

New York State Department of Environmental Conservation

Division of Environmental Permits, 4th Floor

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Joe Martens
Commissioner

EMERGENCY AUTHORIZATION

FOR EMERGENCY ACTIONS IN RESPONSE TO HURRICANE IRENE

On August 26, Commissioner Joseph Martens of the New York State Department of Environmental Conservation issued an Emergency Declaration for the State of New York as a result of the damage caused by Hurricane Irene on August 27, 2011.

The Commissioner's Declaration authorized the Department, pursuant to Environmental Conservation Law Article 70, to issue Emergency Authorizations where, in the Department's judgment, immediate action is necessary to address an imminent threat to life, health, property, general welfare or natural resources.

The Department has determined that heavy rains and high waters have caused extensive, grave destruction and created perilous conditions that require immediate action in many areas affected by the storm. The widespread and severe damage caused by Hurricane Irene requires that immediate action be taken by local government and private citizens.

To address these situations it is necessary to perform work in streams and rivers; work that typically requires permits pursuant to Environmental Conservation Law Articles 15 (Protection of Waters) and Article 24 Freshwater Wetlands).

However, when these actions are crucial to the protection of life, health, property, the general welfare and natural resources, work must start immediately. Accordingly, the Department hereby issues this Emergency Authorization to allow critical emergency work to proceed.

EMERGENCY ACTIONS ALLOWED BY THE AUTHORIZATION

This Authorization hereby allows emergency work to occur in navigable waters, streams and wetlands regulated under Environmental Conservation Law Article 15 and Article 24. The work hereby allowed must be immediately necessary to address an imminent threat to life, health, property, the general welfare and natural resources. All work carried out under this Authorization must be conducted in a minimally invasive manner, consistent with the goals of the restoration work. Non-critical work is not allowed by this Authorization.

All work must be undertaken in compliance with the conditions below.

Note: For non-emergency projects to repair damage caused by Hurricane Irene the Department will issue a General Permit covering the same geographical area. The general permit will authorize repair and reconstruction projects not requiring immediate action.

AREA COVERED BY THE AUTHORIZATION

All navigable waters and protected streams subject to regulation under ECL Article 15; and all freshwater wetlands subject to regulation under ECL Article 24 in the following counties:

Region 3 (Lower Hudson Valley): Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties.

Region 4 (Capital Region/Northern Catskills): Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties.

Region 5 (Eastern Adirondacks/Lake Champlain): Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington counties.

Region 6 (Western Adirondacks/Eastern Lake Ontario): Herkimer, Jefferson, Lewis, Oneida and St. Lawrence counties.

AUTHORIZATION CONDITIONS

Any person performing work under this Authorization must notify the Department as soon as reasonably possible, providing the location and scope of work being done. If possible, notification must occur before work starts.

EROSION, SEDIMENTATION AND TURBIDITY CONTROLS

1. Silt fences or cofferdams are recommended to prevent siltation into waterways to the extent reasonable in light of on-site conditions.
2. Work must be conducted so that stream reaches downstream of the work site are as clear and clean as the stream reaches upstream of the work site.
3. Gravel removed from the stream bed must be placed beyond normal high water, and it must be graded and stabilized to prevent reentering the stream.
4. Gravel must not be pushed up on stream-banks or slopes.
5. Any water from cofferdams, settling basins or other work activity must be returned to a waterway only if it is as clear and clean as the water above the work site.

