



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To

NYS DEPT OF TRANSPORTATION
50 WOLF ROAD
ALBANY, NY 12232

Facility

TAPPAN ZEE BRIDGE

NYS THRUWAY AUTHORITY
200 SOUTHERN BOULEVARD
PO BOX 189
ALBANY, NY 12209-0189

Project Location

Hudson River (River Mile 27) at the Existing Tappan Zee Bridge

Authorized Activity

The Authorized Activity is the construction of a new bridge across the Hudson River, consisting of two parallel structures, between Rockland County and Westchester County. The new bridge will replace the existing Tappan Zee Bridge. If approved, the Final Permit would authorize the following components of the Replacement Bridge:

1. Construction of two parallel bridge structures that will go from landings in Rockland County and Westchester County to the navigation channel, utilizing one of two proposed design options (Short Span or Long Span); and then span the navigation channel using one of two proposed structural options (Cable-Stayed or Arch). This work will require the installation of piles, pile caps, and other structures necessary to support the bridge.
2. Dredging approximately 1.9 million cubic yards of sediment over approximately 175 acres of the River bottom to enable water access during construction and demolition. The majority of dredging will take place north of the existing bridge; a smaller area will be dredged to the south of the existing bridge near the Westchester shoreline.
3. Covering, or "armoring," the dredged area with approximately 400,000 cubic yards of sand and stone to prevent vessel prop wash from dispersing bottom sediment into the water column.



- 4. Construction of approximately 2.5 acres of permanent pile-supported platforms over the River on the Rockland County shoreline.
- 5. Demolition and removal of the existing Tappan Zee Bridge.

Part 182 Incidental Take

This Permit authorizes an Incidental Take, as defined in 6NYCRR Part 182.2(j), of shortnose and Atlantic sturgeon during the Authorized Activity. It is estimated that approximately 125 Atlantic sturgeon and 298 shortnose sturgeon will be affected by elevated noise levels caused by pile driving during construction. Of these, as many as 52 Atlantic sturgeon and 89 shortnose sturgeon may suffer fatal injuries. The remaining incidental take will be in the form of non-lethal injury, disturbance or harassment.

Permit Authorizations

TIDAL WETLANDS - Under ECL Article 25

Permit ID 3-9903-00043/00012

New Permit Effective Date: xx/xx/xxxx

Expiration Date: xx/xx/xxxx

SECT. 401 WATER QUALITY CERTIFICATION – Under ECL Article 15

Permit ID 3-9903-00043/00014

New Permit Effective Date: xx/xx/xxxx

Expiration Date: xx/xx/xxxx

ENDANGERED/THREATENED SPECIES (INCIDENTAL TAKE) – Under ECL Art. 11

Permit ID 3-9903-00043/00014

New Permit Effective Date: xx/xx/xxxx

Expiration Date: xx/xx/xxxx

NYSDEC Approval

By acceptance of this permit, the Permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: John J. Ferguson
Address: NYSDEC ALBANY HEADQUARTERS
625 BROADWAY, 4TH FLOOR
ALBANY, NY 12233

Authorized Signature:

Date:



NET CONSERVATION BENEFIT

The Permittee will implement an Endangered and Threatened Species Mitigation Plan, outlined below, as required in 6 NYCRR Part 182. Before any work may begin the Permittee must submit to the Department for its review and approval a final Endangered and Threatened Species Mitigation Plan, to be developed in collaboration with the Department; and an Implementation Plan. Both of these will meet the requirements of 6 NYCRR §182.11(d) and (e).

Carrying out the Authorized Activity in conformity with the conditions of the Draft and Final Permit and executing the Endangered and Threatened Species Mitigation Plan below – in a final form developed in collaboration with the Department - will result in a net conservation benefit to the shortnose and Atlantic sturgeon of the Hudson River.

This determination is founded on a consideration of the best scientific and other information reasonably available to the Department, including the action's impacts on the species' ability to survive and reproduce, and is further based on the following:

- Known population trends;
- Known threats to the species; and
- Reasonably foreseeable impacts on the species from other related projects or activities.

