

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE

STATE OFFICE BUILDING
44 HAWLEY STREET
BINGHAMTON, NY 13901
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KATHY HOCHUL
GOVERNOR

CEMETERY BOARD

ROBERT RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

SUBJECT: White Haven Memorial Park, #28-045

RE: Application for Approval of a Cemetery Renovation

DATE: October 21, 2022

Exhibits

- A) Report of Division Associate Accountant Kerry Forezzi
- B) Application from White Haven Memorial Park
- C) Board minutes approving the project
- D) Map of the project area
- E) EAF Part 1
- F) Proposed EAF Parts 2-3
- G) Storm Water Pollution Prevention Plan
- H) Town of Perinton Comprehensive Plan 2021
- I) Cultural Resource Information System Map

Introduction and Recommendation

The White Haven Memorial Park of the town of Perinton, Monroe County, has applied for Cemetery Board approval to perform a cemetery renovation as defined by 19 NYCRR Section 201.16. The cemetery intends to construct a roadway through wetlands in the cemetery in order to access additional land that it will later develop for cemetery use.

I recommend approval of this application and approval and signing of the proposed EAF Parts 2 and 3 attached to this memorandum, which we prepared based on our conclusion that this is an "unlisted" action.

The Project

White Haven Memorial Park intends to construct an approximately 1000 foot access road in the easternmost portion of the current cemetery. This road is part of the cemetery's master plan, designed by Grever and Ward Cemetery Planning of Orchard Park, NY. After the original plan was drafted, it was discovered that a portion of the road traversed a wetland. As a result, the planners relocated the road slightly so that it has a less impactful crossing of this wetland. The cemetery association obtained a permit from the state Department of Environmental Conservation to construct this roadway through the wetland, and the work must be completed by 2024 to avoid having to seek another permit. Additionally, this land will allow the cemetery to

continue to offer the nature of graves that it has been most successful in marketing. The cemetery association does not intend to begin developing this section for approximately 10 years but wishes to construct this roadway now to remove the impediment.

Report Pursuant to 19 NYCRR Section 201.16

Pursuant to 19 NYCRR Section 201.16, the cemetery has submitted a report regarding the proposed renovation. The report indicated the following:

- 1) whether the alteration will result in or avoid the destruction, damage to, modification or interference with existing graves and markers, crypts, mausoleums, roadways, and pathways: ***The cemetery association has stated that the project is 300 feet from the nearest graves, and caution will be used to avoid interference.***
- 2) the location, design and duration of the major alteration: ***The project will occur near in the easternmost portion of the cemetery, located at the rear when viewed from the cemetery's main entrance on Marsh Rd. The report indicates that the project will be completed in "Summer 2023."***
- 3) the financial impact on the applicant: ***The cost will be \$219,200.00, all of which will come entirely from the cemetery's general fund.***
- 4) whether the alteration will interfere with the lots or the interests of the lot owners: ***There will be no interference with the lots or interests of the lot owners.***
- 5) whether the alteration will be appropriate for cemetery purposes: ***This alteration will be appropriate for cemetery purposes because it will allow improved access to the cemetery and allow it to continue to develop its land as needed.***
- 6) whether the alteration will have an adverse impact on the surrounding community: ***This alteration will not have a material impact on the surrounding community.***
- 7) whether the alteration will have the potential to adversely affect the public health and safety, the environment or natural resources: ***As described in greater detail in Exhibit F, the action proposed in the application will not have any significant environmental impacts.***
- 8) the degree to which measures will be taken to minimize or eliminate these impacts. ***N/A***

The cemetery association has received or anticipates needing the following permits and/or approvals:

- Town of Perinton Planning Board
- Town of Perinton Conservation Board
- Town of Perinton building permit
- Army Corps of Engineers permit
- NYS Department of Environmental Conservation permit

Recommendation

White Haven Memorial Park has demonstrated success in developing and marketing new sections, and based on the information presented in this application, this project will allow it to continue to do so for many years to come. As a result, I recommend approval of this cemetery renovation, contingent on the Division's receipt of the stamped, certified engineering plans required by 19 NYCRR Section 201.16(e). I also recommend that the Board approve the draft Environmental Assessment Form (Exhibit F) prepared in connection with this application.

Exhibit A

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
123 WILLIAM STREET
NEW YORK, NY 10038
TELEPHONE: (212) 417-5713
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CEMETERY BOARD
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ACTING SECRETARY OF STATE
CHAIR

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MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

TO: New York State Cemetery Board
FROM: Kerry Forezzi, Associate Accountant
SUBJECT: White Haven Memorial Park, #28-045
RE: Cemetery Renovation – Add a roadway
DATE: July 12, 2022

Schedules:

1. Schedule A - Income and Expenses and Fund Balances
2. Schedule B – Return on Investment

Summary:

White Haven Memorial Park (White Haven), Cemetery ID 28-045, located in Monroe County, submitted an application requesting consent to add a roadway that would allow access to 3-acres of land that is currently inaccessible, for future development. The cemetery currently has sufficient land for expansion and indicated it would not need this additional land for at least another 10 years. However, there is a sense of urgency with this project because the roadway cuts through wetlands that are only approved by DEC for development through 2024.

Costs:

The total cost based on estimates provided by the cemetery is **\$219,200**. The breakdown is as follows:

\$ 19,500	Project Manager
\$195,000	Construction including drainage
<u>\$ 4,700</u>	Wetland delineation
\$219,200	Total cost

The cemetery stated the overall costs would increase exponentially if they pursue the project after the DEC deadline of 2024.

Funding:

The project is being financed entirely from White Haven's General Fund account. As of May 31, 2022, there was more than \$2.2 million held in General Fund accounts; plenty to cover the costs of this project with no impact on cemetery operations.

White Haven has a previously authorized repayment plan for a permanent maintenance loan used to repurchase land share certificates in 2003. The cemetery pays annual installments of \$17,000 and is current on its obligation. The outstanding balance is \$997,000. The Permanent Maintenance asset balance as of December 31, 2022 was \$8,051,626.

As the attached Schedule A will show, White Haven is running a healthy operation that has realized an average annual surplus of more than \$600,000 in the last four years (2018-2021).

Return on Investment:

There is no expected short-term return on investment. However, as the attached Schedule B demonstrates, once lots are being sold in the new area, New Haven can expect to recoup its investment and earn a net income of more than \$1.3 million within two years ¹.

Compliance:

The cemetery appears to be in compliance with Division rules and regulations. Annual Reports and Vandalism & Assessment fees are up to date. Services charges are approved by the Division.

Conflicts of Interest:

White Haven provided a copy of its Conflict-of-Interest Policy with this application and reported no conflicts or related parties involved with this transaction.

Division Audit:

The last audit was conducted in 2017 covering a review period through June 30, 2016. All assets were verified, records were found to be in good order, and there were no issues with compliance noted.

At the time of audit, it was reported that the cemetery had a few outstanding permanent maintenance loans, outside bank loans, and a line of credit. As requested as part of the review of this application, White Haven provided proof that these debts are paid in full, with the exception of the land share certificates PM loan mentioned in the previous 'Funding' paragraph in this report. Despite the prior loan obligations, the audit reported total assets had increased steadily since the previous audit.

Conclusion:

From a financial perspective, White Haven has available funds to complete this roadway with minimal impact to its current operations. I understand its sense of urgency stems from the DEC expiration on its approval to access that area, it fits within the cemetery's master plan, and the costs may increase if the project is delayed. However, it's a substantial expense that allows access to 3 acres that the cemetery purportedly has no estimated timeline, concrete plan, or estimated costs for due to its lack of imminent need and the uncertainty of the terrain and potential future DEC wetland designations and restrictions. In addition, the cemetery reported that it currently has 6 acres developed and available and another 98 acres undeveloped. Based on its average rate of lot sales, it would take many decades before the cemetery exhausted its current available space.

Division Senior Investigator Brendon Stanton emailed the Trustee contact at White Haven to inquire as to why they felt the nature of this project and the timing was in the best interests of the cemetery. Attached in a separate exhibit are those questions and returned responses. The responses shed a little more light on the intentions for the targeted land, to include a unique Nature Trail Preservation/Burial space with roadway access (*by way of this project*) for interments and visitation when the trail cannot be utilized. The timing issue was answered with concerns of inflation and the likelihood of much higher costs if put off until a much later date.

¹ calculation based on present date lot rates and 4-year historical average sales



Division of Cemeteries

Department of State
DIVISION OF CEMETERIES
 One Commerce Plaza
 99 Washington Avenue
 Albany, NY 12231-0001
 Telephone: (518) 474-6226
 www.dos.ny.gov

SCHEDULE A – INCOME AND EXPENSES AND FUND BALANCES

For any income or expense category where there is a significant increase or decrease in income or expenses, please provide a brief explanation. Not all cemeteries will have income and expenses in all of these categories

Cemetery Name WHITE HAVEN MEMORIAL PARK, INC	New York State Cemetery Five Digit ID Number 28 — 045			
YEAR ENDING (enter last date of year reporting for each column i.e. 12/31/20)	2021	2020	2019	2018

SIZE AND INVENTORY

Acres-Total	170.00	170.00	170.00	170.00
Acres-Developed	95.00	95.00	95.00	95.00
Acres-Developed and Available	170.00	170.00	170.00	170.00

BURIALS AND LOT SALES

Burials	1,036.00	973.00	979.00	923.00
Number of lots (graves, crypts, niches) sold	1,025.00	841.00	874.00	885.00

INCOME (RECEIPTS)

Lots and grave sales	\$ 2,262,662.00	\$ 1,484,041.00	\$ 1,591,383.00	\$ 1,777,896.00
Interment fees	\$ 707,806.00	\$ 605,771.00	\$ 604,470.00	\$ 616,378.00
Foundations	\$ 815,855.00	\$ 533,874.00	\$ 685,599.00	\$ 537,120.00
Dividends and interest	\$ 228,076.00	\$ 281,773.00	\$ 245,784.00	\$ 222,453.00
Donations				
Other-specify; Cremation Revenue	\$ 871,915.00	\$ 696,715.00	\$ 583,015.00	\$ 550,174.00
attach additional sheet(s) as needed				
Other-specify; Grant from Affiliate	\$ 50,571.00	\$ 8,238.00	\$ 15,121.00	\$ 29,659.00
attach additional sheet(s) as needed				
Other-specify; Flowers, Wreaths and other	\$ 109,765.00	\$ 89,325.00	\$ 81,696.00	\$ 157,729.00
attach additional sheet(s) as needed				
TOTAL RECEIPTS	\$ 5,046,650.00	\$ 3,699,737.00	\$ 3,807,068.00	\$ 3,891,409.00

SCHEDULE A – INCOME AND EXPENSES AND FUND BALANCES

Cemetery Name WHITE HAVEN MEMORIAL PARK, INC	New York State Cemetery Five Digit ID Number 28 045
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YEAR ENDING	2021	2020	2019	2018
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EXPENSES (DISBURSEMENTS)

Employee Wages				
Independent Contractor Grave Openings	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Independent Contractor Maintenance and Mowing	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Salaries of Officers	\$ 285,633.00	\$ 325,665.00	\$ 357,990.00	\$ 352,978.00
Supplies and Repairs	\$ 190,527.00	\$ 173,050.00	\$ 214,857.00	\$ 241,653.00
Equipment	\$ 0.00	\$ 0.00	\$ 0.00	
Insurance – General Liability	\$ 66,813.00	\$ 42,970.00	\$ 44,701.00	\$ 49,675.00
Workers Compensation	\$ 44,135.00	\$ 58,121.00	\$ 54,668.00	\$ 73,094.00
Commercial Crime/Employee Dishonesty	\$ 1,652.00	\$ 6,286.00	\$ 6,286.00	\$ 6,287.00
Vandalism and Assessment Fee	\$ 25,744.00	\$ 21,494.00	\$ 20,033.00	\$ 18,854.00
Other – specify; Operating Expenses attach additional sheet as needed	\$ 2,947,939.00	\$ 2,785,320.00	\$ 2,907,305.00	\$ 2,717,504.00
Other – specify; attach additional sheet as needed				
Other – specify; attach additional sheet as needed				
TOTAL DISBURSEMENTS	\$ 3,562,443.00	\$ 3,412,906.00	\$ 3,605,840.00	\$ 3,460,045.00
OPERATING SURPLUS (LOSS)	\$ 1,484,207.00	\$ 286,831.00	\$ 201,228.00	\$ 431,364.00

INTER-FUND TRANSFERS

Transfers

To Operating Account

From permanent maintenance fund (retained income from previous years)				
From other funds (i.e., perpetual care, special, bequests, pre-need, etc.)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL TRANSFERS FROM OTHER FUNDS TO OPERATING ACCOUNT	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Transfers

From Operating Account

To permanent maintenance fund	\$ 247,807.00	\$ 198,713.00	\$ 197,701.00	\$ 178,557.00
To other funds (i.e., perpetual care, special, bequests, pre-need, etc.)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL TRANSFERS FROM OTHER FUNDS FROM OPERATING ACCOUNT	\$ 247,807.00	\$ 198,713.00	\$ 197,701.00	\$ 178,557.00

SCHEDULE A – INCOME AND EXPENSES AND FUND BALANCES

Cemetery Name WHITE HAVEN MEMORIAL PARK, INC		New York State Cemetery Five Digit ID Number 28 045	
YEAR ENDING	2021	2020	2019
			2018

**FINANCIAL ASSETS
(FUND BALANCES)**

General Fund	\$ 2,412,801.00	\$ 1,419,989.00	\$ 1,305,135.00	\$ 806,063.00
Permanent Maintenance Fund	\$ 8,051,626.00	\$ 7,483,921.00	\$ 7,483,921.00	\$ 7,421,359.00
Perpetual Care	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Special Trust	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Other	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL FINANCIAL ASSETS	\$ 10,464,427.00	\$ 8,903,910.00	\$ 8,789,056.00	\$ 8,227,422.00

PER ACRE ANALYSIS*

Total Income Per Developed Acre	\$ 53,122.63	\$ 38,944.60	\$ 40,074.40	\$ 40,962.20
Total Expense Per Developed Acre	\$ 37,499.40	\$ 35,925.33	\$ 37,956.21	\$ 36,421.53
Net Income (Loss) Per Developed Acre	\$ 15,623.23	\$ 3,019.27	\$ 2,118.19	\$ 4,540.67
Funds Per Developed Acre	\$ 110,151.86	\$ 93,725.37	\$ 92,516.38	\$ 86,604.44

Permanent Maintenance Loan

Approved Date	7-1-2021
Original Loan Amount	\$ 1,215,424.00
Current Balance	\$ 445,528.47

NOTES:

[illegible]

White Haven Memorial Parks, Inc

Operating Expenses	2021	2020	2019	2018
Cost of Maus Property Sold	288,157	264,785	256,246	269,071
Utilities-All	67,850	55,719	52,502	44,389
Office Expense	101,928	115,563	123,512	103,303
Payroll Taxes	100,080	101,215	107,880	102,549
Professional Service	76,644	83,656	50,085	39,601
Depreciation	223,687	217,458	190,535	176,463
Memorials	283,157	224,035	267,909	269,822
Cremation Expense	122,547	104,536	123,778	89,559
Selling & advertising	114,048	118,382	133,549	143,633
Interest expense	1,388	6,415	8,960	20,712
Bad Debt	10,438	10,622	-	-
Employee Wages	1,091,778	1,014,996	1,007,784	1,044,959
Insurance Health & Other	161,294	175,979	212,457	192,970
Interment expense	105,489	87,901	128,179	63,231
Grounds & Horticulture	100,391	123,240	171,267	95,162
Interest expense - To PM Fund	20,688	26,733	19,371	14,400
Bank service fees	78,375	54,085	53,291	47,680
Total Operating Costs	2,947,939	2,785,320	2,907,305	2,717,504



White Haven Memorial Parks, Inc.
Beautiful places to remember.



GRAVE PRICES
With Pre-Need Payment Plan
Effective April 1, 2019

TWO PERSON

SECTION	COST	MINIMUM DEPOSIT	AMT. PAYMENT	NO. MONTHS
<u>Graves using 12"x24" single flat bronze marker</u> (Marker prices start at \$1,628 per person)				
K, O, R, V, U-EXT.	2,500	508	83	24
SB	3,200	656	106	24

Graves using 8"x11" single or double flat bronze marker (Marker prices start at \$1,060)

SB Combo	2,400	480	80	24
(1 casket & 1 urn, or 2 urns)				
RL & U Combo	2,800	568	93	24
(1 casket & 1 urn, or 2 urns)				
RL (Full Caskets)	3,600	720	120	24
U (Full Caskets)	2,500	508	83	24
U (Crem. only, 2 urns)	2,500	508	83	24
Creation Chapel	2,800	568	93	24
(Crem, Gard. 2 urns)				
Fountain Garden (2 urns)	5,600	1,136	186	24

Rock Graves using single or double plaque (Marker prices start at \$795)

RL & U Combo Rock	4,800	960	160	24
(1 casket & 1 urn, or 2 urns)				
RL & U Double Rock	5,600	1,136	186	24
(Full Caskets)				
C (Crem. Garden F)	4,800	1,136	186	24

ONE PERSON

SECTION	COST	MINIMUM DEPOSIT	AMT. PAYMENT	NO. MONTHS
<u>Graves using 12"x24" single flat bronze marker</u> (Marker prices start at \$1,553 per person)				
K, O, R, V, U-EXT.	1,250	254	83	12
SB	1,600	328	106	12
Baby Grave (16"x8" plq)	450	NA	NA	NA

Graves using 8"x11" single flat bronze marker (Marker prices start at \$1,060)

RL	1,800	360	120	12
U	1,250	254	83	12
U (Crem. Lot 17 & 32)	625	133	41	12

Rock Graves using single plaque (Marker prices start at \$795)

RL & U Single Rock	2,800	568	93	24
C (Crem. Garden F)	2,800	568	93	24

No interest charges. 5% Discount for Full Payment on pre-need grave purchases only. All costs include permanent maintenance. A concrete burial vault or grave-liner is required for all full casket burials (except Green Burial) in graves purchased after January 1, 1985.

Prices subject to change without notice. Bronze Plaques are not included in grave prices. Other sections on the map, are currently sold out.

****White Haven also offers Green Burial (full body) and Nature Trail (cremation) options.**

If you would like information on a more natural, eco-friendly burial method, please inquire.

White Haven Memorial Parks, Inc. • 210 Marsh Rd., Pittsford, NY 14534-1693
Phone: 585.586.5250 • Fax: 585.381.5252 • www.whitehavenmemorialpark.com

Not-for-Profit • All faiths welcome.

Rev. 4/28/2021



Division of Cemeteries

Department of State
DIVISION OF CEMETERIES
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001
Telephone: (518) 474-6226
www.dos.ny.gov

SCHEDULE B – MAUSOLEUM/COLUMBARIUM/ LAWN CRYPT/NEW SECTION RETURN ON INVESTMENT

Cemetery Name		New York State Cemetery Five Digit ID Number	
TYPE OF APPLICATION <input type="checkbox"/> MAUSOLEUM <input type="checkbox"/> COLUMBARIUM <input type="checkbox"/> LAWN CRYPT Check all that apply <input type="checkbox"/> FULL BODY BURIAL SPACES <input type="checkbox"/> CREMAINS BURIAL SPACES			
ANNUAL GROSS REVENUE			
	Number of Spaces Per Year*	Average Price per Space	Annual Gross Revenue
Crypts			
Niches			
Lawn Crypts			
Full Body Burial Spaces			
Cremains Burial Spaces			
Totals			
*Provide a reasonable estimate of annual sales			
TOTAL GROSS REVENUE ON ALL INVENTORY SOLD			
	Total Number of Spaces	Average Price per Space	Gross Revenue**
Crypts			
Niches			
Lawn Crypts			
Full Body Burial Spaces			
Cremains Burial Spaces			
Totals			
**For purposes of this calculation, we assume the final 10 percent of spaces will not sell. Consequently, Gross Revenue represents sales of 90 percent of spaces multiplied by average cost.			
ESTIMATED YEARS UNTIL PROJECT SELLS OUT			
	Number of Years	Number of Years	
Crypts		Full Body Burial Spaces	
Niches		Cremains Burial Spaces	
Lawn Crypts			
EXPENSES			
Development and construction costs (include contractors, professional fees, setup and delivery, permitting, etc.)			
Permanent Maintenance Allocation (minimum of 10 percent of Gross Revenue)***			
Total Selling Expenses			
Loan Interest Expenses			
Other (specify)			
Total Expenses			
NET REVENUE			
***Most cemeteries allocate 10 percent of gross revenue from lot sales to Preventive Maintenance. Some cemeteries allocate a higher percentage; those that do must use that higher percentage.			

Exhibit B



Division of Cemeteries

New York State
Department of State
DIVISION OF CEMETERIES
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001
Telephone: (518) 474-6226
<https://dos.ny.gov>

APPLICATION FOR APPROVAL OF A MAJOR ALTERATION

BASIC INFORMATION

Cemetery Name White Haven Memorial Parks, Inc.		New York State – Cemetery Five Digit ID Number 28 —045	
Location of Cemetery: Street Address 210 Marsh Road			
City Pittsford	or Town and Village	NY	Zip Code 14534
Contact Person Name: JudieLynn Nassar McAvinney		Title President/CEO	
Phone Number 525-586-5250	Email jl@whitehavenmemorialparks.com	Date Form Completed March 2022	
Cemetery Total Acres: 170.00	Cemetery Developed Acres: 80.50	Cemetery Acres Sold: 80.50	
Does the cemetery have certificates of indebtedness or land shares? (This is not common) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

PROJECT DESCRIPTION

Explain the purpose of the project and why it is in the cemetery's best interests.

-To lock in the designated Wet Land area with in our 5 year established window.
-To access the back of the Park from north to south.
-Enable us to use 3 acres of flat land for burial that we cannot presently access.

A master plan document for White Haven was designed by Grever and Ward, outlining plans for property and road development, at least 30 years ago. This has been updated, throughout the years, the most recent being 2019. In 2017-2019 we began a project called Edgewood Development Project, which was approved by the Division. This project included a new parking lot, a water drainage system and a 100-year retention pond.

While surveying the land at that time, it was discovered that a portion of our property, in a specific area in the back of the Park, included protected wetlands. We completed all necessary steps to identify the wet land delineation and we are presently in compliance with the DEC. In the original Master plan, the access road ran through a portion of the newly identified wetlands. The plan was then altered in 2019 to divert the road away from the designated wetlands still allowing us to create the access road for future use. We are now up against a timeline. The formal DEC designation is only good for five years before we would be required to do the process all over again. We have been working with Grever and Ward as well as Bergman Associates to evaluate the scope of this new road project. We have been advised to move forward with the road and complete it with in the five-year window established by the DEC. This window will expire in 2024.

There is usable land that can be developed for burials surrounding the wetland. This new road will allow us access for new property development. White Haven's Master Plan Committee and our Board has unanimously approved this project and would like us to proceed as soon as possible. If we wait to complete the project after our specified window, the overall cost will increase exponentially.

APPLICATION FOR APPROVAL OF A MAJOR ALTERATION

Major alteration means: a project for which an environmental assessment form (EAF) is prepared or required; an activity which can reasonably be expected to have a substantial and adverse impact on the adjacent community, the lots or the lot owners of the cemetery, including: demolition; stockpiling materials; grading and other forms of earthwork; dumping, filling or depositing of any material; excavation or trenching; dredging; removal of soil; flooding or draining; or paving or construction of buildings, structures or facilities.

Major alterations do not include construction of mausoleums, columbariums, or lawn crypts; use the forms found at <https://dos.ny.gov/cemetery-operators#forms> for applications concerning those projects. Some mausoleum, columbarium, or lawn crypt projects also involve major alterations (e.g., installing lawn crypts where there will be significant regrading and installation of drainage). For those projects, please submit this major alteration form and the appropriate form for that type of project.

Will the alteration include any of the following activities?

☐ Yes☐ No

Environmental Assessment Form

☐ Yes☐ No

Demolition

☒ Yes☐ No

Stockpiling materials

☐ Yes☐ No

Building construction

☒ Yes☐ No

Grading and other forms of earthwork

☒ Yes☐ No

Dumping, filling or depositing of any material

☒ Yes☐ No

Excavation or trenching, dredging or removal of soil

☐ Yes☐ No

Flooding or draining

☒ Yes☐ No

Paving or construction of buildings, structures or facilities (note: paving does not include sealing or putting a top coat on existing paved surfaces)

If you answered “NO” to all of the questions above, STOP HERE and submit this form by email to cemeteryboardapplications@dos.ny.gov, together with a short (approximately one page) explanation of the project and cost estimate, and await further guidance. If you do not have access to email, please fax or mail a copy to the Division's Albany office. The fax is (518) 473-0876 and the address is on the first page of this form.

If you answered YES to ANY of the questions above, or if directed by the Division of Cemeteries, please complete the rest of this form.

COMPLIANCE WITH NEW YORK STATE CEMETERY BOARD REGULATIONS

How will the alteration avoid the destruction, damage to, modification or interference with existing graves and markers, crypts, mausoleums, roadways and pathways?

This project is estimated to be be 300 feet from the nearest graves or Mausoleums. It will not interfer or interface with any existing graves/markers, crypts, mausoleums, roadways and pathways. Contractors will use the existing road to access the contruction area.

DOS-2125-f (09/21)

page 2 of 5

APPLICATION FOR APPROVAL OF A MAJOR ALTERATION

COMPLIANCE WITH NEW YORK STATE CEMETERY BOARD REGULATIONS (Continued)

What is the location, design, and duration of the alteration?

please see all maps attached

Describe the financial impact of the alteration on the cemetery.

There is usable land that can be developed for burials surrounding the wetland. This new road will allow us access for new property development. White Haven's Master Plan Committee and our Board has unanimously approved this project and would like us to proceed as soon as possible. If we wait to complete the project after our specified window, the overall cost will increase exponentially.

Cost: Project evaluation detail outlined by Grever and Ward and Bergman Associates	\$ 19,500
Road construction including all necessary drainage,	\$195,000
Wet Land Deliniation Paid by Preservation Foundation	\$ 4,700

The cost of the project will be paid, in full by White Haven. No loans will be required to meet the cost projections of this project.

Explain how the alteration will or will not interfere with the lots or the interests of lot owners.

The closest lots, at the head or begining of the project area is 300 feet away. Any construction work in the designated areas will be subject to the schedule of the Cemetery.

APPLICATION FOR APPROVAL OF A MAJOR ALTERATION

COMPLIANCE WITH NEW YORK STATE CEMETERY BOARD REGULATIONS (Continued)

How will the alteration be appropriate for cemetery purposes?

This future road has been part of the master plan of the Park. It will allow access to an additonal 3 acres not presently used. The road will run north to south giving us the ability to extend our cremation nautre trail through the flat lands without comprising the existing designatied wetlands.

Will the alteration have an adverse impact on the surrounding community? Explain why or why not. If there is such an impact, explain the measures to be taken to minimize that impact.

This project should not have any adverse impact on the surroundig community. As indicated on the map, the area in discussion is located in the back half of the cemetery. It is positioned in the creek basin area. The Basin is large and is the significant separation between the cemetery property and the houses far on the opposite side. The new access road would be 300 feet from the top of the high bank distancing us at least 800 feet from any of the homes. If there is an issue with Storm Water,we already have the storm water permits.

List all permits required to complete this project, attach copies of permits already obtained and describe the status of permits you have not yet obtained.

Bergmann
From Brian Burri bburri@BERGMANNPC.com Disipline leader- Land Development
As we discussed, the following is needed in order to construct the pipe crossing:

1. Planning Board approval from the Town of Perinton
2. Conservation Board approval from the Town of Perinton
3. Construction permit once everything is approved by the Town
4. A Nationwide permit from the Army Corps to fill in/disturb less than 0.1 acre of wetland
5. File a Notice of Intent (NOI) with the NYSDEC since the project will entail disturbing 1 or more acres of land. This is the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-20-001). There isn't an actual permit that is received, but once the NOI gets filed, a letter will come from the NYSDEC stating the project is covered.

Perinton Board Mtg. 4/13 & 4/27 5/11& 5/29 6/8 & 6/22 Conservtion Board Mtg. 4/5 & 4/19 5/3, 5/17 & 5/31 6/14

DOS-2125-f (09/21)

page 4 of 5

APPLICATION FOR APPROVAL OF A MAJOR ALTERATION

COST

Total Cost of Construction:	\$ 219,200.00
-----------------------------	---------------

ADDITIONAL REQUIRED DOCUMENTS

- Minutes or resolution of board or lot owners approving the major alteration
- Map of the cemetery with the location of the major alteration indicated
- Rendering or sketch of the major alteration
- Construction budget, including a detailed list of all costs associated with the major alteration
- Is the cost of the project greater than \$ 25,000? ☒ Yes ☐ No If yes, submit a copy of the architect's or engineer's report.
- Copies of any permits received for the project
- A list of lot prices and service fees associated with the major alteration
- Does your cemetery file Form 990 or Form 990-EZ with the IRS? ☒ Yes ☐ No
 - If you file Form 990, attach Part VII, Compensation of Officers, Directors, and Trustees for the last year available
 - If you file Form 990-EZ, attach Part VI for the last year available
 - If you file Form 990-N-Electronic Notice (e-Postcard), no additional document is required
- If you intend to finance the project by borrowing from your permanent maintenance fund, you must also submit a separate "Application for Recommendation for Approval of a Loan or Grant from a Cemetery's Permanent Maintenance Fund," found at <https://dos.ny.gov/cemetery-operators#forms>

REQUIRED SCHEDULES

- Schedule A: summary detailing the last four years of income and expenses and fund balances as reported on your annual report; use the form found at <https://dos.ny.gov/cemetery-operators#forms> .
- Schedule B: anticipated annual revenue and expenses from the project if the project is anticipated to generate revenue; use the form found at <https://dos.ny.gov/cemetery-operators#forms>.
- If you are borrowing money to finance the project from a source other than the cemetery's permanent maintenance fund, attach an amortization schedule (this is not a Department of State form)
- Does the proposed project involve a related party? ☐ Yes ☒ No
 - If yes, please complete Schedule C: Related Party Transactions.
 - A related party is an officer, director, or key person of the cemetery or their relatives, or entities of which these people own a specific percentage. For purposes of applications, entities affiliated with cemeteries (such as funeral entities for grandfathered standalone crematories) are related parties. For more information, please see the New York State Office of the Attorney General's guide to Conflict of Interest Policies available at: https://www.charitiesnys.com/pdfs/Charities_Conflict_of_Interest.pdf.

Project name:

Master Plan Access Road

Project Address:

White Haven Memorial Park
210 Marsh Road
Pittsford, NY 14534

Project location:

Back of the Park connecting sections north to south and east to west.

Project History and Background:

A master plan document for White Haven was designed by Grever and Ward, outlining plans for property and road development, at least 30 years ago. This has been updated, throughout the years, the most recent being 2019. In 2017-2019 we began a project called Edgewood Development Project, which was approved by the Division. This project included a new parking lot, a water drainage system and a 100-year retention pond. While surveying the land at that time, it was discovered that a portion of our property, in a specific area in the back of the Park, included protected wetlands. We completed all necessary steps to identify the wet land delineation and we are presently in compliance with the DEC. In the original Master plan, the access road ran through a portion of the newly identified wetlands. The plan was then altered in 2019 to divert the road away from the designated wetlands still allowing us to create the access road for future use. We are now up against a timeline. The formal DEC designation is only good for five years before we would be required to do the process all over again. We have been working with Grever and Ward as well as Bergman Associates to evaluate the scope of this new road project. We have been advised to move forward with the road and complete it with in the five-year window established by the DEC. This window will expire in 2024.

There is usable land that can be developed for burials surrounding the wetland. This new road will allow us access for new property development. White Haven’s Master Plan Committee and our Board has unanimously approved this project and would like us to proceed as soon as possible. If we wait to complete the project after our specified window, the overall cost will increase exponentially.

Cost:	Project evaluation detail outlined by Grever and Ward and		
	Bergman Associates		\$ 19,500
	Road construction including all necessary drainage,		\$195,000
	Wet Land Deliniation Paid by Preservation Foundation		\$ 4,700

The cost of the project will be paid, in full by White Haven. No loans will be required to meet the cost projections of this project.

Exhibit C

APPENDIX I WHITE HAVEN BOARD Approval for Access Road

(December 9, 2021 Minutes, Cont.)

Mr. Romagnola gave a report on the status of WEB Cemeteries.com. The new website is now up and running. Some of the mapping is completed and 90% of the data is now in. He expects the entire system to be fully operational in 2022.

There were two items of New Business.

The ECI rate has jumped 3.7% meaning that we can increase some service fees. That takes board action, so if management decides to raise some before the next meeting in April, the Executive Committee can meet by phone to approve the new fees.

The President shared an update on the Master Plan Road Development Project for a Connector Road around the wetlands. Grever and Ward and Bergmann Associates have put a plan together with estimated costs. The intent is to prepare all the necessary road infrastructure while we are within a 5-year window which protects our wetland delineation. The use of the road for burial purposes will be 10 years in the future. Bergmann has proposed an estimate for performing a topographical survey limited to the project area; preparing a base map from the filed survey; perform pipe sizing calculations; plan for the pipe crossing; and prepare the necessary applications for the wetland disturbance associated with the pipe installation. The proposed cost for this work is \$19,500. The following figures from Grever and Ward are for the construction of the road and include rough cost for site preparation; Earth work (road cuts), shoulder grading; road edge subdrains; water supply, 4-yard hydrants; asphalt pavements and base course; lawn seeding along road corridor; and twenty percent contingency for unknowns. The ballpark road construction total is \$196,400. The project will need approval by both the Town of Perinton and the NYS Cemetery Board. The master Plan Committee has discussed this project at length and supports moving forward. After a discussion of the project, it was moved by Mr. Overton, seconded by Mrs. Vittum and unanimously **RESOLVED: to approve the construction of the new Connector Road as presented above.**

There being no further business the meeting was adjourned at 4:20 PM. The next meeting will be held on Thursday, April 21, 2022. The August meeting will be held on Thursday, August 18, 2022 and the December meeting will be held on Wednesday, December 7, 2022. All meetings will start at 3:30 p.m. in the Gathering Room in All Seasons Chapel unless otherwise noted due to COVID restrictions.

The Board then went into Executive Session.

Respectfully submitted,

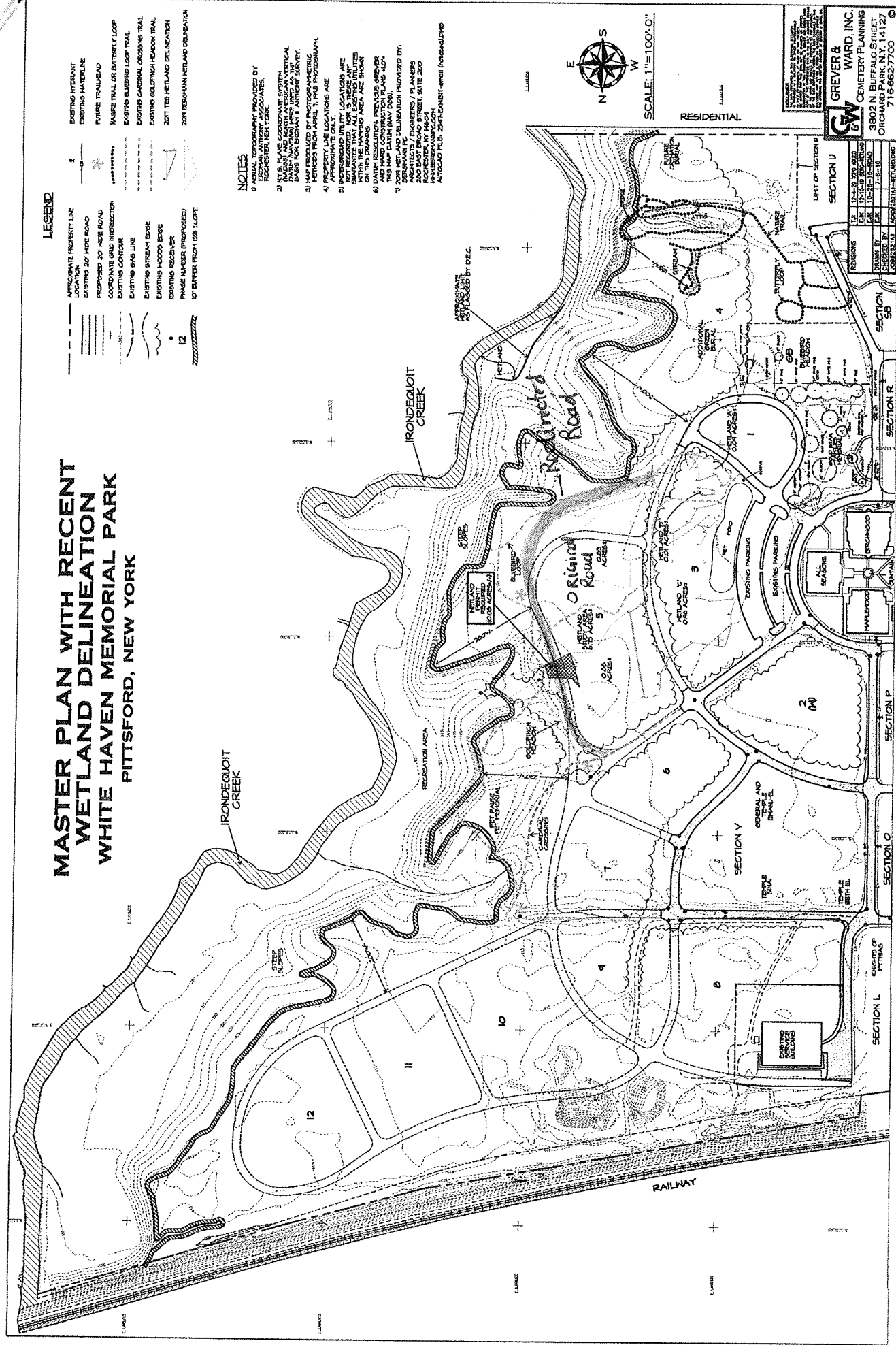
Allan J. Vittum
Board Member

JudieLynn Nassar McAvinney
President

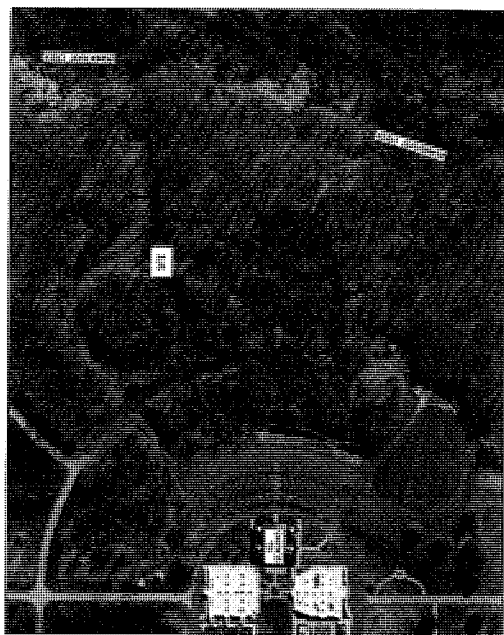
Exhibit D



MASTER PLAN WITH RECENT
WETLAND DELINEATION
WHITE HAVEN MEMORIAL PARK
PITTSFORD, NEW YORK



GREYER &
WARD, INC.
CEMETERY PLANNING
3802 N. BUFFALO STREET
ORCHARD PARK, N.Y. 14127
716-662-7700



SITE LOCATION MAP
NOT TO SCALE

[illegible]

POINT NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
CP 1	1192089.47	1443378.24	415.78	REBAR CAP
CP 2	1192092.02	1443378.41	415.75	REBAR CAP
CP 3	1192072.84	1443014.60	415.75	1/2" REBAR
CP 4	1192020.01	1443028.27	415.50	1/2" REBAR
CP 5	1191042.33	1443281.83	409.57	1/2" REBAR
CP 6	1192319.56	1443292.09	415.99	1/2" REBAR
CP 7	1192140.18	1443293.32	415.96	1/2" REBAR

NOTES:

- UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO) TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, AND TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE INSPECTOR GENERAL, FOR REVIEW AND COMMENT. THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO) AND IS NOT TO BE RELEASED TO THE PUBLIC OR TO OTHER AGENCIES OF THE U.S. GOVERNMENT WITHOUT THE WRITTEN AUTHORIZATION OF THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, AND TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE INSPECTOR GENERAL. THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO) AND IS NOT TO BE RELEASED TO THE PUBLIC OR TO OTHER AGENCIES OF THE U.S. GOVERNMENT WITHOUT THE WRITTEN AUTHORIZATION OF THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, AND TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE INSPECTOR GENERAL.



3-1

EXISTING CONDITIONS SURVEY

EX-1

C-2

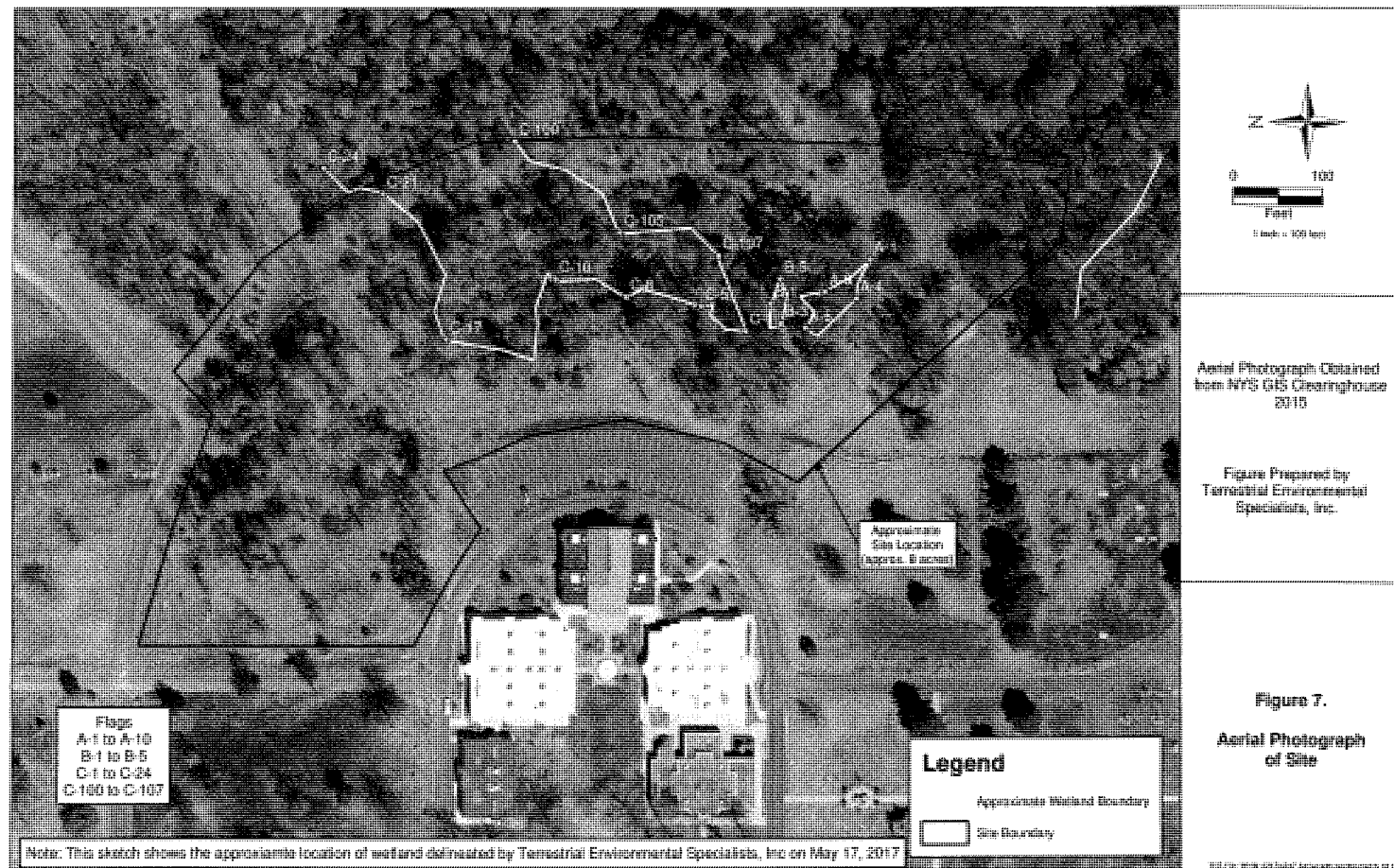


Exhibit E

Short Environmental Assessment Form

Part 1 - Project Information

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.

