



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
MARCIA SAUNDERS
410 ILLINGTON RD
OSSINING, NY 10562
(914) 762-1126

Facility:
ILLINGTON DAM
408 ILLINGTON RD
OSSINING, NY 10562

Facility Location: in YORKTOWN in WESTCHESTER COUNTY

Facility Principal Reference Point: NYTM-E: 599.828 NYTM-N: 4564.352
Latitude: 41°13'27.8" Longitude: 73°48'32.3"

Authorized Activity: This permit authorizes 587 linear feet (total from both sides of the bank) of disturbance to the bed and banks of a tributary to New Croton Reservoir [Water Index No. H-31-P 44-50, Class B] for the purpose of rebuilding an existing dam with concrete spillway, and excavation to re-establish an instream pond.

All work must be conducted in strict accordance with the plans referenced in Natural Resource Condition No. 1 and as conditioned by this permit.

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 3-5554-00340/00001

New Permit Effective Date: 9/28/2020 Expiration Date: 12/31/2021

Stream Disturbance - Under Article 15, Title 5

Permit ID 3-5554-00340/00002

New Permit Effective Date: 9/28/2020 Expiration Date: 12/31/2021

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: TRACEY L O'MALLEY, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature: Tracey L. M. O'Malley Digitally signed by Tracey L. M. O'Malley
Date: 2020.09.28 12:11:53 -04'00' Date 9 / 28 / 2020



Distribution List

Supervisor, Town of Yorktown
A. Ryan, US ACoE
M. Tupper-Goebel, NYC DEP
P. W. Scott
J. Fisher, R3 Ecosystem Health

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; STREAM DISTURBANCE

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the P. W. Scott and are listed in Natural Resource Condition No 2.



2. Approved Plan List The approved plans were prepared by P. W. Scott and consist of the following:

<u>Sheet Title (Number)</u>	<u>Dated</u>	<u>Last Revised</u>
Dam & Pond Site Plan (SY1)	11/8/2019	8/24/2020
Cut & Fill Plan (SY1A)	11/8/2019	3/25/2020
Erosion Control Plan (SY2)	11/8/2019	8/24/2020
Pond Details (SY2A)	6/23/1990	8/24/2020
Erosion Control Details (SY3)	11/8/2019	6/29/2020
Erosion Control Notes (SY3A)	11/8/2019	8/24/2020
Long Term Maintenance Plan (SY3B)	11/8/2019	8/24/2020
Pond Planting Plan (SY4)	11/8/2019	8/24/2020
Pond Details (SY6A)	11/8/2019	8/24/2020
Drainage Overlay (D1)	11/8/2019	
Dam Construction Details (SY6B)	3/25/2020	8/24/2020
Existing Site Plan (EX)	3/25/2020	8/24/2020
Appendix H Pond Maintenance Plan	4/13/2020	
Appendix H Pond Maintenance Plan Revision Page submitted in Response to DEC NOIA	June 2020	

3. No Work Other Than Authorized Herein No other modifications to the bed or banks of the stream are authorized by this permit.

4. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

5. Notice of Intent to Commence Work The permittee or a representative must contact Josh Fisher, Bureau of Ecosystem Health, via email at joshua.fisher@dec.ny.gov, at least 48 hours prior to the commencement of the project authorized herein.

6. Install Erosion Controls Prior to Work No site preparation work shall be undertaken until all required erosion control measures have been installed.

7. Maintain Sufficient Flow During periods of work activity, sufficient flow of water shall be maintained at all times to sustain aquatic life downstream.

8. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.



- 9. No Turbidity from Dewatering** No turbid water resulting from dewatering operations shall be discharged directly to or allowed to enter the tributaries of New Croton Reservoir. Such water shall be pumped to settling basins or to an upland vegetated area prior to any discharge to the tributaries of New Croton Reservoir. All other necessary measures shall be implemented to prevent any visible increase in turbidity or sedimentation downstream of the work site.
- 10. Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.
- 11. Dredgings Disposed at Upland Site** All dredged and excavated material shall be disposed of on an upland site and be suitably stabilized so that it cannot reasonably re-enter any water body or wetland area.
- 12. Dredge Spoils Disposal** All dredge spoils shall be disposed of in a manner consistent with all local, state, and federal laws.
- 13. Clean Fill Only** All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.
- 14. No Construction Debris in Wetland or Adjacent Area** Any debris or excess materials from construction of this project (including earth, construction materials, trees and stumps) shall be immediately and completely removed from the wetland and adjacent area to an appropriate upland area for disposal.
- 15. Seed, Mulch Disturbed Soils** All areas of soil disturbance resulting from this project (above the mean high water line) shall be seeded with the appropriate plants specified in planting plan SY4 for a given location, or perennial grass seed if unspecified. Area shall be mulched with hay or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established.
- 16. Re-filling the Impoundment** Re-filling of the impoundment following construction shall be done gradually and in a manner which provides sufficient flow of water downstream at all times to sustain fish and other aquatic life.
- 17. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
- 18. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



19. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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, Modifications or Transfers 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:

Regional Permit Administrator
NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Stream Disturbance, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority 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 Transfer Permits are transferrable 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.

Item E: SEQR Type II Action Under the State Environmental Quality Review Act (SEQR), this project has been determined to be a Type II Action and therefore is not subject to further procedures under this law.