The Endangered and Threatened Species Mitigation Plan will consist of the following:

- Mapping of Hudson River shallows less than four meters deep to document benthic habitat used by Atlantic and shortnose sturgeon. Mapping will extend from the Troy Dam south to the New York Harbor, and will use techniques consistent with those used by the NOAA Coastal Services Center to map the shallows from Saugerties north to the Troy Dam. The mapping effort may omit the Saugerties to Troy Dam river stretch if the new data can be integrated with the NOAA data into a seamless product that can be viewed by users.
- A study of sturgeon foraging habits using gastric lavage to obtain gut contents in order to link sturgeons' diet to benthic habitats.
- Habitat use and movement of sturgeons in the lower Hudson River:
 - Capture and tagging of approximately 30 adult SNS (>500 mm TL); 30 juvenile SNS (300-500 mm TL); 30 pre-migrant juvenile (450 to 1000 mm TL) ATS; and 30 Age-1 (300-450mm TL) ATS. SNS will be captured at overwintering locations near Kingston and Haverstraw Bay in early spring (late March through early April and possibly New York harbor in late fall; Attempts to collect juvenile SNS will also be made during the fall downriver of spawning area which is above Coxsackie.



- Juvenile ATS will be captured in late winter and early spring in Haverstraw Bay; Age-1 ATS in early fall.
- Tags and tracking system to be the same as those used in the existing NYSDEC program(LOTEK MAP system).
- Tracking of acoustically marked fish from the vicinity of the bridge construction site and other locations to contribute knowledge of species distribution and habitat use with the Hudson River Estuary. Two techniques will be used:
Stationary Gateway receivers: Data indicate a tagged fish can be detected when it passes within 1 km of a stationary receiver. The applicants shall install receivers at intervals within a 50 kilometer (km) stretch encompassing the bridge construction site, to indicate when a fish moves between each section and the duration of time a sonic tagged fish remains within each section of river. Gateway receivers will be placed so that the entire width of the river is covered as follows:
 - G. Washington Bridge to Piermont – One centrally located receiver every 5 km
 - Piermont to Stony Point – three at equally spaced intervals across river every 5 km
- Mobile tracking will determine a more precise location to determine bottom/habitat type the tagged fish utilizes. The 50 km stretch of river centered on the Tappan Zee Bridge will be monitored by mobile tracking for tagged fish two days per week on a schedule to be determined.
- Develop and implement an outreach campaign directed at the commercial fishing industry to reduce impacts of commercial by-catch of Atlantic sturgeon in the near shore Atlantic Ocean.

MITIGATION

Before any work may begin the Permittee must submit to the Department for its review and approval a Compensatory Mitigation Plan for dredging-related impacts to the benthic community, tidal wetlands and open water community. The plan must include the following components:

A. Oyster Restoration

- Applicant must create 13 acres of hard bottom/shell oyster habitat;
- Habitat replacement shall occur as soon as possible following construction, and shall take place in the immediate vicinity of the existing bridge (at a location to be approved), and
- Reintroduce oysters to habitat. The Department presumes that utilizing live oysters from the extant reef, collected and maintained during the project's active



construction phase and stored in an appropriate location in the vicinity of the project site, will provide the most appropriate brood stock for reintroduction of locally-derived juvenile oysters (spat) and the best opportunity to re-establish the oyster reef (however, the applicants may propose alternative measures).

B. Secondary Channel Restoration

- Develop a secondary channel restoration project intended to evaluate the means and methods to increase habitat diversity and function at Gay's Point (Columbia County);
- The applicant shall promptly prepare and expeditiously implement a sampling and analysis regimes to assess sediment quality at Gay's Point, and determine the costs of sediment management.
- If the sediments obstructing flow at Gay's Point can be managed without incurring unreasonably excessive costs, the applicant shall design and implement a channel restoration demonstration project intended to document baseline conditions; identify target restoration conditions; design restoration activities and implement restoration;
- The secondary channel restoration plan shall include not less than four years of monitoring to compare pre and post – restoration conditions and preparation of a final report presenting an evaluation of the effectiveness of each element of the restoration program.
- If the initial assessment demonstrates that sediment management costs are likely to be excessive the applicant shall propose and implement an alternative project designed to provide equivalent habitat benefits.