Part 1 – Project and Sponsor Information							
Name of Action or Project: White Haven Memorial Park - Access Road							
Project Location (describe, and attach a location map): 210 Marsh Road, Pittsford, NY 14534 (Town of Perinton)							
Brief Description of Proposed Action: This project proposes the construction of an approximate 20' x 1300' long access road, with associated grading, stormwater management and treatment. The proposed road will connect two existing roadways within the memorial park to improve site access.							
Name of Applicant or Sponsor: White Haven Memorial Park, Inc.		Telephone: (585) 586-5250 E-Mail: JL@whitehavenmemorialpark.com					
Address: 210 Marsh Road							
City/PO: Pittsford		State: NY	Zip Code: 14534				
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.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDEC (SPDES General Permit for Construction Activity)			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		128.0 +/- acres					
b. Total acreage to be physically disturbed?		2.45 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		128.0 +/- acres					
4. Check all land uses that occur on, are adjoining or 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 type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Cemetery, Golf Course <input type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Project proposes 0.061 acre impact to delineated federal wetlands. _____ _____			


14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
Stormwater runoff from the project will be directed to 2 detention basins, 3 sand filters and a bioretention area to reduce the proposed peak site discharges to less than the existing peak site discharges and to provide water quality treatment.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Bernmann (Kenneth Hurley, P.E.)</u> Date: <u>9/12/22</u></p> <p>Signature: <u></u> Title: <u>Project Engineer</u></p>		

Exhibit F

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

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.

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.

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)

Exhibit G



BERGMANN

ARCHITECTS ENGINEERS PLANNERS

White Haven Memorial Park Access Road
210 Marsh Road, Pittsford, NY 14534
Storm Water Pollution Prevention Plan (SWPPP) and
Stormwater Management Report
PREPARED FOR: White Haven Memorial Park, Inc.
210 Marsh Road, Pittsford, NY 14534



Bergmann

Office:

280 East Broad Street, Suite 200
Rochester, NY 14604

Phone: 585.498.7898

Contact: Ken Hurley, P.E.

Email: khurley@bergmannpc.com

August 17, 2022



TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	1
1.1	PURPOSE OF THE SWPPP REPORT	1
1.2	STORMWATER MANAGEMENT OBJECTIVES	1
1.3	DUTY TO COMPLY AND PENALTIES FOR VIOLATION	1
<hr/>		
2.0	INSTRUCTIONS TO OWNER/OPERATOR/OPERATORS ENGINEER AND CONTRACTORS..	3
2.1	RESPONSIBILITIES FOR COMPLIANCE WITH STORM WATER DISCHARGE PERMIT REGULATIONS AT CONSTRUCTION SITES	3
<hr/>		
3.0	APPENDIX A TABLE OF CONTENTS.....	5
APPENDIX A - STORM WATER POLLUTION PREVENTION PLAN NARRATIVE		
APPENDIX B - LOCATION MAP AND SOILS MAP		
APPENDIX C - EROSION AND SEDIMENTATION CONTROL PLAN(S) AND DETAILS		
APPENDIX D - NOTICE OF INTENT (NOI), ENOI OWNER/OPERATOR CERTIFICATION FORM, AND ENOI SWPPP PREPARER CERTIFICATION FORM		
<hr/>		
APPENDIX E - NOTICE OF PERMIT COVERAGE MS4 ACCEPTANCE FORM		
APPENDIX F - NYS DEC SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY (GP-0-20-001)		
APPENDIX G - BLANK NOTICE OF TERMINATION (NOT)		
APPENDIX H - GENERAL CONTRACTOR'S CERTIFICATION		
APPENDIX I - SUBCONTRACTOR'S CERTIFICATION		
APPENDIX J - INSPECTION REPORT		
APPENDIX K – MODIFICATION REPORTAPPENDIX L - REPORTABLE QUANTITY RELEASE FORM		
APPENDIX M – WETLAND DELINEATION REPORT AND JOINT PERMIT CORRESPONDENCE		
APPENDIX N - DRAINAGE CALCULATIONS		
APPENDIX O - POST CONSTRUCTION STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN		



Stormwater Pollution Prevention Plan (SWPPP) White Haven Memorial Park - Access Road – Perinton, NY

1.0 EXECUTIVE SUMMARY

This report defines existing and proposed site conditions, the impact of stormwater runoff on neighboring lands due to the proposed conditions, how stormwater will be managed during and after the construction period, mitigation of any additional stormwater runoff generated from development of this project, the duration of soil disturbance and stabilization practices, and appoints who will be responsible for implementing and maintaining the practices.

The practices specified herein will follow the New York State (NYS) Standards and Specifications for Erosion and Sediment Control in conjunction with the NYS Stormwater Management Design Manual (dated January 2015).

1.1 PURPOSE OF THE SWPPP REPORT

This Stormwater Pollution Prevention Plan (SWPPP) was created to ensure compliance with the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001). A copy of the SPDES General Permit has been included as **Appendix F** and the project's Notice of Intent (NOI) application for stormwater discharges has been included as **Appendix D**.

1.2 STORMWATER MANAGEMENT OBJECTIVES

The objectives of the proposed Stormwater Management methods and procedures for this project shall be:

- Reduction or elimination of erosion and sediment loading to downstream water bodies during construction;
- Controlling the impact of stormwater runoff on the water quality of the receiving waters;
- Controlling the increased volume and peak rate of runoff during and after construction;
- Continued maintenance of stormwater controls during and after completion of construction; and
- Proper selection and sizing of stormwater management practices in order to protect the water resources and neighboring properties from stormwater impacts.

1.3 DUTY TO COMPLY AND PENALTIES FOR VIOLATION

It shall be a violation of the SPDES General Permit and the Environmental Conservation Law (ECL) for any discharge to either cause or to contribute to a violation of the 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. (SPDES General Permit, Part I.B.)



For the purposes of the SPDES General Permit, the term “Operator” means the person, persons, or legal entity, which owns or leases the property on which the construction activity is occurring.

The Operator must comply with all conditions of the SPDES General Permit. All Contractors and Subcontractors associated with the project must comply with the terms of the SWPPP. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for enforcement action against the Owner or the Contractor/Subcontractor; permit revocation or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with the SPDES General Permit or the SWPPP, the NYSDEC may order an immediate stop to all construction activity at the site until the non-compliance is remedied (SPDES General Permit, Part VII.A.).

The Operator and all Contractors working on this project shall take all reasonable steps to minimize or prevent any discharge in violation of the SPDES General Permit which has a reasonable likelihood of adversely affecting human health or the environment (SPDES General Permit, Part IV.A.).

There is substantial criminal, civil and administrative penalties associated with violation the provisions of the SPDES General Permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending on the nature and degree of the violation (SPDES General Permit, Part VII.C.). The Operator will acknowledge this by signing a “Pollution Prevention Plan Certification”, included as **Appendix D**. Prior to commencement of construction activities on site, the Operator will obtain certification from the prime Contractor involved with earthwork and erosion and sediment control (ESC) activities which are subject to the SPDES General Permit requirements, in order to ensure compliance with the terms and conditions herein. Additional Subcontractors that are involved with earthwork and ESC activities will provide a contractor certification prior to commencing work on site. **Appendix H** contains the form that shall be used for obtaining the Contractors’ certifications.

The following information is required to be included on the SWPPP site map by the SPDES General Permit for Construction Activity, (GP-0-20-001):

1. Direction(s) of storm water flow and approximate slopes anticipated after major grading activities.
2. Total areas of soil disturbance and areas that will not be disturbed.
3. Locations of major structural and nonstructural BMPs identified in the SWPPP.
4. Locations where stabilization practices are expected to occur.
5. Locations of off-site material, waste, borrow and equipment storage areas.
6. Locations of all Waters of the United States (including Wetlands and surface waters of the state).
7. Locations where storm water discharge to a surface water and/or discharge to MS4.
8. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.



2.0 INSTRUCTIONS TO OWNER/OPERATOR/OPERATORS ENGINEER AND CONTRACTORS

2.1 RESPONSIBILITIES FOR COMPLIANCE WITH STORM WATER DISCHARGE PERMIT REGULATIONS AT CONSTRUCTION SITES

Operator's Engineer's Responsibilities:

1. Prepare the SWPPP using good engineering practices, Best Management Practices, and in compliance with all federal, state, and local permit requirements. This preparation shall also include providing a description of the Project as it relates to site ownership and development responsibilities.
2. Prepare the NOI form for the Operator's signature and forward to Operator for signature; SWPPP must be complete prior to NOI submittal.
3. Include a signed NOI in the SWPPP prepared for the Project.
4. Participate at the pre-construction meeting with Contractor and appropriate subcontractors, which should include a review with all parties the requirements of the SWPPP, if requested by Operator.
5. Review Contractor's SWPPP records on a periodic basis to ensure compliance with requirements for reports and inspection and maintenance logs, if requested by Operator.
6. Certify to Operator the Contractor's compliance with SWPPP record keeping requirements, if requested by Operator.

Operator's Responsibilities:

1. Require the Contractor to fully implement the SWPPP prepared for the site by the Operator's Engineer.
2. Procure a Qualified Inspector to conduct SWPPP inspections and maintain/updated the record on-site SWPPP ledger. Arrange for Qualified Inspector to conduct all necessary inspections at the required intervals and prepare and retain written documentation of those inspections and all other written documentation required by the Construction General Permit.
3. Forward a copy of the original permit certificate received from the regulatory agency to the Qualified Inspector for inclusion in the SWPPP Ledger and display at the Project.
4. Ensure (through periodic observations by Operator's Project Manager and scheduled SWPPP inspections by the Qualified Inspector) and document that the Contractor is implementing the controls, inspections, maintenance, record-keeping, and all other requirements of the SWPPP.
5. File an appropriately signed Notice of Termination ("NOT") form when site work construction is completed and stabilization is achieved.
6. Request and receive all SWPPP records from the Qualified Inspector and archive those records for a minimum of five (5) years after the NOT is filed.
7. Keep a copy of the SWPPP, all NOI's, permit certificates, permit language, Materials Management Process (MMP), inspection records, and other required records on the Project.



Contractor's Responsibilities:

1. Sign the SWPPP Contractor's Certification Form in the SWPPP prepared for the Project (**Appendix H**).
2. Provide subcontractor training and require all subcontractors to sign the Subcontractor's Certification Form in the SWPPP prepared for the Project (**Appendix I**).
3. Implement the Erosion and Sediment Control Plans, and other requirements of the SWPPP.
4. Provide at least one Trained Contractor on-site at all times during earth disturbing or BMP activities. A Trained Contractor is required to hold certification of a current 4-hour NYSDEC sponsored training and provide a copy of that certification to the Qualified Inspector for placement in the SWPPP ledger, prior to the beginning of construction.
5. Post in a prominent place at the Project entrance and inside the job trailer office wall those documents required to be posted under the terms of the Construction General Permit including, the NOI (**Appendix D**).
6. Coordinate efforts to work with the Qualified Inspector to update and make changes to the SWPPP and supporting documents (such as the BMPs) as needed and with the approval of the Operator and the Operator's Engineer.
7. Upon project completion, transfer the SWPPP documents, along with the NOI, permit certificates, NOT, and written records required by the Construction General Permit to the Operator for archiving.



3.0 APPENDIX A TABLE OF CONTENTS

Appendix A Storm Water Pollution Prevention Plan Narrative

Section I – Scope

- a. Purpose
- b. SPDES Construction General Permit for Storm Water Discharge from Construction Sites
- c. Notice of Intent
- d. Responsibilities of the Contractor Regarding the Construction General Permit
- e. Pre-construction Meeting
- f. SWPPP Certification Requirements for the Contractor and Subcontractors
- g. SWPPP Location Requirements
- h. SWPPP Ledger (Construction Record Copy)
- i. Inspections and Record Keeping
- j. SWPPP Modifications
- k. Final Stabilization and Termination of Permit Coverage

Section II - Project Name and Location

Section III - Operator's Name and Address

Section IV - Project Description

Section V - Existing Site Conditions

Section VI- Description of Soils

Section VII - Name of Receiving Waters and Wetlands

Section VIII - Erosion and Sediment Controls

- a. Temporary Structural Practices, Permanent Structural Practices, Temporary Stabilization Practices, Permanent Stabilization Practices
- b. Sequence of Major Construction Activities
- c. Storm Water Management
- d. Post Construction Stormwater BMP Operation and Maintenance Plan

Section IX - Other Controls

Section X - Compliance with Other Federal, State and Local Regulations

Section XI - Materials Management Plan

- a. Progress Drawing
- b. Materials Covered
- c. Material Management Practices
- d. Spill Prevention and Response Procedures

Section XII - Control of Non-Storm Water Discharges

Section XIII - Historical Properties

Section XIV - Industrial Activities

Section XV – Enhanced Phosphorus Removal Standards



Appendix A - Storm Water Pollution Prevention Plan Narrative



I SCOPE

- a. **PURPOSE:** Development and proper implementation of the New York State Department of Environmental Conservation (NYSDEC), State Pollutant Discharge Elimination System (SPDES) Construction General Permit governing stormwater discharges during construction and the National Pollutant Discharge Elimination System (NPDES) Construction General Permit governing storm water discharges during construction, and in accordance with Erosion and Sediment Control practices is critical. The Contractor's participation in this program is mandatory and its non-compliance is subject to various remedies, including without limitation, monetary setoffs, withholding payments; reimbursement for costs, expenses (including reasonable attorney's fees), fines, civil penalties incurred by the Operator and stop work orders. This section provides a descriptive explanation of the Storm Water Pollution Prevention Program and required Contractor participation.
- b. **SPDES CONSTRUCTION GENERAL PERMIT FOR STORM WATER DISCHARGE FROM CONSTRUCTION SITES:** Regulations promulgated by the NYSDEC to regulate the discharge of storm water from Construction Activity on sites where one (1) or more acre of soil is disturbed. One of the ways to comply with these regulations for affected sites is to request coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001). In order to use the Construction General Permit, a Notice of Intent (NOI) form must be completed and mailed to the NYSDEC. Authorization to discharge stormwater under the General Permit will be effective when the owner or operator has satisfied all of the criteria listed in Part II, B of the SPDES General Permit for Construction Activity (GP-0-20-001).
- c. **NOTICE OF INTENT:** The Operator will petition the NYSDEC for stormwater discharges during construction at this site to be covered by the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, following completion of this SWPPP. An NOI form will be filed by the Operator. Authorization to discharge stormwater from Construction Activities is effective Five (5) calendar days after the NYSDEC receives and acknowledges that a complete NOI has been received.
- d. **RESPONSIBILITIES OF CONTRACTOR REGARDING THE CONSTRUCTION GENERAL PERMIT:** The Contractor shall manage the discharge of stormwater from the site in accordance with the NYSDEC General Permit for Stormwater Discharges from Construction Activities and the following provisions:
 1. The Contractor shall be responsible for conducting the Storm Water Management practices in accordance with the permit.
 2. The Contractor shall be responsible for any enforcement action taken or imposed by federal, state, or local agencies, including the cost of fines, construction delays, and remedial actions resulting from the Contractor's failure to comply with the permit provisions.
- e. **PRE-CONSTRUCTION MEETING:** A Pre-Construction SWPPP Meeting (although not required by the General Permit) may be required by the local municipality/MS4 to occur before any land disturbing activities are started. Pre-construction meeting may also be required by the Operator. If no pre-construction meeting is required, a meeting may be



conducted at the Contractor's choice. If a pre-construction SWPPP meeting is held it should include a review and explanation of the following topics:

- Erosion and sediment control for water quality protection
 - Implementation of Erosion and Sediment Control Plans
 - The importance to proper installation of erosion and sediment control measures
 - Regular inspection by **Qualified Inspector** of erosion and sediment control measures
 - Diligent maintenance to erosion and sediment control measures
 - Contemporaneous preparation of accurate and complete records regarding inspection and maintenance of erosion and sediment control measures
 - Record-keeping for inspections and maintenance activities
- f. SWPPP CERTIFICATION REQUIREMENTS FOR THE CONTRACTOR AND SUBCONTRACTOR(S): The SWPPP shall provide forms for both the Contractor and Subcontractor(s) identifying the Company Name, Business Address and Telephone Number along with the Responsible Person for the Contractor and all subcontractors' who will implement the measures identified in the SWPPP (4-hour course Trained Contractor). **The Contractor shall sign, the Contractor's Certification Statement (Appendix H) and all Subcontractors shall sign the Subcontractor's Certification Statement (Appendix I) verifying they have been instructed on how to comply with and fully understand the requirements of the NYSDEC and SWPPP. These certifications must be signed, by a responsible corporate officer or other party meeting the "Signatory Requirements" in Part VII Section H & Part III.A.5. of the NYS DEC SPDES General Permit for Stormwater Runoff from construction Activity (GP-0-20-001), on behalf of each entity, prior to the beginning of any Construction Activities and shall be filed in the Project's SWPPP.**
- g. SWPPP LOCATION REQUIREMENTS: The SWPPP Ledger (Construction Record Copy) is meant to be a working document that shall be maintained at the site of the Construction Activities at all times throughout the Project, shall be readily available upon request by the Operator's personnel or NYSDEC, MS4 or any other agency with regulatory authority over storm water issues, and shall be kept on-site until the site complies with the Final Stabilization section of this document. A copy of the General Permit (GP-0-20-001), NOI, NOI Acknowledgment Letter, MS4 Acceptance Form (if applicable) SWPPP, and inspection reports shall be maintained at the construction site until all disturbed areas have achieved final stabilization and the Notice of Termination 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; that is accessible during normal working hours to the Operator, Contractor, or an individual performing a compliance inspection.
- h. SWPPP: **A minimum of Three (3) copies of the SWPPP, in three (3) ring binders shall be provided by the Operator's Engineer.** One (1) copy shall be provided for use by the General Contractor and One (1) copy shall be provided to the Permittee. The third copy shall be the Construction Record Copy, which to be updated throughout the duration of the project. The Qualified Inspector shall be responsible to update the Construction Record Copy with Weekly Construction Inspection Reports, Modifications to SWPPP and



document site/erosion and sediment control practice modifications that occur for the duration of the project.

- i. **INSPECTIONS AND RECORD-KEEPING:** Inspections are required as described in Part IV, C of the General Permit GP-0-20-001 by a qualified inspector.
 1. **INSPECTOR QUALIFICATIONS** - Inspections must be conducted by a “Qualified” Inspector. “Qualified” is defined as a person knowledgeable in the principles and practices of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the Construction Activity such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control(CPESC), licensed Landscape Architect. It also means that someone working under the direct supervision of a licensed Professional Engineer, or 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 an individual performing the site inspection has received four (4) hours of training, endorsed by the Department by a Soil and Water Conservation District or other department endorsed entity in proper erosion and sediment control principles no later than two (2) years from the date of the current general permit issued. After receiving the initial training, an individual working under the direct supervision of a licensed Professional Engineer or licensed Landscape Architect shall receive four (4) hours of training every three (3) years. Inspections of post construction stormwater management practices that include structural components, such as a dam for impoundment, shall be performed by a licensed Professional Engineer.
 2. **INSPECTOR RESPONSIBILITIES** – The Qualified Inspector shall be trained in all the inspection and maintenance practices necessary for keeping the Erosion and Sediment Controls that are used onsite in good working order. They will also be trained in the completion of, initiation of actions required by, and the filing of the inspection forms. The Qualified Inspector shall be able to identify non-compliance conditions and be able to discuss with the Operator and Contractor to reach a solution to remedy the situation(s). Documentation of Qualified Inspector training will be kept on site with the SWPPP.
 3. **INSPECTION PROCEDURES** - Inspections must include all areas of the site disturbed by Construction Activities and areas used for storage of materials that are exposed to precipitation. Qualified Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Erosion and Sediment Control measures identified in the SWPPP must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether Erosion and Sediment Control measures are effective in preventing significant impacts to Waters of the United States or stopping sedimentation/erosion off-site, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-



site tracking. The following inspection and maintenance practices will be used to maintain Erosion and Sediment Controls and stabilization measures:

- a. All control measures will be inspected at least at the frequency identified in this Section.
 - i. 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.
 - ii. **(Not Applicable for this Project)** 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 (unstabilized). The two (2) inspections shall be separated by a minimum of two (2) full calendar days
 - b. All measures will be maintained in good working order; if repairs or other measures are found to be necessary, they will be initiated within 24 hours of report, and completed within 48 hours of report and documented with photos.
 - c. Built up sediment will be removed from silt fence when it has reached 50% of the height of the fence or less, if the sediment is impacting the function or stability of the fence.
 - d. Silt fences will be inspected for depth of sediment, tears, etc., to see if the fabric is securely attached to the fence posts, and to see that the fence posts are securely in the ground.
 - e. Temporary and permanent seeding and all other stabilization measures will be inspected for bare spots, washouts, healthy growth and repaired as necessary in a reasonable timeframe.
 - f. An Inspection Report (**Appendix J**) will be completed after each inspection. Copies of the report forms to be completed by the Qualified Inspector(s) are included in this SWPPP.
 - g. Disturbed Areas and materials storage areas will be inspected for evidence of or potential for pollutants entering stormwater systems.
 - h. Report to U.S. Environmental Protection Agency, or NYSDEC within 24 hours any noncompliance with the SWPPP that will endanger public health or the environment. Follow up with a written report within 5 days of the noncompliance event. The following events require 24-hour reporting: a) any unanticipated bypass which exceeds any effluent limitation in the permit, b) any upset which exceeds any effluent limitation in the permit, and c) a violation of a maximum daily discharge limitation for any of the pollutants listed by the EPA in the permit to be reported within 24 hours. The written submission must contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
 - i. Spills or Releases of Hazardous Substances or Oil in excess of reportable quantities (as established under 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302) must be reported.
4. CONSTRUCTION MONITORING – There are no construction monitoring requirements required under this SWPPP and NOI coverage.



5. **THIRD PARTY INSPECTIONS** – Where required or requested by the Operator, third-party inspections by the design engineer shall be in addition to and shall not replace inspections by the Qualified Inspector. The third-party inspector shall complete and sign any inspection report and include a copy of the report in the SWPPP following each inspection, along with providing the Operator a copy. The Operator shall provide a copy of the SWPPP inspection to the Contractor or request the Qualified Inspector to provide that copy.
6. **RECORDKEEPING** - It is imperative that documentation of the inspection and maintenance of all erosion and sediment control measures as soon as possible after the inspection and/or maintenance is completed. The inspection reports identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the Project is in compliance with the SWPPP and the Construction General Permit or other applicable State Permit. The report must be signed in accordance Part VII.H of the General Permit (GP-0-20-001). These records are used to prove that the required inspection and maintenance were performed and shall be placed in the SWPPP Ledger. In addition to inspection and maintenance reports, records should be kept of the Construction Activities that occur on the site. The owner or operator shall retain copies of the SWPPP, all reports and data for a minimum of **five (5) years** after the project is complete in paper and electronic format.

The forms found in this SWPPP shall be used by the Qualified Inspector(s) to inventory and report the condition of each measure to assist in maintaining the erosion and sediment control measures in good working order. The following list identifies the required Inspection and Maintenance documentation and record keeping that must be maintained by the Qualified Inspector/Operator under this SWPPP:

Appendix J	Inspection Report
Appendix K	Modification Report
Appendix L	Reportable Quantity Release Form

These report forms shall become an integral part of the SWPPP and shall be made readily accessible to governmental inspection officials, the Operator's Engineer, and the Operator for review upon request during visits to the Project site. In addition, copies of the reports shall be provided to any of these persons, upon request, via mail or facsimile transmission. Inspection and maintenance report forms are to be maintained by the permittee for five years following the final stabilization of the site.

7. **OTHER RECORD KEEPING REQUIREMENTS** - The Contractor shall keep the following records related to Construction Activities at the site:
 - Dates when major grading activities occur and the areas which were graded
 - Dates and details concerning the installation of structural controls
 - Dates when Construction Activities cease in an area
 - Dates when stabilization measures are initiated
 - Dates when areas are stabilized, either temporarily or permanently



- Dates and descriptions of the character and amount of any spills of Hazardous Substances or Oil
 - Records of reports filed with regulatory agencies if reportable quantities of Hazardous Substances or Oil spilled
- j. SWPPP MODIFICATIONS: The inspection report should also identify if any revisions to the SWPPP are warranted due to unexpected conditions. The SWPPP is meant to be a dynamic working guide that is to be kept current and amended (by the Qualified Inspector) whenever:
1. There is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to the Waters of the United States or off the property site that has not been previously addressed in the SWPPP. In addition to modifying the SWPPP, the site map may also require an amendment.
 2. Inspections or investigations by site staff, or by local, state or federal officials, determine that the discharges the SWPPP is ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site. Modifications that are the result of an inspection must be initiated within 24 hours and completed within 48 hours.
 3. Based on the results of an inspection, it must be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP must be completed within seven (7) calendar days following the inspection.
 4. There is a release containing a Hazardous Substance or Oil in an amount equal or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302 occurs during a 24-hour period. Revisions to the SWPPP must be completed within seven (7) calendar days of knowledge of the release.
- Any such changes to the SWPPP must be made in writing on the Modification Report (**Appendix K**) within 7 days of the date such modification or amendment is made. Changes must also be drawn on the Progress Drawing.
- k. FINAL STABILIZATION AND TERMINATION OF PERMIT COVERAGE: A site can be considered finally stabilized when all soil disturbing activities have been completed and:
1. A uniform perennial vegetative cover with a density of **80%** for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been established.
 2. The facility no longer discharges storm water associated with Construction Activities.
 3. A Notice of Termination (NOT) form filed by the Operator(s) with the NYSDEC. The NOT must be submitted within 30 days of final stabilization.



II PROJECT NAME AND LOCATION

White Haven Memorial Park - Access Road
Pittsford, NY 14534
Monroe County
43°05'45.29", -77°28'35.11"

A general location map with enough detail to identify the location of the construction site, the receiving waters within one (1) mile of the site (if applicable) is included in **Appendix B**.

The project site is located at 210 Marsh Road, Pittsford, NY. The site is located in the Town of Perinton.

III OPERATOR'S NAME AND ADDRESS

White Haven Memorial Park, Inc.
Judie Lynn McAvinney
210 Marsh Road
Pittsford, NY 14534
585-586-5250

IV PROJECT DESCRIPTION

This SWPPP is for the proposed White Haven Memorial Park - Access Road located in the Pittsford, NY 14534. The project is in Monroe County and consists of an approximate 1300' x 20' wide access road, associated grading, stormwater management and treatment. The project proposes a final impervious coverage of 0.57 acre. The White Haven Memorial Park property is approximately 128 acres in size. This project constitutes a construction site (Limits of Disturbance) of 2.45 acres. This SWPPP addresses all phases of the project including earthwork, erosion and sediment control, stormwater facilities, temporary and permanent erosion controls, access road, and storm piping. (**Appendix C**). This project proposed the construction of a bioretention basin, 3 sand filters, and two detention basins in order to address water quality and quantity requirements.

The total project disturbance area is 2.45 acres.

Proposed Project Activity Duration

The estimated time for completion of the construction on the project is 6 months. The anticipated construction will take place during the 2023 construction season, from approximately March 1 to August 1. At this time, it is proposed to install the access road's compacted subbase (impervious surface) only during the 2023 construction season, allowing for any potential road settlement. The access road will be paved at a future date but will not create any earth disturbance or increase in impervious surfaces, therefore additional stormwater permitting would not be required at the time of the paving phase.

General soil disturbing activities will generally include:

- Construction of temporary stabilized construction entrances



- Clearing and grubbing
- Grading/earthwork
- Installation of storm sewer pipes, water quality and quantity facilities
- Construction of access road
- Final grading and soil stabilization

V EXISTING SITE CONDITIONS:

1. Existing Conditions:

The project site tributary drainage area is approximately 2.51 acres.

The topography of the project site ranges from elevations 417.0 to 405.0 feet. The site has slopes ranging from 0.5% to 15%. Runoff is conveyed via overland shallow sheet flow prior to the discharging to the Irondequoit Creek. The existing site consists of woodland areas, bushes, trees, wetlands (onsite and adjacent) and brush/meadow coverage. The existing project site does not contain existing impervious surfaces.

VI NAME OF RECEIVING WATERS AND WETLANDS

The site ultimately discharges to the Irondequoit Creek approximately 425 feet southeast of the project site (classified as B(T)). Also, to the southeast, approximately 300' away is a NYSDEC regulated wetland, PR-6, in which Irondequoit Creek is included within.

Within and adjacent to the project limits are two (2) USACE regulated freshwater wetlands that were field delineated on November 20, 2019. A copy of the Wetland Delineation Report has been attached as **Appendix M**.

VII DESCRIPTION OF SOILS

Soil Types within the Subject Area)

Symbol	Soil Name	Hydrologic Soil Group
AtF3	Arkport, Dunkirk, Colonie	B
CIA	Collamer Silt Loam	C
EIA	Elnora Loamy Fine Sand	B
Mr	Muck, deep	D

AtF3 – Arkport, Dunkirk, and Colonie soils

Arkport:

Properties and qualities

Slope: 20 to 60 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Depth to water table: More than 80 inches



Dunkirk:

Properties and qualities

Slope: 20 to 60 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

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

Depth to water table: More than 80 inches

Colonie:

Properties and qualities

Slope: 20 to 60 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (1.98 to 19.98 in/hr)

Depth to water table: More than 80 inches

CIA – Collamer Silt Loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

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

Depth to water table: About 18 to 24 inches

EIA – Elnora Loamy Fine Sand

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Depth to water table: About 18 to 24 inches

Mr – Muck, deep

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Very poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 5.95 in/hr)

Depth to water table: About 0 inches



VIII EROSION AND SEDIMENT CONTROLS

- a. 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, when open disturbance is less than 5 acres. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
- b. The project will utilize temporary and permanent erosion and sediment control practices to prevent sediment from leaving the project area. A list of the practices anticipated are as follows:

Temporary Structural					
	BMP	Notes		BMP	Notes
<input checked="" type="checkbox"/>	Inlet Protection		<input type="checkbox"/>	Brush Barrier	
<input checked="" type="checkbox"/>	Outlet Protection		<input type="checkbox"/>	Temporary Stream Crossing	
<input checked="" type="checkbox"/>	Perimeter Protection		<input type="checkbox"/>	Pipe Slope Drain	
<input checked="" type="checkbox"/>	Stabilized Construction Entrance/Exit		<input type="checkbox"/>	Wind Fence	
<input type="checkbox"/>	Stone Staging Area		<input checked="" type="checkbox"/>	Temporary Diversion Channels	
<input checked="" type="checkbox"/>	Temporary Sediment Basin		<input type="checkbox"/>	Temporary Diversion Berms	
<input type="checkbox"/>	Temporary Gravel and Riprap Sediment Trap		<input type="checkbox"/>	Concrete washout	
<input type="checkbox"/>	Temporary Rock Dam Sediment Trap		<input type="checkbox"/>	Other	
<input type="checkbox"/>	Check Dam		<input type="checkbox"/>	Other	
<input checked="" type="checkbox"/>	Silt/Sediment Fence		<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Temporary Seeding		<input type="checkbox"/>	Chemical Stabilization	
<input checked="" type="checkbox"/>	Temporary Mulching		<input type="checkbox"/>	Other	
<input checked="" type="checkbox"/>	Rolled Erosion Control Product (RECP)	1 on 3 slope or greater	<input type="checkbox"/>	Other	
<input type="checkbox"/>	Slope Tracking (Soil Roughening)		<input type="checkbox"/>	Other	
<input type="checkbox"/>	Watering to Minimize Wind Erosion		<input type="checkbox"/>	Other	
Temporary Structural					
	BMP	Notes		BMP	Notes
<input checked="" type="checkbox"/>	Inlet Protection		<input type="checkbox"/>	Brush Barrier	
<input checked="" type="checkbox"/>	Outlet Protection		<input type="checkbox"/>	Temporary Stream Crossing	
<input checked="" type="checkbox"/>	Perimeter Protection		<input type="checkbox"/>	Pipe Slope Drain	



Temporary Structural					
	BMP	Notes		BMP	Notes
Permanent Stabilization					
	BMP	Notes		BMP	Notes
<input checked="" type="checkbox"/>	RECP (all slopes exceeding 3:1 (3 horizontal to 1 vertical))	(as needed)	<input type="checkbox"/>	Vegetation Protection	
<input checked="" type="checkbox"/>	Permanent Seeding		<input type="checkbox"/>	Sod	
<input type="checkbox"/>	Permanent Planting (vegetative landscaping)		<input type="checkbox"/>	Other	
<input checked="" type="checkbox"/>	Mulching		<input type="checkbox"/>	Other	
Permanent Structural					
	BMP	Notes		BMP	Notes
<input checked="" type="checkbox"/>	Outlet Protection		<input checked="" type="checkbox"/>	Stormwater Diversion Ditch	
<input checked="" type="checkbox"/>	Storm Drainage System		<input type="checkbox"/>	Retaining Wall	
<input type="checkbox"/>	Curb		<input type="checkbox"/>	Gradient Terrace	
<input checked="" type="checkbox"/>	Stormwater Pond		<input type="checkbox"/>	Stormwater Retention Pond	
<input type="checkbox"/>	Stormwater Infiltration		<input checked="" type="checkbox"/>	Stormwater Filtration (Sand Filter)	
<input type="checkbox"/>	Bio Swale		<input checked="" type="checkbox"/>	Bio Retention Basin	
<input type="checkbox"/>	Other		<input type="checkbox"/>	Other	

c. Sequence of Major Construction Activities

The Contractor will be responsible for implementing the following Erosion and Sediment Control and Storm Water Management control measures. The Contractor may designate these tasks to certain subcontractors as he sees fit, but the ultimate responsibility for implementing these controls and ensuring their proper functioning remains with the Contractor. The order of activities will be as follows (refer to the Grading and SWPPP Plans C110 & C501 contained in this SWPPP for details):

Construction Sequence

1. Pre-construction meeting to be held with one weeks advanced notice to the Project Manager, Operator, Operator's Engineer, Contractor, Qualified Inspector, NYSDEC, Town representative (when applicable) and Sub-contractors prior to land disturbing activities.
2. Install construction entrance/exit at locations designated on plans.
3. Install perimeter silt fence and applicable temporary BMPs for the start of construction.
4. Begin clearing and grubbing operations. Clearing and grubbing shall be done only in areas where earthwork will be performed. Tree removal near wetland limits will require root cutting, stump grinding and other means to ensure approved wetland



limit disturbances are not exceeded. Clearing, tree removal and grubbing byproducts are to be removed from the project limits and not to be deposited within onsite/offsite wetlands.

5. Have a qualified professional conduct an assessment of the site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP and required by the NYSDEC permit have been adequately installed or implemented to ensure overall preparedness of the site for the commencement of construction.
6. Strip topsoil and stockpile in a location (outside of wetland limits) acceptable to construction manager. When stockpile is complete, install perimeter silt fence, seed surface with 100% perennial ryegrass mixture at a rate of 2-4 lbs. per 1000 sf. Apply 90-100 lbs per 1000 sf of mulch.
7. Commence earthwork cut and fills. The work shall be progressed to allow a reasonable transfer of cut and fill earth for rough grading and earth moving. The contractor will be given some latitude to vary from the following schedule in order to meet the field conditions encountered. Contractor shall review variations to SWPPP with design engineer and qualified professional prior to implementation. All changes to SWPPP drawings must be documented within onsite SWPPP.
8. Construct temporary sediment traps in areas of active construction. Proceed with additional sediment traps as graded areas traverse across the site. The detention basin locations may be used for sediment capture. Under excavate the basin by two (2) feet, in order to encourage infiltration in the final graded detention basin.
9. 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.
10. Following rough grading, Storm pipe installation should begin, trench excavation/backfill areas should be stabilized progressively at the end of each workday with seed and straw mulch at a rate of 100% perennial rye grass at 2-4 lbs/1000 sf mulched at 90-100 lbs/1000 sf.
11. Install inlet/outlet protection at the locations of all existing inlets, and at the ends of all proposed storm sewer pipe discharges.
12. Stabilize all disturbed earth, starting the following day from idle and completed within 14 days (less than 5 acres disturbed).
13. Complete the construction of the detention basin, remove accumulated sediment, and seed and mulch. Provide sediment protection at piping inlets.
14. As roadway is brought to grade, stabilized with crushed stone subbase at a depth specified on plans to prevent erosion as soon as practicable.
15. As landscaped areas are brought to grade, stabilize with topsoil, seeding and mulching per specifications.
16. Upon final stabilization (80% vegetative cover) of upgrade areas, begin the construction on the bioretention area and sand filters. After piping is installed, media and topsoil placed, seed and mulch within stabilization guidelines and timing.



17. Remove temporary construction exits upon completion of all earth disturbances.
18. The developer/owner/operator shall have a qualified professional conduct an assessment of the site and final report to determine all permanent stormwater measures have been installed per plans and 80% uniform germination/stabilization has been achieved prior to the removal of all remaining temporary erosion and sediment control devices.
19. Paving of roadway will take place at a future date or construction year but will not create any earth disturbance or new impervious surfaces.



C. Storm Water Management

White Haven Memorial Park, Inc. will own and is responsible for all maintenance of the stormwater management facilities associated with the project. The access road project is approximately 2.45 acres and is located within the larger overall memorial park parcel of approximately 128 acres. The project is centrally located within the park. The property uses surrounding the memorial park parcel are: Residential uses to the north, south and east. A golf course is located to the west.

D. Waterbody Construction and Mitigation Procedures

There is no waterbody construction proposed for this project. There will be no impacts to Irondequoit Creek located approximately 425' southeast of the project.

E. Proposed Drainage Area Divide Lines

This project is proposing modifications to the grade and site cover as compared to the pre-construction conditions. Although on-site drainage patterns will be slightly modified by construction within the drainage areas, the proposed areas will function in a similar and reduced drainage capacity and size as compared to the pre-existing conditions. There are no anticipated changes to the drainage area divide lines by this project.

F. Section 303(D) Listed Impaired Waters

The stormwater runoff from the project site ultimately discharges to Irondequoit Creek to the southeast of the project. Irondequoit Creek is not listed on the section 303 (d) List of Impaired Waters, and no TMDLs are required.

G. Wetland Construction and mitigation

There were two federally regulated wetlands identified on and/or adjacent to the project site. This access road project proposes a 0.061-acre disturbance to a federally regulated wetland. A joint permit application has been prepared. A copy of the Wetland Delineation Report and Joint Permit Correspondence are located in **Appendix M.**

H. Post Development Drainage

The developed project site proposes above ground changes that would affect the drainage patterns and runoff volumes. Surface cover and grading changes will occur throughout the site boundaries and the site runoff has been calculated for the post developed runoff conditions. The Post Developed project site drainage has been calculated as five drainage areas. The post developed drainage areas have been designated:

- P-1
- P-2A



- P-2B
- P-3A
- P-3B

Appendix N provides mapping that outlines the contributing drainage area for the post developed conditions.

Stormwater calculations show that the conversion of the existing site cover (woodland, meadow/brush) to the proposed site development (pavement, grass cover, permanent BMPs), after treatment, will create a site runoff volume and velocity reduction as compared to the existing conditions. Unified stormwater sizing criteria has been met by the site development conversion. Two detention basins have been proposed to further address a reduction in stormwater runoff to exceed the required channel protection volume through the extreme flood control (calculations have been provided as **Appendix N**). Water quality, runoff reduction and the channel protection requirements will be addressed with bioretention, sand filters and the detention basins.

A bioretention area, 3 sand filters, and 2 detention basins will be constructed on the project site. The bioretention area and sand filters provide the required water quality volume (WQv) based on the New York State Department of Environmental Conservation (NYSDEC) requirements. The detention ponds provide water quantity control per New York State Department of Environmental Conservation (NYSDEC) requirements. The storm system on site has been designed for the 100 year storm. The stormwater management report is provided in **Appendix N**.

1. WATER QUALITY VOLUME

The New York State Department of Environmental Conservation, Stormwater Management Design Manual was used to determine the water quality criteria. Specifically, the unified storm water sizing criteria was followed for water quality to meet the State of New York pollutant goals. The water quantity volume is intended to improve water quality by capturing and treating 90% of the average annual storm water runoff volume. The following equation is given within the design manual for calculating the water quality storage volume and was used to size subject practices.

$$WQ_v = \frac{(P)(R_v)(A)}{12}$$

where:

WQ_v = water quality volume (acre-ft)

P = 90% Rainfall Event Number

R_v = 0.05 + 0.009 (I) , where I is percent of impervious cover

The project is a development project with an increase in impervious area. The proposed increase in impervious area is 0.57 acre. The proposed impervious WQv, and a portion of the WQv from the existing areas, will be treated in standard practices (bioretention area, three sand filters). Per Chapter 9 of the Design Manual the treatment required for the increased impervious areas is 100% of the required WQv and 25% of the WQv for the disturbed existing impervious areas. Stormwater quality



calculations are provided within **Appendix N** and are summarized in the following table:

Water Quality Volumes		
Practice	Water Quality Volume Required (CF)	Volume Provided (CF)
Required in Standard Practice	2,087	
Bioretention	Water Quality Volume Reduced	759
Sand Filter (P-1)	Water Quality Volume Treated	315
Sand Filter (P-2A)	Water Quality Volume Treated	675
Sand Filter (P-2B)	Water Quality Volume Treated	383
Total Volume Provided (CF)		2,132

2. WATER QUANTITY VOLUME

The New York State Department of Environmental Conservation, Stormwater Management Design Manual was used to determine the water quantity criteria. Generally, mitigating the 10-year and 100-year post-development runoff rates to the pre-development runoff rates.

3. CHANNEL PROTECTION VOLUME

The Channel Protection Volume is met by providing the 24-hour extended detention of the post developed 1 year, 24-hour storm event. Channel protection calculations are provided in **Appendix N**. As shown in **Appendix N**, Pond 2P provides storage of 473 CF and Fore Bay/Pond DP provides storage of 1860 CF, for a total of 2,333 CF provided. Channel protection volume calculations require 1575 CF storage. Therefore, the required channel protection volume as stated in section 6.1 of the Stormwater Management Design Manual has been met.

A computer program using the Soil Conservation Service's Technical Release #20 (TR20) was used to estimate the post development runoff generated from the 1-year storm event for the Subject Area. Printouts from the program used to estimate the runoff volume and storage volume from the specified storm event, for the Subject Area, are attached as **Appendix N**. Below is a summary of the results:

4. RUNOFF REDUCTION VOLUME

The Runoff Reduction Volume (RRV) for the site shall be equal to 100% of the water quality volume per section 4.3 of the Stormwater Management Design Manual. For the proposed increase in impervious area (0.57 acre) the required minimum RRV is 605 CF. The proposed bioretention area provide 759 CF and satisfy this requirement (Calculations are provided in **Appendix N**).

