

**LIGHTHOUSE LANDING  
199 BEEKMAN AVENUE  
VILLAGE OF SLEEPY HOLLOW  
WESTCHESTER COUNTY, NEW YORK**

**APPLICATION FOR  
FILLING OPERATIONS PERMIT**

Prepared for Submission to:

**VILLAGE OF SLEEPY HOLLOW PLANNING BOARD**

Applicant:

**LIGHTHOUSE LANDING VENTURE, LLC**

March 2015

**LIGHTHOUSE LANDING  
VILLAGE OF SLEEPY HOLLOW, NEW YORK**

**APPLICATION FOR FILLING OPERATIONS PERMIT**

**OWNER:**

Lighthouse Landing Venture LLC  
2392 Morse Avenue  
Irvine, CA 92614

**APPLICANT:**

Lighthouse Landing Venture LLC  
2392 Morse Avenue  
Irvine, CA 92614

**TAX MAP DESIGNATION:**

Section 115.10, Block 1, Lots 1 (West Parcel)  
Section 115.15, Block 1, Lots 1 (South Parcel)

**CONTRIBUTING PROFESSIONALS:**

**SITE ENGINEER**

DIVNEY TUNG SCHWALBE, LLP  
One North Broadway  
White Plains, New York 10601  
Partner in Charge: Andrew V. Tung, ASLA  
Phone: (914) 428-0010

**ZONING COUNSEL**

Delbello Donellean Weingarten Wise &  
Wiederkehr, LLP  
1 North Lexington Avenue  
White Plains, New York 10601  
Phone: (914) 681-0200

**SURVEYOR**

Control Point Associates  
35 Technology Drive, 1<sup>st</sup> Floor  
Warren, NJ 07059  
Phone: (908) 668-0099

March 2, 2015

Chairman Eliot Martone and  
Members of the Planning Board  
Village of Sleepy Hollow  
28 Beekman Avenue  
Sleepy Hollow, New York 10591

Re: Filling Operations Permit Application  
Lighthouse Landing Riverfront Development  
199 Beekman Avenue, Sleepy Hollow

Dear Chairman Martone and Members of the Planning Board:

On behalf of Lighthouse Landing Venture LLC (“Applicant” or “LLV”), we are pleased to submit the enclosed documents in support of an application for a Filling Operations Permit for the referenced site. The purpose of the permit will be to allow LLV to import and stockpile fill to begin static compaction of certain areas of the project site at this time.

The application consists of:

- This cover letter with figures and attachments
- Tab 1
  - Environmental Assessment Form (short form)
  - Village of Sleepy Hollow Planning Board Forms
    - Zoning Compliance Form
    - Planning Board Application Form
    - Coastal Assessment Form
  - List of Property Owners Within a 200 Foot Radius
  - Engineer’s Certificate
  - Tax Certificate
- Tab 2 – Stormwater Pollution Prevention Plan (SWPPP)

Chairman Eliot Martone and Members of the Planning Board  
Re: Lighthouse Landing Riverfront Development

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- Drawing SPPP-1, Filling Operations and Site Preparation Plan (03/02/15)

## **BACKGROUND**

The proposed filling operations will take place on the 66.2 acre West Parcel (“Site”) of the Lighthouse Landing site at 199 Beekman Avenue, whose Village tax identification number is 115.10-1-1. A Riverfront Development Concept Plan for the West and South Parcels was approved by the Sleepy Hollow Village Board in June, 2011 following an extensive environmental review and SEQR Findings Statements adopted by the Village Board in July 2007 and January 2011. See Figure No. 1, 2011 Approved Riverfront Development Concept Plan. The entity that will carry out the filling operations is Lighthouse Landing Venture LLC, whose mailing address is as follows:

Lighthouse Landing Venture LLC  
c/o Lighthouse Landing GP Investors, LLC  
2392 Morse Avenue  
Irvine, CA 92614

The existing site is predominantly covered by concrete floor slabs and asphalt paving remaining from the former General Motors assembly plant and parking areas. Following cleanup activities at the site performed by General Motors LLC with oversight provided by the New York State Department of Environmental Conservation (DEC), the DEC in 2014 approved a Site Management Plan<sup>1</sup> (SMP) that will apply to all future development and use activities at the site.

## **PROPOSED FILLING AND SITE PREPARATION ACTIVITIES**

The primary components of the filling operations are illustrated on an aerial photograph of the existing site, Figure No. 2, Filling Operations and Site Preparation Plan Aerial Overlay<sup>2</sup>. The proposed initial stockpile area is located in the north-central portion of the site, in an area underlying future townhome Blocks O and P and their adjoining roadways. The stockpile as shown has a volume of approximately 250,000 cubic yards, with an approximate footprint of

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<sup>1</sup> Copies of the SMP, the DEC Certificate of Completion for the cleanup activities, and associated documents are on file with the Village Clerk, Village of Sleepy Hollow.

<sup>2</sup> For additional engineering detail, see full-sized Drawing SPPP-1, Filling Operations and Site Preparation Plan.

Chairman Eliot Martone and Members of the Planning Board  
Re: Lighthouse Landing Riverfront Development

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9 acres and height of 23 feet, roughly the same height as the existing concrete millings stockpile at the west edge of the site.

Prior to fill material coming onto the Site, the concrete and asphalt pavements underlying the stockpile will be broken up and themselves stockpiled in the northern portion of the site for future processing and reuse. Utilities located at or below the pavements will be capped or disconnected as appropriate. Silt fence, stone berms and other temporary stormwater measures will be installed in compliance with the project Stormwater Pollution Prevention Plan (SWPPP – See Tab 2) to minimize the potential for erosion and sedimentation, control dust and protect the adjoining Kingsland Point Park and the Hudson River. All demolition, site preparation, fill material import and filling activities will also be performed in compliance with the SMP noted above.

Trucks will enter the secured and fenced Site at Beekman Avenue/River Street through the former General Motors gate and will check in at the existing gatehouse. All fill materials brought onto the site must meet the soil quality requirements of the SMP. Trucks will then be directed west and north across existing paved areas and around former foundation walls to the northern stockpile area. A new temporary 6-foot high screen fence will be erected along the truck route between the gatehouse and the point where the route turns to the northwest. See Figure No. 2. After depositing its load of fill in the stockpile area, a truck will proceed back through the site along the reverse route, stopping at the truck marshalling and wheel wash area as appropriate and passing through the stabilized construction track pad prior to passing the gatehouse and exiting the site.

At the stockpile area, deposited fill will be placed and shaped by earth movers to sufficient depths for static compaction purposes. Exposed soil will be temporarily stabilized by mulching, seeding or other acceptable methods as required by the SWPPP. A Construction Management Plan for filling and site preparation activities at the Site (See Figure No. 3) will also be included as a SWPPP exhibit.

### **OFF-SITE TRUCK ROUTING**

The Applicant's engineer is currently reviewing its designs to upgrade the Beekman Avenue Bridge over the railroad tracks with the MTA and MetroNorth. Until such time as the upgrade is constructed, trucks carrying fill and other materials that exceed the existing bridge's 12-ton limit will access the site from River Street and Railroad Avenue to the south via the H-Bridge in

Chairman Eliot Martone and Members of the Planning Board  
Re: Lighthouse Landing Riverfront Development

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Tarrytown. The SMP includes a Truck Route for materials subject to its control leaving the Site that runs from the H-Bridge up Wildey Street to US Route 9. The Applicant has augmented the SMP route map (see Truck Route, Figure No. 4) with two additional routes that could be used by trucks traveling from the north and the south on Route 9:

- Northern Alternate Route from Route 9 – Beekman Avenue, left on North Washington Avenue, right on Valley Street, right on Wildey Street to H-Bridge
- Southern Alternate Route from Route 9 – Central Avenue, left on Wildey Street to H-Bridge

All fill operations and construction traffic management will be monitored by an inspector to be engaged by the Village of Sleepy Hollow at the Applicant's expense. Fill operation and other construction activities will only occur on weekdays between 8:00 AM and 7:00 PM, Saturdays between 9:00 AM and 6:00 PM, and as proscribed by the Village Noise Code. As no specific fill sources have yet been contracted with by the Applicant (see discussion below), the potential number of truck trips per day is not yet known, but is anticipated to be within the range (average approximately 70 round trips per day, peak approximately 160 round trips per day) described in the 2007 SEQR Findings Statement.

#### **SCHEDULE OF FILL OPERATIONS**

Available fill sources in the New York metropolitan area are generally comprised of development projects looking to dispose of fill material concurrent with the initiation of site grading operations. The upcoming Village water tank project is one such example; optimally a fill-accepting site would be available at the same time excavation for the tank begins, so as to reduce material handling and/or storage costs. One notable exception is the New York City Department of Environmental Protection (NYCDEP) water filtration plant recently constructed on Grasslands Road in Valhalla, approximately 4 miles to the east of the Site. There approximately 700,000 cubic yards of material was stockpiled on site to the north of the new plant, and will be disposed of in a manner and on a schedule to be determined by NYCDEP in the near future.

In either case, to be prepared for material available from new construction or the release of the NYCDEP stockpile, the Applicant's objective is to present the Site as being "fill-ready," so as to be able to begin static compaction activities early, prior to the initiation of construction for the first phase of roadway and building development at the Site.

Chairman Eliot Martone and Members of the Planning Board  
Re: Lighthouse Landing Riverfront Development

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We look forward to reviewing the proposed Filling Operations Permit application at the Planning Board's March 19, 2015 meeting.

Very truly yours,

DIVNEY TUNG SCHWALBE, LLP



Andrew V. Tung, ASLA, Esq., LEED AP  
Partner

Enclosures

cc: Jonathan Stein  
Peter Johnson  
Mark Weingarten, Esq.



**LIGHTHOUSE  
LANDING AT  
SLEEPY HOLLOW**  
Sleepy Hollow, New York

GENERAL MOTORS LLC

**SITE ENGINEER &  
LANDSCAPE ARCHITECT:**

**DINNEY • TUNG • SCHWALBE**  
Intelligent Land Use  
One Park Square, L.P.  
One North Broadway  
White Plains, NY 10601  
P: 914.429.0010  
F: 914.429.0011



NOTE: ALL SITE DESIGN CONCEPTS AND INFORMATION INDICATED OR REPRESENTED BY THIS DRAWING ARE PROVIDED AS AN INDICATION OF THE PROJECT'S POTENTIAL. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

DESIGN NOTE: IT IS A CONDITION OF THIS PLAN THAT THE NEW DEVELOPMENT SHALL BE SUBJECT TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S REGULATIONS AND ANY OTHER APPLICABLE REGULATIONS.

REVISION	NO.	DATE	BY

© Dinney Tung Schwalbe, L.P. 2014

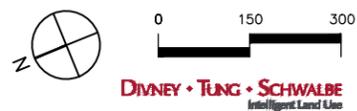
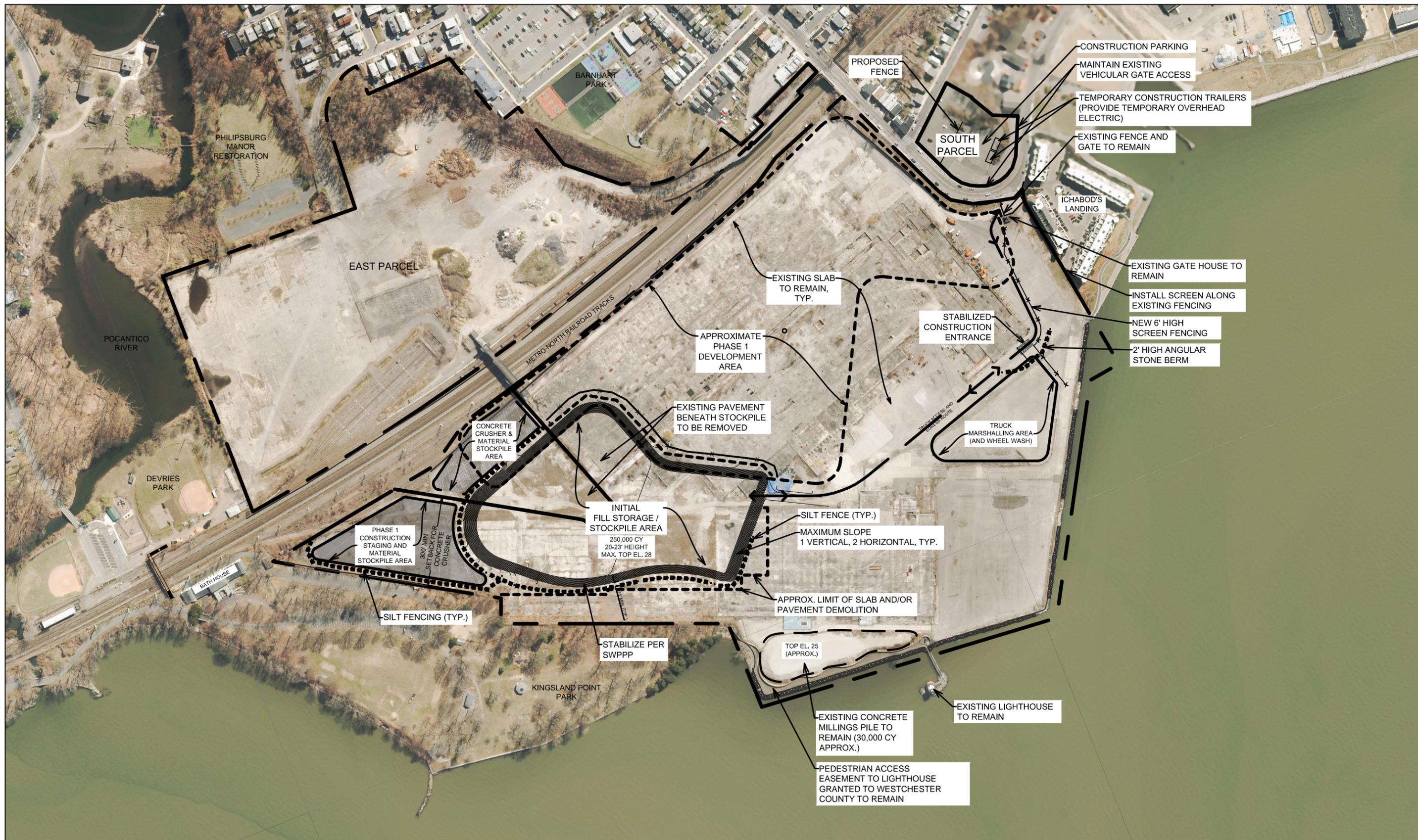
DRAWING FILED

**RIVERFRONT  
DEVELOPMENT  
CONCEPT PLAN**

PROJECT NO.	DATE	BY
690	12/17/10	AVT

RDCP-1

Figure 1



**Filling Operations & Site Preparation Plan Overlay**  
LIGHTHOUSE LANDING AT SLEEPY HOLLOW  
Sleepy Hollow, NY

## **Construction Management Plan - Filling Operations & Site Preparation**

- A. Hours of Construction Activity
  - a. To comply with Village of Sleepy Hollow Code §272-5A
    - i. Weekdays – 8 am to 7 pm
    - ii. Saturdays and Holidays – 9 am to 6 pm
    - iii. Sundays – only in an emergency, with prior Building Department approval
- B. Site Access
  - a. Existing West Parcel Gate and Gatehouse – to be used for vehicular control during filling operations
  - b. Contractor Parking – to be in designated areas on West Parcel within the Site Gate
  - c. Construction Trailers – to be located on South Parcel, with adjacent parking
- C. Transport and Filling Operations
  - a. Trucks to check in at Gatehouse
  - b. Material testing, as required, to be performed while trucks are parked in designated area within the Site Gate
  - c. Trucks to drive to stockpile area and unload fill
  - d. Unloaded trucks to drive to and through designated truck marshaling and wheel wash area prior to exiting site
- D. Fill Stockpile Area Preparation and Maintenance
  - a. Locate and cap or abandon existing utilities
  - b. Demolish existing slabs and pavements where present
  - c. Follow SMP procedures where underlying fill is uncovered
  - d. Install perimeter silt fence and temporary sediment basins and structures as shown on SPP-1.
  - e. Perform inspections, maintain erosion control measures, install stabilization measures and manage all construction activities in conformance with SWPPP
- E. Materials Processing and Stockpiling
  - a. Set up concrete crushing facility at north end of site, minimum of 300 feet from Kingsland Point Park
  - b. Stockpile processed material for re-use, and waste materials if any, in designated areas
  - c. Perform inspections, maintain erosion control measures, and install stabilization measures in conformance with SWPPP
- F. Reference Documents – copies to be maintained in Gatehouse and Construction Trailer
  - a. Filling Operations and Site Preparation Plan (SPP-1)
  - b. Stormwater Pollution Prevention Plan (SWPPP)
  - c. Site Management Plan (SMP)

 Village Truck Route to/from  
199 Beekman Avenue to NY State Route 9



REFERENCE: BASE MAP FROM GOOGLE.

