



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

STAMP SEWER WORKS, INC.

99 MED TECH DR STE 106

BATAVIA, NY 14020
(585) 343-4866

Facility:

SCIENCE & TECHNOLOGY ADVANCED
MANUFACTURING PARK (STAMP)
ST RTE 77 (LEWISTON RD) - W OF ST RTE
77/63 (ALLEGHANY RD) - N OF JUDGE RD
ALABAMA, NY

Facility Location: in SEVERAL COUNTIES in THIS REGION

Facility Principal Reference Point: NYTM-E: 223.06 NYTM-N: 4776.074

Latitude: 43°05'12.5" Longitude: 78°24'08.4"

Project Location: State Route 63, towns of Alabama and Shelby

Authorized Activity: Permit to authorize the construction of a 9-mile outfall pipe (force main), along State Route 63 in the towns of Alabama and Shelby, for 1 MGD of treated sanitary effluent, to serve the Science & Technology Advanced Manufacturing Park (STAMP) sanitary needs from a proposed wastewater treatment plant and potential future domestic users in the Town of Alabama. The forcemain will also serve future industrial tenants who will propose to directly treat their wastewater and discharge under separate SPDES permits.

The outfall pipe that would serve the STAMP WWTP and its tenants is designed for a future capacity of 6.0 MGD. The STAMP WWTP would discharge to a wetwell, where all site discharges will be conveyed, prior to being pumped through a new outfall pipe approximately 9 miles long, generally situated along State Route 63, discharging to Oak Orchard Creek, a class C stream approximately 1 mile south of the Village of Medina.

This project would include the construction of approximately 47,000 linear feet of new effluent outfall pipe/force main along Crosby Road, NYS Rt 77 and NYS Rt 63, extending from the proposed plant to Oak Orchard Creek. The construction of the new outfall pipe (forcemain), which will be undertaken by GCEDC, will result in a temporary impact to 0.02 acres of federally regulated wetland and streams, and 0.28 acres of regulated NYS Freshwater Wetland Adjacent Area. Directional drilling is proposed to cross wetlands and streams.

Note: Conditions 3-5 must be followed to prevent the inadvertent release of drilling fluids. Condition 4 requires that during directional drilling operations, a person be onsite to visually monitor the waters of Oak Orchard Creek for surface seepage of drilling fluid, that pressure be monitored to watch for pressure drops, and that a vacuum truck equipped to handle in water release of drilling fluid be on-site. The Frac Out Plans included in Condition 3, Conformance with Plans - Addenda Frac -Out Plans, include the specific details. Condition 5 must be met if an inadvertent release does occur.



The Notice of Intent to Commence Work, per condition 6, must be submitted 48 hours in advance of start of construction.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 8-9908-00210/00007

(Freshwater Wetland ID AK-5)

New Permit

Effective Date: 9/2/2022
Corrected 9/20/2022

Expiration Date: 12/31/2027

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: THOMAS P HALEY, Regional Permit Administrator
Address: NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414

Authorized Signature: _____

Date: 09/02/2022,
Corrected 09/20/2022

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: 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 CC Environment and Planning dated June 2016, revised October 2020, and revised February 2021. Also, the oversize Engineering Plans/Agency review drawings, entitled "STAMP Full Force Main Plan Set 2021-10-15" prepared by CPL .



2. Work Within Area Depicted on Plans All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.

3. Conformance with Plans - Addenda Frac-Out Plans In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

- a. Frac-Out Contingency Plan for Horizontal Directional Drilling received March 2021 prepared by CPL.
- b. Letters from Foundation Design PC to the CPL Design team dated March 4, 2021 and September 17, 2021 (which commit to use of 25-35 psi mud pressures in substrates likely to frac out).

4. Frack-Out Precautions During directional directional drilling operations, it is required that a person be onsite to visually monitor the waters of Oak Orchard Creek for surface seepage of drilling fluid, that pressure be reduced to between 25 and 35 psi in areas prone to frac-out, and pressures be monitored to watch for pressure drops, and a vacuum truck equipped to handle in water release of drilling fluid be on-site. The conditions of the plans sited in Conformance with Plans - Addenda - Frac Out Plans must be followed.

The intent of these requirements is to protect the imperiled and critically imperilled mussel species and other aquatic life.

