *MS4(s)*:

1. determine if the *Traditional Land Use Control MS4 Operator(s)* have review authority. A *Traditional Land Use Control MS4 Operator* does not have review authority where:

a. the *owner or operator* of the *construction activities* in Part I.D.2.b.ii. is the same entity as the *Traditional Land Use Control MS4 Operator* identified in Part I.D.2.b.ii.; or

b. there is a statute exempting the *owner or operator* from zoning review by the *Traditional Land Use Control MS4 Operator*; or

c. there is no such statute per Part I.D.2.b.ii.1.b., the *Traditional Land Use Control MS4 Operator* concludes, after public hearing, that it does not have zoning review authority in accordance with Legal Memorandum LU14 Updated January 2020 “Governmental Immunity from Zoning and Other Legislation”; and

2. if the *Traditional Land Use Control MS4 Operator(s)* have review authority, submit the *SWPPP* to the *Traditional Land Use Control MS4 Operator(s)* for review and have:

a. if outside the municipal boundaries of NYC: the MS4 SWPPP Acceptance Form, Appendix G, signed by the principal executive officer or ranking elected official from the *Traditional Land Use Control MS4 Operator,* or by a duly authorized representative of that person in accordance with Part VII.J.2.; or

b. if within the municipal boundaries of NYC: The City of New York Department of Environmental Protection (NYCDEP) SWPPP Acceptance/Approval Form, Appendix H, signed by the principal executive officer or ranking elected official from the Traditional Land Use Control MS4 Operator, or by a duly authorized representative of that person in accordance with Part VII.J.2.; and

3. if the *Traditional Land Use Control MS4 Operator* does not have review authority, have the MS4 No Jurisdiction Form, Appendix I, signed by the principal executive officer or ranking elected official from the *Traditional Land Use Control MS4 Operator,* or by a duly authorized representative of that person in accordance with Part VII.J.2.

3. Submitting an eNOI:

a. The *owner or operator* must submit a complete Notice of Intent electronically using a NYSDEC approved form.[2]

b. The *owner or operator* is authorized to *commence construction activity* as of the authorization date indicated in the Letter of Authorization (LOA), which is sent by NYSDEC after a complete eNOI is submitted.

i. If an eNOI is received for a *SWPPP* that deviates from one of the technical standards but demonstrates *equivalence* in accordance with Part III.B.1.a.ii. or Part III.B.2.b.ii., if the *SWPPP* includes *construction activities* that are not within the municipal boundary(ies) of *Traditional Land Use Control MS4 Operator(s)*, and/or if the *SWPPP* includes *construction activities* within the municipal boundary(ies) of *Traditional Land Use Control MS4 Operator(s)* that do not have review authority in accordance with Part I.D.2.b.ii.1., the authorization date indicated in the LOA will be 60 business days after the eNOI submission date.

[2] Unless NYSDEC grants a waiver in accordance with 40 CFR 127.15(c) or (d). All waiver requests must be submitted to Stormwater_info@dec.ny.gov or NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505.

c. If *Traditional Land Use Control MS4 Operator(s)* have review authority in accordance with Part I.D.2.b.ii.2., the *owner or operator* must, within five business days of receipt of the LOA, send an electronic copy of the LOA to the *Traditional Land Use Control MS4 Operator(s)* with review authority.

E. General Requirements for *Owners or Operators* with Permit Coverage

1. As of the date the LOA is received, the *owner or operator* must make the eNOI, *SWPPP*, and LOA available for review and copying in accordance with the requirements in Part VII.H. When applicable, as of the date an updated LOA is received, the *owner or operator* must make the updated LOA available for review and copying in accordance with the requirements in Part VII.H.

2. The *owner or operator* must ensure compliance with all requirements of this permit and that the provisions of the *SWPPP*, including any changes made to the *SWPPP* in accordance with Part III.A.5., are properly implemented and maintained from the *commencement of construction activity* until:

   a. all areas of disturbance have achieved *final stabilization;* and

   b. the owner's or operator's coverage under this permit is terminated in accordance with Part V.A.5.a.

3. As of the date of the *commencement of construction activities* until Part I.E.2.a. and b. have been met, the *owner or operator* must maintain at the *construction site*, a copy of:

   a. all documentation necessary to demonstrate eligibility with this permit; and

   b. this permit; and

   c. the *SWPPP*; and

   d. the signed SWPPP Preparer Certification Form; and

   e. the signed MS4 SWPPP Acceptance Form or signed NYCDEP SWPPP Acceptance/Approval Form or signed MS4 No Jurisdiction Form (when applicable); and

   f. the signed Owner/Operator Certification Form; and

g. the eNOI; and

h. the LOA; and

i. the LOA transmittal to the Traditional Land Use Control MS4 Operator in accordance with Part I.D.3.c. (when applicable).

4. The *owner or operator* must maintain at the *construction site*, until Part I.E.2.a. and b. have been met, as of the date the documents become final or are received, a copy of the:

   a. responsible contractor's or subcontractor's certification statement(s) in accordance with Part III.A.7.; and

   b. inspection reports in accordance with Part IV.C.4. and 6.; and

   c. Request to Disturb Greater Than Five Acres and the Authorization Letter to Disturb Greater Than Five Acres in accordance with Part I.E.6. (when applicable); and

   d. Request to Continue Coverage and the Letter of Continued Coverage (LOCC) in accordance with Part I.F.2. and 4. (when applicable); and

   e. The updated LOA(s) in accordance with Part I.E.9. (when applicable).

5. The *owner or operator* must maintain the documents in Part I.E.3. and 4. 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. The documents must be paper documents unless electronic documents are accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be. If electronic documents are kept on site, the *owner or operator* must maintain functional equipment on site available to an inspector during normal hours of operation such that an inspector may view the electronic documents in a format that can be read in a similar manner as a paper record and in a legally dependable format with no less evidentiary value than their paper equivalent.

6. The *owner or operator* must meet the following requirements prior to disturbing greater than five acres of soil at any one time:

   a. The *owner or operator* must submit a written Request to Disturb Greater Than Five Acres to:

i. NYSDEC's Regional Office Division of Water staff based on the project location, Appendix E, if a *Traditional Land Use Control MS4 Operator* does not have review authority in accordance with Part I.D.2.b.ii.1.; or

ii. the *Traditional Land Use Control MS4 Operator*, if a *Traditional Land Use Control MS4 Operator* has review authority in accordance with Part I.D.2.b.ii.1.; or

iii. NYSDEC's Regional Office Division of Water staff based on the project location, Appendix E, and each involved *Traditional Land Use Control MS4 Operator*, if the project spans multiple municipalities with more than one *Traditional Land Use Control MS4 Operator* involved with review authority in accordance with Part I.D.2.b.ii.1.

b. The written Request to Disturb Greater Than Five Acres must include:

i. The SPDES permit identification number (Permit ID); and

ii. Full technical justification demonstrating why alternative methods of construction that would result in five acres of soil disturbance or less at any one time are not feasible; and

iii. The phasing plan for the project and sequencing plans for all *phases* from the *SWPPP* in accordance with Part III.B.1.d.; and

iv. Plans with locations and details of erosion and sediment control practices such that the heightened concern for erosion when disturbing greater than five acres at one time has been addressed; and

v. Acknowledgment that "the *owner or operator* will comply with the requirements in Part IV.C.2.b."; and

vi. Acknowledgment that "the *owner or operator* will comply with the requirements in Part II.B.1.b."

c. The *owner or operator* must be in receipt of an Authorization Letter to Disturb Greater Than Five Acres, which will include when the

authorization begins and ends and indicate a maximum area (acres) of soil disturbance allowed at any one time, from:

i. NYSDEC, if Part I.E.6.a.i. or iii. apply; or

ii. the *Traditional Land Use Control MS4 Operator*, if Part I.E.6.a.ii. applies.

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

8. 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).[3] *Construction activity* shall not resume until written permission to do so has been received from the RWE.

9. To be authorized to implement modifications to the information previously submitted in the eNOI, the *owner or operator* must:

   a. notify NYSDEC via email at Stormwater_info@dec.ny.gov requesting access to update the eNOI; and

   b. update the eNOI to reflect the modifications and resubmit the eNOI in accordance with Part I.D.; and

   c. receive an updated LOA.

10. The eNOI, *SWPPP*, LOA, updated LOAs (when applicable), 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 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.

[3] The Regional Water Manager where a DEC Region does not have a RWE.

F. Permit Coverage for *Discharges* Authorized Under GP-0-20-001

When applicable:

1. Upon the effective date of this permit, an *owner or operator* of *a construction activity*, with coverage under GP-0-20-001, will have interim coverage under GP-0-25-001 for 45 calendar days starting on the effective date of GP-0-25-001 so long as the *owner or operator* maintains compliance with all applicable requirements of this permit.

2. Within 30 calendar days of the effective date of this permit, the *owner or operator*, with coverage under GP-0-20-001, must submit a complete Request to Continue Coverage electronically using a NYSDEC approved form,[4] which contains the information identified in Part I.F.3. below, if:

   a. the *owner or operator* continues to implement the SMP component in conformance with the technical standards in place at the time of initial project authorization; and

   b. the *owner or operator* will comply with all non-design requirements of GP-0-25-001.

3. The Request to Continue Coverage form contains questions to: ensure eligibility requirements in Part I.A. have been met; verify *owner or operator* contact information; verify the permit identification number; verify the original eNOI submission ID, if applicable; verify Part I.F.2.a. and b.; verify the version of the Design Manual that the technical/design components conform to; and receive an updated Owner/Operator Certification Form, Appendix I.

4. The *owner or operator* has obtained continued coverage under GP-0-25-001 as of the date indicated in the LOCC, which is sent by NYSDEC after a complete Request to Continue Coverage form is submitted.

5. If the owner or operator does not submit the Request to Continue Coverage form in accordance with Part I.F.2. and 3., coverage under this permit is automatically terminated after interim coverage expires.

[4] Unless NYSDEC grants a waiver in accordance with 40 CFR 127.15(c) or (d). All waiver requests must be submitted to Stormwater_info@dec.ny.gov or NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505.

G. Change of *Owner or Operator*

When applicable:

1. When property ownership changes, or when there is a change in operational control over the construction plans and specifications, the following process applies:

    a. The new *owner or operator* must meet the applicable prerequisites for submitting an eNOI in accordance with Part I.D.2.; and

    b. The new *owner or operator* must submit an eNOI in accordance with Part I.D.3.; and

    c. Permit coverage for the new *owner or operator* will be effective upon receipt of the LOA in accordance with Part I.D.3.b.; and

    d. The new *owner or operator*, upon receipt of their LOA, must provide their Permit ID to the original *owner or operator*; and

    e. If the original *owner or operator* will no longer be the *owner or operator* of the *construction activity* identified in the original *owner's or operator's* eNOI, the original *owner or operator*, upon receipt of the new *owner's or operator's* Permit ID in accordance with Part I.G.1.d., must submit to NYSDEC a completed eNOT in accordance with Part V. that includes the name and Permit ID of the new *owner or operator*; or

    f. If the original *owner or operator* maintains ownership of a portion of the *construction activity*, the original *owner or operator* must maintain their coverage under the permit by modifying their eNOI; modifications to the eNOI must include:

        i. the revised area of disturbance and/or *impervious area(s)*; and

        ii. the revised SMP information, if applicable; and

        iii. a narrative description of what has changed; and

        iv. the new *owner's or operator's* Permit ID for the portion of the project removed from the eNOI.

    Owners or operators must follow Part I.E.9. to modify the eNOI.

Part II. Water Quality-Based Effluent Limitations

A. Maintaining Water Quality

NYSDEC expects that compliance with the requirements of this permit will control *discharge*s necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any *discharge* to either cause or contribute to a violation of the following *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:

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

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

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

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

If, despite compliance with the requirements of this permit, it is demonstrated that the *stormwater discharge*s authorized by this permit are causing or contributing to a violation of *water quality standards*, or if NYSDEC determines that a modification of this permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this permit, and the *owner or operator* must obtain an individual SPDES permit prior to further *discharges* from the *construction site*.

B. Effluent Limitations Applicable to *Discharges* from *Construction Activities*

*Discharge*s authorized by this permit must achieve, at a minimum, the effluent limitations in Part II.B.1.a., b., c., d., and e. 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 II.B.1.a., b., c., d., and e. and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (BB), 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 *SWPPP* the reason(s) for the deviation, or alternative design, and provide information in the *SWPPP* demonstrating that the deviation or alternative design is *equivalent* to the technical standard.

    a. **Erosion and Sediment Controls.** At a minimum, erosion and sediment controls must be selected, designed, installed, implemented, and maintained to:

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

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

        iii. *Minimize* the amount of soil exposed during *construction activity*; and

        iv. *Minimize* the disturbance of *steep slope*; and

        v. *Minimize* sediment *discharge*s from the site; and

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

        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; and

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 ceased, whether permanently or *temporarily ceased*, the application of soil stabilization measures must be initiated by the end of the next business day and completed within 14 calendar 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 D, or are located in one of the watersheds listed in Appendix C, or are authorized to disturb greater than five acres in accordance with Part I.E.5.a.viii., the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven calendar days from the date the soil disturbance activity ceased.

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

d. **Pollution Prevention Measures**. Select, 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 selected, designed, installed, implemented, and maintained to:

i. *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. Soaps, detergents and solvents cannot be used; and

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. **Surface Outlets.** When discharging from basins and impoundments, the surface outlets must 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 (SMP) Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction SMPs, in accordance with Part III.C., must select, design, install, implement, and maintain the SMPs to meet the *performance criteria* in the New York State Stormwater Management Design Manual, dated July 31, 2024 (DM), using sound engineering judgment. Where SMPs are not designed in conformance with the *performance criteria* in the DM, 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 SMPs in accordance with Part III.C., must design the practices to meet the applicable *sizing criteria* in Part II.C.2.a., b., c., or d.

a. Sizing Criteria for *New Development*

i. Runoff Reduction Volume (RRv) and Water Quality Volume (WQv):

1. Reduce the total WQv by application of RR techniques and standard SMPs with RRv capacity. The total WQv must be calculated in accordance with the criteria in Section 4.2 of the DM; or

2. Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the requirements in Part II.C.2.a.i.1. due to *site limitations* must 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 must 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 4.4 of the DM. The remaining portion of the total WQv that cannot be reduced must be treated by application of standard SMPs.

ii. Channel Protection Volume (CPv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event, remaining after runoff reduction. Where a CPv control orifice is provided, the minimum orifice size must be 3 inches, with acceptable external trash rack or orifice protection. 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 1-year post-development peak *discharge* is less than or equal to 2.0 cfs without detention or velocity controls; or

   3. The site *directly discharges* into a fifth order or larger water body (stream, river, or lake), or tidal waters, where the increase in smaller flows will not impact the stream bank or channel integrity. However, the point of *discharge* must be adequately protected against scour and erosion by the increased peak *discharge*.

iii. *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 *directly discharges* to tidal waters or fifth order or larger streams, or

2. A downstream analysis reveals that *overbank* control is not required.

iv. 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 *directly discharges* 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 Watersheds

i. Runoff Reduction Volume (RRv) and Water Quality Volume (WQv):

1. Reduce the 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 must be calculated in accordance with the criteria in Section 4.3 of the DM; or

2. Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part II.C.2.b.i.1. due to *site limitations* must 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 must 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 4.5 of the DM. The remaining portion of the total WQv that cannot be reduced must be treated by application of standard SMPs.

ii. Channel Protection Volume (CPv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event, remaining after runoff reduction. Where a CPv control orifice is provided, the minimum orifice size must be 3 inches, with acceptable external trash rack or orifice protection. 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 1-year post-development peak *discharge* is less than or equal to 2.0 cfs; or

3. The site *directly discharges* to tidal waters, or a fifth order or larger water body (stream, river, or lake) where the increase in smaller flows will not impact the stream bank or channel integrity. However, the point of *discharge* must be adequately protected against scour and erosion by the increased peak *discharge*.

iii. *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 *directly discharges* to tidal waters or fifth order or larger streams; or

2. A downstream analysis reveals that *overbank* control is not required.

iv. 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 *directly discharges* 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* must be addressed by one of the following options, as outlined in Section 9.2.1. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C) must calculate the WQv in accordance with Section 4.3 of the DM. All other *redevelopment activities* must calculate the WQv in accordance with Section 4.2 of the DM.

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 DM must be applied to all newly created pervious areas; or

2. Capture and treat 100% of the required WQv, for a minimum of 25% of the disturbed redevelopment *impervious area*, by implementation of standard SMPs or reduced by application of runoff reduction techniques; or

3. Capture and treat 100% of the required WQv, for a minimum of 75% of the disturbed redevelopment *impervious area*, by implementation of a volume-based alternative SMP, as defined in Section 9.4 of the DM; or

4. Capture and treat 100% of the required WQv, for a minimum of 75% of the disturbed redevelopment *impervious area*, by implementation of a flow-through alternative SMP sized to treat the peak rate of runoff from the WQv design storm; or

5. Application of a combination of 1 through 4 above that provide a weighted average of at least two of the above methods. Application of this method must be in accordance with the criteria in Section 9.2.1(A)(V) of the DM; or

6. If there is an existing SMP 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 through 5 above.

ii. Channel Protection Volume (CPv) is not required if there is 0% change to hydrology that increases the *discharge* rate and volume from the project site.

iii. *Overbank* Flood Control (Qp) is not required if there is 0% change to hydrology that increases the *discharge* rate from the project site.

iv. Extreme Flood Control (Qf) is not required if there is 0% change to hydrology that increases 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*, must use SMPs that meet the *sizing criteria* calculated as an aggregate of the *sizing criteria* in Part II.C.2.a. or b. for the *new development* portion of the project and Part II.C.2.c. for the *redevelopment activity* portion of the project.

Part III. Stormwater Pollution Prevention Plan (SWPPP)

A. General *SWPPP* Requirements

1. A *SWPPP* must be prepared and implemented by the *owner or operator* of all *construction activity* covered by this permit. All authorized *discharges* must be identified in the *SWPPP*. 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 II.B. and, where applicable, the SMP requirements in Part II.C.

2. The *SWPPP* must demonstrate consideration in narrative format of the future physical risks due to climate change pursuant to the Community Risk and Resiliency Act (CRRA), 6 NYCRR Part 490, and associated guidance.

    a. The owner or operator must consider:

        i. the following physical risks due to climate change:

            (i) increasing temperature; and

            (ii) increasing precipitation; and

            (iii) increasing variability in precipitation, including chance of drought; and

            (iv) increasing frequency and severity of flooding; and

            (v) rising sea level; and

            (vi) increasing storm surge; and

            (vii) shifting ecology.

        ii. for each of the following:

            (i) overall site planning; and

            (ii) location, elevation, and sizing of:

                a. control measures and practices; and

                b. conveyance system(s); and

                c. detention system(s).

3. The *SWPPP* must describe the erosion and sediment control practices and where required, SMPs that will be used and/or constructed to reduce the *pollutants* in *stormwater discharges* and to assure compliance with the

requirements of this permit. In addition, the *SWPPP* must identify potential sources of pollution which may reasonably be expected to affect the quality of *stormwater discharges*.

4. All *SWPPPs*, that require the SMP component in accordance with Part III.B.2., must be prepared by a *qualified professional*.

5. The *owner or operator* must keep the *SWPPP* current so that, at all times, it accurately documents the erosion and sediment control practices that are being used or will be used during construction, and all SMPs that will be constructed on the site. At a minimum, the *owner or operator* must modify the *SWPPP*, including construction drawings:

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

   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*; and

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

   d. to document the final construction conditions in an as-built drawing.

6. NYSDEC 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 must 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 NYSDEC, the *owner or operator* must make the required changes to the *SWPPP* and submit written notification to NYSDEC that the changes have been made. If the *owner or operator* does not respond to NYSDEC's comments in the specified time frame, NYSDEC 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.

7. 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 SMPs included in the *SWPPP*. The *owner or operator* must have each of the contractors and subcontractors identify at least one person from their company to be *trained contractor* that will be responsible for implementation of the *SWPPP*. The *owner or operator* must ensure that at least one *trained contractor* is on site daily when soil disturbance activities are being performed.

The *owner or operator* must have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before the *commencement of construction activities*:

> "I hereby certify under penalty of law that I understand and agree to comply with the requirements 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 requirements of the most current version of the New York State Pollutant Discharge Elimination System (SPDES) Construction General Permit (CGP) 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* must 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 the *commencement of construction activities*, they must also sign the certification statement and provide the information listed above prior to performing *construction activities*.

B. Required *SWPPP* Contents

1. Erosion and sediment control component - The *owner or operator* must prepare a *SWPPP* that includes erosion and sediment control practices.

    a. Erosion and sediment control practices must be designed:

        i. in conformance with the BB; or

        ii. *equivalent* to the BB if deviating from Part III.B.1.a.i.

    b. If the erosion and sediment control practices are designed in conformance with Part III.B.1.a.ii., the *SWPPP* must include a demonstration of *equivalence* to the BB.

    c. At a minimum, the erosion and sediment control component of the *SWPPP* must include the following:

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

        ii. A site map/construction drawing(s) with north arrows for the project, including a general location map. At a minimum, the site map must 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) and receiving surface water(s); and

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

        iv. A phasing plan for the project and sequencing plans for all *phases*, both of which must address clearing and grubbing, excavation and grading, utility and infrastructure installation, *final stabilization*,

and any other *construction activity* at the site that will result in soil disturbance.

1. The phasing plan must include:

    a. a map delineating and labeling the limits of soil disturbance for all *phases* of a project; and

    b. a table identifying the order and intended schedule of when each *phase* will begin and end its sequencing plan. The table must identify the total disturbed area for each *phase* at any one time and the total disturbed area for the overall project at any one time all on one timeline showing all overlapping quantities of disturbed area at any one time; and

2. A sequencing plan for a specific *phase* must include:

    a. a table indicating the order and intended schedule of *construction activities* within a *phase*, and corresponding construction drawings with a description of the work to be performed; and

    b. all permanent and *temporary stabilization* measures; and

v. 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; and

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

vii. 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; and

viii. A maintenance inspection schedule for the contractor(s) and subcontractor(s) identified in Part III.A.7. to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule must be in accordance with the requirements in the BB technical standard; and

ix. 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*; and

x. 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

xi. Identification of any elements of the design that are not in conformance with the design criteria in the BB technical standard. 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. SMP component – The *owner or operator* of *construction activity* identified in Table 2 of Appendix B must prepare a *SWPPP* that includes SMPs.

   a. SMPs must be designed in conformance with the applicable *sizing criteria* in Part II.C.2.a., c., or d.; and

   b. SMPs must be designed in conformance with the *performance criteria*:

      i. in the DM; or

      ii. *equivalent* to the DM if deviating from Part III.B.2.b.i.; or

      iii. in the New York State Stormwater Management Design Manual, dated January 2015 (2015 Design Manual), or *equivalent* to it, if the following criteria are met:

1. The eNOI is submitted in accordance with Part I.D. before January 29, 2027 for *construction activities* that are either:

    a. subject to governmental review and approval:

        i. where the *owner or operator* made any application to that governmental entity prior to the effective date of this permit; and

        ii. such application included a *SWPPP* developed using the 2015 Design Manual or *equivalent* to it; or

    b. not subject to governmental review and approval:

        i. where a fiscal allocation for the *construction activities* has been developed and approved by a governmental entity; and

        ii. the *SWPPP* was developed using the 2015 Design Manual or *equivalent* to it; and

c. If SMPs are designed in conformance with Part III.B.2.b.ii., the *SWPPP* must include the reason(s) for the deviation or alternative design and a demonstration of *equivalence* to the DM; and

d. If SMPs are designed in conformance with Part III.B.2.b.iii., the *SWPPP* must include supporting information or documentation demonstrating that Part III.B.2.b.iii.1.a. or b. apply; and

e. The SMP component of the *SWPPP* must include the following:

    i. Identification of all SMPs to be constructed as part of the project, including which option the SMP designs conform to, either Part III.B.2.b.i., ii., or iii. Include the dimensions, material specifications and installation details for each SMP; and

    ii. A site map/construction drawing(s) showing the specific location and size of each SMP; and

iii. 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; and

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

(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; and

(iv) Summary table, with supporting calculations, which demonstrates that each SMP has been designed in conformance with the *sizing criteria* included in the DM; and

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

(vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the DM. 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 DM.

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

v. Infiltration test results, when required in accordance with Part III.B.2.a.; and

vi. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each SMP. The plan must identify the entity

that will be responsible for the long-term operation and maintenance of each practice; and

3. Enhanced Phosphorus Removal Standards - The *owner or operator* of *construction activity* identified in Table 2 of Appendix B that is located in a watershed identified in Appendix C must prepare a *SWPPP* that includes SMPs designed in conformance with the applicable *sizing criteria* in Part II.C.2.b., c., or d. and the *performance criteria* Enhanced Phosphorus Removal Standards included in the DM. At a minimum, the SMP component of the *SWPPP* must meet the requirements of Part III.B.2.

C. Required *SWPPP* Components by Project Type

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 accordance with Part III.B.1. *Owners or operators* of the *construction activities*, identified in Table 2 of Appendix B, must prepare a *SWPPP* that also includes SMPs designed in accordance with Part III.B.2 or 3.

For the entire area of disturbance, including the entire *common plan of development or sale* if applicable, the owner or operator must evaluate every bullet from Appendix B Table 1 and Table 2 separately. If bullets from both Table 1 and Table 2 apply, the *SWPPP* must include erosion and sediment control practices for all *construction activities* but SMPs for only those portions of the *construction activities* that fall under Table 2 bullet(s).

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 SMPs identified in the *SWPPP*, are inspected and maintained in accordance with Part IV.B. and C.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity*, identified in Tables 1 and 2 of Appendix B, must 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 must:

a. if the corrective action does not require engineering design:

    i. begin implementing corrective actions within one business day; and

    ii. complete the corrective actions within five business days; or

b. if the corrective action requires engineering design:

    i. begin the engineering design process within five business days; and

    ii. complete the corrective action in a reasonable time frame but no later than within 60 calendar days.

