

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 1  
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (631) 444-0365 | F: (631) 444-0360  
www.dec.ny.gov

October 2, 2017



Long Island Electric Utility Servco LLC  
C/O PSEG Services Corp.  
80 Park PLZ T17  
Newark, NJ 07102

RE: Permit No.: 1-4799-00106/00001

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit for the referenced activity. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather and a Notice of Commencement/Completion of Construction. Please note, the permit sign and Notice of Commencement/Completion of Construction form are sent to either the permittee or the facility application contact, not both.

Sincerely,

A large, stylized handwritten signature in blue ink, written over the typed name and title.

John A. Wieland  
Permit Administrator

JAW/lis



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
LONG ISLAND ELECTRIC UTILITY SERVCO  
LLC  
C/O PSEG SERVICES CORP  
  
80 PARK PLZ T17  
NEWARK, NJ 07102  
(201) 315-0954

**Facility:**  
PSEG Long Island Greenport to Shelter Island  
Cable  
St Rte 25, 5th St, Summerfield Pl, Clinton St,  
Waverly Pl & Chase Ave  
Greenport, NY 11944

**Facility Application Contact:**  
PSEG LONG ISLAND LLC  
ATTN: EDWARD ALDRICH  
175 E OLD COUNTRY RD  
HICKSVILLE, NY 11801  
(516) 949-7085

**Facility Location:** In MULTIPLE TOWNS in SUFFOLK COUNTY  
**Facility Principal Reference Point:** NYTM-E: NYTM-N:  
Latitude: Longitude:

**Authorized Activity:** Install a new 3.1 mile 13kV underground feeder cable from the Southold 8J substation through to the Village of Greenport, then to Shelter Island to provide reliable electric service to Shelter Island. All authorized activities must be in strict conformance with the attached approved plans and expanded project description to elucidate the proposal which are all stamped NYSDEC approved on 10-02-2017.

**Permit Authorizations**

**Tidal Wetlands - Under Article 25**

Permit ID 1-4799-00106/00001

New Permit

Effective Date: 10/2/2017

Expiration Date: 10/1/2022

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 1-4799-00106/00002

New Permit

Effective Date: 10/2/2017

Expiration Date: 10/1/2022

**Freshwater Wetlands - Under Article 24**

Permit ID 1-4799-00106/00003

New Permit

Effective Date: 10/2/2017

Expiration Date: 10/1/2022



**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: JOHN A WIELAND, Deputy Regional Permit Administrator  
Address: NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook 50 Circle Rd  
Stony Brook, NY 11790 -3409

Authorized Signature: \_\_\_\_\_

Date 10/03/2017

**Distribution List**

PSEG LONG ISLAND LLC  
Marine Habitat Protection  
Habitat  
JOHN A WIELAND

**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: TIDAL WETLANDS; WATER QUALITY CERTIFICATION; FRESHWATER WETLANDS**

- 1. Project Activity** All project activity in the area of the Southold substation shall take place only on existing disturbed road shoulders and no woody vegetation shall be removed.
- 2. Dewatering** Any dewatering using wellpoints and pumping more than 45 gallons per minute will require a Long Island Wells permit from the Department.



**3. Work Area Limits** For any work within 100 feet of any regulated freshwater wetland, all work, disturbance, and or storage of construction materials shall be confined to existing legally cleared and disturbed areas including roadways and road shoulders. Qualified PSEG staff must determine the extent of regulated freshwater wetlands prior to any activities within the Town of Southold. There are no regulated freshwater wetlands within the project area in the Town of Shelter Island.

**4. Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated freshwater wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area.

**5. Straw Bales** Prior to commencement of any construction activities, a continuous row of straw bales shall be staked end to end as needed, along the edge of and within the work area limits described above.

**6. Straw Bales to Be Entrenched** Straw bales shall be entrenched two to four inches into the ground.

**7. Maintain Bales** The bales shall be maintained, repaired and replaced as often as necessary to ensure proper function, until all disturbed areas are permanently vegetated. The average useful life of a bale is approximately 3-4 months. Sediments trapped by the bales shall be removed to an approved upland location before the bales themselves are removed.

**8. Clean Fill Only** All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

**9. Equipment Storage 100' from Wetland, Water Body** All equipment and machinery shall be stored and safely contained greater than 100 feet landward of the regulated wetland or water body at the end of each work day. This will serve to avoid the inadvertent leakage of deleterious substances into the regulated area.