**The West Parcel truck route:**

1. Start out south on Beekman Ave toward River St. – 100 ft.
2. Continue onto River St. – 0.1 Mi
3. Continue onto Division St. – 400 ft.
4. Continue onto Railroad Ave. – 0.1 Mi
5. Turn left to stay on Railroad Ave – 100 ft.
6. Turn left onto Division St. – 0.1 Mi
7. Turn right onto Wildey St. to US-9 / Broadway

**NORTHERN ALTERNATE ROUTE:**  
 BEEKMAN > N. WASHINGTON > VALLEY >  
 WILDEY > DIVISION > RAILROAD > RIVER >  
 SITE

**SOUTHERN ALTERNATE ROUTE:**  
 CENTRAL > WILDEY > DIVISION > RAILROAD >  
 RIVER > SITE

**DIVNEY TUNG SCHWALBE, LLP**  
**MARCH 2015**

FORMER GENERAL MOTORS ASSEMBLY PLANT  
 WEST PARCEL SITE  
 SLEEPY HOLLOW, NEW YORK  
**SITE MANAGEMENT PLAN**

**TRUCK ROUTE**

 **ARCADIS**

FIGURE

Figure 4

**LIGHTHOUSE LANDING VENTURES, LLC  
1270 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020**

**VILLAGE OF SLEEPY HOLLOW APPLICATION FOR  
FILLING OPERATIONS PERMIT APPROVAL**

**TABLE OF CONTENTS**

**TAB**

**I. ENVIRONMENTAL ASSESSMENT FORM AND VILLAGE FORMS**

- Short Environmental Assessment Form (EAF)
- Village of Sleepy Hollow Planning Board Forms
  - VSH Zoning Compliance Form
  - VSH Planning Board Application Form
  - VSH Coastal Assessment Form (CAF)
- Owners of Record within a 200 Foot Radius

**ATTACHMENTS**

- Affidavit of Ownership
- Engineer's Certificate
- Tax Certificate

**II. STORMWATER POLLUTION PREVENTION PLAN (SWPP) AND  
REQUIRED ADDITIONAL INFORMATION**

- Stormwater Pollution Prevention Plan (SWPP)
- Construction Management Plan–Filling Operations & Site Preparation
- Filling Operations and Site Preparation Plan (Full size drawing attached)

**I. ENVIRONMENTAL ASSESSMENT FORM  
AND VILLAGE FORMS**

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: Lighthouse Landing				
Project Location (describe, and attach a location map): 199 Beekman Avenue, Village of Sleepy Hollow, Westchester County, New York				
Brief Description of Proposed Action: Filling Operations Permit to allow import and stockpiling of up to 250,000 cubic yards of fill material on West Parcel to provide static compaction of site areas to improve soil bearing capacities for future building and roadway construction.				
Name of Applicant or Sponsor: Lighthouse Landing Venture, LLC / Bruce Cook		Telephone: (949) 241-8406		
		E-Mail:		
Address: 2392 Morse Avenue				
City/PO: Irvine		State: CA	Zip Code: 92614	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 66.2 acres		
b. Total acreage to be physically disturbed?		_____ 20 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 67.9 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Vacant</u>				
<input type="checkbox"/> Parkland				



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: Remediation of West and East Parcels by General Motors with NYS DEC oversight completed November 2013 - DEC sites C360070 and C36007B	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: Lighthouse Landing Ventures, LLC		Date: 3/2/15
Signature: <i>Robert King, Planning Consultant</i>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

**RESET**



More Than a Legend

# Village of Sleepy Hollow

**Department of Architecture, Land Use Development,  
Buildings & Building Compliance**  
28 Beekman Avenue  
Sleepy Hollow, NY 10591  
Telephone (914) 366-5101 · Fax (914) 631-0607

## ZONING COMPLIANCE FORM

Lighthouse Landing Venture, LLC	PROPERTY LOCATION: 199 Beckman Avenue
APPLICANT NAME :115.10-1-1 (West Parcel)	
SECTION: 115.15-1-1(South Parcel)	ZONING DISTRICT: RF
BLOCK:                      LOT:	

	REQUIRED	EXISTING	PROPOSED	VARIANCE
AREA OF LOT (AC)	20 Acres MIN.	66.2498 AC (West) 1.6787 AC (South)	Same	
WIDTH OF LOT (FT)	NA MIN.			
FLOOR AREA RATIO (SF)	0.8 MAX.	0	0	

	PRINCIPAL BUILDING	REQUIRED	EXISTING	PROPOSED	VARIANCE
PRINCIPAL BUILDING	FRONT YARD (FT)	NA MIN.			
	FRONT YARD - CORNER (FT)	NA MIN.			
	REAR YARD (FT)	NA MIN.			
	ONE SIDE YARD (FT)	NA MIN.			
	COMBINED SIDE YARDS (FT)	NA MIN.			
	BUILDING COVERAGE (%)	35% MAX.	0	0	
	BUILDING HEIGHT (FT/STY)	Varies MAX.	0	0	

	ACCESSORY	REQUIRED	EXISTING	PROPOSED	VARIANCE
ACCESSORY	SIDE YARD (FT)	NA MIN.			
	REAR YARD (FT)	NA MIN.			
	BUILDING COVERAGE (%)	NA MAX.			
	BUILDING HEIGHT (FT)	NA MAX.			
	DISTANCE TO PRINCIPAL BLDG.	NA MIN.			

	PARKING	REQUIRED	EXISTING	PROPOSED	VARIANCE
PARKING	PARKING (CARS)	Varies MIN.	0	0	
	LOADING ZONE	Varies MAX.	0	0	

*Kidwell Group*  
NYS ARCHITECT/ENGINEER  
LANDSCAPE

DATE 3/2/15



**Village of Sleepy Hollow**  
**Department of Architecture, Land Use Development,**  
**Buildings and Building Compliance**

28 Beekman Avenue  
Sleepy Hollow, NY 10591  
Telephone (914) 366-5101 · Fax (914) 631-0607

**PLANNING BOARD APPLICATION**

1. Subdivision/Site Plan Name/Planning Board Review: Lighthouse Landing  
Filling Operations Permit
2. Location (tax section, block and lot number or other specific information):  
115.10-1-1 (West Parcel); 115.15-1-1 (South Parcel)
3. Property owner's name Lighthouse Landing Venture LLC
4. Property owners address: 2392 Morse Avenue; Telephone No. (949) 241-8406  
Irvine, CA 92614
5. Engineer or Surveyor's name: Divney Tung Schwalbe, LLP
6. Engineer or Surveyor's address: 1 North Broadway, Suite 1407; Telephone No. (914) 428-0010  
White Plains, NY 10605
7. Size in acres 66.25/1.68 Proposed number of lots NA
8. Fee \_\_\_\_\_ Date paid \_\_\_\_\_
9. Is the entire parcel involved to be subdivided at this time? NA
10. Is any land to be dedicated to public use? NA Acres \_\_\_\_\_
11. Will any zoning changes or subdivision regulation waivers be requested?  
NA

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10. Date of preliminary layout submission \_\_\_\_\_

11. Conditions to be met in plat submission \_\_\_\_\_

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

Note: Twelve (12) copies of all submissions are required with this application (folded and ready for mailing).

ENCLOSED PLEASE FIND A CHECK IN THE AMOUNT OF \$ \_\_\_\_\_ FOR SITE PLAN SUBMITTED WHICH INCLUDES \$25 FOR EACH REQUIRED PARKING SPACE.

A SEPARATE ESCROW CHECK IS TO BE ENCLOSED ALONG WITH THE SIGNED ESCROW AGREEMENT.

Name: Andrew V. Tung, Planning Consultant  
Signature: *Andrew V. Tung*  
Address: Divney Tung Schwalbe  
1 North Broadway  
White Plains, NY 10601  
Telephone No: 914 428-0010

NOTE: THE APPLICATION WILL NOT BE PLACED ON THE PLANNING BOARD AGENDA FOR DISCUSSION UNTIL THE APPLICATION IS DEEMED SUBSTANTIALLY COMPLETE BY THE VILLAGE PLANNER. ALL COMPLETE SUBMISSIONS MUST BE RECEIVED BY THIS DEPARTMENT BY 12:00 O'CLOCK NOON, AT LEAST TEN BUSINESS (10) DAYS PRIOR TO THE MEETING.

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response): N/A
  - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) \_\_\_\_\_
  - (b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_
  - (c) Permit, license, certification \_\_\_\_\_
2. Describe nature and extent of action: Filling Operations Permit to allow import and stockpiling of up to 250,000 cubic yards of fill material on West Parcel to provide static compaction of site areas to improve soil bearing capacities for future building and roadway construction.
3. Location of action:

<u>Westchester</u>	<u>Sleepy Hollow</u>	<u>199 Beekman Avenue</u>
County	City, Town or Village	Street or Site Description

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

- (a) Name of applicant: N/A
- (b) Mailing address: \_\_\_\_\_
- (c) Telephone Number: Area Code (\_\_\_\_) \_\_\_\_\_
- (d) State agency application number: \_\_\_\_\_

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes \_\_\_\_\_ No X If yes, which federal agency? \_\_\_\_\_

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

	<u>YES</u>	<u>NO</u>
(a) Significant fish or wildlife habitats? ( <u>contiguous to; no significant effect</u> )	<u>X</u>	—
(b) Scenic resources of statewide significance? ( <u>contiguous to; no significant effect</u> )	<u>X</u>	—
(c) Important agricultural lands?	—	<u>X</u>

2. Will the proposed activity have a significant effect upon:

(a) Commercial or recreational use of fish and wildlife resources?	—	<u>X</u>
(b) Scenic quality of the coastal environment?	—	<u>X</u>
(c) Development of future, or existing water dependent uses?	—	<u>X</u>
(d) Operation of the State's major ports?	—	<u>X</u>
(e) Land and water uses within the State's small harbors?	—	<u>X</u>
(f) Existing or potential public recreation opportunities?	—	<u>X</u>
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?	—	<u>X</u>

3. Will the proposed activity involve or result in any of the following:

(a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?	—	—
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? ( <u>as shown on SPP-1 and associated SWPPP</u> )	<u>X</u>	—
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?	—	<u>X</u>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	—	<u>X</u>
(e) Mining, excavation, filling or dredging in coastal waters?	—	<u>X</u>
(f) Reduction of existing or potential public access to or along the shore?	—	<u>X</u>
(g) Sale or change in use of state-owned lands located on the shoreline or under water?	—	<u>X</u>
(h) Development within a designated flood or erosion hazard area?	—	<u>X</u>
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	—	<u>X</u>

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? X —  
(located in; no significant effect)

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or  
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State  
Division of Coastal Resources  
41 State Street, 8th Floor  
Albany, New York 12231

If assistance of further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

Preparer's Name: Andrew V. Tung

(Please print)

Title: Partner, Divney Tung Schwalbe LLP Agency: N/A  
Planning Consultant

Telephone Number: (914) 428-0010 Date: 3/2/15

	LIGHTHOUSE LANDING						
	SLEEPY HOLLOW, NY						
	<b>OWNERS OF RECORD WITHIN A 200' RADIUS</b>						
			<b>Property Address</b>		<b>Mailing Address</b>	<b>Sleepy Hollow</b>	
	<b>Owner of Record</b>	<b>Number</b>	<b>Street</b>	<b>City, State, Zip</b>	<b>(if different)</b>	<b>Tax ID</b>	<b>Certified Mail</b>
	Nevio Stroligo	48	McKeel Avenue	Tarrytown, NY 10591		115.11-1-80	70022410000550619312
	Angela Shibetti Swift	181	Beekman Avenue	Sleepy Hollow, NY 10591	30 Bonwit Road, Riverside, CT 06878	15-07-0004	70022410000550619329
	Ismael Rios	183	Beekman Avenue	Sleepy Hollow, NY 10591		15-07-0003	70022410000550619336
	Filiberto Varas	185	Beekman Avenue	Sleepy Hollow, NY 10591	5 Beekman Avenue, Sleepy Hollow, NY 10591	15-07-0002	70022410000550619343
	Union Building Corp.	193	Beekman Avenue	Sleepy Hollow, NY 10591	8000 Jefferson Avenue, Detroit, MI 48214	15-07-0001	70022410000550619350
	Julia Andrus Memorial	184	Beekman Avenue	Sleepy Hollow, NY 10591	1165 North Broadway, Yonkers, NY 10701	115.11-6-25	70022410000550619367
	Jose Zhinin	194	Beekman Avenue	Sleepy Hollow, NY 10591		16-04-0001	70022410000550619374
	Luis Maria Pani Alvarez	80	Clinton Street	Sleepy Hollow, NY 10591		16-04-0001.A	70022410000550619381
	Paul Le Clerc	78	Clinton Street	Sleepy Hollow, NY 10591		16-04-0002	70022410000550619398
	J. Northeast	75	Clinton Street	Sleepy Hollow, NY 10591	174 Webber Avenue, Sleepy Hollow, NY 10591	16-05-0022	70022410000550619404
	Oliverio Ojito	27	Barnhart Avenue	Sleepy Hollow, NY 10591		15-07-10.2	70022410000550619411
	Manuel Chimbo	29	Barnhart Avenue	Sleepy Hollow, NY 10591		15-07-10.1	70022410000550619428
	Rene S. Hernandez	23	Barnhart Avenue	Sleepy Hollow, NY 10591		115-07-10.4	70022410000550619435
	William Marte	11	Barnhart Avenue	Sleepy Hollow, NY 10591	112 Tredmore Road, Belair, MD 21015	15-07-0007	70022410000550619442
	Paul Kyriakidis	13	Barnhart Avenue	Sleepy Hollow, NY 10591	17 Barnhart Avenue, Sleepy Hollow, NY 10591	15-07-0008	70022410000550619459
	Paul Kyriakidis	17	Barnhart Avenue	Sleepy Hollow, NY 10591		15-07-0009	70022410000550620011
	Carlos Gozueta	21	Barnhart Avenue	Sleepy Hollow, NY 10591		15-07-10.5	70022410000550619466
	Mario Hernandez	19	Barnhart Avenue	Sleepy Hollow, NY 10591		15-07-10.6	70022410000550619473
	Kevin Brennan	64	Howard Street	Sleepy Hollow, NY 10591	4 Union Street, Briarcliff Manor, NY 10510	15-06-0028	70022410000550619480
	Carmar Properties Corp c/o T. Fiorenza	62	Howard Street	Sleepy Hollow, NY 10591	36 Andrea Lane, Thornwood, NY 10594	115.11-2-40	70022410000550619497
	Catherine Guarneri	60	Howard Street	Sleepy Hollow, NY 10591	74 Tysens Lane, Staten Island, NY 10306	15-06-0026	70022410000550619503
	Lucia Ackerly	59	Howard Street	Sleepy Hollow, NY 10591		15-05-0008	70022410000550619510
	Catello Annichiarico	61	Howard Street	Sleepy Hollow, NY 10591		15-05-0007	70022410000550619527
	John Merheb	63	Howard Street	Sleepy Hollow, NY 10591	35 Fairview Avenue, Tarrytown, NY 10591	15-05-0003	70022410000550619534
	Anthony Nigro	65	Howard Street	Sleepy Hollow, NY 10591		15-05-0001	70022410000550619541
	Salvatore Ferminciele	67	Howard Street	Sleepy Hollow, NY 10591		15-05-0003.A	70022410000550619558
	Samuel Martin Kavicky	80	Kendall Avenue	Sleepy Hollow, NY 10591		15-04-0005	70022410000550619565
	Kathleen A. Carey	43	Elm Street	Sleepy Hollow, NY 10591		15-06-0005	70022410000550619572
	Zoila L. Lester	45	Elm Street	Sleepy Hollow, NY 10591	2407 Edwards Manor Drive, Forest Hills, MD 21050	15-06-0004	70022410000550619589
	Dimitrios Papadopoulous	49-1/2	Elm Street	Sleepy Hollow, NY 10591	22 Victoria Avenue Montrose, NY 10548	15-06-0001.A	70022410000550619596
	Antonio Iannarelli	51	Elm Street	Sleepy Hollow, NY 10591	9 Doris Lane, Tarrytown, NY 10591	15-06-0001	70022410000550620028
	Antonio Iannarelli	49	Elm Street	Sleepy Hollow, NY 10591	9 Doris Lane, Tarrytown, NY 10591	15-06-0002	70022410000550619602
	Carlos A. Argueta	44	Elm Street	Sleepy Hollow, NY 10591	21 Barnhart Avenue, Sleepy Hollow, NY 10591	15-10-0032	70022410000550619619
	Antonio Demilia	50	Elm Street	Sleepy Hollow, NY 10591		15-10-0031	70022410000550619626
	Westchester County Parks	299	Palmer Avenue	Kingsland Point Park, Sleepy	25 Moore Avenue, Mt. Kisco, NY 10549	115.6-1-4	70022410000550619633
	Westchester County Parks Commissioner Vincent Castaldo County Office Bldg		Beekman Avenue	Sleepy Hollow, NY 10591	148 Martine Avenue, White Plains, NY 10601	14-27-0001	70022410000550619640
	Robert & Rose Malmberg-Gilchrest	58	Hudson Street	Sleepy Hollow, NY 10591	169 E. Loma Alta Drive, Altadena, CA 91001	115.15-1-36	70022410000550619657
	Midtown Trackage Ventures, LLC c/o Argent Ventures		Beekman Avenue ROW	Sleepy Hollow, NY 10591		115.15-1-44	70022410000550619664