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 in accordance with Part IV.B.1. The *trained contractor* must begin conducting the maintenance inspections in accordance with Part IV.B.1. 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 in accordance with Part IV.B.1. if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational.

C. *Qualified Inspector* Inspection Requirements

1. With the exception of the following *construction activities* identified in Tables 1 and 2 of Appendix B, a *qualified inspector* must conduct site inspections for all other *construction activities* identified in Tables 1 and 2 of Appendix B:

    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 or equal to 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 D; and

b. the construction of a single-family home that involves soil disturbances of one (1) or more acres but less than or equal to 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 D; and

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

d. *construction activities* located in the New York City Watershed located east of the Hudson River, see Appendix C Figure 1, that involve soil disturbances of 5,000 square feet or more, but less than one acre.

2. The *qualified inspector* must conduct site inspections in accordance with the following timetable:

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

   b. For *construction sites* where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part I.E.6. to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* must conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections must be separated by a minimum of two (2) full calendar days; or

   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* must conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* must notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix E) or, in areas under the jurisdiction of a *Traditional Land Use Control MS4 Operator,* the *Traditional Land Use Control MS4 Operator* (provided the *Traditional Land Use Control MS4 Operator* is not the *owner or operator* of the *construction activity*) by hard copy or email prior to reducing the inspections to this frequency and again by hard copy or email prior to re-commencing construction; or

d. For *construction sites* where soil disturbance activities have been shut down with partial project completion, the requirement to have the *qualified inspector* conduct inspections ceases if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational. The *owner or operator* must notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix E) or, in areas subject to the review authority of *Traditional Land Use Control MS4 Operator(s)* in accordance with Part I.D.2.b.ii.1., the *Traditional Land Use Control MS4 Operator(s)* (provided the *Traditional Land Use Control MS4 Operator(s)* are not the *owners or operators* of the *construction activity*) in writing prior to the shutdown and again in writing prior to resuming *construction activity*. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* must terminate coverage by meeting the requirements of Part V; or

e. For *construction sites* involving soil disturbance of one (1) or more acres that *directly discharge* to one of the 303(d) segments listed in Appendix D or is located in one of the watersheds listed in Appendix C, the *qualified inspector* must conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections must be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* must inspect:

   a. all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness; and

   b. all SMPs under construction to ensure that they are constructed in conformance with the *SWPPP*; and

   c. all areas of disturbance that have not achieved *final stabilization*; and

   d. all points of *discharge* to *surface waters of the State* located within, or immediately adjacent to, the property boundaries of the *construction site*; and

   e. all points of *discharge* from the *construction site*.

4. The *qualified inspector* must prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report must include and/or address all of the following, for all *construction activities* except those listed in Part IV.C.1.:

   a. Permit identification number; and

   b. Date and time of inspection; and

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

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

   e. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This must 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; and

   f. A description of the condition of all *surface waters of the State* located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This must include identification of any *discharges* of sediment to the *surface waters of the State*; and

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

   h. 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; and

   i. Description and sketch (map) 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; and

   j. Estimates, in square feet or acres, of the following areas:

i. Total area with active soil disturbance (not requiring either *temporary stabilization* or *final stabilization*); and

ii. Total area with inactive soil disturbance (requiring either *temporary stabilization* or *final stabilization*); and

iii. Total area that has achieved *temporary stabilization*; and

iv. Total area that has achieved *final stabilization*; and

k. Current stage of construction of all SMPs and identification of all *construction activity* on site that is not in conformance with the *SWPPP* and technical standards; and

l. 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 SMP(s); and

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

n. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* must attach 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* must 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* must 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* must notify the *owner or operator*, and appropriate contractor or subcontractor identified in Part III.A.7., of any corrective actions that need to be taken. The contractor or subcontractor must:

a. if the corrective action does not require engineering design:

i. begin implementing corrective actions within one business day; and

ii. complete the corrective actions within five business days; or

b. if the corrective action requires engineering design:

i. begin the engineering design process within five business days; and

ii. complete the corrective action in a reasonable time frame but no later than within 60 calendar days.

6. All inspection reports must be signed by the *qualified inspector.* In accordance with Part I.E.3., the inspection reports must be maintained on site with the *SWPPP*.

Part V. How to Terminate CGP Coverage

A. Electronic Notice of Termination (eNOT) Submittal

The eNOT contains questions to ensure requirements in Part V.A. have been met.

1. An *owner or operator* must terminate coverage when one or more of the following requirements have been met:

a. Total project completion:

i. all *construction activity* identified in the *SWPPP* has been completed; and

ii. all areas of disturbance have achieved *final stabilization*; and

iii. all temporary, structural erosion and sediment control measures have been removed; and

iv. all SMPs have been constructed in conformance with the *SWPPP* and are operational; and

v. an as-built drawing has been prepared; or

b. Planned shutdown with partial project completion:

   i. all soil disturbance activities have ceased; and

   ii. all areas disturbed as of the project shutdown date have achieved *final stabilization*; and

   iii. all temporary, structural erosion and sediment control measures have been removed; and

   iv. all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational; and

   v. an as-built drawing has been prepared; or

c. In accordance with Part I.G. Change of Owner or Operator; or

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

2. For *construction activities* that require *qualified inspector* inspections in accordance with Part IV.C.1. and have met Part V.A.1.a. or b., the *owner or operator* must have the *qualified inspector* perform a final site inspection prior to submitting the eNOT. The *qualified inspector* must, by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice(s)" certification statements on the eNOT, certify that all the requirements in Part V.A.1.a. or b. have been achieved.

3. For *construction activities* that are subject to the review authority of *Traditional Land Use Control MS4 Operator(s)* in accordance with Part I.D.2.b.ii.1. and meet Part V.A.1.a. or b., the *owner or operator* must have the *Traditional Land Use Control MS4 Operator(s)* sign the "MS4 Acceptance" statement on the eNOT in accordance with the requirements in Part VII.J. A *Traditional Land Use Control MS4 Operator* official, by signing this statement, determined that it is acceptable for the *owner or operator* to submit the eNOT in accordance with the requirements of this Part. A *Traditional Land Use Control MS4 Operator* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector*'s final site inspection certification(s) when required in Part V.A.2.

4. For *construction activities* that require SMPs and meet Part V.A.1.a. or b., the *owner or operator* must, prior to submitting the eNOT, ensure one of the following:

    a. for SMP(s) that were constructed by a private entity, but will be owned, operated, and maintained by a public entity, the SMP(s) and any right-of-way(s) needed to operate and maintain such practice(s) have been deeded to the municipality in which the practice(s) is located; or

    b. for SMP(s) that are privately owned, but will be operated and maintained by a public entity, an executed operation and maintenance agreement is in place with the municipality that will operate and maintain the SMP(s); or

    c. for SMP(s) 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; or

    d. for SMP(s) 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 policies and procedures in place that ensure operation and maintenance of the practices in accordance with the operation and maintenance plan.

5. An *owner or operator* that has met the requirements of Part V.A.1., 2., 3., and 4. must request termination of coverage under this permit by submitting a complete Notice of Termination form electronically using a NYSDEC approved form.[5]

    a. The owner's or operator's coverage is terminated as of the termination date indicated in the Letter of Termination (LOT), which is sent by NYSDEC after a complete eNOT is submitted.

[5] Unless NYSDEC grants a waiver in accordance with 40 CFR 127.15(c) or (d). All waiver requests must be submitted to Stormwater_info@dec.ny.gov or NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505.

Part VI. Record Retention and Reporting

A. Record Retention

The *owner or operator* must retain a copy of the documents listed in Part I.E.3. and a copy of the LOT for a period of at least five years from the date that NYSDEC accepts a complete NOT submitted in accordance with Part V.

B. Reporting

Except for the eNOI, the signature forms associated with the eNOI, and the eNOT, all other written correspondence requested by NYSDEC, including individual permit applications, must be sent to the address of the appropriate DOW (SPDES) Program contact at the Regional Office listed in Appendix E.

Part VII. Standard Permit Requirements

For the purposes of this permit, examples of contractors and subcontractors include: third-party maintenance and construction contractors.

A. Duty to Comply

The *owner or operator*, and all contractors or subcontractors, must comply with all requirements of this permit. Any non-compliance with the requirements of this permit constitutes a violation of the New York State Environmental Conservation Law (ECL), and its implementing regulations, and is grounds for enforcement action. Filing of a request for termination of coverage under this permit, or a notification of planned changes or anticipated non-compliance, does not limit, diminish or stay compliance with any requirements of this permit.

B. Need to Halt or Reduce Activity Not a Defense

The necessity to halt or reduce the *construction activity* regulated by this permit, in order to maintain compliance with the requirements of this permit, must not be a defense in an enforcement action.

C. Penalties

There are substantial criminal, civil, and administrative penalties associated with violating the requirements of this permit. Fines of up to $37,500 per day for each

violation and imprisonment for up to 15 years may be assessed depending upon the nature and degree of the offense.

D. False Statements

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 monitoring reports or reports of compliance or noncompliance must, upon conviction, be punished in accordance with ECL §71-1933 and or New York State Penal Law Articles 175 and 210.

E. Re-Opener Clause

Upon issuance of this permit, a determination has been made on the basis of a submitted Notice of Intent, plans, or other available information, that compliance with the specified permit requirements will reasonably protect classified water use and assure compliance with applicable *water quality standards*. Satisfaction of the requirements of this permit notwithstanding, if operation pursuant to this permit causes or contributes to a condition in contravention of State *water quality standards* or guidance values, or if NYSDEC determines that a modification is necessary to prevent impairment of the best use of the waters or to assure maintenance of *water quality standards* or compliance with other provisions of ECL Article 17 or the Clean Water Act (CWA), or any regulations adopted pursuant thereto, NYSDEC may require such modification and the Commissioner may require abatement action to be taken by the *owner or operator* and may also prohibit such operation until the modification has been implemented.

F. Duty to Mitigate

The *owner or operator*, and its contractors and subcontractors, must 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.

G. Requiring Another General Permit or Individual SPDES Permit

NYSDEC may require any *owner or operator* authorized to *discharge* in accordance with this permit to apply for and obtain an individual SPDES permit or apply for authorization to *discharge* in accordance with another general SPDES permit.

1. Cases where an individual SPDES permit or authorization to discharge in accordance with another general SPDES permit may be required include, but is not limited to the following:

a. the *owner or operator* is not in compliance with the conditions of this permit or does not meet the requirements for coverage under this permit; and

b. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of *pollutants* applicable to the *point source*; and

c. new effluent limitation guidelines or new source performance standards are promulgated that are applicable to *point sources* authorized to *discharge* in accordance with this permit; and

d. existing effluent limitation guidelines or new source performance standards that are applicable to *point sources* authorized to *discharge* in accordance with this permit are modified; and

e. a water quality management plan containing requirements applicable to such *point sources* is approved by NYSDEC; and

f. circumstances have changed since the time of the request to be covered so that the *owner or operator* is no longer appropriately controlled under this permit, or either a temporary or permanent reduction or elimination of the authorized *discharge* is necessary; and

g. the *discharge* is in violation of section 17-0501 of the ECL; and

h. the *discharge(s)* is a significant contributor of *pollutants*. In making this determination, NYSDEC may consider the following factors:

   i. the location of the *discharge(s)* with respect to *surface waters of the State*; and

   ii. the size of the *discharge(s)*; and

   iii. the quantity and nature of the *pollutants discharged* to *surface waters of the State*; and

   iv. other relevant factors including compliance with other provisions of ECL Article 17, or the CWA.

2. When NYSDEC requires any *owner or operator* authorized by this permit to apply for an individual SPDES permit as provided for in this subdivision, it must notify the *owner or operator* in writing that a permit application is required. This notice must include a brief statement of the reasons for this decision, an application

form, a statement setting a time for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from the *owner's or operator's* receipt of the notification letter, whereby the authorization to *discharge* under this permit must be terminated. NYSDEC may grant additional time upon demonstration, to the satisfaction of the RWE,[6] that additional time to apply for an alternative authorization is necessary or where NYSDEC has not provided a permit determination in accordance with 6 NYCRR Part 621.

3. When an individual SPDES permit is issued to an *owner or operator* authorized to *discharge* under this permit for the same *discharge(s)*, this permit authorization for *construction activities* authorized under the individual SPDES permit is automatically terminated on the effective date of the individual SPDES permit unless termination is earlier in accordance with 6 NYCRR Part 750.

H. Duty to Provide Information

The *owner or operator* must furnish to NYSDEC, within five business days, unless otherwise set forth by NYSDEC, any information that NYSDEC may request to determine whether cause exists to determine compliance with this permit or to determine whether cause exists for requiring an individual SPDES permit in accordance with 6 NYCRR 750-1.21(e) (see Part VII.G. Requiring Another General Permit or Individual Permit).

The *owner or operator* must make available to NYSDEC, for inspection and copying, or furnish to NYSDEC within 25 business days of receipt of a NYSDEC request for such information, any information retained in accordance with this permit.

Except for Part I.D.4. and 5. and Part I.G., the following applies: where the *owner or operator* becomes aware that it failed to submit any relevant facts on the Notice of Intent, or submitted incorrect information in a Notice of Intent or in any report to NYSDEC, the *owner or operator* must submit such facts or corrected information to NYSDEC within five business days.

I. Extension

In the event a new permit is not issued and effective prior to the expiration of this permit, and this permit is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, then the *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the requirements of this permit until a new permit is issued and effective.

[6] The Regional Water Manager where a DEC Region does not have a RWE.

J. Signatories and Certification

The Notice of Intent, Notice of Termination, and reports required by this permit must be signed as provided in 40 CFR §122.22.

1. All Notices of Intent and Notices of Termination must be signed as follows:

    a. For a corporation. 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 Notice of Intent or Notice of Termination requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

        Note: NYSDEC does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR §122.22(a)(1)(i). NYSDEC will presume that these responsible corporate officers have the requisite authority to sign the Notice of Intent or Notice of Termination unless the corporation has notified NYSDEC to the contrary. Corporate procedures governing authority to sign a Notice of Intent or Notice of Termination may provide for assignment or delegation to applicable corporate positions under 40 CFR §122.22(a)(1)(ii) rather than to specific individuals.

    b. For a partnership or sole proprietorship. By a general partner or the proprietor, respectively.

c. For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

    1. the chief executive officer of the agency; or

    2. 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. All reports required by this permit, and other information requested by NYSDEC, must be signed by a person described in Part VII.J.1., 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.J.1. or using the Duly Authorized Form, found on the DEC website; and

    b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, 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 is submitted to NYSDEC.

3. Changes to authorization. If an authorization under Part VII.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the *construction activity*, a new authorization satisfying the requirements of Part VII.J.2. must be submitted to NYSDEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under Part VII.J.1. or 2. must make the following certification:

    I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

5. Electronic reporting. If documents described in Part VII.J.1. or 2. are submitted electronically by or on behalf of the *construction activity* with coverage under this permit, any person providing the electronic signature for such documents must meet all relevant requirements of this section, and must ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3) (Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

K. Inspection and Entry

The *owner or operator* must allow NYSDEC, the USEPA Regional Administrator, the applicable county health department, or any authorized representatives of those entities, 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 requirements of this permit; and

2. have access to and copy at reasonable times, any records that must be kept under the requirements of this permit, including records required to be maintained for purposes of operation and maintenance; and

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

4. sample or monitor at reasonable times, for the purposes of assuring general SPDES permit compliance or as otherwise authorized by the CWA or ECL, any substances or parameters at any location; and

5. enter upon the property of any contributor to the regulated facility or activity under authority of the *owner or operator*.

L. Confidentiality of Information

The following must not be held confidential: this permit, the fact sheet for this permit, the name and address of any *owner or operator*, effluent data, the Notice of Intent, and information regarding the need to obtain an individual permit or an alternative general SPDES permit. This includes information submitted on forms themselves and any attachments used to supply information required by the forms (except information submitted on usage of substances). Upon the request of the *owner or operator*, NYSDEC must make determinations of confidentiality in accordance with 6 NYCRR Part 616, except as set forth in the previous sentence. Any information accorded confidential status must be disclosed to the Regional Administrator upon his or her written request. Prior to disclosing such information to the Regional Administrator, NYSDEC will notify the Regional Administrator of the confidential status of such information.

M. Other Permits May Be Required

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

N. NYSDEC Orders or Civil Decrees/Judgments

The issuance of this permit by the NYSDEC, and the coverage under this permit by the *owner or operator*, does not supersede, revoke, or rescind any existing order on consent or civil Decree/Judgment, or modification to any such documents or to any order issued by the Commissioner, or any of the terms, conditions, or requirements contained in such order or modification therefore, unless expressly noted.

O. Property Rights

Coverage under this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining the assent of any other jurisdiction as required by law for the *discharge* authorized.

P. Compliance with Interstate Standards

If the *construction activity* covered by this permit originates within the jurisdiction of an interstate water pollution control agency, then the *construction activity* must also comply with any applicable effluent standards or *water quality standards* promulgated by that interstate agency and as set forth in this permit for such *construction activities*.

Q. Oil and Hazardous Substance Liability

Coverage under this permit does not affect the imposition of responsibilities upon, or the institution of any legal action against, the *owner or operator* under section 311 of the CWA, which must be in conformance with regulations promulgated pursuant to section 311 governing the applicability of section 311 of the CWA to *discharges* from facilities with *NPDES* permits, nor must such issuance preclude the institution of any legal action or relieve the *owner or operator* from any responsibilities, liabilities, or penalties to which the *owner or operator* is or may be subject pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq. (CERCLA).

R. 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, must not be affected thereby.

S. NYSDEC Approved Forms

The *owner or operator* must provide all relevant information that is requested by NYSDEC, and required by this permit, on all NYSDEC approved forms.

APPENDIX A – Abbreviations and Definitions

Abbreviations

APO – Agency Preservation Officer
BB – New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), dated November 2016
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)
DM – New York State Stormwater Management Design Manual (Design Manual), dated July 31, 2024
DOW – Division of Water
EAF – Environmental Assessment Form
ECL – chapter 43-B of the Consolidated Laws of the State of New York, entitled the 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
NYC – The City of New York
NYCDEP – The City of New York Department of Environmental Protection
NYSDEC – The New York State Department of Environmental Conservation
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RR – Runoff Reduction
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SMP – Post-Construction Stormwater Management Practice
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. If a word is not italicized in the permit, use its common definition.

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 – the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the "Agricultural Best Management Practice Systems Catalogue" (dated June 2023).

Alter Hydrology from Pre- to Post-Development Conditions – 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 System – a sewer system which conveys sewage and *stormwater* through a single pipe system to a publicly owned treatment works.

Commence (Commencement of) Construction Activities – 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.

Common Plan of Development or Sale – a contiguous area where multiple separate and distinct *construction activities* are occurring, or may occur, under one plan. The "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 (SEQR) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating *construction activities* may occur on a specific plot. A *common plan of development or sale* is comprised of two or more *phases*.

Common plan of development or sale does not include separate and distinct *construction activities* that are occurring, or may occur, under one plan that are at least 1/4 mile apart provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Construction Activity(ies) – identified within 40 CFR 122.26(b)(14)(x), 122.26(b)(15)(i), and 122.26(b)(15)(ii), any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, mechanized 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, which is excluded from the calculation of the soil disturbance for a project. Routine maintenance includes, but is not limited to:

- Re-grading of gravel roads or parking lots; and
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and maintains or improves the hydraulic capacity of the ditch; and
- Replacement of existing culverts that maintains the approximate original line and grade, and maintains or improves the hydraulic capacity of a ditch; and
- Replacement of existing bridges that maintains the approximate original line and grade, and maintains or improves the hydraulic capacity beneath the bridges; and
- 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); and
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*; and
- 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; and
- Long-term use of equipment storage areas at or near highway maintenance facilities; and
- 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*; and
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts; and
- Maintenance of ski trails including brush hog use and mowing; and
- Above ground snowmaking pipe replacement; and
- Replacement of existing utility poles; etc.

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

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

Directly Discharge(s)(ing) (to a specific surface waterbody) – 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)(d) – any addition of any *pollutant* to waters of the State through an outlet or *point source*.

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

Equivalent (Equivalence) – 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 – 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.

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

Infeasible – not technologically possible, or not economically practicable and achievable considering best industry practices.

Minimize(ing)(ation) – 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 System (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):

1. owned or operated by a State, city, town, village, 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*; and

2. designed or used for collecting or conveying *stormwater*; and

3. which is not a *combined sewer system*; and

4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

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

New Development – 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.

Nonpoint Source(s) – 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 – flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator – 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 requirements.

Performance Criteria – the six performance criteria for each group of SMPs in Chapters 5 and 6 of the technical standard, New York State Stormwater Management Design Manual (DM), dated July 31, 2024. These include feasibility, conveyance, pretreatment, treatment, landscaping, and maintenance. It does not include the *Sizing Criteria* (i.e. WQv, RRv, CPv, Qp and Qf) in Part I.C.2. of the permit.

Phase – a defined area in which *construction activities* are occurring or will occur separate from other defined area(s).

Point Source – 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(s) – 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 – 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 NYSDEC 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 NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC 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 SMPs that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional – 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 NYSDEC endorsed individual(s). Individuals preparing *SWPPPs* that require the SMP 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) – 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.).

Renewable Energy – electricity or thermal energy generated by renewable energy systems through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

Site Limitations – 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 – the criteria included in Part I.C.2 of the permit that are used to size SMPs. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank* Flood (Qp), and Extreme Flood (Qf).

Steep Slope – land area designated on the current United States Department of Agriculture (USDA) Soil Survey as Soil Slope Phase D, (provided the map unit name or description 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.

Stormwater – that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the State.

Streambank – 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) – 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 SMPs); and identifies procedures the *owner or operator* will implement to comply with the requirements 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 – an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization – 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 Load (TMDL) – the sum of the allowable loads of a single *pollutant* from all contributing point and *nonpoint source*s. It is a calculation of the maximum amount of a *pollutant* that a waterbody can receive and still meet *water quality standards*, and an allocation of that amount to the *pollutant's* sources. A TMDL stipulates Waste Load Allocations (WLA) for *point source discharges*, Load Allocations (LA) for *nonpoint source*s, and a margin of safety (MOS).

Traditional Land Use Control MS4 Operator – 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).

Trained Contractor – an employee from the contracting (construction) company, identified in Part III.A.7., that has received four (4) hours of NYSDEC endorsed training

in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC 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.7., 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 NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity).

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

Tree Clearing – *construction activities* limited to felling and removal of trees.

Tree clearing does not include hand felling and leaving the trees in place with no support from mechanized equipment, which is not considered *construction activity* requiring coverage under this permit.

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

APPENDIX B – Required SWPPP Components by Project Type

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

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

- Single-family home not located in one of the watersheds listed in Appendix C and not *directly discharging* to one of the 303(d) segments listed in Appendix D
- Single-family residential subdivisions with 25% or less *impervious cover* at total site build-out and not located in one of the watersheds listed in Appendix C and not *directly discharging* to one of the 303(d) segments listed in Appendix D
- Construction of a barn or other *agricultural building*, silo, stock yard or pen.
- Structural agricultural conservation practices as identified in Table II in the "Agricultural Best Management Practice Systems Catalogue" (dated June 2023) that include construction or reconstruction of *impervious area* or *alter hydrology from pre- to post-development* conditions.

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

- All construction activities located in the New York City Watershed located east of the Hudson River, see Appendix C Figure 1, that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

Within the municipal boundaries of NYC:

- Stand-alone road reconstruction, where the total soil disturbance from only that road construction, is less than one (1) acre of land.

The following *construction activities*:

- 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, *stormwater* retrofits, stream restoration, and resiliency projects that reconstruct shoreline areas to address sea level rise
- Pond construction
- Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an *impervious cover*
- Cross-country ski trails, walking/hiking trails, and mountain biking trails, including a de minimis parking lot (maximum 10 spaces total, sized for passenger cars) with 35 feet minimum preservation of undisturbed area downgradient from the parking lot
- Dam rehabilitation (the structure of the dam itself)
- Sidewalks, bike paths, or walking paths, surfaced with an *impervious cover*, that are not part of residential, commercial, or institutional development;
- Sidewalks, bike paths, or walking paths, 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.

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

The following *construction activities*:

- Slope stabilization
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics
- Spoil areas that will be covered with vegetation
- Vegetated open space (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) that do not *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 where vegetation will be established, and no *redevelopment activity* is planned[1]
- Installation or replacement of either an overhead electric transmission line or a ski lift tower that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*.
- Solar array field areas that have tables elevated off the ground, spaced one table width apart, do not *alter hydrology from pre- to post-development conditions*, and address water quality volume and runoff reduction volume by maintaining sheet flow on slopes less than 8%.
- Structural agricultural conservation practices as identified in Table II in the "Agricultural Best Management Practice Systems Catalogue" (dated June 2023) that do not include construction or reconstruction of *impervious area* and do not *alter hydrology from pre- to post-development* conditions.
- 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 (in this context, "temporary" means the *impervious area* will be in place for two years or less)
- Other *construction activities* that do not include the construction or reconstruction of *impervious area*, and do not *alter hydrology from pre- to post-development* conditions, and are not listed in Table 2.