According to the NYS Stormwater Management Design Manual, January 2015, the runoff reduction shall be achieved by infiltration, groundwater recharge, reuse,



recycle, evaporation/evapotranspiration of 100% of the post development water quality volume (WQv). Projects that do not achieve runoff reduction to preconstruction conditions must reduce a percentage of the runoff from impervious areas to be constructed on the site. The specific reduction factor (s) can be determined by the following equation:

$$RRv = (P * Rv * Ai) / 12$$

Where:

- RRv = Runoff Reduction Volume (ac-ft)
- Ai = (S)(Aic) = impervious cover targeted for runoff reduction
- Aic = Total area of new impervious cover
- Rv = Runoff Coefficient = $0.05 + (0.009 * I)$, I = impervious cover (%)
- S = Hydrologic Soil Group (HSG) Specific Reduction Factor (S)
HSG A = 0.55; HSG B = 0.40; HSG C = 0.30; HSG D = 0.20

Runoff Reduction Volumes		
Practice	Minimum Runoff Reduction Volume (CF)	Volume Provided (CF)
Required in Standard Practice	605	
Bioretention 1	Water Quality Volume Reduced	759
Total Volume Provided (CF)		759

5. OVERBANK FLOOD

Overbank Flood protection is provided by controlling the peak discharge from the 10-year storm to 10-year predevelopment rates. This requirement is being satisfied by the proposed infiltration basins and outlet control structure on site. Refer to Table II for details. Calculations are provided in **Appendix N**).

6. EXTREME STORM

Extreme Storm protection is provided by controlling the peak discharge from the 100-year storm to 100-year predevelopment rates. This requirement is being satisfied by the proposed detention basins and outlet control structure on site. Refer to Table III for details.

7. SUMMARY OF RESULTS

Tables I, II and III depict the peak discharges from the site for each of the design storm listed for the existing and proposed conditions.



Table I – Existing and Proposed Peak Discharge for the 1-Year Storm (cfs)

	1-yr Design Storm Discharge		
Existing Drainage Area	Existing (CFS)	Proposed Drainage Area (Treated and Existing)	Proposed (CFS)
E-1	0.05	Sand Filter (P-1)	0.005
		Det. Pond 2P (P-2A & 2B)	0.00
		Det. Pond DP (P-3A & 3B)	0.00
Total Peak Discharge	0.05		0.005

Table II – Existing and Proposed Peak Discharge for the 10-Year Storm (cfs)

	10-yr Design Storm Discharge		
Existing Drainage Area	Existing (CFS)	Proposed Drainage Area (Treated and Existing)	Proposed (CFS)
E-1	0.68	Sand Filter (P-1)	0.16
		Det. Pond 2P (P-2A & 2B)	0.09
		Det. Pond DP (P-3A & 3B)	0.20
Total Peak Discharge	0.68		0.31

Table III – Existing and Proposed Peak Discharge for the 100-Year Storm (cfs)

	100-yr Design Storm Discharge		
Existing Drainage Area	Existing (CFS)	Proposed Drainage Area (Treated and Existing)	Proposed (CFS)
E-1	2.07	Sand Filter (P-1)	0.36
		Det. Pond 2P (P-2A & 2B)	1.01
		Det. Pond DP (P-3A & 3B)	0.84
Total Peak Discharge	2.07		1.50



As depicted in the above tables, the peak discharge from the site for each of the design storms will be decreased after this project is constructed and the stormwater management plan is implemented

I. Post Construction Stormwater BMP Operation and Maintenance Plan

An Operations and Maintenance Plan is included to address the inspection, operation and maintenance of all post construction BMPs identified in this plan. The Contractor is responsible for proper installation, maintenance and functioning of all best management practices shown on the drawings until final stabilization is achieved. A copy of the Post Construction Stormwater BMP Operations and Maintenance Plan is included in **Appendix O** of this document.

IX OTHER CONTROLS

a. Off-Site Vehicle Tracking

A stabilized construction entrance/exit will be provided at each entrance/exit used for construction access to help reduce vehicle tracking of sediments. The paved streets adjacent to the site entrance will be inspected daily and swept as necessary to remove any excess mud, dirt, or rock tracked from the site. In the instance that stones/rock, clumps of mud or any other material that is discharged onto the public roadways that may create a safety hazard to cars, pedestrians or property, shall be cleaned immediately. Dump trucks hauling material from the construction site will be covered with a tarpaulin. The job Contractor's Superintendent will be responsible for seeing that these procedures are followed.

b. Excavation Spoil Materials

Excavation spoil materials may be generated during excavations including, but not limited to footings and utilities installation. These materials must be properly managed to prevent them from contributing to storm water discharges. The materials generated from the development of this Project will be managed by the following method: Stockpiled on-site, the general site contractor to specify location and provide erosion control for excavated spoil materials.

c. Dust Control

Minimizing wind erosion and controlling dust will be accomplished by one or more of the following methods

- Covering 30% or more of the soil surface with a non-erodible material.
- Frequent watering of excavation and fill areas.
- Providing gravel or paving at entrance/exit drives, parking areas and transit paths.

Calcium chloride or other chemicals used for dust control will not be allowed. The Contractor shall provide a positive means to prevent air-borne dust from being generated. At a minimum, sweeping on paved areas, water sprinkling and mulching on unpaved areas shall be provided.



d. Equipment Service Area

The Contractor shall identify an area on the Erosion and Sediment Control Plan for equipment cleaning, maintenance and repair (Staging Area). This area shall be protected by a temporary perimeter berm preventing all surface runoff from leaving the area, or equivalent measure, and shall be located no closer than 100' from any Waters of the United States or state, and shall be located no closer than 50' from any storm inlet. External washing of trucks and other construction vehicles must be confined to this area. No engine degreasing or asphalt equipment or tool washing is permitted.

e. Material Stockpiles

Stormwater runoff to and from material stockpiles shall be controlled to prevent materials from creating a diversion of surface water to disturbed soils or from entering the surface water. Topsoil stockpiles shall be surrounded with perimeter sediment control measures such as silt fence within 1 day of completion. The stockpile shall be stabilized with seed and mulch/tackifier, mulch or covered with non-erosive material, starting the day after inactivity and completed as soon as practicable but no longer than 14 days (under 5 acres of disturbance) after completion of the pile.

f. Masonry Mixing Area

This project proposes a very minimal amount of concrete mix usage for the outlet structures. This mixing of concrete will be performed in a 5-gallon pail and no excess concrete is anticipated that would require the need for a concrete wash out area.

g. Silt Fence/Sediment Barriers

Sediment barriers are intended to stop the flow of sediments and prevent the deposition of sediments into sensitive resources. They may be constructed of materials such as silt fence, compacted earth (e.g., drivable berms across travel ways) or other appropriate materials as specified on the erosion and sediment control plans (**Appendix C**) and per the New York State Standards and Specifications for Erosion and Sediment Control.

- Leave adequate room between the base of the slope and the sediment barrier to accommodate ponding of water and sediment deposition.
- Where wetlands or water bodies are adjacent to and down slope of construction work areas, install reinforced sediment barriers along the edge of these areas, as necessary to prevent sediment flow into the wetland or water body.
- Inspect and maintain all temporary sediment barriers throughout the construction project in accordance with the requirements of the SPDES General Permit.
- Maintain all temporary sediment barriers in place until permanent revegetation measures are successful or the upland areas adjacent to wetlands, water bodies, or roads are stabilized.
- Contractor shall incorporate appropriate erosion/sediment control measures in work staging and storage areas.
- Remove temporary sediment barriers from areas that are successfully revegetated.



h. Storm Drain Inlet Protection

The existing inlets within the surrounding drainage areas shall be protected with inlet protection. Inlet protection methods shall be as specified on the Construction Drawing Detail Sheets.

i. Additional Erosion and Sediment Controls

The erosion and sediment control drawings (**Appendix C**) illustrate the minimum erosion & sediment control practices for permitting compliance. During construction, additional areas will require new or reinforcement to existing BMPs. At a minimum, additional controls are to be added to areas that have or are causing a permit violation, show signs of moderate erosion or sedimentation, BMPs that are failing to provide the intended protection and at locations indicated in the weekly inspection reports.

j. Protection of Stormwater Outfalls

Stormwater outfalls will be protected with check dams, riprap, sediment traps, and appropriate erosion and control devices installed in accordance with the New York Stormwater Management Design Manual. Specific consideration shall be taken to outfalls located downstream of construction material and chemical storage areas.

k. Post Construction Clean Up

The site will be cleaned of construction debris. Sediment barriers and other temporary erosion control practices shall be removed when soils are stabilized.

X COMPLIANCE WITH OTHER STATE AND LOCAL REGULATIONS

At a minimum, the Contractor will obtain copies of any and all local and state regulations which are applicable to Storm Water Management, Erosion and Sediment Control, and pollution minimization at this Project and will comply fully with such regulations. The Contractor will submit written evidence of such compliance if requested by the Operator or any agent of a regulatory body. The Contractor will comply with all conditions of the NYSDEC General Permit for Stormwater Discharges from Construction Activities including the conditions related to maintaining the SWPPP and evidence of compliance with the SWPPP at the Project and allowing regulatory personnel access to the Project and to records in order to determine compliance. The Contractor shall also comply with any additional or more stringent requirements imposed by the permit issued by an approved state storm water program, or with permits issued, or requirements imposed by the Town to which the Project discharges storm water. Requirements with which the Contractor must comply include installation of post-construction measures required by the State, County, or City.

XI MATERIALS MANAGEMENT PLAN

The Owner/Operator may prepare a separate Spill Prevention and Response Procedures (SPRP) report that would be used in conjunction with this SWPPP report. The following section contains the minimum pollution prevention measures to be practiced on this project



site during the duration of coverage under the SPDES General Permit. The project Owner/Operator reserves the right to require additional pollution prevention measures to be observed during the SPDES coverage. Should the Owner prepare a SPRP, the Site Contractor and applicable Subcontractors shall be responsible for obtaining copies of that document from the Owner.

a. Progress Drawing

A Progress Drawing consisting of a print of the Erosion and Sediment Control Plans shall be posted inside the job trailer wall. The Progress Drawing will be used to record the locations of the Job Trailer, Sanitary Waste Facilities, Solid Waste Facilities, Fuel Storage Area, Equipment Service Area, and Concrete Washout Pit. Any time any of these facilities are relocated on the site, a new location will be noted on the Progress Drawing and a Modification Report (**Appendix M**) will be prepared.

Materials Covered

The following materials or substances are expected to be present onsite during construction:

- Concrete
- Cleaning solvents
- Petroleum based products
- Fertilizers
- Solid and construction wastes
- Sanitary wastes
- Soil stabilization additives

To Report a Petroleum or Chemical Spill, please call the DEC 24 Hour Spill Hotline:
1-800-457-7362 (within NY State)

b. Materials Management Practices

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff. The Contractor's Superintendent will be responsible for ensuring that these procedures are followed:

1. Good Housekeeping

The following good housekeeping practices will be followed onsite during construction:

- a) An effort will be made to store only enough products required to do the job.
- b) All materials stored onsite will be stored in a neat, orderly manner and, if possible, under a roof or in a containment area. At a minimum, all containers will be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.



- c) Products will be kept in their original containers with the original manufacturer's label in legible condition. Material safety data sheets (MSDS) shall be made readily available for workers and personnel located on the project site.
- d) Substances will not be mixed with one another unless recommended by the manufacturer.
- e) Whenever possible, a product will be used completely before disposing of the container.
- f) Manufacturer's recommendations for proper use and disposal will be followed.
- g) The Contractor's Superintendent will be responsible for daily inspections to ensure proper use and disposal of materials.

2. Hazardous Substances

These practices will be used to reduce the risks associated with Hazardous Substances. Material Safety Data Sheets (MSDS's) for each product with hazardous properties that is used at the Project will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such product is stored and/or used and another copy of each MSDS will be maintained in the job trailer at the Project. Each employee who must handle a Hazardous Substance will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.

- a) Products will be kept in original containers with the original labels in legible condition.
- b) Original labels and MSDS's will be procured and used for each product.
- c) If surplus product must be disposed manufacturer's and local/state/federal required methods for proper disposal must be followed.

3. Hazardous Waste

It is imperative that all Hazardous Waste be properly identified and handled in accordance with all applicable Hazardous Waste Standards, including the storage, transport and disposal of the Hazardous Wastes. There are significant penalties for the improper handling of Hazardous Wastes. It is important that the Site Superintendent seeks appropriate assistance in making the determination of whether a substance or material is a Hazardous Waste. For example, Hazardous Waste may include certain Hazardous Substances, as well as pesticides, paints, paint solvents, cleaning solvents, pesticides, contaminated soils, and other materials, substances or chemicals that have been discarded (or are to be discarded) as being out-of-date, contaminated, or otherwise unusable, and can include the containers for those substances; other materials and substances can also be or become Hazardous Wastes, however. The Contractor's Superintendent is also responsible for ensuring that all site personnel are instructed as to these Hazardous Waste requirements and also that the requirements are being followed.

4. Product Specific Practices

The following product specific practices will be followed on the job site:



a) Petroleum Products

All onsite vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Petroleum storage tanks shall be located at minimum 100 linear feet from drainage ways, inlets and surface waters. Maximum total aggregate above ground storage capacity (for the total permit area) shall not exceed 1,320 gallons (which includes both bulk and equipment operational storage volumes in fuel tanks 55 gallons and greater). Total aggregate petroleum storage exceeding 1,320 gallons shall require preparation, certification (using a Professional Engineer or providing a Self-Certified SPCC Plan if applicable) and implementation of a Spill Prevention Control and Countermeasures (SPCC) Plan. The SPCC Plan must be prepared and fully implemented prior to the commencement of work. The SPCC Plan, if needed, will be furnished by the Contractor. **Any petroleum storage tanks stored onsite will be located within a containment area that is designed with an impervious surface between the tank and the ground. The secondary containment must be designed to provide a containment volume that is equal to 110% of the volume of the largest tank. Any mobile petroleum tank shall be parked in a vehicular service area surrounded by a berm that provides a containment volume that is equal to 110% of the volume of the largest tank.** Containment must provide sufficient volume to contain expected precipitation and 110% volume of the largest tank. Accumulated rainwater or spills from containment areas are to be promptly pumped into a containment device and disposed of properly by a licensed Hazardous Waste transporter. Drip pans shall be provided for all dispensers. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations. The location of any fuel tanks and/or equipment storage areas must be identified on the PROGRESS DRAWING by the Contractor once the locations have been determined.

b) Fertilizers

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked in the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

c) Paints, Paint Solvents, and Cleaning Solvents

All containers will be tightly sealed and stored when not in use. Excess paint and solvents will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and federal regulations.

d) Concrete Wastes

This project proposes a very minimal amount of concrete mix usage for the outlet structures. This mixing of concrete will be performed in a 5-gallon pail



and no excess concrete is anticipated that would require the need for a concrete wash out area.

e) Solid and Construction Wastes

All waste materials will be collected and stored in an appropriately covered container and/or securely contained metal dumpster rented from a local waste management company which must be a licensed solid waste management company. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpster. The dumpster will be emptied a minimum of once per week or more often if necessary. Once building construction has commenced, the dumpster will be emptied a minimum of once per week or when 95% full, or more often if necessary to prevent over-flow and the trash will be hauled to a landfill. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedures for waste disposal.

All waste dumpsters and roll-off containers will be located in an area where the likelihood of the containers contributing to storm water discharges is negligible. Solid waste containers shall be located no less than 50 feet from any storm inlet, drainage way, or surface water. If required, additional BMPs must be implemented, such as gravel bags, wattles, dikes, berms, and fences around the base to prevent wastes from contributing to storm water discharges. The location of waste dumpsters and roll-off containers must be identified on the PROGRESS DRAWING by the Contractor once the locations have been determined.

f) Sanitary Wastes

A minimum of one portable sanitary unit will be provided for every ten (10) workers on the site. All sanitary waste will be collected from the portable units a minimum of one time per week by a licensed portable facility provider in complete compliance with local and state regulations.

All sanitary waste units will be located in an area where the likelihood of the unit contributing to storm water discharges is negligible. Additional containment BMPs must be implemented, such as gravel bags or specially designed plastic skid containers around the base, to prevent wastes from contributing to storm water discharges. The location of sanitary waste units must be identified on the PROGRESS DRAWING by the contractor once the locations have been determined.

g) Contaminated Soils

Any contaminated soils resulting from spills of Hazardous Substances or Oil or discovered during the course of construction, which may result from Construction Activities, will be contained and cleaned up in accordance with



applicable state and federal regulations. Contaminated soils not resulting from Construction Activities, or which pre-existed Construction Activities, but which are discovered by virtue of Construction Activities, should be reported in the same manner as spills, but with sufficient information to indicate that the discovery of an existing condition is being reported. If there is a release that occurs by virtue of the discovery of existing contamination, this should be reported as a spill, if it otherwise meets the requirements for a reportable spill.

D. Spill Prevention and Response Procedures

The Contractor will train all personnel in the proper handling and cleanup of spilled Hazardous Substances or Oil. No spilled Hazardous Substances or Oil will be allowed to come in contact with storm water discharges. If such contact occurs, the storm water discharge will be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the Contractor's Superintendent to be properly trained, and to train all personnel in spill prevention and clean up procedures. This training includes methods and procedures on leak prevention, containment, and removal of hazardous spills.

Much of the spill control program will rely on thoroughly considered material location within a job site, daily inspection and the care in handling potential contaminants. This will be reinforced with the construction inspectors during training specific to this project. At least one staff per work crew shall have had hazardous material training.

1. In order to prevent or minimize the potential for a spill of Hazardous Substances or Oil to come into contact with storm water, the following steps will be implemented:
 - a) All Hazardous Substances or Oil (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, with their lids on, preferably under cover, when not in use.
 - b) The minimum practical quantity of all such materials will be kept at the Project. A spill control and containment kit (containing, for example, absorbent materials, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site/field office. At a minimum, a work crew will be provided with a spill kit when working over 1,000 feet from the field office or another work crew with a spill kit. The work crews will be notified of the spill kit locations at the beginning of the workday.
 - c) Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.
 - d) It is the Contractors responsibility to ensure that all Hazardous Waste discovered or generated at the Project site is disposed of properly by a licensed hazardous material disposal company. The Contractor is responsible for not



exceeding Hazardous Waste storage requirements mandated by the EPA or state and local authority.

2. In the event of a spill of Hazardous Substances or Oil, the following procedures must be followed:
 - a) **All measures must be taken to contain and abate the spill and to prevent the discharge of the Hazardous Substance or Oil to storm water or off-site. (The spill area must be kept well ventilated, and personnel must wear appropriate protective clothing to prevent injury from contact with the Hazardous Substances.)**
 - b) **If the release is equal to or in excess of a reportable quantity, the SWPPP must be modified within seven (7) calendar days of knowledge of the discharge to provide a description of the release, the circumstances leading to the release, and the date of the release. The SWPPP must identify measures to prevent the recurrence of such releases and to respond to such releases. The form in Appendix L must be completed in accordance with this requirement.**
 - c) Personnel would be mobilized to a leak or spill site and contain the spill by constructing a dike or emergency containment structure. Use of absorbent may also be necessary.
 - d) Contents of a leaking container would be removed and placed in another tank.
 - e) All soil showing obvious signs of contamination will be excavated.
 - f) Depending on the type and extent of spill, testing with a photo-ionization meter for additional soil contamination and excavation of any remaining contaminated soils will be performed.
 - g) If storage of contaminated soil is necessary; the soil shall be placed on an 8-mil plastic liner and covered with an 8-mil plastic liner.
 - h) The excavated area will be backfilled with clean soil.
 - i) Major spills will have soil samples taken and sent to a certified laboratory to ensure that all contamination has been removed.
 - j) Contaminated soils will be hauled by a standard triaxle (covered) or dump truck (covered) to a landfill authorized to take such material.
 - k) For contaminated soils identified as hazardous, arrangements will be made with a licensed hazardous waste hauler to transport the material to a registered landfill.

XII CONTROL OF NON-STORM WATER DISCHARGES

Certain types of discharges are allowable under the NYSDEC General Permit for Stormwater Discharges from Construction Activities, and it is the intent of this SWPPP to allow such discharges. These types of discharges will be allowed under the conditions that no pollutants will be allowed to come in contact with the water prior to or after its discharge. The control measures which have been outlined previously in this SWPPP will be strictly followed to ensure that no contamination of these non-storm water discharges takes place. The following non-storm water discharges are allowed by the NYSDEC and may occur at the Project:



1. Discharges from fire-fighting activities;
2. Fire hydrant flushings;
3. Waters used to wash vehicles where detergents are not used;
4. Water used to control dust;
5. Potable water including uncontaminated water line flushings;
6. Routine external building wash down that does not use detergents;
7. Pavement wash waters 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;
8. Uncontaminated air conditioning or compressor condensate;
9. Uncontaminated ground water or spring water;
10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
11. Uncontaminated excavation dewatering;
12. Landscape irrigation

XIII HISTORICAL PROPERTIES

There are no places or properties which are listed or would be eligible for listing on the State or National Register of Historic Places that will be impacted by this construction.

XIV INDUSTRIAL ACTIVITIES

There are no discharges planned from industrial activities as part of this project.

XV ENHANCED PHOSPHORUS REMOVAL STANDARDS

This project is not required to provide enhanced phosphorus removal practices.

Any questions or comments regarding this report should be directed to the preparer of the SWPPP, Ken Hurley at (585) 498-7898, for Bergman Associates.



Appendix B - Location Map and Soils Map

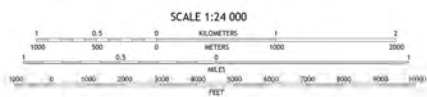


Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid Universal Transverse Mercator, Zone 18T
Data is provided by The National Map (TNM), is the best available at the time of map
generation, and includes data content from supporting themes of Elevation,
Hydrography, Geologic Features, Boundaries, Transportation, Man-Made, Land Cover,
and Orthorectified Aerial Imagery. Refer to associated Federal Geographic Data Committee (FGDC)
metadata for additional source data information.

This map is not a legal document. Boundaries may be generalized for this map scale.
Provide each with government observation may not be shown. Obtain permission
before existing private lands. Topographic changes may have occurred since this data
were collected and some data may no longer represent actual data conditions.

Learn about The National Map: <https://www.nationalmap.gov>



CONTOUR INTERVAL: 3 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
CONTOUR SMOOTHED, 1-METER



ROAD CLASSIFICATION

Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	US Route
Interstate Route	State Route

7.5-MINUTE TOPO 2, NY
2022



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

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

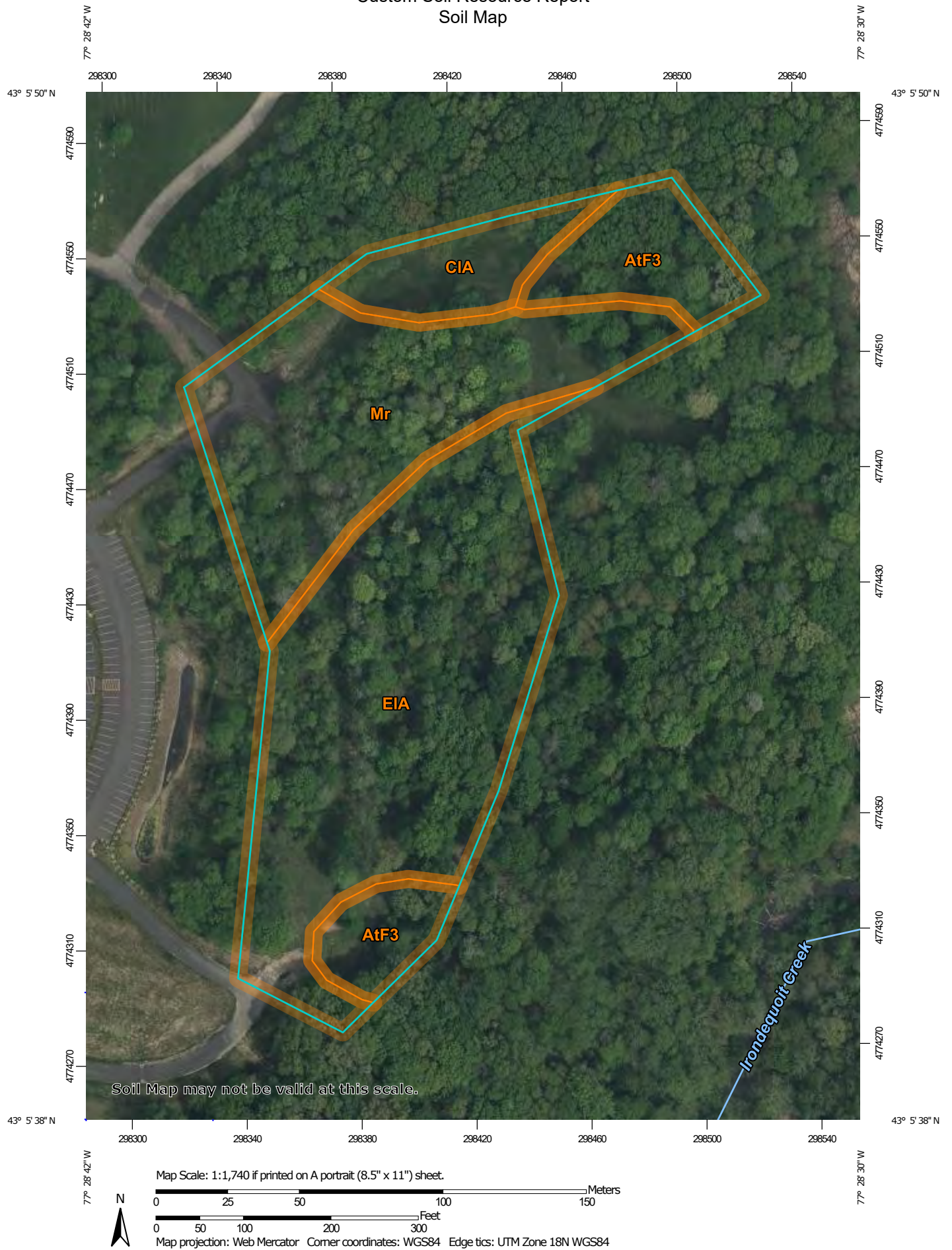
Custom Soil Resource Report for **Monroe County, New York**

White Haven Memorial Park



August 18, 2022

Custom Soil Resource Report Soil Map



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop


 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Monroe County, New York

Survey Area Data: Version 20, Aug 29, 2021

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

Date(s) aerial images were photographed: May 27, 2020—Jun 15, 2020

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AtF3	Arkport, Dunkirk, and Colonie soils, 20 to 60 percent slopes, eroded	0.9	13.5%
CIA	Collamer silt loam, 0 to 2 percent slopes	0.5	7.5%
EIA	Elnora loamy fine sand, 0 to 2 percent slopes	3.3	47.5%
Mr	Muck, deep	2.2	31.4%
Totals for Area of Interest		7.0	100.0%

HSG**B****C****B****D**

Map Unit Descriptions

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

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

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

Custom Soil Resource Report

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

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

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

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

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

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

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

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

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

Monroe County, New York

AtF3—Arkport, Dunkirk, and Colonie soils, 20 to 60 percent slopes, eroded

Map Unit Setting

National map unit symbol: 9tjx
Elevation: 100 to 1,000 feet
Mean annual precipitation: 30 to 35 inches
Mean annual air temperature: 46 to 50 degrees F
Frost-free period: 145 to 190 days
Farmland classification: Not prime farmland

Map Unit Composition

Arkport and similar soils: 30 percent
Dunkirk and similar soils: 25 percent
Colonie and similar soils: 25 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Arkport

Setting

Landform: Deltas on lake plains
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Riser
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Glaciofluvial or deltaic deposits with a high content of fine and very fine sand

Typical profile

H1 - 0 to 4 inches: very fine sandy loam
H2 - 4 to 12 inches: very fine sandy loam
H3 - 12 to 44 inches: loamy very fine sand
H4 - 44 to 60 inches: loamy fine sand

Properties and qualities

Slope: 20 to 60 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water supply, 0 to 60 inches: Low (about 4.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: A
Ecological site: F101XY005NY - Dry Outwash
Hydric soil rating: No

Description of Dunkirk

Setting

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

Typical profile

H1 - 0 to 6 inches: very fine sandy loam
H2 - 6 to 17 inches: silt loam
H3 - 17 to 31 inches: silty clay loam
H4 - 31 to 60 inches: stratified silt loam to clay

Properties and qualities

Slope: 20 to 60 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water supply, 0 to 60 inches: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: C
Hydric soil rating: No

Description of Colonie

Setting

Landform: Beach ridges, deltas
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Riser
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Sandy glaciofluvial or eolian deposits

Typical profile

H1 - 0 to 7 inches: loamy fine sand
H2 - 7 to 51 inches: loamy fine sand
H3 - 51 to 60 inches: fine sand

Properties and qualities

Slope: 20 to 60 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (1.98 to 19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None

Custom Soil Resource Report

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 4.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Hydrologic Soil Group: A

Ecological site: F101XY005NY - Dry Outwash

Hydric soil rating: No

Minor Components

Unnamed soils

Percent of map unit: 5 percent

Hydric soil rating: No

Galen

Percent of map unit: 5 percent

Hydric soil rating: No

Minoa

Percent of map unit: 5 percent

Hydric soil rating: No

Collamer

Percent of map unit: 5 percent

Hydric soil rating: No

CIA—Collamer silt loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 9tkb

Elevation: 250 to 750 feet

Mean annual precipitation: 30 to 35 inches

Mean annual air temperature: 46 to 50 degrees F

Frost-free period: 145 to 190 days

Farmland classification: All areas are prime farmland

Map Unit Composition

Collamer and similar soils: 80 percent

Minor components: 20 percent

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

Description of Collamer

Setting

Landform: Lake plains

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Custom Soil Resource Report

Across-slope shape: Convex

Parent material: Silty and clayey glaciolacustrine deposits

Typical profile

H1 - 0 to 9 inches: silt loam

H2 - 9 to 14 inches: very fine sandy loam

H3 - 14 to 30 inches: silt loam

H4 - 30 to 60 inches: stratified silt loam to very fine sand to silty clay loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

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

Depth to water table: About 18 to 24 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Available water supply, 0 to 60 inches: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2w

Hydrologic Soil Group: C/D

Ecological site: F101XY009NY - Moist Lake Plain

Hydric soil rating: No

Minor Components

Niagara

Percent of map unit: 5 percent

Hydric soil rating: No

Galen

Percent of map unit: 5 percent

Hydric soil rating: No

Hilton

Percent of map unit: 5 percent

Hydric soil rating: No

Unnamed soils

Percent of map unit: 5 percent

Hydric soil rating: No

EIA—Elnora loamy fine sand, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 9tkt

Elevation: 300 to 710 feet

Mean annual precipitation: 30 to 35 inches

Custom Soil Resource Report

Mean annual air temperature: 46 to 50 degrees F

Frost-free period: 145 to 190 days

Farmland classification: All areas are prime farmland

Map Unit Composition

Elnora and similar soils: 80 percent

Minor components: 20 percent

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

Description of Elnora

Setting

Landform: Beach ridges, deltas

Landform position (two-dimensional): Summit

Landform position (three-dimensional): Tread

Down-slope shape: Concave

Across-slope shape: Convex

Parent material: Sandy glaciofluvial, eolian, or deltaic deposits

Typical profile

H1 - 0 to 8 inches: loamy fine sand

H2 - 8 to 60 inches: loamy fine sand

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Depth to water table: About 18 to 24 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2w

Hydrologic Soil Group: A/D

Hydric soil rating: No

Minor Components

Unnamed soils

Percent of map unit: 4 percent

Galen

Percent of map unit: 4 percent

Hydric soil rating: No

Minoa

Percent of map unit: 4 percent

Hydric soil rating: No

Colonie

Percent of map unit: 4 percent

Hydric soil rating: No

Claverack

Percent of map unit: 4 percent

Hydric soil rating: No

Mr—Muck, deep

Map Unit Setting

National map unit symbol: 9tm1
Elevation: 600 to 1,200 feet
Mean annual precipitation: 30 to 35 inches
Mean annual air temperature: 46 to 50 degrees F
Frost-free period: 145 to 190 days
Farmland classification: Not prime farmland

Map Unit Composition

Muck, deep, and similar soils: 70 percent
Minor components: 30 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Muck, Deep

Setting

Landform: Swamps, marshes
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Talf
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Organic material

Typical profile

H1 - 0 to 60 inches: muck

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 5.95 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water supply, 0 to 60 inches: Very high (about 23.9 inches)

Interpretive groups

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

Minor Components

Canandaigua

Percent of map unit: 5 percent

Custom Soil Resource Report

Landform: Depressions

Hydric soil rating: Yes

Edwards

Percent of map unit: 5 percent

Landform: Marshes, swamps

Hydric soil rating: Yes

Muck, shallow

Percent of map unit: 5 percent

Landform: Marshes, swamps

Hydric soil rating: Yes

Lamson

Percent of map unit: 4 percent

Landform: Depressions

Hydric soil rating: Yes

Lyons

Percent of map unit: 3 percent

Landform: Depressions

Hydric soil rating: Yes

Minoa

Percent of map unit: 2 percent

Hydric soil rating: No

Sun

Percent of map unit: 2 percent

Landform: Depressions

Hydric soil rating: Yes

Massena

Percent of map unit: 2 percent

Hydric soil rating: No

Niagara

Percent of map unit: 2 percent

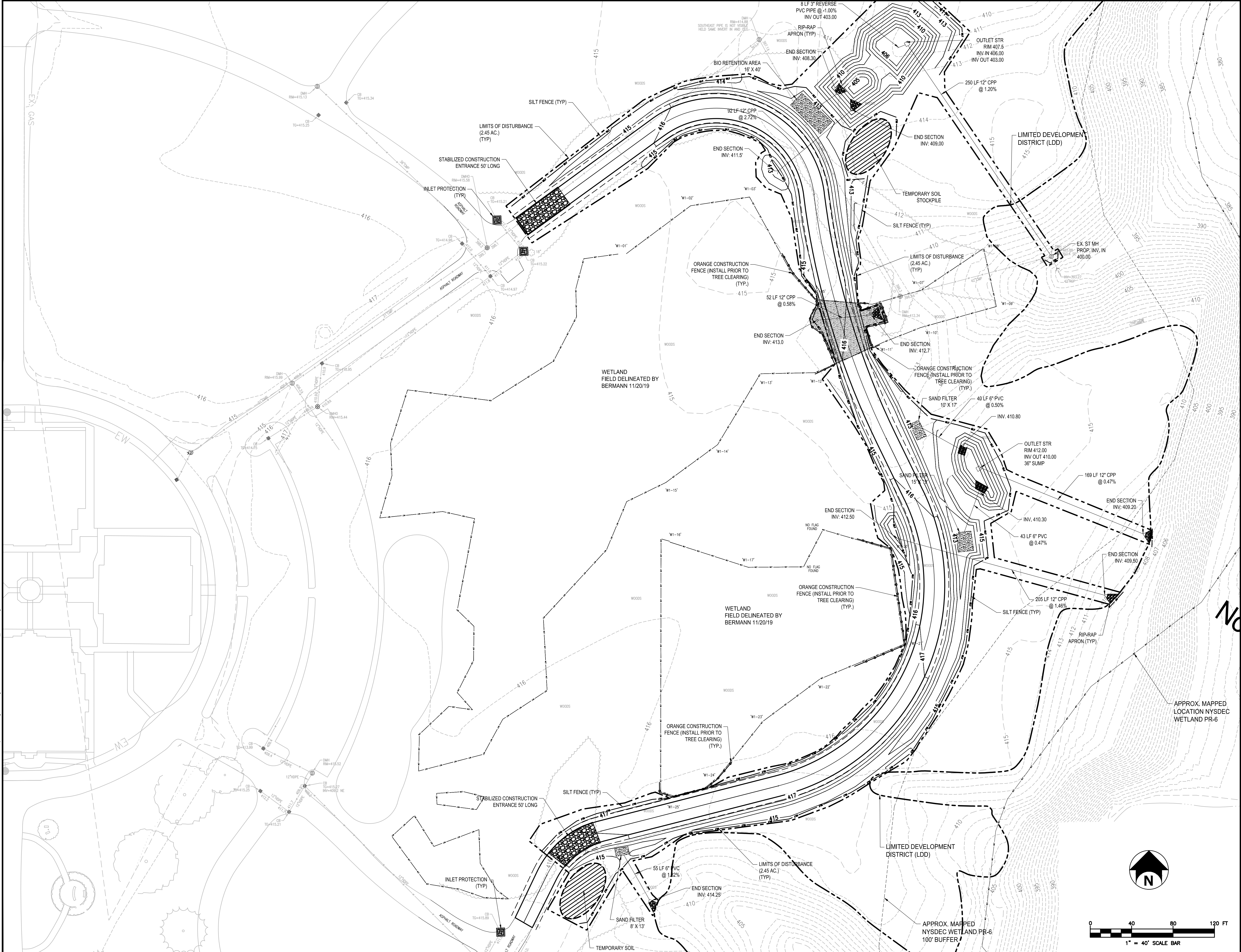
Hydric soil rating: No



BERGMANN
ARCHITECTS ENGINEERS PLANNERS



Appendix C - Erosion and Sedimentation Control Plan(s) and Details



White Haven Memorial Park Access Road

210 Marsh Road
Pittsford, New York 14534
Town of Perinton

White Haven Memorial Park

210 Marsh Road
Pittsford, New York 14534
Town of Perinton



Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.

280 East Broad Street
Suite 200
Rochester, NY 14604

office: 585.232.5135
fax: 585.232.4652

www.bergmannpc.com

DATE	DESCRIPTION
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Not For Construction

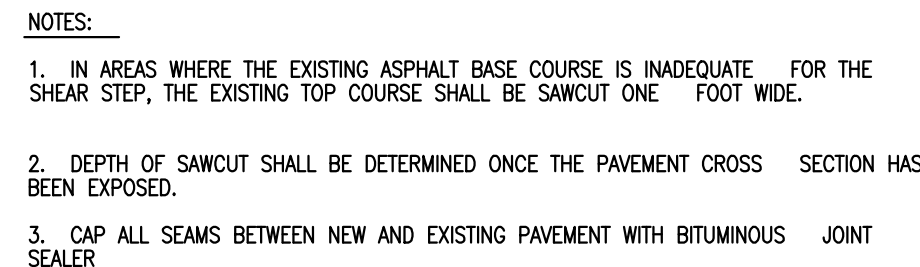
Copyright © Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.

Project Manager: B. Burn	Checked By: K. Hurley
Designed By: T. Bolt	Drawn By: T. Bolt
Date Issued: 05/31/22	Project Number: 1515482.00

GRADING UTILITY AND EROSION CONTROL PLAN

Drawing Number:

C110

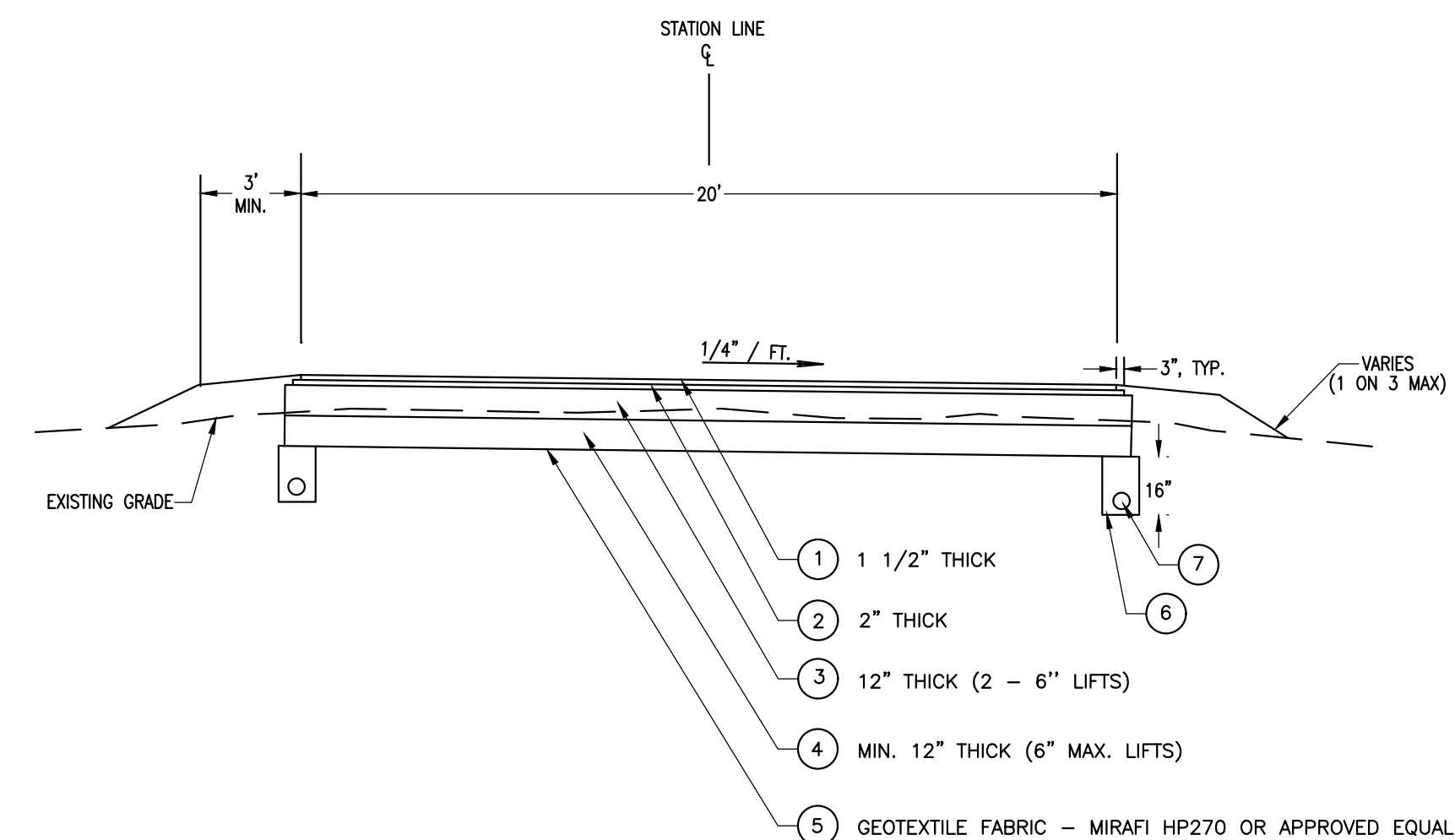


SHEAR STEP DETAIL
NO SCALE

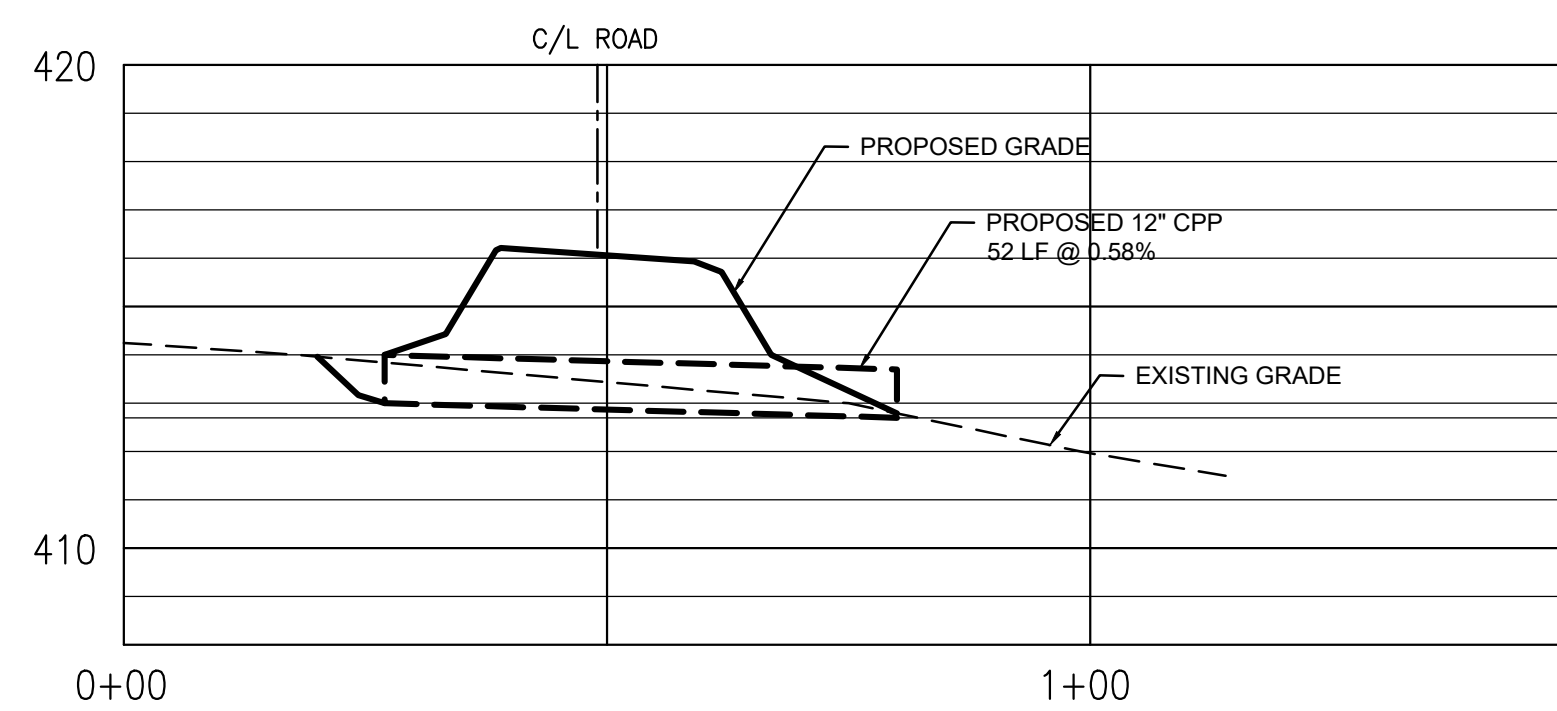


- 1) AFTER PLACING PIPE AND BACKFILLING THE WHEELS OR TRACKS OF ANY EQUIPMENT SHALL NOT OPERATE WITHIN THIS AREA UNTIL THE SUBBASE COURSES HAVE BEEN PLACED TO FULL DEPTH.
- 2) THE CONSTRUCTION OF UNDERDRAIN REQUIRES THAT IT BE PLACED AFTER THE SUBBASE MATERIAL IS PLACED. THE PREVIOUSLY PLACED SUBBASE MATERIAL SHALL BE REMOVED WHEN EXCAVATING THE UNDERDRAIN TRENCH, NO PAVT REDUCTION FOR EXCAVATED SUBBASE.