	Mt. Pleasant IDA - General Motors Co.		Beekman Avenue	Sleepy Hollow, NY 10591			70022410000550619671
	Ruscan Tavern Inc. c/o Stephen Maceyak	226	Beekman Avenue	Sleepy Hollow, NY 10591		115.15-1-37	70022410000550619688
	Giovanni & Carmelina Volpaccio	212	Beekman Avenue	Sleepy Hollow, NY 10591		115.15-1-43	70022410000550619695
	Guillermo & Myriam Alvarez	220	Beekman Avenue	Sleepy Hollow, NY 10591		115.15-1-40	70022410000550619701
	Robert Gilich	218	Beekman Avenue	Sleepy Hollow, NY 10591	22 Gregory Street, Danbury, CT 06811	115.15-1-41	70022410000550619718
	Humphrey & Dana Newland	56	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-35	70022410000550619725
	Village of Sleepy Hollow Attn: Dwight Douglas		River Street	Sleepy Hollow, NY 10591		115.15-1-4	70022410000550619732
	Hector & Monica Lorca	216	Beekman Avenue	Sleepy Hollow, NY 10591		115.15-1-42	70022410000550619749
	Village of Sleepy Hollow		Devries Avenue	Sleepy Hollow, NY 10591		115.7-4-13	70022410000550619756
	Rene & Suzanne Hernandez	25	Barnhart Avenue	Sleepy Hollow, NY 10591		115.11-1-75.3	70022410000550619763
	Oliverio Ojito & Emelina	27	Barnhardt Avenue	Sleepy Hollow, NY 10591		115.11-1-75.2	70022410000550620035
	Emma Serina	222	Beekman Avenue	Sleepy Hollow, NY 10591		115.15-1-39	70022410000550619770
	Sherwin & Gloria Cepin	224	Beekman Avenue	Sleepy Hollow, NY 10591		115.15-1-38	70022410000550619787
	Louise & Joseph Bracchitta	42	River Street	Sleepy Hollow, NY 10591		115.15-1-2	70022410000550619794
	Clara Teagle	38	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-28	70022410000550619800
	Castle North Terminals Inc Co. Castle Oil Corp. Attn: Mr. Paul	11	River Street	Sleepy Hollow, NY 10591		115.15-1-6	70022410000550620172
	Catherine Fusillo	50	Hudson Street	Sleepy Hollow, NY 10591	45 Hazelton Drive, White Plains, 10605	115.15-1-33	70022410000550619824
	Jeffrey White & Krista Madsen	42	Hudson Street	North Tarrytown, NY 10591		115.15-1-30	70022410000550619831
	Rev Lee Thompson	54	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-34	70022410000550619848
	Helen Manca	40	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-29	70022410000550619855
	Juana Gonzalez	34	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-26	70022410000550619862
	Rosetta Pichardo	36	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-27	70022410000550619879
	Tobi R. White Allen IRV Trust White Trustee	48	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-32	70022410000550619886
	Catherine Ridenhour	46	Hudson Street	Sleepy Hollow, NY 10591		115.15-1-31	70022410000550619893
	Yakov & Lilia Tsalalikhin	59	River Street, Unit 101	Sleepy Hollow, NY 10591		16-01-0001.1	7002241000550619909
	Moon River Realty, LLC	57	River Street	Sleepy Hollow, NY 10591		16-01-0001.100.AB	70022410000550619916
	Moon River Realty, LLC	53	River Street	Sleepy Hollow, NY 10591		16-01-0001.100.C	70022410000550619923
	Anne-Isabelle & Richard Hughes	61	River Street, Unit 102	Sleepy Hollow, NY 10591		16-01-0001.102	70022410000550619930
	Edward & Mara Rosenblum	63	River Street, Unit 103	Sleepy Hollow, NY 10591		16-01-0001.103	70022410000550619947
	Victor Costa	65	River Street, Unit 104	Sleepy Hollow, NY 10591		16-01-0001.104	70022410000550619954
	Robert & Kathleen McLoughlin	67	River Street, Unit 105	Sleepy Hollow, NY 10591		16-01-0001.105	70022410000550619961
	Carlise E. Pozo, Jr.	69	River Street, Unit 106	Sleepy Hollow, NY 10591		16-01-0001.106	70022410000550619978
	Jeffrey & Debra Friedkin	71	River Street	Sleepy Hollow, NY 10591		16-01-0001.107	70022410000550619985
	Jonathan Weiss	73	River Street	Sleepy Hollow, NY 10591		16-01-0001.201	70022410000550619992
	Kenneth C. Ageloff	75	River Street, Unit 202	Sleepy Hollow, NY 10591		16-01-0001.202	70022410000550620004
	James Berkrot & Michael Staples	77	River Street	Sleepy Hollow, NY 10591		16-01-0001.203	70022410000550613617
	DDG Realty	5	West Main Street, Suite 209	Elmsford, NY 10523		16-01-0001.204	70022410000550613624
	Armando Battista	81	River Street	Sleepy Hollow, NY 10591		16-01-0001.205	70022410000550613631
	Keith Labis & Sean Flynn	83	River Street	Sleepy Hollow, NY 10591		16-01-0001.206	70022410000550613648
	Robert Traversa	85	River Street	Sleepy Hollow, NY 10591		16-01-0001.207	70022410000550613655
	Patricia Hollis & James Borteck	3	Tompkins Road	Scarsdale, NY 10583		16-01-0001.208	70022410000550613662
	Gary Botchman & Darcy Holmes	89	River Street	Sleepy Hollow, NY 10591		16-01-0001.209	70022410000550613679
	DDG Realty LLC	100	Summit Lake Drive	Valhalla, NY 10595		16-01-0001.210	70022410000550613686
	DDG Realty LLC	100	Summit Lake Drive	Valhalla, NY 10595		16-01-0001.211	

	John Hofheimer & Kai-Chih Wei	95	River Street	Sleepy Hollow, NY 10591		16-01-0001.212	70022410000550613693
	Paul Vibock	97	River Street	Sleepy Hollow, NY 10591		16-01-0001.213	70022410000550613709
	Daniel & Faith McCready	99	River Street	Sleepy Hollow, NY 10591		16-01-0001.301	70022410000550613716
	Donald & Douglas Smolev The Marcon Group	100	Summit Lake Drive	Valhalla, NY 10595		16-01-0001.302	70022410000550613723
	Eric & Lois Weiss	103	River Street	Sleepy Hollow, NY 10591		16-01-0001.303	70022410000550613730
	Susan & Alexander McFarlane	105	River Street	Sleepy Hollow, NY 10591		16-01-0001.304	70022410000550613747
	Hagan Wenzek & Vedrana Stojanac	107	River Street	Sleepy Hollow, NY 10591		16-01-0001.305	70022410000550613754
	Thomas A. Smart	24	Lone Butte Drive	Santa Fe, NM 87508		16-01-0001.306	70022410000550613761
	Andrew & Krystle Roth	111	River Street	Sleepy Hollow, NY 10591		16-01-0001.307	70022410000550613778
	Brian A. Pecker SDAC, LLC	9	East 40th Street, Fl 6	New York, NY 10016		16-01-0001.308	70022410000550613785
	DDG Realty LLC	100	Summit Lake Drive	Valhalla, NY 10595		16-01-0001.309	
	Dwayne Brown & Nicole Woodard	117	River Street	Sleepy Hollow, NY 10591		16-01-0001.310	70022410000550613792
	DDG Realty LLC	100	Summit Lake Drive	Valhalla, NY 10595		16-01-0001.311	
	Mary Martire & Michael Laurissa	121	River Street	Sleepy Hollow, NY 10591		16-01-0001.312	70022410000550613808
	Stephen Biale & Nan-Kirsten Forte	123	River Street, Unit 313	Sleepy Hollow, NY 10591		16-01-0001.313	70022410000550613815
	Randall Holcombe & Helen Beale-Holcombe	125	River Street	Sleepy Hollow, NY 10591		16-01-0001.401	70022410000550613822
	Eleanor Sanzo	127	River Street, Unit 402	Sleepy Hollow, NY 10591		16-01-0001.402	70022410000550613839
	Stella Treiberman	129	River Street, Unit 403	Sleepy Hollow, NY 10591		16-01-0001.403	70022410000550613846
	John & Kristina Lambros	131	River Street, Unit 404	Sleepy Hollow, NY 10591		16-01-0001.404	70022410000550613853
	Peter & Ulrike Faulhaber	133	River Street, Unit 405	Sleepy Hollow, NY 10591		16-01-0001.405	70022410000550613860
	Irvina Rybina & Vitalyi Rubin	135	River Street, Unit 406	Sleepy Hollow, NY 10591		16-01-0001.406	70022410000550613877
	John Peros	37	East Clinton Avenue	Irvington, NY 10533		16-01-0001.407	70022410000550613884
	Thomas & Karen Hutcherson	139	River Street, Unit 408	Sleepy Hollow, NY 10591		16-01-0001.408	70022410000550613891
	Roberto Dominguez & Maribel Correa	141	River Street, Unit 409	Sleepy Hollow, NY 10591		16-01-0001.409	70022410000550613907
	Michael & Alicia Santocki	143	River Street, Unit 410	Sleepy Hollow, NY 10591		16-01-0001.410	70022410000550613914
	Alan & Susan Singer	145	River Street, Unit 411	Sleepy Hollow, NY 10591		16-01-0001.411	70022410000550613921
	Union Free School District of the Tarrytowns	200	North Broadway	Tarrytown, NY 10591			70022410000550620189
	Pocantico Hills Central School District	599	Bedford Road	Sleepy Hollow, NY 10591			70022410000550623982
	Village of Tarrytown	1	Depot Plaza	Tarrytown, NY 10591			70022410000550620097
	Village of Briarcliff Manor	1111	Pleasantville Road	Briarcliff Manor, NY 10510			70022410000550620103
	Town of Mount Pleasant	1	Town Hall Plaza	Valhalla, NY 10595			70022410000550620110
	Town of Greenburgh	177	Hillside Avenue	White Plains, NY 10607			70022410000550620127
	Westchester County Dept. of Planning	148	Martine Avenue, Room 432	White Plains, NY 10601			70022410000550620134
	NYS DEC	100	Hillside Avenue	White Plains, NY 10603			70022410000550620141
	NYCDEP	465	Columbus Avenue	Valhalla, NY 10595			70022410000550620158
	NYS Office of Parks, Recreation and Historic Preservation		Empire State Plaza, Agency Building 1	Albany, NY 12238			70022410000550620202

# **ATTACHMENTS**



AFFIDAVIT OF OWNERSHIP

STATE OF CALIFORNIA)

SS:

COUNTY OF ORANGE)

Bruce V. Cook, being duly sworn deposes and says that he resides at 25042 Farrier Circle, Laguna Hills in the County of Orange, State of California and that he is the Authorized Signatory of Lighthouse Landing Ventures LLC which is the owner in fee of all the property described as Section/Block/Lot 115.10-1-1 (West Parcel) and Section/Block/Lot 115.15-1-1 (South Parcel) located at 199 Beekman Avenue in the Village of Sleepy Hollow, NY, and authorizes herein the submission of the application to the Planning Board for approval. That said Lighthouse Landing Ventures LLC acquired title to said premises by deed from Town of Mount Pleasant Industrial Development Agency recorded in the Office of the Westchester County Clerk on December 24, 2014, Control No. 543173351. The deponent affirms that the statements contained herein are true to the best of deponent's knowledge and belief, and are made for the purpose of obtaining the approval of the submitted application.

Signed By Owner of Corporation

*Bruce V. Cook*

With capacity as

*Authorized Signator*

of

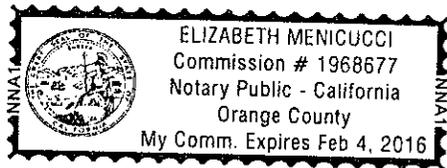
*Lighthouse Landing Ventures LLC*

Title

Name of Corporation

Subscribed and sworn to before me this 26<sup>th</sup>  
Day of February, 2015

*Elizabeth Menicucci*  
(Notary) Public)

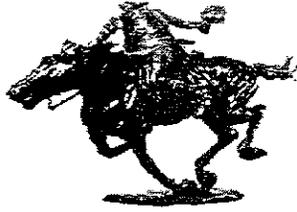


# Village of Sleepy Hollow

Kenneth G. Wray  
Mayor  
(914) 366-5107

Jennifer Lobato-Church  
Deputy Mayor  
(914) 366-5107

TRUSTEES  
Bruce R. Campbell  
Dorothy Handelman  
Glenn Rosenbloom  
Evelyn R. Stupel  
Karin Wompa  
(914) 366-5107



1874  
*More than a Legend*

28 Beekman Avenue  
Sleepy Hollow, New York 10591  
(914) 366-5100 · Fax (914) 332-7074  
[www.sleepyhollowny.gov](http://www.sleepyhollowny.gov)

Anthony P. Giaccio  
Village Administrator  
(914) 366-5105

Paula A. McCarthy  
Village Clerk  
(914) 366-5106

Sara A. DiGiacomo  
Village Treasurer  
(914) 366-5144

Janet Gandolfo  
Village Attorney  
(914) 366-5107

December 21, 2014

Westchester County Clerk  
110 Dr. Martin Luther King Jr. Boulevard  
White Plains, NY 10601

RE: Premises: GM Site, Beekman Avenue, Sleepy Hollow, NY  
Village: Village of Sleepy Hollow  
S/B/L: Section 15 Block 01 Lot 0001

Dear Clerk:

This is to certify that, pursuant to Chapter 605 of the Laws of 1985, Section 1, there are no taxes levied and unpaid and no taxes which are a lien prior to the date hereof against the above referenced premise.

Please feel free to contact me with any questions.

Sincerely,

Sara A. DiGiacomo  
Village Treasurer



Rochester-Home Office  
Old City Hall 30 West Broad Street Suite 100 Rochester, NY 14614  
Ph: 585-955-6111 Fax: 585-955-6175  
[www.FrontierAbstract.com](http://www.FrontierAbstract.com)

December 19, 2014

Westchester County Clerk  
110 Dr. Martin Luther King Junior Boulevard  
White Plains, NY 10601

RE: Title No.: 5066466  
Premises: GM Site, Beekman Avenue, Sleepy Hollow, NY  
Town: Town of Mount Pleasant  
S/B/L: Section 115.11 Block 1 Lot 2-and-Section 115.11 Block 1 Lot 85

Dear Clerk:

This is to certify that, pursuant to Chapter 605 of the Laws of 1985, Section 1, there are no taxes levied and unpaid and no taxes which are a lien prior to the date hereof against the above referenced premises.

Please feel free to contact me with any questions.

Very truly yours,  
Frontier Abstract and Research Services, Inc.

By: Timothy J. O'Sullivan  
Vice President

Buffalo-Branch Office  
Convention Towers Bldg  
43 Court Street  
Suite 710  
Buffalo, NY 14202  
Tel: 716-856-0868  
Fax: 716-856-0868

Capital District-Branch Office  
1218 Union Street  
Schenectady, NY 12308  
Tel: 518-339-2104  
Fax: 866-547-7363

Syracuse-Branch Office  
224 Harrison Street  
Suite 214  
Syracuse, NY 13202  
Tel: 315-478-3163  
Fax: 315-478-2942

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# Royal Abstract of New York LLC

500 Fifth Avenue, Suite 1540, New York, NY 10110  
(212) 376-0900 Fax # (212) 376-0912

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December 18, 2014

Westchester County Clerk  
110 Dr. Martin Luther King Junior Boulevard  
White Plains, NY 10601

RE: Title No.: 906476  
Premises: GM Site, Beekman Avenue, Sleepy Hollow, NY  
Town: Town of Mount Pleasant  
S/B/L: Section 115.10 Block 1 Lot 1 -and- Section 115.15 Block 1 Lot 1

Dear Clerk:

This is to certify that, pursuant to Chapter 605 of the Laws of 1985, Section 1, there are no taxes levied and unpaid and no taxes which are a lien prior to the date hereof against the above referenced premises.

Please feel free to contact me with any questions.

Very truly yours,  
Royal Abstract of New York LLC



By: Michael Roberts, Esq.  
Vice President and Counsel

March 2, 2015

## §190-4(H) Project Engineer's Certificate

I Gerhard M. Schwalbe, P.E. affix my signature and seal as a sign of approval of the proposed site plan. The proposed operation and the finished grades of the premises after completion thereof will not interfere with or overload any existing or planned drainage facilities of the Village and will not cause erosion or other problems, will not cause water to accumulate and will not result in the outpouring of water or otherwise have an adverse effect on any thoroughfares or on the lateral stability or drainage of adjoining properties, and is not contrary to the policy of §190-1.



Signature

March 2, 2015

Date



**LIGHTHOUSE LANDING  
FILLING OPERATIONS AND  
SITE PREPARATION PLAN**

Village of Sleepy Hollow, New York

**STORMWATER POLLUTION  
PREVENTION PLAN**

Prepared for the Fulfillment of:

New York State Department of Environmental Conservation  
SPDES General Permit for Stormwater Discharges from Construction Activities  
Permit No. GP-0-15-002

Prepared by:

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White Plains, NY 10601

March, 2015

LIGHTHOUSE LANDING  
VILLAGE OF SLEEPY HOLLOW, NEW YORK  
STORMWATER POLLUTION PREVENTION PLAN

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**TAB 1**  
**BACKGROUND**

## 1. BACKGROUND

### a. Document Description

This document is a Stormwater Pollution Prevention Plan (SWPPP) prepared and maintained in compliance with the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Storm Water Discharges from Construction Activity (Permit Number GP-0-15-002) for the redevelopment of the former GM Assembly Plant site (West and South Parcels) located in the Village of Sleepy Hollow, New York.

This SWPPP includes text (the documents bound in this notebook), site plan drawings as listed in Section 2.h., and other relevant documents as listed in Section 2.i. that describe the existing developed condition of the site and the estimated redeveloped conditions during and after construction.

The following is a list and brief description of the sections of this text as identified in the Table of Contents:

Sections 1 and 2: Description of the existing developed site conditions and the conditions that are predicted to occur during and after the proposed project is constructed and the site redeveloped.

Section 3, Appendix A: The certification forms to be completed by the project operator and the project contractors responsible for the implementation of this Plan.

Section 4, Appendix B: The Construction Activity Initiation and Completion Dates form to be completed by the contractor as the project is constructed.

Section 5, Appendix C: Blank Stormwater Pollution Prevention Plan Observation Report

to be completed by the certified inspector after each inspection conducted and as described in Section 1(d) viii of this text.

Section 6, Appendix D: A copy of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (Permit Number GP-0-15-002). **The contractor is responsible for maintaining compliance with this permit.**

Section 7, Appendix E: Applications and approvals related to the SWPPP will be inserted into this section as they are completed. These documents will include the Notice of Intent and the Notice of Termination.

Compliance with the NYSDEC SPDES General Permit for Storm Water Discharges from Construction Activities (General Permit) includes, but is not limited to, completing the following activities:

- i. Retaining a copy of this SWPPP including text, appendices, and drawings at the site until the date of final stabilization;
- ii. Posting a copy of the NOI and a project description at the construction site for public viewing;
- iii. Maintaining the SWPPP current;
- iv. Submitting a certified Notice of Termination when the site has finally been stabilized and discharges from construction activities have been eliminated;
- v. Maintaining a copy of this SWPPP by the operator for three years following the date of final stabilization.