1. If the site is redeveloped in the future, a new eNOI must be submitted.

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A *SWPPP* THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES (SMPS)

The following *construction activities*:

- 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 D
- 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 D
- 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 between 20,000 square feet and one (1) acre of land within the municipal boundaries of NYC 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 *common plan of development or sale* that will ultimately disturb five (5) or more acres of land
- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Creation of 5,000 square feet or more of *impervious area* in the municipal boundaries of NYC
- 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) that involves soil disturbance greater than five acres.
- Structural agricultural conservation practices as identified in Table II in the “Agricultural Best Management Practice Systems Catalogue” (dated June 2023) that involves soil disturbance greater than five acres and include the construction or reconstruction of *impervious area* or *alter hydrology from pre- to post-development* conditions.
- Facility buildings, including ski lodges, restroom buildings, pumphouses, ski lift terminals, and maintenance and groomer garages
- Institutional development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills; including creation of landfills or capping landfills.
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTWs, water treatment plants, and water storage tanks
- Golf courses
- Office complexes

Table 2 (Continued)

CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A *SWPPP* THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES (SMPS)

The following *construction activities*:

- Permanent laydown yards and equipment storage lots
- Playgrounds that include the construction or reconstruction of *impervious area*
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surfaces
- Road construction or reconstruction, outside the municipal boundaries of NYC
- Road construction within the municipal boundaries of NYC
- Stand-alone road reconstruction, within the municipal boundaries of NYC where the total soil disturbance from that road reconstruction involves soil disturbance of one (1) acre or more of land
- Parking lot construction or reconstruction (as with all Table 2 bullets, this includes parking lots constructed as part of the *construction activities* listed in Table 1, unless a Table 1 bullet specifies otherwise)
- 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 overhead electric transmission line, wind-power, cell tower, oil or gas well drilling, sewer or water main, ski lift, or other linear utility project
- Sidewalks, bike paths, or walking paths, surfaced with an *impervious cover*, that are part of a residential, commercial or institutional development
- Sidewalks, bike paths, or walking paths, surfaced with an *impervious cover*, that are part of highway construction or reconstruction
- Solar array field areas on slopes greater than 8% that cannot maintain sheet flow using management practices identified in the BB or the DM
- Solar array field areas on slopes less than 8% that will *alter the hydrology from pre- to post-development* conditions
- Solar array field areas with tables that are not elevated high enough to achieve *final stabilization* beneath the tables
- Traditional *impervious areas* associated with solar development (e.g. roads, buildings, transformers)
- Utility pads surfaced with *impervious cover*, including electric vehicle charging stations
- 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 SMPs designed in conformance with the Enhanced Phosphorus Removal Standards included in the DM technical standard.

- 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

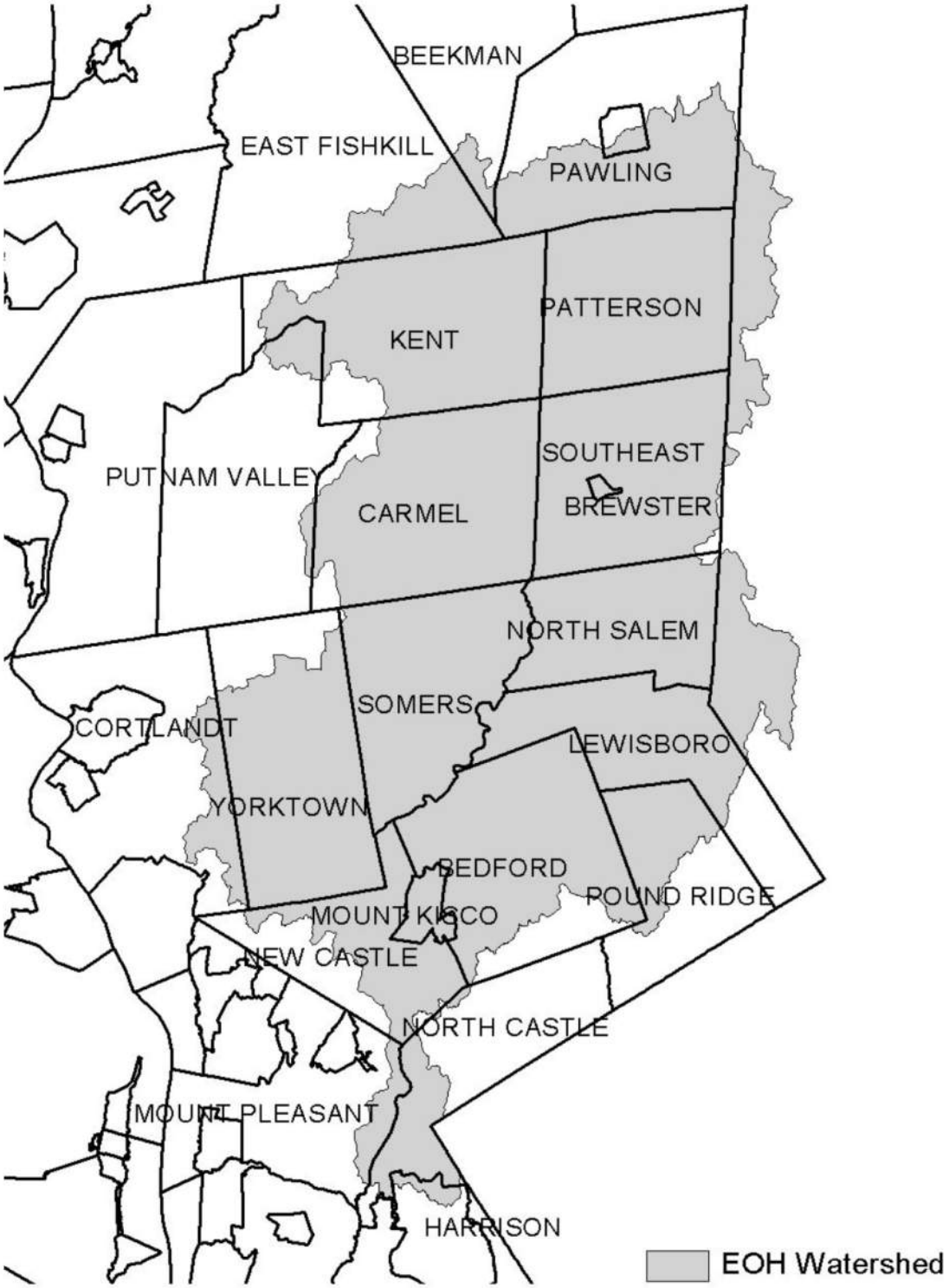


Figure 2 - Onondaga Lake Watershed

Figure 3 - Greenwood Lake Watershed

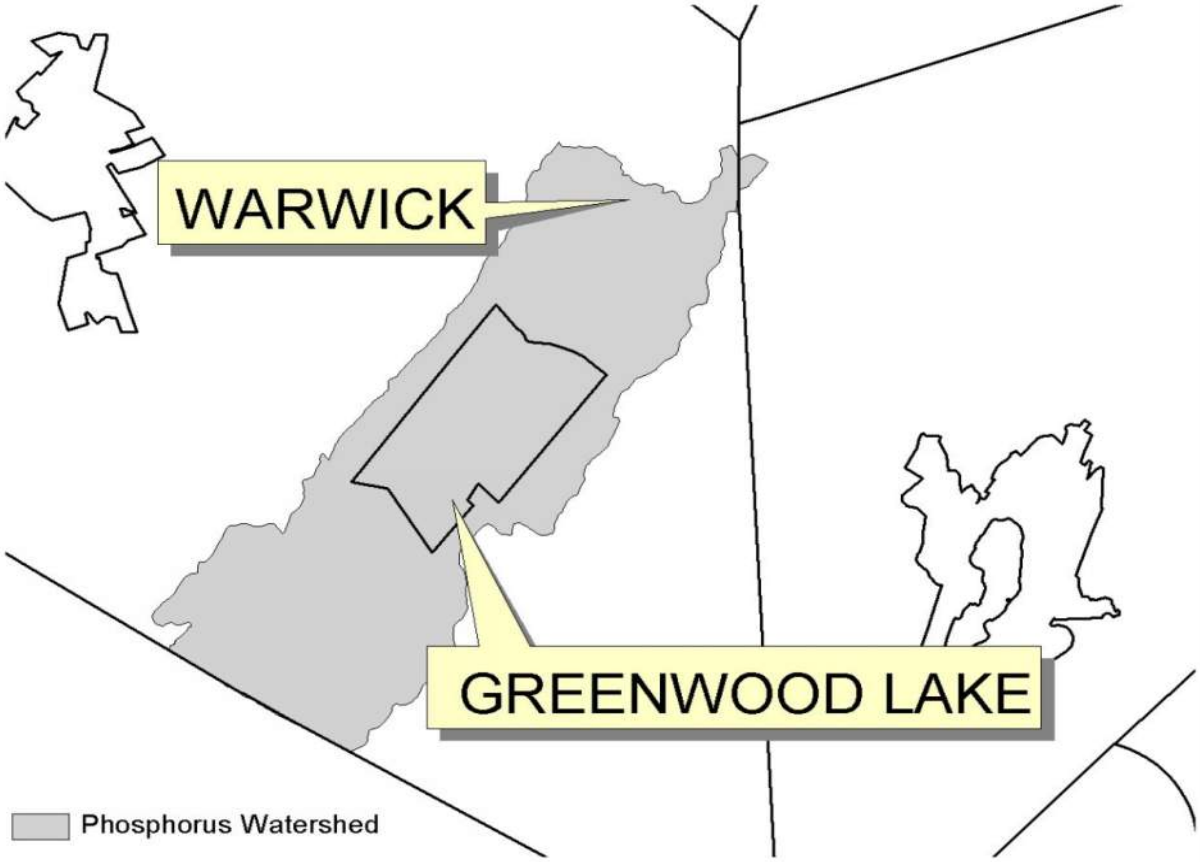


Figure 4 - Oscawana Lake Watershed

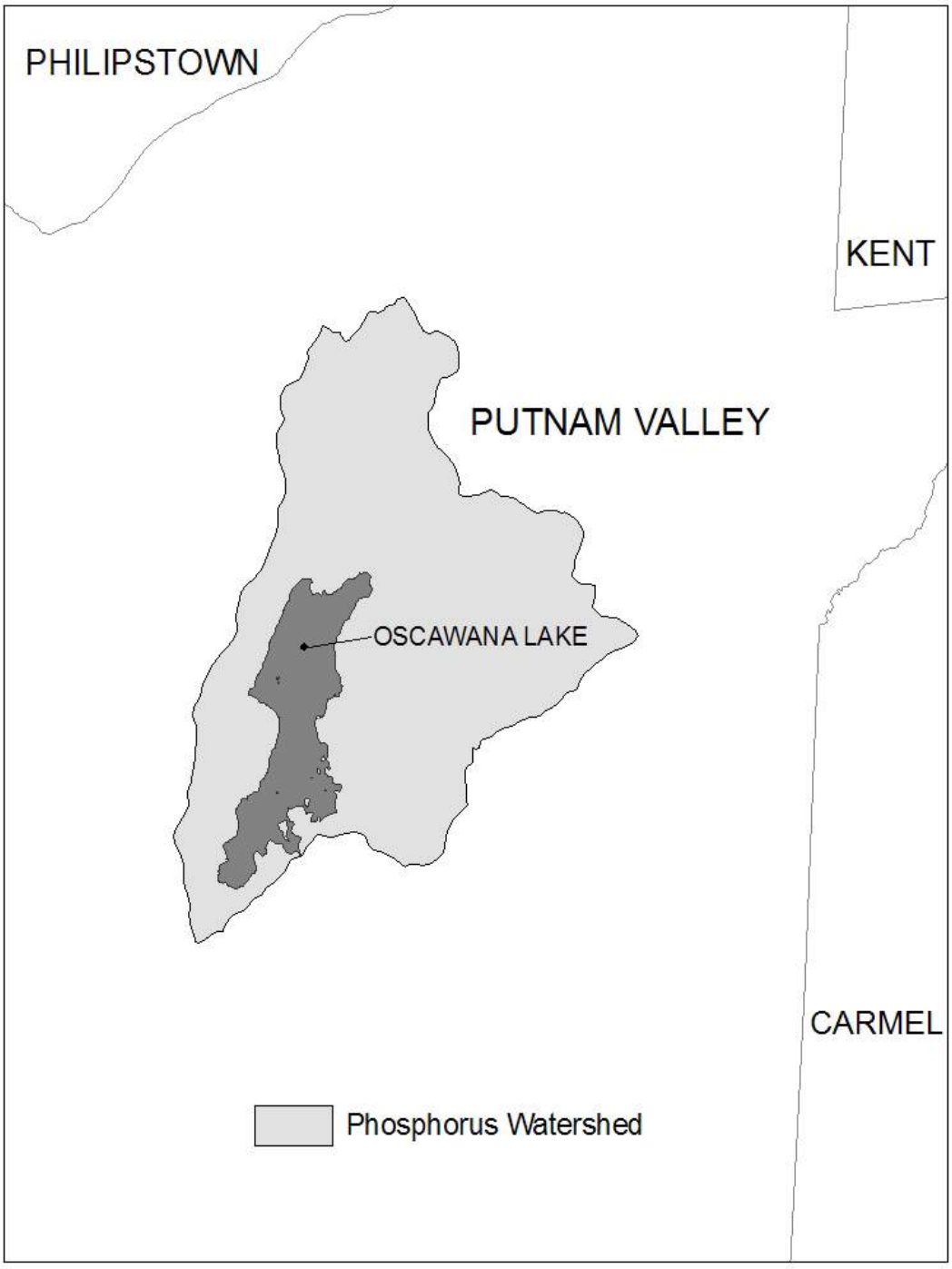
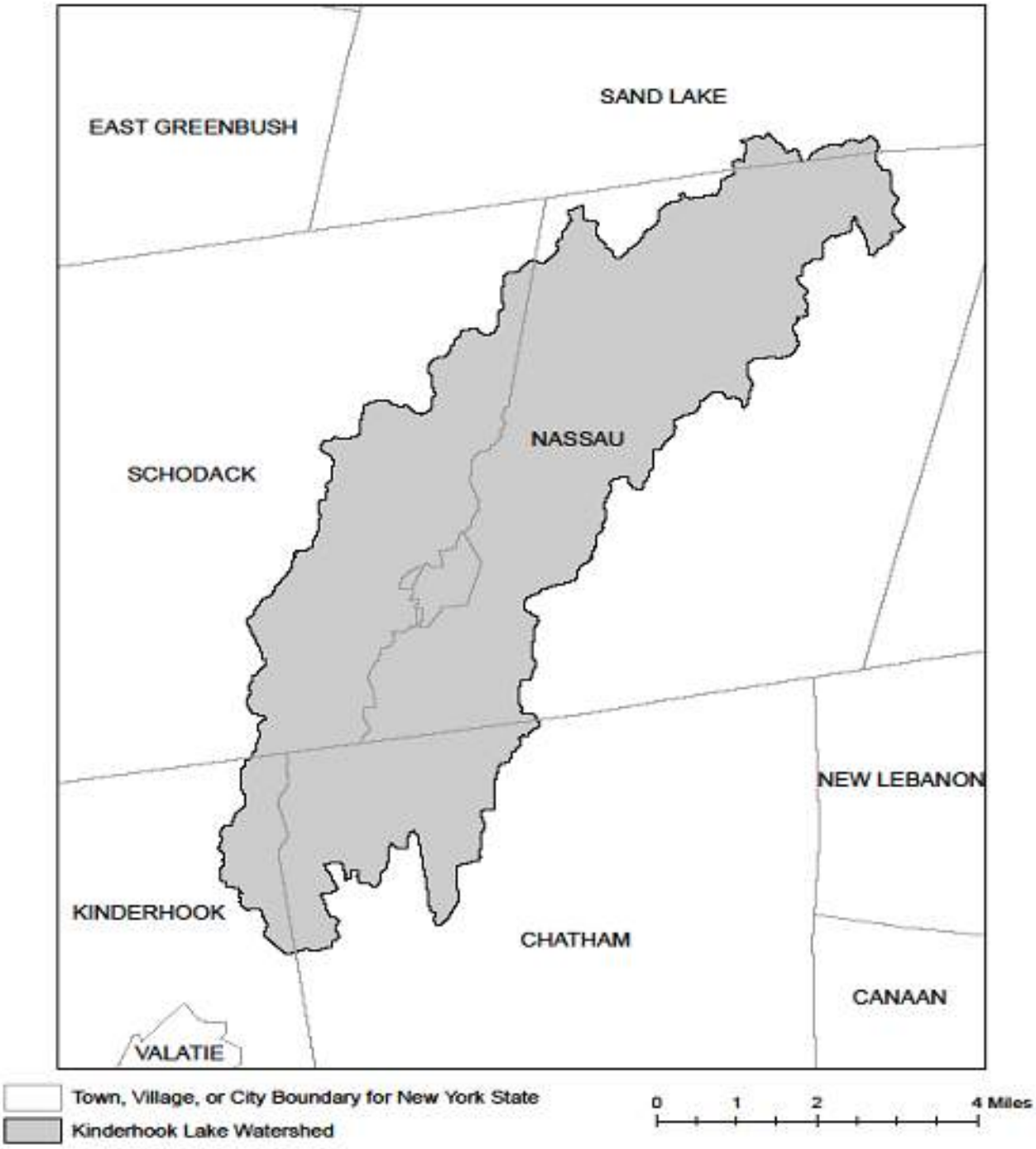


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Impaired Waterbodies (by Construction Related Pollutants)

List of waterbodies impaired by *pollutants* related to *construction activity*, including turbidity, silt/sediment, and nutrients (e.g. nitrogen, phosphorus). This list is a subset of "The Final New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL" dated June 2020.

County	Waterbody	Pollutant
Albany	Ann Lee (Shakers) Pond, Stump Pond (1201-0096)	Phosphorus
Albany	Lawsons Lake (1301-0235)	Phosphorus
Allegany	Amity Lake, Saunders Pond (0403-0054)	Phosphorus
Allegany	Andover Pond (0403-0056)	Phosphorus
Bronx	Reservoir No.1/Lake Isle (1702-0075)	Phosphorus
Bronx	Van Cortlandt Lake (1702-0008)	Phosphorus
Broome	Blueberry, Laurel Lakes (1404-0033)	Phosphorus
Broome	Fly Pond, Deer Lake (1404-0038)	Phosphorus
Broome	Minor Tribs to Lower Susquehanna (0603-0044)	Phosphorus
Broome	Whitney Point Lake/Reservoir (0602-0004)	Phosphorus
Cattaraugus	Allegheny River/Reservoir (0201-0023)	Phosphorus
Cattaraugus	Beaver Lake/Alma Pond (0201-0073)	Phosphorus
Cattaraugus	Case Lake (0201-0020)	Phosphorus
Cattaraugus	Linlyco/Club Pond (0201-0035)	Phosphorus
Cayuga	Duck Lake (0704-0025)	Phosphorus
Cayuga	Owasco Inlet, Upper, and tribs (0706-0014)	Nutrients
Chautauqua	Chadakoin River and tribs (0202-0018)	Phosphorus
Chautauqua	Hulburt/Clymer Pond (0202-0079)	Phosphorus
Chautauqua	Middle Cassadaga Lake (0202-0002)	Phosphorus
Clinton	Great Chazy River, Lower, Main Stem (1002-0001)	Silt/Sediment
Columbia	Robinson Pond (1308-0003)	Phosphorus
Cortland	Dean Pond (0602-0077)	Phosphorus
Dutchess	Fallkill Creek (1301-0087)	Phosphorus
Dutchess	Hillside Lake (1304-0001)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Silt/Sediment
Erie	Beeman Creek and tribs (0102-0030)	Phosphorus
Erie	Delaware Park Pond (0101-0026)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Silt/Sediment
Erie	Green Lake (0101-0038)	Phosphorus
Erie	Little Sister Creek, Lower, and tribs (0104-0045)	Phosphorus
Erie	Murder Creek, Lower, and tribs (0102-0031)	Phosphorus

Erie	Rush Creek and tribs (0104-0018)	Phosphorus
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Phosphorus
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Phosphorus
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Silt/Sediment
Genesee	Bigelow Creek and tribs (0402-0016)	Phosphorus
Genesee	Black Creek, Middle, and minor tribs (0402 0028)	Phosphorus
Genesee	Black Creek, Upper, and minor tribs (0402-0048)	Phosphorus
Genesee	Bowen Brook and tribs (0102-0036)	Phosphorus
Genesee	LeRoy Reservoir (0402-0003)	Phosphorus
Genesee	Mill Pond (0402-0050)	Phosphorus
Genesee	Oak Orchard Cr, Upper, and tribs (0301-0014)	Phosphorus
Genesee	Oatka Creek, Middle, and minor tribs (0402-0031)	Phosphorus
Genessee	Tonawanda Cr, Middle, Main Stem (0102-0002)	Phosphorus
Greene	Schoharie Reservoir (1202-0012)	Silt/Sediment
Greene	Sleepy Hollow Lake (1301-0059)	Silt/Sediment
Herkimer	Steele Creek tribs (1201-0197)	Phosphorus
Herkimer	Steele Creek tribs (1201-0197)	Silt/Sediment
Kings	Hendrix Creek (1701-0006) 18	Nitrogen
Kings	Prospect Park Lake (1701-0196)	Phosphorus
Lewis	Mill Creek/South Branch, and tribs (0801-0200)	Nutrients
Livingston	Christie Creek and tribs (0402-0060)	Phosphorus
Livingston	Conesus Lake (0402-0004)	Phosphorus
Livingston	Mill Creek and minor tribs (0404-0011)	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs (0402-0033)	Phosphorus
Monroe	Buck Pond (0301-0017)	Phosphorus
Monroe	Cranberry Pond (0301-0016)	Phosphorus
Monroe	Durand, Eastman Lakes (0302-0037)	Phosphorus
Monroe	Lake Ontario Shoreline, Western (0301-0069) 9	Phosphorus
Monroe	Long Pond (0301-0015)	Phosphorus
Monroe	Mill Creek and tribs (0302-0025)	Phosphorus 2
Monroe	Mill Creek/Blue Pond Outlet and tribs (0402-0049)	Phosphorus
Monroe	Minor Tribs to Irondequoit Bay (0302-0038)	Phosphorus
Monroe	Rochester Embayment - East (0302-0002) [9]	Phosphorus
Monroe	Rochester Embayment - West (0301-0068) 9	Phosphorus
Monroe	Shipbuilders Creek and tribs (0302-0026)	Phosphorus 2
Monroe	Thomas Creek/White Brook and tribs (0302-0023)	Phosphorus

Nassau	Bannister Creek/Bay (1701-0380)	Nitrogen
Nassau	Beaver Lake (1702-0152)	Phosphorus
Nassau	Browswere Bay (1701-0383)	Nitrogen
Nassau	Camaans Pond (1701-0052)	Phosphorus
Nassau	East Meadow Brook, Upper, and tribs (1701-0211)	Silt/Sediment
Nassau	East Rockaway Channel (1701-0381)	Nitrogen
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Silt/Sediment
Nassau	Grant Park Pond (1701-0054)	Phosphorus
Nassau	Hempstead Bay, Broad Channel (1701-0032)	Nitrogen
Nassau	Hempstead Lake (1701-0015)	Phosphorus
Nassau	Hewlett Bay (1701-0382)	Nitrogen
Nassau	Hog Island Channel (1701-0220)	Nitrogen
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Phosphorus
Nassau	Milburn/Parsonage Creeks, Upp, and tribs (1701-0212)	Phosphorus
Nassau	Reynolds Channel, East (1701-0215) [12]	Nitrogen
Nassau	Reynolds Channel, West (1701-0216) 12	Nitrogen
Nassau	Tidal Tribs to Hempstead Bay (1701-0218)	Nitrogen
Nassau	Tribs (fresh) to East Bay (1701-0204)	Silt/Sediment
Nassau	Tribs (fresh) to East Bay (1701-0204)	Phosphorus
Nassau	Tribs to Smith Pond/Halls Pond (1701-0221)	Phosphorus
Nassau	Woodmere Channel (1701-0219)	Nitrogen
New York	Harlem Meer (1702-0103)	Phosphorus
New York	The Lake in Central Park (1702-0105)	Phosphorus
Niagara	Bergholtz Creek and tribs (0101-0004)	Phosphorus
Niagara	Hyde Park Lake (0101-0030)	Phosphorus
Niagara	Lake Ontario Shoreline, Western (0301-0053) 9	Phosphorus
Niagara	Lake Ontario Shoreline, Western (0301-0072) 9	Phosphorus
Oneida	Ballou, Nail Creeks (1201-0203)	Phosphorus
Onondaga	Ley Creek and tribs (0702-0001) 10	Nutrients (phosphorus)
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nutrients (phosphorus)
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nitrogen (NH3, NO2)
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Nutrients (phosphorus)
Onondaga	Onondaga Creek, Lower, and tribs (0702-0023)	Turbidity
Onondaga	Onondaga Creek, Middle, and tribs (0702-0004)	Turbidity
Onondaga	Onondaga Creek, Upper, and tribs (0702-0024)	Turbidity
Ontario	Great Brook and minor tribs (0704-0034)	Phosphorus 2
Ontario	Great Brook and minor tribs (0704-0034)	Silt/Sediment

