



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
TOWN OF NORTH CASTLE  
15 BEDFORD RD  
ARMONK, NY 10504-1802

**Facility:**  
WATER DISTRICT # 2  
WINDMILL RD  
NORTH CASTLE, NY 10504

**Facility Location:** in NORTH CASTLE in WESTCHESTER COUNTY

**Facility Principal Reference Point:** NYTM-E: 611.81      NYTM-N: 4555.739  
Latitude: 41°08'43.0" Longitude: 73°40'03.4"

**Authorized Activity:** Replacement of distribution system for Water District No. 2 within the 100 foot adjacent area of Freshwater Wetland K-29 (Class I), in accordance with plans referenced in Natural Resource Condition #1 and as conditioned by this permit.

**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**

Permit ID 3-5538-00099/00007

New Permit

Effective Date: 8/20/2014

Expiration Date: 12/31/2017

**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: R SCOTT BALLARD, Deputy Regional Permit Administrator

Address:            NYSDEC REGION 3 HEADQUARTERS  
                         21 SOUTH PUTT CORNERS RD  
                         NEW PALTZ, NY 12561 -1620

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

Date 8/21/14

**Distribution List**

HEATHER GIERLOFF  
GREGORY LIBERMAN, GHD CONSULTING SERVICES, INC.

JRM



### Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

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: FRESHWATER WETLANDS

**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 GHD Consulting Services Inc. consisting of the plans described in Natural Resource Condition #2, "Approved Plans".

**2. Approved Plans** The approved plans are hereby deemed incorporated into this permit, are conditions of this permit, and shall be enforceable as part of this permit. The approved plans titled "Town of North Castle, New York/WD No. 2 - Distribution System Replacement" consist of the following:

<u>Drawing No.</u>	<u>Title</u>	<u>Dated</u>
86-16265-C038	Long Pond Road Plan Profile Sta. 24+00 - 36+00	5/14
86-16265-C039	Long Pond Road Plan Profile Sta. 36+00 - 48+00	5/14
86-16265-C040	Long Pond Rd Plan & Profile Sta. 48+00 - 51+64	5/14
	Long Pond Rd Plan & Profile Sta. 0+00 - 4+90	
86-16265-C046	Details	5/14 rev. 6/14
86-16265-C049	Details	5/14 rev. 6/14
86-16265-C050	Details	5/15 rev. 6/14

**3. Notice of Intent to Commence Work** The permittee shall notify Heather Gierloff, DEC Bureau of Habitat, via electronic mail ([heather.gierloff@dec.ny.gov](mailto:heather.gierloff@dec.ny.gov)) at least 48 hours in advance of the time of commencement.

**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. **Invasive Species (Non-native Vegetation)** 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 the state regulated freshwater wetland or its 100 foot adjacent area.
6. **Install Controls as Shown on Plans** Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing as shown on the plans or drawings referenced in this permit.
7. **Adjacent Area Work Limited to Area Shown on Work Plan** Disturbance to the regulated adjacent area of Freshwater Wetland K-29 shall be strictly limited to the work area identified in the work plan.
8. **No Wetland Disturbance** No disturbance to the wetland is authorized.
9. **Trenching in Adjacent Area** Cut and cover operations shall be limited to the amount that can be installed within a day to minimize excessive trenching.
10. **Stockpile Areas** Excavated materials and/or fill materials shall be stockpiled more than 100 feet landward of the wetland or water body and shall be contained by straw bales or silt fencing to prevent erosion.
11. **Stabilize Disturbed Areas** All areas of soil disturbance within the 100 foot adjacent area of Freshwater Wetland K-29 outside the road way resulting from this project shall be seeded with an appropriate perennial grass seed and mulched with straw within one week of final grading. Mulch shall be maintained until suitable vegetative cover is established.
12. **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.
13. **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.
14. **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.



**15. 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.

**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 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY12561 -1620

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.





**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.

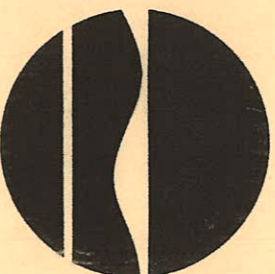
**Item E: SEQR Unlisted Action, No Significant Impact** Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with North Salem Town Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.



New York State  
Department of Environmental Conservation



# NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: CT) North Castle Permit No. 3- 5538-0009/0007

Effective Date: 8/20/2014 Expiration date: 12/31/2017

☐ Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.