



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
ORANGE COUNTY
2455-2459 ST RTE 17M
PO BOX 637
GOSHEN, NY 10924-0607
(845) 291-2750

Facility:
OCDPW-BEAVER DAM LAKE
ST RTE 94 & LAKE RD
SALISBURY MILLS, NY

Facility Location: In MULTIPLE TOWNS in ORANGE COUNTY

Facility Principal Reference Point: NYTM-E: 573.389 NYTM-N: 4587.38
Latitude: 41°26'04.7" Longitude: 74°07'17.7"

Project Location: southern end of Beaver Dam Lake

Authorized Activity: This permit authorizes various repairs to the existing Beaver Dam Lake Dam (H-89-12-P234, Class B), fed by a tributary of the Moodna Creek (H-89-12, Class C). Repairs include demolishing the gabion spillway overlay, increasing the spillway capacity, overlaying the original concrete spillway, adding a reinforced concrete stilling basin, replacing two regulating sluice gates, adding trash racks and closing the breach in the west masonry freeboard wall. All work must be conducted in strict accordance with the plans referenced in Natural Resource condition No. 1 of this permit.

Permit Authorizations

Dam - Under Article 15, Title 5

Permit ID 3-3399-00002/00005

New Permit

Effective Date: 12/18/2013

Expiration Date: 12/31/2016

Stream Disturbance - Under Article 15, Title 5

Permit ID 3-3399-00002/00006

New Permit

Effective Date: 12/18/2013

Expiration Date: 12/31/2016

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 W PETRONELLA, Deputy Regional Permit Administrator

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



Authorized Signature: *John W. Schuch*

Date 12 / 18 / 2013

Distribution List

Ron Meyer, Orange County DPW
Scott Braymer, DEC CO Dam Safety
Doug Gaugler, DEC R3 Bureau of Habitat

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: DAM; STREAM DISTURBANCE**

1. Approved Construction Documents All work shall be accomplished in strict conformance with the approved construction documents, as follows:

DRAWINGS: Rehabilitation of Beaver Dam Lake Dam, dated September 20, 2013, by Robert R. Bowers, NY P.E. License #082304-1.

SPECIFICATIONS: Rehabilitation of Beaver Dam Lake Dam, dated September 2013, by Robert R. Bowers, NY P.E. License #082304-1.

2. Substantial Deviations Any substantial deviation from the approved construction documents must be approved in writing by the Dam Safety Section prior to implementation. All deviations from the approved plans shall be indicated in the "as-built" records.

3. Dam Safety Section Contact Information When used in this permit, the contact information for the Dam Safety Section is:

Dam Safety Section
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

4. Seepage Evaluation Prior to lake drawdown, the permittee shall investigate and evaluate the seepage along the right training wall (looking downstream), and shall submit a written report with conclusions and recommendations to the Dam Safety Section. If necessary, the Construction Engineer shall propose a Design Modification to address the seepage.



- 5. Pre-Construction Status Reports** Starting from the date of Permit Issuance, the permittee shall submit pre-construction status reports to the Dam Safety Section on a monthly basis which shall, at a minimum, include: dates lake drawdown was commenced and completed, date of contract advertisement, date of contract award, date of Notice to Proceed.
- 6. Construction Engineer** Prior to issuing Notice to Proceed to the Contractor, the permittee shall notify the Dam Safety Section, by certified mail (return receipt requested), of the name, address, telephone number and license number of the registered professional engineer responsible for oversight of the dam construction work (Construction Engineer) and for submission of the construction certification and "as-built" records required under this permit.
- 7. Construction Reports** Starting from the date of Notice to Proceed, the permittee shall submit to Dam Safety the contractor's proposed project schedule and monthly reports regarding the progress of construction. Monthly reports shall, at a minimum, include: a summary of major work completed for the month with construction photos, and a one month look ahead of anticipated work.
- 8. Interim Emergency Action Plan** On or before December 31, 2013, the permittee shall submit to the Dam Safety Section an acceptable Interim Emergency Action Plan to be kept in effect through construction, including a complete Notification Flow Chart.
- 9. Final Emergency Action Plan** On or before Substantial Completion, the permittee shall submit to the Dam Safety Section an acceptable final Emergency Action Plan (EAP) in accordance with TOGS 3.1.3 and reflecting the revised spillway configuration. Approval to Fill will not be granted until an acceptable final EAP is received.
- 10. Final Inspection Maintenance Plan** On or before Substantial Completion, the permittee shall submit to the Dam Safety Section an acceptable Final Inspection & Maintenance (I&M) Plan reflecting the revised spillway configuration. Approval to Fill will not be granted until an acceptable Final I&M Plan is received.
- 11. Reservoir Filling Plan.** On or before Substantial Completion, the permittee shall submit to the Regional Permit Administrator and Dam Safety Section an acceptable Plan for the Initial Filling of the Reservoir. Approval to Fill will not be granted until an acceptable Initial Filling Plan is received.
- 12. Substantial Completion** At least two weeks before the anticipated date, the permittee shall cause the construction engineer to notify the Dam Safety Section in writing by certified mail (return receipt requested) that the work will be substantially complete and ready to impound water so that an inspection of the dam can be scheduled.
- 13. Approval to Fill** Upon satisfactory results from the inspection of the dam an "Approval to Fill" letter will be issued by the Dam Safety Section permitting the owner to impound water behind the structure. Water shall not be impounded above elevation 309 (Project Datum) until the "Approval to Fill" letter is issued.