Ontario	Hemlock Lake Outlet and minor tribs (0402-0013)	Phosphorus
Ontario	Honeoye Lake (0402-0032)	Phosphorus
Orange	Brown Pond Reservoir (1303-0013)	Phosphorus
Orange	Lake Washington (1303-0012)	Phosphorus
Orange	Minor Tribs to Middle Wallkill (1306-0061)	Phosphorus
Orange	Monhagen Brook and tribs (1306-0074)	Phosphorus
Orange	Orange Lake (1301-0008) [16]	Phosphorus
Orange	Quaker Creek and tribs (1306-0025)	Phosphorus
Orange	Wallkill River, Middle, Main Stem (1306-0038)	Phosphorus
Orange	Wallkill River, Upper, and Minor tribs (1306-0017)	Phosphorus
Orleans	Glenvwood Lake (0301-0041)	Phosphorus
Orleans	Lake Ontario Shoreline, Western (0301-0070) 9	Phosphorus
Orleans	Lake Ontario Shoreline, Western (0301-0071) 9	Phosphorus
Oswego	Lake Neatahwanta (0701-0018)	Nutrients (phosphorus)
Oswego	Pleasant Lake (0703-0047)	Phosphorus
Putnam	Lost Lake, Putnam Lake (1302-0053)	Phosphorus
Putnam	Minor Tribs to Croton Falls Reservoir (1302-0001)	Phosphorus
Queens	Bergen Basin (1701-0009) 18	Nitrogen
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Nitrogen
Queens	Kissena Lake (1702-0258)	Phosphorus
Queens	Meadow Lake (1702-0030)	Phosphorus
Queens	Shellbank Basin (1701-0001) 18	Nitrogen
Queens	Willow Lake (1702-0031)	Phosphorus
Rensselaer	Nassau Lake (1310-0001)	Phosphorus
Rensselaer	Snyders Lake (1301-0043)	Phosphorus
Richmond	Grassmere Lake/Bradys Pond (1701-0357)	Phosphorus
Rockland	Congers Lake, Swartout Lake (1501-0019)	Phosphorus
Rockland	Rockland Lake (1501-0021)	Phosphorus
Saratoga	Ballston Lake (1101-0036)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Silt/Sediment
Saratoga	Lake Lonely (1101-0034)	Phosphorus
Saratoga	Round Lake (1101-0060)	Phosphorus
Saratoga	Tribs to Lake Lonely (1101-0001)	Phosphorus
Schenectady	Collins Lake (1201-0077)	Phosphorus
Schenectady	Duane Lake (1311-0006)	Phosphorus
Schenectady Lake	Mariaville Lake (1201-0113)	Phosphorus
Schuyler	Cayuta Lake (0603-0005)	Phosphorus

Seneca	Reeder Creek and tribs (0705-0074)	Phosphorus
St.Lawrence	Black Lake Outlet, Black Lake (0906-0001)	Phosphorus
St.Lawrence	Fish Creek and minor tribs (0906-0026)	Phosphorus
Steuben	Smith Pond (0502-0012)	Phosphorus
Suffolk	Agawam Lake (1701-0117)	Phosphorus
Suffolk	Big/Little Fresh Ponds (1701-0125)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Silt/Sediment
Suffolk	Fresh Pond (1701-0241)	Phosphorus
Suffolk	Great South Bay, East (1701-0039)	Nitrogen
Suffolk	Great South Bay, Middle (1701-0040)	Nitrogen
Suffolk	Great South Bay, West (1701-0173)	Nitrogen
Suffolk	Lake Ronkonkoma (1701-0020)	Phosphorus
Suffolk	Mattituck/Marratooka Pond (1701-0129)	Phosphorus
Suffolk	Mill and Seven Ponds (1701-0113)	Phosphorus
Suffolk	Millers Pond (1702-0013)	Phosphorus
Suffolk	Moriches Bay, East (1701-0305)	Nitrogen
Suffolk	Moriches Bay, West (1701-0038)	Nitrogen
Suffolk	Quantuck Bay (1701-0042)	Nitrogen
Suffolk	Shinnecock Bay and Inlet (1701-0033)	Nitrogen
Suffolk	Tidal Tribs to West Moriches Bay (1701-0312)	Nitrogen
Sullivan	Bodine, Mongomery Lakes (1401-0091)	Phosphorus
Sullivan	Davies Lake (1402-0047)	Phosphorus
Sullivan	Evens Lake (1402-0004)	Phosphorus
Sullivan	Pleasure Lake (1402-0055)	Phosphorus
Sullivan	Swan Lake (1401-0063)	Phosphorus
Tompkins	Cayuga Lake, Southern End (0705-0040)	Phosphorus
Tompkins	Cayuga Lake, Southern End (0705-0040)	Silt/Sediment
Ulster	Ashokan Reservoir (1307-0004)	Silt/Sediment
Ulster	Esopus Creek, Lower, Main Stem (1307-0010) [17]	Turbidity
Ulster	Esopus Creek, Middle, Main Stem (1307-0003) 17	Turbidity
Ulster	Esopus Creek, Upper, and minor tribs (1307-0007)[3]	Silt/Sediment
Ulster	Wallkill River, Lower, Main Stem (1306-0027)	Phosphorus
Warren	Hague Brook and tribs (1006-0006)	Silt/Sediment
Warren	Huddle/Finkle Brooks and tribs (1006-0003)	Silt/Sediment
Warren	Indian Brook and tribs (1006-0002)	Silt/Sediment
Warren	Lake George (1006-0016) and tribs	Silt/Sediment
Warren	Tribs to Lake George, East Shore (1006-0020)	Silt/Sediment
Warren	Tribs to Lake George, Lk.George Village (1006-0008)	Silt/Sediment

Washington	Wood Cr/Champlain Canal and tribs (1005-0036)	Phosphorus
Westchester	Lake Katonah (1302-0136)	Phosphorus
Westchester	Lake Lincolndale (1302-0089)	Phosphorus
Westchester	Lake Meahagh (1301-0053)	Phosphorus
Westchester	Lake Mohegan (1301-0149)	Phosphorus
Westchester	Lake Shenorock (1302-0083)	Phosphorus
Westchester	Mamaroneck River, Lower (1702-0071)	Silt/Sediment
Westchester	Mamaroneck River, Upp, & minor tribs (1702-0123)	Silt/Sediment
Westchester	Saw Mill River (1301-0007)	Phosphorus
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Silt/Sedimnt
Westchester	Silver Lake (1702-0040)	Phosphorus
Westchester	Teatown Lake (1302-0150)	Phosphorus
Westchester	Truesdale Lake (1302-0054)	Phosphorus
Westchester	Wallace Pond (1301-0140)	Phosphorus

APPENDIX E – List of NYSDEC Regional Offices

Region	Covering the following counties:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) Permit Administrators	DIVISION OF WATER (DOW) Water (SPDES) Program
1	Nassau and Suffolk	50 Circle Road Stony Brook, NY 11790 Tel. (631) 444-0365	50 Circle Road Stony Brook, NY 11790-3409 Tel. (631) 444-0405
2	Bronx, Kings, New York, Queens and Richmond	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4997	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4933
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester	21 South Putt Corners Road New Paltz, NY 12561-1696 Tel. (845) 256-3059	220 White Plains Road, Suite 110 Tel. (914) 428 - 2505
4	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie	1130 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	5786 WIDEWATERS PARKWAY SYRACUSE, NY 13214-1867 TEL. (315) 426-7438	5786 WIDEWATERS PARKWAY SYRACUSE, NY 13214-1867 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	700 DELAWARE AVENUE BUFFALO, NY 14209-2999 TEL. (716) 851-7165	700 DELAWARE AVENUE BUFFALO, NY 14209-2999 TEL. (716) 851-7070

APPENDIX F – SWPPP Preparer Certification Form

The SWPPP Preparer Certification Form required by this permit begins on the following page.

SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC electronically.)

Project/Site Name:

eNOI Submission ID:

Owner/Operator Name:

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with the requirements of GP-0-25-001. I certify under penalty of law that the SWPPP and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SWPPP Preparer First Name | MI | SWPPP Preparer Last Name

Signature | Date

Revised: January 2025

APPENDIX G – MS4 SWPPP Acceptance Form

The MS4 SWPPP Acceptance Form required by this permit begins on the following page.

MS4 SWPPP Acceptance Form

for construction activities seeking authorization under the

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC electronically.)

I. Project Owner/Operator Information
1. Owner/Operator Name:
2. Contact Person:
3. Street Address:
4. City/State/Zip:
II. Project Site Information
5. Project/Site Name:
6. Street Address:
7. City/State/Zip:
III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information
8. SWPPP Reviewed by:
9. Title/Position:
10. Date Final SWPPP Reviewed and Accepted:
IV. Regulated MS4 Information
11. Name of MS4 Operator:
12. MS4 SPDES Permit Identification Number: NYR20A
13. Street Address:
14. City/State/Zip:
15. Telephone Number:

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in section II. of this form has been reviewed and meets the substantive requirements in the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP). Note: The MS4 Operator, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 Operator does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name[1]:

Title/Position:

Signature:

Date:

VI. Additional Information

[1] Printed name of the principal executive officer or ranking elected official for the MS4 Operator or their duly authorized representative in accordance with CGP Part VII.J.2.

APPENDIX H – NYCDEP SWPPP Acceptance/Approval Form

The City of New York Department of Environmental Protection (NYCDEP) SWPPP Acceptance/Approval form required by this permit begins on the following page.

THE CITY OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Environmental Planning and Analysis
59-17 Junction Blvd., 9th Floor; Flushing, NY 11373

SWPPP Acceptance/Approval

Application Number:

I. Project Owner/Operator Information
1. Owner/Operator Name:
2. Contact Person:
3. Street Address:
4. City/State/Zip:
II. Project Site Information
5. Project/Site Name:
6. Street Address:
7. City/State/Zip:
III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance/Approval
8. SWPPP Reviewed by:
9. Title/Position: /
10. Date Final SWPPP Reviewed and Accepted:
11. Acceptance/Approval Expiration Date:
IV. Regulated MS4 Information for projects that require coverage under the NY State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity
12. Name of MS4: *CITY OF NEW YORK*
13. MS4 SPDES Permit Identification Number: *NY-0287890*
14. Contact Person:
15. Street Address: *59-17 Junction Blvd. 9th Floor*
16. City/State/Zip: *Flushing, NY 11373*
17. Telephone Number:

Projects in the MS4 area must submit a copy of this SWPPP Acceptance with a Notice of Intent for coverage under the NY SPDES General Permit for Stormwater Discharges from Construction Activity to: NYS Department of Environmental Conservation, Division of Water; 625 Broadway, 4th Floor; Albany, New York 12233-3505.

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Conditions of Acceptance/Approval and Additional Information

Projects in the MS4 area must submit a copy of this SWPPP Acceptance with a Notice of Intent for coverage under the NY SPDES General Permit for Stormwater Discharges from Construction Activity to: NYS Department of Environmental Conservation, Division of Water; 625 Broadway, 4th Floor; Albany, New York 12233-3505.

APPENDIX I – MS4 No Jurisdiction Form

The MS4 No Jurisdiction Form required by this permit begins on the following page.

MS4 No Jurisdiction Form

for construction activities seeking authorization under the

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC electronically.)

I. Project Owner/Operator Information

a. Owner/Operator Name:

b. Contact Person:

c. Street Address:

d. City/State/Zip:

II. Project Site Information

a. Project/Site Name:

b. Street Address:

c. City/State/Zip:

d. eNOI Submission ID:

III. Traditional Land Use Control MS4 Operator Information

a. Name of MS4 Operator:

b. MS4 SPDES Permit ID Number: NYR20A

c. Street Address:

d. City/State/Zip:

e. Telephone Number:

IV. Certification Statement

In accordance with CGP Part I.D.2.b.ii.3., I hereby certify that the Traditional Land Use Control MS4 Operator identified in section III. of this form does not have review authority over the construction project identified in section II. of this form, which is owned/operated by the entity identified in section I. of this form. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

a. Printed name of the principal executive officer or ranking elected official for the MS4 Operator or their duly authorized representative in accordance with CGP Part VII.J.2.:

b. Title/Position:

c. Signature:

d. Date:

APPENDIX J – Owner/Operator Certification Form

The Owner/Operator Certification Form required by this permit begins on the following page.

Owner/Operator Certification Form

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b. or Part I.F.2. and 3., the completed form must be attached to the eNOI or the Request to Continue Coverage, and submitted to NYSDEC electronically.

Project/Site Name: _____

eNOI Submission ID: _____

eNOI Submitted by: ☐ **Owner/Operator** ☐ **SWPPP Preparer** ☐ **Other**

Certification Statement - Owner/Operator

I hereby certify that I read, and will comply with, the GP-0-25-001 permit requirements. I understand that authorization to discharge under the permit for the project/site named above is dependent on receipt of a Letter of Authorization (LOA) or a Letter of Continued Coverage (LOCC) from the New York State Department of Environmental Conservation (NYSDEC) in accordance with CGP Part I.D.3.b. or Part I.F.4. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner/Operator First Name MI Owner/Operator Last Name

_____

Signature

_____

Date

Revised: January 2025

APPENDIX B

ELECTRONIC NOTICE OF INTENT (NOI)

SUBMITTED FOR COVERAGE UNDER THE

DEC SPDES PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY

(GP-0-25-001)

Construction General Permit (CGP) Electronic Notice of Intent (eNOI) GP-0-25-001

version 1.11

(Submission #: HQE-AVSZ-GEXSE, version 1)

Details

Originally Started By	Ashley Marciszyn
Alternate Identifier	PSEG LI SH2DF 138kv UG Transmission—Region 1
Submission ID	HQE-AVSZ-GEXSE
Status	Draft

Form Input

Eligibility

Disturbance Threshold

1. Will the construction activity involve soil disturbances listed in Part I.A.1 of GP-0-25-001?
Yes

1.a. Will any runoff from the site enter a sewer system classified as a combined sewer?
No

1.b. Is this a remediation project being done under a Department approved work plan (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) with a SWPPP which meets the substantive requirements of GP-0-25-001?
No

1.c. Is the construction activity related to a stormwater discharge that does not require a permit as described in 40 CFR 122.3(e), e.g. non-point source agriculture or silviculture activities?
No

Other SPDES Permits

2. Will the discharge from the construction activity meet all conditions listed in Part I.A.2 of GP-0-25-001?
Yes

Threatened and Endangered Species

3. Will the construction activity potentially adversely affect a species that is endangered or threatened per Part I.A.3.?
No

State Historic Preservation Act (SHPA)

4. Is the construction activity designated by the Commissioner of the Office of Parks, Recreation and Historic Preservation (OPRHP), pursuant to 9 NYCRR §§428.12 or 428.13 as exempt from the SHPA review (see Attachment 2 of the Letter of Resolution between NYSDEC and OPRHP, dated January 9, 2015)?
No

4.a. Will the construction activity:

a) occur within an archeologically sensitive area indicated on the sensitivity map, or

b) have the potential to affect a property that is listed or determined to be eligible for listing on the Nat or State Registers of Historic Places, or

c) include a new permanent building on the construction site within the following distances from a buil structure, or object that is more than 50 years old and OPRHP, a Historic Preservation Commission of Certified Local Government, or a qualified preservation professional has determined is a historically/ archeologically significant building, structure, or object:

- 1-5 acres of disturbance—20 feet
- 5-20 acres of disturbance—50 feet
- 20+ acres of disturbance—100 feet?

Yes

4.a.i. Have the impacts to historic properties been resolved?
Yes

4.a.i.1. Which of the following documentation will be maintained at the construction site?
a) DEC consultation form sent to OPRHP and copied to the NYSDEC Agency Historic Preservation Officer (APO)

and,
documentation from OPRHP that the construction activity will result in No Impact

State Environmental Quality Review (SEQR)

5. Is the construction activity subject to SEQR (Part I.A.5.), or the equivalent environmental review from another NYS or federal agency (Part I.A.6.)?
Yes

5.a. Has the owner/operator obtained documentation that the project review pursuant to SEQR, or the equivalent, has been satisfied per Part I.A.5. or I.A.6. of GP-0-25-001?
Yes

Uniform Procedures Act (UPA) Permits

6. Has the owner/operator obtained all necessary UPA permits from NYSDEC, or the equivalent from another NYS or federal agency per Part I.A.7.a. of GP-0-25-001?
Yes

Steep Slope

7. Is the construction activity within the watershed of surface waters of the State classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website?
No

Owner/Operator Information

8. Owner/Operator Name
PSEG Long Island as Agent for LIPA

9. Owner/Operator Contact Person Information

First and Last Name	Phone	E-mail
Anthony Carullo	516-567-1347	anthony.carullo@pseg.com

10. Owner/Operator Mailing Address

999 STEWART AVE
BETHPAGE, NY 11714-3633
USA

11. Is the billing contact different from the Owner/Operator Contact?
No

12. What type of organization is the owner/operator?
Other: Utility

Site Information

13. Project/Site Name
PSEG LI SH2DF 138kv UG Transmission

14. Site Address

121 West Prospect Street
Southampton, NY 11932
Suffolk

DEC Region
1

15. Site Latitude & Longitude
40.8923844,-72.3973475

Project Details

16. This eNOI submission is for:
A construction activity not part of a common plan of development or sale in accordance with Part I.D.1.a.

17. Does the project type fall under Table 1 or Table 2 of Appendix B of GP-0-25-001? If any portion of the construction activity falls under Table 2, regardless of the size of the disturbance, select "Table 2".
Table 1

18. Consistent with Part III.B.1.c.i. of GP-0-25-001, provide a concise overview of the project. Describe existing and proposed conditions, and include any other relevant information.
Proposed Southampton to Deerfield New 138-kV Underground Transmission Cable (the "Proposed Action"), which involves the installation of new 138-kV underground conduit and cable from the Southampton Substation to the Deerfield Substation, spanning a total distance of approximately 4.5 miles. The project route travels through the Village of Southampton, Town of Southampton, Hamlet of North Sea and the Hamlet of Water Mill in Suffolk County, New York.

Except for short segments in the vicinity of the two substations totaling about 0.2-mile (approximately 4.5 percent of the entire 4.5±-mile length), the proposed cable will be installed in conduit below grade beneath the existing paved roadways, with a limited amount of disturbance occurring within the adjacent maintained pervious (vegetated) areas inside the roadway ROW. The cable lengths outside the roadway ROW occur within each substation.
• Southampton Substation – 710 linear feet (15' wide disturbance)
• Deerfield Substation – 360 linear feet (30' wide disturbance in the vegetated areas)

In addition to the proposed underground cable, twelve splice vaults will be installed along the project route, which primarily accounts for the small amount of disturbance in the roadway ROW that will extend outside paved areas. Each vault will have inside dimensions of 8 feet by 20 feet and 9 feet, 8 inches deep, with an excavation area of approximately 364 square feet.

A new termination structure will be constructed in the northeast portion of the Southampton Substation to provide an interconnection point for the cable. The cable will enter the northwest side of the Deerfield Substation and will connect to a new termination structure to be located in the northeast corner of the substation. These installations will occur within the existing substation fence lines.

Overall, the limit of disturbance for the Proposed Action is approximately 3.4± acres, of which 2.62± acres will be within impervious surface. The remaining 0.78± acres of disturbance will occur within permeable areas and involves temporary (0.51± acres) and permanent (0.27± acres) clearing of vegetation. Permanent clearing of vegetation is proposed to occur primarily in the vicinity of the Deerfield substation.

It is proposed that installation of the cable and conduit for the Proposed Action be undertaken entirely via open trenching construction methods. The final design of the Proposed Action will be subject to review and approval by the agencies having jurisdiction of the roadways and other lands along the proposed cable route.

The Proposed Action will include the following (See Attachment 1, PSEG Plans; and Attachment 2, Erosion Control Plan):
• Installation of a 4.5± mile new 138-kV underground transmission circuit from the Southampton Substation, in the Village of Southampton to the Deerfield Substation, in the Hamlet of Water Mill.
• Installation of twelve precast manhole vaults intermittently throughout the proposed route – distances between these structures varies between 1,500± ft and 2,400± ft.
• One termination structure to be constructed in the northeast portion of the Southampton Substation and one termination structure to be constructed in the northeast portion of the Deerfield Substation.
• Resurfacing of affected roadways, and revegetation of disturbed vegetated areas.

As noted above, with the exception of the areas immediately adjacent to each substation, the entirety of the Proposed Action consists of paved roadways and maintained roadside shoulders. As such, the majority of the vegetated portions of the Proposed Action are covered with low-growing herbaceous species. A limited amount of tree clearing may be necessary within the boundaries of both substations and along the ROW to create space for open trench construction and/or staging of equipment.

This type of Proposed Action (underground linear utility) is listed in Table 1 of the Construction General Permit (GP-0-25-001). Therefore, post-construction water quality and water quantity controls are not required for this SWPPP.

Enter the total project site acreage, the acreage to be disturbed, and the future impervious area (acreage) within the disturbed area, rounded to the nearest tenth of an acre.

19. Total Site Area (acres)
3.4

20. Total Area to be Disturbed (acres)
3.4

21. Existing Impervious Area to be Disturbed (acres)
2.6

22. Future Impervious Area Within Disturbed Area (acres)
2.6

Nature of the project:
Redevelopment with no increase in impervious area

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

---

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

A (%)
64

B (%)
36

C (%)
0

D (%)
0

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

Start Date
12/03/2025

End Date
07/21/2026

26. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.
Unnamed freshwater pond SH-47

27. Type of waterbody identified in question 26?
Wetland/State Jurisdiction Off Site

28. Has the surface waterbody in question 26 been identified as a 303(d) segment in Appendix D of GP-0-25-001?
No

29. Is this project located in one of the Watersheds identified in Appendix C of GP-0-25-001?
No

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

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

31.a. What is the name of the municipality/entity that owns the separate storm sewer system? If the separate sewer system is owned by an MS4 Operator, enter the MS4 Operator name.
Town of Southampton and Village of Southampton

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

33. Is this property owned by a state authority, state agency, federal government or local government?
Yes

Required SWPPP Components

General SWPPP Requirements

34. Has a SWPPP been developed in conformance with the requirements in Part III. of GP-0-25-001?
Yes

35. Does the SWPPP demonstrate consideration of the future physical risks due to climate change pursuant to the CRRA, 6 NYCRR Part 490, and associated guidance per Part III.A.2. of GP-0-25-001?
Yes

36. 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

SWPPP Preparer

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

40. Name of the person who prepared the SWPPP
Russell Scott

41. SWPPP Preparer Organization Name
Nelson + Pope

42. SWPPP Preparer Contact Information

First and Last Name	Phone	E-mail
Russell Scott	631-427-5665	rscott@nelsonpope.com

43. SWPPP Preparer Address

70 Maxess Road

Melville, NY 11747

Download SWPPP Preparer Certification Form

Please take the following steps to prepare and upload your preparer certification form:

1) Click on the link below to download a blank certification form
2) The certified SWPPP preparer should sign this form
3) Upload the completed form

Download SWPPP Preparer Certification Form

44. Please upload the SWPPP Preparer Certification

NONE PROVIDED

Comment

NONE PROVIDED

44.a. Has the SWPPP Preparer Certification Form been signed by the SWPPP preparer in accordance with Part VII.J of GP-0-25-001?

Yes

Erosion & Sediment Control Criteria

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

Yes

Other Permits

56. Identify other permits, existing and new, that are required for this project/facility.

None

57. Is this NOI for a change in owner/operator per Part I.G.?

No

MS4 SWPPP Acceptance

59. Will the construction activities be within the municipal boundary(ies) of Traditional Land Use Control MS4 Operator(s) and discharge to the MS4(s)?

Yes

59.a. Which form is required per Part I.D.2.b.ii.?

MS4 No Jurisdiction Form

MS4 No Jurisdiction Form Download

Download the MS4 No Jurisdiction Form from the link below.

MS4 No Jurisdiction Form

60. MS4 Acceptance or No Jurisdiction Form Upload

NONE PROVIDED

Comment

NONE PROVIDED

SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC electronically.)

Project/Site Name:	PSEG LI SH2DF 138kv UG Transmission
eNOI Submission ID:	HQE-AVSZ-GEXSE
Owner/Operator Name:	PSEG Long Island as Agent for LIPA

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with the requirements of GP-0-25-001. I certify under penalty of law that the SWPPP and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Russell	Z	Scott
SWPPP Preparer First Name	MI	SWPPP Preparer Last Name

Russell Z. Scott Digitally signed by Russell Z. Scott
Date: 2025.09.11 11:04:18 -04'00'

Signature Date

Revised: January 2025

60.a. Has the form been signed by the principal executive officer or ranking elected official—or duly authorized representative of that person—in accordance with Part VII.J. and submitted along with this NOI?
Yes

Owner/Operator Certification

Owner/Operator Certification Form Download

Download the Owner/Operator Certification Form by clicking the link below.
Owner/Operator Certification Form

61. Upload Owner/Operator Certification Form
NONE PROVIDED
Comment
NONE PROVIDED

61.a. Has the Owner/Operator Certification Form from Appendix J been signed by the owner/operator, or a representative of the owner/operator in accordance with Part VII.J of GP-0-25-001 and uploaded to the eNOI?
Yes

Additional Project Information

62. Enter any additional pertinent project information in the text box below.
NONE PROVIDED

APPENDIX C

MS4 NO JURISDICTION FORM

MS4 No Jurisdiction Form

for Construction Activities seeking authorization under the

SPDES Construction General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC via nForm.)

I. Project Owner/Operator Information

a. Owner/Operator Name: PSEG Long Island as Agent for LIPA
b. Contact Person: Anthony Carullo
c. Street Address: 999 Stewart Avenue
d. City/State/Zip: Bethpage/NY/11714

II. Project Site Information

a. Project/Site Name: PSEG LI SH2DF 138kv UG Transmission
b. Street Address: 121 West Prospect Street
c. City/State/Zip: Southampton/NY/11932
d. eNOI Submission ID: HQE-AVSZ-GEXSE

III. Traditional Land Use Control MS4 Operator Information

a. Name of MS4 Operator: Town Southampton
b. MS4 SPDES Permit ID Number: NYR20A454
c. Street Address: 116 Hampton Road
d. City/State/Zip: Southampton/NY/11968
e. Telephone Number: 631-702-1868

IV. Certification Statement

In accordance with CGP Part I.D.2.b.ii.3., I hereby certify that the Traditional Land Use Control MS4 Operator identified in section III. of this form does not have review authority over the construction project identified in section II. of this form, which is owned/operated by the entity identified in section I. of this form. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

a. Printed name of the principal executive officer or ranking elected official for the MS4 Operator or their duly authorized representative in accordance with CGP Part VII.J.2.:

b. Title/Position:

c. Signature:

d. Date:

MS4 No Jurisdiction Form

for Construction Activities seeking authorization under the

SPDES Construction General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC via nForm.)

