

DEC PERMIT NUMBER 52-86-0015
FACILITY/PROGRAM NUMBER(S) 239C-808



PERMIT

Under the Environmental Conservation Law

EFFECTIVE DATE AUG 11 1986
EXPIRATION DATE(S) September 1, 1987

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Article 15, Title 5:
Protection of Water _____ | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES _____ | <input type="checkbox"/> Article 27, Title 7:
Solid Waste Management _____ |
| <input type="checkbox"/> Article 15, Title 15:
Water Supply _____ | <input type="checkbox"/> Article 19:
Air Pollution Control _____ | <input type="checkbox"/> Article 27, Title 9:
Hazardous
Waste Management _____ |
| <input type="checkbox"/> Article 15, Title 15:
Water Transport _____ | <input type="checkbox"/> Article 23, Title 27:
Mined Land
Reclamation _____ | <input type="checkbox"/> Article 34:
Coastal
Erosion Management _____ |
| <input type="checkbox"/> Article 15, Title 15:
Long Island Wells _____ | <input type="checkbox"/> Article 24:
Freshwater Wetlands _____ | <input type="checkbox"/> Article 36:
Floodplain Management _____ |
| <input type="checkbox"/> Article 15, Title 27:
Wild, Scenic
and Recreational Rivers _____ | <input type="checkbox"/> Article 25:
Tidal Wetlands _____ | <input type="checkbox"/> Articles 1, 3, 37; 6NYCRR 380:
Radiation Control _____ |
| <input type="checkbox"/> 6NYCRR 608
Water Quality Certification _____ | N—New, R—Renewal, M—Modification
C—Construction, O—Operation, (If Applicable) | |

PERMIT ISSUED TO International Paper Company	
ADDRESS OF PERMITEE 77 West 45th Street, New York, New York 10036	
AGENT FOR PERMITEE/CONTACT PERSON Robert Mck. Hunziker, Counsel, White Paper Group	TELEPHONE NUMBER 212-536-5851
NAME AND ADDRESS OF FACILITY (if different from Permittee)	

LOCATION OF PROJECT LaChute River	COUNTY Essex	TOWN/CITY/VILLAGE Ticonderoga	UTM COORDINATES
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DESCRIPTION OF PROJECT/FACILITY
Construction of the Upper LaChute project powerhouse and powerhouse cofferdam in the existing "C" mill tailrace and construction of the Upper LaChute project penstock and penstock cofferdam exclusive of the "A" mill dam intake structure as referred to in special condition #21 in accordance with the project plan attached to and made a part

- GENERAL CONDITIONS**
- By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations and the conditions specified herein or attached hereto.
- The permittee shall file in the office of the appropriate regional permit administrator, or other office designated in the special conditions, a notice of intention to commence work at least 48 hours in advance of the time of commencement and shall also notify him/her promptly in writing of the completion of the work
 - The permitted work shall be subject to inspection by an authorized representative of the Department of Environmental Conservation which may order the work suspended if the public interest so requires
 - The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages, direct or indirect of whatever nature, and by whomsoever suffered arising out of the project described herein and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from the said project
 - The Department reserves the right to modify, suspend or revoke this permit at any time after due notice, and, if requested, hold a hearing when
 - the scope of the project is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations are found; or
 - the permit was obtained by misrepresentation or failure to disclose relevant facts; or
 - newly discovered information or significant physical changes are discovered since the permit was issued
 - The permittee is responsible for keeping the permit active by submitting a renewal application, including any forms, fees or supplemental information which may be required by the Department, no later than 30 days (180 days for SPDES or Solid or Hazardous Waste Management permits) prior to the expiration date
 - This permit shall not be construed as conveying to the applicant any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work or as authorizing 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
 The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of way which may be required for this project
 Issuance of this permit by the Department does not, unless expressly provided for, modify, supersede or rescind an order on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions, or requirements contained in such order or determination
 - Any modification of this permit granted by the Department must be in writing and attached hereto

PERMIT ISSUANCE DATE AUG 11 1986	PERMIT ADMINISTRATOR Charles F. Gardephe	ADDRESS Rt. 86, Ray Brook, NY 12977
AUTHORIZED SIGNATURE X Charles F. Gardephe		Page 1 of <u>5</u>

- 10 That 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.
- 11 That 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.
- 12 That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained.
- 13 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.
- 14 Any material dredged in the prosecution of the work herein permitted shall be removed evenly without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
- 15 If any material is to be deposited or dumped under this permit, either in the waterway or on shore above high-water mark, it shall be deposited or dumped at the locality shown on the drawing hereto attached, and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material into the waterway.
- 16 There shall be no unreasonable interference with navigation by the work herein authorized.
- 17 If granted under Articles 24 or 25, and if upon the expiration or revocation of this permit, modification of the wetland 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 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.
- 18 If granted under Article 36, this permit does not signify in any way that the project will be free from flooding.
- 19 All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.
- Such approved plans were prepared by the permittee
_____ on Oct. 31, 1985

