

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7
1285 Fisher Avenue, Cortland, NY 13045-1012
P: (607) 753-3095 | F: (607) 753-8532
www.dec.ny.gov

July 14, 2016

Mr. Matt Cook, VP Operations
Leatherstocking Gas Company
49 Court Street
Binghamton, NY 13902

Dear Mr. Cook:

Enclosed is the new NYSDEC Individual Water Quality Certification for the Windsor Distribution System as proposed in plans prepared by Christopher Karelus of DDS Companies.

Please note:

1. The permit is valid for only that activity specifically represented in your permit application and authorized in writing in the permit itself. Any deviation from the activity authorized in the permit or described in your application may require additional approval(s) or corrective action;
2. Review the General and Special Conditions carefully. If you are unsure of your obligations under the permit, please bring your questions to our attention;
3. If, for any reason, you believe you will be unable to comply or remain in compliance with the terms of your permit, please contact us;
4. Please check the expiration date and any requirements for renewal or modification of your permit;
5. Please keep the permit in a safe place for reference and a copy at the work site and have your contractor read and abide by its conditions;
6. The identification numbers help us communicate with you. Please reference them in any subsequent communications;
7. Caution: Your project may be subject to the jurisdiction of the US Army Corps of Engineers. Contact them in the Auburn Field Office at 315-255-8095 with any questions.
8. Be advised, the Uniform Procedures Regulations (6NYCRR 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 [this denial] [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.

Thank you.

Sincerely,



Joseph M. Dlugolenski
Deputy Regional Permit Administrator
joe.dlugolenski@dec.ny.gov

Enc. Permit 7-0350-00134
cc: Christopher Karelus, DDA Companies
Supervisor; Town of Windsor
File



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
Leatherstocking Gas Company LLC
49 Court St
Binghamton, NY 13902
(607) 936-3755

Facility:
Leatherstocking Gas - Windsor Distribution
Fordway Rd to Village
Windsor, NY 13865

Facility Location: in WINDSOR in BROOME COUNTY

Facility Principal Reference Point: NYTM-E: 447.429 NYTM-N: 4660.234
Latitude: 42°05'32.7" Longitude: 75°38'08.5"

Authorized Activity: This permit authorizes the installation of new gas distribution mains all in accordance with plans submitted and all permit conditions herein.

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 7-0350-00134/00001

New Permit

Effective Date: 7/14/2016

Expiration Date: 7/13/2018

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: JOSEPH M DLUGOLENSKI, Deputy Regional Permit Administrator

Address: NYSDEC Region 7 Cortland Sub-Office
1285 Fisher Ave
Cortland, NY 13045 -1090

Authorized Signature: *J. Dlugolenski*

Date 7/14/2016



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: 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 The DDS Companies, Christopher Karelus submitted June 3, 2016.
- 2. Directional Bores** Directional bores should be at least 6 feet below the bed of the Susquehanna River, Occanum Creek and Sanford Creek. Bore pits shall be located landward of existing top of banks. All drill cuttings shall be disposed in a proper manner and shall not re-enter any waterbody or wetland.
- 3. No Operation of Equipment in Water** No operation of equipment in flowing water is permitted. Flowing water must be bypassed around work site by use of cofferdams and pumps, or other effective measures, to ensure continuous flow of water downstream from worksite and maintain flowing water quality, i.e. clarity, the same as upstream of the work site.
- 4. Contact DEC** If any circumstances arise that require a modification to the proposed plans, the permittee shall notify the NYSDEC Permit Administrator of any changes prior to undertaking such changes.
- 5. Restore Disturbed Areas** All disturbed areas during construction shall be stabilized immediately after re-grading with seed, mulch, straw, etc to prevent uncontrolled stormwater runoff of sediments into any nearby streams or wetlands.
- 6. 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.

7. 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.

8. 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.

9. 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.

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 7 Cortland Sub-Office
1285 Fisher Ave
Cortland, NY13045 -1090

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