I. Project Owner/Operator Information

a. Owner/Operator Name: PSEG Long Island as Agent for LIPA
b. Contact Person: Anthony Carullo
c. Street Address: 999 Stewart Avenue
d. City/State/Zip: Bethpage/NY/11714

II. Project Site Information

a. Project/Site Name: PSEG LI SH2DF 138kv UG Transmission
b. Street Address: 121 West Prospect Street
c. City/State/Zip: Southampton/NY/11932
d. eNOI Submission ID: HQE-AVSZ-GEXSE

III. Traditional Land Use Control MS4 Operator Information

a. Name of MS4 Operator: Village of Southampton
b. MS4 SPDES Permit ID Number: NYR20456
c. Street Address: 23 Main Street
d. City/State/Zip: Southampton/NY/11968
e. Telephone Number: 631-283-0247

IV. Certification Statement

In accordance with CGP Part I.D.2.b.ii.3., I hereby certify that the Traditional Land Use Control MS4 Operator identified in section III. of this form does not have review authority over the construction project identified in section II. of this form, which is owned/operated by the entity identified in section I. of this form. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

a. Printed name of the principal executive officer or ranking elected official for the MS4 Operator or their duly authorized representative in accordance with CGP Part VII.J.2.:

b. Title/Position:

c. Signature:

d. Date:

APPENDIX D

NYS OPRHP CORRESPONDENCE

NELSON POPE VOORHIS
environmental • land use • planning

October 12, 2023

VIA CRIS WEBSITE SUBMISSION

New York State Office of Parks, Recreation and Historic Preservation
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

RE: Request for Project Consultation
Southampton to Deerfield Transmission Project
Town of Southampton, Suffolk County, New York

Dear Mr. Lloyd,

On behalf of PSEG Long Island LLC (PSEG Long Island), operating through the Long Island Power Authority (LIPA), Burns & McDonnell Engineering, Inc. (Burns & McDonnell) and Nelson, Pope & Voorhis, LLC (NPV) request New York State Department of Environmental Conservation (NYSDEC) data to be utilized in the siting of a new underground electric transmission line within the Town of Southampton, Suffolk County, New York , titled the Southampton to Deerfield Transmission Project (Project). Project construction activities will occur primarily within public roadway rights-of-way (ROW) for a total distance of approximately 4.5 miles. A Project area location map is included as **Figure 1**. Land uses immediately adjacent to the Project Area include commercial, residential, agricultural, and open space land use (**Figure 2**). Photographs of the Project area are included in **Attachment A**.

PSEG Long Island is proposing a new underground electric transmission project to increase the load capacity and reliability of the electric transmission system on the South Fork of Long Island. The principal component of the Project is the installation of a new underground 138 kilovolt transmission line between the existing Southampton Substation (located in the Village of Southampton at the intersection of North Sea Road and West Prospect Street) and the existing Deerfield Substation (located in the Hamlet of Watermill, on Water Mill Towd Road) primarily along public roadway ROW. The Project is the most cost-effective solution to meet the increasing electrical demand in South Fork and need for reliable electrical service while minimizing disruptions to the community. The Project also is consistent with and further the goals of New York's Climate Leadership and Community Protection Act by supporting the transmission of wind energy on Long Island.

The Project is subject to Article VII of the New York State Public Service Law. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is being consulted to assess the

Project's potential to affect adjacent cultural resources. An initial baseline analysis of potential sensitivities and management of cultural resources showed that the Project area is of low historic archaeological sensitivity. The proposed cable installation work is proposed within the paved roadway and shoulder. Disturbances outside of the paved roadway are limited to areas in close proximity to the two substations (only the Southampton Substation is located within an archaeologically sensitive area):

- Southampton substation - 710 Linear feet (15' wide disturbance)
- Deerfield substation - 360 LF (30' wide disturbance in the vegetated areas).

Additionally, 12 splice vaults are proposed along the route, which will involve disturbance within the roadway/road shoulder and may extend into vegetated areas of the right of way. The disturbance for each vault is anticipated to be an area of 14' by 24'.

The proposed route occurs primarily in paved roadways which are unable to be subjected to substantial archaeological testing. However, to avoid or mitigate negative impacts on culturally sensitive resources, our initial analysis using public data should be subject to additional consideration under OPRHP as the Project continues to progress. A map displaying the resources of concern is included as **Figure 3**.

The information provided by the OPRHP will be used to evaluate the Project and potential alternative routes within the Project area and guide the project design in an effort to avoid, minimize or mitigate. Please provide comments, including issues of concern which you believe should be evaluated as part of the Article VII process, to me at:

Nelson, Pope & Voorhis, LLC
70 Maxess Road
Melville, NY 11747

Email: cofarrell@nelsonpope.com

If you have any questions or require additional information, please contact me at (631) 427-5665 (ext. 214). Thank you for your assistance with this review.

Sincerely,

Nelson, Pope & Voorhis, LLC

Carrie O'Farrell, AICP
Senior Partner

Brianna Sadoski

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Thursday, October 12, 2023 9:43 AM
To: Brianna Sadoski
Cc: Carrie OFarrell; Ashley Marciszyn
Subject: NY SHPO: Initial Consultation Submission 6RAW2HSWAE3M Received

Initial Submission Received

The New York State Historic Preservation Office (SHPO) has received the following initial submission.

> **Initial Submission Token:** 6RAW2HSWAE3M
>
> **Project Type:** Consultation
>
> **Project Name:** Southampton to Deerfield Transmission Project
>
> **Other Reference Number:** NPV #23033

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

Who sent this email?

This email is a notification from the New York State Cultural Resource Information System (CRIS). CRIS is an online service administered by the New York State Division for Historic Preservation, also known as the New York State Historic Preservation Office (SHPO), which is a division of New York State Parks, Recreation & Historic Preservation.

This message pertains to a submission for a consultation project. Please see SHPO's Environmental Review web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list includes your email address.

What do I need to do?

You do not need to take any action at this time. The submission is now in SHPO's processing queue.

What will happen next?

If SHPO accepts your submission, you will receive an “Initial Submission Accepted” email notification and SHPO will begin reviewing the project. That email will include the new Project Number.

If SHPO needs more information to process your submission, you will receive an “Initial Submission Found Insufficient” email with the reviewer’s comments. You may then revise the submission and resend it to SHPO.

What else can I do?

Please see the following help topics for more information about managing initial submissions in CRIS:

- How do I check the status of my initial submission?
- View an Initial Submission
- Continue or Edit an Existing Initial Submission

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

Brianna Sadoski

From: New York State Parks CRIS Application <cris.web@parks.ny.gov>
Sent: Thursday, October 12, 2023 11:20 AM
To: Brianna Sadoski
Cc: Carrie OFarrell; Ashley Marciszyn
Subject: NY SHPO: Initial Consultation Submission 6RAW2HSWAE3M Accepted for Project 23PR08591

Initial Submission Accepted

The New York State Historic Preservation Office (SHPO) has accepted the following initial submission and created a new project record.

> **Initial Submission Token:** 6RAW2HSWAE3M
>
> **New Project Number:** 23PR08591
>
> **Project Type:** Consultation
>
> **Project Name:** Southampton to Deerfield Transmission Project
>
> **Other Reference Number:** NPV #23033
>
> **New Submission Number:** 23PR08591.001

If you contact SHPO about this project, please reference the Project Number.

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

Who sent this email?

This email is a notification from the New York State Cultural Resource Information System (CRIS). CRIS is an online service administered by the New York State Division for Historic Preservation, also known as the New York State Historic Preservation Office (SHPO), which is a division of New York State Parks, Recreation & Historic Preservation.

This message pertains to a submission for a consultation project. Please see SHPO's Environmental Review web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list included your email address.

What do I need to do?

You do not need to take any action at this time. The initial submission is now under SHPO review as project submission 23PR08591.001.

What will happen next?

SHPO will review the submission. If SHPO sends comments or questions in response to this submission, the project contacts will receive an email notification with a link to SHPO's correspondence.

What else can I do?

Please see the following help topics for more information about managing projects in CRIS:

- How do I check the review status of my project?
- How long does SHPO take to review projects?
- Submit New Information for an Existing Project

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

New York State
Parks, Recreation and
Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

October 26, 2023

Brianna Sadoski
70 Maxess Road
Melville, NY 11747

Re: PSC
Southampton to Deerfield Transmission Project
Town and Village of Southampton, Suffolk County, NY
23PR08591
NPV #23033

Dear Brianna Sadoski:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

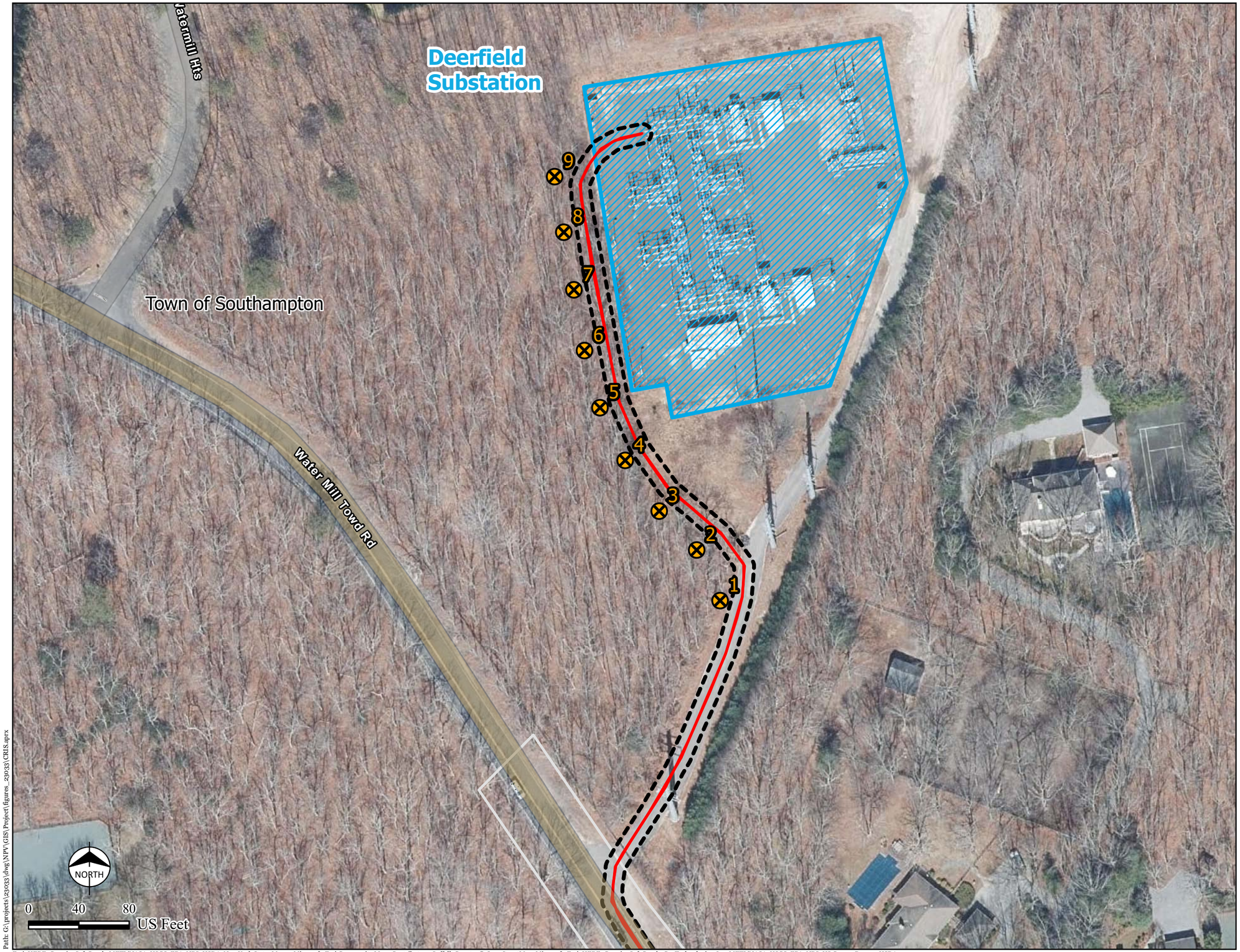
If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

rev: T. Lloyd



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Legend

- Primary Splice Vaults
- Proposed Route
- Roadway ROW
- Existing Substation
- Village of Southampton Boundary
- TrenchBuffer

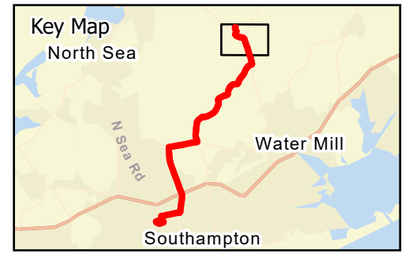
CRIS Building Registry

- Listed
- Not Eligible
- Undetermined
- CRIS Archeological Buffer Area
- CRIS Historic Building District
- Southampton Historic Structure Survey
- Archaeological Investigation Shovel Test Pits

FIGURE 2a

Shovel Test locations at Deerfield

Sources:
1. Proposed Route prepared by Burns & McDonnell, July 2023.
2. NYS Civil Boundary Feature Server, April 2017
3. ESRI WMS, Streets map, 2023
4. Archaeological Site Potential compiled from NYS Cultural Resource Information System, 2023
5) October 2023 Phase IB Investigation, Tracker Archaeology



PROJECT TITLE

PSEG LONG ISLAND

Southampton to Deerfield
Transmission Project
Article VII Application

SHEET TITLE

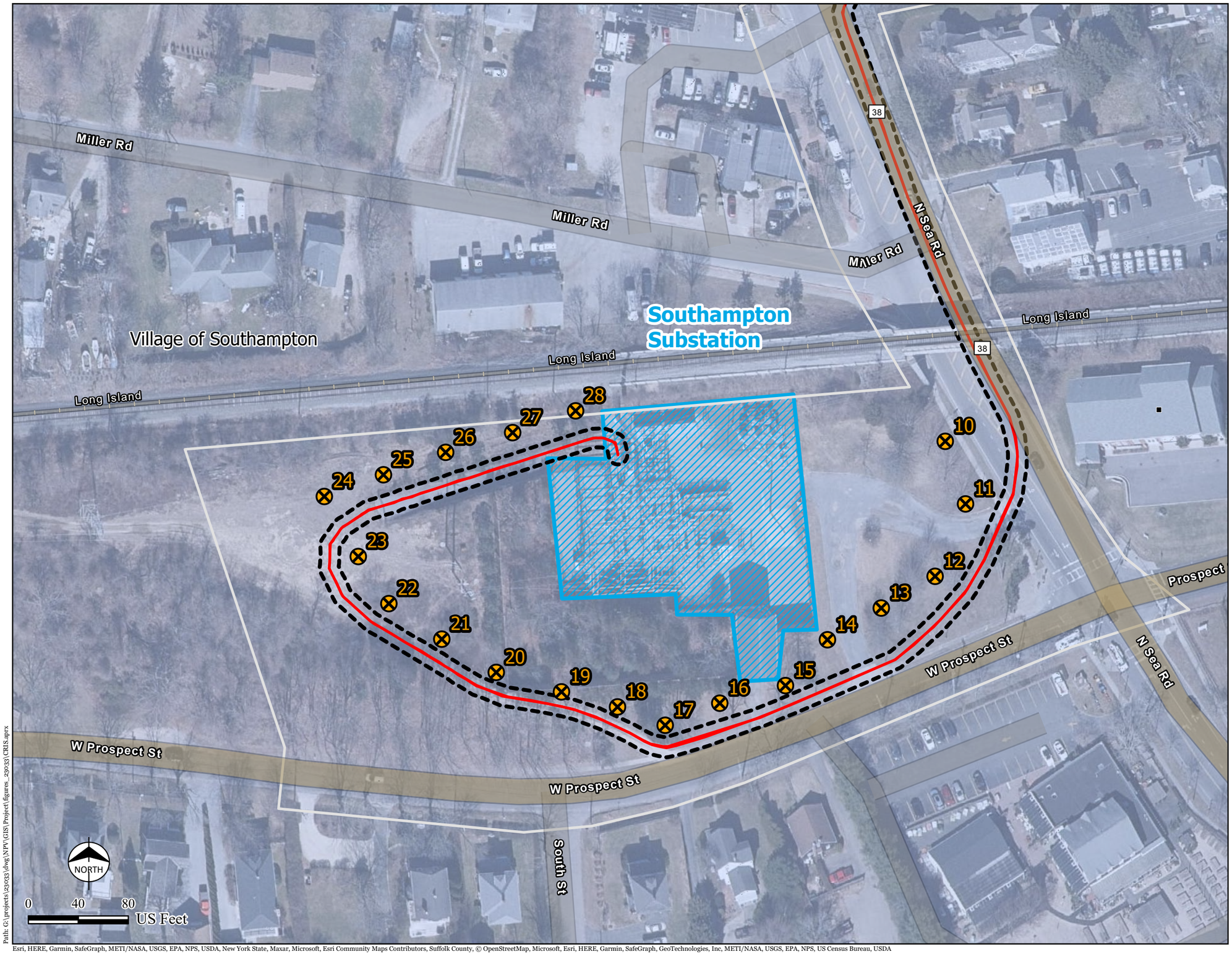
Archaeological Shovel Test Pits
Map

SCALE 1" = 75' (Printed on 11"x17")

DATE	11/27/2023
DRN. BY	RB
CHK. BY	AC
FIGURE NO.	2a

BURNS McDONNELL
NPV
environmental • land use • planning

PRELIMINARY - NOT FOR CONSTRUCTION



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Legend

- Primary Splice Vaults
- Proposed Route
- Roadway ROW
- Existing Substation
- Village of Southampton Boundary
- TrenchBuffer

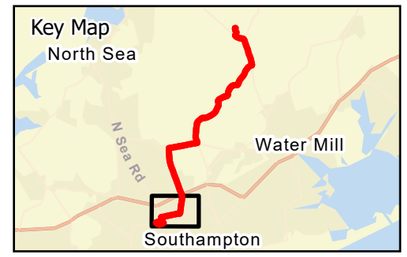
CRIS Building Registry

- Listed
- Not Eligible
- Undetermined
- CRIS Archeological Buffer Area
- CRIS Historic Building District
- Southampton Historic Structure Survey
- Archaeological Investigation Shovel Test Pits

FIGURE 2b

Shovel Test locations at Southampton

Sources:
1. Proposed Route prepared by Burns & McDonnell, July 2023.
2. NYS Civil Boundary Feature Server, April 2017
3. ESRI WMS, Streets map, 2023
4. Archaeological Site Potential compiled from NYS Cultural Resource Information System, 2023
5) October 2023 Phase IB Investigation, Tracker Archaeology



PROJECT TITLE

PSEG LONG ISLAND

Southampton to Deerfield
Transmission Project
Article VII Application

SHEET TITLE

Archaeological Shovel Test Pits
Map

SCALE 1" = 75' (Printed on 11"x17")

DATE	11/27/2023
DRN. BY	RB
CHK. BY	AC
FIGURE NO.	2b

BURNS McDONNELL

NPV
environmental • land use • planning

PRELIMINARY - NOT FOR CONSTRUCTION

APPENDIX E

THREATENED AND ENDANGERED SPECIES DOCUMENTATION

Ashley Marciszyn

From: Krahling, Heidi (DEC) <heidi.krahling@dec.ny.gov>
Sent: Tuesday, August 1, 2023 2:39 PM
To: Ashley Marciszyn
Cc: Sylwia E. Ner-Karas
Subject: RE: Checking if a request was received from NPV for Southampton to Deerfield

Hi Ashley,

We did receive this submission. Incidentally, we are operating on about an 8-week response time.

-Heidi

From: Ashley Marciszyn <AMarciszyn@nelsonpope.com>
Sent: Tuesday, August 1, 2023 11:43 AM
To: Krahling, Heidi (DEC) <heidi.krahling@dec.ny.gov>
Cc: Sylwia E. Ner-Karas <sner-karas@nelsonpope.com>
Subject: Checking if a request was received from NPV for Southampton to Deerfield

Hi Heidi,
I submitted a request online last week called PSEG LI Southampton to Deerfield, but I did not receive a confirmation of receipt.

I just want to make sure I don't duplicate before I resubmit. Did NHP receive a request from me called Southampton to Deerfield?

Ashley Marciszyn
Administrative Assistant
NELSON POPE VOORHIS
Long Island: 70 Maxess Road, Melville, NY 11747
Hudson Valley: 156 Route 59, Suite C6, Suffern, NY 10901
o: 631.427.5665 x215
amarciszyn@nelsonpopevoorhis.com
nelsonpopevoorhis.com

Ashley Marciszyn

From: dec.sm.NaturalHeritage <NaturalHeritage@dec.ny.gov>
Sent: Wednesday, August 30, 2023 2:26 PM
To: Ashley Marciszyn
Subject: FW: PSEG LI Southampton to Deerfield
Attachments: proposed route.JPG

Ashley,

Here is the second submission you requested.

Sincerely,

Heidi Krahling (she/her)
Environmental Review Specialist |New York Natural Heritage Program

SUNY College of Environmental Science & Forestry
625 Broadway, 5th Floor, Albany, NY 12233-4757
518-402-8935| heidi.krahling@dec.ny.gov
www.nynhp.org

-----Original Message-----
From: infomgmt@nynhp.org <infomgmt@nynhp.org>
Sent: Tuesday, July 25, 2023 10:06 AM
To: dec.sm.NaturalHeritage <NaturalHeritage@dec.ny.gov>
Subject: PSEG LI Southampton to Deerfield

Submission ID: 8316
Submitted on: Tuesday, July 25, 2023 - 10:05 Submitted values are:

Company, Organization, or Agency: Nelson, Pope & Voorhis, LLC Requestor Name: Ashley Marciszyn Requestor Address (Street/PO Box): No #; Coram & Swezeytown Rd., Middle Island 11953 Requestor City: Melville Requestor State: New York Requestor Zip Code: 11747 Requestor Telephone #: 16314275665 Requestor Email: amarciszyn@nelsonope.com Project Type: electric utility/transmission line Project Name: PSEG LI Southampton to Deerfield Project Applicant: PSEG LI Project County: Suffolk Town (Suffolk County): Southampton Project Summary: a proposed cable line route from Southampton Substation to the Deerfield substation that where trenching would be completed within a maximum route length of 4.51± miles - all within the existing road ROW.
Current Land Use: Existing ROW
PDF Map:
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Flegacy.nynhp.org%2Fsystem%2Ffiles%2Fwebform%2Fprojectscreening%2Fproposed%2520route.JPG&data=05%7C01%7Cnaturalheritage%40dec.ny.gov%7C5d6d3ad43cc64ef29cd808db8d183e62%7Cf46cb8ea79004d108ceb80e8c1c81ee7%7C0%7C0%7C638258907494159174%7CUnkno

wn%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=cI2BqXpkCVLFNO6vCfM2yqSu8jncCpLOi6Z24vX3Ass%3D&reserved=0
PDF Map 2:
Tax parcel number:
Latitude:
Longitude:
Street Address and City of Project: SouthamptonIf you are submitting a map, this field is optional.
Project Notes:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

September 12, 2023

Ashley Marciszyn
Nelson, Pope & Voorhis, LLC
70 Maxess Road
Melville, NY 11747

Re: PSEG LI Southampton to Deerfield
County: Suffolk Town/City: Southampton

Dear Ashley Marciszyn:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 1 Office, Division of Environmental Permits, at dep.r1@dec.ny.gov.

Sincerely,

Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program

633

The following state-listed animals have been documented in the vicinity of the project site.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed.

For information about any permit considerations for the project, please contact the Permits staff at the NYSDEC Region 1 Office at dep.r1@dec.ny.gov, 631-444-0365.

The following species has been documented within 1.25 miles of the project site. Individual animals may travel 3 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*FEDERAL LISTING*	
Mammals				
Northern Long-eared Bat *Nonbreeding -- acoustic detector*	*Myotis septentrionalis*	Endangered	Endangered	15517

This report only includes records from the NY Natural Heritage database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.

The following rare plants, rare animals, and significant natural communities have been documented at the project site, or in its vicinity.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following plants are listed as Endangered or Threatened by New York State, and/or are considered rare by the New York Natural Heritage Program, and are a vulnerable natural resource of conservation concern.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*HERITAGE CONSERVATION STATUS*
Vascular Plants			
Atlantic White Cedar	*Chamaecyparis thyoides*	Threatened	Imperiled in NYS

Documented within 1/2 mile east of the project site. 1986-09-23: The trees are in patchy wetlands with intervening uplands used for homes and agriculture. There is Rhododendron at the edges of small ponds with some nearby development. 6160

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org.

Ashley Marciszyn

From: dec.sm.NaturalHeritage <NaturalHeritage@dec.ny.gov>
Sent: Tuesday, October 31, 2023 2:07 PM
To: Ashley Marciszyn
Subject: RE: Southampton to Deerfield Transmission Project

Ashley,

The September 12, 2023 letter and report from our office is still valid and does not need to be updated.

In general, we recommend a re-review if a project site is still active a year after our original review.

Sincerely,
Heidi

Heidi Krahling (she/her)
Environmental Review Specialist |New York Natural Heritage Program

SUNY College of Environmental Science & Forestry
625 Broadway, 5th Floor, Albany, NY 12233-4757
518-402-8935| heidi.krahling@dec.ny.gov
www.nynhp.org

From: Ashley Marciszyn <AMarciszyn@nelsonpope.com>
Sent: Wednesday, October 25, 2023 6:22 PM
To: dec.sm.NaturalHeritage <NaturalHeritage@dec.ny.gov>
Subject: RE: Southampton to Deerfield Transmission Project

Thanks for getting back to us so quickly. The project is subject to an Article 7 of the NYS Public Service Law. So we needed a formal submission in writing and your confirmation that the Sept. response remains valid for the route (unchanged).

In this submission, we noted that disturbances associated with the Project are mainly within paved areas of the roadway and road shoulder. Limited tree clearing may be necessary along very limited areas of the ROW and within the two substation properties that may provide potential habitat for Northern Long-eared Bat. However, PSEG Long Island is committed to restricting tree clearing associated with the proposed Project to the permissible clearing window between December 1 to February 28 of any given year to prevent impacts to possible Northern Long-eared Bats in the area. Coordination with NYSDEC will be conducted, as required, prior to clearing.