The contractor shall refer to the NYSDEC SPDES General Permit for Storm Water Discharges from Construction Activities (Appendix D) for a complete listing of permit requirements for compliance.

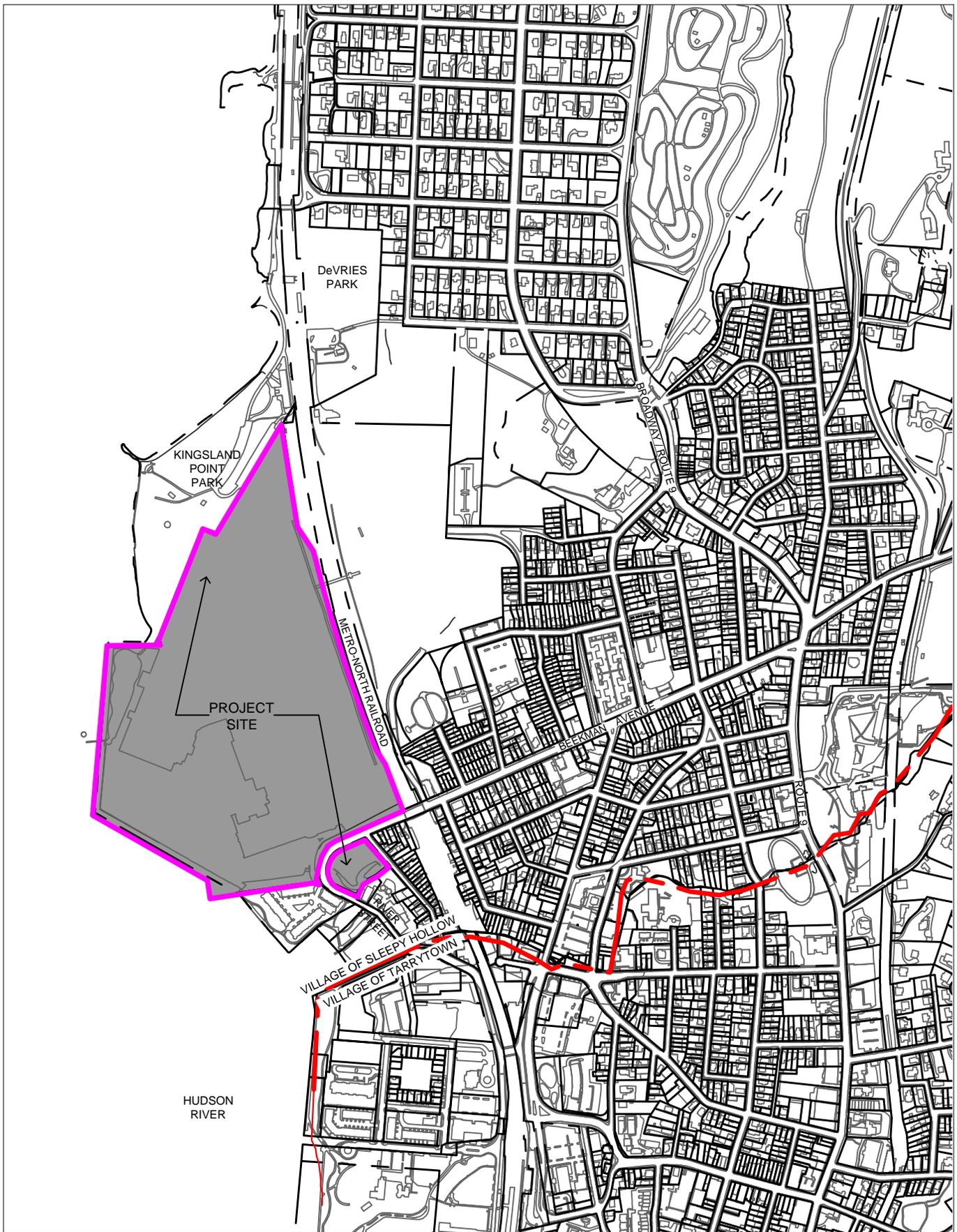
b. Project Location

The project site is located in the Village of Sleepy Hollow, New York at the westerly end of Beekman Avenue at its intersection with River Street and west of the Metro North railroad tracks. Refer to the Site Location Map, Figure 1, presented on the following page.

c. Project Site Description

The project site is comprised of two (2) parcels separated by Beekman Avenue. The approximate 66-acre West Parcel located north of Beekman Avenue and the approximate 1.7-acre South parcel located south of Beekman Avenue.

The site is now vacant land. Through the years the site has housed numerous automotive manufacturing uses, with the site last occupied by the former General Motors Assembly Plant. In over 80 years of operation, workers at the plant assembled more than 11 million cars and trucks. The 2,500,000 SF plant was closed by General Motors in 1996. The assembly plant buildings were dismantled and removed from the site by General Motors from the period of 1996 through 1999. The outlines of the plant remain visible today in the concrete foundations and asphalt parking areas remaining on the Site.



**DIVNEY • TUNG • SCHWALBE**  
Intelligent Land Use

## SITE LOCATION MAP

LIGHTHOUSE LANDING  
SLEEPY HOLLOW NY

FIGURE NO. 1  
MARCH 2015

d. Project Description

The goal of this phase of the project is to allow for the pre-construction import of fill material to facilitate future on-site construction activities. Further, the import of material will allow surcharging of future on-site development areas in advance of construction potentially reducing the need for dynamic compaction in those areas.

i. Maintenance of Temporary Structures and Practices

- (a) Temporary – Temporary storm water and erosion control structures and practices, as described in the Filling Operations and Site Preparation Plan drawings, will be installed and maintained through the duration of the project's construction. As required by the General Permit, structures and practices located in disturbed areas of the site will be inspected by a qualified individual at least every seven days. Areas of the site that have been finally stabilized will be inspected at least every month until the entire site has been finally stabilized. Following each inspection, a certified inspection report will be completed. Based on the results of the inspections, appropriate revisions to the SWPPP and its implementation will be completed within seven calendar days following the inspection. Appendix C of this SWPPP includes a blank inspection report form to be used to complete the inspections and report. Completed reports will be added to Section 5 and retained as part of this SWPPP.
- (b) Use of Fertilizer – Fertilizer on site will be used only in strict conformance with the 2012 NYS Dishwasher Detergent and Nutrient Runoff Law. Information on the legislation is appended to the end of this section.

ii. Project Permits and Approvals

Procedures and requirements specified for this project shall comply with all requirements applicable to protecting surface water and groundwater.

(1) Permits and Approvals Granted

(a) Village of Sleepy Hollow

(i) 2011 Special Permit and River Front Development Concept Plan

(b) New York State Department of Environmental Conservation

(i) Brownfield Clean-up Program Certificate of Completion

(ii) Environmental Easement and Site Management Plan

(2) Permits and Approvals Being Sought

(a) Village of Sleepy Hollow

(i) MS4 SWPPP Acceptance for Filling Operations and Site Preparation Plan

(ii) SPDES General Permit for Stormwater Discharges from Construction Activity



## Nutrient Runoff Law - ECL Article 17, Title 21

Effective January 1, 2012

### *Disclaimer:*

*The law below is presented as a quick reference tool. While it is believed to be accurate, it is not a certified copy of the law and therefore should not be relied upon for legal interpretation. The law as printed by Lawyers Cooperative Publishing, will continue to be the official source for legal purposes.*

Section 17-2101. Definitions.

Section 17-2103. Sale or use of phosphorus fertilizer restricted.

Section 17-2105. Local fertilizer regulation.

### **\* § 17-2101. Definitions.**

As used in this title:

1. "Compost" means the biologically stable humus-like material derived from composting or the aerobic, thermophilic decomposition of organic matter.
2. "Fertilizer" means the same as "specialty fertilizer" as defined in section one hundred forty-three of the agriculture and markets law.
3. "Lawn" or "non-agricultural turf" means any non-crop land area that is covered by any grass species. Lawn or non-agricultural turf does not mean flower or vegetable gardens, pasture, hayland, trees, shrubs, turf grown on turf farms, or any form of agricultural production.
4. "Phosphorus fertilizer" means fertilizer in which the available phosphate (P205) content is greater than 0.67 percent by weight, excluding compost.

\* NB Effective January 1, 2012

### **\* § 17-2103. Sale or use of phosphorus fertilizer restricted.**

1. No person shall apply or authorize any person by way of service contract or other arrangement to apply in this state any phosphorus fertilizer on lawn or non-agricultural turf, except when:
  - a. A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or
  - b. The phosphorus fertilizer is used for newly established lawn or non-agricultural turf during the first growing season.
2. Any retailer selling or offering for sale phosphorus fertilizer for use on lawn or non-agricultural turf shall comply with the retail sale requirements in section one hundred forty-six-g of the agriculture and markets law related to display of phosphorus fertilizer and the posting of educational signs.
3. No person shall apply fertilizer to:
  - a. lawn or non-agricultural turf between December first and April first, annually;
  - b. any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to lawn or non-agricultural turf or placed in an appropriate container; or

c. any lawn or non-agricultural turf on any real property within twenty feet of any surface water, except that this restriction shall not apply where a continuous natural vegetative buffer, at least ten feet wide, separates an area of lawn or non-agricultural turf and surface water, and except that, where a spreader guard, deflector shield or drop spreader is used to apply fertilizer, such application may not occur within three feet of any surface water. This paragraph shall not apply to an application of fertilizer for newly established lawn or non-agricultural turf during the first growing season.

4. Nothing in this title shall impair or supersede the authority of the commissioner of agriculture and markets pursuant to articles ten and twenty-five-AA of the agriculture and markets law.

\* NB Effective January 1, 2012

**\* § 17-2105. Local fertilizer regulation.**

A local government may enact more stringent standards for the application of fertilizer for lawn and non-agricultural turf than established in this title, provided, however, that any local government that enacts such standards after January 1, 2011 must demonstrate to the department prior to enactment that additional or more stringent standards are necessary to address local water quality conditions.

\* NB Effective January 1, 2012

**The Environmental Conservation Law is amended by adding a new section to 71-1945 (Enforcement) to read as follows:**

**\* § 71-1945. Enforcement of title 21 of article 17.**

1. Except as otherwise provided in this section, any person who violates any provision of title 21 of article 17 of this chapter or any rule, regulation or order issued thereunder shall be liable to the people of the state for a civil penalty not to exceed five hundred dollars for a first violation, and not to exceed one thousand dollars for each subsequent violation, to be assessed by the commissioner after a hearing or opportunity to be heard.
2. Any owner or owner's agent, or occupant of a household who violates any provision of title 21 of article 17 of this chapter or any rule, regulation or order issued thereunder shall, for a first violation be issued a written warning and be provided educational materials. Upon a second violation, the owner or owner's agent, or occupant of a household shall be liable to the people of the state for a civil penalty not to exceed one hundred dollars, and for any subsequent violations shall be liable to the people of the state for a civil penalty not to exceed two hundred fifty dollars. No owner or owner's agent of a household shall be held liable for any violation by an occupant. Such penalties may be assessed by the commissioner after a hearing or opportunity to be heard.

\* NB Effective January 1, 2012

**The title heading of Title 19 of Article 71 of the Environmental Conservation Law, as amended by chapter 400 of the laws of 1973, is amended to read as follows:**

ENFORCEMENT OF TITLES 1 THROUGH 11 AND 15 THROUGH 21 INCLUSIVE OF ARTICLE 17 AND SPILLS OF BULK LIQUIDS

**The Agriculture and Markets Law is amended by adding a new section 146-g to read as follows:**

§ 146-g. Retail sale.

Any retailer who sells or offers for sale to consumers specialty fertilizer in which the available phosphate (P205) content is greater than 0.67 percent, shall:

- a. display such phosphorus-containing specialty fertilizer separately from non-phosphorus specialty fertilizer; and post in the location where phosphorus-containing specialty fertilizer is displayed a clearly visible sign which is at least eight and one-half inches by eleven inches in size and states that: "Phosphorus runoff poses a threat to water quality. Therefore, under New York law, phosphorus-containing fertilizer may only be applied to lawn or non-agricultural turf when:
  1. A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or
  2. The fertilizer is used for newly established lawn or non-agricultural turf during the first growing season."

**This act shall take effect on the thirtieth day after it shall have become a law, provided, however, that:**

persons may continue to use phosphorus fertilizer on lawn and Nonagricultural turf after January 1, 2012, if the fertilizer was purchased prior to such effective date.



## FAQ For Lawn Fertilizer

### What does the law require?

- Phosphorus fertilizer for lawns and non-agricultural turf:
  - The law prohibits the use of fertilizers that contain phosphorus on lawns except when a new lawn is being established or a soil test has indicated a need for additional phosphorus.
- All fertilizer for lawns and non-agricultural turf:
  - No fertilizers may be applied within twenty feet of surface water except where:
    - A minimum ten foot wide vegetative buffer exists
    - The fertilizer is applied utilizing a spreader guard/deflector shield or drop spreader 3 ft from water
  - No fertilizers may be applied between December 1 and April 1.
  - No fertilizer may be applied onto impervious surfaces (e.g. pavement). If application or spill onto an impervious surface occurs it must be contained and cleaned up or used legally applied.
- Retailers:
  - Retailers must display phosphorus fertilizer separately from non-phosphorus fertilizer and must post an educational sign near the phosphorus fertilizer.
- Municipalities:
  - Local government may enact more stringent standards for the application of fertilizer for lawn and non-agricultural turf upon demonstration to the Department that more stringent standards are necessary to address local water quality conditions.

### What is a phosphorus fertilizer?

Phosphorus fertilizer has a phosphate content of more than 0.67% phosphorus by weight.

### When does the law go into effect?

- The fertilizer law becomes effective on January 1, 2012; however, phosphorus fertilizer can be used after January 1, 2012 if purchased before January 1, 2012.



*Nutrient enriched river with floating algae mats*

### Who will be affected by the law?

- Manufacturers of lawn fertilizer products
- Retailers and distributors of lawn fertilizers
- Pesticide applicators
- Organic lawn care businesses and any other businesses managing lawns
- Households, consumers, anyone managing lawns

## **Why is it important to address phosphorus in the waters of the State?**

- Phosphorus impacts our water. Phosphorus enters the environment in many ways. Wastewater treatment plants (WWTP), defective septic systems, agricultural runoff, fertilizer, manure, decomposing leaves, and urban/suburban runoff all contribute phosphorus to the environment. Phosphorus going into the State's water has been linked to: reductions in oxygen in waterbodies necessary for fish to breathe; algae that turn water bodies green; and algae and algae by-products that degrade drinking water.
- Lawn fertilizer can have unnecessary phosphorus. Fertilizers contain phosphorus to help spur plant growth. However, in many areas of the State sufficient phosphorus to foster lawn growth is naturally occurring or exists due to many years of over fertilization. Phosphorus from lawn fertilizer has the potential to significantly affect New York State's water resources.

## **Why the current focus on fertilizer?**

- Most soils in NYS already contain sufficient phosphorus to support turf grass growth without additional phosphorus in fertilizers.
- Phosphorus Lawn fertilizer can account for up to 50% of the soluble phosphorus in stormwater runoff from lawn areas.
- Not using phosphorus-containing products in the first place saves local tax dollars that would otherwise be spent removing phosphorus from waterbodies and wastewater that will enter waterbodies.

## **What are the costs associated with phosphorus in the waters of the State?**

Over 100 sub-watersheds in New York State contain waters impaired by phosphorus. Phosphorus is expensive for municipalities to remove from wastewater at the wastewater treatment plant; approximately \$1 to \$20 per pound.

## **How can I get soils tested to see if phosphorus is needed?**

Soil testing can be done in one of two ways: by a laboratory or by a do-it-yourself test kit. Laboratories that routinely perform soil nutrient analysis testing tend to produce more accurate results. Most soil nutrient analysis testing labs will also provide fertilizer application recommendations. Laboratories can be found by a web search or through the local Cornell University Cooperative Extension office. See "Links Leaving DEC's Website, at right". The cost of such laboratory tests should be in the \$10 to \$20 range (in 2010). Soil test kits readily available at lawn, garden and hardware stores may be used as well. They offer the advantage of immediate results.

## **How can I tell from a soil test that additional phosphorus is needed for growth of lawn or non-agricultural turf and, therefore, allowed under the law?**

A soil lab will interpret the test results and will provide this information to you. Home tests typically indicate, with colorimetric test kits, phosphorus levels in soil. The test kits should be matched to a color guide to determine if there is "surplus, sufficient, adequate or deficient" phosphorus in the soil sample. Additionally, a local Cornell University Cooperative Extension office can be contacted to understand soil test results. See "Links Leaving DEC's Website", at right.

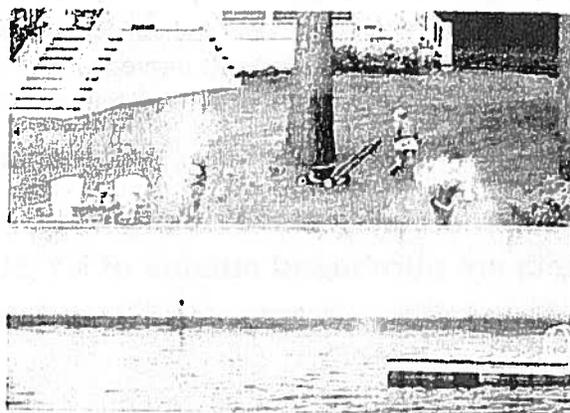
## **Has the Department identified a minimum required phosphorus level in soil for healthy lawn growth? If so, can phosphorus fertilizer be applied to lawns that test below this threshold?**

No, a minimum threshold has not been established at this time. The Department recommends that soil samples be taken to a nutrient testing lab for analysis. However, Cornell University Soil Laboratory has conducted research to determine what phosphorus soil levels would result in improved turfgrass performance. Using the Morgan soil test procedure the analysis found no benefit to phosphorus levels above 4 parts per million.