C. Wetlands Enhancement – Piermont Marsh

- The applicant shall design and implement a plan to reduce invasive species (primarily *Phragmites*), restore hydrologic conditions and remove fill in the marsh, along the Sparkill Creek; and restore the hydrologic connection of an oxbow in Crumkill Creek;
- *Phragmites* control will be implemented on approximately 200 acres through application of herbicide with the goal of eliminating 90% of the *Phragmites* while avoiding impacts on native vegetation. Maintenance spraying will be performed over a five year period to prevent return of *Phragmites* and allow native plant communities to recover;



- The oxbow in Crumkill Creek in the central area will be restored along with historic flow regimes of the creek channel by placing a small amount of fill in the existing by-pass, diverting flow into the historic oxbow;
- Applicant shall design and implement a green infrastructure project(s) designed to improve the quality of stormwater entering Sparkill Creek;
- Restoration of historic wetlands at the northern end of Piermont Marsh. Conduct baseline studies of existing plant and animal communities, study of sediments to be removed and hydrologic studies.

PERMIT CONDITIONS

1. FINAL PLANS

At least 60 days before work begins on the Authorized Activity or related work, the Permittee must submit to the Department a complete set of final construction drawings to the Department for all Authorized Activity. The Authorized Activity is that described under "Authorized Activity" on Page 1 of this Permit. Drawings must be in electronic and hard copy.

The Authorized Activity and related work may begin only after the Department has reviewed the Final Plans required by this condition and given its authorization to proceed in writing.

2. ENVIRONMENTAL COMPLIANCE MONITOR

- A. An Environmental Compliance Monitor (ECM), independent of the Permittee and all contractors constructing the Replacement Bridge, must be retained for the duration of the Authorized Activity and related work. The ECM will be responsible for compliance monitoring of the Authorized Activity and will perform the following duties:
- 1) Observing/inspecting the Authorized Activity and related actions.
 - 2) Reporting on a weekly basis to the Department compliance with this Permit and its terms, requirements, and conditions; and with the New York State Environmental Conservation Law, as appropriate.
 - 3) Reporting noncompliance with the Permit or the NYS Environmental Conservation Law and implementing regulations immediately to the Department, but no later than 12 hours after observation.
- B. At least 60 days before work begins on the Authorized Activity or related work the Permittee or its agent will certify to the Department that it has retained the ECM and will provide the Department with an Environmental Compliance Plan for implementation of this requirement, including the following information:



- 1) The measures and procedures established to ensure compliance with the requirements of this Permit and NYS Environmental Conservation Law.
- 2) The Environmental team responsible for compliance with this condition, including:
 - a) Names, titles and responsibilities, training, years of relevant experience, licensing and applicable training;
 - b) Environmental team organization.
- 3) Environmental compliance tracking and reporting procedures, including
 - a) Process meetings and reporting requirements, including the purpose and frequency of reports;
 - b) Environmental compliance schedule;
 - c) Method of reporting to the Department non-compliance with permit conditions and NYS Environmental Conservation Law;
 - d) QA/QC procedures for environmental compliance.

The Authorized Activity and related work may begin only after the Department has reviewed the Environmental Compliance Plan required by this condition and given its authorization to proceed in writing.

3. CONSTRUCTION OF TEMPORARY AND PERMANENT DOCKS

- A. At least 60 days before work begins on the Authorized Activity, the Permittee must submit to the Department detailed plans of the temporary and permanent docks, bulkheads and other in-water structures and facilities. The plans must specify the number, location and diameter of all piles supporting the docks to be installed in the Hudson River; and the dimensions and height above mean low water of the deck of each dock. Plans shall be drawn to a scale of 1 inch = 200 feet or larger.
- B. Where treated wood lumber is to be used in the construction of in-water structures, only pressure-treated wood with a preservative and treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association can be used. Wood treated with CCA (Chromated Copper Arsenate) or ACQ (Alkaline Copper Quat) can be used in all aquatic environments. Wood treated with Pentachlorophenol is prohibited.

The Authorized Activity and related work may begin only after the Department has reviewed the final in-water structures drawings required by this condition and given its authorization to proceed in writing.

4. PILE DRIVING



- A. A Best Available Control Technology (BACT) regime for underwater sound minimization must be provided to the Department at least 60 days before pile driving begins. The BACT must be approved by the Department in writing before any pile driving may begin. The BACT shall be utilized so that underwater sound does not exceed levels harmful to fish, and must be developed from the Pile Installation Demonstration Pilot project study results.
- B. The BACT sound attenuation regime must include monitoring of underwater sound during pile driving, and must verify that the BACT sound attenuation methodology is deployed and operating in accordance with design specifications.
- C. At least 60 days before pile driving begins the design plans and operational specifications must be submitted to the Department for review and approval.
- D. Pile driving may be conducted from 7AM to 7PM only.
- E. Vibratory pile drivers shall be used to the maximum extent practical.
- F. A “no impact pile driving zone”, totaling one mile wide, within which pile driving is prohibited shall be observed at all times during pile driving operations.
- G. A floating containment boom shall be deployed around the pile and false work structures when work is being conducted.