Thank you,
Ashley

NPV

Ashley Marciszyn
Administrative Assistant
o: 631.427.5665 x215

From: dec.sm.NaturalHeritage <NaturalHeritage@dec.ny.gov>
Sent: Wednesday, October 25, 2023 5:55 PM
To: Ashley Marciszyn <AMarciszyn@nelsonpope.com>
Subject: FW: Southampton to Deerfield Transmission Project

Ashley,

Your attachment indicates that we reviewed this project site and responded with a letter and report on September 12, 2023 so I'm not sure what additional information you are requesting from us at this time. Please clarify and hopefully we can continue to be of assistance.

Sincerely,

Heidi Krahling (she/her)
Environmental Review Specialist |New York Natural Heritage Program

SUNY College of Environmental Science & Forestry
625 Broadway, 5th Floor, Albany, NY 12233-4757
518-402-8935| heidi.krahling@dec.ny.gov
www.nynhp.org

From: Ashley Marciszyn <AMarciszyn@nelsonpope.com>
Sent: Wednesday, October 25, 2023 9:54 AM
To: dec.sm.NaturalHeritage <NaturalHeritage@dec.ny.gov>
Cc: Brianna Sadoski <bsadoski@nelsonpope.com>
Subject: Southampton to Deerfield Transmission Project

Hello,

Please see the attached correspondence sent to you per Carrie O'Farrell's request.

Thank you,

Ashley Marciszyn
Administrative Assistant
NELSON POPE VOORHIS
Long Island: 70 Maxess Road, Melville, NY 11747
Hudson Valley: 156 Route 59, Suite C6, Suffern, NY 10901
o: 631.427.5665 x215
amarciszyn@nelsonpopevoorhis.com
nelsonpopevoorhis.com

recipient's employee or agent, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited and to notify the sender immediately.

APPENDIX D

PROPOSED CERTIFICATE CONDITIONS

The Certificate of Environmental Compatibility and Public Need (the "Certificate") for Case 24-T-0113 granted to PSEG Long Island LLC on behalf of and as agent for the Long Island Lighting Company d/b/a LIPA, a wholly-owned subsidiary of the Long Island Power Authority (the "Certificate Holder"), pursuant to Article VII of the New York Public Service Law ("PSL"), authorizing the construction, operation and maintenance (the "Project") of a proposed new 138 kilovolt ("kV") underground transmission line (the "Facility"), is subject to the following conditions:

A. Conditions of the Order

1. The Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Secretary to the Commission (the "Secretary") either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate. Failure to comply with this condition shall invalidate the Certificate.

2. If the Certificate Holder decides not to commence construction of any portion of the Facility, it shall so notify the Secretary in writing within 30 days of making such decision and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files with the Secretary.

3. If construction of the Project hereby certified is not commenced within 24 months after the Certificate Holder files a verified statement that it accepts and will comply with the Certificate, the Commission may vacate the Certificate upon notice to the Certificate Holder and active parties to the proceeding.

4. Except for deadlines established by statute, the Secretary may extend any deadlines established by this Certificate for good cause shown. Any request made by the Certificate Holder to extend a deadline in this Certificate must be in writing, must include a justification for the extension, and must be submitted to the Secretary at least 48 hours prior to the affected deadline.

B. Description and Location of Project

5. Appendix B, entitled "Description and Location of Project," identifies the Project, its proposed location, and its components. The proposed location of the Project is approved.

C. Laws and Regulations

6. Notwithstanding any contrary provision of the Certificate, each substantive Federal, State, and local law, regulation, code, and ordinance applicable to the Project shall apply, except to the extent that the Commission has expressly refused to apply any substantive local law or regulation as being unreasonably restrictive or to the extent the Certificate Holder is not otherwise subject to such local law.

7. No State or municipal legal provision purporting to require any approval, consent, permit, certificate or other condition for the construction or operation of the Project authorized by the Certificate shall apply, except (i) those of the PSL and regulations and orders adopted thereunder, (ii) those provided by otherwise applicable state law for the protection of employees engaged in the construction and operation of the Project, and (iii) those permits issued under a federally delegated or approved environmental permitting program.

8. The Certificate Holder shall construct the Facility in a manner that conforms to the then-current Building Code of New York State and all applicable standards of the American National Standards Institute ("ANSI") including, without limitation, the National Electrical Safety Code ("NESC"), Institute of Electrical and Electronics Engineers ("IEEE") Standard IEEE C2-2023, and any stricter standards adopted by the Certificate Holder.

a. The Certificate Holder shall coordinate all work performed at state and municipal road and highway crossings with the appropriate state and municipal officials and shall obtain the required authorization, if any, for such work, subject to the Commission's continuing jurisdiction as appropriate. A copy of each such authorization shall be provided to the Secretary by the Certificate Holder before commencement of construction across the affected municipal road or highway.

b. The Certificate Holder shall coordinate with the appropriate municipal agencies, school districts and police departments for traffic management of roads under municipal jurisdiction; such coordination shall address the requirements of Condition 19 below.

9. A copy of each permit or approval received by the Certificate Holder from the issuing agencies, including evidence of coverage under the State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-25-001 or the then-effective general permit number) ("SPDES Permit"), shall be provided to the Secretary by the Certificate Holder before commencement of any Project construction that requires such permit or approval.

10. The Certificate Holder's maintenance of the Project ROW will be in accordance with Applicant's then effective "Right-of-Way ("ROW") and Grounds Maintenance Procedures," as they may be amended from time to time ("ROW Maintenance Procedures").

11. If the Certificate Holder believes that any action taken, or determination made, by a State or municipal agency in connection with this Certificate is unreasonable or unreasonably delayed, the Certificate Holder may petition the Commission, upon reasonable notice to that agency, to seek a resolution of any such unreasonable or unreasonably delayed action or determination. Such agency may respond to the petition, within five (5) business days, to address the reasonableness of its action, determination or delay.

D. Public Health and Safety

12. The Certificate Holder shall design, engineer and construct the Project such that its operation shall comply with the electric and magnetic field standards established by the Commission in Opinion No. 78-13, issued June 19, 1978, and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990.

13. The Certificate Holder shall engineer and construct the Project to be compatible with the operation and maintenance of infrastructure within Certificate Holder's ROW including, but not limited to, electric, gas and petroleum products, telecommunication, water, sewer, and related facilities ("Third-Party Infrastructure"). To maintain and protect the integrity, operation, and maintenance of such Third-Party Infrastructure within Certificate Holder's ROW, the Certificate Holder will use good faith efforts to consult with the owner of any such Third-Party Infrastructure discovered during Project pre-construction surveys or construction activities. Such consultations will include good faith efforts, if appropriate, to obtain a letter of no objection ("Letter of No Objection") from Third-Party Infrastructure owners wherever the Project is expected to cross Third-Party Infrastructure or is expected to come in such proximity to Third-Party Infrastructure that Good Utility Practice, as defined in the NYISO Open Access Transmission Tariff (OATT) and as required by applicable utility specifications or requirements, would require a specific design, physical support for the integrity of the Third-Party Infrastructure and/or protection measures to be developed and implemented by Certificate Holder or the Third-Party Infrastructure owner for the crossing.

a. The Certificate Holder shall submit to the Commission as part of the EM&CP:

   i. A figure or map detailing all known Third-Party Infrastructure locations within the Project ROW;

   ii. A listing of all Third-Party Infrastructure crossings and any associated Letters of No Objection;

   iii. Details of Third-Party Infrastructure, as well as measures to be implemented by Certificate Holder or the Third-Party Infrastructure owner to protect the integrity, operation, and maintenance of such Third-Party Infrastructure;

   iv. An explanation of the safety procedures related to Third-Party Infrastructure that will be implemented by Certificate Holder or the Third-Party Infrastructure owner during construction, operation and maintenance of the Project; and

   v. A demonstration that the crossings will comply with Certificate conditions and permit requirements. If any Project designs finalized through consultations with Third-Party Infrastructure owners result in modification to the proposed location or design of the transmission route or related facilities in the EM&CP, then the Certificate Holder shall address and request approval for such changes in accordance with this Certificate and any applicable Commission

regulations.

vi. For instances when a Letter of No Objection is not secured due to unresponsive Third-Party Infrastructure owners, the Certificate Holder shall file, prior to requesting a Notice to Proceed, a narrative describing efforts made in attempting to contact such unresponsive owners.

14. During operation of the Project, the Certificate Holder will provide at least thirty (30) days' prior notice to Third-Party Infrastructure owners of any planned repair, construction, or maintenance activity relating to the Project that has the potential to impact such owner's Third-Party Infrastructure and the measures the Certificate Holder will undertake, or require the Third-Party Infrastructure owner to take, to prevent any impacts and/or protect the Third-Party Infrastructure. In the event there is a need for unplanned repair, construction, or maintenance activity relating to the Project that has the potential to impact Third-Party Infrastructure, the Certificate Holder will provide notice to owners of such Third-Party Infrastructure immediately upon knowledge or discovery of the need for unplanned repair, construction, or maintenance activities and include the same information as stated above.

15. The Certificate Holder shall keep local fire department and emergency management teams apprised of on-site hazardous chemicals and waste. All such chemicals and waste shall be secured in a locked and controlled area.

16. The Certificate Holder shall notify the New York State Department of Environmental Conservation ("NYSDEC") of any fuel or chemical spill it is required to report in accordance with NYSDEC regulations and guidance, and it shall notify New York State Department of Public Service ("DPS") staff ("Staff") as soon as possible but not to exceed two hours thereafter.

17. The Certificate Holder shall take appropriate measures to minimize fugitive dust and airborne debris from construction activity. Exposed soils and roadways shall be wetted as needed during extended dry periods to minimize dust generation. To the extent practicable, water for dust control shall come from municipal water supplies/sources.

18. The Certificate Holder shall ensure that parking for Project construction workers' personal vehicles shall be in designated areas where the parking of such vehicles will not interfere with normal traffic or cause a safety hazard and will minimize impacts to existing land uses to the extent practicable. These parking areas shall be designated in the EM&CP.

19. The Certificate Holder shall minimize direct vehicular disturbance to properties by accessing the Project ROW from existing roadways or approved off-ROW access roads identified in the EM&CP.

20. The Certificate Holder shall minimize the impact of Project construction on traffic circulation. For each road crossing and location where construction vehicles will access the Project ROW frequently from local roadways, the Certificate Holder shall implement a Maintenance and Protection of Traffic ("MPT") plan that identifies procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway right-of-way. The MPT plan shall address temporary signage, lane closures, placement of temporary barriers and traffic

diversion, the use of temporary electronic mobile traffic signals, and the transportation needs of emergency and school vehicles. The Certificate Holder shall ensure that:

a. All signage and electronic mobile traffic signals utilized comply with the New York State Department of Transportation ("NYSDOT") Manual of Uniform Traffic Control Devices. Placement of signs shall be determined in consultation with the jurisdictional agency.

b. Flagmen are present at all times when equipment is crossing any road, when equipment is being loaded or unloaded, and where two-lane traffic has been reduced to one lane, unless an electronic mobile traffic signal is utilized in lieu of such flagmen. All flagging operations shall comply with 17 NYCRR Part 131.

c. Signage shall be placed in accordance with the requirements of the MPT in the EM&CP, and wherever practicable and appropriate, shall include at a minimum:

i. Signs announcing construction at 500 feet and 1,000 feet; and

ii. Signs depicting workers at 300 feet.

21. Blasting shall not be utilized during construction of the Project.

E. EM&CP

22. The EM&CP shall be developed in accordance with these Certificate Conditions and, except where this Certificate requires otherwise, the environmental protection measures contained in the Application shall be incorporated into the EM&CP. Applicable provisions of the Certificate, EM&CP, and Commission Order(s) approving the EM&CP shall be accommodated in any design, construction, operation, or maintenance contracts associated with the Project. The EM&CP shall be prepared in accordance with the Specifications for the Development of Environmental Management and Construction Plan attached as Appendix E to the Certificate order ("EM&CP Specifications"). The EM&CP shall be consistent with the ROW Maintenance Procedures.

23. Prior to filing the EM&CP, the Certificate Holder shall contact the NYSDEC, NYS Natural Heritage Program and the United States Fish and Wildlife Service ("USFWS") to check for any updates or changes of known T&E species or habitat or Significant Natural Communities in the Project area. After the Certificate Holder learns of any updates regarding T&E species, it will inform DPS Staff of such updates. The Certificate Holder may meet its obligation to inform DPS of such an update by including it in the EM&CP.

24. The Certificate Holder shall include in the EM&CP NYSDEC's letter of acknowledgement and the Stormwater Pollution Prevention Plan ("SWPPP") with respect to the SPDES Permit. The Certificate Holder shall develop the EM&CP in accordance with the SWPPP requirements in NYSDEC's then-current SPDES Permit.

25. Deviations from the certified centerline, design, location, number/type of structures, and site-specific details shall be allowed for appropriate environmental or engineering reasons, except where a conflict with a provision of the Certificate would be created. An

explanation for the proposed deviation and supporting documentation shall be provided in the EM&CP.

26. The Certificate Holder shall not commence construction of any portion of the Project, the preparation of the site for the construction of any portion of the Project, or any proceedings under the Eminent Domain Procedure Law ("EDPL") to acquire permanent ROW, temporary ROW, or off-ROW access with respect to any portion of the Project until the Commission has approved the EM&CP for such portion of the Project. To calculate the three-year period for acquisition of property pursuant to the EDPL, the date of Commission approval of the EM&CP covering the affected parcel shall be regarded as the date on which this Article VII proceeding was completed.

27. The Certificate Holder shall provide as part of the EM&CP: (a) A final design plan that conforms to the Project design set forth in the Certificate and to applicable federal, state, and local requirements, including applicable NYSDEC, New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"), New York State Department of Agriculture & Markets ("NYSAGM"), Commission, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Occupational Safety and Health Administration, NYS Department of Labor, and local government chemical and waste-storage use and handling regulations;

a. A discussion of the status of the Certificate Holder's efforts to obtain permits necessary for construction of the Project from Federal agencies and state agencies with federally-delegated authority;

b. The URL address for the Certificate Holder's website containing Project information; and

c. The location of document repositories.

28. The EM&CP will include a description of a video assessment the Certificate Holder will conduct of the preconstruction condition of municipal roads. The assessment will record video imagery of visible facilities found in the road right-of-way, including (where present and visible) road pavement, stormwater facilities, sidewalks, and street furniture (i.e., items and structures that are installed or placed in public areas for various purposes).

29. The Certificate Holder shall file an electronic copy of its proposed EM&CP with the Secretary and will contemporaneously serve on all parties to this proceeding copies of the filing and identify the DPS website page(s) where the proposed EM&CP is available. Additionally, unless otherwise directed by the Secretary, the Certificate Holder shall serve one electronic copy on each of: the staff of the Deputy Permit Administrator, Major Projects Bureau of the NYSDEC Central Office in Albany; the Natural Resources Supervisors of the Region 1 office of the NYSDEC; the staff of the NYSAGM; the staffs of the Region 10 office of the NYSDOT; any other New York State agency that requests the document. Within seven days after the Certificate Holder files the proposed EM&CP with the Secretary, it shall deliver three hard copies to DPS Staff, one hard copy to the staff of the NYSDEC Central Office in Albany and another hard copy to ~~each of~~ the Region 1 office of the NYSDEC. The Certificate Holder also shall deliver one electronic copy and in the alternative one hard copy to be made available for inspection by the public at the public

repositories listed in the Application or in a convenient location in each municipality in which construction will take place, which location for a given municipality may be a repository (e.g., library or town hall) in such municipality. The Certificate Holder will also make the EM&CP accessible on its Project website by way of direct PDF download(s) and a web link to the DPS website page(s) where the EM&CP is available.

30. Contemporaneously with filing and serving the proposed EM&CP, the Certificate Holder shall disseminate, in the manner specified below, a written notice, in language reasonably understandable to the average person, that the proposed EM&CP has been filed (the "EM&CP Filing Notice").

a. The Certificate Holder shall serve a copy of the EM&CP Filing Notice on all persons required to be served with the Application by statute or regulation (except those state agencies to which the Certificate Holder is required to send one or more copies of the EM&CP).

b. The Certificate Holder shall deliver a copy of the EM&CP Filing Notice to the owners and residents (if different from the owners) of all properties that are crossed by or abut the ROW, and all properties on which new property rights are required for the Project. The Certificate Holder shall deliver such notice to property owners by first class mail, and if the names and mailing addresses are known to the Certificate Holder, residents (if different from the owners) by first class mail. If the Certificate Holder knows that the residential structure on the property is an apartment building with multiple separate dwelling units, then the Certificate Holder shall also affix the notice to the main publicly accessible door of such apartment building or prominently post it in another common area as permitted by the owner.

c. The Certificate Holder shall include a copy of the EM&CP Filing Notice in the proposed EM&CP.

d. The Certificate Holder shall publish a copy of the EM&CP Filing Notice in a newspaper or newspapers of general circulation, including a free publication (if available), near the Facility.

e. The EM&CP Filing Notice delivered to the owner of each property on which property rights are to be acquired shall be accompanied by a description of the type of property rights required for the Project with respect to such property (e.g., fee, easement, lease, etc.).

31. The EM&CP Filing Notice shall contain, at a minimum, the following:

a. a statement that the proposed EM&CP has been filed;

b. a general description of the certified Facility and of the content of the proposed EM&CP;

c. a listing of the locations and the websites where the Certificate Holder and DPS have made the proposed EM&CP available for public inspection;

d. a statement that any person desiring additional information about a specific

geographical location or specific subject may request it from the Certificate Holder;

e. the URL address for the Certificate Holder's website containing Project information;

f. the name, address, email address, and local or toll-free telephone number(s) of an appropriate Certificate Holder representative;

g. the e-mail address and postal address of the Secretary and the DPS website URL address; and

h. a statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within thirty (30) days of the date the proposed EM&CP was filed with the Commission, or within thirty (30) days of the date of the newspaper publication of a copy of the EM&CP Filing Notice, whichever is later.

32. A certificate of service indicating upon whom all the EM&CP Filing Notices were served and delivered shall be filed with the Secretary within 15 days after the time the proposed EM&CP is filed, and shall be a condition precedent to approval of the EM&CP; provided that, when the Certificate Holder delivered EM&CP Filing Notices to the owners and residents of apartment buildings with multiple separate dwelling units by affixing them to the main publicly-accessible doors of such buildings or by prominently posting same in other common areas of such buildings, the certificate of such service filed with the Secretary shall indicate the manner of such delivery and identify all such owners and residents whose identities are known to the Certificate Holder. When available, proof of publication of the newspaper notice(s) of filing the proposed EM&CP, including a copy of such notice, shall be filed with the Secretary.

33. After the EM&CP has been approved by the Commission:

a. The Certificate Holder shall submit a written report of any proposed changes (each a "Notice of Change") to the approved EM&CP to DPS Staff. DPS Staff will refer any Notice of Change that will not result in any increase in adverse environmental impacts or are not directly related to contested issues decided during the proceeding to the Director of the Environmental Certification and Compliance ("EC&C") Section of the Office of Energy System Planning and Performance or their designee for approval (each a "Minor EM&CP Change"). DPS Staff will refer all other Notices of Change to the Commission for approval.

b. Upon being advised that DPS Staff will refer a Notice of Change to the Commission, the Certificate Holder shall notify all parties. The Certificate Holder shall also notify property owners whose property is affected by the proposed change by first class mail, and if the names and mailing addresses are known to the Certificate Holder, residents (if different from the owners) by first class mail. The Certificate Holder shall also give such notices to residents of apartment buildings with multiple separate dwelling units by affixing such notices to the main publicly accessible doors of such buildings or by prominently posting same in other common areas of such buildings as permitted by the owners. The notice shall: (1) describe the original conditions and the requested change; (2)

state that documents supporting the request are available for inspection at specified locations, (3) state that persons may comment by writing or calling (followed by written confirmation) to the Commission within twenty-one (21) days of the notification date, and (4) provide the Secretary's email address, phone number, and mailing address. Any delay in receipt of written confirmation will not delay Commission action on the proposed change.

c. The Certificate Holder shall not execute any proposed change until it receives written approval from the Director of EC&C or the Commission except in emergency situations threatening personal injury, property damage, or severe adverse environmental impact, or as specified in the approved EM&CP.

34. The Certificate Holder shall develop a Dewatering Plan in consultation with DPS Staff and NYSDEC, and shall submit such plan as part of the EM&CP. Such plan will be in compliance with the applicable substantive provisions of 6 NYCRR Parts 601 and 602, and shall provide that:

a. Water resulting from dewatering operations or other construction related activities shall not be directly discharged into any wetland or waterbody, or directly into existing storm sewerage systems.

b. The need for site-specific groundwater sampling and any testing, treatment, sampling, and/or disposal practices, as necessary, will be established in consultation with NYSDEC Staff.

c. Water generated from dewatering operations that exceeds NYSDEC standards, criteria, or guidance values must be treated and disposed of in compliance with the approved Dewatering Plan.

d. In the case of known or encountered contamination, the water will be retained and hauled to off-site location(s) for disposal identified in the EM&CP.

e. The EM&CP shall identify the property locations, if any, where the Certificate Holder anticipates that it will install one or more wells to conduct temporary or permanent dewatering activity for the Project at a total withdrawal capacity of such well or wells on any one property in excess of 45 gallons per minute (GPM) (with capacity based on the capacity of the pumps to be installed, not on the contemplated draft). Prior to commencement of such activities, DPS Staff, in consultation with NYSDEC, will determine, based on the standards of issuance in ECL § 15-1527(4), whether to impose any conditions or restrictions on such activities.

f. Dewatering operations involving water withdrawal from one or more dewatering wells on a single property with a total capacity in excess of 45 GPM or 64,800 gallons per day (GPD), will be conducted in compliance with applicable substantive state law.

g. Meters or other appropriate measuring devices must be installed, calibrated, and maintained on all sources of supply to any wells in the dewatering system. Source meters

or measuring devices must be read on a weekly basis and records kept of those readings. Records of water withdrawn from well points, including a daily pump log, must be maintained and available upon request to DPS Staff and NYSDEC.

h. Water wells must be properly capped, sealed, and disconnected from the dewatering system. Wells must be decommissioned in a manner consistent with the NYSDEC's Water Supply Well Decommissioning Recommendations.

i. If required, the drilling of wells for dewatering operations shall be performed by Well Drillers duly registered in accordance with ECL §15-1525.

F. Notices and Public Complaints

35. The Certificate Holder shall make available to the public a toll-free or local phone number of an agent or employee who will, for the duration of construction of the Project, be available to receive inquiries or complaints, if any, from any member of the public about the construction of the Project, and such agent or employee shall respond to such members of the public with acknowledgement of the receipt of the inquiry or complaint within one (1) business day. That phone number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with: (i) the number to be called at any time in case of emergency, (ii) the phone number and email address of the Secretary, and (iii) the phone number of the Commission's Environmental Compliance Section.

36. The Certificate Holder's Project website shall provide a means for the public to communicate to the Certificate Holder about the Project (e.g., to register complaints or ask questions) through either a direct link to a complaint form or email or by providing the contact information (phone and/or email address) of a representative of the Certificate Holder who can respond to communications that include questions and concerns about the Project from members of the public. The Certificate Holder shall post construction notices and other publicly relevant information (e.g. schedule, night-time work, traffic information) to the Project website. The Project website shall allow users to subscribe (or unsubscribe) to a mailing list for Project updates and/or notifications.

37. The Certificate Holder shall create a Complaint Management and Resolution Plan to be included as part of the EM&CP. The Complaint Management and Resolution Plan shall:

a. Identify and include procedures for filing a complaint (e.g. by telephone, email, website, mail, or in-person) including protocols, if any, that may be unique based on the type of complaint (e.g. noise, dust) or Project phase (e.g pre-construction, construction, post-construction); communication protocols the Certificate Holder will follow to inform the complainant of actions taken to address the complaint; and the steps the Certificate Holder will take if the complaint remains unresolved. The Plan shall also include a description of how the complaint process will be communicated to the public (i.e. via the Project website, community meetings, NOI to Commence Construction, etc.) as well as copies of any public materials informing potential complainants how or when to contact the Certificate Holder to file a complaint. A copy of a blank complaint form and log form

will be included in the Complaint Plan.

b. Require the Certificate Holder to report to DPS Staff every complaint that cannot be resolved after reasonable attempts to do so, and describe the actions taken to address the complaint, within ten (10) business days after receipt of the complaint. The Certificate Holder shall retain a record of complaints received, which record shall be made available during monthly audit meetings.

c. Require the Certificate Holder to retain, for a period of five (5) years from receipt of the complaint, electronic copies of: (i) the telephone logs for any calls made to the Project's toll-free number; and (ii) any submission to the Project email/website. Such records shall be made available to DPS Staff upon request. The requirement to retain such electronic copies shall terminate five (5) years from the date the notice required by Condition 44 has been provided to the Secretary.