### **What is the applicability of this law to hydro-seeding?**

The law applies to the application of fertilizer rather than the method of application, so hydroseeding is not restricted per se. However, hydroseeding lawns or non-agricultural turf using phosphorus hydroseeding fertilizer is prohibited. The exceptions to this prohibition are:

- If an area is hydroseeded to establish a new lawn, then the application of phosphorus fertilizer is not restricted.
- If a soil test conducted in the area to be hydroseeded indicates a phosphorus deficiency, the application of phosphorus fertilizer is not restricted.



*Improper fertilizer application near water body*

### **What is a "natural vegetative buffer"?**

A natural vegetative buffer is composed of planted or naturally occurring vegetation, such as trees, shrubs, legumes, or grasses.

### **What are the definitions of "lawn" and "non-agricultural turf"?**

The Nutrient Runoff Law restricts the application of fertilizer on lawns and non-agricultural turf, where those terms are defined as follows:

"Lawn" or "non-agricultural turf" means any non-crop land area that is covered by any grass species. Lawn or non-agricultural turf does not mean flower or vegetable gardens, pasture, hayland, trees, shrubs, turf grown on turf farms, or any form of agricultural production.

### **Can liquid fertilizer be applied with a sprayer less than 20 feet from a waterbody?**

Phosphorus fertilizer may not be applied within 20 feet of any waterbody. Sprayers are not exempted from this restriction. The exception to the 20-foot restriction on the use of fertilizer applies when using drop spreaders, spreader guards or deflector shields. These applications may be used within three (3) feet of a waterbody.

### **How do I know I have a sufficient vegetative buffer, between the property and the surface water, to use a fertilizer? How long does the vegetative buffer have to be?**

The buffer must be located between the lawn that is receiving fertilizer and the waterbody that is being buffered. The buffer must be continuous and a minimum of ten (10) feet wide.

### **Can I use fertilizer without a buffer, if I apply with any type of spreader guard, deflector shield or drop spreader?**

Yes, these applicators may be used within three (3) feet of a waterbody but no closer.

### **Would ornamental grasses be treated as turf?**

If Ornamental Grasses are closely mowed, they would be subject to the law. Unmowed grasses would not be considered lawn turf.

### **Is phosphorus fertilizer application allowed for bare spots without soil testing?**

Given the myriad of other reasons that bare spots can form, soil testing is recommended to determine the soil nutrient needs for the bare spots. However, the law allows phosphorus fertilizer to be applied to the bare spots to establish turf without soil testing. Such applications would be in accordance with the law if the area had not already been treated with phosphorus fertilizer and provided the phosphorus fertilizer is not applied to areas where turf has already been established.

The law also allows the homeowner to use compost to repair bare spots without first testing the soils.

### **Is the commercial application of phosphorus-containing fertilizer permitted if the products are purchased outside of NY State or on the internet?**

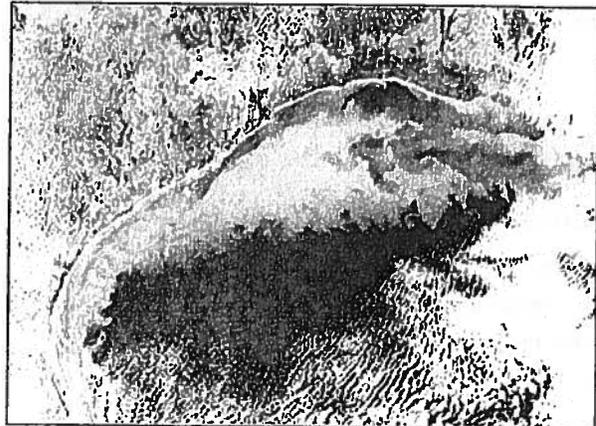
No. Only lawn fertilizer with less than 0.67% by weight phosphate content may be applied, regardless of where it was purchased.

### **Can commercial lawn care applicators still use fertilizer/pesticide combination products (sometimes called "weed and feeds")?**

The law applies to fertilizer application and would restrict the use of "weed and feeds" where these products contain phosphorus in amounts over 0.67% phosphorus content, unless a soil test showed that the lawn needed phosphorus, or a new lawn is being established.

### **As a certified applicator, what if a fertilizer or pesticide/fertilizer combination product is already listed in the lawn care contracts I have with customers - do I have to revise and reissue all such contracts?**

The fertilizer law reads in part: "No person shall apply or authorize any person by way of service contract or other arrangement to apply in this state any phosphorus fertilizer on lawn or non-agricultural turf." This means that, even if such a product is listed in a contract, its application is prohibited under the fertilizer law (ECL 17-2103). Also, under DEC Regulations Relating to the Application of Pesticides (6 NYCRR Part 325.40(a)(7)), a lawn care contract must be amended if certain elements of the contract change, including the list of pesticides to be applied. If a fertilizer/pesticide combination product is listed and would no longer be used or would be replaced with a pesticide product with a different name or active ingredients, then the contract must be amended to reflect that change in service.



*Nutrient runoff into the Gulf of Mexico*

### **As a business providing organic land care services, does this law apply to organic fertilizers or compost?**

The law applies to phosphorus lawn fertilizer including organic phosphorus fertilizer, but the law does not apply to compost.

**What if a product with more than 0.67% phosphate content is allowed by the National Organic Program - can I use it then?**

A product with more than 0.67% phosphate content may only be used when establishing a new lawn or when a soil test indicates a need for additional phosphorus.

**Do the restrictions on fertilizer applications regarding dates of applications, impervious surfaces, and surface water pertain to all lawn fertilizers or just phosphorus lawn fertilizers?**

These restrictions apply to all lawn fertilizer application.

**Is the use of phosphite-containing fungicides restricted by the Nutrient Law?**

The law in question specifically targets phosphorus in lawn fertilizer. Phosphites (PO<sub>3</sub>) in fungicides are not restricted under the Nutrient Law, but some may be restricted use pesticides which can only be used by certified pesticide applicators (check the product label and the NYS Product, Ingredient, and Manufacturer system at the University of Cornell University Cooperative Extension. See "Links Leaving DEC's Website", at right.

**How can I tell the difference between a fertilizer and a phosphorus fertilizer? Where on the product label does it show how much phosphorus is in the product - to see if it has 0.67% or less phosphorus?**

Fertilizer labels have three bold numbers. The first number is the amount of nitrogen (N), the second number is the amount of phosphorus oxide (P<sub>2</sub>O<sub>5</sub>) and the third number is the amount of potassium oxide (K<sub>2</sub>O). A bag of 10-5-10 fertilizer contains 10 percent nitrogen, 5 percent phosphorus oxide and 10 percent potassium oxide. The law limits the amount of P<sub>2</sub>O<sub>5</sub> to less than 0.67%. Therefore the phosphorus (middle number) should be less than 0.67 for the product to meet the phosphorus lawn fertilizer restriction.

**Are fertilizers with labels for trees, shrubs and other plantings OK to use? Are only fertilizers used on lawns restricted?**

The law does not restrict the use of phosphorus fertilizer that is intended to treat trees, shrubs or gardens.

**Are compost and compost tea OK to use?**

Compost and compost tea are not restricted under the new fertilizer restrictions. Products which meet the exemption for compost in the Nutrient Runoff Law are those that are composed of "biologically stable humus-like material derived from composting or the aerobic, thermophilic decomposition of organic matter." Products that contain chemically/mechanically or otherwise manipulated animal or plant manure are not eligible. Products that contain only compost as defined in the law, resulting from the aerobic, thermophilic decomposition process are eligible for the exemption. (Note that compost tea cannot be used as a pesticide in New York State; it is not a registered product.)

**Do oven-dried, pelletized manure products meet the definition of compost, and the compost exemption from the law?**

Any manure product that is pelletized does not meet the definition of compost, as it is "chemically/mechanically or otherwise manipulated". Oven-dried manure has been "otherwise manipulated" as well and does not meet the definition of compost. Manure products that are oven-dried or pelletized are therefore not considered to be compost, and are not exempt from this law.

**What should I do with products I already have that contain more than 0.67% phosphorus? Can I dump the product in the trash and recycle the container, or are there special disposal requirements?**

There are no specific disposal requirements in the new law for phosphorus lawn fertilizer. The product may be used if it was purchased before January 1, 2012; however, should it need to be disposed, any disposal statements on the product label must be followed. In addition, businesses or other entities with larger quantities of waste fertilizer should check with the disposal facility and/or DEC regional staff to determine if the facility has applicable disposal restrictions, either in permit or imposed by the facility.

**As a homeowner, is it OK if I contract with a professional applicator to use a fertilizer or pesticide/fertilizer combination product that contains phosphorus?**

The law reads: No person shall apply or authorize any person by way of service contract or other arrangement to apply in this state any phosphorus fertilizer on lawn or non-agricultural turf, except when:

- a. A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or
- b. The phosphorus fertilizer is used for newly established lawn or non-agricultural turf during the first growing season.

**I understand that lawn care companies cannot apply fertilizer between December 1st and April 1st. Can a customer legally spray a product containing Magnesium, Iron, Manganese and Zinc, or would this be considered a fertilizer and thus be restricted?**

The prohibition on application of fertilizer between December 1st and April 1st applies to products that contain any of the primary macronutrients (nitrogen (N), phosphorus (P), or potassium (K)). If the product in question does not contain any of the three primary macronutrients, it could be applied during the winter months without violating this law.

**"Deep root feeding" is the injection of liquid fertilizer mix into the ground about 1 to 3 feet deep around trees directly to the root zone. Is this subject to the Dec 1st to April 1st ban and subject to the .67 Phosphorous limitation? No fertilizer is surface applied in this case. Or, can this be done at anytime of year with fertilizer higher in P than the .67 % by weight limit??**

Only fertilizer for application on Lawn or non-agricultural turf is regulated. Fertilizer for trees is not regulated. The text of the law includes this sentence from the definition for Lawn or non-agricultural turf: "Lawn or non-agricultural turf does not mean flower or vegetable gardens, pasture, hayland, trees, shrubs, turf grown on turf farms, or any form of agricultural production".

Therefore, any fertilizer applied to "flower or vegetable gardens, pasture, hayland, trees, shrubs, turf grown on turf farms, or any form of agricultural production",



*Blue-green algae scum in channel catfish pond*

whether surface or sub-surface, is not restricted and the fertilizer may be applied at any time of the year.

### **What are the requirements for the retail sign?**

The NYS Department of Agriculture and Markets has revised Article 10 to read as follows:

\* § 146-g. Retail sale. Any retailer who sells or offers for sale to consumers specialty fertilizer in which the available phosphate (P205) content is greater than 0.67 percent, shall:

- a. display such phosphorus-containing specialty fertilizer separately from non-phosphorus specialty fertilizer; and
- b. post in the location where phosphorus-containing specialty fertilizer is displayed a clearly visible sign, which is at least eight and one-half inches by eleven inches in size, and states that "Phosphorus runoff poses a threat to water quality. Therefore, under New York law, phosphorus-containing fertilizer may only be applied to lawn or non-agricultural turf when:
  1. A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or
  2. The fertilizer is used for newly established lawn or non-agricultural turf during the first growing season."

NYS DEC has prepared signs in black and white and in color that retailers can laminate for in-store display and use to meet the requirements of the law. The New York State Department of Agriculture and Markets revised Article 10 is available in the right margin. See "Links Leaving DEC's Website, at right".

### **Do pesticide commercial permittees have to comply with the new retailer signage requirements regarding fertilizer restrictions?**

The law applies to retailers who sell or offer for sale phosphorus lawn fertilizer. Any pesticide commercial permittee selling phosphorus fertilizers, including any pesticide/fertilizer combination with a phosphorus content exceeding .67, would be considered a retailer under the law and must comply with the signage requirements in Section 146-g in the State Agriculture and Markets Law.

### **Are these requirements part of the pesticide regulations?**

No. These requirements are part of Article 17, Title 21 of New York State Environmental Conservation Law, "Nutrient Runoff", administered by the DEC Division of Water.

### **What will be the penalty if I use a phosphorus fertilizer or a fertilizer in a way not allowed by the law?**

For an owner, owner's agent, or occupant of a household, the penalties are: issuance of a written warning with educational materials for a first violation; a fine of up to \$100 for a second violation; and fines up to \$250 for subsequent violations.

The penalties for all others are: a fine up to \$500 for a first of violation; and fines up to \$1000 for subsequent offenses.

### **Where can I get help on how to know which products are OK?**

For further information, please call New York State Department of Environmental Conservation, Bureau of Water Resource Management at 518-402-8112.



NEW YORK STATE  
DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

## Important Information for Pesticide Applicators

- Commercial pesticide applicators, including those operating under lawn care contract and any other person using fertilizers, including homeowners, must comply as of January 1, 2012, with the new restrictions in the NYS Dishwasher Detergent and Nutrient Runoff Law.
- The new restrictions apply to use of fertilizer/pesticide combination products (commonly known as "weed and feeds").
- Commercial permittees that sell fertilizer/pesticide combination products or fertilizers alone must comply with the new retailer signage requirements.
- Under the law, use of fertilizer that contains up to 0.67% phosphorus is not restricted. Fertilizer containing more than 0.67% phosphorus can only be used if a new lawn is being established or a soil test indicates it is necessary.
- Any person purchasing fertilizer/pesticide combination products after January 1, 2012, should read the product label to ensure the product purchased contains 0.67% or less phosphorus.

**TAB 2**  
**CONSTRUCTION ACTIVITY DESCRIPTION**

## 2. CONSTRUCTION ACTIVITY DESCRIPTION

### a. Project Operator

The Project Operator is required to comply with all conditions of the NYSDEC General Permit GP 0-15-002.

LIGHTHOUSE LANDING VENTURE, LLC

2392 Morse Avenue

Irvine, California 92614

### b. Project Contractors

All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. The construction manager and designated subcontractor will be responsible for the installation and maintenance of all temporary stormwater and erosion control. They will be responsible for the installation of the permanent stormwater measures and the maintenance during construction.

#### i. Construction Manager

To be determined.

#### ii. Earthwork/Sitework Contractor

To be determined.

### c. Project Engineers:

The Design Engineer is responsible for the development of the Stormwater Pollution Prevention Plan as required by the NYSDEC General Permit GP 0-15-002. The Field Engineer is responsible for conducting inspections and maintaining the SWPPP as required in the SWPPP and the NYSDEC General Permit GP 0-15-002.

#### Design Engineer:

Divney Tung Schwalbe, LLP

One North Broadway  
White Plains, NY 10601  
(914) 428-0010

Field Engineer:

To be determined.

d. Construction Program

The work will include the select demolition of existing paved surfaces, the stockpiling and materials management of demolition material, and the import and stockpiling of select fill material in support of future on-site construction activities. All work will be performed in strict accordance with the NYSDEC approved Site Management Plan dated December 2013 (incorporated herein by reference), and further shall maintain a construction sequence general, as outlined below:

(1) Site Preparation and Erosion Control

**Prerequisite to begin activities:** Authorization to proceed under NYSDEC SPDES General Permit No. GP-0-15-002 and the filing of the Notice of Intent coverage. Conduct a preconstruction meeting with Owner's Representative, Site Engineer, General Contractor, Site Contractor, Building Inspector and Village Engineer or other Village Representative.

- (a) Installation of perimeter erosion and sediment control devices
- (b) Setup of staging areas
- (c) Install stone construction entrance
- (d) Construct sediment traps

(2) Material Import and Stockpile

**Prerequisite to begin activities:** Complete all site preparation and erosion control activities outlined in Item (1) above.

- (a) Import select fill material after receipt of NYSDEC approval of the source material.

- (b) Begin demolition of site features (concrete slabs, pavement, etc.) as required to receive imported fill material.
- (c) Transport demolition material to on-site material management stockpiles for future processing and/or recycling
- (d) Place and compact import material in area of demolition to re-establish cap in accordance with NYSDEC requirements.
- (e) Apply temporary stabilization to stockpile.

Additional information regarding phasing of construction activities is provided on the Filling Operations and Site Preparation Plan drawings.

e. Erosion and Sediment Control

Erosion and sedimentation related impacts will be minimized by controlling runoff and minimizing erosion, and by collecting suspended sediment before it leaves the site. Clean runoff will be diverted away from disturbed areas and sediment laden runoff will be directed to sediment traps. Only those areas required to be disturbed will be opened and exposed. Disturbed areas will be stabilized preceding storm events and/or immediately following construction activities in the area. Suspended sediment in runoff will be filtered and/or settled out via silt fence, sediment traps and other measures.

Erosion and sediment control for this site preparatory work shall be implemented as specified on the Filling Operations and Site Preparation Plan drawings.

f. Colloidal Soils

In the event that colloidal soils are encountered during construction that cannot be settled out through typical erosion control measures, the sediment trap outlets and/or other treatment measures will be modified to allow manual operation. Stormwater runoff will be retained in the sediment traps to allow the colloidal soils to settle out. Prior to forecasted storm events, the retained stormwater will be released at a controlled rate through a filter to provide capacity for the next storm. Flocculants may not be used without prior approval

from the NYSDEC and the Village of Sleepy Hollow.

g. Construction Refuse Control

All contractors working on the site will provide adequate trash containment services for the construction site at the start of work to maintain a clean, debris-free work area. Typical facilities may be covered containers with openings three inches or smaller or approved equal, and will be emptied on a regular basis. Refuse will be removed from site via solid-waste contractor and be recycled or disposed per Federal, State and local requirements. Refuse will not be disposed on site.

h. List of Drawings

The following is a list of the site plan drawings that are incorporated herein by reference and made part of this SWPPP.

1. SPP-1 Filling Operations and Site Preparation Plan

i. List of Relevant Documents

The following is a list of relevant documents incorporated herein by reference and made part of this SWPPP.