UNDERDRAIN @ EDGE OF PAVEMENT DETAIL
NTS

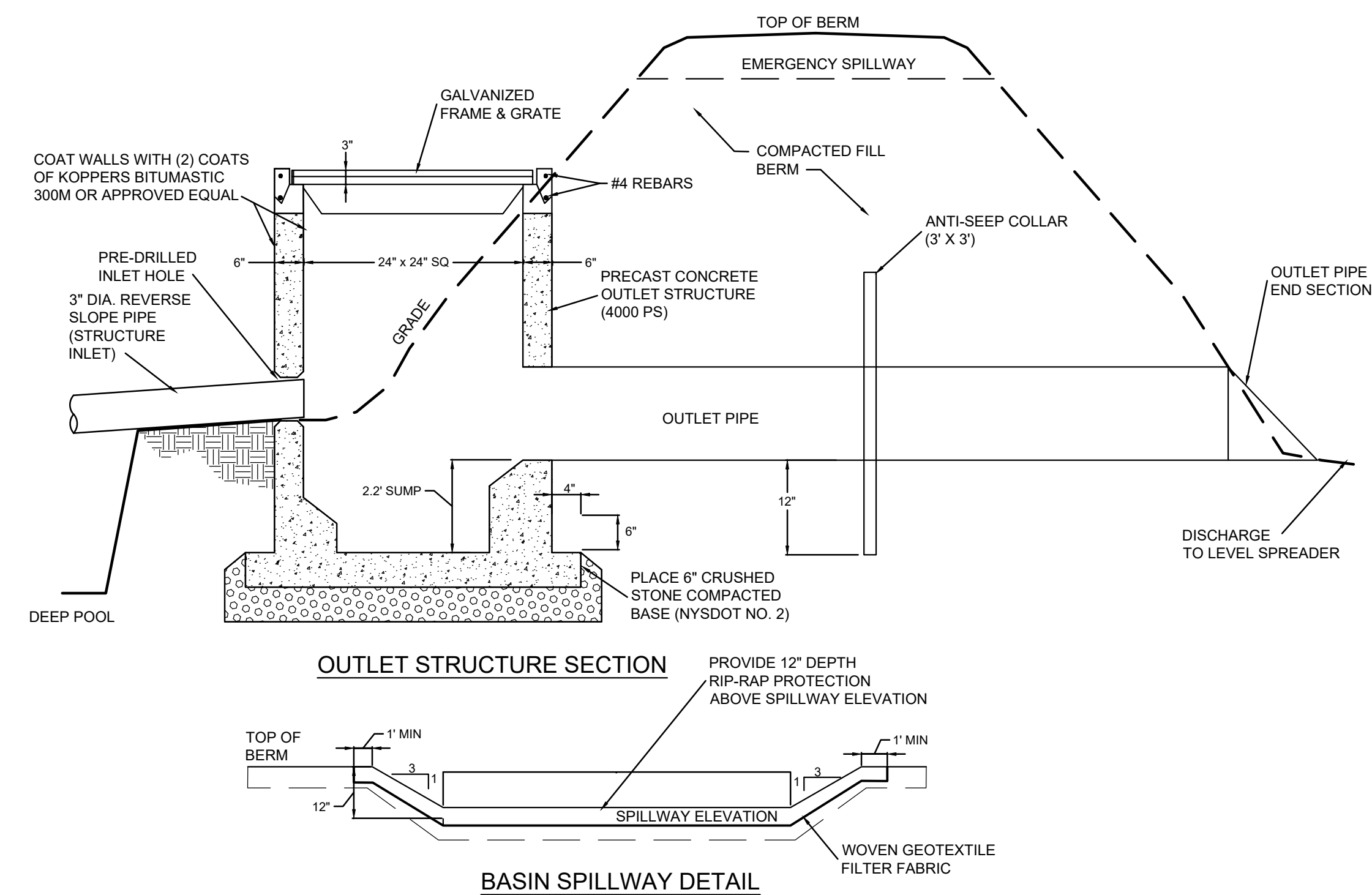


- | KEY | |
|-----|---|
| ① | ASPHALT CONCRETE TOP COURSE - 12.5 FT HMA 70 SERIES, NYSDOT ITEM #402.127102 |
| ② | ASPHALT CONCRETE BINDER COURSE - 19 F9 HMA 70 SERIES, NYSDOT ITEM #402.197902 |
| ③ | SUBBASE COURSE - TYPE 2, NYSDOT ITEM NO. 304.12 |
| ④ | SUBBASE COURSE - NYSDOT ITEM #703-0201 (#24 & #5) |
| ⑤ | MIRAFI FABRIC |
| ⑥ | UNDERDRAIN FILTER MATERIAL WRAPPED IN GEOTEXTILE FABRIC - TYPE 1, ITEM NO. 605.0901 |
| ⑦ | 4" DIAMETER PERFORATED CORRUGATED POLYETHYLENE TUBING, ITEM NO. 605.1501 |



PROPOSED CULVERT @ STA. 4+82

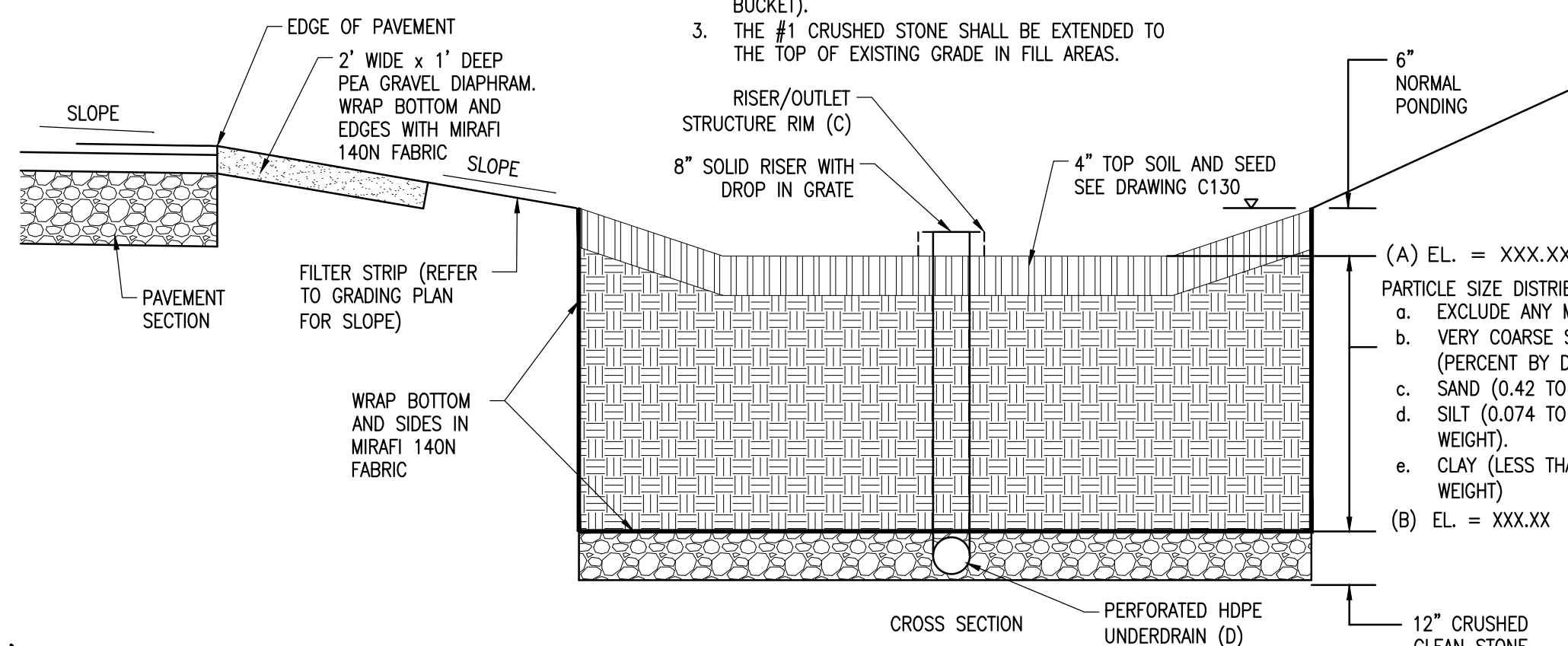
SCALE: 1"=20' HOR.
1"= 4' VER.



DETENTION BASIN DETAIL
NOT TO SCALE

- NOTES:

1. THE SOIL SHOULD BE FREE OF STONES, STUMPS, ROOTS, OR OTHER WOODY MATERIAL OR SEEDS FROM NOXIOUS WEEDS
2. PLACEMENT OF THE PLANTING SOIL SHOULD BE IN LIFTS OF 12" TO 18", LOOSELY COMPACTED (TAMPED LIGHTLY WITH A DOZER OR BACKHOE BUCKET).
3. THE #1 CRUSHED STONE SHALL BE EXTENDED TO THE TOP OF EXISTING GRADE IN FILL AREAS.



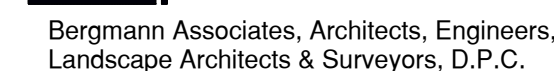
BIO-RETENTION AREA DETAIL
N.T.S.

- BASIN CONSTRUCTION & MAINTENANCE:**

3. AREAS UNDER EMBANKMENT AND HIGH WATER ELEVATION SHALL BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL. ALL OBJECTIONABLE MATERIAL TO BE REMOVED.
4. A CUTOFF TRENCH SHALL BE EXCAVATED ALONG THE CENTERLINE OF EARTH FILL EMBANKMENTS. TRENCH TO BE A MINIMUM 4-FT WIDE AND 2-FT DEEP AND DEWATERED DURING BACKFILLING/COMPACTION OPERATIONS.
5. EMBANKMENT FILL MATERIAL SHALL BE CLEAN SOIL FREE OF ROOTS, WOODY VEGETATION, OVERSIZED STONES, ROCKS OR OTHER OBJECTIONABLE MATERIAL. FILL MATERIAL TO BE PLACED IN 6-8 INCH LIFTS OVER THE 4-1/2 INCH LIFT OF THE EMBANKMENT. COMPACTION SHALL BE OBTAINED FROM MOVEMENT OF CONSTRUCTION EQUIPMENT OR COMPACTOR OVER THE FILL AT LEAST ONE TIME. THE EMBANKMENT SHALL BE CONSTRUCTED TO AN ELEVATION 10% HIGHER THAN THE DESIGN HEIGHT TO ALLOW FOR SETTLEMENT.
4. OUTLET STRUCTURE SHALL BE PLACED ON A FIRM, SMOOTH FOUNDATION OF IMPERVIOUS SOIL. FILL MATERIAL AROUND BARREL SHALL BE PLACED IN 4-INCH LAYERS AND COMPACTED UNDER AND AROUND THE PIPE TO THE SAME DENSITY AS THE EMBANKMENT. ALL JOINTS TO BE WATERTIGHT.
5. EMERGENCY SPILLWAY SHALL BE INSTALLED IN UNDISTURBED GROUND. IF SPILLWAY IS TO BE CONSTRUCTED IN FILL, IT IS TO BE LINED WITH FILTER CLOTH. THE MAJOR OR APPROPRIATE EQUAL OR LARGER TO BE PINNED AND STRETCHED PAST THE SPILLWAY TO A SUFFICIENT LENGTH TO ELIMINATE UNDERPINNING.
6. STABILIZE EMBANKMENT AND EMERGENCY SPILLWAY PER THE PLANTING SPECIFICATIONS IN THESE PLANS. EMBANKMENT TO BE SEEDED WITHIN 7-DAYS OF OBTAINING FINAL GRADE.
7. ALL DAMAGES CAUSED BY SOIL EROSION AND CONSTRUCTION EQUIPMENT SHALL BE REPAIRED BEFORE THE END OF EACH WORKING DAY.
8. SEDIMENT SHALL BE REMOVED FROM THE DEEP POND BELOW THE REVERSE SLOPE INLET PIPE WITHIN 10 FEET OF THE DEPTH OF THE POND. DISTANCE BETWEEN THE POND BOTTOM AND PIPE INLET. REMOVED SEDIMENT IS TO BE SPREAD OUT ONSITE, BUT NOT USED AS SITE FILL.
10. OWNER WILL BE RESPONSIBLE FOR BASIN MAINTENANCE AFTER THE FINAL SITE CONSTRUCTION IS COMPLETED.

210 Marsh Road
Pittsford, New York 14534
Town of Perinton

210 Marsh Road
Pittsford, New York 14534
Town of Perinton



280 East Broad Street
Suite 200
Rochester, NY 14604

office: 585.232.5135
fax: 585.232.4650

www.bergmannpc.com

DATE	DESCRIPTION
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Not For Construction

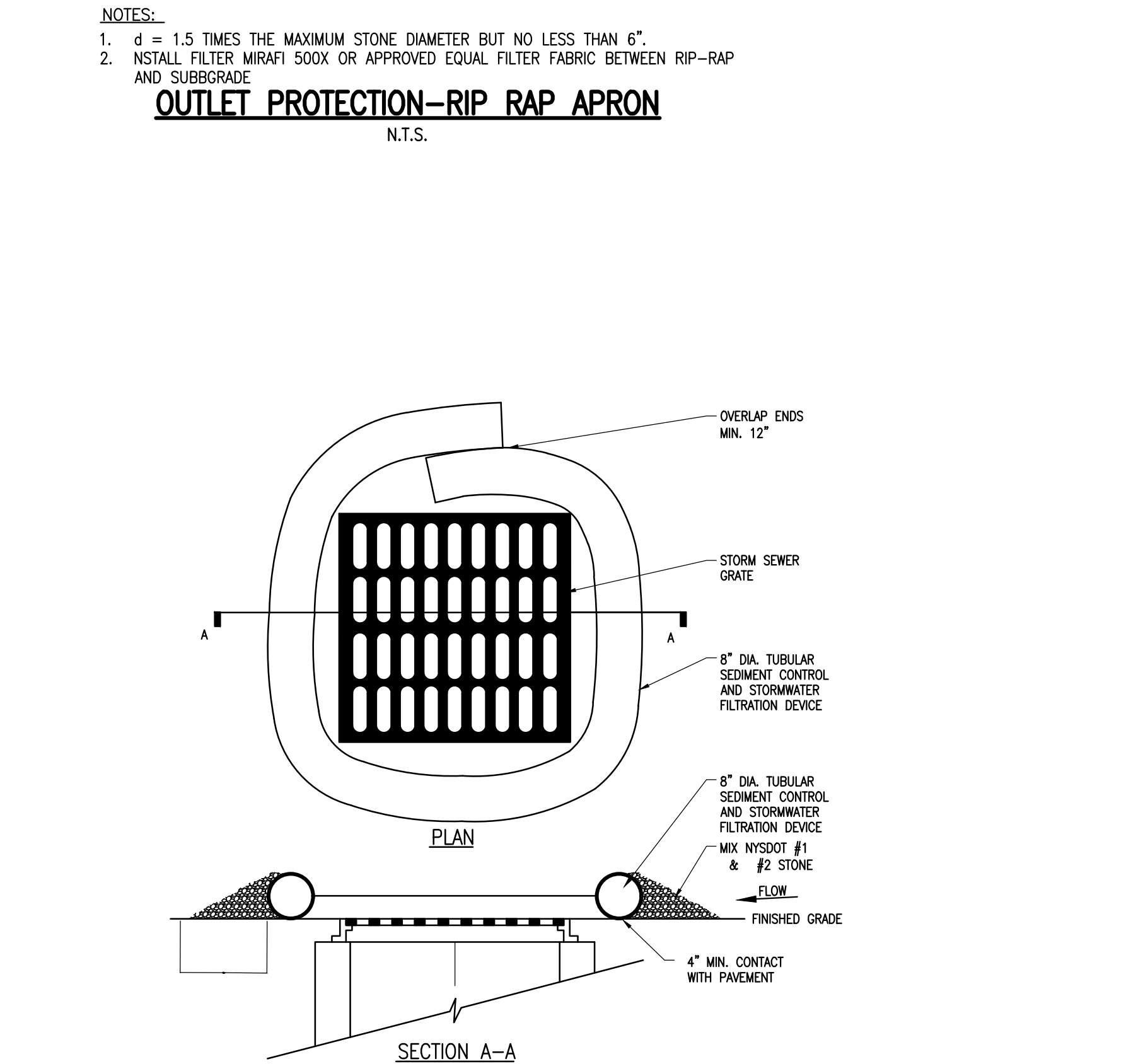
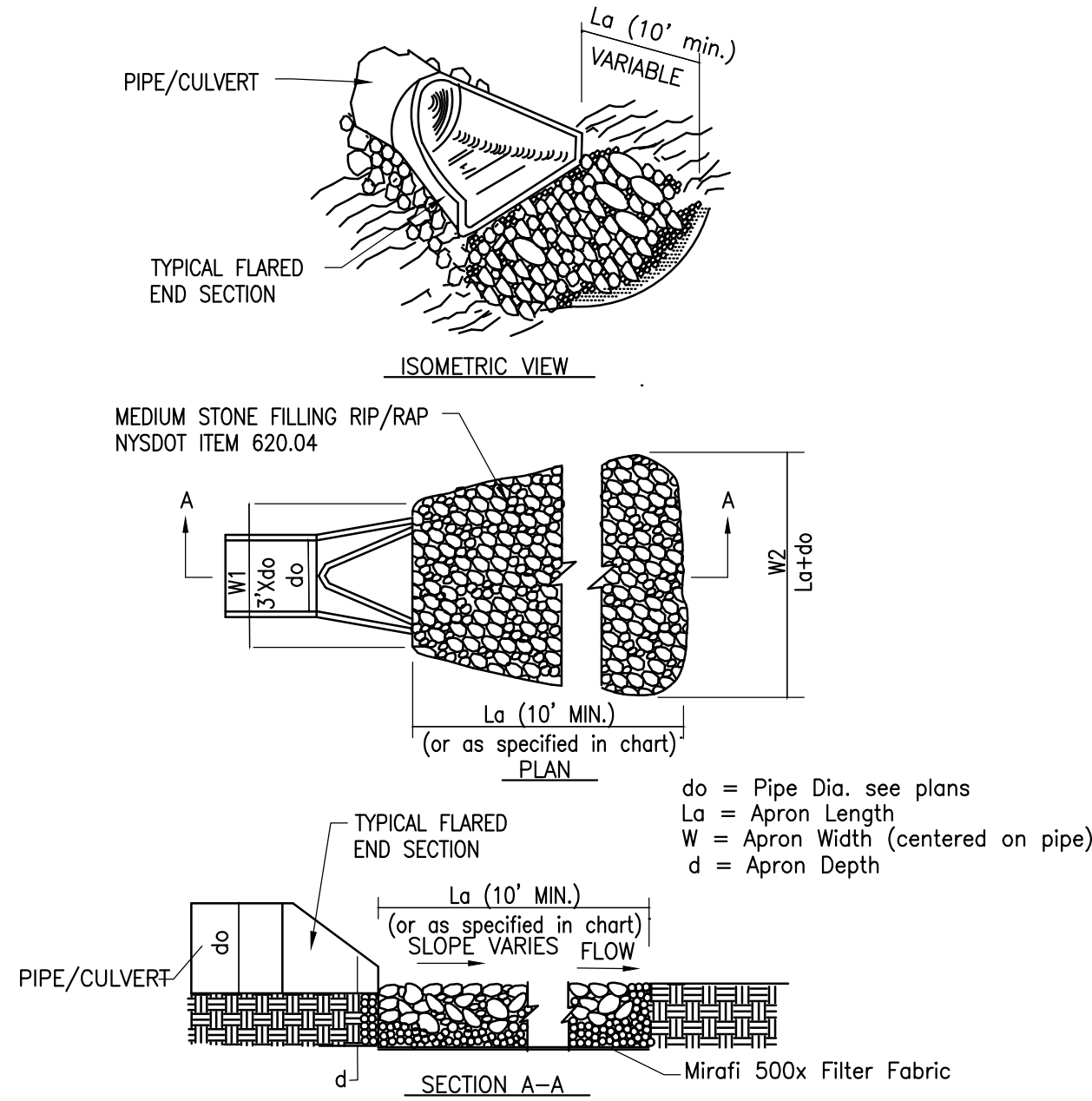
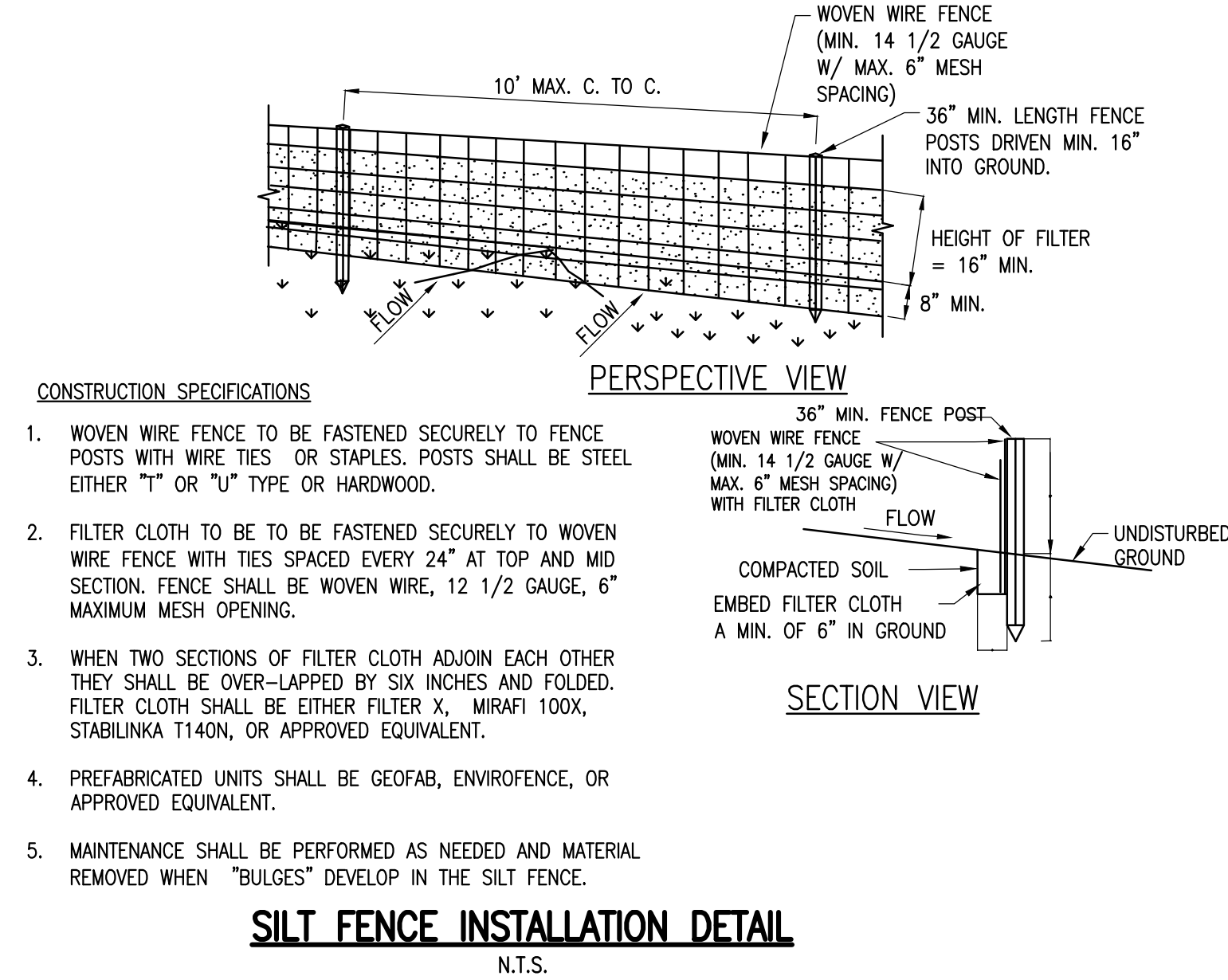
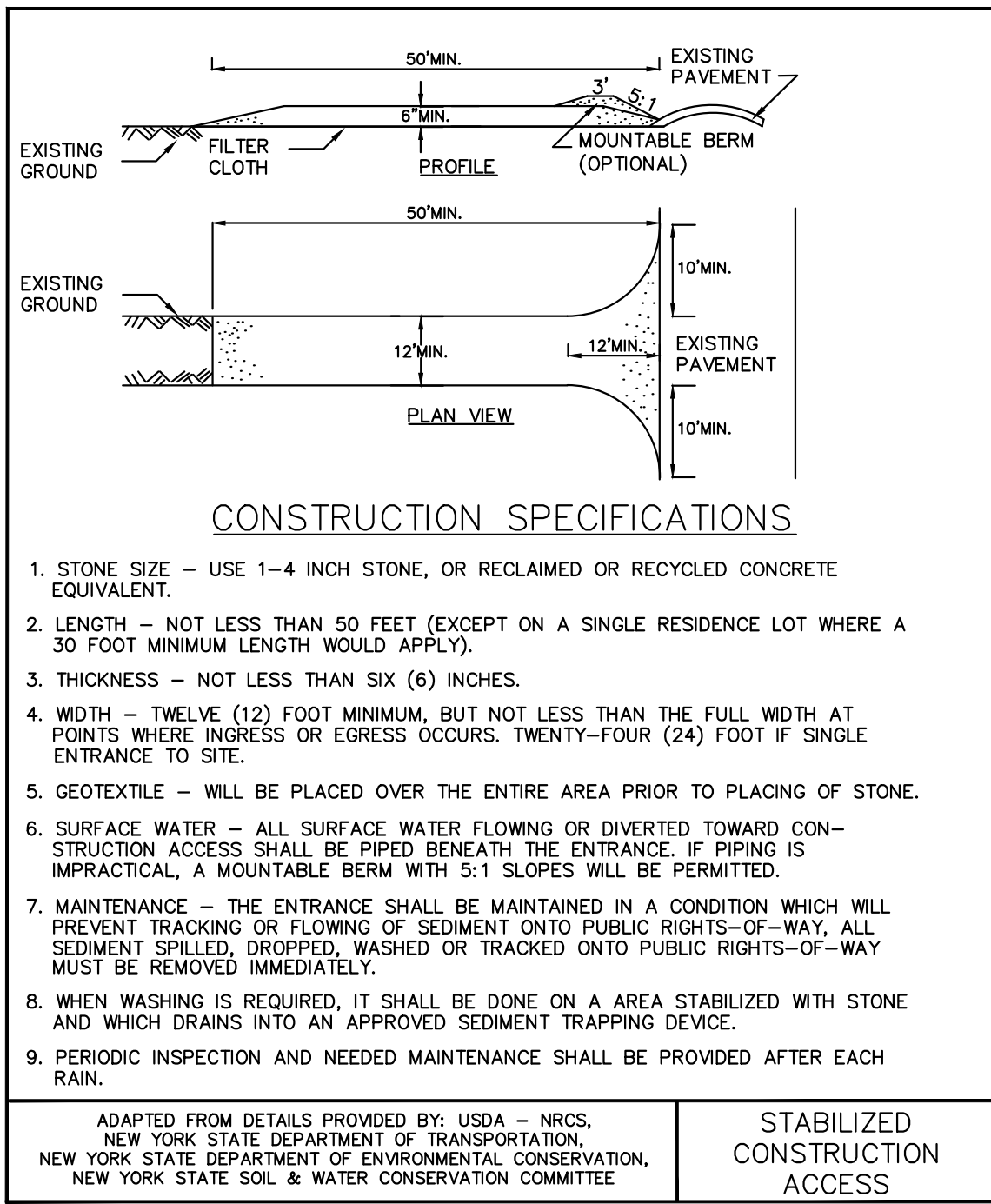
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Note:
Unauthorized alteration or addition to this drawing is a violation of
the New York State Education Law Article 145, Section 7209.

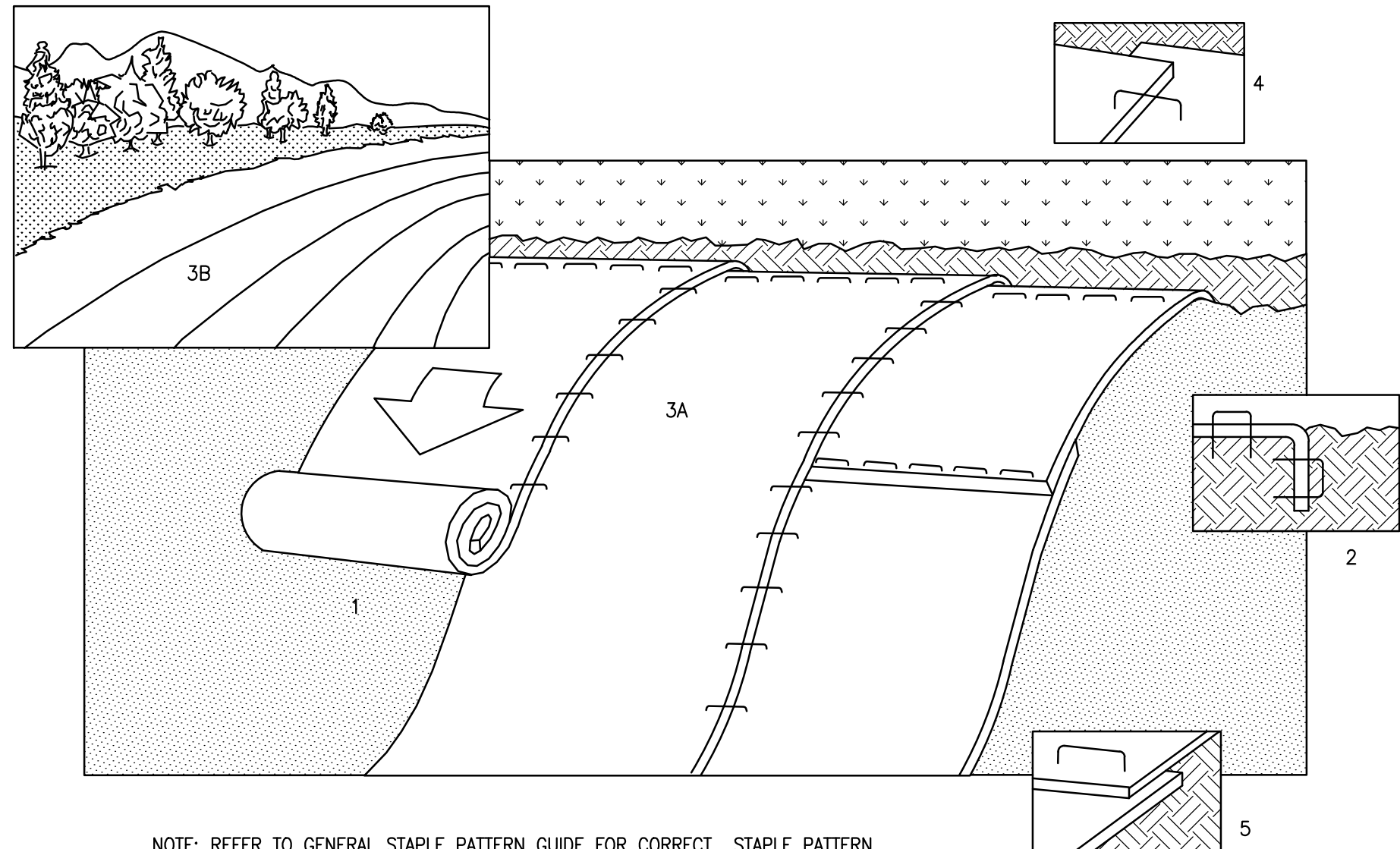
Project Manager:	Checked By:
B. BARRI	B. BARRI
Designed By:	Drawn By:
T. BOLT	T. BOLT
Date Issued:	Project Number:
05/31/22	1515482.00

MISCELLANEOUS DETAILS

C500



- NOTES:
- TUBULAR SEDIMENT CONTROL AND STORMWATER FILTRATION DEVICES SHALL BE FILTREXX FILTERSOXX, OR EQUIVALENT.
 - REPLACE AND DISPOSE OF PER MANUFACTURERS SPECIFICATIONS.
 - THIS PRACTICE INCLUDES SANDBAGS, COMPOST FILTER SOCKS, GEO-TUBES FILLED WITH BALLAST, AND MANUFACTURED SURFACE BARRIERS. PEA GRAVEL CAN ALSO BE USED IN CONJUNCTION WITH THESE PRACTICES TO IMPROVE PERFORMANCE. WHEN INLET IS NOT AT A LOW POINT, AND IS OFF-SET FROM THE PAVEMENT OR GUTTER LINE, PROTECTION SHOULD BE SELECTED AND INSTALLED SO THAT FLOWS ARE NOT DIVERTED AROUND INLET.
 - THE DRAINAGE AREA SHOULD BE LIMITED TO 1 ACRE AT THE DRAINAGE INLET. ALL PRACTICES WILL BE PLACED AT THE INLET PERIMETER OR BEYOND TO MAXIMIZE THE FLOW CAPACITY OF THE INLET. PRACTICES SHALL BE WEIGHTED, BRACED, TIED, OR OTHERWISE ANCHORED TO PREVENT MOVEMENT OR SHIFTING OF LOCATION ON PAVED SURFACES. TRAFFIC SAFETY SHALL BE INTEGRATED WITH THE USE OF THIS PRACTICE. ALL PRACTICES SHOULD BE MARKED WITH TRAFFIC SAFETY CONES AS APPROPRIATE. STRUCTURE HEIGHT SHALL NOT CAUSE FLOODING OR BY-PASS FLOW THAT WOULD CAUSE ADDITIONAL EROSION. THE STRUCTURE SHOULD BE INSPECTED AFTER EVERY STORM EVENT. ANY SEDIMENT SHOULD BE REMOVED AND DISPOSED OF ON THE SITE. ANY BROKEN O DAMAGED COMPONENTS SHOULD BE REPLACED. CHECK ALL MATERIALS FOR PROPER ANCHORING AND SECURE AS NECESSARY.
 - IF USING THE COMPOST FILTER SOCK, THE COMPOST INFILL SHALL BE WELL DECOMPOSED (MATURED AT LEAST 3 MONTHS), WEED-FREE, ORGANIC MATTER. IT SHALL BE AEROBICALLY COMPOSTED, POSSESS NO OBJECTIONABLE ODORS, AND CONTAIN LESS THAN 1%, BY DRY WEIGHT, OF MANMADE FOREIGN MATTER. WHEN USING COMPOST FILTER SOCKS ADJACENT TO SURFACE WATER, THE COMPOST SHOULD HAVE LOW NUTRIENT VALUE.



- NOTE: REFER TO GENERAL STAPLE PATTERN GUIDE FOR CORRECT STAPLE PATTERN RECOMMENDATIONS FOR SLOPE INSTALLATIONS.
- PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
 - BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
 - ROLL THE BLANKETS (A) DOWN OR (B.) HORIZONTALLY ACROSS THE SLOPE.
 - THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 2" OVERLAP.
 - WHEN BLANKETS MUST BE SPLUCED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH APPROXIMATELY 4" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART.
 - MANUFACTURERS INSTALLATION INSTRUCTIONS SHALL SUPERCEDE THIS DETAIL.
 - TO BE USED ON SLOPES 1 ON 3 OR GREATER
INSTALLATION OF GEOSYNTHETICS EROSION CONTROL MATS
- EROSION CONTROL MATS SHALL BE UTILIZED ON ALL SLOPES GREATER THAN 1:3 REQUIRING PERMANENT STABILIZATION.
 - SLOPES SHALL BE PREPARED AND EROSION CONTROL MATS SHALL BE INSTALLED, ANCHORED AND SOIL FILLED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS AND INSTALLATION PROCEDURES.
 - SEEDING SHALL BE COMPLETED IN ACCORDANCE WITH THE PERMANENT SEEDING SPECIFICATIONS ABOVE PRIOR TO PLACEMENT OF THE EROSION CONTROL MAT. A SECOND APPLICATION OF PERMANENT SEEDING SHALL BE APPLIED AFTER THE MAT IS IN PLACE, PRIOR TO SOIL FILLING THE MAT.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINANCE, RESEEDING AND REPAIR OF MATS AND SLOPES UNTIL PERMANENT STABILIZATION IS ACHIEVED.

White Haven Memorial Park Access Road

210 Marsh Road
Pittsford, New York 14534
Town of Perinton

White Haven Memorial Park

210 Marsh Road
Pittsford, New York 14534
Town of Perinton

BERGMANN ARCHITECTS ENGINEERS PLANNERS

Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.

280 East Broad Street
Suite 200
Rochester, NY 14604

office: 585.232.5135
fax: 585.232.4652

www.bergmannpc.com

DATE	DESCRIPTION
------	-------------

Not For Construction

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Note:
Unauthorized alteration or addition to this drawing is a violation of
the New York State Education Law Article 145, Section 7209.

Project Manager: B. BURRI	Checked By: B. BURRI
Designed By: T. BOLT	Drawn By: T. BOLT
Date Issued: 05/31/22	Project Number: 1515482.00

MISCELLANEOUS DETAILS

C501



BERGMANN

ARCHITECTS ENGINEERS PLANNERS

Appendix D - Notice of Intent (NOI)
eNOI Owner/Operator Certification Form
eNOI SWPPP Preparer Certification Form

NOI for coverage under Stormwater General Permit for Construction Activity

version 1.35

(Submission #: HPM-C51W-6E345, version 1)

Details

Originally Started By Ken Hurley

Alternate Identifier White Haven Memorial Park - Access Road

Submission ID HPM-C51W-6E345

Submission Reason New

Status Draft

Form Input

Owner/Operator Information

Owner/Operator Name (Company/Private Owner/Municipality/Agency/Institution, etc.)

White Haven Memorial Park, Inc.

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

McAvinney

Owner/Operator Contact Person First Name

Judie Lynn

Owner/Operator Mailing Address

210 Marsh Road

City

Pittsford

State

NY

Zip

14534

Phone

585-586-5250

Email

jl@whitehavenmemorialpark.com

Federal Tax ID

NONE PROVIDED

Project Location**Project/Site Name**

White Haven Memorial Park - Access Road

Street Address (Not P.O. Box)

210 Marsh Road

Side of Street

East

City/Town/Village (THAT ISSUES BUILDING PERMIT)

Perinton

State

NY

Zip

14534

DEC Region

8

County

MONROE

Name of Nearest Cross Street

Golf Avenue

Distance to Nearest Cross Street (Feet)

500

Project In Relation to Cross Street

South

Tax Map Numbers Section-Block-Parcel

152.17-2-4

Tax Map Numbers

NONE PROVIDED

1. Coordinates

Provide the Geographic Coordinates for the project site. The two methods are:

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

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

43.095185689210794,-77.47803211212158

Project Details**2. What is the nature of this project?**

New Construction

3. Select the predominant land use for both pre and post development conditions.**Pre-Development Existing Landuse**

Forest

Post-Development Future Land Use

Other: Memorial Park/Cemetery

3a. If Single Family Subdivision was selected in question 3, enter the number of subdivision lots.

NONE PROVIDED

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

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

Total Site Area (acres)

2.45

Total Area to be Disturbed (acres)

2.45

Existing Impervious Area to be Disturbed (acres)

0.0

Future Impervious Area Within Disturbed Area (acres)

2.45

5. Do you plan to disturb more than 5 acres of soil at any one time?

No

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

A (%)

0

B (%)

67

C (%)

8

D (%)

25

7. Is this a phased project?

No

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

Start Date

03/01/2023

End Date

08/01/2023

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

Delineated Federal Wetland

9a. Type of waterbody identified in question 9?

Wetland/Federal Jurisdiction On Site (Answer 9b)

Other Waterbody Type Off Site Description

Stream Wetland

9b. If "wetland" was selected in 9A, how was the wetland identified?

Delineated by Consultant

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-20-001?

No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001?

No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?

No

If No, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as D (provided the map unit name is inclusive of slopes greater than 25%), E or F on the USDA Soil Survey?

No

If Yes, what is the acreage to be disturbed?

NONE PROVIDED

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?

No

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

Yes

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

Town of Perinton

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

No

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?

No

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

No

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

No

Required SWPPP Components

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

Yes

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?

Yes

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

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?

Yes

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

SWPPP Preparer

BERGMANN Associates

Contact Name (Last, Space, First)

Ken Hurley

Mailing Address

280 E Broad St, Suite 200

City

Rochester

State

NY

Zip

14604

Phone

5854987898

Email

khurley@bergmannpc.com

Download SWPPP Preparer Certification Form

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

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

3) Scan the signed form

4) Upload the scanned document

[Download SWPPP Preparer Certification Form](#)

Please upload the SWPPP Preparer Certification

APPX E - eNOI SWPPP PREPARERS CERT FORM.pdf - 09/01/2022 11:12 AM

Comment

NONE PROVIDED

Erosion & Sediment Control Criteria

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

Yes

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

Temporary Structural

Check Dams

Dust Control

Sediment Traps

Silt Fence

Stabilized Construction Entrance

Storm Drain Inlet Protection

Biotechnical

None

Vegetative Measures

Mulching

Protecting Vegetation

Seeding

Topsoiling

Permanent Structural

Rock Outlet Protection

Other

NONE PROVIDED

Post-Construction Criteria

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

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

NONE PROVIDED

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

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).

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

0.048

29. Post-construction SMP Identification

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

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

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

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29. (acre-feet)

0.017

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28)?