**10. 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.

**11. Temporary Mulch, Final Seeding** If seeding is impracticable due to the time of year, a temporary mulch shall be applied 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.

**12. Minimum % Vegetative Cover** Suitable vegetative cover is defined as a minimum of 85 % area vegetative cover with contiguous unvegetated areas no larger than 1 square foot in size.

**13. Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

**14. 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.

**15. Clearing Restriction** Within 100 feet of any regulated freshwater wetland, no cutting or removal of any woody vegetation is permitted.

**16. Dewatering Restrictions** Dewatering discharge is permitted to be directed to regulated freshwater wetlands if needed. However, no scour or erosion is permitted within the wetland or within any naturally vegetated portions of the 100 foot buffer area. No turbid water may be discharged to the wetland or within any naturally vegetated portions of the 100 foot buffer area. All necessary steps must be taken to filter the discharge and dissipate the discharge energy prior to reaching any wetland or the naturally vegetated portions of the 100 foot buffer area.

**17. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

**18. Boring Pits** The boring pits on both ends of the project must be located far enough landward of any bulkheading to ensure that any bulkhead tie-back system (tie rods, dead men) are not disturbed by the excavation.

**19. Boring Operation** In the event that the authorized boring operation fails and a blow-out with drilling fluid discharge to Shelter Island Sound North occurs, the Permittee must immediately shut down the operation, determine the extent of the frac-out and contact the DEC Bureau of Marine Habitat Manager ([andrew.walker@dec.ny.gov](mailto:andrew.walker@dec.ny.gov); 631-444-0277) to determine what remedial actions must be taken to contain and clean up the released material. Work can resume only with the authorization of the Marine Habitat Manager.

**20. Directional Drilling Operation Precautions** The Permittee must take all necessary precautions to ensure that the mechanical equipment and vehicles used for the authorized directional boring operation do not de-stabilize or damage the existing bulkheading and/or other shoreline stabilization structure, and that all excavated material is suitably contained and prevented from entering surface waters.

**21. Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

**22. 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.

**23. No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

**24. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 50 linear feet from the tidal wetland boundary.





**25. Seeding Disturbed Areas** All areas of soil disturbance resulting from the approved project shall be stabilized with appropriate vegetation (grasses, etc.) immediately following project completion or prior to permit expiration, whichever comes first. If the project site remains inactive for more than 48 hours or planting is impractical due to the season, then the area shall be stabilized with straw or hay mulch or jute matting until weather conditions favor germination.

**26. Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

**27. No Equipment below Apparent High Water** Equipment operation below (seaward) apparent high water is strictly prohibited.

**28. Wood Preservatives**

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in marine or brackish waters. Wood treated with PCP must be aged in the open air for at least three months prior to in-water use.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland and/or water body. (Note "E." below for handling wash water.)
- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.

**29. Install, Maintain Erosion Controls** Necessary erosion control measures, i.e., straw bales, silt fencing, etc., are to be placed on the downslope edge of any disturbed area. This sediment barrier is to be put in place before any disturbance of the ground occurs and is to be maintained in good and functional condition until thick vegetative cover is established.

**30. Low Ground Pressure Equipment** All ground and heavy equipment used for this project shall be low ground pressure equipment with a ground pressure of 2 psi or less on the marsh surface. Storage of equipment and materials when not in operation, shall be limited to upland areas of the project site.

**31. Fueling Areas** Fueling of equipment is strictly prohibited within tidal wetlands and within 100 feet of the tidal wetland boundary. Fueling areas must be approved by the department and contained by haybales or other approved containment devices. Spills must be prevented from entering tidal wetlands and/or waterways. Should a spill occur, the permittee shall notify the office of Regional Habitat - TW immediately and shall provide a plan for containment, clean-up and restoration of the impacted area for the approval of the department.

**32. Work During Winter** Use of heavy equipment and marsh/ditch excavation are limited to the winter months (December 1 to March 15, inclusive) to minimize impacts to existing marsh vegetation.



**33. 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.

**34. 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.

**35. 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.

**36. 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~~ stamped NYSDEC approved on 10-02-2017.

**37. 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 1 Headquarters  
SUNY @ Stony Brook|50 Circle Rd  
Stony Brook, NY11790 -3409

**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, Tidal Wetlands, 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.