38. The Certificate Holder shall comply with the following Notice of Intent to Commence Work ("Construction NOI") requirements:

a. No less than two weeks before commencing site preparation, the Certificate Holder shall prepare and disseminate the Construction NOI to notify the public of the date it anticipates that Project construction will commence, as follows: (1) provide the Construction NOI to all parties to the proceeding and to all local officials, school districts and emergency personnel along the entire Facility route; (2) provide the Construction NOI to local media for dissemination, including local newspapers of general circulation and a free publication (if available); (3) provide the Construction NOI for display in the repositories identified in the Application, the Certificate Holder's Project website, and other public places (such as general stores, post offices, libraries, town halls, community centers and conspicuous community bulletin boards); and (4) provide the Construction NOI to property owners (and residents, if different from owners) who properties are crossed by or abut the ROW. The Certificate Holder shall deliver the Construction NOI to property owners and residents by first class mail or by affixing it to the doors of the residences. If the Certificate Holder knows that the residential structure on the property is an apartment building with multiple separate dwelling units, then the notice may be affixed to the main publicly-accessible door of such apartment building or prominently posted in another common area as permitted by the owner.

b. The Construction NOI shall be written in language reasonably understandable to the average person and shall contain: (1) a map of the Project; (2) a brief description of the Project; (3) the anticipated date for start of site preparation and estimated date for Project completion (inclusive of restoration); (4) the name, mailing address, local or toll-free telephone number, and email address of an employee or agent of the Certificate Holder who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public about the construction of the Project; (5) a description of where to get more information about the Project, including the Project website address and the locations of document repositories; and (6) a statement that the Project is under the jurisdiction of the New York State Public Service Commission, which is responsible for

enforcing compliance with environmental and construction conditions, and which may be contacted at an address, email, and telephone number to be provided in the notice.

c. Upon distribution and prior to the commencement of construction, a copy of the Construction NOI shall be submitted to the Secretary.

39. For the duration of Project construction, the Certificate Holder shall post and maintain on its Project website a schedule that includes at least general-level information for the public about Project activities scheduled to occur during the upcoming two-week period.

40. The Certificate Holder shall provide all contractors providing services for construction of the Project ("Contractors") with complete copies of the Certificate, the approved EM&CP, the order(s) approving the EM&CP, updated construction drawings, any site-specific plans, and the SPDES Permit. To the extent that the listed documents are available before contracts for construction services are executed, such copies shall be provided to the Contractors prior to the execution of such contracts.

41. The Certificate Holder shall notify all Contractors that the Commission may seek to recover penalties for violation of the Certificate and other orders issued in this proceeding, not only from the Certificate Holder, but also from its Contractors, and that Contractors also may be liable for other fines, penalties and environmental damage.

42. The Certificate Holder shall inform the Secretary in writing at least five days before commencing construction of the Facility.

43. The Certificate Holder shall provide DPS Staff and the NYSDEC with weekly status reports summarizing construction of the Facility and indicating construction activities and locations scheduled for the next week.

44. Within ten (10) days after the Facility is fully constructed and placed in service, the Certificate Holder shall notify the Secretary in writing of that fact.

45. Within ten days of the completion of final restoration of the Facility, the Certificate Holder shall notify the Secretary in writing that all restoration has been completed in compliance with this Certificate and the order(s) approving the EM&CP.

46. Within twelve (12) months of the completion of the Project, the Company shall provide DPS Staff with "as-built" drawings for the entire Facility.

G. Construction, Operation, Maintenance, and Restoration

47. The Certificate Holder shall not commence construction until the Director of the Office of Energy System Planning and Performance or their designee has sent a "Notice to Proceed with Construction" letter. Construction means the beginning of tree clearing, site clearing, ground disturbance, site preparation, and grading activities related to installation of the Project. Commencement of construction does not include soils or groundwater testing, surveying (such as geotechnical drilling) and similar preconstruction activities to determine the adequacy of the site for construction and to prepare filings (including final design plans for the EM&CP) pursuant to this Certificate. Commencement of construction also does not include (a) activities such as limited

amounts of staging, tree cutting, mowing, clearing and matting that are required to perform such preconstruction activities (provided advance notice of such activities is provided to DPS Staff and DEC); (b) receiving Project construction materials or construction equipment at a pre-existing storage location that is not specific to the Project (provided the Certificate Holder notes such storage location in the EM&CP); and (c) routine mowing of the existing ROW pursuant to the ROW Maintenance Procedures. Notwithstanding the foregoing provisions of this paragraph, the Certificate Holder is hereby authorized to prepare the marshalling yard described in Exhibit 28 of the Evidentiary Record for use as a marshalling yard for the Project, and to use it for such purpose. The Certificate Holder shall provide DPS Staff 5 days' notice of its commencement of preparation of such marshalling yard.

48.

a. At least two (2) weeks prior to the start of construction of the Project, the Certificate Holder shall hold a preconstruction meeting to which it shall invite its Contractors, DPS Staff, NYSAGM, NYSDEC, and representatives from the municipalities in which the Project is located. An agenda, the location, and an invitee list shall be agreed upon between DPS Staff and the Certificate Holder. Notification of the meeting shall be provided to all invitees at least 10 days prior to the meeting date.

b. Maps showing designated travel routes, construction worker parking and access road locations and a general project schedule will be available at the meeting for the attendees.

c. The Certificate Holder shall supply draft minutes from this meeting to a representative of each party in attendance for corrections or comments, and thereafter the Certificate Holder shall issue the finalized meeting minutes to all attendees and make them available to any state agency or municipality not in attendance that requests them.

d. If, for any reason, the Contractors cannot finish the construction of the Project, and one or more new contractors are needed, there shall be another preconstruction meeting with the same format as outlined above.

49. The Certificate Holder shall confine construction and subsequent maintenance to the Project ROW or as otherwise certified and to additional work areas as detailed in the EM&CP.

50. Each construction activity shall be described in detail in the EM&CP.

51. At least 2 weeks prior to construction beginning in any area, the Certificate Holder shall, in such area: (a) mark out or delineate both edges of the Project ROW, as certified; (b) mark out or delineate all off-ROW access roads and all work pads and pulling pads; (c) mark wetland and state-regulated adjacent area boundaries based on approved plans; (d) mark any then-known danger trees on land adjacent to either edge of the ROW as certified; and (e) notify DPS Staff when the above-described field mark out and delineation is completed in such area.

52. The Certificate Holder shall schedule Project activities to occur between the hours of 7:00 a.m. through 7:00 p.m. Monday through Saturday, except Thanksgiving day, Christmas day, and New Year's day. If, due to safety, planned outage restrictions, or as a result of

consultations with the affected municipality as set forth in the EM&CP, Project activities are to occur beyond the allowable work hours ("Extended Work"), the Certificate Holder shall notify DPS Staff, affected landowners, and affected municipalities. Such notice shall be given at least twenty-four (24) hours in advance of such activities, unless such activities are required to address emergency situations threatening personal injury, property necessary to maintain electric reliability, or severe adverse environmental impacts that arise less than twenty-four (24) hours in advance. In such cases, as much advance notice as is practical shall be provided. Unless otherwise directed by DPS Staff, the Certificate Holder may proceed with the Extended Work activities following the required notice period described above. Subject to the above notice requirements, Extended Work for Project activities such as continuous operation at each splicing location and the installation of duct banks and splice vaults are permitted.

53. In connection with the ROW vegetation clearing, the Certificate Holder shall:

a. comply with the provisions of 6 NYCRR Part 192, Forest Insect and Disease Control, and Section 9-1303 of the ECL and any quarantine orders issued thereunder;

b. note on the EM&CP drawings the clearing and disposal techniques;

c. not create a wood chip depth greater than three (3) inches, except for chip roads or invasive species control, nor store or dispose of chips in wetlands or within 50 feet of stream banks, floodways, or agricultural lands;

d. utilize the wood resource generated by the clearing in accordance with sound environmental techniques;

e. not fell any danger trees except pursuant to one of the following clauses: (i). after Project construction begins, the Certificate Holder may fell any danger tree marked as required by Condition 50(d), except any tree that DPS Staff informs the Certificate Holder, prior to felling, is not a danger tree; and (ii). after the initial phase of tree clearing, including danger trees, in a Project location, the Certificate Holder may fell any additional danger trees that it determines will require removal, provided the Certificate Holder marks and notifies DPS Staff and DEC of such trees and allows for a site inspection by DPS Staff or review of materials that DPS Staff needs to determine whether or not to give such authorization;

f. not remove or grind stumps within 50 feet of streams unless construction of an access road or work pad necessitates removal below grade;

g. not fell any trees into any stream or onto the immediate stream bank; and

h. limit clearing of natural vegetation during construction to that material which poses a hazard or hindrance to the construction, operation or maintenance of the Facility. Snags which provide shelter in streams for fish shall not be disturbed unless they cause serious obstructions, scouring or erosion.

54. Unless described otherwise in the EM&CP, all trees over four inches in diameter breast height or shrubs over four feet in height damaged or destroyed by activities during construction, regardless of where located, shall be replaced within one year after completion of

Project construction by the Certificate Holder with the equivalent type of trees or shrubs (though not necessarily the same size), except if:

a. the Certificate Holder determines that equivalent type replacement trees or shrubs would interfere with the proper clearing, construction, operations or maintenance of the certified Project;

b. replacement would be contrary to sound ROW management practices, or to the ROW Maintenance Procedures; or

c. after consultation with the owner of land where the damaged or destroyed trees or shrubs were located, such owner declines replacement (or other recorded easement or license holder with the right to control replacement declines replacement).

55. The Certificate Holder shall ensure that the EM&CP: (a) identifies plans for tree protection; and (b) indicates on the drawings where tree protection measures will be applied (if any are known at the time of EM&CP preparation).

56. During construction, Certificate Holder shall remove or cause to be removed debris in the ROW that will interfere with maintenance or restoration of the ROW. Certificate Holder shall conduct clean-up activities along the ROW prior to completion of restoration activities. Construction debris shall be properly disposed of at a waste disposal facility authorized to receive such material and identified in the EM&CP. The Certificate Holder shall not bury construction debris in the ROW.

57. Neither the Certificate Holder, nor any Contractors in its employ, shall construct any new, or improve any existing, access road unless such road is described in the EM&CP. Should the need arise for additional off-ROW access, the Certificate Holder shall follow the EM&CP change procedures recited in Certificate Condition number 32.

58.

a. The Certificate Holder's SWPPP for the Project shall be submitted with the EM&CP. The Certificate Holder shall adhere to the NYSDEC's then-effective "New York State Standards and Specifications for Erosion and Sediment Control" ("NYSSESC," also known as the "Blue Book"), or take such alternative measures as identified in the SWPPP. A final SWPPP shall be prepared as part of the SPDES Permit and in accordance with the then most recent version of the Blue Book.

b. The Certificate Holder shall ensure that all erosion control devices in areas of disturbance are in place and functional by the end of the workday.

c. Erosion and sediment controls with respect to the Project shall be prescribed on the EM&CP Plan and Profile drawings.

d. The Certificate Holder shall install temporary erosion control devices (e.g., silt fence, straw bales, and structural diversions) as soon as practicable or by the end of the workday for newly disturbed areas, as indicated in the EM&CP.

e. Use of hay bales is strictly prohibited.

f. All erosion control fabric or netting must be 100% biodegradable natural product, excluding geotextiles used for road construction and temporary erosion control devices such as silt fence and silk sock.

59. The Certificate Holder shall restore disturbed construction areas to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations unless the EM&CP specifies otherwise. Disturbed pavement, curbs and sidewalks shall be restored to their original preconstruction condition or better.

60. The Certificate Holder shall be responsible for checking all culverts and assuring that they are not crushed, blocked, or otherwise damaged during construction and restoration of the Project. If a culvert is crushed, blocked or otherwise damaged during construction or restoration of the Project, Certificate Holder shall repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage, aquatic connectivity and stream flow, as applicable. Culvert repairs or replacements shall follow specifications in the EM&CP.

61. The Certificate Holder shall, upon completion of construction of the Facility:

a. conduct an assessment of the need for additional restoration work, and landscape improvements, including vegetation planting, earthwork or installed features to screen or landscape the Facility with respect to the substations;

b. prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate;

c. in the event that vegetative screening is proposed, consult with DPS Staff on content and execution of its assessment, resultant landscaping plan specifications and materials list; details shall include measures for third party or wildlife damage or other causes of damage to any landscape and vegetation plantings; and

d. present draft assessments and plans to DPS Staff for review and file a final plan with the Secretary within one year after the completion of construction of the Facility.

H. Herbicide Use

62. All pesticide applications shall be performed in accordance with the requirements of ECL Articles 15 and 33 and 6 NYCRR Part 320.

63. Only herbicides specified in the EM&CP shall be applied during construction of the Project. If the Certificate Holder desires a change to the herbicides specified in the EM&CP for use during construction of the Project, including mix proportions, additives (with the exception of dyes), or method of application, the Certificate Holder shall submit the proposed change for approval pursuant to Certificate Condition 32 of this Certificate. No change inconsistent with the labeling for such herbicides shall be approved.

64. The Certificate Holder shall comply with the substantive requirements of the currently-effective NYSDEC general permit for herbicide applications in State-regulated wetlands and the 100-foot adjacent areas associated with those wetlands. The supervising certified

applicator shall be familiar with and understand the applicable provisions of this Certificate and the most recent version of the Certificate Holder's ROW Maintenance Procedures.

65. Herbicide application within state-regulated wetlands and the 100-foot adjacent areas shall be performed via low volume foliar spray from backpack sprayer, cut stem and/or stump treatment, and basal bark treatment methods consistent with approved treatment methods in the most recent version of the Certificate Holder's ROW Maintenance Procedures.

I. Oversight and Supervision

66. The Certificate Holder shall use at least four (4) inspectors (or fewer if the Certificate Holder elects to use the same individual in more than one role and that individual is qualified and has sufficient time and resources to adequately fulfill each role): (a) at least one environmental inspector employed full-time on the Project; (b) at least one construction inspector employed full-time on the Project; (c) at least one safety inspector who will inspect the work site from time to time; and (d) at least one quality assurance inspector who will inspect the work site from time to time. The environmental inspector may be used to perform agricultural inspections, if they become necessary, and if the person who performs such inspections is qualified to do so and is approved by DPS Staff and NYSAGM. The environmental inspector shall have stop work authority over all aspects of the Project.

67. During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, the Certificate Holder may temporarily decrease the number of hours worked by inspectors and the extent of their presence at the Project site commensurate with the decline in Project activity; likewise, during periods of relatively high activity on the Project, the number of inspectors and the extent of their presence at the Project site may temporarily increase commensurate with the increase in Project activity. The Certificate Holder shall describe in the EM&CP how it will ensure adequate coverage by inspectors.

68. The environmental inspector(s) and the construction inspector(s) shall be equipped with sufficient documentation and transportation and communication equipment to effectively monitor each Contractor's compliance with the provisions of every order issued in this proceeding and applicable sections of the PSL, the ECL and regulations issued thereunder, and the EM&CP.

69. The Certificate Holder shall provide DPS Staff the environmental inspector's daily reports within 48 hours of completion.

70. The names and qualifications of the environmental inspector(s) and the construction inspector(s) shall be submitted to DPS Staff for review and approval at least two weeks prior to the start of construction. The environmental inspector's qualifications shall satisfy those of a "Qualified Inspector" pursuant to the applicable SPDES General Permit for Stormwater Discharges from Construction Activity.

71. The Certificate Holder shall provide to DPS Staff, NYSAGM, and NYSDEC the cell phone numbers of the Certificate Holder's environmental inspector(s) and construction inspector(s). The environmental inspector(s) and construction inspector(s) may have direct communication with DPS Staff, NYSAGM, and NYSDEC throughout the duration of

construction.

72. The Certificate Holder's employees, contractors and subcontractors assigned to the construction of the Project and inspection of such construction work shall be properly trained in their respective responsibilities.

73. The Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL §8) as the Commission's designated representatives in the field. In the event of any emergency resulting from specific construction or maintenance activities that violate or may violate the terms of the Certificate or any other order in this proceeding, such DPS Staff representatives may issue a stop work order for that location or activity.

74. A stop work order shall expire 24 hours after issued unless confirmed by a single Commissioner. If a stop work order is so confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or the whole Commission.

75. Before exercising stop work authority, DPS Staff representatives will consult (wherever practicable) with the Certificate Holder's representatives possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved, the matter will be brought immediately to the attention of the Certificate Holder's Project Manager and the DPS Chief of EC&C. In the event that a DPS Staff representative issues a stop work order, neither the Certificate Holder nor the Contractor will be prevented from undertaking any safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop work order or the implementation of measures as described below may be directed at the sole discretion of the DPS Staff representative during these discussions.

a. If a DPS Staff representative discovers a specific activity that represents a significant environmental threat that is or immediately may become a violation of the Certificate or any other order in this proceeding, the DPS Staff representative may -- in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action -- direct the field crews to stop the specific potentially harmful activity immediately. If responsible Certificate Holder personnel are not on site, the DPS Staff representative will immediately thereafter inform the construction inspector or environmental inspector of the action taken. The stop work order may be lifted by the DPS Staff Representative if the situation prompting its issuance is resolved;

b. If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific corrective measures, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the Certificate Holder or its Contractors to implement the corrective measures identified in the approved EM&CP. The field crews shall comply with the DPS Staff representative's directive immediately. The DPS Staff representative will immediately thereafter inform the Certificate Holder's construction

inspector or environmental inspector of the action taken.

76. The Certificate Holder shall organize and conduct construction progress meetings and site-compliance audit inspections for DPS Staff as needed, but not less frequently than once per month during the site preparation, construction, and restoration phases, or as otherwise agreed between the Certificate Holder and DPS Staff. Such inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP inspector or as agreed to by the Certificate Holder and DPS Staff.

a. The monthly inspections shall include a review of the status of compliance with all conditions contained in the Certificate and any other order issued in this proceeding and with all other legal requirements and commitments, as well as a field review of the Facility site, if necessary. The inspections also shall include: (1) review of all complaints received, and their proposed or actual resolutions; (2) review of any significant comments, concerns or suggestions made by the public, local governments, or other agencies, and the Certificate Holder's response(s); (3) review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and, (4) other items the Certificate Holder or DPS Staff considers appropriate.

b. The Certificate Holder shall provide a written record of the results of the inspection, including resolution of issues and additional measures to be taken, to all agencies involved in the inspection audit (and uninvolved agencies requesting copies) and as part of its scheduled construction update reports.

77. The Certificate Holder shall ensure that each inspector, before entering onto any work site to work on the Project, has received the required safety rules and regulations in a documented meeting particular for such work site. The Certificate Holder also shall ensure that these rules and regulations have been interpreted for non-English speaking and reading-impaired personnel working on the Project. A separate meeting is required for each Project work site.

78. The Certificate Holder shall, within 2 calendar days, notify DPS Staff and, for NYSDEC-jurisdictional areas or SWPPP violations, NYSDEC of any activity that involves a violation of the Certificate.

J. Roads and Highways

79. The Certificate Holder shall delineate on the EM&CP drawings the locations of proposed temporary roads, proposed permanent roads and existing access roads. Proposed access road improvements and measures for environmental impact minimization and access control shall be included in the EM&CP.

80. The Certificate Holder shall consult periodically with municipal highway transportation agencies about traffic conditions near the Project site and shall notify each such transportation agency of the approximate date work will begin in its jurisdiction, using access points that take direct access from the highways in that jurisdiction.

81. In preparing the proposed EM&CP, the Certificate Holder shall consult with each transportation department or agency normally having jurisdiction over the roads proposed to be

used as Project ROW as well as any roads in the Project vicinity that will be crossed by the certified Project ROW, used for direct access to the ROW or otherwise affected by Project construction.

82. The EM&CP shall provide details regarding the results of consultations with municipal transportation departments, including Extended Work, time of year restrictions, provisions for minimizing the duration and extent of open excavation, traffic disruptions, and work within adjoining public streets and right-of-way. Should a Project-specific written agreement be entered into between Certificate Holder and any such municipal transportation department, such agreement will be provided to DPS Staff upon request.

K. Cultural Resources

83. The Certificate Holder shall not undertake construction in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including OPRHP and DPS Staff, have reviewed the results of any additional historic properties and archeological surveys that are required.

84. Should archeological materials be encountered during construction, the Certificate Holder shall stabilize the area and cease all construction activities in the immediate vicinity (i.e., 164 feet) of the find and protect the find from further damage. Within twenty-four (24) hours of such discovery, the Certificate Holder shall notify and seek to consult with DPS Staff and the OPRHP Field Services Bureau to determine the best course of action. No construction activities shall be permitted in the immediate vicinity of the archeological materials, except in situations threatening human life or in an emergency situation for the protection of property, until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.

85. Should human remains or evidence of human burial(s) be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity (i.e., 164 feet) of the find shall be halted immediately and the remains shall be protected from further disturbance. Within twenty-four (24) hours of any such discovery, the Certificate Holder shall notify and consult with DPS Staff and the OPRHP Field Services Bureau. Treatment and disposition of any human remains that may be discovered shall be managed in a manner consistent with the OPRHP's then-current Human Remains Discovery Protocol. All archaeological or remains-related encounters and their handling shall be reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections.

86. The Certificate Holder shall avoid creating adverse impacts on heritage resource sites, archeological sites, and historic structures in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures described in the EM&CP.

87. The Certificate Holder shall have a continuing obligation during the duration of Project construction to respond promptly to complaints of negative archeological impacts and to mitigate any negative archeological impacts through on-site design modifications and off-site mitigation techniques developed in consultation with the OPRHP Field Services Bureau.

L. Terrestrial Wildlife Resources

88. Except as may be otherwise specified in Conditions 91 and 92 herein, or if activities are subject to a Net Conservation Benefit Plan ("NCBP"), if any (1) T&E animal species identified in 6 NYCRR Part 182 whether found dead or alive; (2) T&E plant species identified in 6 NYCRR Part 193; or (3) any federally listed T&E species (including dead, injured and/or damaged species) are observed by the Certificate Holders (including an agent thereof, such as consultants and employees) during preconstruction, construction operation or maintenance activities, the Certificate Holders or their designee shall:

a. Notify NYSDEC and DPS Staff of any State or federal protected species within twenty-four (24) hours during preconstruction or construction activities and within forty-eight (48) hours during operation or maintenance activities, unless DPS Staff, in consultation with NYSDEC, directs otherwise.

b. Notify USFWS, the National Marine Fisheries Service ("NMFS"), and the United States Army Corps of Engineers ("USACE") of any federally protected species within twenty-four (24) hours during preconstruction or construction activities and within forty-eight (48) hours during operation or maintenance activities, or as otherwise directed by the applicable federal agency.

c. Secure the immediate area where Certificate Holders hold rights and safely cease activities in that area until DPS Staff, in consultation with NYSDEC, authorizes recommencement of activities, unless such activities are necessary for protection of human life or property necessary to maintain electric reliability.

d. Prior to the recommencement of activities in the secured area, provide all authorized on-site personnel with pertinent information on the species encountered and indicate measures to minimize risks to the T&E animal or plant species.

89. If the Certificate Holder observes any T&E animal species on or near the Project ROW, including any dead, injured, and damaged T&E species, their eggs, or nest, the Certificate Holder shall maintain a record of such observation. All such records of observations of T&E animal species shall include the following information, to the extent known and practicable: species; number of individuals; age and sex of individuals; observation date(s) and time(s); GPS coordinates (as property rights allow) of each individual observed (if GPS coordinates are not readily ascertainable, the report should include the nearest Facility structure number and cross road location); behavior(s) observed; identification and contact number of the observer(s); the nature of and distance to any Project construction activity; and whether the death, injury, or damage to the T&E species, their eggs, or nest was caused by such activity. The records of observations shall be provided to NYSDEC no later than 30 days following the observation of a T&E species.

90. In the event that an Indiana or Northern long-eared bat (NLEB), little brown bat or tri-colored bat hibernaculum or tree roost is identified on or near the Project ROW during the construction, operation, or maintenance of the Project, the Certificate Holder will notify DPS Staff and NYSDEC within 24 hours of discovery during preconstruction or construction activities and

within forty-eight (48) hours during operation or maintenance activities, and consult with DPS Staff and NYSDEC to comply with the substantive requirements of the ECL Article 11, and 6 NYCRR Part 182, or any other regulations or guidance as then applicable. An area of at least 500 feet in radius around the roost tree(s) shall be marked to the extent that the Certificate Holder has property rights to allow such marking, and avoided until notice to continue construction, ground clearing, grading, maintenance or restoration activities, as applicable, at that site is granted by DPS after consultation with NYSDEC, except if necessary for the protection of human life or property necessary to maintain electric reliability.

91. For the Protection of the Northern long-eared bat (NLEB), the Certificate Holder shall implement the following measures during preconstruction and construction:

a. Subject to subsection (b) below, in an effort to avoid impacts to the NLEB:

i. The Project has been sited at least 150 feet from any known NLEB maternity roost, and 0.25 mile from any known NLEB hibernaculum.

ii. For trees considered suitable roost habitat (i.e., live trees or snags greater or equal to 3 inches in diameter at breast height that have exfoliating bark, cracks, crevices or cavities), no tree clearing shall occur outside of the approved clearing window of December 1 to February 28 within 150 feet of any NLEB maternity roosts.

iii. All trees located 0.25 miles of any NLEB hibernacula are considered suitable habitat, and as such, no tree clearing of suitable habitat shall occur outside of the approved clearing window of December 1 to February 28 within 0.25 miles of any NLEB hibernacula.

iv. All tree clearing of suitable roost habitat occurring greater than the distances set forth in (ii) and (iii), above, but within 3.0 miles of a NLEB detection or 5.0 miles of a NLEB hibernaculum site shall be conducted between December 1 and February 28.

b. If avoidance, as set forth in subsection (a), above, cannot be achieved, the Certificate Holder shall consult with NYSDEC and, if applicable, USFWS, to determine what, if any, permits and/or additional authorizations are required to minimize impacts.

c. In addition to subsections (a) and (b), above, from March 1 to November 30, the Certificate Holder shall leave uncut all snag and cavity trees as defined under NYSDEC Program Policy ONRDLF-2 Retention on State Forests, within the Project area unless their removal is necessary for the protection of human life or property necessary to maintain electric reliability. When necessary, snag and cavity trees may be removed after being cleared by the Environmental Monitor, who shall conduct a survey for bats exiting the tree. This survey shall begin 1/2 hour before sunset and continue until at least 1 hour after sunset or until it is otherwise too dark to see emerging bats. Unoccupied snag and cavity trees in the approved clearing areas shall be removed within 24 hours of the exit-count survey.

d. Except as otherwise specified, if it is determined to be necessary to take

occupied habitat or individuals of NLEB, the Certificate Holder will develop a Net Conservation Benefit Plan for acceptance by NYSDEC and DPS Staff that satisfies the requirements of 6 NYCRR Part 182.