1. Site Management Plan dated December 2013, prepared by Arcadis for General Motors, LLC.
2. Construction Management Plan dated February 5, 2015, prepared by Divney Tung Schwalbe, LLP for Lighthouse Landing Venture, LLC.

**TAB 3**  
**CONTRACTOR CERTIFICATIONS**

LIGHTHOUSE LANDING  
VILLAGE OF SLEEPY HOLLOW  
WESTCHESTER COUNTY, NEW YORK

CONTRACTOR CERTIFICATION STATEMENT

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

CONTRACTOR

Company: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

CERTIFICATION

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TRAINED INDIVIDUAL

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CONSTRUCTION/SWPPP ACTIVITY RESPONSIBILITY:

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

**TAB 4**  
**CONSTRUCTION SCHEDULES**

PROJECT  
TOWN  
WESTCHESTER COUNTY, NEW YORK

Project Phase: \_\_\_\_\_

CONSTRUCTION ACTIVITY INITIATION AND COMPLETION DATES

AREA	SEDIMENT CONTROL MEASURES	CLEARING AND GRUBBING OF VEGETATION	STRIPPING & STOCKPILING OF TOPSOIL	ROUGH GRADING	TEMP. STABILIZE	FINISH GRADING & TOPSOIL SPREADING	ROADWAY PAVING	PERM. STABILIZE
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							
	BEGIN							
	END							

Note: Attach a map for delineation of area.

**TAB 5**  
**SWPPP OBSERVATION REPORTS**

**SITE OBSERVATION REPORT - SWPPP**

Project: Lighthouse Landing Project Number: 780  
Site Location: Village of Sleepy Hollow, NY Date of Site Visit:  
Purpose: Weekly Time of Site Visit:  
NYSDEC Permit: Date of Previous Visit:  
Owner: Weather:  
General Contractor: Temperature: °F  
Site Contractor: Soil Conditions:  
Site Contractor Working? Last Rainfall: On:  
Phase of Construction:  
Attendees:     
   Other(s):

**Complete Report and Photos Attached**

Compliance with SWPPP?

Was the inspection reviewed with the contractor? Yes

Signed: \_\_\_\_\_

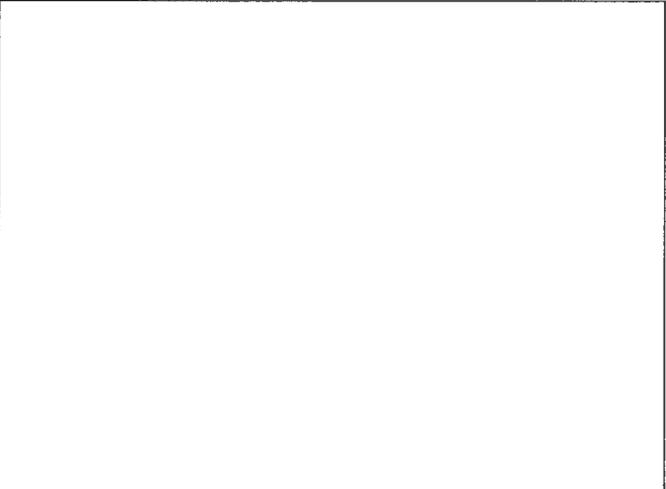
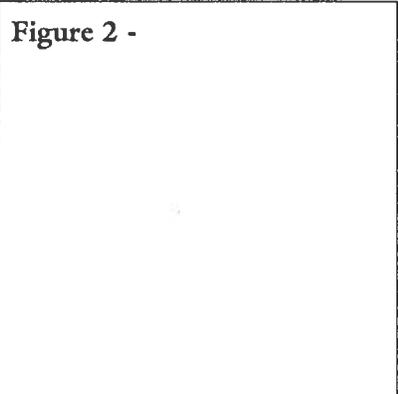
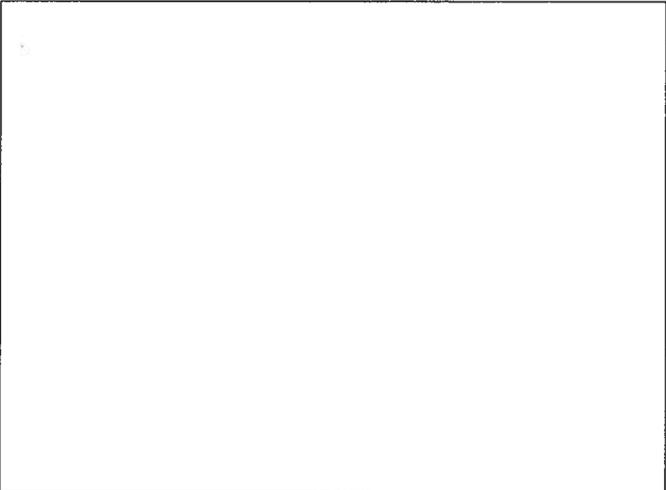
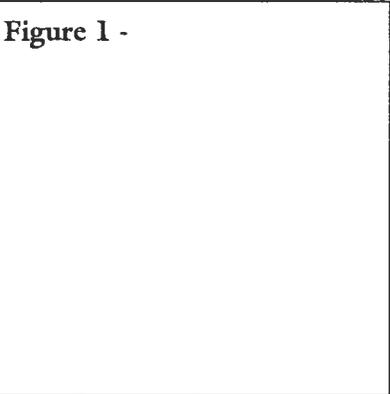
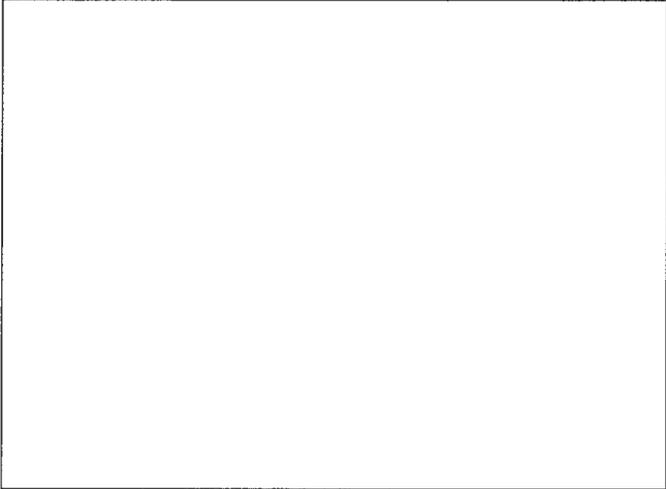
Copies To:

Divney Tung Schwalbe, LLP  
One North Broadway, Suite 1407  
White Plains, New York 10601  
(914) 428-0010 / (914) 428-0010 (fax)

Observations:

**LIGHTHOUSE LANDING**  
**Village of Sleepy Hollow, New York**

SWPPP Site Observation, DATE



**TAB 6**  
**SPDES GENERAL PERMIT GP 0-15-002**



Department of  
Environmental  
Conservation

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

From

**CONSTRUCTION ACTIVITY**

Permit No. GP-0-15-002

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

Effective Date: January 29, 2015

Expiration Date: January 28, 2020

John J. Ferguson  
Chief Permit Administrator

  
Authorized Signature

1 / 12 / 15

Date

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

## PREFACE

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

This general permit ("permit") is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this permit by submitting a Notice of Intent ("NOI") to the Department. Copies of this permit and the NOI for New York are available by calling (518) 402-8109 or at any New York State Department of Environmental Conservation ("the Department") regional office (see Appendix G). They are also available on the Department's website at:

<http://www.dec.ny.gov/>

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

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

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

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(Part I)

## Part I. PERMIT COVERAGE AND LIMITATIONS

### A. Permit Application

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

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants to surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

**B. Effluent Limitations Applicable to Discharges from Construction Activities**  
*Discharges* authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize the discharge of pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the Stormwater Pollution Prevention Plan ("SWPPP") the reason(s) for the deviation or alternative design and provide information

(Part I.B.1)

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

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

- (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;
- (ii) Control stormwater *discharges* to *minimize* channel and streambank erosion and scour in the immediate vicinity of the *discharge* points;
- (iii) *Minimize* the amount of soil exposed during *construction activity*;
- (iv) *Minimize* the disturbance of *steep slopes*;
- (v) *Minimize* sediment *discharges* from the site;
- (vi) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
- (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
- (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover.

b. **Soil Stabilization.** In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering.** *Discharges* from dewatering activities, including *discharges*

(Part I.B.1.c)

from dewatering of trenches and excavations, must be managed by appropriate control measures.

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

- (i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;
- (ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and
- (iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited Discharges.** The following *discharges* are prohibited:

- (i) Wastewater from washout of concrete;
- (ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- (iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;
- (iv) Soaps or solvents used in vehicle and equipment washing; and
- (v) Toxic or hazardous substances from a spill or other release.

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

(Part I.B.1.f)

at or below the outlet does not occur.

### **C. Post-construction Stormwater Management Practice Requirements**

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

#### **a. Sizing Criteria for New Development**

- (i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

**In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv**

(Part I.C.2.a.ii)

that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
  - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
  - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
  - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
  - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that overbank control is not required.

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

- (i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be calculated in accordance with the criteria in Section 10.3 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or

(Part I.C.2.b.ii)

standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

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

- (iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
  - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
  - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
  - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
  - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that overbank control is not required.

**c. Sizing Criteria for Redevelopment Activity**

(Part I.C.2.c.i)

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

- (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
- (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
- (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
- (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

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

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

(Part I.C.2.c.iv)

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

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

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

**D. Maintaining Water Quality**

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

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

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

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or

(Part I.D)

if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

#### **E. Eligibility Under This General Permit**

1. This permit may authorize all *discharges* of stormwater from *construction activity to surface waters of the State and groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges* from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater *discharges* may be authorized by this permit: *discharges* from firefighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated *groundwater* or spring water; uncontaminated *discharges* from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this permit, and who *discharge* as noted in this paragraph, and with the exception of flows from firefighting activities, these *discharges* must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

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

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

(Part I.F)

1. *Discharges after construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;
4. *Construction activities* or *discharges from construction activities* that may adversely affect an endangered or threatened species unless the *owner or operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.C.2 of this permit.
5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;
6. *Construction activities* for residential, commercial and institutional projects:
  - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
  - b. Which disturb one or more acres of land with no existing *impervious cover*, and
  - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.
7. *Construction activities* for linear transportation projects and linear utility projects:
  - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
  - b. Which disturb two or more acres of land with no existing *impervious cover*, and
  - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the USDA Soil Survey for the County where the disturbance will occur.

(Part I.F.8)

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

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

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

b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and

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

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

- (i) No Affect
- (ii) No Adverse Affect

(Part I.F.8.c.iii)

(iii) Executed Memorandum of Agreement, or

d. Documentation that:

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

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

## Part II. OBTAINING PERMIT COVERAGE

### A. Notice of Intent (NOI) Submittal

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the Department in order to be authorized to *discharge* under this permit. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (<http://www.dec.ny.gov/>). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address.

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

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

The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the address in Part II.A.1.

(Part II.A.2)

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

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.
4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

**B. Permit Authorization**

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
  - a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (<http://www.dec.ny.gov/>) for more information,
  - b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain *UPA* permits must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,
  - c. the final SWPPP has been prepared, and
  - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above

(Part II.B.3)

will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

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

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

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

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

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

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

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

4. The Department may suspend or deny an *owner's or operator's* coverage

(Part II.B.4)

under this permit if the Department determines that the SWPPP does not meet the permit requirements. In accordance with statute, regulation, and the terms and conditions of this permit, the Department may deny coverage under this permit and require submittal of an application for an individual SPDES permit based on a review of the NOI or other information pursuant to Part II.

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

**C. General Requirements For Owners or Operators With Permit Coverage**

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-15-002), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, and all documentation necessary to demonstrate eligibility with this permit at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
  - a. The *owner or operator* shall

(Part II.C.3.a)

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

- b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005.
  - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
  - d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.
  - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
  5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *regulated, traditional land use control MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice

(Part II.D)

**D. Permit Coverage for Discharges Authorized Under GP-0-10-001**

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-10-001), an *owner or operator of a construction activity* with coverage under GP-0-10-001, as of the effective date of GP-0-15-002, shall be authorized to *discharge* in accordance with GP-0-15-002, unless otherwise notified by the Department.

An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-15-002.

**E. Change of *Owner or Operator***

2. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

(Part III)

### Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

#### A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP:
  - a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;
  - b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the *discharge* of *pollutants*; and
  - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority.
5. The Department may notify the *owner or operator* at any time that the

(Part III.A.5)

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

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

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

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges from construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the

(Part III.A.6)

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

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

**B. Required SWPPP Contents**

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:
  - a. Background information about the scope of the project, including the location, type and size of project;
  - b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
  - c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
  - d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other

(Part III.B.1.d)

activity at the site that results in soil disturbance;

- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
- f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
- h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
- i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;
- j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
- k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the construction site; and
- l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Include the reason for the deviation or alternative design

(Part III.B.1.I)

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

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

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

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

- a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;
- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
  - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
  - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
  - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
  - (iv) Summary table, with supporting calculations, which demonstrates

(Part III.B.2.c.iv)

that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

- (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and
  - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
- d. Soil testing results and locations (test pits, borings);
  - e. Infiltration test results, when required; and
  - f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.
3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria*, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

### **C. Required SWPPP Components by Project Type**

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

(Part IV)

IV. **Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS**

**A. General Construction Site Inspection and Maintenance Requirements**

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

**B. Contractor Maintenance Inspection Requirements**

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.
2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

**C. Qualified Inspector Inspection Requirements**

(Part IV.C)

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

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

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

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
  - a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
  - b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
  - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
  - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
  - a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.
  - b. For construction sites where soil disturbance activities are on-going and

(Part IV.C.2.b)

the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

- c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.
- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.A.1 of this permit.
- e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall

(Part IV.C.2.e)

be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of *discharge* from the construction site.
4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
  - a. Date and time of inspection;
  - b. Name and title of person(s) performing inspection;
  - c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
  - d. A description of the condition of the runoff at all points of *discharge* from the construction site. This shall include identification of any *discharges* of sediment from the construction site. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
  - e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
  - f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
  - g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
  - h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

(Part IV.C.4.i)

- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
  - j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
  - k. Identification and status of all corrective actions that were required by previous inspection; and
  - l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
  6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

## Part V. TERMINATION OF PERMIT COVERAGE

### A. Termination of Permit Coverage

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

(Part V.A.2)

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
  - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;
  - b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;
  - c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E. of this permit.
  - d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the "*Final Stabilization*" and "*Post-Construction Stormwater Management Practice certification statements*" on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.
4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "*MS4 Acceptance*" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector's* final site inspection certification(s) required in Part V.A.3. of this permit.

(Part V.A.5)

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:
  - a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,
  - b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
  - c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
  - d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

## Part VI. REPORTING AND RETENTION OF RECORDS

### A. Record Retention

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

### B. Addresses

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

(Part VII)

## Part VII. STANDARD PERMIT CONDITIONS

### A. Duty to Comply

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

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

### B. Continuation of the Expired General Permit

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

### C. Enforcement

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

### D. Need to Halt or Reduce Activity Not a Defense

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

(Part VII.E)

**E. Duty to Mitigate**

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

**F. Duty to Provide Information**

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

**G. Other Information**

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

**H. Signatory Requirements**

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

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

(i) a president, secretary, treasurer, or vice-president of the

(Part VII.H.1.a.i)

corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

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

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

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

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

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

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

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named

(Part VII.H.2.b)

individual or any individual occupying a named position) and,

- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.
3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.
4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

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

#### **I. Property Rights**

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

#### **J. Severability**

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

#### **K. Requirement to Obtain Coverage Under an Alternative Permit**

1. The Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any *discharger* authorized by a general permit to apply for an individual SPDES permit, it shall notify the *discharger* in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from *owner or operator* receipt of the notification letter, whereby the authorization to

(Part VII.K.1)

*discharge* under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

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

#### **L. Proper Operation and Maintenance**

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

#### **M. Inspection and Entry**

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

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

(Part VII.N)

**N. Permit Actions**

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

**O. Definitions**

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

**P. Re-Opener Clause**

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

**Q. Penalties for Falsification of Forms and Reports**

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

**R. Other Permits**

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

## APPENDIX A

### Definitions

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

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

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

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

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

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

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

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

**Final Stabilization** - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied

on all disturbed areas that are not covered by permanent structures, concrete or pavement.

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

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

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

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

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

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

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

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

**Municipal Separate Storm Sewer (MS4)** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, man-made channels, or storm drains):

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

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

**New Development** – means any land disturbance that does meet the definition of Redevelopment Activity included in this appendix.

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

**Owner or Operator** - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

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

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

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

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

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

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

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

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

**Regulated, Traditional Land Use Control MS4** - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

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

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

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

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

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

**Steep Slope** – means land area with a Soil Slope Phase that is identified as an E or F, or

the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.

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

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

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

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

**Trained Contractor** - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

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

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

**Uniform Procedures Act (UPA) Permit** - means a permit required under 6 NYCRR Part

621 of the Environmental Conservation Law (ECL), Article 70.