The Authorized Activity and related work may begin only after the Department has reviewed the Best Available Control Technology (BACT) for Underwater Sound Minimization required by this condition and given its authorization to proceed in writing.

5. CONCRETE

- A. At least 60 days before concrete is to be used for the Authorized Activity the Permittee must submit plans and descriptions of the means of concrete production, delivery and placement. These plans must to the maximum extent practicable prevent the discharge of cement into the River.
- B. Water from pile and cofferdam dewatering operations must be discharged into a silt curtain. The discharge shall not cause a substantial visible contrast to natural conditions in the Hudson River outside the silt curtain.
- C. No water containing fresh concrete or concrete leachate shall be discharged into the Hudson River.
- D. Water withdrawals from New York State waters for the purpose of manufacturing concrete are prohibited.



- E. Waste water discharges into waters of New York State from the manufacturing of concrete are prohibited.

The Authorized Activity and related work may begin only after the Department has reviewed the plans and descriptions of the means of concrete production, delivery and placement required by this condition and given its authorization to proceed in writing.

6. DREDGING

- A. This Permit provides no authorization for the handling, management, disposal or placement of dredged sediments on land in New York State.
- B. At least 60 days before dredging begins the Permittee must submit to the Department a Dredging Plan outlining how compliance with this condition will be achieved over the course of the Authorized Activity.
- C. Dredging may be conducted only during the period of August 1 to November 1 in any calendar year.
- D. Dredging must be conducted using a closed clamshell dredge. Drawings and specifications of the closed clamshell bucket and other dredging equipment, including specifications demonstrating that appropriate design considerations are incorporated in the equipment, must be provided to the Department at least 60 days before dredging related activities start.
- E. The bucket shall be lifted in a continuous motion through the water column and into the barge. Bucket decanting and loss of dredged material into the River during barge loading will be minimized to the maximum extent practicable.
- F. Barge overflow is prohibited.
- G. Dredging equipment must be operated in a manner that minimizes the resuspension of sediments in the Hudson River. Dredging operations must not cause a substantial visible contrast to the Hudson River.
- H. Best management practices include lowering the bucket to the level of the barge gunwales prior to release of the load and placing the dredged material in the barge in a controlled manner. Excessive loss of material from the bucket should be investigated and repaired. Bucket retrieval rates will be controlled to minimize turbidity.
- I. Cofferdam or pile dewatering will not cause a substantial visible contrast to the Hudson River.
- J. Cofferdams must be backfilled using clean material, as needed. No excavated sediment may be placed into the River or the cofferdam.



- K. If decanting of barges is necessary, a detailed plan must be submitted to the Department for review and approval before decanting may start.
- L. All side slopes of the dredged channel will have a maximum 1:3 slope.
- M. The Permittee will monitor the sedimentation rate within Piermont Marsh, prior to and during dredging operations. A plan detailing the procedures the Permittee will employ for this task must be submitted to the Department no less than 60 days before construction starts.
- N. All dredged sediment must be transported in barges that have been inspected and found to be properly sealed. Loss of material during transport is prohibited.
- O. No dredged sediment may be sidecast or stored or placed in any manner in the Hudson River.
- P. By December 31 of every calendar year in which dredging has occurred the Permittee must submit to the Department a Dredging Report specifying the location and amount of sediments dredged and deposited at the HARS.
- Q. At least 60 days before dredging begins in any calendar year the Permittee must notify the Department of its intent to dredge, providing proposed starting and ending dates and dredging locations.

The Authorized Activity and related work may begin only after the Department has reviewed the Dredging Plan and other details required by this condition and given its authorization to proceed in writing.

7. CHANNEL ARMORING

- A. Stone used to armor the excavated channel will be no more than two feet in thickness.
- B. Stone may be placed in the channel area only.

