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# **Stormwater Management Program Plan (SWMP Plan)**

## **Town of Pendleton**



**SPDES General Permit for Stormwater Discharges from Municipal  
Separate Storm Sewer Systems (MS4s)  
Permit No. GP-0-24-001**

Effective Date: January 3, 2024  
Expiration Date: January 2, 2029

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## **Town of Pendleton**

### **Stormwater Management Program Contacts**

**Stormwater Program Coordinator** oversees the development, implementation, and enforcement of the SWMP; coordinates all elements of the SWMP to ensure compliance with this SPDES general permit; and develops and submits the Annual Report.

Name: Nussbaumer & Clarke, Inc.

Title: Retained Engineer

Phone: (716) – 827 - 8000

Email: pendletonstormwater@nussclarke.com

**Stormwater Management Officer** for questions related to this Stormwater Management Program (SWMP) Plan, or to obtain compliance-related documentation cited throughout this document.

Name: Troy Barnes

Title: Building Inspector

Phone: (716) – 625 – 8833

Email: tbarnes@pendletonny.us

**Local point of contact** to receive and respond to public concerns/complaints regarding stormwater management and compliance with permit requirements:

Name: Troy Barnes

Title: Building Inspector

Phone: (716) – 625 – 8833

Email: tbarnes@pendletonny.us

**To report illicit discharges** in the **Town of Pendleton** contact:

Name: Troy Barnes

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Title: Building Inspector

Phone: (716) – 625 – 8833

Email: tbarnes@pendletonny.us

To report **stormwater complaints related to construction activity** in the **Town of Pendleton** contact:

Name: Troy Barnes

Title: Building Inspector

Phone: (716) – 625 – 8833

Email: tbarnes@pendletonny.us

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## Alternative Implementation Agreements

### Inventory of Other Entities Assisting with Implementation of SWMP Plan

List any entities assisting with any portion of the SWMP development, implementation, or enforcement.

<b>Name of Entity</b>	<b>Permit Requirement</b>
Nussbaumer & Clarke, inc.	MCM 3 & 4
Western New York Stormwater Coalition	MCM 1 & 2

Although not included as an Appendix, Alternative Implementation Agreements are considered part of this SWMP Plan, and are available by contacting the Stormwater Program Coordinator or Stormwater Management listed Officer on page 2 of this document.

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## SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) Permit No. GP-0-24-001

### A. MCM1 – Public Education and Outreach Program

The MS4 Operator must develop and implement an education and outreach program to increase public awareness of pollutant generating activities and behaviors. This MCM is designed to inform the public about the impacts of stormwater on water quality, the general sources of stormwater pollutants, and the steps the general public can take to reduce pollutants in stormwater runoff.

#### 1. Development

Within three (3) years

##### a. Focus Areas

i. Surface waters classified as Class A-S, A or B

Listed below are surface waters classified as Class A-S, A or B according to New York State's Part 701 Classifications--Surface Waters and Groundwaters. Areas discharging to these waters are focus areas for the education and outreach program. Because the Class A-S, Class A and Class B surface waters have nearly identical best uses, and because all MS4 Operators in Erie and Niagara County are in within the watershed of a Class A-S, Class A surface water (i.e. Lake Erie, Niagara River or Lake Ontario), the focus area for education and outreach will encompass the entire geographical area of GP-0-24-001 regulated MS4s as depicted in Appendix A. All education and outreach materials will approach water quality protection from the high standards inherent in Class A-S, A and B surface waters.

**Class A-S and Class A fresh surface waters** are a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters are suitable for fish, shellfish and wildlife propagation and survival.

- Lake Erie Class A-S
- Niagara River Class A-S
- Lake Ontario Class A
- Eighteen Mile Creek, Middle, and tribs (0104-0017): Class A
- Eighteenmile Creek, Upper, and tribs (0104-0039): Class A
- Buffalo Creek, Lower, and tribs (0103-0004): Class A
- Buffalo Creek, Upper, and minor tribs (0103-0003): Class A

**Class B fresh surface waters** are primary and secondary contact recreation and fishing. These waters are suitable for fish, shellfish and wildlife propagation and survival.

- Cayuga Creek, Middle, and minor tribs (0103-0017): Class B
- Eighteenmile Creek, Lower, minor tribs (0104-0030): Class B
- S. Branch Eighteenmile, Lower, and tribs (0104-0016): Class B
- Scajaquada Creek, Upper, and tribs (0101-0034): Class B
- Ellicott Creek, Lower, and tribs (0102-0018): Class B
- Grand Island, all tribs to Niagara R (0101-0011): Class B
- Hampton Brook and Tribs (0104-0041): Class B

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- Hyde Park Lake (0101-0030): Class B
- Tonawanda Creek, Middle, Main Stem (0101-0006): Class B

### ii. Sewersheds for impaired waters

The surface waters listed below are identified as impaired in the New York State 2018 Section 303(d) List of Impaired/TMDL Waters and included in Appendix C of the MS4 General Permit (GP-0-24-001). The sewershed(s) discharging to the surface waters are focus areas for the education and outreach program in the **Town of Pendleton**.