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

## APPENDIX B

## Required SWPPP Components by Project Type

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

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

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

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

- Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains
- Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects
- Bike paths and trails
- Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project
- Slope stabilization projects
- 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
- Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that *alter hydrology from pre to post development* conditions
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions
- Demolition project where vegetation will be established and no redevelopment is planned
- Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*
- Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area

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

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

**Table 2**

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

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

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building(e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- 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

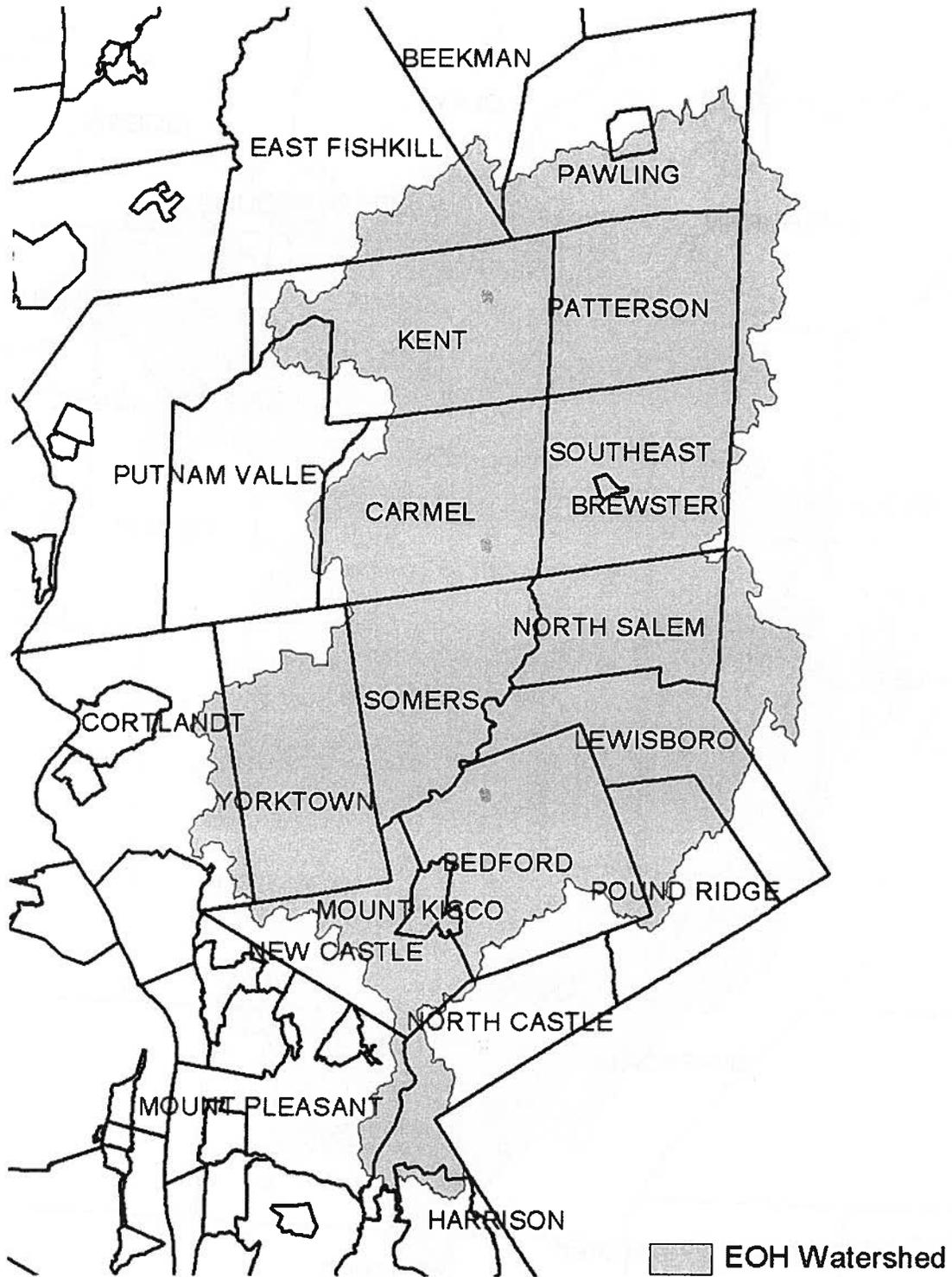
## APPENDIX C

### Watersheds Where Enhanced Phosphorus Removal Standards Are Required

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

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

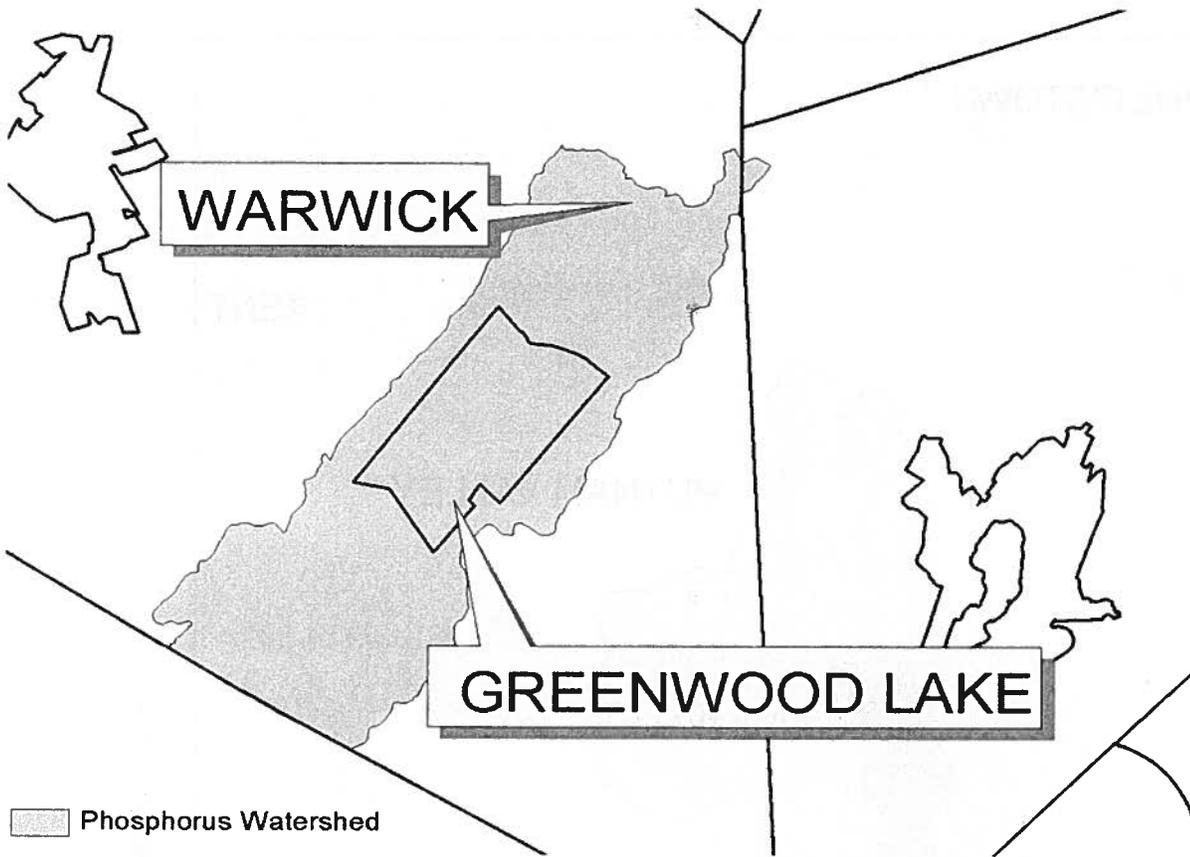
**Figure 1 - New York City Watershed East of the Hudson**



**Figure 2 - Onondaga Lake Watershed**



**Figure 3 - Greenwood Lake Watershed**



**Figure 4 - Oscawana Lake Watershed**

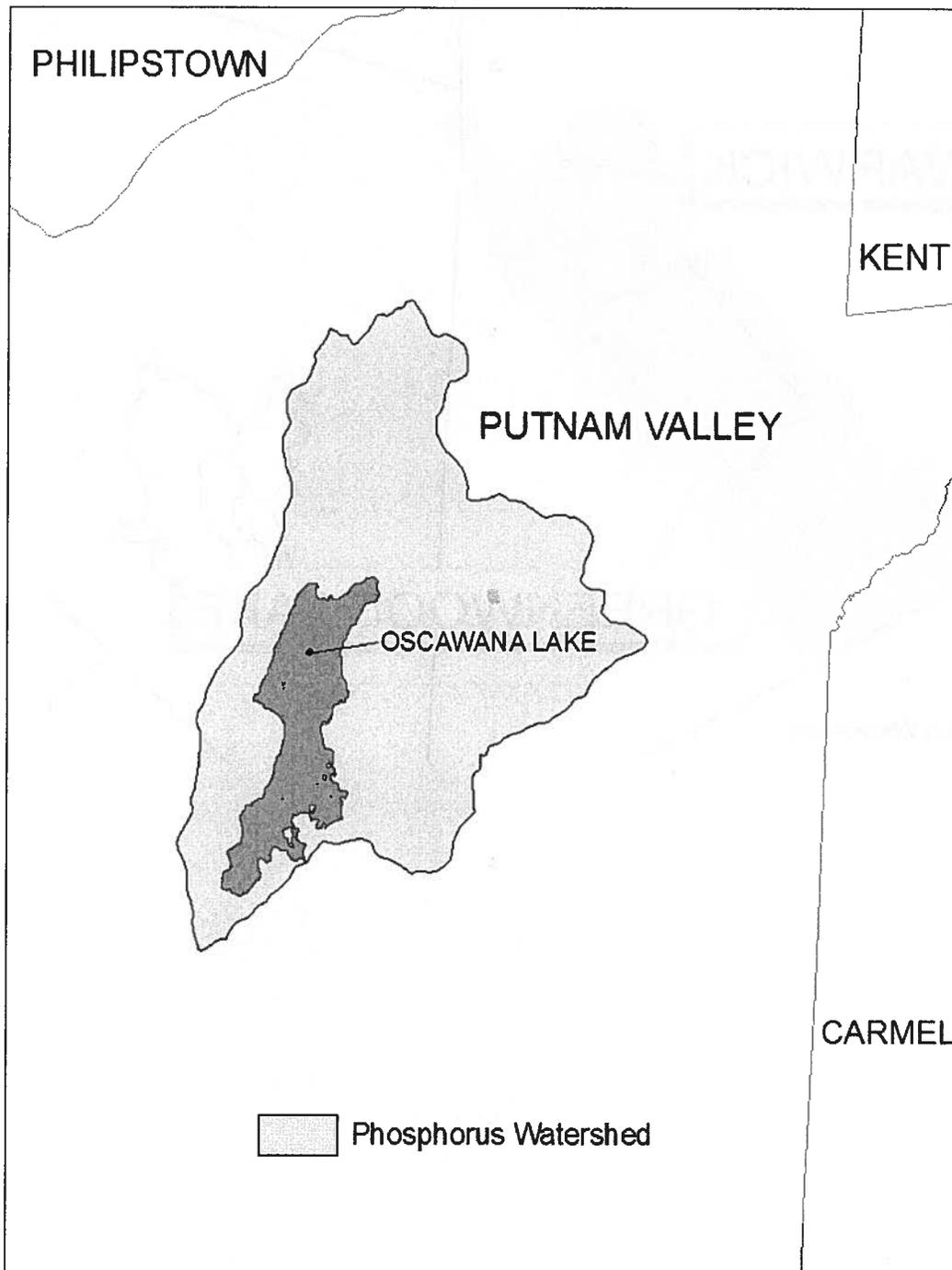
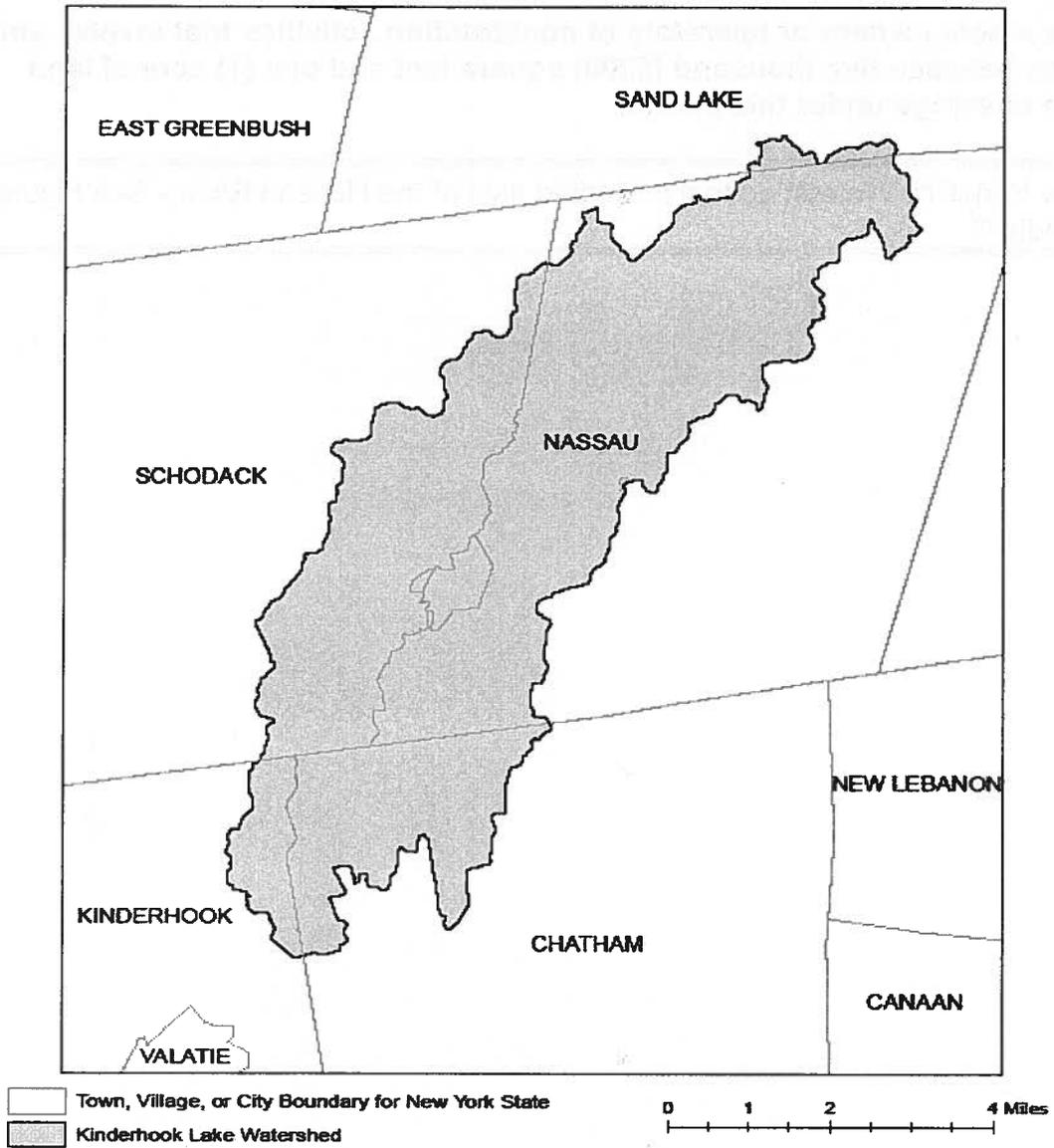


Figure 5: Kinderhook Lake Watershed



## APPENDIX D

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

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

## APPENDIX E

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

COUNTY	WATERBODY	COUNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond	Greene	Sleepy Hollow Lake
Albany	Basic Creek Reservoir	Herkimer	Steele Creek tribs
Allegheny	Amity Lake, Saunders Pond	Kings	Hendrix Creek
Bronx	Van Cortlandt Lake	Lewis	Mill Creek/South Branch and tribs
Broome	Whitney Point Lake/Reservoir	Livingston	Conesus Lake
Broome	Fly Pond, Deer Lake	Livingston	Jaycox Creek and tribs
Broome	Minor Tribs to Lower Susquehanna (north)	Livingston	Mill Creek and minor tribs
Cattaraugus	Allegheny River/Reservoir	Livingston	Bradner Creek and tribs
Cattaraugus	Case Lake	Livingston	Christie Creek and tribs
Cattaraugus	Linlyco/Club Pond	Monroe	Lake Ontario Shoreline, Western
Cayuga	Duck Lake	Monroe	Mill Creek/Blue Pond Outlet and tribs
Chautauqua	Chautauqua Lake, North	Monroe	Rochester Embayment - East
Chautauqua	Chautauqua Lake, South	Monroe	Rochester Embayment - West
Chautauqua	Bear Lake	Monroe	Unnamed Trib to Honeoye Creek
Chautauqua	Chadakoin River and tribs	Monroe	Genesee River, Lower, Main Stem
Chautauqua	Lower Cassadaga Lake	Monroe	Genesee River, Middle, Main Stem
Chautauqua	Middle Cassadaga Lake	Monroe	Black Creek, Lower, and minor tribs
Chautauqua	Findley Lake	Monroe	Buck Pond
Clinton	Great Chazy River, Lower, Main Stem	Monroe	Long Pond
Columbia	Kinderhook Lake	Monroe	Cranberry Pond
Columbia	Robinson Pond	Monroe	Mill Creek and tribs
Dutchess	Hillside Lake	Monroe	Shipbuilders Creek and tribs
Dutchess	Wappinger Lakes	Monroe	Minor tribs to Irondequoit Bay
Dutchess	Fall Kill and tribs	Monroe	Thomas Creek/White Brook and tribs
Erie	Green Lake	Nassau	Glen Cove Creek, Lower, and tribs
Erie	Scajaquada Creek, Lower, and tribs	Nassau	LI Tribs (fresh) to East Bay
Erie	Scajaquada Creek, Middle, and tribs	Nassau	East Meadow Brook, Upper, and tribs
Erie	Scajaquada Creek, Upper, and tribs	Nassau	Hempstead Bay
Erie	Rush Creek and tribs	Nassau	Hempstead Lake
Erie	Ellicott Creek, Lower, and tribs	Nassau	Grant Park Pond
Erie	Beeman Creek and tribs	Nassau	Beaver Lake
Erie	Murder Creek, Lower, and tribs	Nassau	Camaans Pond
Erie	South Branch Smoke Cr, Lower, and tribs	Nassau	Halls Pond
Erie	Little Sister Creek, Lower, and tribs	Nassau	LI Tidal Tribs to Hempstead Bay
Essex	Lake George (primary county: Warren)	Nassau	Massapequa Creek and tribs
Genesee	Black Creek, Upper, and minor tribs	Nassau	Reynolds Channel, east
Genesee	Tonawanda Creek, Middle, Main Stem	Nassau	Reynolds Channel, west
Genesee	Oak Orchard Creek, Upper, and tribs	Nassau	Silver Lake, Lofts Pond
Genesee	Bowen Brook and tribs	Nassau	Woodmere Channel
Genesee	Bigelow Creek and tribs	Niagara	Hyde Park Lake
Genesee	Black Creek, Middle, and minor tribs	Niagara	Lake Ontario Shoreline, Western
Genesee	LeRoy Reservoir	Niagara	Bergholtz Creek and tribs
Greene	Schoharie Reservoir	Oneida	Ballou, Nail Creeks
		Onondaga	Ley Creek and tribs
		Onondaga	Onondaga Creek, Lower and tribs