8. FISH MONITORING DURING CONSTRUCTION

- A. At least 60 days before the Authorized Activity or related work begins the Permittee must submit to the Department for review and approval a plan for monitoring the movement and habitat use shortnose and Atlantic sturgeon in the vicinity of the Tappan Zee Bridge during the Authorized Activity. This plan will include, at minimum, the following components:
 - 1) An array of stationary receivers, using the same detection system as currently used by the NYSDEC (LOTEK MAP system).
 - 2) Receivers placed in such a way that fish location can be triangulated using information from at least three receivers.
 - 3) To monitor sturgeon movement in the vicinity of the bridge and the construction zone north of the existing bridge, four rows of receivers will be placed as follows:



- Two rows would be placed at intervals of 300 m on the old bridge, a row on both north and south ends of bridge pilings.
 - A third array of receivers at intervals of 300 m should be placed on a line 300 m north of the bridge pilings and parallel to the bridge.
 - A fourth array of receivers at intervals of 300 m placed on a line 300 m south of the bridge pilings and parallel to the bridge.
 - Allowances will be made for the main navigation channel.
 - VEMCO receivers deployed as part of the Pile Driving Demonstration Project will also be stationed along the bridge construction area.
- B. The Permittee must conduct a daily survey of the project area (River Mile 27) for the purpose of locating stunned or dead shortnose and Atlantic sturgeon. An SOP detailing the procedures for this survey shall be submitted to this department as soon as practical, but no later than 15 days before construction begins.
- C. All live stunned or injured sturgeon shall be placed in a holding tank onboard a survey vessel and transported outside the area ensounded by pile driving. The sturgeon shall be measured for total length, identified to species, examined for a Passive Integrated Transponder (PIT) tag, and if not found to have been tagged, the sturgeon shall be marked with a PIT tag applied in the flesh below the base of the dorsal fin (left side) and released. Application of the PIT tag will follow the procedures as outlined in the NMFS protocol.
- D. Necropsies shall be performed on any dead sturgeon collected. The Permittee must submit detailed procedures for the necropsies, which identifies the contractor that will perform the necropsies and the location of the laboratory where the necropsies will be performed as soon as practical, but no later than 15 days prior to the commencement of construction activities.
- E. After completion of the necropsy all dead sturgeon must be placed on ice and held for delivery to the DEC. After collection of a dead Shortnose or Atlantic sturgeon the Permittee shall contact the Department during the following DEC work day for delivery instructions.

The Authorized Activity and related work may begin only after the Department has reviewed the Fish Monitoring Plan required by this condition and given its authorization to proceed in writing.

9. DEMOLITION

- A. Bridge demolition shall be conducted in a manner that minimizes the resuspension of sediment and there is no increase in turbidity causing a substantial visible contrast to natural conditions in the River. A detailed plan for any proposed dredging, cofferdams, or silt curtains must be submitted to the Department for review and approval as soon as practical, but no later than 60 days prior to dredging or pier/pile removal operations.
- B. All debris and materials from the demolition of the existing Tappan Zee Bridge shall be completely removed from the bed and banks of the Hudson River.



- C. Piles, caissons, abutments, fenders and other in-water components of the existing Tappan Zee Bridge shall be removed below the mud line.
- D. A floating containment boom shall be deployed around all active demolition areas.
- E. A debris containment net must be deployed and maintained at all times during demolition of the bridge deck and superstructure.
- F. If blasting is employed during demolition of the existing Tappan Zee bridge a BACT sound attenuation system must be approved by the Department before blasting occurs.
- G. If the Department determines that removal of sediment mounds near the existing bridge is necessary, a detailed plan for dredging and dredged material management must be submitted to the Department for review and approval no later than 60 days prior to mound removal operations.

The Authorized Activity and related work may begin only after the Department has reviewed the dredging, cofferdam, silt curtain, and sound attenuation system plans and descriptions required by this condition and given its authorization to proceed in writing.

10. POST CONSTRUCTION

- A. Within one year of completion of the Authorized Activity, and again at years two and five, the Permittee must submit a bottom hydrographic survey report of the dredged area to the Department.
- B. Within one year of completion of the Authorized Activity, and again at years two and five, a benthic invertebrate survey must be conducted at the dredged area, and a report and data submitted to the Department.
- C. A hydrographic survey of the river bottom beneath the footprint of the demolished bridge must be submitted to the Department within 60 days of completion of demolition.

11. PEREGRINE FALCON

- A. The Permittee must minimize disturbance to Peregrine Falcons during all phases of the bridge replacement project. All activities must maintain the maximum distance from the peregrine falcon nest on the existing bridge as practical. No less than 60 days before starting the Authorized Activity the Permittee must submit a plan for protection of the falcon nest to the Department.
- B. Any blasting must be approved in writing by the Department and must avoid impacts to nesting peregrine falcons.
- C. The Permittee must evaluate Peregrine Falcon nesting activity during each year of construction and demolition to determine if a pair is active on the territory, are nesting, and the success of that nest. Any reports of impacts to the nest should be reported to the Wildlife Manager at the NYS DEC Region 3 Headquarters in New Paltz, NY.



