§ 70-0117. Special provisions.

1. (a) An applicant may submit simultaneously all applications for permits associated with a proposed project in order to facilitate a comprehensive project review.

(b) Except for good cause shown by the applicant, the department may require an applicant to submit simultaneously any or all applications for permits associated with a proposed project when, in the department's judgment, it is necessary to facilitate a comprehensive review of the project.

2. At any time during the review of an application for a permit or a request by a permit holder for the renewal, reissuance, recertification or modification of an existing permit, the department may request additional information from the applicant or permit holder with regard to any matter contained in the application or request when such additional information is necessary for the department to make any findings or determinations required by law. Such a request shall not extend any time period for department action contained in this article. Failure by the applicant or permit holder to provide such information may be grounds for denial by the department of the application or request.

3. Where there is a requirement pursuant to federal law for a tentative determination or draft permit to be prepared prior to public notice or hearing, the time within which the department shall make its determination whether or not the application is complete shall be extended by forty-five calendar days. This subdivision shall not apply to applications for state pollutant discharge elimination system permits for the discharge of sewage (as defined in section 17-0105 of this chapter) only.

4. In conjunction with one or more applications for permits, the department may, on request of an applicant undertake a conceptual review of a proposed project evaluating the general approvability or nonapprovability of a proposed project, including all proposed phases or segments thereof, subject to the development and submission of more

detailed plans and information and such additional applications for permits in the future as may be necessary. The department shall, in rules and regulations, establish criteria and guidelines for the conceptual review of proposed projects. The department shall establish, in rules and regulations adopted pursuant to section 70-0107 of this chapter, procedures governing the conceptual review of proposed projects.

5. (a) Under the state pollutant discharge elimination system program (article seventeen of this chapter), the department may issue a general permit, upon application or on its own initiative, to cover ballast discharges from vessels, including tankers, while moored in port which (i) are within a stated geographical area, (ii) involve the same or substantially similar type of operations, (iii) discharge the same types of pollutants, (iv) require the same effluent limitations or operating conditions, (v) require the same or similar monitoring, and (vi) which will result in minimal adverse cumulative impacts.

(b) General permits can only be issued if the department determines such discharges, by virtue of their nature and location, are more appropriately controlled under a general permit than under individual permits.

(c) Any general permit issued under this subdivision shall set forth the conditions which shall apply to any discharge authorized by such general permit.

(d) The department may require any person authorized by a general permit to apply for and obtain an individual permit and the department shall adopt rules and regulations specifying circumstances under which an individual permit may be required.

(e) General permits shall be governed by the procedures set forth in this article for the review of major projects and shall be subject to the provisions of article seventy-two of this chapter.

6. (a) Under the state pollutant discharge elimination system program (article seventeen of this chapter), the department may issue a general permit, upon application or on its own initiative, to cover a category of point sources of one or more discharges within a stated geographical area which (i) involve the same or substantially similar types of

operations, (ii) discharge the same types of pollutants, (iii) require the same effluent limitations or operating conditions, (iv) require the same or similar monitoring, and (v) which will result in minimal adverse cumulative impacts.

(b) General permits can only be issued for the following categories of discharges, if, by virtue of their nature and location, the department determines such discharges are more appropriately controlled under a general permit than under individual permits:

(i) separate storm sewers or stormwater conveyance systems; or

(ii) less than ten thousand gallons per day of sewage effluent without the admixture of industrial waste or other wastes; or

(iii) thermal discharges of less than one million gallons per day.

(c) Any general permit issued under this subdivision shall set forth the conditions which shall apply to any discharge authorized by such general permit.

(d) The department may require any person authorized by a general permit to apply for and obtain an individual permit and the department shall adopt rules and regulations specifying circumstances under which an individual permit may be required.

(e) General permits shall be governed by the procedures set forth in this article for the issuance of major permits.

7. Notwithstanding any other provision of law, the department shall not charge any application fee or any other fee for any activity undertaken pursuant to an adopt-a-park, shoreline, roadway or lake program pursuant to section two hundred seventy-seven of the general municipal law.

8. (a) All persons required to obtain a permit from the department pursuant to section 24-0701 of this chapter shall submit to the department an application fee in an amount not to exceed the following:

(i) one hundred dollars per application for a modification to any existing permit issued pursuant to section 24-0701 of this chapter;

(ii) three hundred dollars per application for one new single family dwelling and customary appurtenances thereto;

(iii) five hundred dollars per application for multiple new single family dwellings, or a new multiple family dwelling and customary

appurtenances thereto;

(iv) one thousand dollars per application for new commercial or industrial structures or improvements;

(v) one hundred dollars per application for a permit for any other project as defined in this article.

(b) All persons required to obtain a permit from the department pursuant to section 25-0402 of this chapter shall submit to the department an application fee in an amount not to exceed the following:

(i) three hundred dollars per application for a permit for a minor project as defined in this article or modification to any existing permit issued pursuant to section 25-0402 of this chapter;

(ii) two thousand dollars per application for subdivision of land or new commercial or industrial structures or improvements;

(iii) one thousand dollars per application for a permit for a project as defined in this article.

(c) Fees collected pursuant to paragraph (a) of this subdivision shall be deposited to the credit of the conservation fund. Fees collected pursuant to paragraph (b) of this subdivision shall be deposited to the credit of the marine resources account of the conservation fund.

(d) Application fees required pursuant to this subdivision will not be required for any state department.

9. Applicants for major projects. Applicants for major projects for the regulatory programs of paragraphs (a), (f), (h), (i), (j), (k) and (m) of subdivision 3 of section 70-0107 of this article shall be required to demonstrate that future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable, has been considered.