No

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

32. Provide the Minimum RRv required based on HSG. [Minimum RRv Required = (P) (0.95) (Ai) / 12, Ai=(s) (Aic)] (acre-feet)

0.014

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?

Yes

If Yes, go to question 33.

Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the

specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.

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

33. SMPs

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

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

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

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

0.032

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

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).

0.049

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)?

Yes

If Yes, go to question 36.

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

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

CPv Required (acre-feet)

0.036

CPv Provided (acre-feet)

0.043

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

NONE PROVIDED

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

Overbank Flood Control Criteria (Qp)

Pre-Development (CFS)

0.68

Post-Development (CFS)

0.31

Total Extreme Flood Control Criteria (Qf)

Pre-Development (CFS)

2.07

Post-Development (CFS)

1.50

37a. The need to meet the Qp and Qf criteria has been waived because:

NONE PROVIDED

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?

Yes

If Yes, Identify the entity responsible for the long term Operation and Maintenance

White Haven Memorial Park, Inc.

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). (See question #32a) This space can also be used for other pertinent project information.

The project site limits are an access road corridor that is sided by delineated federal wetlands to the west and steep slopes (Town Limited Development District) to the east, limiting the available area runoff reduction practices. Initial site observations have indicated that stormwater infiltration would not be feasible.

Road reduction has been utilized to provide the shortest distance between two existing connection points and the road has been reduced to the minimum feasible width of 20'.

Post-Construction SMP Identification

Runoff Reduction (RR) Techniques, Standard Stormwater Management Practices (SMPs) and Alternative SMPs

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

RR Techniques (Area Reduction)

Round to the nearest tenth

Total Contributing Acres for Conservation of Natural Area (RR-1)

NONE PROVIDED

Total Contributing Impervious Acres for Conservation of Natural Area (RR-1)

NONE PROVIDED

Total Contributing Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)

NONE PROVIDED

Total Contributing Impervious Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)

NONE PROVIDED

Total Contributing Acres for Tree Planting/Tree Pit (RR-3)

NONE PROVIDED

Total Contributing Impervious Acres for Tree Planting/Tree Pit (RR-3)

NONE PROVIDED

Total Contributing Acres for Disconnection of Rooftop Runoff (RR-4)

NONE PROVIDED

RR Techniques (Volume Reduction)

Total Contributing Impervious Acres for Disconnection of Rooftop Runoff (RR-4)

NONE PROVIDED

Total Contributing Impervious Acres for Vegetated Swale (RR-5)

NONE PROVIDED

Total Contributing Impervious Acres for Rain Garden (RR-6)

NONE PROVIDED

Total Contributing Impervious Acres for Stormwater Planter (RR-7)

NONE PROVIDED

Total Contributing Impervious Acres for Rain Barrel/Cistern (RR-8)

NONE PROVIDED

Total Contributing Impervious Acres for Porous Pavement (RR-9)

NONE PROVIDED

Total Contributing Impervious Acres for Green Roof (RR-10)

NONE PROVIDED

Standard SMPs with RRv Capacity

Total Contributing Impervious Acres for Infiltration Trench (I-1)
NONE PROVIDED

Total Contributing Impervious Acres for Infiltration Basin (I-2)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Well (I-3)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Infiltration System (I-4)
NONE PROVIDED

Total Contributing Impervious Acres for Bioretention (F-5)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Swale (O-1)
NONE PROVIDED

Standard SMPs

Total Contributing Impervious Acres for Micropool Extended Detention (P-1)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Pond (P-2)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Extended Detention (P-3)
NONE PROVIDED

Total Contributing Impervious Acres for Multiple Pond System (P-4)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Pond (P-5)
NONE PROVIDED

Total Contributing Impervious Acres for Surface Sand Filter (F-1)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Sand Filter (F-2)
NONE PROVIDED

Total Contributing Impervious Acres for Perimeter Sand Filter (F-3)
NONE PROVIDED

Total Contributing Impervious Acres for Organic Filter (F-4)
NONE PROVIDED

Total Contributing Impervious Acres for Shallow Wetland (W-1)
NONE PROVIDED

Total Contributing Impervious Acres for Extended Detention Wetland (W-2)
NONE PROVIDED

Total Contributing Impervious Acres for Pond/Wetland System (W-3)
NONE PROVIDED

Total Contributing Impervious Acres for Pocket Wetland (W-4)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Swale (O-2)
NONE PROVIDED

Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Total Contributing Impervious Area for Hydrodynamic
NONE PROVIDED

Total Contributing Impervious Area for Wet Vault
NONE PROVIDED

Total Contributing Impervious Area for Media Filter
NONE PROVIDED

"Other" Alternative SMP?
NONE PROVIDED

Total Contributing Impervious Area for "Other"
NONE PROVIDED

Provide the name and manufacturer of the alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

Manufacturer of Alternative SMP
NONE PROVIDED

Name of Alternative SMP
NONE PROVIDED

Other Permits

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

Freshwater Wetlands/Article 24

If SPDES Multi-Sector GP, then give permit ID

NONE PROVIDED

If Other, then identify

NONE PROVIDED

41. Does this project require a US Army Corps of Engineers Wetland Permit?

Yes

If "Yes," then indicate Size of Impact, in acres, to the nearest tenth

0.1

42. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.

NONE PROVIDED

MS4 SWPPP Acceptance

43. Is this project subject to the requirements of a regulated, traditional land use control MS4?

Yes - Please attach the MS4 Acceptance form below

If No, skip question 44

44. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?

NONE PROVIDED

MS4 SWPPP Acceptance Form Download

Download form from the link below. Complete, sign, and upload.

[MS4 SWPPP Acceptance Form](#)

MS4 Acceptance Form Upload

NONE PROVIDED

Comment

NONE PROVIDED

Owner/Operator Certification

Owner/Operator Certification Form Download

Download the certification form by clicking the link below. Complete, sign, scan, and upload the form.

[Owner/Operator Certification Form \(PDF, 45KB\)](#)

Upload Owner/Operator Certification Form

NONE PROVIDED

Comment

NONE PROVIDED

Attachments

Date	Attachment Name	Context	User
9/1/2022 11:12 AM	APPX E - eNOI SWPPP PREPARERS CERT FORM.pdf	Attachment	Ken Hurley



Owner/Operator Certification Form

SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-15-002)

Project/Site Name: _____

eNOI Submission Number: _____

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

Certification Statement - Owner/Operator

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Owner/Operator First Name

M.I. Last Name

Signature

Date



Department of
Environmental
Conservation

SWPPP Preparer Certification Form

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

Project Site Information

Project/Site Name

White Haven Memorial Park – Access Road

Owner/Operator Information

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

White Haven Memorial Park, Inc.

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-15-002. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

PREPARER OF MODIFIED SWPPP, DATED March 2022

Kenneth

First name

R

MI

Hurley, P.E.

Last Name

Signature

A handwritten signature in black ink that reads "Ken Hurley". The signature is written in a cursive style with a large, stylized "K" and "H".

Date 9/01/2022



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ARCHITECTS ENGINEERS PLANNERS

Appendix E - Notice of Permit Coverage MS4 Acceptance Form



**Department of
Environmental
Conservation**

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

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

Construction Activities Seeking Authorization Under SPDES General Permit

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

I. Project Owner/Operator Information

1. Owner/Operator Name:

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:



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



Appendix F - NYS DEC SPDES General Permit for Stormwater
Discharges from Construction Activity (GP-0-20-001)



Department of
Environmental
Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001

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

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator

A handwritten signature in black ink, appearing to be "John J. Ferguson", written over a horizontal line.

Authorized Signature

1-23-20
Date

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

PREFACE

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

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

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

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

Table of Contents

Part 1. PERMIT COVERAGE AND LIMITATIONS	1
A. Permit Application	1
B. Effluent Limitations Applicable to Discharges from Construction Activities	1
C. Post-construction Stormwater Management Practice Requirements	4
D. Maintaining Water Quality	8
E. Eligibility Under This General Permit.....	9
F. Activities Which Are Ineligible for Coverage Under This General Permit	9
Part II. PERMIT COVERAGE	12
A. How to Obtain Coverage	12
B. Notice of Intent (NOI) Submittal	13
C. Permit Authorization	13
D. General Requirements For Owners or Operators With Permit Coverage	15
E. Permit Coverage for Discharges Authorized Under GP-0-15-002.....	17
F. Change of Owner or Operator	17
Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP).....	18
A. General SWPPP Requirements	18
B. Required SWPPP Contents	20
C. Required SWPPP Components by Project Type.....	24
Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS	24
A. General Construction Site Inspection and Maintenance Requirements	24
B. Contractor Maintenance Inspection Requirements	24
C. Qualified Inspector Inspection Requirements	25
Part V. TERMINATION OF PERMIT COVERAGE	29
A. Termination of Permit Coverage	29
Part VI. REPORTING AND RETENTION RECORDS	31
A. Record Retention	31
B. Addresses	31
Part VII. STANDARD PERMIT CONDITIONS.....	31
A. Duty to Comply.....	31
B. Continuation of the Expired General Permit.....	32
C. Enforcement.....	32
D. Need to Halt or Reduce Activity Not a Defense.....	32
E. Duty to Mitigate	33
F. Duty to Provide Information.....	33
G. Other Information	33
H. Signatory Requirements.....	33
I. Property Rights	35
J. Severability.....	35

K.	Requirement to Obtain Coverage Under an Alternative Permit	35
L.	Proper Operation and Maintenance	36
M.	Inspection and Entry	36
N.	Permit Actions	37
O.	Definitions	37
P.	Re-Opener Clause	37
Q.	Penalties for Falsification of Forms and Reports	37
R.	Other Permits	38
APPENDIX A – Acronyms and Definitions		39
Acronyms.....		39
Definitions.....		40
APPENDIX B – Required SWPPP Components by Project Type		48
Table 1.....		48
Table 2.....		50
APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal		52
APPENDIX D – Watersheds with Lower Disturbance Threshold		58
APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)		59
APPENDIX F – List of NYS DEC Regional Offices		65

Part 1. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

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

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

B. Effluent Limitations Applicable to Discharges from Construction Activities

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

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

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

- a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:
- (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;
 - (ii) Control stormwater *discharges*, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;
 - (iii) *Minimize* the amount of soil exposed during *construction activity*;
 - (iv) *Minimize* the disturbance of *steep slopes*;
 - (v) *Minimize* sediment *discharges* from the site;
 - (vi) Provide and maintain *natural buffers* around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
 - (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;
 - (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and
 - (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.
- b. **Soil Stabilization.** In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

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

- c. **Dewatering.** *Discharges* from *dewatering* activities, including *discharges* from *dewatering* of trenches and excavations, must be managed by appropriate control measures.
- d. **Pollution Prevention Measures.** Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:
 - (i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;
 - (ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and
 - (iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.
- e. **Prohibited Discharges.** The following *discharges* are prohibited:
 - (i) Wastewater from washout of concrete;
 - (ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

- (iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;
 - (iv) Soaps or solvents used in vehicle and equipment washing; and
 - (v) Toxic or hazardous substances from a spill or other release.
- f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

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

a. Sizing Criteria for New Development

- (i) Runoff Reduction Volume (“RRv”): Reduce the total Water Quality Volume (“WQv”) by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100% of the WQv shall be documented in the SWPPP.

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

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRV as calculated using the criteria in Section 4.3 of the Design Manual.

The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

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

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

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

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

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

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

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

c. Sizing Criteria for Redevelopment Activity

- (i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.
 - (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
 - (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
 - (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
 - (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

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

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

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

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

D. Maintaining Water Quality

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

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

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

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

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges*; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: "Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned"; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharges* from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

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

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

1. *Discharges* after *construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;
4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*

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

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;
6. *Construction activities* for residential, commercial and institutional projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which are undertaken on land with no existing *impervious cover*; and
 - c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.
7. *Construction activities* for linear transportation projects and linear utility projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which are undertaken on land with no existing *impervious cover*; and
 - c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:
- a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.
 - 1-5 acres of disturbance - 20 feet
 - 5-20 acres of disturbance - 50 feet
 - 20+ acres of disturbance - 100 feet, or
 - b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
 - (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
 - (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
 - (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
 - (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or
 - c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

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

d. Documentation that:

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

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

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.
2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.
3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of Owner or Operator) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*. This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

B. Notice of Intent (NOI) Submittal

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

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

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.
3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.
4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

C. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
 - a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (<http://www.dec.ny.gov/>) for more information,
 - b. where required, all necessary Department permits subject to the *Uniform Procedures Act* ("UPA") (see 6 NYCRR Part 621), or the equivalent from another New York State agency, have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain UPA permits

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

- c. the final SWPPP has been prepared, and
 - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.C.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:
- a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:
 - (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or
 - (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;
 - (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

- b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:
 - (i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed “MS4 SWPPP Acceptance” form, or
 - (ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed “MS4 SWPPP Acceptance” form.
- 4. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

D. General Requirements For Owners or Operators With Permit Coverage

- 1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination (“NOT”) has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
- 2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor’s or subcontractor’s certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
- 3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land*

- use control MS4, the regulated, traditional land use control MS4 (provided the regulated, traditional land use control MS4 is not the owner or operator of the construction activity). At a minimum, the owner or operator must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:*
- a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
 - b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
 - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - d. The *owner or operator* shall install any additional site-specific practices needed to protect water quality.
 - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements or consistent with Part VII.K..
 5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
 6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

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

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

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

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

F. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4*, the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.
2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.
3. Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or*

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

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

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

- b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge* of *pollutants*;
 - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority; and
 - d. to document the final construction conditions.
5. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.
6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

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

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

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

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

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

B. Required SWPPP Contents

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

- b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
- c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
- d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
- f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
- h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
- i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection

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

- j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
 - k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the *construction site*; and
 - l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

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

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

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

- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
 - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
 - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
 - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
 - (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;
 - (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and
 - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
- d. Soil testing results and locations (test pits, borings);
- e. Infiltration test results, when required; and
- f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

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

C. Required SWPPP Components by Project Type

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

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

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

B. Contractor Maintenance Inspection Requirements

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

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

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

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

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

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

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
 - a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located

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

- b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
 - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
- a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.
 - b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.D.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
 - c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “*Final Stabilization*” and “*Post-Construction Stormwater Management Practice*” certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.
 - e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, and all points of *discharge* from the *construction site*.
 4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

- a. Date and time of inspection;
- b. Name and title of person(s) performing inspection;
- c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
- d. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This shall include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
- e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
- f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
- g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
- h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;
- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
- j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
- k. Identification and status of all corrective actions that were required by previous inspection; and

- I. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.D.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.
2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
 - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

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

- b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
- c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
- d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION RECORDS

A. Record Retention

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

B. Addresses

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

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

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

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

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

B. Continuation of the Expired General Permit

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

C. Enforcement

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

D. Need to Halt or Reduce Activity Not a Defense

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

E. Duty to Mitigate

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

F. Duty to Provide Information

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

G. Other Information

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

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:
 - a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or
 - c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) the chief executive officer of the agency, or
 - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field,

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

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

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

I. Property Rights

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

J. Severability

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

K. Requirement to Obtain Coverage Under an Alternative Permit

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

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

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

L. Proper Operation and Maintenance

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

M. Inspection and Entry

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

1. Enter upon the owner's or operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

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

O. Definitions

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

P. Re-Opener Clause

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

Q. Penalties for Falsification of Forms and Reports

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

R. Other Permits

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

APPENDIX A – Acronyms and Definitions

Acronyms

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

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX B – Required SWPPP Components by Project Type

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

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</p> <ul style="list-style-type: none">• Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E• Single family residential subdivisions with 25% or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E• Construction of a barn or other <i>agricultural building</i>, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <p>All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.</p>
<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none">• Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains• Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects• Pond construction• Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover• Cross-country ski trails and walking/hiking trails• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.• Slope stabilization projects• Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

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

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

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

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

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

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

Table 2 (Continued)

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

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

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

APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

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

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

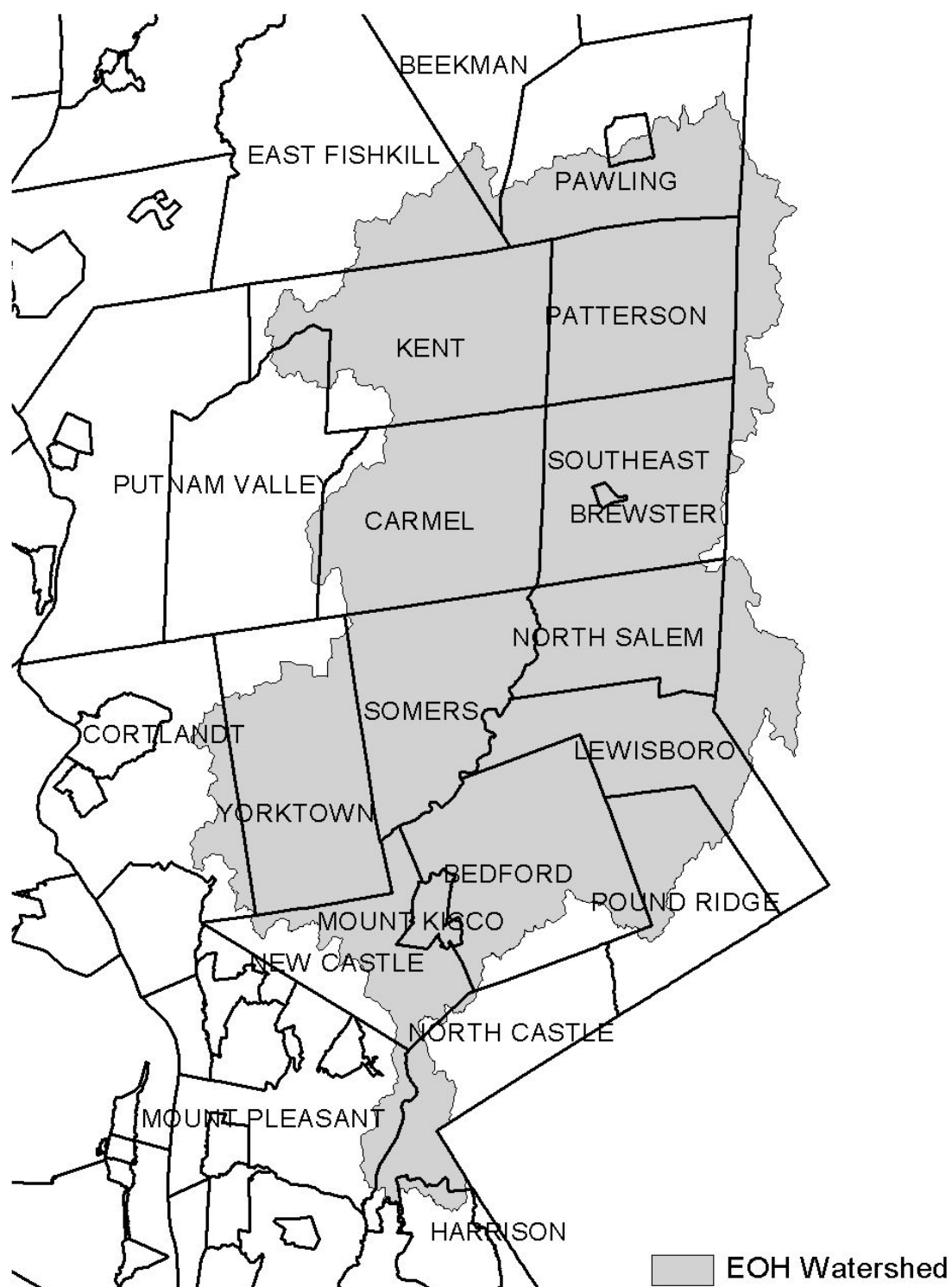
Figure 1 - New York City Watershed East of the Hudson

Figure 2 - Onondaga Lake Watershed

Figure 3 - Greenwood Lake Watershed

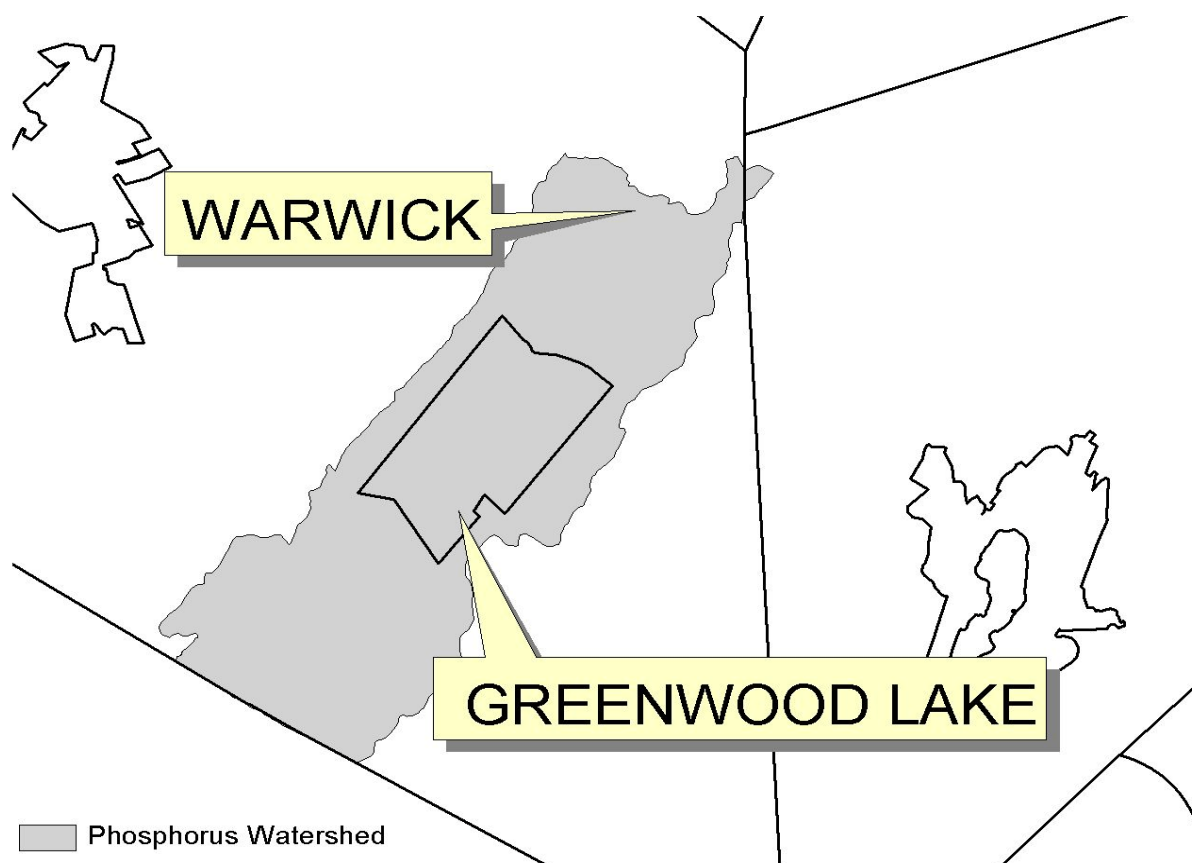


Figure 4 - Oscawana Lake Watershed

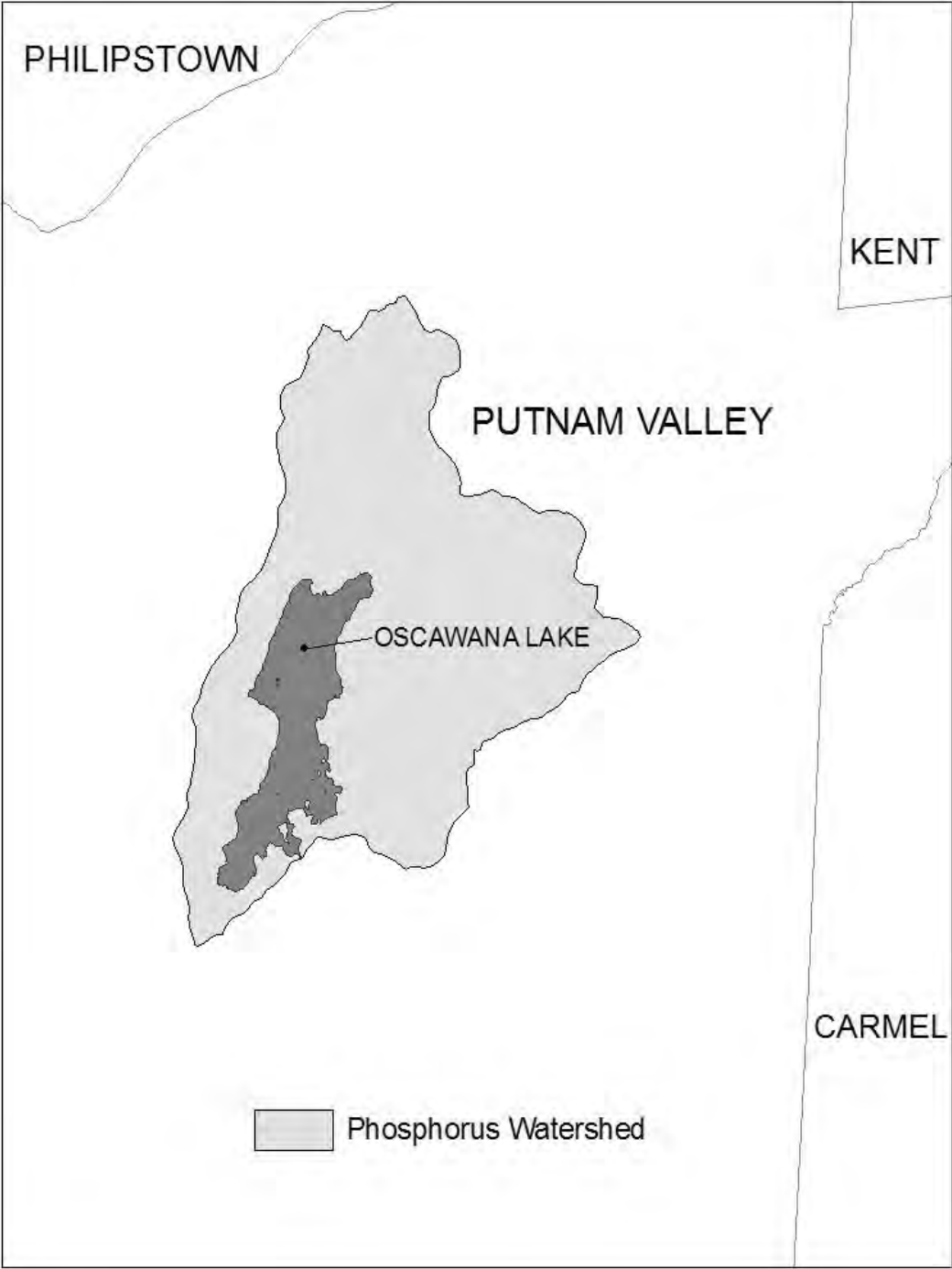
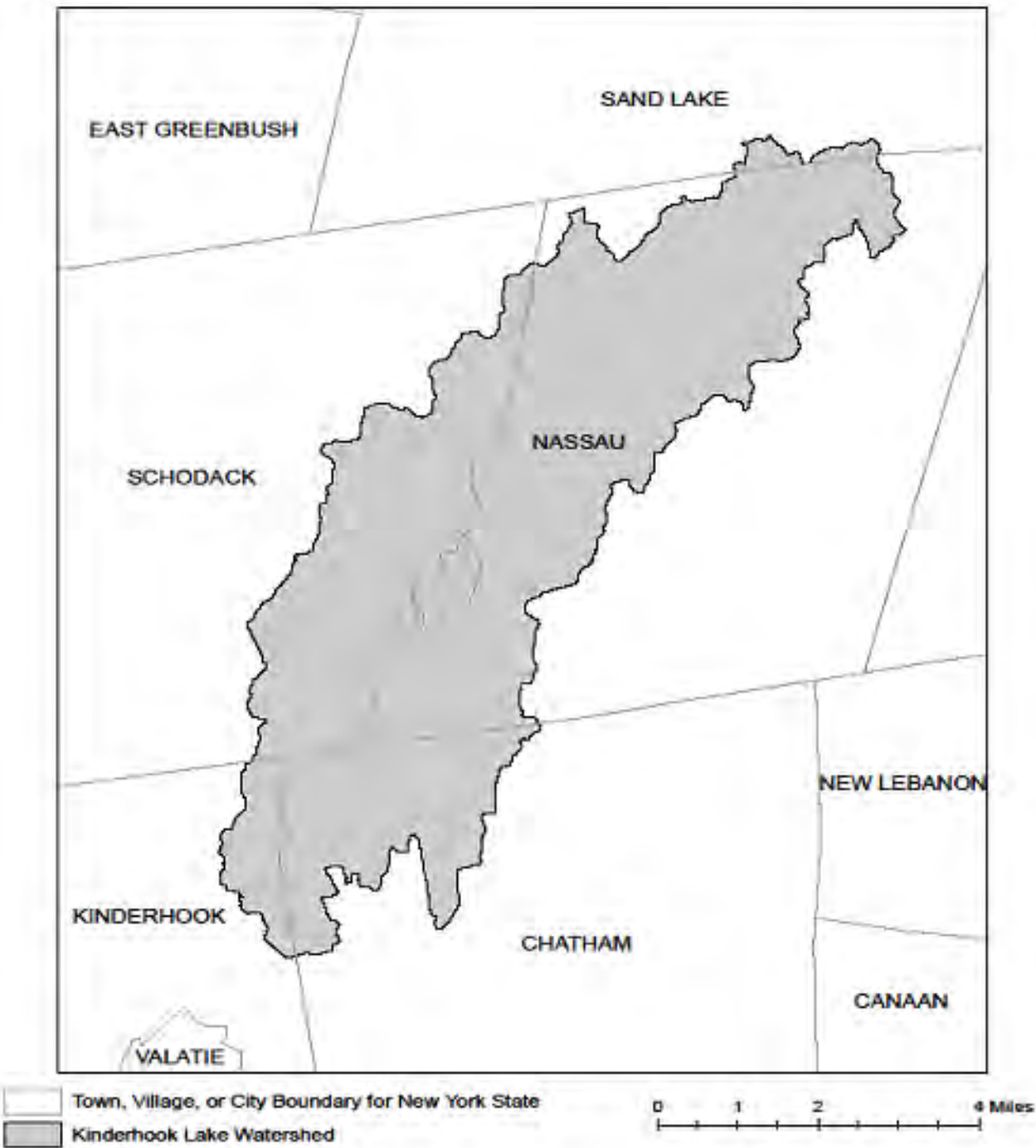


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Watersheds with Lower Disturbance Threshold

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

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C
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APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX F – List of NYS DEC Regional Offices

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



Appendix G - Blank Notice of Termination (NOT)



New York State Department of Environmental Conservation Division of Water 625 Broadway, 4th Floor Albany, New York 12233-3505 *(NOTE: Submit completed form to address above)*	
NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity	
Please indicate your permit identification number: NYR _____	
I. Owner or Operator Information	
1. Owner/Operator Name: _____	
2. Street Address: _____	
3. City/State/Zip: _____	
4. Contact Person: _____	4a. Telephone: _____
4b. Contact Person E-Mail: _____	
II. Project Site Information	
5. Project/Site Name: _____	
6. Street Address: _____	
7. City/Zip: _____	
8. County: _____	
III. Reason for Termination	
9a. <input type="checkbox"/> All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. *Date final stabilization completed (month/year): _____	
9b. <input type="checkbox"/> 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. <input type="checkbox"/> 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? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no (If no, go to question 10f.)	
10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? <input type="checkbox"/> yes <input type="checkbox"/> no (If no, explain on Page 2)	
10c. Identify the entity responsible for long-term operation and maintenance of practice(s)? _____	



NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued	
10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? <input type="checkbox"/> yes <input type="checkbox"/> no	
10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s): <input type="checkbox"/> Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality. <input type="checkbox"/> Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s). <input type="checkbox"/> For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record. <input type="checkbox"/> For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.	
10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____ (acres)	
11. Is this project subject to the requirements of a regulated, traditional land use control MS4? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no (If Yes, complete section VI - "MS4 Acceptance" statement)	
V. Additional Information/Explanation: (Use this section to answer questions 9c. and 10b., if applicable)	
VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)	
I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.	
Printed Name:	
Title/Position:	
Signature:	Date:



NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued	
VII. Qualified Inspector Certification - Final Stabilization:	
I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.	
Printed Name:	
Title/Position:	
Signature:	Date:
VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):	
I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.	
Printed Name:	
Title/Position:	
Signature:	Date:
IX. Owner or Operator Certification	
I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.	
Printed Name:	
Title/Position:	
Signature:	Date:

(NYS DEC Notice of Termination - January 2015)



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Appendix H - General Contractor's Certification



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STORM WATER POLLUTION PREVENTION PLAN CONTRACTOR'S CERTIFICATION

CONSTRUCTION SITE -

White Haven Memorial Park - Access Road

Perinton, NY

Monroe County, New York

STORMWATER POLLUTION PREVENTION PLAN DATED August 2022

CONTRACTOR'S CERTIFICATION:

"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"

Name: _____
(Print)

Signature: _____

Title: _____

Company Name: _____

Address: _____

Telephone Number: _____

Date: _____

Scope of Services: _____

Date: _____

Received by: _____

[Name]



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Appendix I - Subcontractor's Certification



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STORM WATER POLLUTION PREVENTION PLAN SUBCONTRACTOR'S CERTIFICATION

CONSTRUCTION SITE -

White Haven Memorial Park - Access Road

Perinton, NY

Monroe County, New York

STORMWATER POLLUTION PREVENTION PLAN DATED August 2022

SUBCONTRACTOR'S CERTIFICATION:

"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"

Name: _____
(Print)

Signature: _____

Title: _____

Company Name: _____

Address: _____

Telephone Number: _____

Date: _____

Scope of Services: _____

Date: _____

Received by: _____

[Name]



Appendix J - Inspection Report



**NEW YORK STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR
CONSTRUCTION ACTIVITIES**

Site Inspection and Maintenance Report Form

Project Name and Location of Project: _____ _____ _____ Municipality: _____ County: _____ Qualified Inspector: _____ Qualified Inspector Title: Qualified Inspector _____	Date:	Weather:
	Permit #: NYR	
	Entry Time:	Exit Time:

5 Acre Waiver: ☐ Yes ☐ No

Name of SPDES Permittee: _____

Phone: _____ Fax: _____

Name of Representative on Site: _____

Part I. CONSTRUCTION DURATION INSPECTIONS

- a. **SITE PLAN/SKETCH OF AREAS DISTURBED AT TIME OF INSPECTION AND
AREAS THAT HAVE BEEN STABILIZED (TEMPORARY OR FINAL) SINCE LAST INSPECTION**

Part I. CONSTRUCTION DURATION INSPECTIONS

- b. **Other Permit Required Reporting**

Maintaining Water Quality -

Describe the condition of runoff at all points of discharge.

Is there an increase in turbidity causing a substantial visible contrast to natural conditions? _____

Is there residue from oil and floating substances, visible oil film, or globules or grease? _____

Is there evidence of silt deposition from project in a stream, wetland, or other water body? _____

If yes, where? _____ remedial measure needed? _____

Provide a description of the conditions of all natural water bodies within or immediately adjacent to the project.

Area of Disturbance

Total area of disturbance (as shown on sketch plan and not including areas that have temporary or permanent stabilization measures applied) _____

Are all disturbances within the limits of the SWPPP? _____

Weather Conditions

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



General Housekeeping

Are facilities and equipment necessary for implementation of erosion and sediment control in working order and/or properly maintained? _____

Is construction impacting the adjacent property? _____

Is dust adequately controlled? _____

Describe corrective action(s): _____

Date correction needed: _____

c. Runoff Controls *Direct runoff away from exposed soil surfaces and control water that falls onto the site*

Runoff conveyance systems ☐ N A

Are all runoff conveyance systems called for in the SWPPP installed, stabilized and working? _____

If not, what specific areas need detailing? _____ With minimum side slopes 2H:1V or flatter? _____ Stabilized by geotextile fabric, seed, or mulch with no erosion occurring? _____

_____ Sediment-laden runoff directed to sediment trapping structure? _____

Describe corrective action(s): _____

Date correction needed: _____

Runoff Control Structures ☐ N A

Have all required runoff control structures (rock outlets and aprons) been installed and constructed per plan and according to the Blue Book? _____ Installed concurrently with pipe installation? _____

Describe corrective action(s): _____

Date correction needed: _____

Temporary Stream or Channel Crossing ☐ N A

Have construction crossings at concentrated flow areas been culverted? _____ Describe corrective action(s): _____

Date correction needed: _____

Stone Check Dam ☐ N A

Installed per standards? _____ channel stable (flow is not eroding soil underneath or around the structure). _____

_____ does sediment need to be removed? _____

Describe corrective action(s): _____

Date correction needed: _____

Excavation Dewatering ☐ N A

1. Flowing water ☐ N A – Upstream berm (sandbags, inflatable dams, etc. with one-foot minimum freeboard) and downstream berms are installed per plan? _____ and functioning? (clean water from upstream pool is being pumped to the downstream pool)? _____

2. Sediment laden water from work area ☐ N A - Is being discharged to a silt-trapping device? _____

3. Groundwater from excavations ☐ N A - is being managed properly (sumps and sediment control)? _____

Describe corrective action(s): _____

Date correction needed: _____

d. Soil Stabilization *Basic erosion control is achieved by covering all bare ground areas.*

Topsoil and Spoil Stockpiles ☐ N A

Stabilized - sediment controls at downhill slope? _____

Describe corrective action(s): _____

Date correction needed: _____



Revegetation/Stabilization ☐ N A

Has temporary or permanent seeding *and* mulch (as shown on site sketch plan) been applied to areas that have been inactive for 14 days or less (or, inactive for 7 days if over 5 acres disturbed)? _____

Has soil preparation been applied as specified in the SWPPP and in accordance with the Blue Book (Assure that all the necessary soil testing/fertilizer/lime, topsoil, decompaction has been applied)? _____

Have rolled erosion control products specified for steep slopes or channels been installed? _____

Describe corrective action(s): _____

Date correction needed: _____

e. Sediment Controls

Stabilized Construction Entrance ☐ N A

Stone is clean and all access areas covered (entrances, construction routes, materials storage areas, equipment parking)? _____ Tracking onto public streets is minimized and cleaned daily? _____

Describe: _____

Date correction needed: _____

1. Silt Fence ☐ N A

Installed on contour? not across conveyance channels? _____ At least 10 feet from toe of slope? _____ At appropriate spacing intervals based on slope? _____ Wrapped ends for continuous support? _____ Fabric is tight, without rips or frayed areas? _____ Posts are stable? _____ buried 6 inches minimum? _____ Any "bulges"? _____

Describe: _____

Date correction needed: _____

Temporary Sediment Trap ☐ N A

Is outlet structure constructed properly? _____ geotextile fabric has been placed beneath rock fill? _____ Maintenance – depth of sediment in basin? _____ 50% capacity? _____

Describe: _____

Date correction needed: _____

Temporary Sediment Basin ☐ N A

Is basin and outlet structure constructed per the approved plan? _____

Are basin side slopes stabilized with seed/mulch? _____

Maintenance – depth of sediment in basin? _____ 50% capacity? _____

Describe: _____

Date correction needed: _____

Drop Inlet Protection ☐ N A

Type(s) of inlet control? _____

Installed per Blue Book specifications: drainage area (typically 1 acre)? _____

Appropriate for location? _____

Describe: _____

Date correction needed: _____

f. Digital Color Photographs of Deficient BMPs

The *qualified inspector* shall maintain digital photographs of deficient BMPs with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions.

g. Digital Color Photographs of BMPs that have been corrected

The *qualified inspector* shall maintain digital photographs of corrected BMPs with date stamp, that clearly show the condition of the practice(s)



after the corrective actions has been completed.

h. Post-Construction Stormwater Management

Report of any corrective action(s) that must be taken to install, correct, repair, replace or maintain any deficiencies identified with the construction of the post-construction stormwater management practice(s). Report the current phase of construction of all post-construction stormwater management practice(s) and whether the installation appears to be geometrically consistent with the approved hydraulic design (e.g. the pond, the outlet structure, orifice, pipe sizing and slope is geometrically consistent with the SWPPP): _____

i. Revisions to SWPPP

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 other report, 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 and/or the MS4, they shall promptly submit such facts or information. 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 permit violation (GP-0-10-001 Part VII.G)

j. Inspection Notes and Signature

Inspection Notes:

PART I. j. Signature

GP-0-10-001 Part VII.Q

Articles 175 and 210 of the New York State Penal Law provide for Criminal penalty of a fine and/or imprisonment for falsifying forms and reports required by this permit.

SWPPP Inspector (print name)

Date of Inspection

Signature

The above signed acknowledges that, to the best of his/her knowledge, all information provided on the forms is accurate and complete.



Title: _____ Address: _____

Phone: _____ Email: _____

CPESC#: _____, **P.E./RLA** _____
or

Trained Individual - Provide Stormwater Training Number: _____ and

P.E./RLA Supervisor Name for Trained Individuals: _____

Contractor Acknowledgement of Receipt:

SWPPP received and reviewed by _____ Title: _____
The above signed acknowledges receipt of this inspection report



Appendix K – Modification Report



**STORM WATER POLLUTION PREVENTION PLAN
MODIFICATION LOG**

CONSTRUCTION SITE -

White Haven Memorial Park - Access Road

Perinton, NY

Monroe County, New York

STORMWATER POLLUTION PREVENTION PLAN DATED August 2022

CHANGES REQUIRED FOR STORM WATER POLLUTION PREVENTION PLAN

The SWPPP must be amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has a significant effect on the discharge of pollutants to the Waters of the United States that has not been previously addressed in the SWPPP, if inspections or investigations by site staff, local, state or federal officials determine that discharges are causing water quality exceedances or the SWPPP is ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site, or based on the results of an inspection, or there is a release containing a Hazardous Substance or Oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24 hour period, the SWPPP must be modified to include additional or modified BMPs designed to correct identified problems. Revisions to the SWPPP must be completed within seven (7) calendar days following the inspection. Modifications that are the result of inspections shall be initialed within 24 hours and completed within 48 hours. All modifications are to be referenced on both the forms and on a Progress Drawing.