- D. A peregrine falcon nest box must be installed on the new bridge between September 1 and January 31 in any calendar year, when construction is finished and before demolition of the old bridge. The design and location of the nest box on the new structure must be approved by the Department.

The Authorized Activity and related work may begin only after the Department has reviewed the falcon nest protection plan required by this condition and given its authorization to proceed in writing.

12. WATER QUALITY MONITORING PLAN

- A. No less than 60 days before starting any of the following activities a water quality monitoring plan must be submitted to the Department for approval and shall be implemented at all times during these activities. Activities subject to this requirement include: dredging activities; removal of large debris fields; pile driving in zone C and removal of the existing bridge; any activities that may cause resuspension of bottom sediments.
- B. The plan shall include monitoring for TSS, turbidity, and the following contaminants: total mercury, and dissolved nickel, copper, lead, and zinc as well as PCB and naphthalene. The plan should describe procedures for both background sampling and sampling at the edge of a 500-foot mixing zone downcurrent of the activities identified in A, above, or silt curtain installations.
- C. The following Water Quality standards for SB waters must be met daily at the edge of the mixing zone. Where background concentrations exceed the water quality standard, the limit at the edge of the mixing zone is 30% over background.

Contaminant	Water Quality Standard (ppb)
Total Mercury	0.05
Dissolved nickel	8.2
Dissolved copper	3.4
Dissolved lead	8.0
Dissolved zinc	66
PCB	0.2 per arochlor
Naphthalene	16
TSS*	100 above ambient

* Guidance Value measured in mg/L.



- D. All analytical results shall be transmitted to DEC by fax or email within 48 hours of receipt of data results, immediately followed by a mailed hard copy.
- E. Exceedance of the water quality standards will cause reevaluation of the dredging operation with possible procedural changes required.
- F. If there are no water quality exceedances during the first two weeks of dredging, water quality monitoring for contaminants may be reduced to weekly. Daily TSS monitoring must continue through the duration of dredging. If during the reduced sampling, there is an exceedance of 100 ppm TSS value, monitoring shall return to daily for all parameters of concern until such time as TSS concentrations are less than 100 ppm.
- G. Three copies of a monitoring report, summarizing the results of the monitoring and analyses, shall be submitted to DEC within 30 days of completion of the dredging operation in any calendar year.

The activities listed in A, above, and related work may begin only after the Department has reviewed the water quality monitoring plan required by this condition and given its authorization to proceed in writing.

13. ROCK DRILLING DEWATERING CONDITIONS

- A. All decant water holding scows shall be water tight and of solid hull construction.
- B. Decant water must be discharged within the confines of the silt curtain containment area surrounding the rock drilling operation.
- C. All decant water shall be held in the decant holding scow for a minimum of 24 hours.
- D. During pumping of the decant water from the holding scow, care shall be taken to avoid re-suspending or pumping sediment which has previously settled in the scow.
- E. During discharge of the decant water into the silt curtain containment area, there shall be no turbidity observed outside the confines of the containment area. Visible turbidity observed outside of the confines of the containment area will require an evaluation of the adequacy of the holding time and/or the need to add a flocculent to aid in settling of solids in the scow. Addition of a flocculent requires NYSDEC approval and the completion of the form "Water Treatment Chemical (WTC) Usage Notification Requirements for SPDES Permittees".

GENERAL CONDITIONS – Apply to ALL Permits
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1. Facility Inspection by the Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the Permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).



The Permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications for Permit Renewals or Modifications The Permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

CHIEF PERMIT ADMINISTRATOR
NYSDEC DIVISION OF ENVIRONMENTAL PERMITS
625 BROADWAY, 4TH FLOOR
ALBANY, NY 12233

4. Submission of Renewal Application The Permittee must submit a renewal application at least xxx days before permit expiration for the following permit authorizations: XXX

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the Permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



6. Permit Transfers Permits are transferrable with the approval of the department unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The Permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the Permittee's acts or omissions in connection with the Permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The Permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the Permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the Permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The Permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the Permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.