SPECIAL CONDITIONS

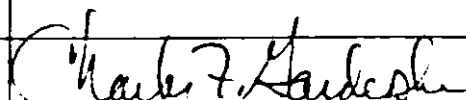
20. The Ray Brook (S1B-BS1-1370) Fire Control Office shall be notified instead of the Regional Permit Administrator at least 48 hours prior to commencement of activities authorized by this permit. Notification must be made on weekdays (excluding holidays) between the hours of 8:30 a.m. and 4:30 p.m.
21. Final approval on the dam renovations and intake construction will be delayed until the project sponsor has submitted final engineering plans for department review and approval. No construction activity in these areas can proceed until this approval is received.
22. Following removal of the "C" mill powerhouse cofferdam, the tailrace channel shall be protected with rip-rap or gabions and the embankment shall be topsoiled, seeded and mulched within 30 days of project completion.
23. Any ditches installed to concentrate storm water runoff shall be protected with haybale berms to trap sediment.
24. Lake Levels/Minimum River Flows

The final operating guidelines (dated 6/26/85) as revised in consultation with department staff will be the operating procedure for the "A" Mill Dam and Upper LaChute Project.

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25. Fisheries Management

- a) An angled trash-rack with (1") one-inch clear spacing will be installed on both the Upper and Lower project intake structures. Final design will require approval from the Bureau of Fish Management.
- b) Downstream fish passage will be provided at the "A" Mill (outlet) Dam by means of a sliding gate structure to be incorporated in gate number three (3). This sliding gate will be operated from April 1 to December 1. Minimum flows will be controlled by the main gates from December 1 to March 31. A screening device will be incorporated in the sliding gate structure to restrict downstream passage of salmon when required. Final design will require approval from the Bureau of Fish Management.
- c) A fish trapping and counting device will be installed at the outlet dam. Final design shall be in consultation with and will require approval from the Bureau of Fish Management. Maintenance and operation of this device will be the responsibility of the developer.
- d) An assessment will be made of downstream fish passage requirements at the "D" Mill and Richard's Island Dams in consultation with regional fisheries personnel. This passage will be provided after the assessment is completed and recommendations are made. These facilities will be in place prior to operation of the hydro facility.
- e) Stream channel improvements will be made in the LaChute River between the "B" Mill Dam and the "D" Mill Pond. These improvements will be specified following a joint (IP/DEC) investigation and assessment of the river and will be in place prior to operation of the hydro facility.
- f) As specified in the final operating guidelines, a continuous minimum flow of 30 cfs will be provided in the bypassed reaches of the LaChute. A calibrated staff gauge or similar device will be installed at the "C" Mill Dam and below the "D" Mill Dam to monitor the rate of flow.
- g) A parking area and fishing access site will be developed on the Upper project. Final plans are subject to approval by regional DEC staff.
- h) Supplemental fish stocking will be provided in the LaChute to enhance the recreational fishery, under the guidance of regional Fisheries staff.
- i) An informational leaflet, describing the history and fishery resource of the LaChute River will be published and disseminated.
- j) The boat launching facility located downstream from the "F" Mill

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Dam will be upgraded along with the adjoining parking lot. Handicapped fishing access will be provided at the Lower Dam site. The improvements will be done in consultation with the Village and department personnel.

- k) Construction activities will be scheduled in consultation with department staff to avoid conflicts with the fishery resource in the LaChute.

26. Wetlands Protection/Enhancement

A low weir will be installed in the breach of the "C" Mill Dam to improve the aesthetics of the area and enhance the development of associated wetlands. This weir will require the submission of plans for department review and approval.

27. Project Construction

All construction activity will proceed as specified in the submitted Environmental Management and Construction Plan (EMCP) with the following additions.

- a) Any areas scheduled for excavation of sediments will be sampled and tested prior to the onset of construction. These results will be provided to DEC Environmental Quality staff for review and approval.
- b) Disposal areas will require approval from Regional DEC staff before use.
- c) The silt fence (fabric silt screen) specified in the EMCP will be installed prior to the onset of construction including coffer dam installation. This fence will remain in place until construction is completed and the coffer dams are removed.
- d) Any water to be discharged from coffer dammed areas or sediment basins must meet the standards for the surface water into which they are being discharged.

28. Lower Project Powerhouse Design

The design and location of the lower project powerhouse will be accomplished in consultation with the Village and the Office of Park, Recreation and Historic Preservation.

29. Project Aesthetics

Installation of the powerhouse and penstock will be in accordance with those standards set forth in the EMCP and the submitted plans. Penstock sitings will take into account the natural terrain and the existing natural vegetation for concealment wherever possible. Underground placement as proposed will be required from Montcalm St. to the lower powerhouse.

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Proposals by I.P. to plug the now defunct penstock opening on the north side of the "F" Mill Dam will require the submission of a plan and proposal for review and approval by our Department.

30. WATER QUALITY CERTIFICATION:

Based upon a review of this project and a request for water quality certification pursuant to Section 401 of the Clean Waters Act of 1977, Public Law 95-217 (the "Act") public notice for which has been duly given, the Department of Environmental Conservation hereby certifies that the applicant will comply with applicable provisions of Section 301, 302, 306 and 307 of the Act.

- (1) There are no future changes in any of the following that would result in non-compliance with Sections 301, 302, 306 and 307 of the Act.
 - (a) The project as modified herein,
 - (b) The water quality criteria applicable to such waters, or
 - (c) Applicable effluent limitations or other requirements; and
- (2) The applicable provisions of State Law and regulation are complied with.

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