5. Drilling Fluids Management and DEC Notification To minimize potential impacts associated with the use of drilling fluids, in addition to the Frac-Out Plan referenced in above, the following conditions shall be adhered to:

1. Drilling fluid circulation shall be maintained to the extent practical.
2. If inadvertent surface returns occur in upland areas, the fluids shall be immediately contained and collected. If the amount is not enough to allow practical collection, the affected area will be diluted with freshwater and allowed to dry and dissipate naturally. If the amount of surface return exceeds that which can be collected using small pumps, drilling operations shall be suspended until surface volumes can be brought under control.
3. If inadvertent drilling fluids surface returns occur in an environmentally sensitive area (i.e. wetlands and water bodies) the returns shall be monitored and documented. Drilling operations must be suspended if the surface returns pose a threat to the resource or to public health and safety. Removal of released fluids from environmentally sensitive areas will take place only if the removal does not cause additional adverse impacts to the resource. If inadvertent drilling fluids surface returns occur in a environmentally sensitive area the Department's Bureau of Ecosystem Health shall be notified immediately (585-226-5442 or 5491 or the email box dec.sm.r8beh@dec.ny.gov) and a monitoring report summarizing the location of surface returns, estimated quantity of fluid and summary of cleanup efforts shall be submitted to the Department's Bureau of Habitat (fax: 585-226-2830) within 48 hours of the occurrence.



6. Notice of Intent to Commence Work The permittee shall submit a Notice of Intent to Commence Work to Bureau of Ecosystem Health, at least 48 hours in advance of the time of commencement and shall also notify them promptly in writing of the completion of work.

7. 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.

8. Restrictive dates for Grassland Bird Protections Work must not take place in the portion of the project area within habitat for grassland birds shown on the map entitled "Portion of Project Area Within Occupied Habitat for Grassland Birds Where Restrictions Apply", as such in the Joint Permit Application (Pre-Construction Notification document dated February 2021), during the grassland bird breeding season (April 15–August 15). If possible, construction in this area should take place from August 15 to November 1 to also avoid the winter raptor period (November 1 – March 31). However, if circumstances require work to extend in this area beyond November 1, construction activity must be conducted during daylight hours only to avoid impacts to foraging owls, and staging areas must be restricted to the road right-of-way (within 54 feet from the centerline of the road) and existing driveways. In addition, the Department may require a monitor in this area during the winter season if NYSDEC winter raptor surveys indicate significant use by northern harrier and/or short-eared owl in the immediate project vicinity. Following construction, temporary impact areas and associated habitats must be immediately and fully restored to their pre-existing conditions. Within the portions of the Iroquois National Wildlife Refuge outside of the grassland bird habitat area, construction must take place outside of the migratory bird breeding season of April 15 - July 15.

9. Clean Construction Equipment All construction equipment must be cleaned of mud, seeds, vegetation and other debris before entering NYSDEC regulated 100-foot upland adjacent area.

10. 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.

11. Monitor and removal of invasive species Steps shall be taken to prevent the establishment of invasive species. Disturbed areas shall be monitored for invasive plants by annually inspecting the site. Monitoring and treatment for invasive species must take place for two (2) years. If any of the invasive species become established, monitoring and treatment must be extended an additional 2 years. If invasive species are identified in regulated adjacent area or wetland, an Article 24 Freshwater Wetland permit will be required prior to application of pesticide.

12. Seed, Mulch Disturbed Areas If seeding is impracticable due to the time of year, a temporary mulch shall be applied within 5 days and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth; but not more than six months after project completion and no later than the permit expiration date.

13. Seed, Mulch Disturbed Areas All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first. Mulch shall be maintained until suitable vegetative cover is established to the department's satisfaction.

14. Return Disturbed Ground to Pre-Construction Conditions All ground disturbance will be returned to pre-construction conditions once construction is complete.



- 15. Install and Maintain Erosion Controls** The erosion control measures specified in the referenced plans must be put in place before any disturbance of the ground occurs and is to be maintained in a functional condition over the life of construction and revegetation phase.
- 16. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.
- 17. Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.
- 18. Excavate Topsoil Separately** Topsoil will be excavated separately from subsoil for appropriate backfilling.
- 19. Stabilization of Excavated Material** All excavated material temporarily sidecast must be effectively stabilized so that it cannot enter the wetland while it is temporarily stored (i.e., silt fence placed around sidecast material).
- 20. Stabilize Disturbed Areas** Disturbed areas will be stabilized with seeding and mulch.
- 21. 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.
- 22. Disposal Locations** All excavated materials, excess and waste materials, spoil, or debris from the project site shall be disposed of in accordance with the plans referenced by this permit. These materials must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.
- 23. Prior Approval of Changes** If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.
- 24. Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.
- 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 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414



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.