14. Completion of Work Within two weeks after the completion of the permitted work, the permittee shall provide the Dam Safety Section by certified mail (return receipt requested) an original signed and sealed statement from the construction engineer that the project has been completely constructed under his/her care and supervision and in accordance with the construction documents approved by the Department ("certification"), with a copy to the Regional Permit Administrator.

15. As-Built Records Within four weeks after completion of the permitted work, the permittee shall provide to the Dam Safety Section, one complete set of "as-built" records. "As-built" records shall include at a minimum:

Record Drawings. The "as-built" records shall be signed and sealed by the construction engineer and shall include identification of all changes to the approved construction documents.

The "as-built" records shall be signed and sealed by the construction engineer and shall include identification of all changes to the approved construction documents.

16. 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.

17. Install Erosion Controls Before any soil is disturbed on the subject site, the permittee shall install erosion and sedimentation controls which are adequate to prevent erosion and sedimentation off-site. Such controls shall be maintained until the unpaved portions of subject site, if any, are stabilized by a self-sustaining cover of vegetation that is adequate to prevent erosion and sedimentation on and off such site. Before such controls are removed, the permittee shall remove all sediment that has accumulated at such controls.

18. Materials Removed from Bed and Banks Any debris or excess materials from construction of this project shall be immediately and completely removed from the bed and banks of all water areas to an appropriate upland area for disposal.

19. Discharging Concrete Contaminated Waters Wet concrete is highly toxic to fish and other aquatic organisms. Water which comes into contact with fresh concrete or is contaminated by concrete leachate shall be pumped to an upland vegetated area prior to any discharge to the lake.

20. Upland disposal of pump out water Water removed from work areas shall be pumped to a silt bag, hay bale enclosure or vegetated upland area. Turbid water shall not be discharged back to the lake.

21. Lake Drawdown The lake shall only be lowered the minimum amount needed to implement repairs to the dam.

22. Lake Dewatering - Fisheries Protection

Lake dewatering must be conducted at a slow, constant rate to allow fish to migrate upstream.

23. Lake Dewatering - Maintaining Pools Where feasible, in deeper areas of the lake, refuge pools shall be maintained. If the lake will be drawn down for an extended period of time, mechanical aeration of the refuge pool(s) may be necessary.

24. 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.

25. 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.

26. 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.

27. 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: Dam, Stream Disturbance.

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

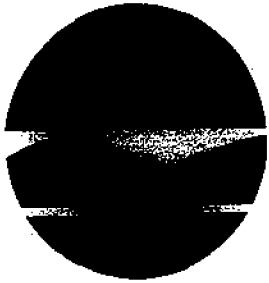
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

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

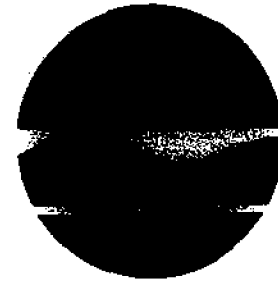
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a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

Item E: SEQR Type I Action, EIS, Findings Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as a Type I Action with Orange County Legislature designated as the lead agency. It has been determined that the project may have a significant effect on the environment and, accordingly, Draft and Final Environmental Impact Statements (EIS) have been prepared, filed and reviewed. As a result of the Department's review, findings supporting this decision have been prepared.

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: Orange County Permit No. 3-3399-00002/00005

Effective Date: December 18, 2013 Expiration date: December 31, 2016

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

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



IMPORTANT NOTICE TO ALL PERMITTEES

You requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit only authorizes activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government agency that may be required.

Be sure to note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

Work is not allowable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" and the program ID number of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the sign per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's Regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

John W. Petronella

Division of Environmental Permits, Region 3

Telephone (845) 256-3041

Applicable Only if Checked for STORMWATER SPDES INFORMATION: We have determined that your project qualifies for coverage under the General Stormwater SPDES Permit. You must now file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>

Applicable Only if Checked MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505

The DEC requests that you provide one electronic copy of the approved SWPPP directly to Natalie Brown at 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.