MODIFICATION LOG

MODIFICATION NUMBER*	DATE	BRIEF DESCRIPTION	PROJECT MANAGER REVIEW

***Modification Log Number to correspond with Modification Report Number**



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**STORM WATER POLLUTION PREVENTION PLAN
MODIFICATION REPORT**

CONSTRUCTION SITE -

White Haven Memorial Park - Access Road

Perinton, NY

Monroe County, New York

STORMWATER POLLUTION PREVENTION PLAN DATED August 2022

NUMBER _____

DATE _____

TO:

ADDRESS:

TELEPHONE:

FACSIMILE:

SENT VIA:

☐ Facsimile

☐ Courier

☐ US Mail

INSPECTOR: _____

(Print Name)

(Inspector Signature)

QUALIFICATIONS OF INSPECTOR: _____

CHANGES REQUIRED TO THE STORMWATER POLLUTION PREVENTION PLAN:

REASONS FOR CHANGES:

TO BE PERFORMED BY: _____

ON OR BEFORE: _____

Project Manager: _____

Other Operator: _____



Appendix L - Reportable Quantity Release Form

[illegible]



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Appendix M – Wetland Delineation Report and Joint Permit Correspondence



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Wetland and Aquatic Resources Delineation Report

White Haven Memorial Parks, Inc. – White Haven Memorial Park Expansion Project



Prepared For:
White Haven Memorial Parks, Inc.
210 Marsh Road
Pittsford, NY 14534

Bergmann
280 East Broad Street, Suite #200
Rochester, NY 14604

December 09, 2019



TABLE OF CONTENTS

1.0	Introduction	4
2.0	United States Army Corps of Engineers Methodology.....	5
2.1	Hydrophytic Vegetation	5
2.2	Hydric Soils.....	6
2.3	Wetland Hydrology	6
3.0	Office Assessment	7
3.1	Topography	7
3.2	Natural Resource Conservation Service Soil Survey Mapping.....	7
3.3	National Wetlands Inventory Mapping.....	7
3.4	NYSDEC Environmental Resource Mapper	8
3.5	Mapped Floodplains.....	8
3.6	Threatened and Endangered Species Review	8
3.7	Cultural Resources	8
3.8	Agricultural Districts.....	8
4.0	Field Delineation.....	9
4.1	Wetlands and Aquatic Resources.....	9
4.2	Uplands	9
5.0	Permitting Considerations	11
5.1	U.S. Army Corps of Engineers	11
5.2	New York State Department of Environmental Conservation.....	11
5.3	Local Municipal Approvals.....	12
5.4	New York State Department of Agricultural and Markets (NYSDAM).....	12



FIGURES

- Figure 1 Site Location Map
- Figure 2 USGS 7.5-minute topographic map Fairport, NY (2019)
- Figure 3 Natural Resources Conservation Service (NRCS) Soils Survey Map
- Figure 3.1 Natural Resources Conservation Service (NRCS) Hydric Soils Map
- Figure 4 National Wetlands Inventory (NWI) Map
- Figure 5 New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetlands and Stream Map
- Figure 6 FEMA FIRMette Flood Insurance Rate Map
- Figure 7 New York State Department of Agricultural and Markets, Monroe County (2017)

APPENDICES

- Appendix A Wetland Determination Data Forms (NCNE Region) and Linear Waters of the U.S. Field Classification Forms
- Appendix B Photo Location Map and Representative Site Photographs
- Appendix C Wetland Delineation Map
- Appendix D Threatened and Endangered Species Research
- Appendix E Permitting Conditions



1.0 Introduction

Bergmann was retained by White Haven Memorial Parks, Inc. to conduct a delineation of Wetlands and other Waters of the United States for the White Haven Memorial Park Expansion Project (referred to as “Study Area”). The proposed project involves the proposed expansion of the current White Haven Memorial Park cemetery plots on approximately 6.75-acres of a 127.7-acre parcel of existing agricultural and forested land located at 210 Marsh Road, in the Town of Pittsford, Monroe County, New York (Figure 1, Site Location Map).

The purpose of this investigation was to identify and delineate wetlands and other surface waters that are classified as “Waters of the United States” under the Federal Clean Water Act, 33 U.S.C. §§ 1251 *et. seq.* (CWA) and Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 403 (RHA), that could potentially be regulated by the United States Army Corps of Engineers (Corps) and/or the New York State Department of Environmental Conservation (NYSDEC). A formal wetland delineation of the Study Area was conducted on November 20, 2019 by Stephanie Parsons and Lindsey Russell of Bergmann. The delineation was conducted in accordance with the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987; “1987 Manual”)¹ and the corresponding *USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)* (USACE 2012, “Regional Supplement”).

¹ Environmental Laboratory. (1987). “Corps of Engineers Wetlands Delineation Manual,” Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.



2.0 United States Army Corps of Engineers Methodology

As defined by the United States Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA), wetlands are *"those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions"* (Environmental Laboratory 1987). Wetlands can support critical environmental functions including but not limited to: groundwater recharge and discharge, water and sediment retention, nutrient and toxicant removal and flora and fauna habitat. One way in which these valuable ecosystems are protected is through governmental regulations under Section 404 of The Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. To provide an accurate and consistent way of identifying and delineating areas that meet the wetland definition, the Corps developed an approach that investigates the vegetation, soils and hydrology of an area. Locations that meet the Corps defined criteria of hydrophytic vegetation, hydric soils and wetland hydrology will be considered Corps-jurisdictional wetlands. A detailed methodology for wetland delineations was published in the Corps' 1987 Manual and accompanying Regional Supplements that are specific to regions throughout the United States.

2.1 HYDROPHYTIC VEGETATION

The 1987 Manual considers hydrophytic vegetation as a community of macrophytic plants that occur in areas where inundation or soil saturation is permanent, or frequently occurs in durations sufficient enough to influence the growth of plant species. The 1987 Manual emphasizes the assemblage of various plant species rather than the occurrence of individual indicator species to determine the presence or absence of hydrophytic vegetation. It is present when a location is dominated by species that either thrive in or require extended soil saturation or inundation during the growing season. A hydrophytic vegetation determination is made by comparing the present plant species to the federal wetland indicators determined by the Corps, listed in the National Wetland Plant Indicator List. The Regional Supplements recognize the following indicator statuses:

1. Obligate Wetland Plants (OBL): Species that commonly occur in wetlands (>99% of the time).
2. Facultative Wetland Plants (FACW): Species that occur usually in wetlands (67%-99% of the time) but may also occur in non-wetlands.
3. Facultative Plants (FAC): Species that usually occur in wetlands and non-wetlands equally (34%-66% of the time).
4. Facultative Upland Plants (FACU): Species that occur usually occur in non-wetlands (67%-99% of the time) but may also occur in wetlands.
5. Upland Plants (UPL): Species that commonly occur in non-wetlands (>99% of the time).

Occasionally, plant species are listed as "NI", indicating they have been reviewed but no regional indicator was assigned, or "NO" indicating no known occurrence in the region. If these instances present themselves the indicator status assigned to the closest adjacent Corps region should be used. If that region does not provide an indicator status, then the species in question is marked as "Not listed (NL)" and is not considered during the determination of hydrophytic vegetation.



Vegetative community types within the Study Area were described according to *Ecological Communities of New York State, Second Edition* (Edinger 2014)² and *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin 1979)³.

2.2 HYDRIC SOILS

The United States Department of Agricultural (USDA) Natural Resource Conservation Service (NRCS) defines hydric soils as *"a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part"* (USDA 2006). Inundation and saturation of a soil, combined with microbial activity causes anaerobic conditions within the soil, leading to oxygen depletion, accumulation of organic matter and/or reducible elements, most notably, iron. To determine the hydric status of a soil, the results of chemical reactions within the soil profile resulting from anaerobic conditions, are investigated based on color. Soil color is determined using the Munsell Soil Color Chart (X-Rite 2009), to establish the Hue, Value and Chroma of a sample. Hydric soil indicators are divided based on the texture of the soil. Indicators designated as "S" are applicable to Sandy Soils, while indicators designated as "F" are applicable to Loamy and Clayey Soils. Indicators listed as "A" are appropriate for All Soils. Hydric soil indicators vary by Regional Supplement.

2.3 WETLAND HYDROLOGY

"The term 'wetland hydrology' encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface, at some time during the growing season" (Environmental Laboratory 1987).

Hydrology indicators provide insight to a locations long-term hydrologic regime. Some hydrology indicators are naturally seasonal. The absence of hydrologic indicators does not necessarily conclude that wetland hydrology is not present. If hydrology indicators are the only parameter not observed it is likely that the location has inundated or saturated soils at some point during the growing season, but not at the time of observation. If hydrophytic vegetation and hydric soils are observed on site, special considerations for the lack of hydrologic indicators should be considered and further information on the locations natural hydraulic regime may be necessary.

² Edinger, G. J., D. J. Evans, S. Gebauer, T. G. Howard, D. M. Hunt, and A. M. Olivero (editors). 2014. *Ecological Communities of New York State*. Second Edition. A revised and expanded edition of Carol Reshke's *Ecological Communities of New York State*. New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY.

³ Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe, 1979. *Classification of wetlands and deepwater habitats of the United States*. U. S. Department of the Interior, Fish and Wildlife Service, Washington, D.C.



3.0 Office Assessment

The following sections describe the mapping, data and resources reviewed prior to the field visit.

3.1 TOPOGRAPHY

The Study Area is located in the United States Geological Survey (USGS) Fairport, NY 7.5' Topographic Quadrangle (2019). Elevation of the Study Area ranges from roughly 405-416 feet above sea level (refer to Figure 1.1, USGS 7.5-minute topographic map for Fairport, NY 2019).

3.2 NATURAL RESOURCE CONSERVATION SERVICE SOIL SURVEY MAPPING

The USDA NRCS Soil Survey for Monroe County, New York was reviewed. The following soil types are mapped within the Study Area:

- Arkport, Dunkirk, and Colonie soils, 20 to 60 percent slopes, eroded (AtF3) – Arkport and Dunkirk are well drained soils and Colonie soils are somewhat excessively drained. The depth to water table and depth to restrictive feature for all three (3) soils are more than 80 inches. AtF3 is classified as “not prime farmland” and is a non-hydric soil (0%, rating 0).
- Collamer silt loam, 0 to 2 percent slopes (CIA) – This soil is moderately well drained. The depth to water table is about 18 to 24 inches and depth to restrictive feature is more than 80 inches. CIA is classified as “all areas are prime farmland” and is a non-hydric soil (0%, rating 0).
- Colonie loamy fine sand, 0 to 6 percent slopes (CoB) – This soil is well drained. The depth to water table and depth to restrictive feature is more than 80 inches. CoB is classified as “all areas are prime farmland” and is a non-hydric soil (0%, rating 0).
- Eel silt loam (Ee) – This soil is moderately well drained. The depth to water table is about 18 to 24 inches and depth to restrictive feature is more than 80 inches. Ee is classified as “all areas are prime farmland” and is a hydric soil (1 to 32%, rating 5).
- Elnora loamy fine sand, 0 to 2 percent slopes (EIA) – This soil is moderately well drained. The depth to water table is about 18 to 24 inches and depth to restrictive feature is more than 80 inches. EIA is classified as “all areas are prime farmland” and is a non-hydric soil (0%, rating 0).
- Muck, deep (Mr) – This soil is very poorly drained. The depth to water table is about 0 inches and depth to restrictive feature is more than 80 inches. Mr is classified as “not prime farmland” and is a hydric soil (66 to 99%, rating 94).

Two (2) out of the six (6) listed soils are considered hydric soils for Monroe County, New York (refer to Figure 3, NRCS Soils Map and Figure 3.1, NRCS Hydric Soils Map).

3.3 NATIONAL WETLANDS INVENTORY MAPPING

The United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Map of the Study Area was reviewed prior to the field delineation. There are no mapped NWI Wetlands within the Study Area. Outside of the Study Area, the NWI map depicts one (1) freshwater forested/shrub wetland (PFO1A) and one (1) riverine wetland (R3UBH) along the eastern border of the Study Area (refer to Figure 4, National Wetland Inventory Map).



3.4 NYSDEC ENVIRONMENTAL RESOURCE MAPPER

The Study Area was reviewed using the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM). The NYSDEC Freshwater Wetland (FWW) PR-6 100-foot adjacent area encroaches on the Study Area within the southeast corner (refer to Figure 5, NYSDEC Freshwater Wetlands and Stream Map). The Study Area is not within the vicinity of "Rare Plants and Rare Animals" or "significant natural communities" (refer to Appendix D, Threatened and Endangered Species Research).

In New York State, water quality of surface waters is classified by the NYSDEC as "A," "B," "C," or "D," with special classifications for water supply sources. A "T" used with the classification indicates the stream may support a trout population. All surface waters with a Classification and/or a Standard of C(T) or better are regulated by New York State. There are no NYS Streams mapped within the Study Area. Irondequoit Creek, a mapped NYS Class B / Standard B(T) (846-11) Stream, flows south to north outside of the eastern boundary of the Study Area.

The Study Area is within the Irondequoit-Ninemile Watershed. The 8-digit Hydrologic Unit Code (HUC) for this watershed is 04040101.

3.5 MAPPED FLOODPLAINS

The United States Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Monroe County, New York was reviewed (refer to Figure 6, FEMA FIRMette Flood Insurance Rate Map). The FEMA flood mapping (Panel #36055C0376G) indicates that the Study Area is within a Zone X- "Area of Minimal Flood Hazard," outside of the FEMA designated 100-year floodplain.

3.6 THREATENED AND ENDANGERED SPECIES REVIEW

An online project review was conducted on the USFWS IPaC website. An Official Species List for the Study Area was obtained on November 20, 2019 (New York Ecological Services Field Office – Consultation Code: 05E1NY00-2020-SLI-0707). According to the Official Species List, there are no threatened, endangered, or candidate species within the Study Area, nor any known critical habitats that would fall under the USFWS's jurisdiction. From the review of the NYSDEC ERM, the Study Area is not within the vicinity of known state-listed species. A copy of the IPaC Official Species List and the NYSDEC ERM results are included in Appendix D.

3.7 CULTURAL RESOURCES

The National Register of Historic Places (NRHP) was reviewed for properties within Monroe County, New York. There are no structures, historic properties or other features of historic significance listed on the National Register within the vicinity of the Study Area. The Study Area is located within an archaeologically sensitive area. A project review with the New York Office of Parks, Recreation and Historic Preservation (OPRHP) would be required to be submitted using the OPRHP's online, GIS based Cultural Resource Information System (CRIS) to obtain a determination that the project will not have an adverse impact on historic resources.

3.8 AGRICULTURAL DISTRICTS

The New York State Department of Agriculture and Markets (NYS DAM) website for the Study Area and Monroe County was reviewed. The Study Area is not located within a mapped Monroe County Agricultural District (refer to Figure 7, New York State Department of Agricultural and Markets).



4.0 Field Delineation

The field delineation was conducted on November 20, 2019 by Stephanie Parsons and Lindsey Russell of Bergmann. The procedures defined by the 1987 Manual and accompanying Northeast Northcentral Regional Supplement were used during the delineation. The boundaries of the delineated wetlands were flagged in the field using pink survey tape and located using a Trimble R1 GNSS receiver and a Yuma 2 tablet computer. Data forms associated with the delineated features are included in Appendix A.

The Study Area is irregular in shape and is surrounded by forested communities. Several unpaved walking trails meander through the Study Area. Vegetative communities identified throughout the Study Area consist of a palustrine scrub-shrub/forested wetland, rich mesophytic forest and unpaved path communities.

Photographs of the Study Area and a figure illustrating the photo are attached in Appendix B.

4.1 WETLANDS AND AQUATIC RESOURCES

The field delineation resulted in the identification of two (2) palustrine scrub/shrub forested wetlands within the Study Area (refer to Appendix C, Wetland and Stream Delineation Map). The two (2) scrub/shrub forested wetlands connect outside of the western boundary of the Study Area forming one larger wetland.

Wetland-1 (W1-13) is a palustrine scrub-shrub/forested wetland (PSS) located in the center of the Study Area. Wetland-1 is located at approximately 43.096041, -77.477089 and is roughly 0.88 acres. Dominant vegetation consisted of red maple (*Acer rubrum*) and green ash (*Fraxinus pennsylvanica*) in the tree stratum, silky dogwood (*Cornus amomum*) and tatarian honeysuckle (*Lonicera tatarica*) in the sapling/shrub stratum, and sedges (*Carex spp.*) and sensitive fern (*Onoclea sensibilis*) within the herbaceous stratum. Observed hydrology indicators included saturation (A3), water-stained leaves (B9), moss trim lines (B16), geomorphic position (D2), microtopographic relief (D4) and passes the FAC-neutral test (D5). The wetland contains loamy/clayey and sandy soils with a soil indicator of redox dark surface (F6). Wetland-1 drains east outside of the Study Area into Irondequoit Creek, a NYS Class B / Standard B(T) (846-11) Stream.

Wetland-1A (W1-23) is a palustrine scrub-shrub/forested wetland (PSS) located along the southern border of the Study Area. Wetland-1A is located at approximately 43.09537, -77.476922 and is about 0.84 acres in size. Dominant vegetation consisted of American sycamore (*Platanus occidentalis*) and red maple in the tree stratum, tatarian honeysuckle (*Lonicera tatarica*), European buckthorn (*Rhamnus cathartica*), and northern spicebush (*Lindera benzoin*) in the sapling/shrub stratum, and sensitive fern within the herbaceous stratum. Observed hydrology indicators included saturation (A3), water-stained leaves (B9), moss trim lines (B16), geomorphic position (D2), microtopographic relief (D4) and passes the FAC-neutral test (D5). The wetland contains loamy/clayey and sandy soils with a soil indicator of redox dark surface (F6). Wetland-1A is hydrologically connected to Wetland-1 outside of the western boundary of the Study Area. Therefore, Wetland-1A is hydrologically connected to Irondequoit Creek.

4.2 UPLANDS

The terrestrial communities defined within the Study Area are made up by rich mesophytic forest and unpaved path communities according to Edinger.

Upland Data Point 1 (UPL-1) was taken at approximately at coordinates 43.097167, -77.476903 in the northern portion of the Study Area. This upland data point falls within a rich mesophytic forest terrestrial community. The



tree stratum primarily consisted of red oak (*Quercus rubrum*). No wetland hydrology indicators were observed, and no hydric soils were observed within this data point.

Upland Data Point 2 (UPL-2) was taken at approximately at coordinates 43.095844, -77.476193 and is a shared upland data point for Wetland-1 and Wetland-1A. This upland data point falls within a rich mesophytic forest terrestrial community. American beech (*Fagus grandifolia*), sugar maple (*Acer saccharum*) and red oak are dominant within the tree stratum. No wetland hydrology indicators were observed, and no hydric soils were observed within this data point.



5.0 Permitting Considerations

5.1 U.S. ARMY CORPS OF ENGINEERS

All delineated wetlands are under the jurisdiction the Corps Buffalo District. If the proposed White Haven Memorial Park Expansion Project results in impacts to these wetlands, the project would require coverage under an applicable 2017 Nationwide Permit (NWP) under Section 404 of the Clean Water Act, provided that all general and regional conditions are met, and impact thresholds are not exceeded. Impacts to wetlands and other waters of the U.S. could be covered under Nationwide Permit 39 for Commercial and Institutional Developments.

NWP-39 Commercial and Institutional Developments: Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields.

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

The permittee must submit a Pre-Construction Notification (PCN) under NWP-39 to the district engineer prior to commencing the activity (See general condition 32.)

Section 401 Water Quality Certification:

The NYSDEC has granted blanket Section 401 Water Quality Certification to NWP-39 in New York State provided that the project complies with all the Special Conditions listed below and General Conditions listed in Section H. Where the Special Conditions differ from the General Conditions, the Special Conditions shall prevail. Any party conducting the activities authorized by this NWP that cannot comply with all these conditions must apply for and obtain an individual Section 401 Water Quality Certification from the NYSDEC.

See Appendix E, Permitting Conditions – 2017 Nationwide Permits, General Conditions, District Engineer's Decision, Further Information, and Definitions – NWP 39, General Condition #32-Pre-Construction Notification).

5.2 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

If the proposed White Haven Memorial Park Expansion Project requires impacts to the delineated wetlands, a Section 401 Water Quality Certification (WQC) from the NYSDEC is required. The NYSDEC has issued a "blanket" WQC for several NWP including NWP-39 where all conditions are met. The blanket WQC allows up to 0.25 acres of cumulative temporary and permanent wetland impacts. Coverage under the blanket WQC would be verified by the Corps and no further coordination would be required. If proposed impacts exceed 0.25 acres or do not meet any other blanket WQC conditions, an individual Section 401 WQC would be required from the NYSDEC.



It is recommended that a jurisdictional request and boundary verification be submitted to the NYSDEC Region 8 for their determination on the connectivity between Wetland-1A to NYSDEC FWW PR-6. NYSDEC FWW PR-6 100-foot adjacent area encroaches on the Study Area within the southeast corner. If impacts to the wetland or its regulated 100-foot adjacent area are proposed, an Article 24 Freshwater Wetland Permit or the Freshwater Wetland Adjacent Area General Permit (GP-0-13-001) would be required.

If the proposed project requires disturbing the bed or banks of a protected stream or watercourse with a classification of AA, A or B, or with a classification of C with a standard (T) or (TS), an Article 15 Permit (Protection of Waters) would be required from the NYSDEC. There are no mapped NYS Streams within the vicinity of the Study Area, therefore an Article 15 Permit may not be required.

If the proposed project requires greater than one (1) acre of earth disturbance coverage under NYSDEC State Pollutant Discharge Elimination System (SPDES) Construction General Permit for Stormwater Discharges (GP-0-15-002) would be required. Coverage includes the preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) and notification to the NYSDEC for intent to use the General Permit prior to the commencement of work.

5.3 LOCAL MUNICIPAL APPROVALS

The Study Area is within a Zone X- "Area of Minimal Flood Hazard," outside of the FEMA designated 100-year floodplain" Therefore it is unlikely that a Floodplain Development Permit from the Town of Pittsford would be required for the proposed White Haven Memorial Park Project.

5.4 NEW YORK STATE DEPARTMENT OF AGRICULTURAL AND MARKETS (NYSDAM)

The Study Area is not located within a mapped Monroe County Agricultural District. An Agricultural Notice of Intent is not required by the NYS Department of Agriculture and Markets.



Figures

White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

SITE LOCATION
MAP

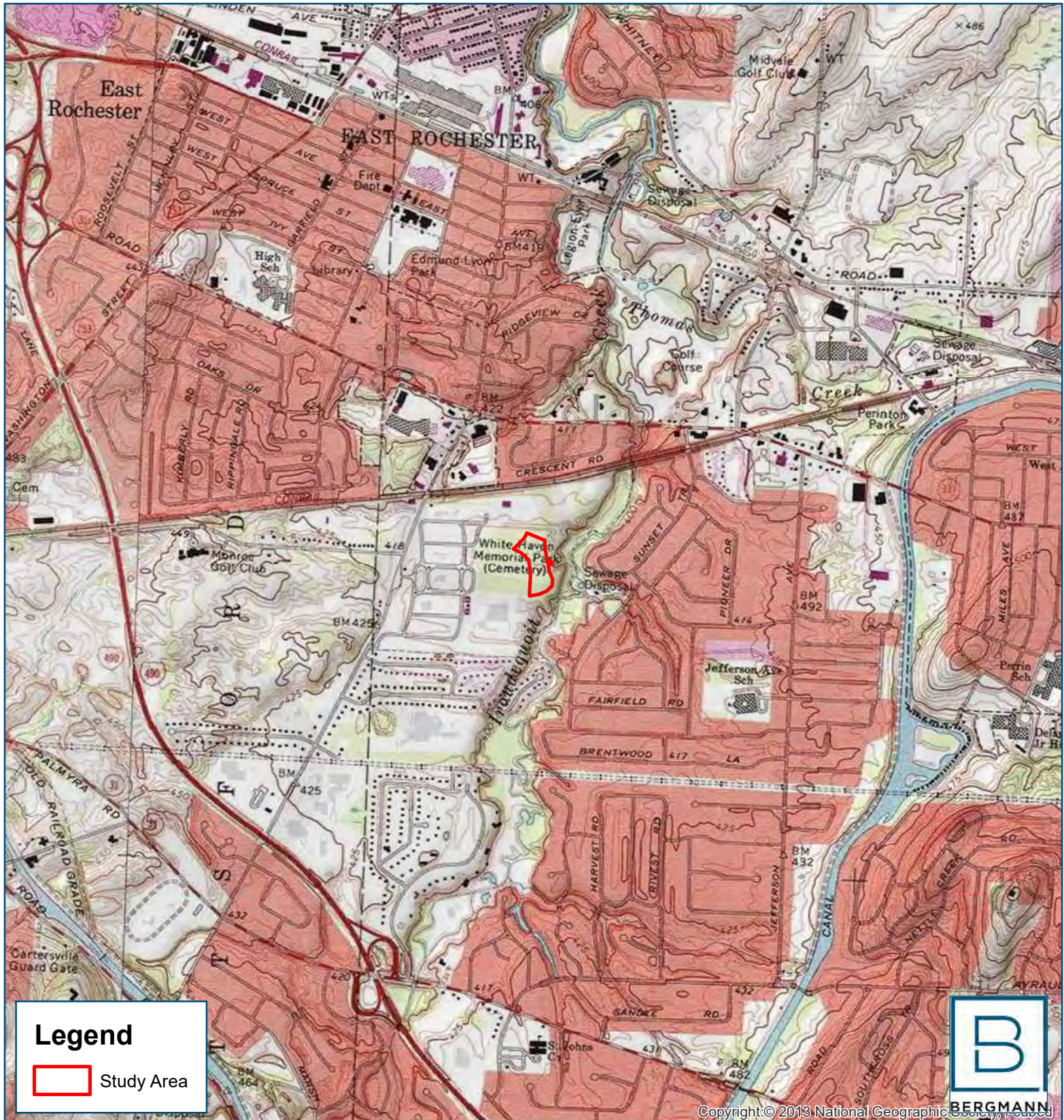
Fig. 1

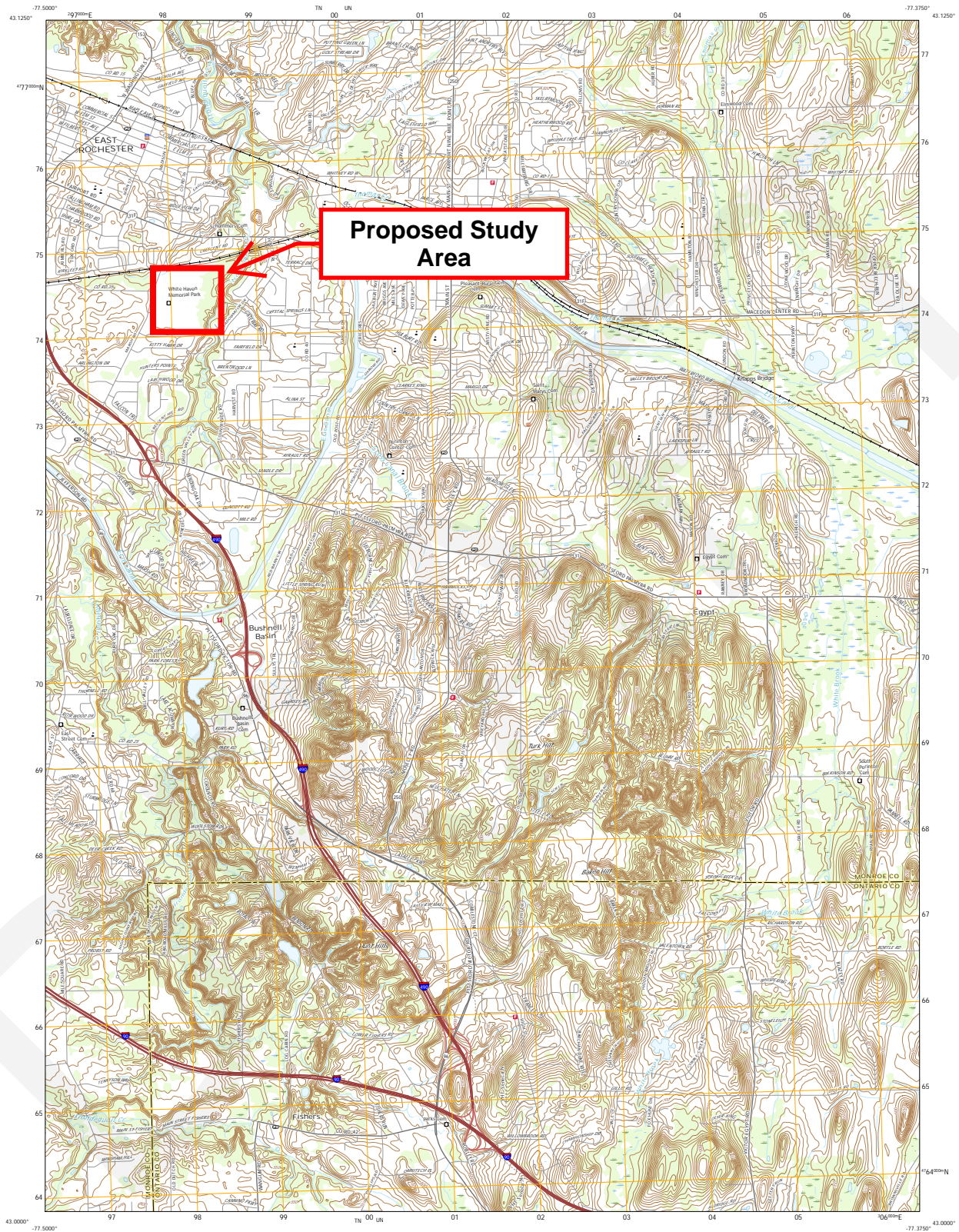
2,000

Feet



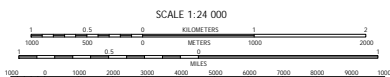
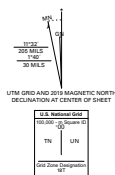
Town of Pittsford, Monroe County, New York





Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid Universal Transverse Mercator, Zone 18T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery: NIP, September 2017 - December 2017
U.S. Census Bureau, 2016
Names: U.S. Census Bureau, 2016
Hydrography: National Hydrography Dataset, 1999 - 2019
Contours: National Elevation Dataset, 1998
Boundaries: Multiple sources; see metadata file 2017 - 2018
Wetlands: FWS National Wetlands Inventory 1985 - 1995



1	2	3
1 Rochester East	2 Webster	3 Ontario
4 Pittsford	5 Mendon	6 Henrieville Falls
7 Victor	8 Canandaigua	

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Bypass	4000
Interstate Route	US Route
	State Route

FAIRPORT, NY
2019



White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

AERIAL LOCATION
MAP

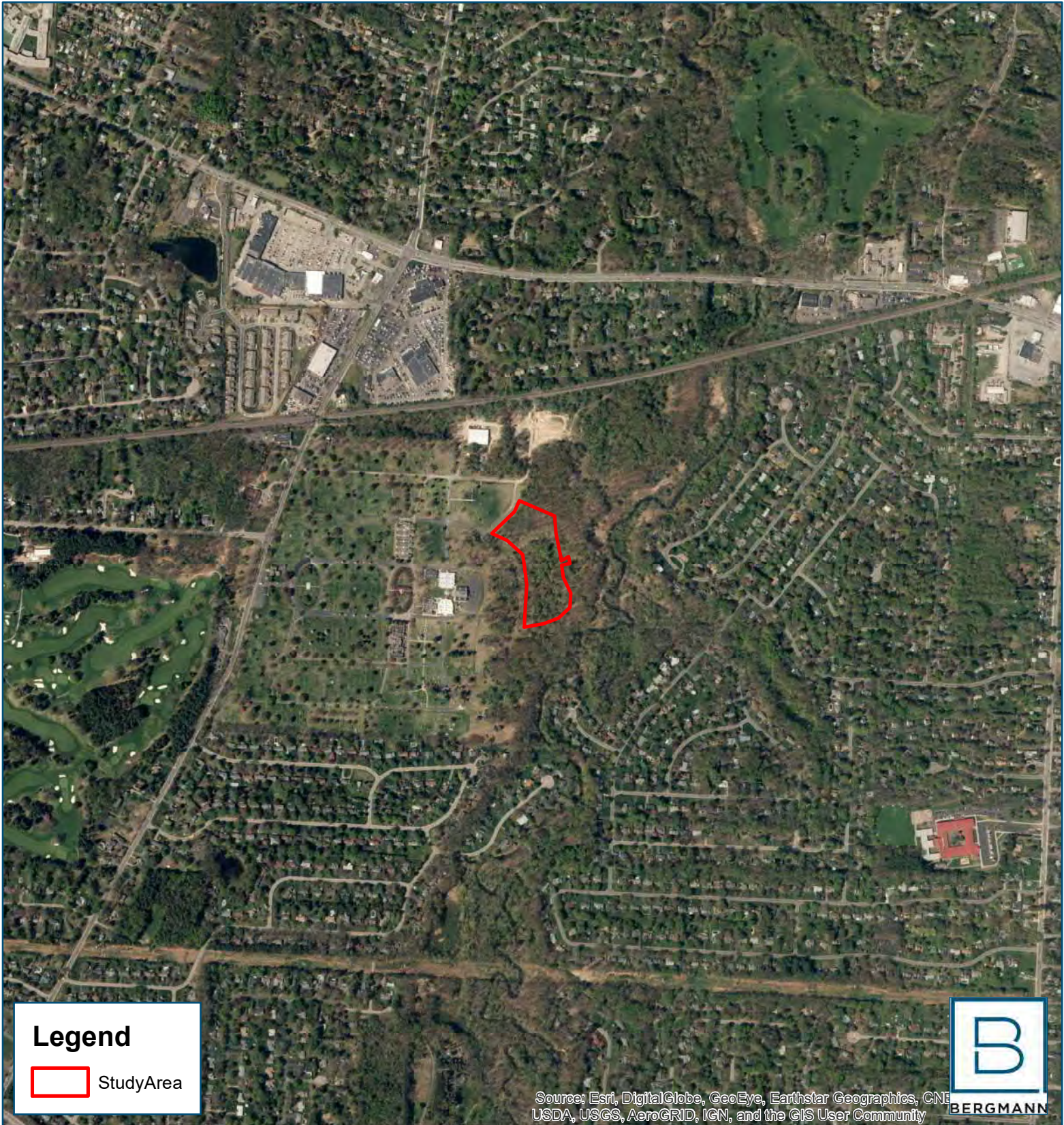
Fig. 2

1,000

Feet



Town of Pittsford, Monroe County, New York



Legend



StudyArea



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR
USDA, USGS, AeroGRID, IGN, and the GIS User Community

White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

NRCS SOILS
SURVEY MAP

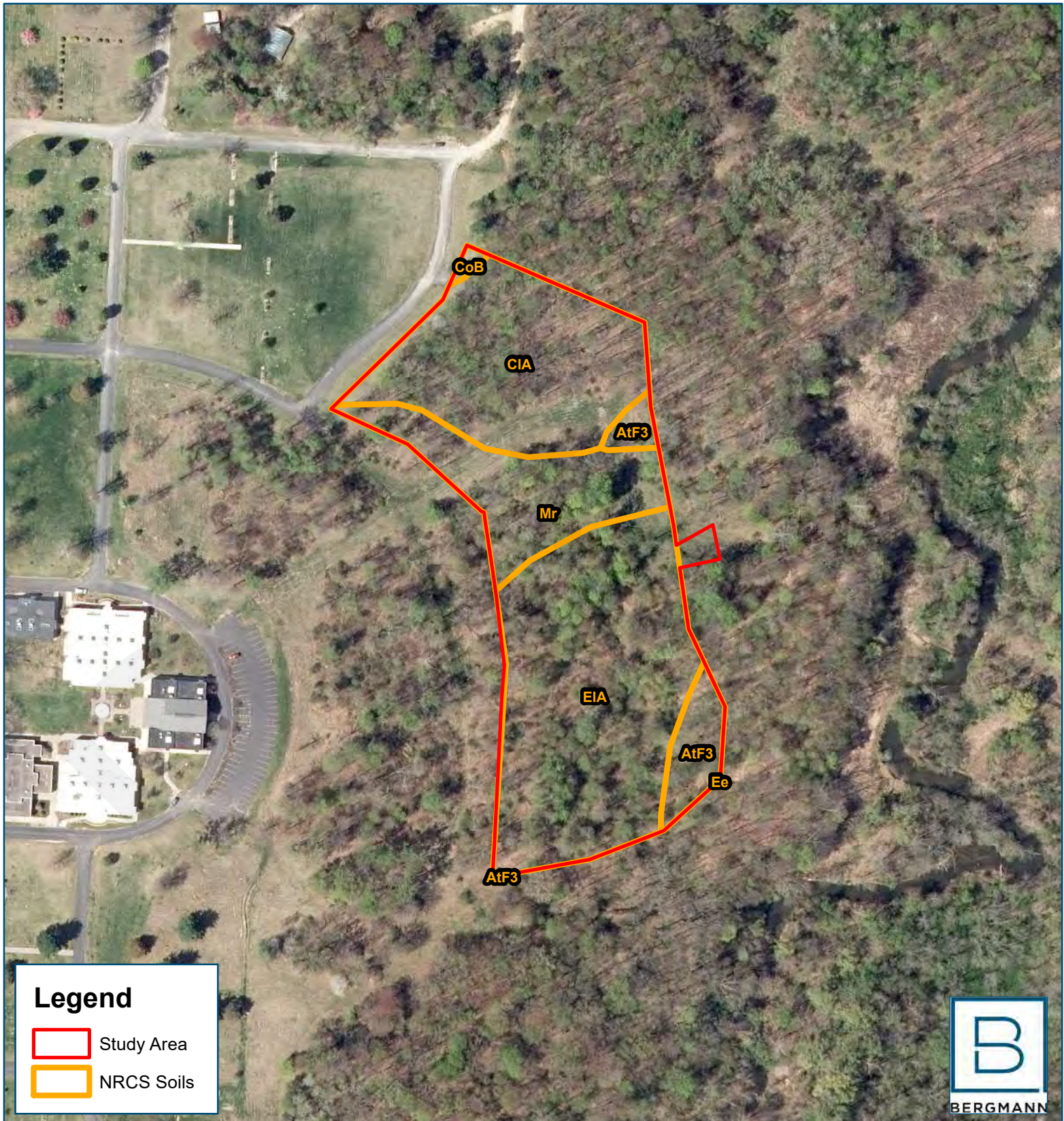
Fig. 3

200

Feet



Town of Pittsford, Monroe County, New York



White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

NRCS HYDRIC SOILS
SURVEY MAP

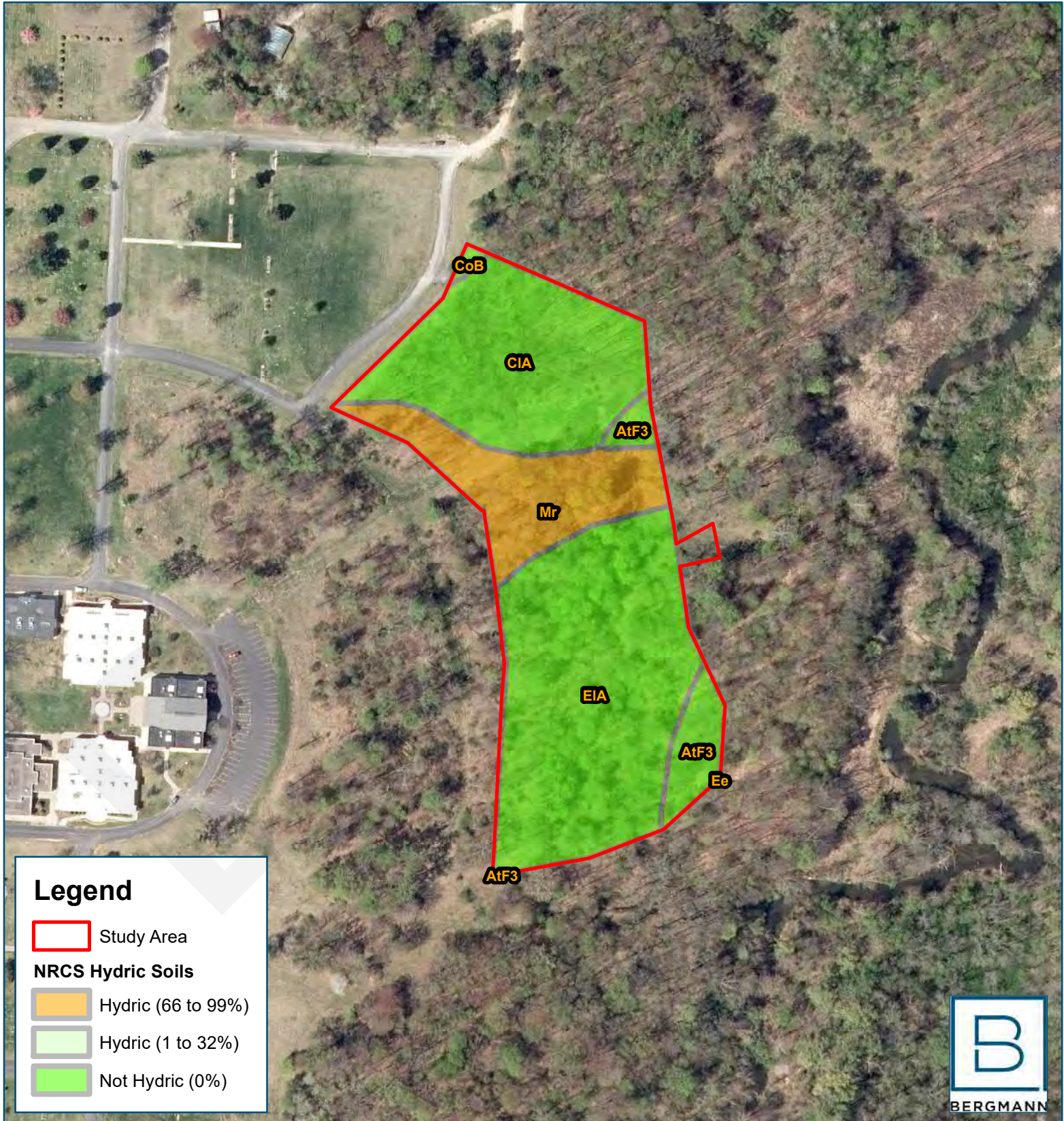
Fig. 3.1

200

Feet



Town of Pittsford, Monroe County, New York



White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

NATIONAL WETLANDS
INVENTORY MAP

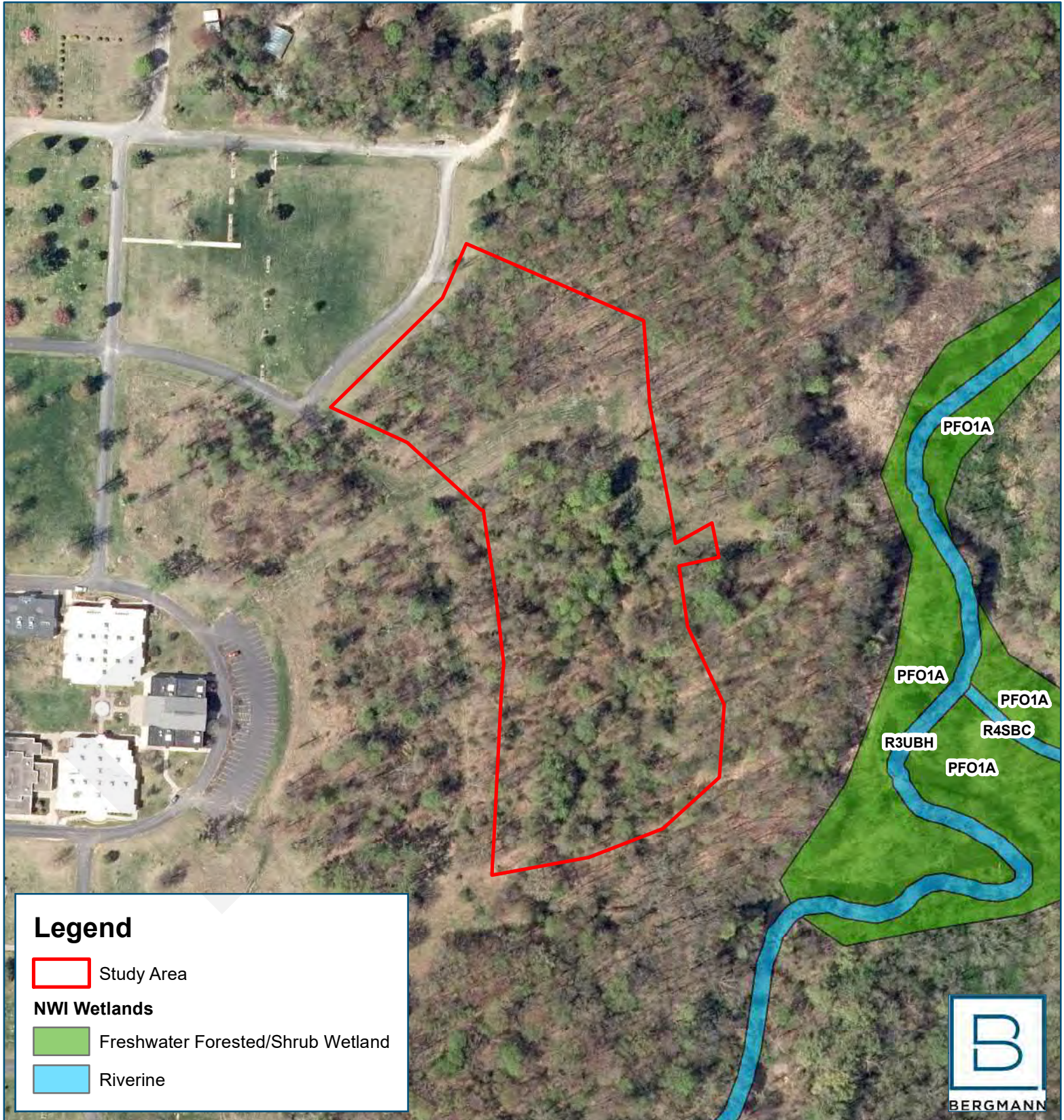
Fig. 4

200

Feet



Town of Pittsford, Monroe County, New York



White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

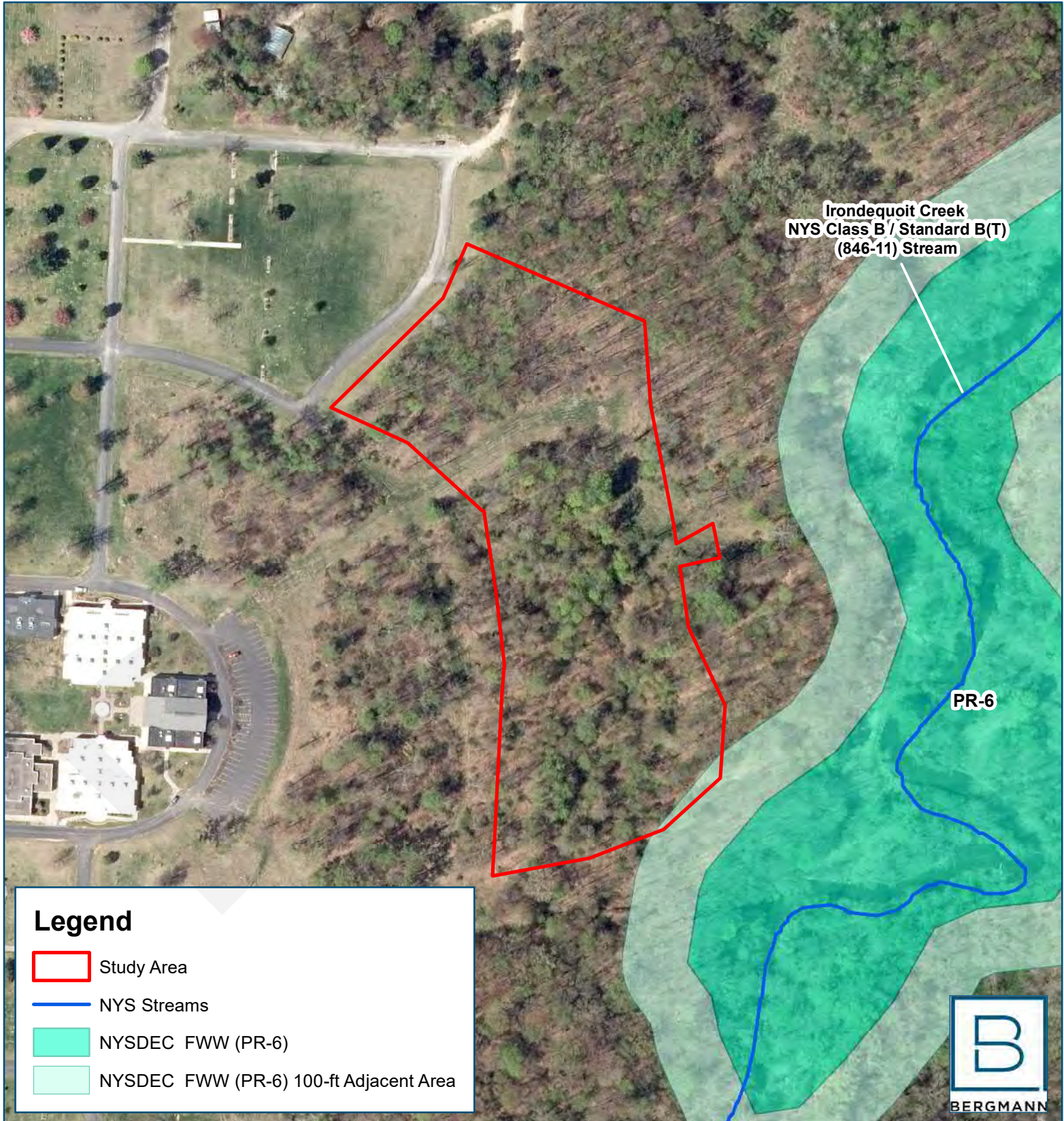
NYSDEC FRESHWATER
WETLANDS & STREAMS MAP