## APPENDIX E

### List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Onondaga	Onondaga Creek, Middle and tribs	Suffolk	Great South Bay, West
Onondaga	Onondaga Creek, Upp, and minor tribs	Suffolk	Mill and Seven Ponds
Onondaga	Harbor Brook, Lower, and tribs	Suffolk	Moriches Bay, East
Onondaga	Ninemile Creek, Lower, and tribs	Suffolk	Moriches Bay, West
Onondaga	Minor tribs to Onondaga Lake	Suffolk	Quantuck Bay
Onondaga	Onondaga Creek, Lower, and tribs	Suffolk	Shinnecock Bay (and Inlet)
Ontario	Honeoye Lake	Sullivan	Bodine, Montgomery Lakes
Ontario	Hemlock Lake Outlet and minor tribs	Sullivan	Davies Lake
Ontario	Great Brook and minor tribs	Sullivan	Pleasure Lake
Orange	Monhagen Brook and tribs	Sullivan	Swan Lake
Orange	Orange Lake	Tompkins	Cayuga Lake, Southern End
Orleans	Lake Ontario Shoreline, Western	Tompkins	Owasco Inlet, Upper, and tribs
Oswego	Pleasant Lake	Ulster	Ashokan Reservoir
Oswego	Lake Neatahwanta	Ulster	Esopus Creek, Upper, and minor tribs
Putnam	Oscawana Lake	Ulster	Esopus Creek, Lower, Main Stem
Putnam	Palmer Lake	Ulster	Esopus Creek, Middle, and minor tribs
Putnam	Lake Carmel	Warren	Lake George
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Warren	Tribs to L. George, Village of L. George
Queens	Bergen Basin	Warren	Huddle/Finkle Brooks and tribs
Queens	Shellbank Basin	Warren	Indian Brook and tribs
Rensselaer	Nassau Lake	Warren	Hague Brook and tribs
Rensselaer	Snyders Lake	Washington	Tribs to L. George, East Shr Lk George
Richmond	Grasmere, Arbutus and Wolfes Lakes	Washington	Cossayuna Lake
Rockland	Congers Lake, Swartout Lake	Washington	Wood Cr/Champlain Canal, minor tribs
Rockland	Rockland Lake	Wayne	Port Bay
Saratoga	Ballston Lake	Wayne	Marbletown Creek and tribs
Saratoga	Round Lake	Westchester	Lake Katonah
Saratoga	Dwaas Kill and tribs	Westchester	Lake Mohegan
Saratoga	Tribs to Lake Lonely	Westchester	Lake Shenorock
Saratoga	Lake Lonely	Westchester	Reservoir No.1 (Lake Isle)
Schenectady	Collins Lake	Westchester	Saw Mill River, Middle, and tribs
Schenectady	Duane Lake	Westchester	Silver Lake
Schenectady	Mariaville Lake	Westchester	Teatown Lake
Schoharie	Engleville Pond	Westchester	Truesdale Lake
Schoharie	Summit Lake	Westchester	Wallace Pond
Schuyler	Cayuta Lake	Westchester	Peach Lake
St. Lawrence	Fish Creek and minor tribs	Westchester	Mamaroneck River, Lower
St. Lawrence	Black Lake Outlet/Black Lake	Westchester	Mamaroneck River, Upp, and tribs
Steuben	Lake Salubria	Westchester	Sheldrake River and tribs
Steuben	Smith Pond	Westchester	Blind Brook, Lower
Suffolk	Millers Pond	Westchester	Blind Brook, Upper, and tribs
Suffolk	Mattituck (Marratooka) Pond	Westchester	Lake Lincolndale
Suffolk	Tidal tribs to West Moriches Bay	Westchester	Lake Meahaugh
Suffolk	Canaan Lake	Wyoming	Java Lake
Suffolk	Lake Ronkonkoma	Wyoming	Silver Lake
Suffolk	Beaverdam Creek and tribs		
Suffolk	Big/Little Fresh Ponds		
Suffolk	Fresh Pond		
Suffolk	Great South Bay, East		
Suffolk	Great South Bay, Middle		

Note: The list above identifies those waters from the final New York State "2014 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy", dated January 2015, that are impaired by silt, sediment or nutrients.

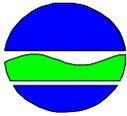
APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, Po Box 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

**TAB 7**  
**AGENCY CORRESPONDENCE**

# NOTICE OF INTENT



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

**NYR**        
 (For DEC use only)

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

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

### Owner/Operator Information

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

L I G H T H O U S E   L A N D I N G   V E N T U R E   L L C

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

C O O K

Owner/Operator Contact Person First Name

B R U C E

Owner/Operator Mailing Address

2 3 9 2   M O R S E   A V E N U E

City

I R V I N E

State

C A

Zip

9 2 6 1 4 -

Phone (Owner/Operator)

9 4 9 - 2 4 1 - 8 4 0 6

Fax (Owner/Operator)

9 4 9 - 2 4 1 - 8 4 8 6

Email (Owner/Operator)

b c o o k @ a r g e n t m a n a g e m e n t l c . c o m

FED TAX ID

8 0 - 0 9 6 7 5 6 0 (not required for individuals)







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

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

Two rows of empty grid boxes for text entry.

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

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

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

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

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?  Yes  No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?  Yes  No  
**If No, skip questions 23 and 27-39.**

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





**Post-construction Stormwater Management Practice (SMP) Requirements**

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

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

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

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).

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

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

**Total WQv Required**

.  **acre-feet**

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

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

**Note:** Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

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

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



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

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

**Note:** Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question 29.

**WQv Provided**

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

**MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form**  
for

Construction Activities Seeking Authorization Under SPDES General Permit

\*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

**I. Project Owner/Operator Information**

1. Owner/Operator Name:

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:

12. MS4 SPDES Permit Identification Number: NYR20A \_\_\_\_\_

13. Contact Person:

14. Street Address:

15. City/State/Zip:

16. Telephone Number:

(NYS DEC - MS4 SWPPP Acceptance Form - January 2010)

**MS4 SWPPP Acceptance Form - continued**

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

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

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

Printed Name:

Title/Position:

Signature:

Date:

**VI. Additional Information**



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

\*(NOTE: Submit completed form to address above)\*

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

Please indicate your permit identification number: NYR \_\_\_\_\_

**I. Owner or Operator Information**

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person:

4a. Telephone:

5. Contact Person E-Mail:

**II. Project Site Information**

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

**III. Reason for Termination**

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

9b.  Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR \_\_\_\_\_  
(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c.  Other (Explain on Page 2)

**IV. Final Site Information:**

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

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

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

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

**VII. Qualified Inspector Certification - Final Stabilization:**

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

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

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

**IX. Owner or Operator Certification**

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

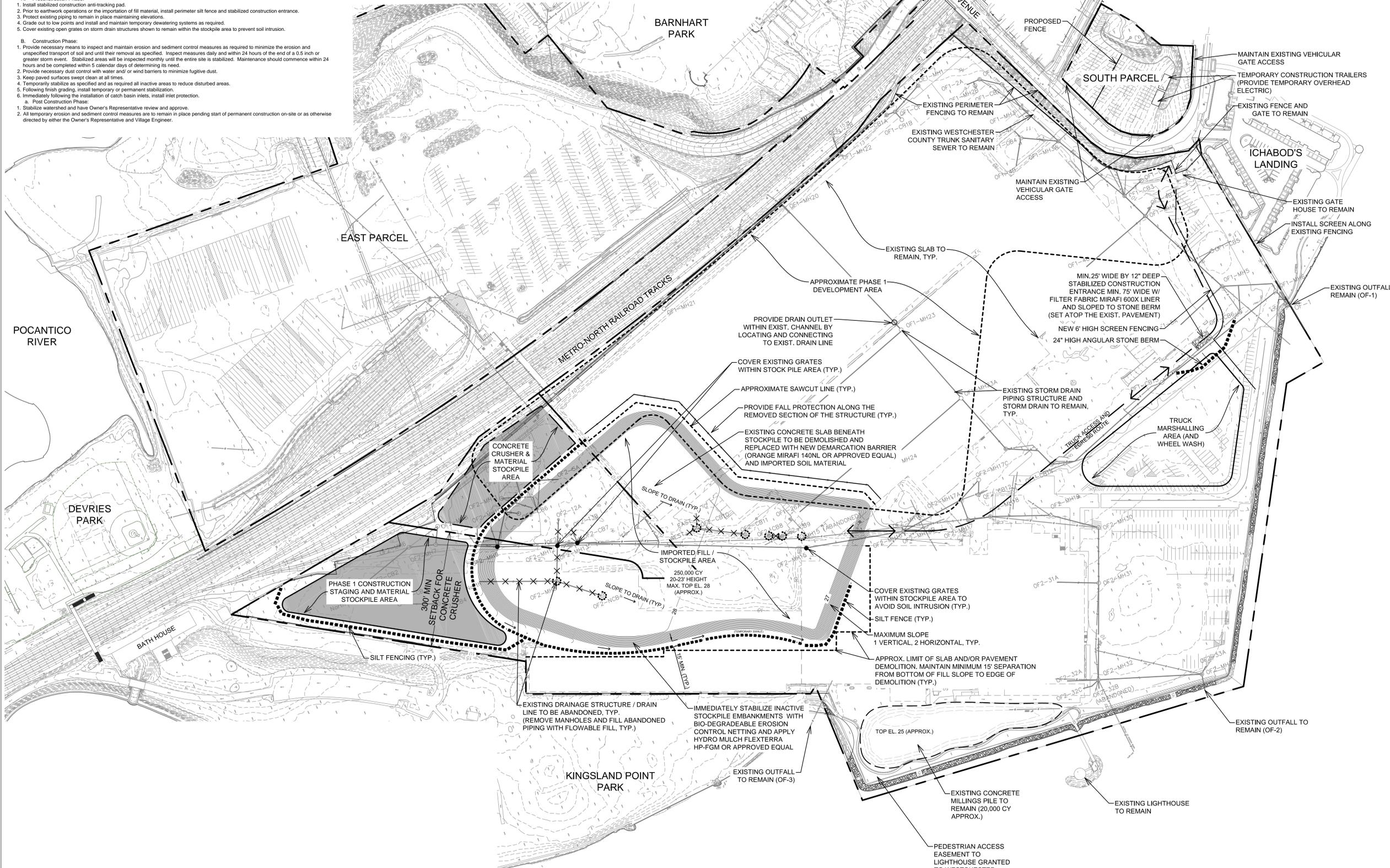
Date:

(NYS DEC Notice of Termination - January 2010)

**EROSION AND SEDIMENT CONTROL PLAN SPECIFICATIONS**

1. **DESCRIPTION OF WORK**  
Provide all means necessary to install, inspect and maintain, and remove temporary erosion and sediment control measures as shown on the drawings and as required to minimize the erosion and unspecified transport of soil from the site.
2. **QUALITY ASSURANCE**
  - A. General
    - i. Install and maintain in compliance with the New York State Department of Environmental Conservation General Permit for Storm Water Discharges from Construction Activities.
    - ii. (Retain a copy of the project's Notice of Intent (NOI); a brief description of the project, posted in a prominent place for public viewing; and a copy of the project's Storm Water Pollution Prevention Plan (SWPPP) at the construction site from the date of initiation of construction activities to the date of the Notice of Termination (NOT) submission.
    - iii. Install all erosion and sediment control measures in accordance with the drawings or New York State Standards and Specifications for Erosion and Sediment Controls-August 2005 or latest revision thereto.
    - iv. Grade and maintain site at all times such that all storm water runoff from disturbed areas is diverted to soil erosion and sedimentation control facilities.
    - v. No changes to the Soil Erosion and Sedimentation Control Plan shall be made without approval of the Owner's Representative.
    - vi. No more than 5 acres of soil can be disturbed at any time without a 5-acre waiver issued by NYSDEC. All disturbed areas shall be protected by erosion and sediment control measures.
    - vii. The Contractor shall comply with applicable Federal, State, and local regulations relating to the prevention and abatement of pollution.
  - B. Product Data: Submit manufacturer's catalogue cuts, specifications and installation instructions for silt fences, filter fabrics, erosion control blankets, trash racks, anti-seep collars, sediment trap riser and barrel pipes, and dewatering devices.
3. **WORK SCHEDULE**
  - A. Preconstruction Phase:
    1. Install stabilized construction anti-tracking pad.
    2. Prior to earthwork operations or the importation of fill material, install perimeter silt fence and stabilized construction entrance.
    3. Protect existing piping to remain in place maintaining elevations.
    4. Grade out to low points and install and maintain temporary dewatering systems as required.
    5. Cover existing open grates on storm drain structures shown to remain within the stockpile area to prevent soil intrusion.
  - B. Construction Phase:
    1. Provide necessary means to inspect and maintain erosion and sediment control measures as required to minimize the erosion and unspecified transport of soil and until their removal as specified. Inspect measures daily and within 24 hours of the end of a 0.5 inch or greater storm event. Stabilized areas will be inspected monthly until the entire site is stabilized. Maintenance should commence within 24 hours and be completed within 5 calendar days of determining its need.
    2. Provide necessary dust control with water and/or wind barriers to minimize fugitive dust.
    3. Keep paved surfaces swept clean at all times.
    4. Temporarily stabilize as specified and as required all inactive areas to reduce disturbed areas.
    5. Following final grading, install temporary or permanent stabilization.
    6. Immediately following the installation of catch basin inlets, install inlet protection.
      - a. Post Construction Phase:
        1. Stabilize watershed and have Owner's Representative review and approve.
        2. All temporary erosion and sediment control measures are to remain in place pending start of permanent construction on-site or as directed by either the Owner's Representative and Village Engineer.

4. **PRODUCTS AND EXECUTION**
  - a. No pumping or dewatering into the existing storm sewer main without pre-filtering as approved by the Village Engineer.
  - b. Silt Fence: Silt fence fabric shall be Mirafi 100X or equal. Wood posts shall be of sound quality hardwood, a minimum 36 inches long and two inches square. Metal posts shall be standard T and U section weighing not less than one pound per linear foot. Wire fence backing shall be a minimum 14-1/2 gauge with a maximum six inch mesh opening and securely attached to fence posts. Posts shall extend a minimum of 12 inches into the ground.
  - c. Corr Logs: Wood posts shall be of sound quality hardwood, a minimum 36 inches long and two inches square. Metal posts shall be standard T and U section weighing not less than one pound per linear foot. There shall be a minimum of three posts for each log length and shall extend a minimum of 12 inches into the ground. The contractor shall remove sediment deposits when deposits reaches half the height of the corr log.
  - d. Earth dikes: Compact dikes with earth moving equipment. Erosion control blankets shall be ESC-2 by East Coast or equal.
  - e. Stabilized Construction Entrance: the filter fabric shall be Mirafi 600X or equal. The Contractor shall keep the roadways within the project clear of soil and debris and is responsible for any street cleaning necessary during the course of the project.
  - f. Temporary Stabilization:
    - i. Establishment of Temporary Grass Cover: Prepare seed bed, scarify if compacted, remove debris and obstacles such as rocks and stumps, and seed within 24 hours. Amend soil, lime soil to pH of 6.0 and fertilize at a rate of 14 lbs. per 1,000 square feet with a 5-10-10 or equivalent fertilizer. Work amendments a minimum of 4 inches into soil. If seeding in October/November seed shall be Certified Aroostook winter rye @ 100 lbs. per acre, otherwise seed shall be ryegrass (annual or perennial) @ 30 lbs. per acre.
    - ii. Treat all disturbed areas within 500 feet of an inhabited building as necessary to provide dust control. Conform to all local and state regulations governing these activities.
    - iii. Install Temporary Stabilization within 24 hours after the end of construction activities in an area unless there is snow cover or construction activities will resume within 14 days.
  - g. Construction Vehicles: Wash down all construction vehicles and cover with tarpaulins as necessary to prevent vehicle transport of sediment off-site.
  - h. Provide measures for truck and tool wash water to be treated prior to discharge to natural areas.
  - i. No unfiltered discharge from any unstabilized area shall be allowed to enter any permanent drainage or filtration facilities.



- DEMOLITION NOTES:**
1. Existing structural piles and pile caps shall remain undisturbed.
  2. Stockpile construction and demolition debris in designated location.
  3. Provide fall protection as required along open demolition areas.

**LIGHTHOUSE LANDING**  
AT SLEEPY HOLLOW  
Sleepy Hollow, NY

LIGHTHOUSE LANDING  
VENTURE LLC

**OWNER**  
Lighthouse Landing Venture LLC  
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New York, NY 10020

**PLANNER & CIVIL ENGINEER**  
**DIVNEY • TUNG • SCHWALBE**  
Intelligent Land Use

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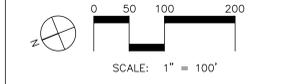
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New York, NY 10016



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**DRAWING TITLE**

**FILLING OPERATIONS AND SITE PREPARATION PLAN**

	DRAWN BY: JEB PROJECT NO.: 780 DRAWING NO.:	CHECKED BY: MSG/AVT DATE: 3/2/15
	<b>SPP-1</b>	