6. No wet concrete, dry or wet cement or other pollutants must be discharged into the waterway.
7. All disturbed stream banks must be graded to a stable slope (i.e. one-foot vertical to two-foot horizontal, or flatter if rip rap is used; one-foot vertical to three-foot horizontal, if seeded and mulched); and rip-rapped or planted with grass, shrubs or legumes to prevent erosion.
8. Work in a stream must be kept to a minimum; whenever possible the stream must be diverted around the work area.
9. Any temporary dike or cofferdam must be constructed, as far as reasonably possible, of clean gravel material (but not stream- or bank-run gravel) and protected against erosion by rip rap or plastic liner, filter fabric, or other appropriate material.
10. Where rip-rap is installed, it must be placed at a stable slope (one-foot vertical to two-foot horizontal or flatter slope). Dumped stone fill is preferable to placed rip-rap to reduce fish habitat losses associated with stream channel work.
11. In cases where gravel deposits are blocking the stream channel, the newly excavated channel must be equal in width, depth, gradient and character to the stable stream channel upstream and downstream of the project area.
12. Stream channel restoration (including excavation/removal of sand, gravel and bedrock which is blocking the channel, and the use of temporary cofferdams and fill) must conform to the pre-flood depth, width, gradient, and channel character, matching the stable stream channel upstream and downstream of the project area.

BRIDGE AND CULVERT REPLACEMENT

13. Culverts must be positioned so they allow fish passage.
14. To maintain a stable natural stream bottom when installing a culvert, the following standards must be used:
 - a. Round culverts must be buried below the natural stream bed no less than 20% of the culvert diameter, and at least twelve inches deep.
 - b. Non-round culverts (squash, box bottom, etc.) must be buried below the natural stream bed elevation at least twelve inches deep.

- c. Both the inlet and outlet of culverts must be placed at the same slope as the existing natural stream bed. The stream channel at both ends of culverts must be graded to provide a concentrated flow during periods of low water.
- 15. The opening below the replacement bridge or the diameter of the replacement culvert must be equal to or larger than the structure being replaced. The new bridge or culvert must allow as much water or more to pass under or through it than the structure being replaced.
- 16. New culverts must have to be sized larger than the culvert being replaced to ensure that the new culvert opening above the stream bed (freeboard) is sufficient to pass flood flows after burial.
- 17. The bridge opening or culvert must have to be larger than the structure to be replaced in order to safely pass flood flows as well as prevent washouts and flood backwater on the upstream side.
- 18. The opening of the bridge or culvert must be designed to maintain the natural stream profile (width and depth).

ASH TREE DEBRIS

- 19. Any debris containing any material from an Ash tree must be disposed of either through chipping or burial in a DEC permitted construction and demolition dump that is covered with soil every night and located in the county from which the debris originates.

EXPIRATION DATE

This Authorization expires on October 1, 2011.

A handwritten signature in black ink, reading "Jack A. Nasca", is written over a horizontal line.

Jack A. Nasca, Director of Division of Environmental Permits
Deputy Chief Permit Administrator
New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233

September 2, 2011

Region 3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester FAX: 845-255-3042	Alec Ciesluk NYSDEC 21 South Putt Corners Rd. New Paltz, NY 12561-1620 845-256-3054
Region 4	Albany, Columbia, Greene, Montgomery, Rensselaer, Schenectady & Schoharie FAX:518-357-2460	William Clarke NYSDEC 1130 North Westcott Rd. Schenectady, NY 12306-2014 518-357-2069
Region 4 (sub-office)	Delaware & Otsego FAX: 607-652-2342	Martha Bellinger* NYSDEC 65561 State Highway - Route 10 HCR #1, Box 3A Stamford, NY 12167-9503 607-652-7741
Region 5	Clinton, Essex, Franklin & Hamilton FAX: 518-897-1394	Michael McMurray NYSDEC Route 86, P.O. Box 296 Ray Brook, NY 12977-0296 518-897-1234
Region 5 (sub-office)	Fulton, Saratoga, Warren & Washington FAX: 518-623-3603	Marc Migliore* NYSDEC 232 Golf Course Rd. Warrensburg, NY 12885-0220 518-623-1281
Region 6	Jefferson, Lewis & St. Lawrence FAX: 315-785-2242	Larry Ambeau NYSDEC State Office Bldg. 317 Washington St. Watertown, NY 13601-3787 315-785-2245 or 2246
Region 6 (sub-office)	Herkimer & Oneida FAX: 315-793-2748	Patrick Clearey* NYSDEC State Office Building 207 Genesee St. Utica, NY 13501-3787 315-793-2555