Fig. 5

200
Feet



Town of Pittsford, Monroe County, New York



National Flood Hazard Layer FIRMette



Legend

Fig. 6.0

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/19/2019 at 5:02:30 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

43°5'58.63"N

77°28'56.13"W



0 250 500 1,000 1,500 2,000 Feet 1:6,000

43°5'32.36"N

77°28'18.67"W

White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

NYS DEPARTMENT OF
AGRICULTURE & MARKETS
MAP (2017)

Fig. 7

1,000

Feet



Town of Pittsford, Monroe County, New York

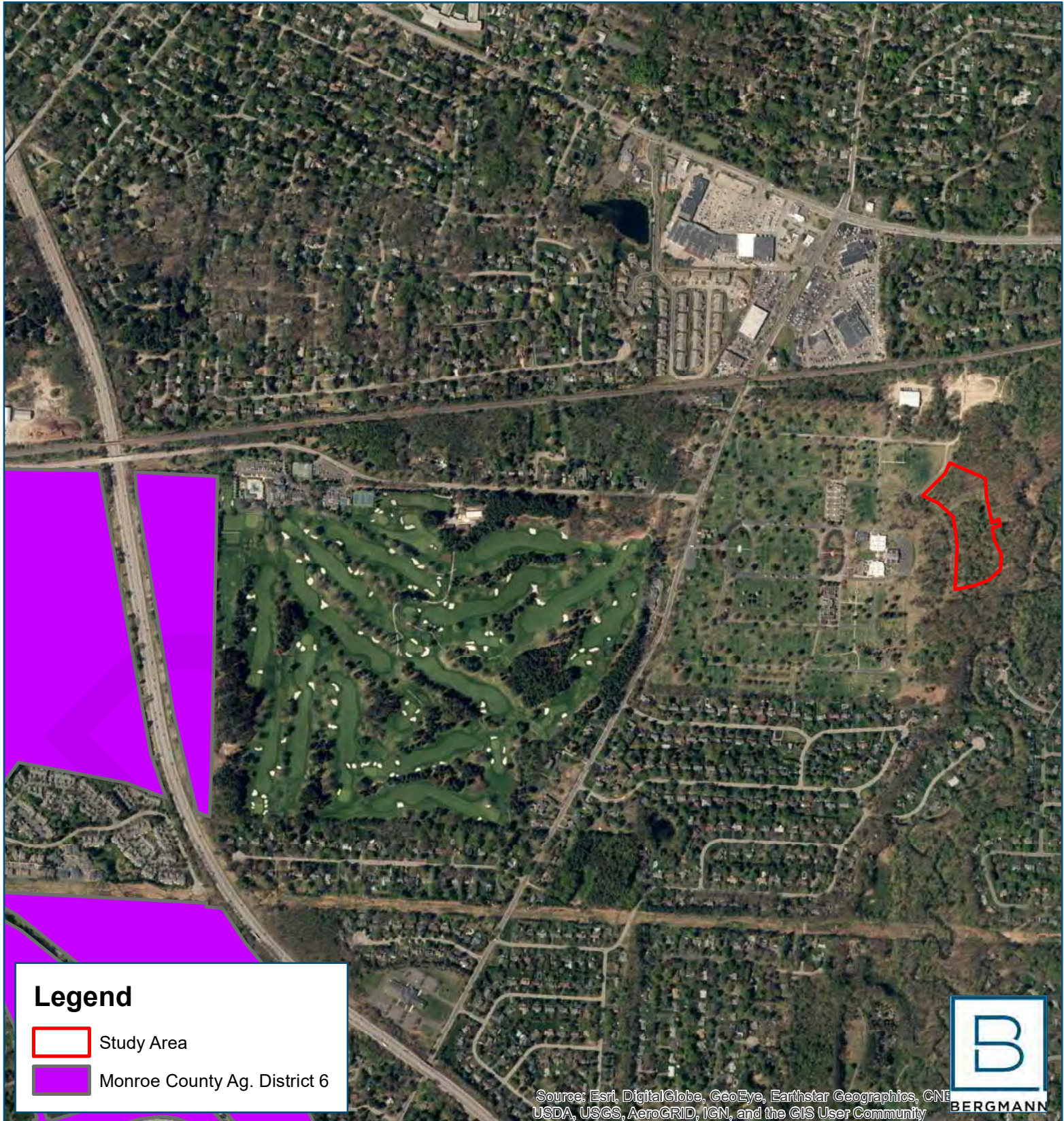
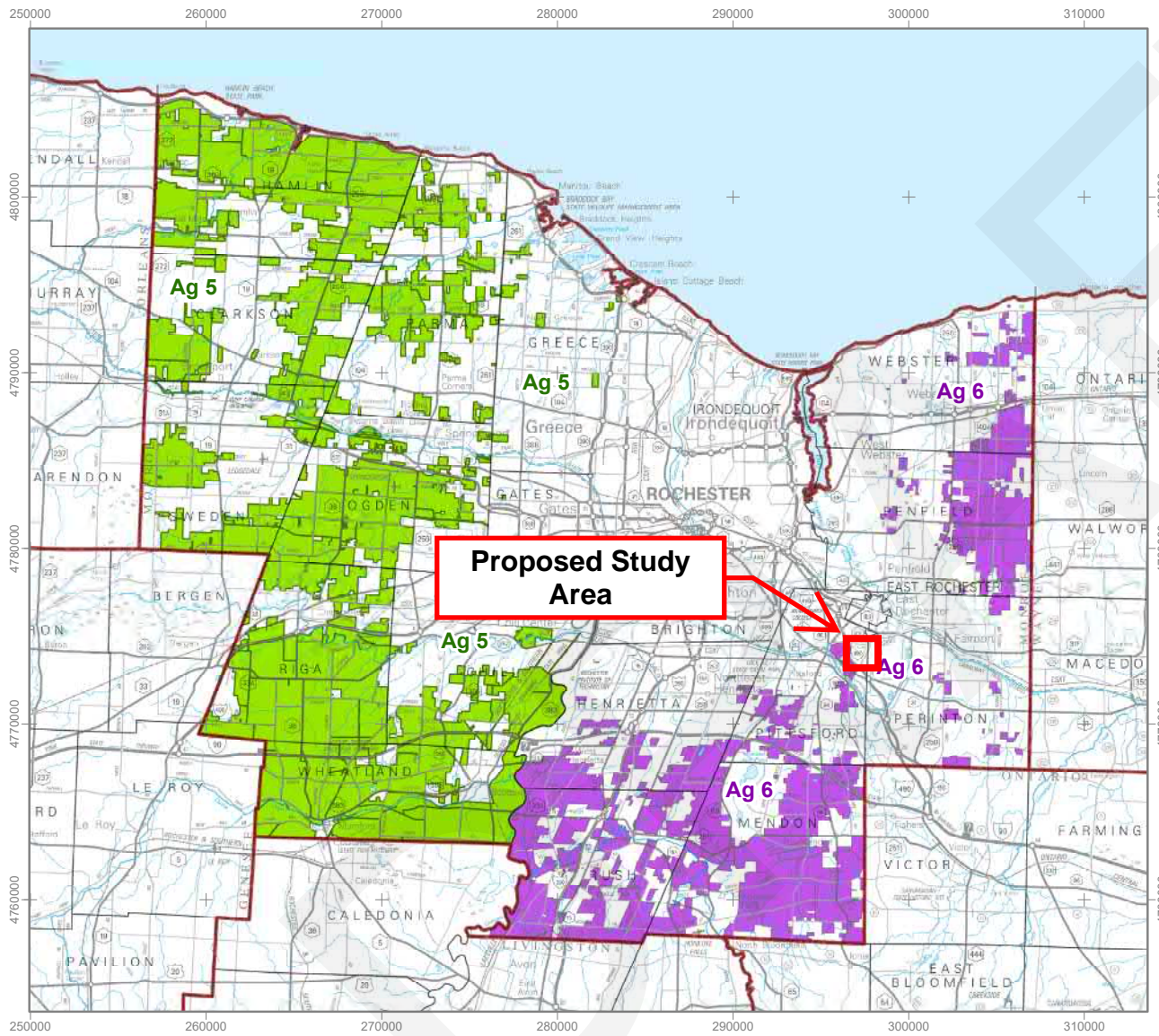


Fig. 7.1

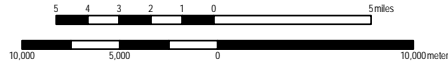
New York State Dept of
Agriculture and Markets

MONROE COUNTY

**Agricultural Districts
2017**



MAP PROJECTION
UTM Zone 18, NAD83 meters



KEY

Cons. Ag. District 5



Cons. Ag. District 6



DISTRICT CERTIFICATIONS and TOWNS

CONSOLIDATED DISTRICT 5 CERTIFIED 3/6/2017

Chili
Clarkson
Gates
Greece
Hamlin
Ogden
Parma
Riga
Sweden
Wheatland

CONSOLIDATED DISTRICT 6 CERTIFIED 3/10/2016

Brighton
Henrietta
Mendon
Penfield
Perinton
Pittsford
Rush
Webster

MAP SOURCE INFORMATION

Map created at Cornell IRIS (Institute for Resource Information Sciences) <http://iris.css.cornell.edu> for the NYS Department of Agriculture and Markets

Agricultural Districts boundary data is available at CUGIR (Cornell University Geospatial Information Repository) website: <http://cugir.mannlib.cornell.edu>

Base Map: state250_bw.tif 1998
Scale: 1:250,000; County boundaries imported from the file nyshore.e00 from the NYSGIS Clearinghouse website: <http://gis.ny.gov>

Base maps contains data copyrighted by the NYS ITS GIS Program.

DISCLAIMER

This is a general reference to Agricultural District boundaries; not a legal substitute for actual tax parcel information.

Boundaries as certified in March 2017 or earlier.

Open Enrollment Annual Additions are not included in this data. Check with county agencies to confirm the status of individual parcels.



BERGMANN

ARCHITECTS ENGINEERS PLANNERS

Appendix A: Wetland Determination Data Forms Northcentral and Northeast Region

DRAFT

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: White Haven Memorial Park Expansion Project City/County: Perinton / Monroe Co. Sampling Date: 11/20/2019
 Applicant/Owner: White Haven Memorial Parks Inc. State: NY Sampling Point: W1-13
 Investigator(s): S. Parsons & L. Russell Section, Township, Range: Town of Perinton
 Landform (hillside, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 0
 Subregion (LRR or MLRA): LRR L Lat: 43.096041 Long: -77.477089 Datum: WGS 84
 Soil Map Unit Name: EIA - Elnora loamy fine sand, 0 to 2 percent slopes NWI classification: PSS/PFO

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation X, Soil X, or Hydrology X significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u> If yes, optional Wetland Site ID: <u>Wetland 1 between flag # 13-14</u>
Hydric Soil Present?	Yes <u>X</u> No <u> </u>	
Wetland Hydrology Present?	Yes <u>X</u> No <u> </u>	
Remarks: (Explain alternative procedures here or in a separate report.) Palustrine scrub-shrub / forested wetland.		

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u> </u> Surface Water (A1) <u>X</u> Water-Stained Leaves (B9) <u> </u> High Water Table (A2) <u> </u> Aquatic Fauna (B13) <u>X</u> Saturation (A3) <u> </u> Marl Deposits (B15) <u> </u> Water Marks (B1) <u> </u> Hydrogen Sulfide Odor (C1) <u> </u> Sediment Deposits (B2) <u> </u> Oxidized Rhizospheres on Living Roots (C3) <u> </u> Drift Deposits (B3) <u> </u> Presence of Reduced Iron (C4) <u> </u> Algal Mat or Crust (B4) <u> </u> Recent Iron Reduction in Tilled Soils (C6) <u> </u> Iron Deposits (B5) <u> </u> Thin Muck Surface (C7) <u> </u> Inundation Visible on Aerial Imagery (B7) <u> </u> Other (Explain in Remarks) <u> </u> Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> <u> </u> Surface Soil Cracks (B6) <u> </u> Drainage Patterns (B10) <u>X</u> Moss Trim Lines (B16) <u> </u> Dry-Season Water Table (C2) <u> </u> Crayfish Burrows (C8) <u> </u> Saturation Visible on Aerial Imagery (C9) <u> </u> Stunted or Stressed Plants (D1) <u>X</u> Geomorphic Position (D2) <u> </u> Shallow Aquitard (D3) <u>X</u> Microtopographic Relief (D4) <u>X</u> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Saturation Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>0</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: Hydrology significantly disturbed due to heavy machinery / logging in the past.		

VEGETATION – Use scientific names of plants.

 Sampling Point: W1-13

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Acer rubrum</u>	<u>25</u>	<u>Yes</u>	<u>FAC</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>5</u> (A) Total Number of Dominant Species Across All Strata: <u>7</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>71.4%</u> (A/B)																
2. <u>Fraxinus pennsylvanica</u>	<u>10</u>	<u>Yes</u>	<u>FACW</u>																	
3. <u>Platanus occidentalis</u>	<u>5</u>	<u>No</u>	<u>FACW</u>																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		<u>40</u>	=Total Cover	Prevalence Index worksheet: <table style="width: 100%;"> <thead> <tr> <th style="width: 40%;">Total % Cover of:</th> <th style="width: 60%;">Multiply by:</th> </tr> </thead> <tbody> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>75</u></td> <td>x 2 = <u>150</u></td> </tr> <tr> <td>FAC species <u>35</u></td> <td>x 3 = <u>105</u></td> </tr> <tr> <td>FACU species <u>5</u></td> <td>x 4 = <u>20</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>115</u></td> <td>(A) <u>275</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>2.39</u></td> </tr> </tbody> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>75</u>	x 2 = <u>150</u>	FAC species <u>35</u>	x 3 = <u>105</u>	FACU species <u>5</u>	x 4 = <u>20</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>115</u>	(A) <u>275</u> (B)	Prevalence Index = B/A = <u>2.39</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>75</u>	x 2 = <u>150</u>																			
FAC species <u>35</u>	x 3 = <u>105</u>																			
FACU species <u>5</u>	x 4 = <u>20</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>115</u>	(A) <u>275</u> (B)																			
Prevalence Index = B/A = <u>2.39</u>																				
Sapling/Shrub Stratum (Plot size: <u>15'</u>)																				
1. <u>Cornus amomum</u>	<u>10</u>	<u>Yes</u>	<u>FACW</u>																	
2. <u>Lonicera tatarica</u>	<u>5</u>	<u>Yes</u>	<u>FACU</u>																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		<u>15</u>	=Total Cover	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>X</u> <u>2</u> - Dominance Test is >50% <u>X</u> <u>3</u> - Prevalence Index is ≤3.0 ¹ <u>4</u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
Herb Stratum (Plot size: <u>05'</u>)																				
1. <u>Carex sp.</u>	<u>45</u>	<u>Yes</u>	_____																	
2. <u>Onoclea sensibilis</u>	<u>40</u>	<u>Yes</u>	<u>FACW</u>																	
3. <u>Phragmites australis</u>	<u>5</u>	<u>No</u>	<u>FACW</u>																	
4. <u>Cornus amomum</u>	<u>5</u>	<u>No</u>	<u>FACW</u>																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
		<u>95</u>	=Total Cover	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.																
Woody Vine Stratum (Plot size: <u>30'</u>)																				
1. <u>Vitis riparia</u>	<u>10</u>	<u>Yes</u>	<u>FAC</u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
		<u>10</u>	=Total Cover																	

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: W1-13

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10YR 2/1	95	10YR 4/6	5	C	M	Loamy/Clayey	Prominent redox concentrations
5-8	7.5YR 2.5/1	90	10YR 3/6	10	C	M	Loamy/Clayey	Prominent redox concentrations
8-11	10YR 3/1	90	10YR 5/6	10	C	M	Sandy	Prominent redox concentrations
11-20	10YR 3/1	55	10YR 5/6	30	C	M	Sandy	Prominent redox concentrations
			10YR 2/1	5	D	M		
			10YR 5/8	10	C	M		Prominent redox concentrations

Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

Histosol (A1)
Histic Epipedon (A2)
Black Histic (A3)
Hydrogen Sulfide (A4)
Stratified Layers (A5)
Depleted Below Dark Surface (A11)
Thick Dark Surface (A12)
Sandy Mucky Mineral (S1)
Sandy Gleyed Matrix (S4)
Sandy Redox (S5)
Stripped Matrix (S6)
Dark Surface (S7)

Polyvalue Below Surface (S8) (LRR R,
MLRA 149B)

Thin Dark Surface (S9) (LRR R, MLRA 149B)
High Chroma Sands (S11) (LRR K, L)
Loamy Mucky Mineral (F1) (LRR K, L)
Loamy Gleyed Matrix (F2)
Depleted Matrix (F3)
X Redox Dark Surface (F6)
Depleted Dark Surface (F7)
Redox Depressions (F8)
Marl (F10) (LRR K, L)

Indicators for Problematic Hydric Soils:

2 cm Muck (A10) (LRR K, L, MLRA 149B)
Coast Prairie Redox (A16) (LRR K, L, R)
5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
Polyvalue Below Surface (S8) (LRR K, L)
Thin Dark Surface (S9) (LRR K, L)
Iron-Manganese Masses (F12) (LRR K, L, R)
Piedmont Floodplain Soils (F19) (MLRA 149B)
Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
Red Parent Material (F21)
Very Shallow Dark Surface (TF12)
Other (Explain in Remarks)

Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):Type:
Depth (inches):

Hydric Soil Present? Yes X No

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to reflect the NRCS Field Indicators of Hydric Soils version 7.0 March 2013 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: White Haven Memorial Park Expansion Project City/County: Perinton / Monroe Co. Sampling Date: 11/20/2019
 Applicant/Owner: White Haven Memorial Parks Inc. State: NY Sampling Point: W1A-23
 Investigator(s): S. Parsons & L. Russell Section, Township, Range: Town of Perinton
 Landform (hillside, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 0
 Subregion (LRR or MLRA): LRR L Lat: 43.09537 Long: -77.476922 Datum: WGS 84
 Soil Map Unit Name: EIA - Elnora loamy fine sand, 0 to 2 percent slopes NWI classification: PSS/PFO

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation X, Soil X, or Hydrology X significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u> If yes, optional Wetland Site ID: <u>Wetland 1A between flag # 22-23</u>
Hydric Soil Present?	Yes <u>X</u> No <u> </u>	
Wetland Hydrology Present?	Yes <u>X</u> No <u> </u>	
Remarks: (Explain alternative procedures here or in a separate report.) Palustrine scrub-shrub / forested wetland.		

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u> </u> Surface Water (A1) <u>X</u> Water-Stained Leaves (B9) <u> </u> High Water Table (A2) <u> </u> Aquatic Fauna (B13) <u>X</u> Saturation (A3) <u> </u> Marl Deposits (B15) <u> </u> Water Marks (B1) <u> </u> Hydrogen Sulfide Odor (C1) <u> </u> Sediment Deposits (B2) <u> </u> Oxidized Rhizospheres on Living Roots (C3) <u> </u> Drift Deposits (B3) <u> </u> Presence of Reduced Iron (C4) <u> </u> Algal Mat or Crust (B4) <u> </u> Recent Iron Reduction in Tilled Soils (C6) <u> </u> Iron Deposits (B5) <u> </u> Thin Muck Surface (C7) <u> </u> Inundation Visible on Aerial Imagery (B7) <u> </u> Other (Explain in Remarks) <u> </u> Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> <u> </u> Surface Soil Cracks (B6) <u> </u> Drainage Patterns (B10) <u>X</u> Moss Trim Lines (B16) <u> </u> Dry-Season Water Table (C2) <u> </u> Crayfish Burrows (C8) <u> </u> Saturation Visible on Aerial Imagery (C9) <u> </u> Stunted or Stressed Plants (D1) <u>X</u> Geomorphic Position (D2) <u> </u> Shallow Aquitard (D3) <u>X</u> Microtopographic Relief (D4) <u>X</u> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Saturation Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>0</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: Hydrology significantly disturbed due to heavy machinery / logging in the past.		

VEGETATION – Use scientific names of plants.

 Sampling Point: W1A-23

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Platanus occidentalis</u>	<u>25</u>	<u>Yes</u>	<u>FACW</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>6</u> (A) Total Number of Dominant Species Across All Strata: <u>7</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>85.7%</u> (A/B)																
2. <u>Acer rubrum</u>	<u>20</u>	<u>Yes</u>	<u>FAC</u>																	
3. <u>Quercus palustris</u>	<u>5</u>	<u>No</u>	<u>FACW</u>																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		<u>50</u>	=Total Cover	Prevalence Index worksheet: <table style="width: 100%;"> <thead> <tr> <th style="width: 40%;">Total % Cover of:</th> <th style="width: 60%;">Multiply by:</th> </tr> </thead> <tbody> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>115</u></td> <td>x 2 = <u>230</u></td> </tr> <tr> <td>FAC species <u>38</u></td> <td>x 3 = <u>114</u></td> </tr> <tr> <td>FACU species <u>10</u></td> <td>x 4 = <u>40</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>163</u> (A)</td> <td><u>384</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>2.36</u></td> </tr> </tbody> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>115</u>	x 2 = <u>230</u>	FAC species <u>38</u>	x 3 = <u>114</u>	FACU species <u>10</u>	x 4 = <u>40</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>163</u> (A)	<u>384</u> (B)	Prevalence Index = B/A = <u>2.36</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>115</u>	x 2 = <u>230</u>																			
FAC species <u>38</u>	x 3 = <u>114</u>																			
FACU species <u>10</u>	x 4 = <u>40</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>163</u> (A)	<u>384</u> (B)																			
Prevalence Index = B/A = <u>2.36</u>																				
Sapling/Shrub Stratum (Plot size: <u>15'</u>)																				
1. <u>Lonicera tatarica</u>	<u>10</u>	<u>Yes</u>	<u>FACU</u>																	
2. <u>Rhamnus cathartica</u>	<u>8</u>	<u>Yes</u>	<u>FAC</u>																	
3. <u>Lindera benzoin</u>	<u>5</u>	<u>Yes</u>	<u>FACW</u>																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		<u>23</u>	=Total Cover	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>X</u> <u>2</u> - Dominance Test is >50% <u>X</u> <u>3</u> - Prevalence Index is ≤3.0 ¹ <u>4</u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
Herb Stratum (Plot size: <u>05'</u>)																				
1. <u>Onoclea sensibilis</u>	<u>60</u>	<u>Yes</u>	<u>FACW</u>																	
2. <u>Onoclea sensibilis</u>	<u>10</u>	<u>No</u>	<u>FACW</u>																	
3. <u>Symphyotrichum novae-angliae</u>	<u>10</u>	<u>No</u>	<u>FACW</u>																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
		<u>80</u>	=Total Cover	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.																
Woody Vine Stratum (Plot size: <u>30'</u>)																				
1. <u>Vitis riparia</u>	<u>10</u>	<u>Yes</u>	<u>FAC</u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
		<u>10</u>	=Total Cover																	

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: W1A-23

[illegible]

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: White Haven Memorial Park Expansion Project City/County: Perinton / Monroe Co. Sampling Date: 11/20/2019
Applicant/Owner: White Haven Memorial Parks Inc. State: NY Sampling Point: UPL-1
Investigator(s): S. Parsons & L. Russell Section, Township, Range: Town of Perinton
Landform (hillside, terrace, etc.): Forested Local relief (concave, convex, none): None Slope (%): 0
Subregion (LRR or MLRA): LRR L Lat: 43.097167 Long: -77.476903 Datum: WGS 84
Soil Map Unit Name: CIA - Collamer silt loam, 0 to 2 percent slopes NWI classification: UPL-1

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
Are Vegetation X, Soil X, or Hydrology X significantly disturbed? Are "Normal Circumstances" present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u> </u> No <u>X</u>	Is the Sampled Area within a Wetland? Yes <u> </u> No <u>X</u> If yes, optional Wetland Site ID: <u>UPL-1</u>
Hydric Soil Present? Yes <u> </u> No <u>X</u>	
Wetland Hydrology Present? Yes <u> </u> No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.) Rich mesophytic forest terrestrial community.	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u> </u> Surface Water (A1) <u> </u> Water-Stained Leaves (B9) <u> </u> High Water Table (A2) <u> </u> Aquatic Fauna (B13) <u> </u> Saturation (A3) <u> </u> Marl Deposits (B15) <u> </u> Water Marks (B1) <u> </u> Hydrogen Sulfide Odor (C1) <u> </u> Sediment Deposits (B2) <u> </u> Oxidized Rhizospheres on Living Roots (C3) <u> </u> Drift Deposits (B3) <u> </u> Presence of Reduced Iron (C4) <u> </u> Algal Mat or Crust (B4) <u> </u> Recent Iron Reduction in Tilled Soils (C6) <u> </u> Iron Deposits (B5) <u> </u> Thin Muck Surface (C7) <u> </u> Inundation Visible on Aerial Imagery (B7) <u> </u> Other (Explain in Remarks) <u> </u> Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> <u> </u> Surface Soil Cracks (B6) <u> </u> Drainage Patterns (B10) <u> </u> Moss Trim Lines (B16) <u> </u> Dry-Season Water Table (C2) <u> </u> Crayfish Burrows (C8) <u> </u> Saturation Visible on Aerial Imagery (C9) <u> </u> Stunted or Stressed Plants (D1) <u> </u> Geomorphic Position (D2) <u> </u> Shallow Aquitard (D3) <u> </u> Microtopographic Relief (D4) <u> </u> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Saturation Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u> </u> No <u>X</u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION – Use scientific names of plants.

 Sampling Point: UPL-1

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Quercus rubra</u>	<u>65</u>	<u>Yes</u>	<u>FACU</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>25.0%</u> (A/B)																
2. <u>Carya ovata</u>	<u>10</u>	<u>No</u>	<u>FACU</u>																	
3. <u>Fagus grandifolia</u>	<u>5</u>	<u>No</u>	<u>FACU</u>																	
4. <u>Prunus serotina</u>	<u>5</u>	<u>No</u>	<u>FACU</u>																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		<u>85</u>	=Total Cover	Prevalence Index worksheet: <table style="width: 100%;"> <thead> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> </thead> <tbody> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>10</u></td> <td>x 3 = <u>30</u></td> </tr> <tr> <td>FACU species <u>110</u></td> <td>x 4 = <u>440</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>120</u></td> <td>(A) <u>470</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>3.92</u></td> </tr> </tbody> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>10</u>	x 3 = <u>30</u>	FACU species <u>110</u>	x 4 = <u>440</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>120</u>	(A) <u>470</u> (B)	Prevalence Index = B/A = <u>3.92</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>10</u>	x 3 = <u>30</u>																			
FACU species <u>110</u>	x 4 = <u>440</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>120</u>	(A) <u>470</u> (B)																			
Prevalence Index = B/A = <u>3.92</u>																				
Sapling/Shrub Stratum (Plot size: <u>15'</u>)																				
1. <u>Lonicera tatarica</u>	<u>10</u>	<u>Yes</u>	<u>FACU</u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		<u>10</u>	=Total Cover	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>2</u> - Dominance Test is >50% <u>3</u> - Prevalence Index is ≤3.0 ¹ <u>4</u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
Herb Stratum (Plot size: <u>05'</u>)																				
1. <u>Lonicera tatarica</u>	<u>15</u>	<u>Yes</u>	<u>FACU</u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
		<u>15</u>	=Total Cover	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.																
Woody Vine Stratum (Plot size: <u>30'</u>)																				
1. <u>Toxicodendron radicans</u>	<u>10</u>	<u>Yes</u>	<u>FAC</u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
		<u>10</u>	=Total Cover																	

Remarks: (Include photo numbers here or on a separate sheet.)

Understory was heavily browsed.

SOIL

Sampling Point: UPL-1

[illegible]

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: White Haven Memorial Park Expansion Project City/County: Perinton / Monroe Co. Sampling Date: 11/20/2019
 Applicant/Owner: White Haven Memorial Parks Inc. State: NY Sampling Point: UPL-2
 Investigator(s): S. Parsons & L. Russell Section, Township, Range: Town of Perinton
 Landform (hillside, terrace, etc.): Forested Local relief (concave, convex, none): None Slope (%): 0
 Subregion (LRR or MLRA): LRR L Lat: 43.095844 Long: -77.476193 Datum: WGS 84
 Soil Map Unit Name: EIA - Elnora loamy fine sand, 0 to 2 percent slopes NWI classification: UPL-2

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation X, Soil X, or Hydrology X significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u> </u> No <u>X</u>	Is the Sampled Area within a Wetland? Yes <u> </u> No <u>X</u> If yes, optional Wetland Site ID: <u>UPL-2</u>
Hydric Soil Present?	Yes <u> </u> No <u>X</u>	
Wetland Hydrology Present?	Yes <u> </u> No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.) Rich mesophytic forest terrestrial community. Shared upland data point for Wetland-1 and Wetland-1A.		

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u> </u> Surface Water (A1) <u> </u> Water-Stained Leaves (B9) <u> </u> High Water Table (A2) <u> </u> Aquatic Fauna (B13) <u> </u> Saturation (A3) <u> </u> Marl Deposits (B15) <u> </u> Water Marks (B1) <u> </u> Hydrogen Sulfide Odor (C1) <u> </u> Sediment Deposits (B2) <u> </u> Oxidized Rhizospheres on Living Roots (C3) <u> </u> Drift Deposits (B3) <u> </u> Presence of Reduced Iron (C4) <u> </u> Algal Mat or Crust (B4) <u> </u> Recent Iron Reduction in Tilled Soils (C6) <u> </u> Iron Deposits (B5) <u> </u> Thin Muck Surface (C7) <u> </u> Inundation Visible on Aerial Imagery (B7) <u> </u> Other (Explain in Remarks) <u> </u> Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> <u> </u> Surface Soil Cracks (B6) <u> </u> Drainage Patterns (B10) <u> </u> Moss Trim Lines (B16) <u> </u> Dry-Season Water Table (C2) <u> </u> Crayfish Burrows (C8) <u> </u> Saturation Visible on Aerial Imagery (C9) <u> </u> Stunted or Stressed Plants (D1) <u> </u> Geomorphic Position (D2) <u> </u> Shallow Aquitard (D3) <u> </u> Microtopographic Relief (D4) <u> </u> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Saturation Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u> </u> No <u>X</u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION – Use scientific names of plants.

 Sampling Point: UPL-2

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Fagus grandifolia</u>	<u>30</u>	<u>Yes</u>	<u>FACU</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>5</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>20.0%</u> (A/B)																
2. <u>Acer saccharum</u>	<u>20</u>	<u>Yes</u>	<u>FACU</u>																	
3. <u>Quercus rubra</u>	<u>15</u>	<u>Yes</u>	<u>FACU</u>																	
4. <u>Prunus serotina</u>	<u>5</u>	<u>No</u>	<u>FACU</u>																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		<u>70</u>	=Total Cover	Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th style="width: 50%;">Total % Cover of:</th> <th style="width: 50%;">Multiply by:</th> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>5</u></td> <td>x 3 = <u>15</u></td> </tr> <tr> <td>FACU species <u>75</u></td> <td>x 4 = <u>300</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>80</u></td> <td>(A) <u>315</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>3.94</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>5</u>	x 3 = <u>15</u>	FACU species <u>75</u>	x 4 = <u>300</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>80</u>	(A) <u>315</u> (B)	Prevalence Index = B/A = <u>3.94</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>5</u>	x 3 = <u>15</u>																			
FACU species <u>75</u>	x 4 = <u>300</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>80</u>	(A) <u>315</u> (B)																			
Prevalence Index = B/A = <u>3.94</u>																				
Sapling/Shrub Stratum (Plot size: <u>15'</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
		_____	=Total Cover	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>2</u> - Dominance Test is >50% <u>3</u> - Prevalence Index is ≤3.0 ¹ <u>4</u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
Herb Stratum (Plot size: <u>05'</u>)																				
1. <u>Lonicera tatarica</u>	<u>5</u>	<u>Yes</u>	<u>FACU</u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
		<u>5</u>	=Total Cover	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.																
Woody Vine Stratum (Plot size: <u>30'</u>)																				
1. <u>Toxicodendron radicans</u>	<u>5</u>	<u>Yes</u>	<u>FAC</u>																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
		<u>5</u>	=Total Cover																	

Remarks: (Include photo numbers here or on a separate sheet.)

Understory was heavily browsed.

SOIL

Sampling Point: UPL-2

[illegible]



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ARCHITECTS ENGINEERS PLANNERS

Appendix B:
Photo Location Map &
Representative Site Photographs

DRAFT

White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

PHOTO LOCATION
MAP

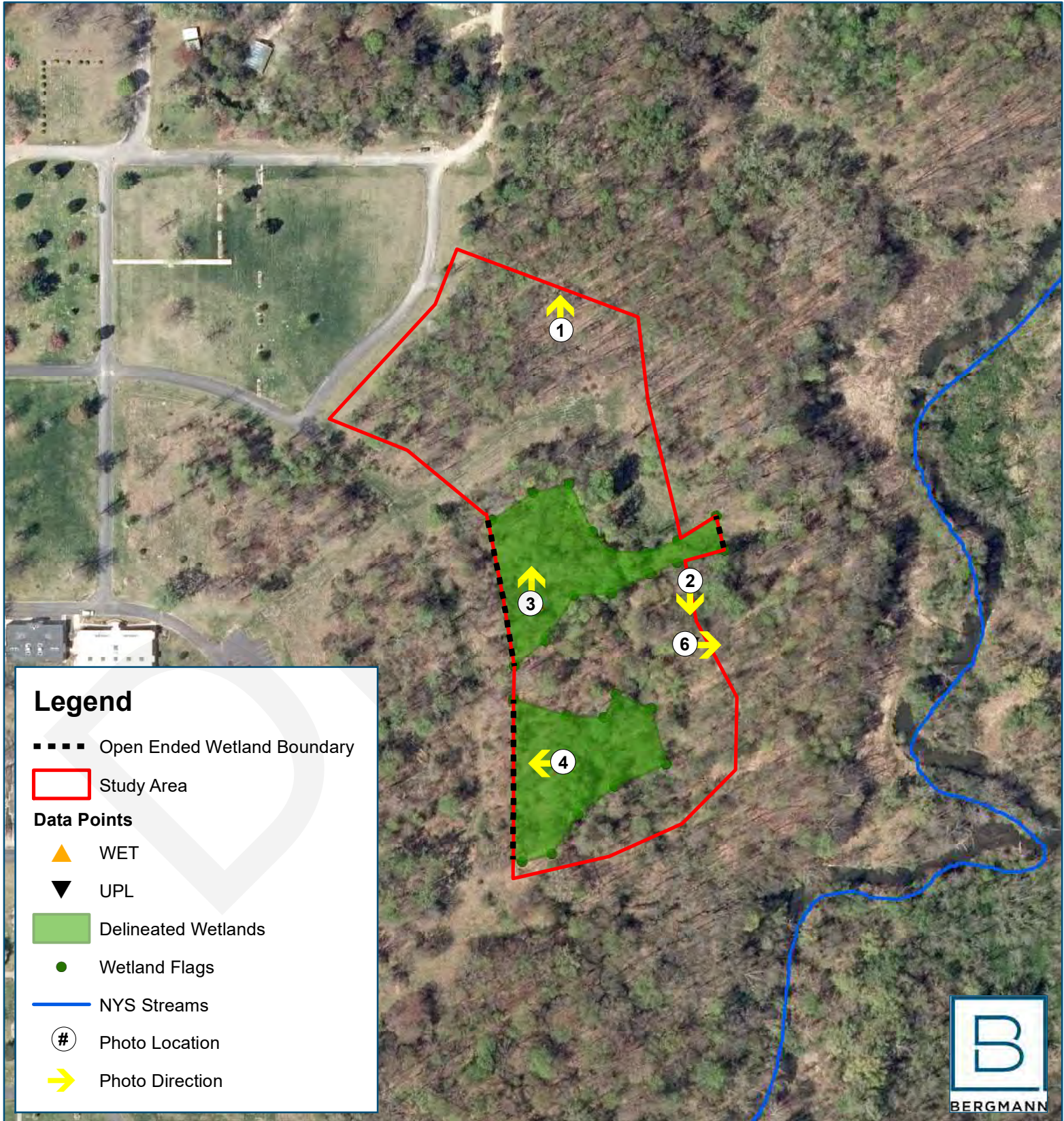
App. B

200

Feet



Town of Pittsford, Monroe County, New York





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ARCHITECTS ENGINEERS PLANNERS

White Haven Memorial Parks, Inc. -
White Haven Memorial Park Expansion Project
Wetland Delineation Report
Town of Pittsford, Monroe County, New York - 11-20-2019



Ph.01: View toward the north of forested uplands located in the northern portion of the Study Area.



Ph.02: View south of an existing unpaved walking trail within the Study Area.





Ph.03: Northern view of Wetland-1 (W1-13).
Shrub-shrub wetland located in the center of the Study Area.



Ph.04: Western view of Wetland-1A (W1-23).
Shrub-shrub wetland located in the southern portion of the Study Area.



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ARCHITECTS ENGINEERS PLANNERS



Ph.05: Northern view of Upland Data Point 1 (UPL-1).

Rich mesophytic forested terrestrial community within the northern portion of the Study Area.



Ph.06: Eastern view of Upland Data Point 2 (UPL-2).

Rich mesophytic forested terrestrial community within the eastern portion of the Study Area.