92. For the avoidance and protection of bald eagles, the Certificate Holder shall implement the following measures during construction:

a. At least two weeks prior to the commencement of construction activities in any area, the Certificate Holder shall conduct a visual inspection in the area to determine if any bald eagle nests are present and consult with NYSDEC to determine if NYSDEC has records of any nests within one mile of the project area that may not have been detected by the visual inspection.

b. If any bald eagle nest is discovered within 0.25 miles of the work area, the Certificate Holder shall notify NYSDEC and DPS Staff within twenty-four (24) hours of discovery and, except to protect human life or property necessary to maintain electric reliability: (i) the nest shall not be approached; (ii) the 0.25 mile environmentally sensitive area shall be marked, where the Certificate Holder has property rights to allow such marking; and (iii) the 0.25 mile environmentally sensitive area shall be avoided until DPS Staff, after consultation with NYSDEC, authorizes construction activities in such area. In the presence of a visual barrier (i.e., tree line, topography) that obstructs the view from the nest and shields it from work activities, the 0.25 mile environmentally sensitive area shall be reduced to 660 feet.

c. Subject to subsection (d) of this Condition, no construction work (ground disturbance and construction related activities including boring, restoration and equipment staging, storing and transportation) shall occur during the bald eagle breeding season (January 1 to September 30) within 0.25 mile (or 660 feet if there are visual barriers) of any existing known bald eagle nest except as necessary to protect human life or property necessary to maintain electric reliability. If monitoring of the nest by a bird monitor whose qualifications have been approved by DPS Staff and NYSDEC indicates that the nest has either failed prematurely or the chicks have fledged the nest and left the area, the Certificate Holder may perform construction work after NYSDEC confirms that the nest is no longer active.

d. Alternatively, if construction work during the bald eagle breeding season (January 1 to September 30) within 0.25 miles of an active nest is necessary, a bird monitor whose qualifications have been approved by DPS Staff and NYSDEC shall monitor any active nests within 0.25 miles of the proposed work during all times when construction activities are in progress. If the bald eagle(s) show signs of distress due to noise associated with the work, then all work, except work necessary to protect human life or property necessary to maintain electric reliability, must immediately cease and the area shall be avoided until DPS Staff, after consultation with NYSDEC, authorizes construction activities in such area.

M. Waterbodies and Wetlands

93. The Certificate Holder shall perform all construction, operation or maintenance activities in a manner that avoids and minimizes adverse impacts to streams, waterbodies, wetlands, and the one hundred (100) foot adjacent area associated with any State-regulated wetland (adjacent area). The Certificate Holder shall ensure the provisions to protect wetlands, waterbodies, and adjacent areas are followed as specified in the approved EM&CP. In addition, the Certificate Holder shall ensure the following provisions to protect wetlands, waterbodies, and adjacent areas are followed as specified in the approved EM&CP:

a. Wetland locations and adjacent areas located within the ROW or crossed by the ROW or any off-ROW access road constructed, improved, or maintained for the Project, shall be delineated in the field prior to construction and indicated on the approved EM&CP drawings.

b. If access roads or work pads in wetlands cannot be avoided, it shall be done with temporary construction mats, tracked equipment, or in dry or frozen conditions following approval by the environmental monitor and construction supervisor after consulting with DPS Staff. Such locations shall be as set forth on the EM&CP drawings; provided, however, if geotextile/gravel access roads are proposed, such proposal shall be justified in the EM&CP.

c. The Certificate Holder shall notify DPS Staff and NYSDEC within 2 hours of observing or being made aware of a discharge to a wetland or waterbody resulting in a violation of New York State Water Quality Standards. In the event that construction results in an alteration to (i.e., lowering) of wetland hydrology, then the breach shall be immediately sealed and no further activity shall take place until DPS Staff and NYSDEC staff are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been approved by DPS Staff in consultation with NYSDEC. For each occurrence of discharge to a wetland or waterbody, the Certificate Holders shall as soon as practicable, but within 14 days, provide a follow-up report via email to DPS Staff and NYSDEC that includes a written description of the occurrence, photographs, and a summary of the corrective or remedial actions taken.

d. Unless otherwise specified in the approved EM&CP, all work in state regulated streams, as defined in 6 NYCRR §§ 608.1(u) and Part 608.1(aa), is prohibited from October 1 through May 31 in cold water fisheries, and from March 1 through July 31 in warm water fisheries. Regulated streams include streams which are not navigable and do not have a mapped Standard and Classification, but were identified by NYSDEC as perennial and tributary to a protected stream.

e. Where impacts to streams are unavoidable or otherwise approved, all work in streams shall be conducted in dry conditions, using appropriate water handling measures to isolate work areas and direct stream flow around the work area, unless approved otherwise in the approved EM&CP.

f. There shall be no substantial increase in visible contrast in water clarity or variation of flow volume due to construction activities between upstream reaches of work areas and downstream reaches of work areas.

g. All necessary precautions shall be taken to preclude contamination of any wetland or waterbody by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the Project.

h. Bridges shall be installed wherever a new permanent crossing is required for state-regulated streams (Class C(T) or higher and/or navigable), as defined in 6 NYCRR Part 608.1(u) and Part 608.1(aa). The bridge shall span the bed and banks of the stream. If a bridge is not practicable the approved EM&CP shall provide justification for a non-bridge crossing, or if the installation of a bridge would require major re-configuration of the stream channel and banks, the permanent culvert shall be designed in accordance with the approved EM&CP.

i. When installation of a bridge to span a state-regulated stream is not practicable and a culvert is the only practicable option, it shall be designed as follows: i. To safely pass the 1% annual (100-year return) chance storm event; ii. To contain native streambed substrate or equivalent using an open bottom arch, three-sided box culvert, or round/elliptical culvert with at least 20% of the culvert height embedded beneath the existing grade of the stream channel at the downstream invert; iii. Shall be a minimum width of 1.25 times the width of the stream bank full width; iv. The slope shall remain consistent with the slope of the pre-existing channel (upstream and downstream). For slopes greater than 3%, an open bottom culvert shall be used, where practicable; and v. Shall facilitate downstream and upstream passage of aquatic organisms.

j. Concrete washout areas shall be located a minimum of 300 feet away from any wetland or waterbody; provided that if the minimum setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts to wetlands and waterbodies from concrete washout areas shall be avoided or minimized to the maximum extent practicable.

k. Fuel tanks with storage capacities under 1,100 gallons and chemical storage shall be appropriately contained and located a minimum of 300 feet away from any wetland or waterbody. If the minimum setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts to wetlands and waterbodies shall be avoided or minimized to the maximum extent practicable, including the use of secondary containment.

l. In general, refueling of equipment, mixing, or handling of open containers of pesticides, chemicals labeled “toxic,” or petroleum products, shall not be conducted within 100 feet of a stream, waterbody, or freshwater wetland. Requirements for refueling within 100 feet of freshwater wetlands or streams will be allowed under certain circumstances identified below, subject to the practices set forth in the approved EM&CP.

m. Refueling of hand equipment will be allowed within 100 feet of freshwater wetlands or streams when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of hand-held equipment will be initially filled in an upland location greater than 100 feet from freshwater wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release.

n. Refueling of non-handheld equipment will be allowed within 100 feet of freshwater wetlands or streams when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. All refueling within 100 feet of freshwater wetlands and streams will be done under the direct supervision of the environmental monitor. Fuel tanks of such equipment will be initially filled in an upland location greater than 100 feet from freshwater wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within 100 feet of a freshwater wetland or stream will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.

o. For each crossing of a stream by a new permanent access road, design details shall be included in the EM&CP. All structures must be able to safely pass the 1% storm event and be capable of withstanding any higher flow intervals likely to be experienced within a specific waterbody without causing damage to the stream bed or banks. Bridges or culverts may not be dragged through the stream and must be suitably anchored to prevent downstream transport during a flood. Fill may not be placed within the stream channel below top of bank elevation and placement of abutments or fill is authorized only above and outside top of bank boundaries. Geotextile fabric must be placed below and extending onto the bank and suitable side rails built into the bridges to prevent sediment from entering the waterbody. The permanent stream crossing shall facilitate downstream and upstream passage of aquatic organisms.

p. Temporary air bridges should be installed without causing damage to the stream bed or banks. Temporary culverts should be appropriately sized to handle 10-year design storm. Culverts or bridges that will remain in place for more than 180 calendar days shall be installed in accordance with Appendix XXX of the Joint Proposal. Fill may not be placed within the stream channel below top of bank elevation and placement of abutments or fill is authorized only above and outside top of bank boundaries. The temporary stream crossing shall facilitate downstream and upstream passage of aquatic organisms.

q. Any in-stream work or restoration shall not result in an impediment to passage of aquatic organisms.

r. Disturbed streams shall be restored to equal width, depth, gradient, length and character as the pre-existing stream channel and tie in smoothly to the profile of the stream channel upstream and downstream of the disturbance. All disturbed stream banks shall be mulched within (2) days of final grading, stabilized with 100% natural/biodegradable fiber matting, and seeded with an appropriate riparian seed mix specified in the approved EM&CP. In areas where vegetation has been uprooted or grubbed on stream banks, the vegetation shall be replaced with ROW compatible native plantings as site conditions and facility design allow, as appropriate and consistent with the use of the Facility. A minimum of 50 feet of upland adjacent to restored streambanks will be stabilized using natural elements, mulching, and seed.

s. Disturbed wetlands and State-regulated wetland adjacent areas shall be immediately stabilized and restored to pre-construction contours as soon as practicable. Immediately upon completion of grading, and as consistent with existing land uses, the area shall be seeded with a seed mix of native plants specified in the approved EM&CP that is appropriate for wetlands and the 100-foot wetland adjacent area. Overall vegetative cover in restored areas shall be monitored until an 80% cover of plants with the appropriate wetland indicator status has been reestablished over all portions of the restored area. If 80% cover of plants with the appropriate wetland indicator status has not been achieved at the end of the second year of monitoring, a Wetland Planting Remedial Plan (WPRP) shall be prepared that evaluates the reasons for the results, including an analysis of poor survival; corrective actions to ensure successful restoration; and a schedule for conducting remedial work. Once approved by DPS Staff, in consultation with NYSDEC, the WPRP shall be implemented according to an approved schedule.

t. Wetland locations, and wetland adjacent areas located within the ROW or crossed by the ROW or any off- ROW access road constructed, improved or maintained for the Project, shall be delineated in the field as indicated on the EM&CP drawings.

u. Marshalling yards and staging areas constructed on previously undisturbed lands shall not be sited within wetlands, state regulated wetland adjacent areas, or within fifty feet of waterbodies or streams.

v. Construction through wetlands shall be restricted to access roads and work areas set forth in the EM&CP and shall be done with low-ground pressure equipment or on temporary mats, or geotextile/gravel access roads. In the event that temporary matting will be placed in wetlands, those mats will be removed, and wetlands hydrology soils and vegetation will be restored to the extent practicable. Where new permanent access roads are to be constructed through wetlands, geotextile fabric or equivalent underlayment shall be used.

w. All excess fill materials and spoils shall be completely removed to upland areas greater than 100 feet from wetlands and waterbodies.

x. Equipment shall not be washed in any stream, waterbody, wetland or regulated 100 foot adjacent area. No runoff resulting from washing operations shall directly enter into these areas.

y. Excavated soil material shall not be stored within one hundred (100) feet of wetlands, streams or waterbodies, to prevent runoff into such areas; provided that if soil storage is required in wetlands, the soil is to be temporarily stored on construction mats and properly contained to prevent runoff.

z. Vegetation cut in wetlands areas may be left in place (drop and lop) or removed from wetlands to upland areas. Cut vegetation shall not be permanently piled in the wetland areas.

aa. Construction vehicle access across protected streams and waterbodies (streams classified as C(T) or higher) shall be limited to existing bridges, culverts or fords and to crossings installed in accordance with the provisions set forth in the EM&CP, except fords are not permitted in protected streams.

bb. The EM&CP shall include measures to minimize impacts to fish and wildlife during wetland and waterbody construction including, where practicable, returning animals that become trapped within work areas to an appropriate and safe location outside of the work area determined in consultation with DPS Staff and DEC. If it is determined that it is not practicable to return the animal, or if the animal is a T&E Species, the environmental inspector shall consult with DPS and NYSDEC Staff.

cc. The Certificate Holders shall work with NYSDEC to develop a Wetland Mitigation Plan, if necessary, following the wetland mitigation guidelines and the specifications contained in Appendix E of the Joint Proposal and will submit the Plan within six months of the start of construction of the segment requiring such wetland mitigation for NYSDEC Staff acceptance.

N. Agricultural Resources

94. The Applicant will comply with any applicable provisions of current published NYSAGM Guidelines/Standards, including the following:

a. Whenever the Certificate Holder submits a request for an EM&CP change concerning agriculture, it shall notify and consult with NYSAGM.

b. The Certificate Holder shall identify Black Cherry trees located on the ROW near active livestock use areas during EM&CP development. During the clearing phase, such vegetation shall be disposed of in a manner which prevents access by livestock.

c. During preparation of the EM&CP, a detailed drainage line repair procedure shall be developed, in consultation with the local Soil and Water Conservation District, for the repair of crushed/severed clay tile and plastic drain lines. Drawings showing the generic technique to be implemented for drain line repairs shall be provided by the Certificate Holder. All new plastic drain tubing shall meet or exceed the American Association of State Highway Transportation Officials (AASHTO) M252 specifications. The plan for the replacement of functional stone drainage systems severed during construction shall be prepared during the restoration phase, in consultation with NYSAGM and/or the Soil and

Water Conservation District.

d. Where construction entrances are required from public roadways to the ROW in agricultural fields, an underlayment of durable, geotextile fabric shall be placed over the exposed subsoil surface prior to the use of temporary gravel access fill material. Complete removal of the construction entrance upon completion of the Facility and restoration of the affected site is required prior to topsoil replacement, except where retention of the construction entrance would be more conducive to the existing land use than removal, and is agreeable to the agricultural landowner.

e. Segments of existing farm roads utilized for access shall be improved as required following consultation with the farm operator and NYSAGM prior to use. Such improvements shall include the installation of geotextile fabric and crushed stone.

f. Farm drainage features, fences and gates affected by construction shall be rebuilt to like new condition upon completion of construction. The base of all new posts shall be secured to a reasonable depth below the surface to prevent frost heave.

g. Mats may be installed as an alternative to topsoil stripping. If so, the mats shall be layered where necessary to provide a level access surface. Once access is no longer required across agricultural areas, the mats shall be removed in accordance with NYSAGM Guidelines/Standards and the agricultural inspector shall use a soil penetrometer to determine if soil compaction has occurred as a result of construction activities. All compacted areas shall be remediated as specified below.

h. During the restoration phase of the Project, the Certificate Holder shall remove the crushed stone and geotextile fabric. In all agricultural sections of the ROW disturbed during construction, the Certificate Holder shall break up the subsoil compaction with deep tillage by such devices as a deep-ripper (subsoiler). Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. Following the deep ripping (with tractor-drawn farming equipment), all stone and rock material 4 inches and larger in size which has been lifted to the surface shall be collected and taken off site for disposal. The topsoil that has been temporarily removed for the period of construction shall then be replaced. Finally, deep subsoil shattering shall be performed, if the decompaction requirements are not met, with a subsoiler tool having angled legs. Stone removal shall be completed, as necessary, to eliminate any additional rocks and stones brought to the surface as a result of the final subsoil shattering process. In the event that subsequent construction or clean-up activities result in additional compaction, additional deep tillage should be performed to alleviate such compaction.

i. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative soil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during

periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.

j. After topsoil replacement and seedbed preparation, apply seed and soil amendments in accordance with the NYSAGM recommendations contained in Fertilizer, Lime, and Seeding Recommendations for Restoration of Construction Projects on Farmland in New York (revised 9-25-2012) or as specified by the landowner.

k. At the end of all construction, the ROW and respective work areas shall be thoroughly cleared of debris and other assorted items.

l. The Certificate Holder shall provide all farm owners/operators with a telephone number to facilitate direct contact with the Certificate Holder through all of the stages of the Project. The farm owner/operators shall also be provided with a telephone number to facilitate direct contact with the Certificate Holder's Project Manager (or other representative of the Certificate Holder) for the Project during operation and maintenance of the transmission line.

O. Petroleum and Hazardous Substances

95. The EM&CP shall include Fuel and Chemical Handling Procedures, and a spill response and route emergency plan, including the NYSDEC spill reporting contact number and the Certificate's reporting requirements. This plan shall provide proposed methods of handling spills of petroleum products and any hazardous or controlled substance which may be stored or utilized during construction, operation, or maintenance of this Facility. Spills are required to be reported within 2 hours of identification.

96. All Certificate Holder and Contractor vehicles working on the Project shall have a spill kit that is appropriate for the volume of fuel carried by the vehicle.

97. The Certificate Holder's contractor will retain a qualified spill response company for the duration of the Project and provide that company with maps showing access roads, marshalling yards, and other information that will facilitate response to a spill location.

98. Fuel tanks with storage capacity over 1,100 gallons shall comply with the minimum setbacks under applicable petroleum bulk storage regulations.

P. Contractors and Contractor Supplies/Materials

99. If an OSHA Reportable accident occurs in connection with work on the Project, the Certificate Holder shall report any such accident to DPS Staff as soon as possible. A copy of the accident report, if any, shall be provided to DPS Staff after it has been finalized.

100. The Certificate Holder shall provide DPS Staff with a copy of any police report and any insurance claim filed in connection with any theft of Project-related materials, as well as a list of the stolen items.

101. A field review shall be conducted by the Certificate Holder to determine compliance with its design on a monthly basis and prepare a written report of the Company's findings on whether the Project is being constructed in accordance with the EM&CP design for the Project. The Certificate Holder shall provide a copy of each such report to DPS Staff within three (3) business days after the Certificate Holder receives the report. The Certificate Holder shall notify DPS Staff of when the field reviews will occur.

102. If the Contractor installs materials, structures, or components that do not conform to the specifications described in the EM&CP, the Certificate Holder shall, after becoming aware of such incident, prepare and deliver to the Chief of EC&C a summary report, within 30 days, detailing the incident, the steps to be taken to rectify the mistake, the material and labor costs associated with rectifying the incident, and the manner in which such costs will be accounted for separately from other Project costs.

103. The Certificate Holder shall develop a quality control plan ("Quality Control Plan") for inclusion in the EM&CP describing how it will ensure that the major transmission line components it purchases for the Project conform to the specification for such components described in such EM&CP. At a minimum, the Quality Control Plan shall include: (i) the qualifications of the individual(s) who will conduct audits under the Quality Control Plan ("Quality Control Audits"); and (ii) the frequency with which the Quality Control Audits will be performed.

104. Manufacturer recommendations for materials storage will be followed and materials will be stored in an orderly fashion, secured and protected from damage.

105. To better ensure a safe working environment for all persons at each Project work site, the Certificate Holder shall require its contractors or subcontractors, before any person who is authorized by the Certificate Holder to be present at the site that day, or any representative of a regulatory agency present on official business, commences performing or observing Project activities, to give such person an on-site tailboard safety briefing. The Certificate Holder shall ensure that: (a) any document that a person participating in a tailboard safety briefing is required to sign at such briefing is legible; and (b) the person conducting the briefing shall use his/her best efforts to give accurate and complete responses to all requests by such persons for clarification of the scope of work, construction methodology, and other pertinent personal safety information. If a person participating in a tailboard safety briefing who signed such a document desires a copy thereof, he/she shall request it in writing and the Certificate Holder shall provide a copy thereof to the requester within 48 hours of the request. DPS Staff, NYSDEC staff and NYSAGM staff who are present at the Project site are appropriately trained for the purposes of this Condition.

Q. Invasive Species

106. The Certificate Holder shall prepare an Invasive Species Management Plan in accordance with the Invasive Species Management Plan Specifications in Appendix E to the Joint Proposal and in consultation with and accepted by DPS Staff and NYSDEC. The Certificate Holder shall implement said Invasive Species Control Plan as part of the approved EM&CP.

R. Decommissioning

107. In the event of future decommissioning of the Facility, the final operational decision regarding how the Facility will be decommissioned, which could include leaving some or all of the Facility components in place, will remain within the discretion of LIPA; prior to any decommissioning activities in the field or Facility abandonment, the Certificate Holder will consult with DPS Staff regarding its proposed decommissioning plan.

S. Climate Change

108. In the event that the Certificate Holder places an order with a supplier for Gas-insulated equipment ("GIE") for the Project ("Project GIE"), the Certificate Holder shall comply with all applicable laws, regulations, and guidance relating to SF6 then in effect, which is currently located at 6 NYCRR Part 495. To the extent the installation of SF6 in GIE is prohibited by applicable law or regulation that comes into effect before the Project GIE is placed in service, the Certificate Holder may avail itself of any applicable exception, variance, or grandfathering provision provided for in such law or regulation relating to SF6 in GIE.

APPENDIX F

SITE INSPECTION FORM

Stormwater Construction Site Inspection Report

General Information			
Project Name	Southampton to Deerfield New 138-kV Underground Transmission Cable		
SPDES Tracking No.		**Location**	
Date of Inspection		**Start/End Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Describe present phase of construction			

Weather Information

Has there been a storm event since the last inspection? ❑Yes ❑No
If yes, provide:
Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):

Weather at time of this inspection?
❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds
❑ Other: Temperature:

Have any discharges occurred since the last inspection? ❑Yes ❑No
If yes, describe:

Are there any discharges at the time of inspection? ❑Yes ❑No
If yes, describe:

Site-specific BMPs

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1	Construction Entrance	❑Yes ❑No	❑Yes ❑No	
2	Silt Fence	❑Yes ❑No	❑Yes ❑No	
3	Soil Stockpiles	❑Yes ❑No	❑Yes ❑No	
4	Drainage inlet protection	❑Yes ❑No	❑Yes ❑No	
5		❑Yes ❑No	❑Yes ❑No	
6		❑Yes ❑No	❑Yes ❑No	
7		❑Yes ❑No	❑Yes ❑No	
8		❑Yes ❑No	❑Yes ❑No	
9		❑Yes ❑No	❑Yes ❑No	
10		❑Yes ❑No	❑Yes ❑No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
11		❑Yes ❑No	❑Yes ❑No	
12		❑Yes ❑No	❑Yes ❑No	
13		❑Yes ❑No	❑Yes ❑No	
14		❑Yes ❑No	❑Yes ❑No	
15		❑Yes ❑No	❑Yes ❑No	
16		❑Yes ❑No	❑Yes ❑No	
17		❑Yes ❑No	❑Yes ❑No	
18		❑Yes ❑No	❑Yes ❑No	
19		❑Yes ❑No	❑Yes ❑No	
20		❑Yes ❑No	❑Yes ❑No	

Overall Site Issues

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No	
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No	❑Yes ❑No	
7	Is trash/litter from work areas collected and placed in covered	❑Yes ❑No	❑Yes ❑No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
	dumpsters?			
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	
12	(Other)	❑Yes ❑No	❑Yes ❑No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Print name and title: _____

Signature:_____ Date:_____

APPENDIX G

CONTRACTOR CERTIFICATION FORM

CONTRACTOR CERTIFICATION

All construction for **Southampton to Deerfield Transmission Project** will be the responsibility of the site operator. The Trained Contractor and all contractors and subcontractors that will be responsible for erosion and sediment control and/or post-construction stormwater practices at the subject construction site must sign the following certification statement and provide the information required below.

"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."

_____ _____

Date *Signature*

_____

Print Name

_____

Title

Company Information _____

_____

_____

_____

Specific work contracted to be performed at the subject site:

_____

_____

_____

_____

TRAINED CONTRACTOR SECTION:

NAME: _____ NYSDEC SWT#:_____

DATE OF NYS DEC 4 Hr Erosion & Sediment Control Training: _____

APPENDIX H

SWPPP AMENDMENTS

SWPPP Amendments

Date	Description of Amendment	Plan Revised Date

SWPPP Amendments

Date	Description of Amendment	Plan Revised Date

APPENDIX I

NOTICE OF TERMINATION (NOT) SUBMITTED TO TERMINATE COVERAGE UNDER THE GENERAL PERMIT (GP-0-25-001)

NEW YORK STATE | Department of Environmental Conservation

eNOT Owner or Operator Certification

for construction activities seeking termination from the

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(The completed form must be attached to the eNOT, which must be submitted to NYSDEC electronically in accordance with CGP Part V.A.5.)

I. Project Owner/Operator Information

a. Owner/Operator Name:

b. Contact Person:

c. Street Address:

d. City/State/Zip:

II. Project Site Information

a. Project/Site Name:

b. Street Address:

c. City/State/Zip:

d. CGP SPDES Permit ID:

III. Certification Statement

I certify that I have met the requirements of CGP Part V.A.1., 2., 3., and 4. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

a. Printed name of the Owner or Operator:

b. Title/Position:

c. Signature:

d. Date:

eNOT Qualified Inspector Certification – Final Stabilization

for construction activities seeking termination from the

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(The completed form must be attached to the eNOT, which must be submitted to NYSDEC electronically in accordance with CGP Part V.A.5.)

I. Project Owner/Operator Information

a. Owner/Operator Name:

b. Contact Person:

c. Street Address:

d. City/State/Zip:

II. Project Site Information

a. Project/Site Name:

b. Street Address:

c. City/State/Zip:

d. CGP SPDES Permit ID:

III. Certification Statement

I hereby certify that all the requirements in CGP Part V.A.1.a.i., ii., and iii. or CGP Part V.A.1.b.i., ii., and iii. have been achieved. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

a. Printed name of the Qualified Inspector:

b. Title/Position:

c. Signature:

d. Date: