

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

www.dec.ny.gov

January 18, 2019

Transmitted Electronically

Mayor Patrick Madden
City of Troy
433 River Street, Suite 5000
Troy, NY 12180-2284
mayoroffice@troyny.gov

RE: Article 15 Permit, Section 401 Water Quality Cert
Mt. Ida Lake Dam
Controlled Breach
DEC Permit ID# 4-3817-00113/00007
City of Troy, Rensselaer County

Mayor Madden,

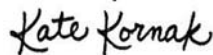
The permit that you applied for is enclosed. Please read it carefully and note the conditions that are included. It is valid for only those activities authorized and is **effective January 18, 2019 and will expire on January 17, 2020.** Work beyond the scope of the permit and the approved project plans may be considered a violation of the law and subject to appropriate enforcement action.

Please be advised that the Uniform Procedures Regulations (6 NYCRR Part 621) provide that an applicant may request a public hearing if a permit is denied or contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Regional Permit Administrator at the letterhead address. A copy should also be sent to the Chief Administrative Law Judge at NYSDEC, 625 Broadway, 1st Floor, Albany, NY 12233-1550.

Also note that this permit does not eliminate the need to obtain any other federal, state or local permits or approvals that may be required for this project.

Please feel free to contact me at (518) 357-2459 or by email at kate.kornak@dec.ny.gov should you have any questions regarding the extent of the work authorized, or your obligations under the permit.

Sincerely,



Kate Kornak
Deputy Regional Permit Administrator

encls: Article 15 Permit and Section 401 Water Quality Certification
ecc: NYSDEC
US Army Corps of Engineers
State Historic Preservation Office
City of Troy



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
CITY OF TROY
433 RIVER ST STE 5000
TROY, NY 12180-2284

Facility:
MT IDA LAKE
MT IDA LAKE
TROY, NY

Facility Location: in TROY in RENSSELAER COUNTY

Facility Principal Reference Point: NYTM-E: 608.2 NYTM-N: 4730.8
Latitude: 42°43'19.5" Longitude: 73°40'42.5"

Authorized Activity:

The authorized activity includes a partial breach of the Mt. Ida Lake Dam, a timber spillway (135' long x 12' high) spanning the Poesten Kill which is a Class C(T) stream. Sediment will be removed in the vicinity of the dam structure before the breach occurs (approx. 5,000 cu.yds.), and will continue throughout the project as necessary. All work shall be performed in accordance with the approved plans and permit conditions contained herein.

Permit Authorizations

Stream Disturbance - Under Article 15, Title 5

Permit ID 4-3817-00113/00007

New Permit Effective Date: 1/18/2019 Expiration Date: 1/17/2020

Dam - Under Article 15, Title 5

Permit ID 4-3817-00113/00008

New Permit Effective Date: 1/18/2019 Expiration Date: 1/17/2020

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 4-3817-00113/00009

New Permit Effective Date: 1/18/2019 Expiration Date: 1/17/2020

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: KATE F KORNAK, Deputy Permit Administrator
Address: NYSDEC Region 4 Headquarters
 1130 N Westcott Rd
 Schenectady, NY 12306

Authorized Signature: _____ Date 1 / 18 / 2019



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

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 Schnabel Engineering firm as detailed in Condition 2 below.

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

Schnabel Engineering letter report "Ida Lake Dam - Lake Lowering Plan"	dated October 25, 2018; revised November 12, 2018	Stamped & Signed by Michael S. Quinn, P.E.	NYS PE# 067524
Schnabel Engineering email "Schedule for Ida Lake Dam" creek flow criteria	dated December 4, 2018	email from Michael S. Quinn, P.E. to Kate Kornak	
SHPO Project PR07458 drawing and narrative for sediment and ground disturbance locations	received by the Department January 15, 2019	email from Gregory Daviero, P.E. to Kate Kornak	

3. Dam Safety Conditions

A. The work shall be overseen by an engineer licensed to practice in NYS and familiar with dam safety.

B. Within 2-weeks after 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 Region 4 Permit Administrator.



C. Within 2-weeks of the issuance of this permit, the permittee shall provide to the Dam Safety Section an Inspection & Maintenance (I&M) Plan in accordance with Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR), Part 673.6. The I&M Plan shall be available to the Department upon request.

D. Within 4-weeks after completion of the permitted work, the permittee shall provide to the Dam Safety Section one (1) complete set of "as-built" records stamped and signed by the engineer who supervised the construction. "As-built" records shall include at a minimum, photos of major work items and record drawings on paper and electronic format.

E. Within 12-months after the completion of the permitted work, the permittee shall provide to the Region 4 Permit Administrator a permit application package to either rehabilitate the dam or fully breach it.

4. Stream Disturbance Conditions

F. Minimize Stream Disturbance - Disturbance to the bed and banks of the stream shall be kept to the minimum necessary to complete the project.

G. Minimize Turbidity - Turbidity control measures shall be employed as proposed and increased as appropriate to minimize the migration of suspended sediments downstream.

H. Site Grading and Seeding - All areas of soil disturbance resulting from this project shall be shaped and/or graded, seeded, and covered with straw or other pre-approved weed-free mulch within one week of final grading. The mulch material shall be maintained until at least 80% vegetative cover is established.

5. 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.

6. 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, NY12233

7. 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.

8. 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.

9. 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.

10. 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.

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 4 Headquarters
1130 N Westcott Rd
Schenectady, NY12306

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, 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.