Appendix C: Wetland Determination Map

White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

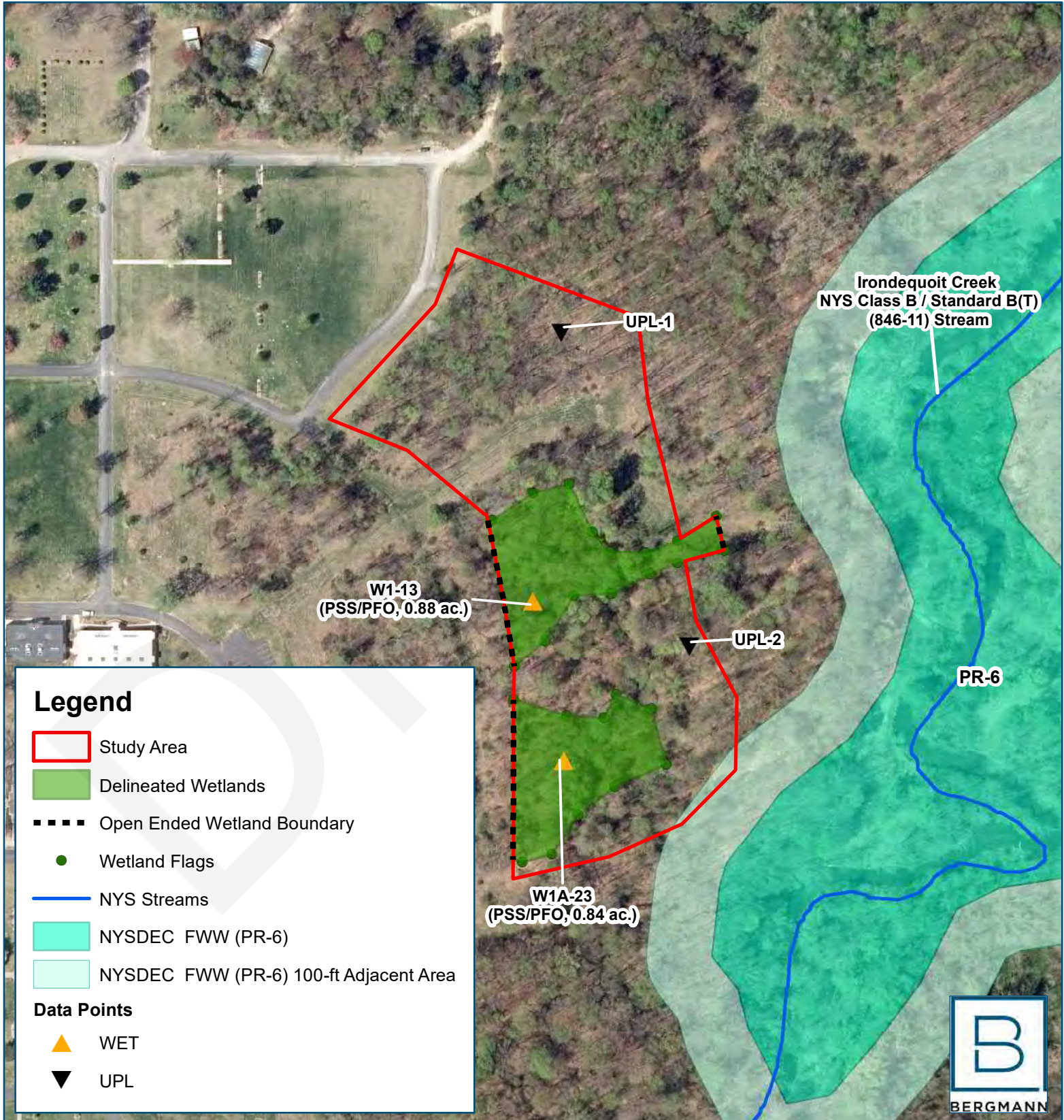
WETLAND AND STREAM
DELINEATION MAP

App. C

200
Feet



Town of Pittsford, Monroe County, New York



White Haven Memorial Parks, Inc. White Haven Memorial Park Expansion Project

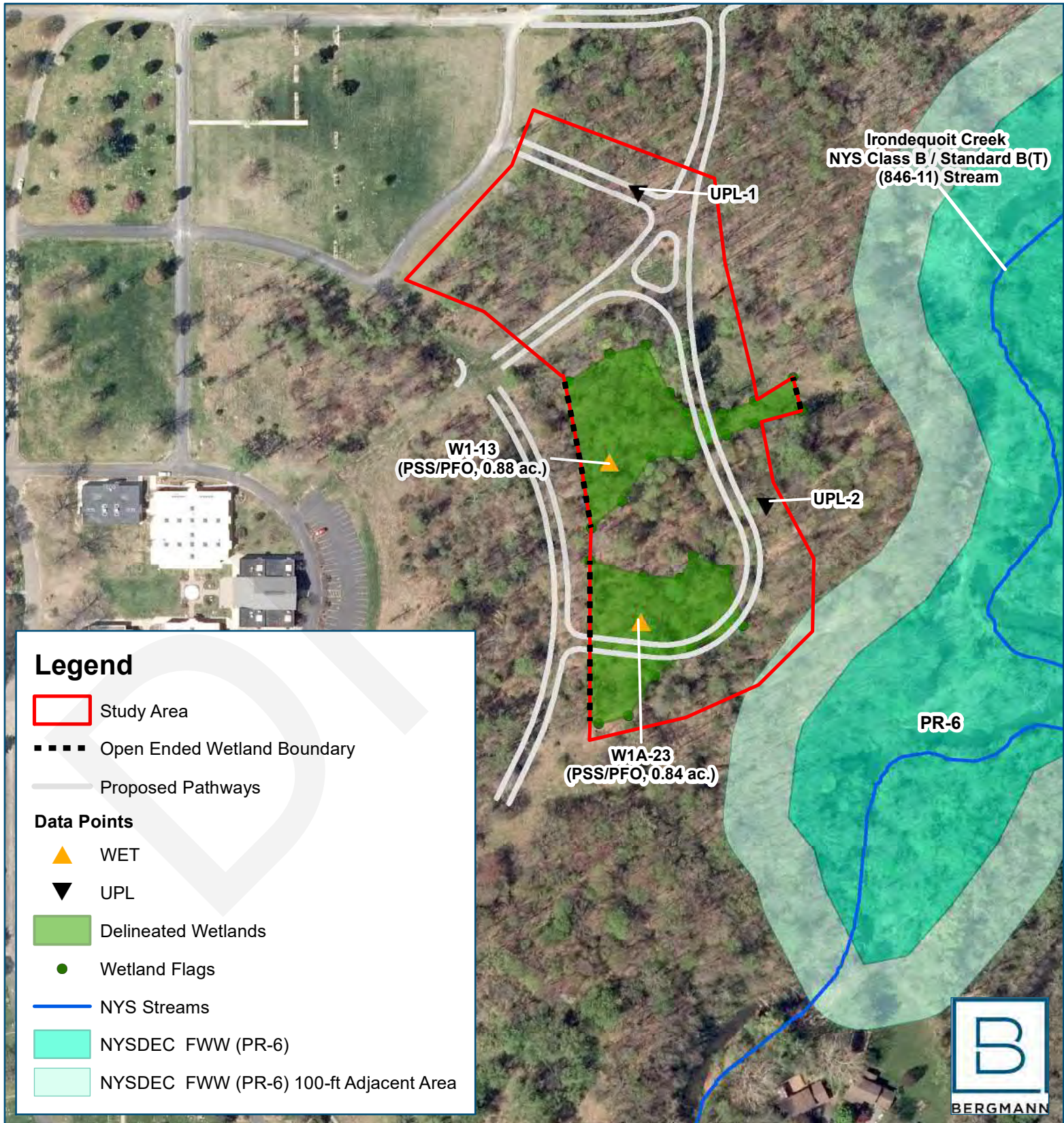
WETLAND AND STREAM
DELINEATION MAP
(Proposed Pathways)

App. C-1

200
Feet



Town of Pittsford, Monroe County, New York





Appendix D: Threatened and Endangered Species Research



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road

Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

November 20, 2019

Consultation Code: 05E1NY00-2020-SLI-0707

Event Code: 05E1NY00-2020-E-02195

Project Name: White Haven Memorial Park

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2020-SLI-0707

Event Code: 05E1NY00-2020-E-02195

Project Name: White Haven Memorial Park

Project Type: ** OTHER **

Project Description: Wetland Delineation Project

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.09619192756526N77.47675493575338W>



Counties: Monroe, NY

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

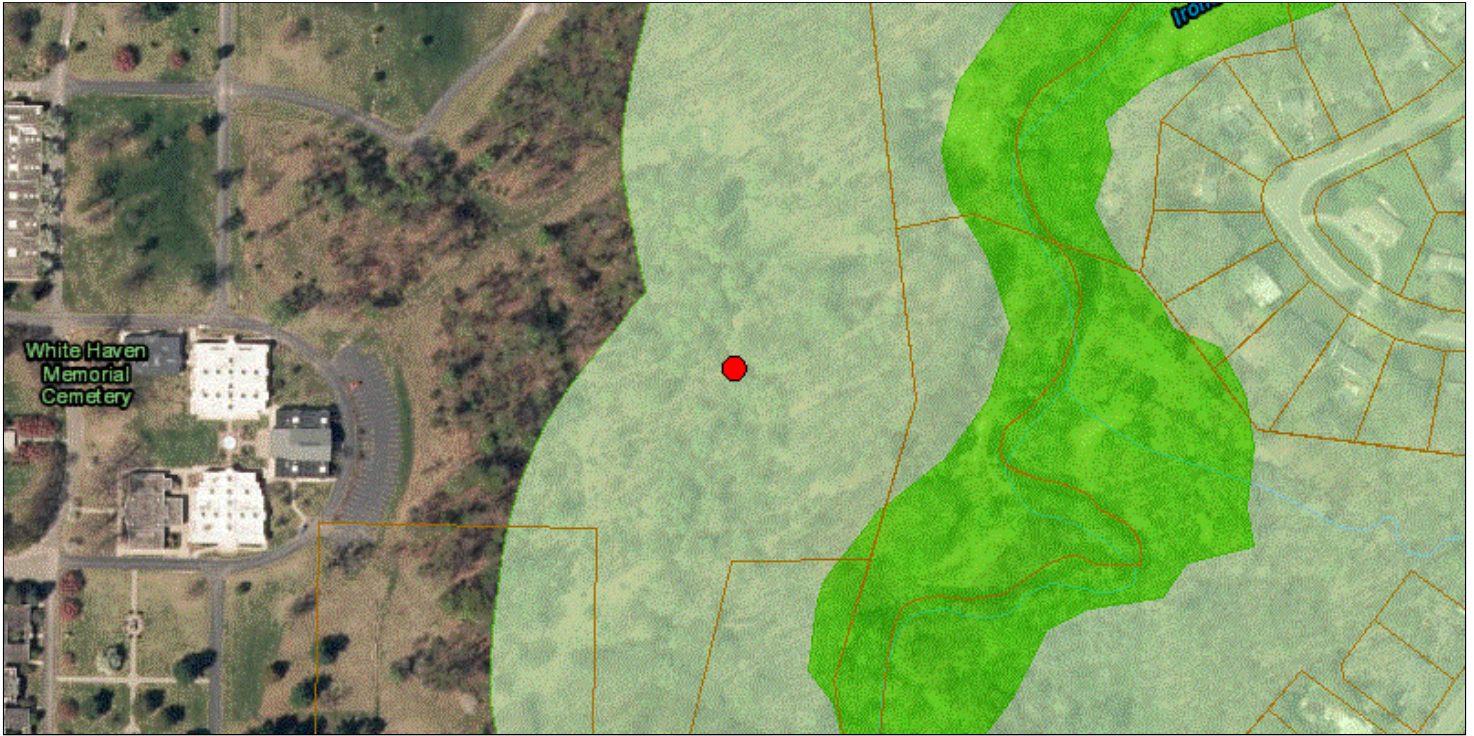
See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	Easting:	298454.374	Northing:	4774429.231
Longitude/Latitude	Longitude:	-77.477	Latitude:	43.096

The approximate address of the point you clicked on is:

Town of Perinton, New York

County: Monroe

Town: Perinton

USGS Quad: FAIRPORT

DEC Region

Region 8:

(Western Finger Lakes) Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates counties. For more information visit <http://www.dec.ny.gov/about/617.html>.

Freshwater Wetlands Checkzone

This location is in the vicinity of one or more Regulated Freshwater Wetlands.

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.



Appendix E: Permitting Conditions

**ACTIVITIES AUTHORIZED BY 2017 NATIONWIDE PERMIT
WITHIN THE STATE OF NEW YORK
Expiration March 18, 2022**

B. Nationwide Permits

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

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

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

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

Permit-specific Regional Conditions (Buffalo and New York Districts):

- a. This NWP does not authorize the discharge of dredged or fill material into open water areas of lakes or rivers which converts the area to dry land.
- b. Whenever a multiple-lot subdivision is submitted to the Corps of Engineers for review, it must be designed, to the maximum extent practicable, such that wetlands are not located on the resulting individual lots. If the applicant cannot design the subdivision in accordance with this requirement, the preconstruction notification (PCN) must include a discussion as to why this requirement cannot be accomplished, along with a detailed description as to how the wetland areas on each individual lot will be adequately protected.

- i. All areas within the multiple-lot subdivision that are components of compensatory mitigation, including waters of the United States and associated upland buffers, must be covered by a conservation easement or other legal protective covenant.
- ii. For all other waters of the United States, following completion of work authorized by this nationwide permit, a copy of this permit and regional conditions, along with permit drawings showing the locations of waters of the United States, must be provided with the deed to all individual lots that will contain waters of the United States.

Section 401 Water Quality Certification:

The New York State Department of Environmental Conservation (NYSDEC) has granted blanket Section 401 Water Quality Certification in New York State provided that the project complies with **all** the Special Conditions listed below and General Conditions listed in Section H. Where the Special Conditions differ from the General Conditions, the Special Conditions shall prevail. Any party conducting the activities authorized by this NWP that cannot comply with **all** these conditions must apply for and obtain an individual Section 401 Water Quality Certification from the NYSDEC.

NYSDEC WQC NWP #39 Special Condition(s):

- This certification does not authorize the construction of new commercial or institutional development projects in riparian wetlands located within a FEMA designated 100 year floodplain.

New York State Department of State Coastal Zone Management Consistency Determination:

Pursuant to 15 CFR Part 930.41 and 930.43, the New York State Department of State (NYSDOS) objects to the USACE' consistency determination and therefore, an individual consistency concurrence determination from NYSDOS is required for this NWP to be valid in the New York coastal area. See Section I below for further information.

C. Nationwide Permit General Conditions

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

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.
- (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the

Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

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

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

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

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

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

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

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

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

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

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will

determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

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

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

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

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

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

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

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

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

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

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

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

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

heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

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

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

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

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

documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

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

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

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

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

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

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

(Transferee)

(Date)

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

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

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

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

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

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

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

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

(2) Location of the proposed activity;

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

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

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

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

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

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

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

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

submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

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

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

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

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

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

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

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine

whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

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

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

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

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

E. Further Information

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

F. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

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

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

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

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

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

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

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

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

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

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

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

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

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

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments

(i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

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

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

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

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

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

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

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

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

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

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

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

G. Buffalo and New York District General Regional Conditions

These conditions apply to ALL Nationwide Permits.

G-A. Construction Best Management Practices (BMP's): Unless specifically approved otherwise through issuance of a variance by the District Engineer, the following BMP's must be implemented to the maximum degree practicable, to minimize erosion, migration of sediments, and adverse environmental impacts. Note that at a minimum, all erosion and sediment control and stormwater management practices must be designed, installed and maintained throughout the entire construction project in accordance with the latest version of the "New York Standards and Specifications for Erosion and Sediment Control" and the "New York State Stormwater Management Design Manual". These documents are available at: <http://www.dec.ny.gov/chemical/29066.html> and <http://www.dec.ny.gov/chemical/29072.html>, respectively. Prior to the discharge of any dredged or fill material into waters of the United States, including wetlands, authorized by NWP, the permittee must install and maintain erosion and sedimentation controls in and/or adjacent to wetlands or other waters of the United States.

1. All synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, shall be completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade over time, may be abandoned in place.
2. Materials resulting from trench excavation for utility line installation or ditch reshaping activities which are temporarily sidecast or stockpiled into waters of the United States must be backfilled or removed to an upland area within 30 days of the date of deposition. Note: upland options shall be utilized prior to temporary placement within waters of the U.S., unless it can be demonstrated that it would not be practicable or if the impacts of complying with this upland option requirement would result in more adverse impacts to the aquatic environment.
3. For trenching activities in wetlands the applicant shall install impermeable trench dams or trench breakers at the wetland boundaries and every 100 feet within wetland areas to prevent inadvertent drainage of wetlands or other waters of the United States.
4. Dry stream crossing methods (e.g., diversion, dam and pump, flume, bore) shall be utilized for culvert or other pipe, or utility installations to reduce downstream impacts from turbidity and sedimentation. This may require piping or pumping the stream flow around the work area and the use of cofferdams.
5. No in-stream work shall occur during periods of high flow, except for work that occurs in dewatered areas behind temporary diversions, cofferdams or causeways.
6. Construction access and staging areas shall be by means that avoid or minimize impacts to aquatic sites (e.g. use of upland areas for access & staging, floating barges, mats, etc.). Discharges of fill material associated with the construction of temporary access roads, staging areas and work pads in wetlands shall be placed on filter fabric. All temporary fills shall be removed upon completion of the work and the disturbed area restored to pre-construction contours, elevations and wetland conditions, including cover type. All vegetation utilized in the restoration activity shall consist of native species.
7. All return flow from dredged material disposal areas shall not result in an increase in turbidity in the receiving water body that will cause a substantial visible contrast to natural conditions. (See NWP #16)

8. For activities involving the placement of concrete into waters of the U.S., the permittee must employ watertight forms. The forms shall be dewatered prior to the placement of the concrete. The use of tremie concrete is allowed, provided that it complies with New York State water quality standards.
9. New stormwater management facilities shall be located outside of waters of the U.S. A variance of this requirement may be requested with the submission of a PCN. The PCN must include justification which demonstrates that avoidance and minimization efforts have been met.
10. To the maximum extent practicable, the placement of fill in wetlands must be designed to maintain pre-construction surface water flows/conditions between remaining on or off-site waters and to prevent draining of the wetland or permanent hydrologic alteration. This may require the use of culverts and/or other measures. Furthermore, the activity must not restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters). The activity may alter the pre-construction flows/conditions if it can be shown that it benefits the aquatic environment (i.e. wetland restoration and/or enhancement).

G-B. CULVERTS

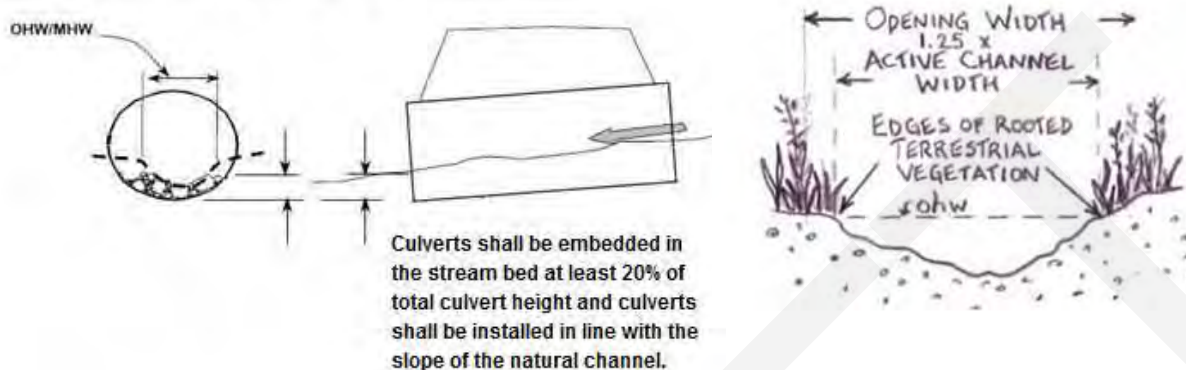
1. **ALL NEW OR REPLACEMENT CULVERTS** in streams shall be constructed/installed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 Management of Water Flows:

- a. Size: Bank-full flows shall be accommodated through maintenance of the existing bank-full channel cross sectional dimensions within one culvert. Bank-full width is generally considered to be the top width at the stage where a stream begins to overtop its banks and spread into the floodplain. Either a bottomless culvert or bridge must be used where practicable. If the stream cannot be spanned, the culvert width shall be minimum of 1.25 times width of the stream channel at the ordinary high water, or a 2 year design storm.
- b. Depth: To maintain low flow and aquatic life movement within culverts with a bottom, the culvert invert must be embedded. Specifically, the culvert must be installed with its bottom buried below the grade of the stream bed, as measured at the average low point, to a depth of a minimum of 20 percent of the culvert vertical rise (height) throughout the length of the culvert. (Note: When not practicable to do so due to small culvert size, it is acceptable to allow natural deposition to cover the interior of the culvert bed following placement of the culvert invert to the 20% depth.)
- c. The dimension, pattern, and profile of the stream above and below the stream crossing shall not be permanently modified by changing the width or depth of the stream channel.
- d. The culvert bed slope shall remain consistent with the slope of the adjacent stream channel.
- e. Stone aprons and scour protection placed in streams shall not extend higher than the stream bed in order to create a uniform grade and shall be filled with native stream bed material and supplemented with similarly sized material, if needed, to fill interstitial spaces to maintain water flow on the surface of the stream bed.

Note 1: Use of the requirements alone will not satisfy the need for proper engineering and design. In particular, appropriate engineering is required to ensure structures are sized and designed to provide adequate capacity (to pass various flood flows) and stability (bed, bed forms, footings and abutments, both upstream and downstream). It is the permittee's responsibility to ensure the structure is appropriately designed.

Note 2: This condition does not apply to temporary culverts used for construction access that are in place for less than one construction season. However, compliance with General Conditions #2 and #9 still applies.

The diameter of the culvert shall accommodate bankfull flows by sizing the culvert 1.25 times the stream width at ordinary high water/mean high water (OHW/MHW) mark, or a 2-year design storm.



Preconstruction Notification (PCN) Requirements:

A PCN is required for projects that do not meet all of the above requirements. In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

- i. A statement indicating which of the above requirements will not be met by the proposed project;
- ii. Information as to why the use of such structures or measures would not be practicable;
- iii. A brief description of the stream discussing:
 - Site specific information (i.e. stream bed slope, type and size of stream bed material, stream type, existing natural or manmade barriers, etc.) assessed to determine appropriate culvert design and to ensure management of water flows and aquatic life movement.
 - Evaluation of the replacement for its impacts on: downstream flooding, upstream and downstream habitat (in-stream habitat, wetlands), potential for erosion and headcutting, and stream stability.
 - Flow/storm event the proposed culvert is designed to pass (2 year, 50 year, etc.)
- iv. Cross sections of the stream used to calculate the stream bed low point and ordinary high water width, consisting of:
 - Stream channel cross sections shall be taken at proximal locations to the crossing location to determine the average of the lowest points in elevation of the stream bed and the average width at ordinary high water.
 - For new crossing locations, the average values from at least three measurements (project location and straight sections of the stream upstream and downstream) shall be used.
 - For replacement of an existing structure, the average values from at least two cross sections (straight sections of the stream upstream and downstream from the existing structure representative of the natural channel) shall be used.
 - This average low point shall be used to ensure low flow is maintained through the culvert and from which all embedment depths are measured.
 - If the above cross section method was not practicable to use, an alternative method may be utilized. The PCN shall include justification for the method used including the data used and an explanation as to how it provides an equivalent measure.

- v. An evaluation of the effects the crossing would have on aquatic life movement and/or water flows; and
- vi. Mitigation measures that will be employed to minimize these effects. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures

A variance of the requirement(s) will be issued by the Corps if it can be demonstrated that the proposal would meet General Conditions #2 & #9 and would result in the least environmentally damaging practicable alternative (e.g. compliance with any of the requirement(s) would result in detrimental impacts to the aquatic system).

2. ALL CULVERT REHABILITATION PROJECTS in streams, not including culvert replacement projects, shall be constructed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 Management of Water Flows:

- a. An evaluation of the existing culvert shall be conducted prior to the proposed culvert rehabilitation to determine if the existing culvert is in compliance with NWP GC #2 and #9. Specifically, the culvert shall be evaluated regarding its effect upon aquatic life movements and low/ high water flow. If the above requirements in General Regional Condition B. 1 (a)-(e) are met then the culvert is considered in compliance with NWP General Conditions #2 & # 9. (Potential evaluation methods to consider include: North Atlantic Aquatic Connectivity Collaborative (NAACC), US Forest Service Aquatic Organism Passage FishXing, etc.)
- b. A PCN is not required for projects that utilize cured-in-place pipe lining or other repair activities that do not raise the existing invert elevation such that it causes an impediment to the passage of either aquatic life movement or water flow unless there is an existing impediment.
- c. A PCN is required for any culvert rehabilitation project that includes a culvert which is not in compliance with GC #2 and/or #9 (i.e. impedes aquatic life movement or water flow) and which will not be corrected by the proposed repair.
- d. A PCN is required for culvert rehabilitation projects which will involve pipe slip lining or other activities, including concrete invert paving and concrete lining that raise the existing invert elevation such that it causes an impediment to the passage of low flow or aquatic life movement. Slip lining is defined as the insertion of a smaller diameter pipe into an existing pipe by pulling pushing, or spiral winding.

Preconstruction Notification (PCN) Requirements:

In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

- i. A summary of the evaluation required in Item a. above including a discussion of the impediment(s) to aquatic life movement and/or water flow.
- ii. Information as to how the proposal will mitigate for the impediment. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures.

G-C. No regulated activity authorized by a Nationwide Permit can cause the loss of areas classified as a bog or fen in the State of New York, as determined by the Buffalo or the New York District Corps of Engineers, due to the scarcity of this habitat in New York State and the difficulty with in-kind mitigation. The Districts will utilize the following document in the classification:

Reschke, C. 1990. *Ecological Communities of New York State*. New York Natural Heritage Program. New York State Department of Environmental Conservation. Latham, N.Y. 96p. This document is available at the following location: <http://www.dec.ny.gov/animals/29389.html>

G-D. National Wild and Scenic Rivers (NWSR): The Upper Delaware River has been designated as a National Wild and Scenic River from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York.

Also, the portion of the Genesee River located within Letchworth Gorge State Park, beginning at the southern boundary of the park and extending downstream to the Mt. Morris Dam, was designated by Congress as a permanent Study River in the Genesee River Protection Act of 1989. In accordance with General Condition #16, no activity may occur within a NWSR, including Study Rivers, unless the National Park Service (NPS) has determined in writing that the

proposed work will not adversely affect the NWSR designation or study status. Therefore, a PCN is required for any NWP which would impact the designated portions of the Genesee River or the Upper Delaware River, unless NPS has previously indicated the project will not adversely affect the waterway. (Note: the applicant may not commence work under any NWP until the NPS determines in writing that the project will not adversely affect the NWSR even if 45-days have passed since receipt of the PCN package.) Information regarding NWSR may be found at: <https://www.rivers.gov/new-york.php>

G-E. For all proposals requiring a pre-construction notification (PCN), in addition to the requirements in General Condition 32, the applicant shall also include: (Note: the application will not be considered complete until all of the applicable information is received).

1. New York State/USACE Joint Application Form: The application form shall be completed and signed and shall clearly indicate that the submission is a PCN.

(<http://www.lrb.usace.army.mil/Missions/Regulatory/Application-Forms/>)

2. Drawings: The PCN must include legible, black and white project drawings on 8.5" x 11" paper. Full size drawings may be submitted in addition to the 8.5" x 11" plans to aid in the application review. Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are a Vicinity Map (i.e. a location map such as a USGS topographical map), a Plan View and a Cross-Section Map. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross section). The Vicinity Map shall provide the location of the entire project site. In addition, each illustration should be identified with a figure or attachment number. The location map shall include the Latitude and Longitude or UTM coordinates of the project. For linear projects, the PCN shall include a map of the entire project including a delineation of all waters of the U.S. within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g. PFO, PEM, etc.)

3. Color photographs: The photos should be sufficient to accurately portray the project site, keyed to a location map and not taken when snow cover is present.

4. Avoidance and Minimization: The PCN must include a written narrative explaining how avoidance and minimization of temporary impacts and permanent losses of waters of the U.S. were achieved on the project site (i.e. site redesign, reduction in scope, alternate methods, etc.). It should include a description of the proposed construction practices that would be implemented to perform the proposed work and a description of the reasonably foreseeable direct and indirect effects to waters of the U.S. from the proposed construction practices.

5. Mitigation (See General Conditions 23 & 32(b)(6)): The PCN must include at least a conceptual compensatory mitigation plan for all projects resulting in the loss of greater than 1/10th of an acre of waters of the United States; or for which a waiver of the 300 linear foot limit on intermittent and ephemeral streams is being requested. Mitigation conceptual plans submitted with the PCN must include the following information at a minimum: proposed compensation type (bank or in-lieu fee credit, restoration, creation, preservation, etc.), location and brief discussion on factors considered for site selection (i.e. soils, water source, potential for invasive species, etc.), amount proposed per resource type and a discussion of how the proposal will compensate for aquatic resource functions and services lost as a result of the project.

Note 1: All mitigation projects must comply with the Federal Regulations on compensatory mitigation (33 CFR 332) entitled "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule", dated April 10, 2008, which is available at:

<http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/MitandMon/FinalMitigationRuleApril2008.pdf> and any applicable District Guidelines.

Note 2: Although a conceptual mitigation plan may be sufficient for the purposes of a PCN submission, a detailed mitigation plan must be approved by the Corps before any jurisdictional work may occur on the project site.

Note 3: If more than 0.10 acres of designated EFH habitat (as discussed in Section G-E.8. below) would be impacted such that habitat would be lost, compensatory mitigation at a minimum ratio of 1:1 is required. A ratio of more than 1:1 may be required depending upon the ecological value of the habitat to be lost or degraded and the form of compensatory mitigation proposed to be provided.

6. Nationwide Rivers Inventory: The PCN shall indicate if a river segment listed within the National Park Service Nationwide Rivers Inventory (NRI) is located within the proposed project area. For project areas containing a listed NRI segment, the PCN shall also include a statement as to how adverse effects to the river have been avoided or mitigated. The list is available at:
<http://www.nps.gov/ncrc/programs/rtca/nri/states/ny.html>.

7. Historic or Cultural Resources: In accordance with General Condition 20, a PCN is required for any non-federal activity which may have the potential to cause effects to any historic properties* listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NR). Please refer to General Condition 20 for submission requirements. In addition, all PCNs must include:

- A written statement indicating if any such properties may be affected by the proposed project.
- A copy of any completed archaeology or building/structure survey reports. If a survey has not been performed, the statement shall include a list of resources checked in the determination.
- Copies of any available correspondence from the New York State Office of Parks, Recreation, and Historic Preservation State Historic Preservation Officer (SHPO) regarding historic properties.
- Copies of any available correspondence from federally recognized Indian Nations regarding historic properties that may be affected by the project.
- Projects with ground disturbance may have the potential to cause effects to buried historic properties, regardless of occurring outside SHPO designated archaeological sensitive areas. Therefore, the PCN shall indicate if the ground disturbance will occur in any areas of previously undisturbed soil. For areas with prior disturbance, the PCN shall include a brief narrative describing the disturbance and its limit (i.e. type of disturbance, size of area with current undisturbed soil, size of area with existing disturbed soils, when the disturbance occurred, an estimate on how deep the soil disturbance extends, etc.) as well as photos of the existing ground disturbance.
- Above ground buildings/structures that are over 50 years old and potentially affected by the project will need to be assessed to determine if they are eligible for the NR. The PCN shall: identify any structures present in the project area, which have not already been subject to SHPO review, include photos of the structures, and describe how the project would/would not affect them.

* - see NWP definition section for further clarification

NOTE 1: Information regarding historic properties may be found at: <https://cris.parks.ny.gov>. In addition, assistance regarding the determination of the presence of historic or cultural resources at or near the project site should be directed to SHPO.

NOTE 2: as stated in General Condition 20, if any listed, eligible or potentially eligible properties are present, the applicant shall not begin the activity until notified by the district engineer in writing either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

8. Endangered Species and Essential Fish Habitat: In accordance with General Condition 18, non-federal applicants must submit a PCN if any listed species or designated critical habitat might be affected or

is in the vicinity of the activity, or if the activity is located in designated critical habitat. Please refer to General Condition 18 for submission requirements. In addition, all PCNs must include:

- a written statement and documentation concerning any Essential Fish Habitat (EFH) and any federally listed or proposed Threatened, Endangered, or Candidate (TE&C) species or designated and/or proposed critical habitat that might be affected or located in the vicinity of the project.
- a copy of any correspondence from the U.S. Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration Fisheries Service (NOAA-Fisheries), regarding the potential presence of TE&C species on the project site. USFWS TE&C website: <http://www.fws.gov/northeast/nyfo/es/section7.htm> . Information on NOAA-Fisheries (NMFS) species (both TE&C and EFH) can be found at: <https://www.greateratlantic.fisheries.noaa.gov/>
- an official TE&C species list printed within 90 days of the PCN submission from the USFWS Website.
- For projects where TE&C species are listed, a discussion of potential TE&C species habitat within the project site (See USFWS T&E website for species habitat information).
- If there is potential habitat for any TE&C species within the project site the following, as applicable, shall be submitted:
 - a. The results of any habitat surveys and presence/absence surveys. Note: all surveys should be coordinated with the USFWS and/or NOAA-Fisheries (NMFS) prior to initiation.
 - b. A detailed description of the proposed project, including secondary impacts and approximate proposed project construction schedule of project activities (e.g. land clearing, utilities, stormwater management).
 - c. A description of the natural characteristics of the property and surrounding area (e.g. forested areas, freshwater wetlands, open waters, and soils) and a description of surrounding land use (residential, agricultural, or commercial).
 - d. A description of the area to be impacted by the proposed project, including the species, typical sizes (d.b.h.) and number or acres of trees to be removed.
 - e. The location of the above referenced property and extent of any project related activities or discharges clearly indicated on a copy of a USGS 7.5 minute topographic quadrangle (quad) with the name of the quad(s) and latitude/longitude clearly labeled.
 - f. A description of conservation measures to avoid, minimize and/or mitigate impacts to listed species.

NOTE 1: There are no known TE&C species or EFH species under the jurisdiction of the NOAA-Fisheries (NMFS) within the Buffalo District. Therefore, all Buffalo District requests for information regarding the presence of TE&C species should be directed to the USFWS. In addition, no EFH review is necessary within the following New York District counties: Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Otsego, Schenectady, Schoharie and Warren.

NOTE 2: Please refer to the following website for further guidance and information relating to regulatory permits & TE&C species in New York:
<http://www.lrb.usace.army.mil/Missions/Regulatory/Endangered-Species/Endangered-Species-New-York/>

NOTE 3: General Condition #18 is emphasized, ...”In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed work will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed.”

9. 100 Year Floodplain: For permanent fills within waters of the United States within the 100 year floodplain, documentation of compliance with FEMA-approved state or local floodplain management requirements.

10. Submission of Multiple Copies of PCN:

- a) One (1) additional copy of the application drawings shall be provided to USACE for coordination with National Oceanic and Atmospheric Administration (NOAA) for utility lines to be constructed or installed in navigable waters of the U.S. proposed under NWP #12, (See Note 1 of NWP #12)
- b) One (1) additional copy of the PCN package shall be provided to USACE for coordination with Department of Defense Siting Clearinghouse (See NWP #12, 39, 51 & 52 Notes) for:
 - i. overhead utility lines proposed under NWP #12 and
 - ii. any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission lines proposed under NWP #39, 51 or 52
- c) Two (2) additional copies of the PCN package shall be provided to USACE when the project is located within the New York City Watershed, for coordination with the New York City Department of Environmental Protection.
- d) Five (5) additional copies of the PCN package shall be submitted to USACE for agency coordination in accordance with General Condition # 32(d)(2) for:
 - i. All NWP activities that result in the loss of greater than 1/2-acre of waters of the United States,
 - ii. NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that will result in the loss of greater than 300 linear feet of intermittent & ephemeral stream bed,
 - iii. NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites;
 - iv. NWP 54 activities in excess of 500 linear feet or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

G-F. CRITICAL RESOURCE WATERS

In accordance with NWP General Condition (GC) #22, certain activities in Critical Resource Waters cannot be authorized under the NWP program or would require a PCN (see GC #22 for a list of the NWP activities that are either excluded or require a PCN).

Critical Resource Waters in New York State include the following:

1. **East-of-Hudson portion of the New York City Water Supply:** This area includes portions of Dutchess, Putnam and Westchester Counties as delineated on Enclosure 2.
2. **Hudson River National Estuarine Research Reserves (NERR):** The Hudson River NERR consists of four components: Piermont Marsh, Iona Island, Tivoli Bay, and Stockport Flats.

H. NYSDEC General Water Quality Certification (WQC) Conditions applicable to all NWPs for which WQC has been provided are as follows:

1. Non-contamination of Waters
 - All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, resins, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, inadvertent returns of drilling muds (frac-outs) or any other environmentally deleterious materials associated with the project.
2. Installation and Replacement of Culverts

To be covered under this blanket Water Quality Certification, all of the following criteria must be met:

 - Culvert pipes shall be designed to safely pass a 2% annual chance storm event.
 - This certification does not authorize the installation of any culverts that are not embedded beneath the existing grade of the stream channel.
 - Width of the structure must be a minimum of 1.25 times (1.25X) width of the Mean (Ordinary) High Water Channel.

- The culvert bed slope shall remain consistent with the slope of the adjacent stream channel. For slopes greater than 3%, an open bottom culvert must be used.
- This certification does not authorize work on culverts that provide sole access to “Critical Facilities”: An individual WQC must be obtained for work on these culverts.
- This certification does not authorize culvert rehabilitation projects that involve slip lining, or similar treatments.
- This certification does authorize the rehabilitation of culverts utilizing Cure in Place Pipe Lining (CIPP) or concrete spray lining for culverts which currently meet Nationwide Permit General Condition # 2 - Aquatic Life Movements.

3. Discharge and Disturbance Limits of the Blanket WQC

- For Nationwide Permits # 5, 7, 12, 13, 14, 15, 18, 19, 23, 25, 29, 31, 32, 34, 36, 37, 39, 40, 42, 45, 46, 48, 51, utility line replacement projects under Nationwide Permit #3 and non-maintenance activities under Nationwide Permit #43.
- The following discharge limits apply:
 - a) Temporary or permanent discharges of dredged or fill material into wetlands and other waters of the U.S. must not exceed ¼ acre;
 - b) Temporary or permanent impacts (i.e., loss) to stream beds must not exceed 300 linear feet.
 - c) The discharge area limit under paragraph (a) plus the equivalent stream impact area limit under paragraph (b) must not exceed ¼ acre total.
- For Nationwide Permits # 3, 4, 6, 20, 22, 27, 30, 33, 41 and maintenance activities under Nationwide Permit # 43, this certification authorizes discharges and disturbances up to the limit of the respective Nationwide Permit or regional conditions, whichever is most restrictive.
- If a project requiring coverage under two or more Nationwide Permits results in a temporary or permanent discharge or disturbance, the most restrictive threshold applies to the project.

4. Bulkheads

- This certification does not authorize the construction of new bulkheads or vertical walls.
- This certification does not authorize the waterward extension of existing bulkheads.
- New toe-stone protection may not extend more than 36 inches waterward from the existing bulkhead face.

5. Maintenance of Water Levels

- This certification does not authorize any activity that results in a permanent water level alteration in waterbodies, such as draining or impounding, with the exception of activities authorized by Nationwide Permit #27.

6. Dewatering

- Authorized dewatering is limited to immediate work areas that are within coffer dams or otherwise isolated from the larger waterbody or waters of the United States.
- Dewatering must be localized and must not drain extensive areas of a waterbody or reduce the water level such that fish and other aquatic organisms are killed, or their eggs and nests are exposed to desiccation, freezing or depredation in areas outside of the immediate work site.
- Cofferdams or diversions shall not be constructed in a manner that causes or exacerbates erosion of the bed or banks of a waterbody.
- All dewatering structures must be permanently removed and disturbed areas must be graded and stabilized immediately following completion of work. Return flows from the dewatering structure shall be as visibly clear as the receiving waterbody.

7. Endangered or Threatened Species

- This certification does not authorize projects likely to result in the take or taking of any species listed as endangered or threatened species listed in 6 NYCRR Part 182.5 (a), (b) or projects likely to destroy or adversely modify the habitat of such species. Applicants must either verify that the activity is outside of the occupied habitat of such species or, if located within the habitat of such species, obtain a determination from the NYS Department of Conservation Regional Office that the proposed activity will not be likely to

result in the take or taking of any species listed as endangered or threatened species listed in 6 NYCRR Part 182. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental regional offices, the New York Natural Heritage Program in Albany, New York or on the DEC website at <http://www.dec.ny.gov/animals/29338.html>

If it is determined that the project is likely to result in the take of (or modify the habitat of such species) a New York listed endangered or threatened species, then this blanket water quality certification is not applicable, and the applicant will need an individual water quality certification from the department.

8. Rare Mollusks

- This Certification may not be issued for and does not authorize disturbances or discharges to waters of the state listed as supporting mollusks S-1 or S-2 on the New York State Natural Heritage database. <http://www.dec.ny.gov/animals/29338.html>

9. Prohibition Period for In-water Work

In-water work is prohibited during the following time period:

- in cold water trout fisheries (waterbodies classified under Article 15 of New York State Environmental Conservation Law with a "t" or "ts" designation), beginning October 1 and ending May 31.

To determine if the prohibition period is in effect for a particular water, contact the Regional Natural Resources Supervisor in the appropriate New York State Department of Environmental Conservation regional office. Water Classification values can be determined on the DEC's Environmental Resource Mapper available on the Departments Website @ <http://www.dec.ny.gov/gis/erm/> Work windows may be extended by the Regional Natural Resources Supervisor or their designee.

10. Significant Coastal Fish and Wildlife Habitat

- This certification does not authorize any discharge occurring in a designated Significant Coastal Fish and Wildlife Habitat area pursuant to 19 NYCRR Part 602; Title 19 Chapter 13, Waterfront Revitalization and Coastal Resources. <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>

11. Coastal Erosion Hazard Areas

- This certification does not authorize projects in Coastal Erosion Hazard Areas, as identified in New York State Environmental Conservation Law Article 34, and its implementing regulations, 6 NYCRR Part 505. <http://www.dec.ny.gov/lands/86541.html>

12. State-owned Underwater Lands

Prior to undertaking any Nationwide Permit activity that will involve or occupy state-owned lands now or formerly under the waters of New York State, the party proposing the activity must first obtain all necessary approvals from:

New York State Office of General Services
Division of Real Estate Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, NY 12242
Tel. (518) 474-2195

13. Tidal Wetlands

- This certification does not authorize any activities in tidal wetlands as defined in Article 25 of New York State Environmental Conservation Law, with the exception of activities authorized by Nationwide Permits # 4, 20 and 48. <http://www.dec.ny.gov/lands/4940.html>

14. Wild, Scenic and Recreational Rivers

- This certification does not authorize activities in any Wild, Scenic or Recreational River pursuant to 6 NYCRR Part 666 or state designated Wild, Scenic or Recreational River corridors.
<http://www.dec.ny.gov/permits/6033.html>

15. Floodplains

- Authorized projects subject to this certification must first be in compliance with State and Local Floodplain Regulations prior to commencement of construction.

16. Public Service Commission

- This certification does not authorize activities regulated pursuant to Article VII or Article 10 of the New York State Public Service Law. For such projects, Section 401 Water Quality Certification is obtained from the New York State Public Service Commission.

17. Utility Projects

- This certification does not authorize maintenance or other activities associated with hydroelectric power generation projects.
- This certification does not authorize the construction of substation facilities or permanent access roads in wetlands.
- Excess materials resulting from trench excavation must be permanently removed from the waters of the United States and contained so that they do not re-enter any waters of the United States.

18. Preventing the Spread of Terrestrial and Aquatic Invasive Species

- To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within waters of the U.S. When using construction equipment projects authorized under this Certification shall take reasonable precautions to prevent the spread of aquatic invasive species as required under the provisions in ECL § 9-1710.

I. New York State Department of State (NYSDOS) Coastal Zone Management Consistency Determination Additional Information (applicable to all NWP's located within or affecting the NYS Coastal Zone):

Where NYSDOS has objected to the USACE consistency determination or where the project will not comply with the NYSDOS NWP specific condition(s), as outlined in the specific NWP listing in Section B above, the applicant must submit a request for an individual consistency determination to NYSDOS. See Section K for NYSDOS contact information.

Further Information:

- Unless NYSDOS issues consistency concurrence or USACE has determined that NYSDOS concurrence is presumed, NWP's are not valid within the Coastal Zone.
- All consistency concurrence determination requests must be submitted directly to NYSDOS with a copy provided to USACE with any required Preconstruction Notification submissions.
- Limits of the coastal zone and details regarding NYSDOS submission requirements, including application forms can be obtained at: <https://www.dos.ny.gov/opd/programs/consistency/index.html>

J. INFORMATION ON NATIONWIDE PERMIT VERIFICATION

Verification of the applicability of these Nationwide Permits is valid until March 18, 2022 unless the Nationwide Permit is modified, suspended revoked, or the activity complies with any subsequent permit modification.

It is the applicant's responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>.

Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this Nationwide permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

Possession of this permit does not obviate you of the need to contact all appropriate state and/or local governmental officials to insure that the project complies with their requirements.