#### Genesee County

- Tonawanda Creek, Middle, Main Stem (0102-0006)\*
  - Fecal Coliform

\*This section of Tonawanda Creek starts in Erie County in Pendleton and feeds into Genesee County.

### iii. TMDL watersheds:

N/A: there are no TMDL watersheds in Erie County or Niagara County.

### iv. Areas with construction activities:

Education will be targeted to specific construction sites/operators that are identified during Construction General Permit oversight and/or inspections as impacting water quality/generating stormwater pollutants. In addition, construction-related activities are an education and outreach topic for the following target audiences: contractors, developers, design professionals, and **Town of Pendleton** municipal staff.

### v. Areas with on-site wastewater systems:

Education will be targeted to specific sewerheds that are identified during illicit discharge detection monitoring as discharging pathogens/fecal coliform. In addition, on-site wastewater treatment systems (i.e. septic systems) are an education and outreach topic for the residential target audience.

### vi. Residential, commercial, and industrial areas

Education will take a variety of forms for these audiences. Residential/household education will include tabling at community and regional events, stormwater displays in the main municipal building, school-based programming such as the annual rain barrel painting contest, and classroom presentations. Commercial audiences will be targeted for education on topics most relevant to their primary operation (i.e. restaurants, landscaping and lawn care, mobile washers); industrial areas will be targeted for education on outdoor materials storage and other issues as they are discovered.

### vii. Stormwater hotspots; and

Stormwater hotspots targeted for education: commercial container nurseries, vehicle fueling stations, and vehicle service and maintenance facilities.

### viii. Areas with illicit discharges.

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Education will be targeted to specific sewersheds that are identified during illicit discharge detection monitoring as discharging stormwater pollutants, specifically related to discharges from activities such as landscaping and lawn care, dog waste; household hazardous waste disposal, vehicle washing.

## b. Target Audiences and Associated Pollutant Generating Activities

Within three (3) years

- i. Residents: landscaping and lawn care; dog waste; household hazardous waste disposal; vehicle washing
- ii. Commercial: Business owners and staff: landscaping and lawn care; vehicle fueling; vehicle service and maintenance; uncovered materials exposure/storage
- iii. Institutions: Managers, staff, and students: uncovered materials exposure/storage (institutions not subject to SPDES MS4 Stormwater Permit)
- iv. Construction: Developers, contractors, and design professionals: soil disturbance (erosion and sediment control); uncontained construction waste
- v. Industrial: Owners and staff: uncovered materials exposure/storage (ONLY industry not subject to SPDES MSGP Stormwater Permit)
- vi. MS4 Operator's municipal staff: uncovered materials exposure; preventative maintenance; spill prevention and response; erosion and sediment controls; managing vegetated areas and open space; salt storage; waste, garbage and floatable debris.

## c. Education and Outreach Topics

Within three (3) years

The table below summarizes the education and outreach topics, target audience(s), and how the education and outreach topics reduce the potential for pollutants to be generated by the target audience(s) for the focus area(s).

<b>Topic</b>	<b>Target Audience</b>	<b>How Topic Reduces Potential for Pollutants to be Generated by Target Audience(s)</b>
Household Guide	Residents	Addresses common household activities that contaminate stormwater and how to prevent
Rain Garden How-To-Guide	Residents	Reduces stormwater runoff and potential to carry pollutants to the MS4
Your Septic System	Residents, MS4 staff	Addresses proper use and maintenance of septic systems to ensure they are functioning as designed

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Pet Waste	Residents, MS4 staff	Addresses the importance of cleaning up and proper disposal of pet waste to ensure pathogens are not exposed to runoff
Illicit Discharge Citizen's Guide	Residents, MS4 staff	Provides information on storm sewers, illicit discharges, how to recognize them and where to report the incident
Stormwater Ponds	Residents, MS4 staff, Commercial sites, HOAs	Provides information on stormwater ponds, their purpose and maintenance.
DIY Rain Barrel & Home Composting	Residents	Reduces stormwater runoff, use of lawn care chemicals and potential to carry pollutants to the MS4
Rain Barrel Use/Installation	Residents	Reduces stormwater runoff and potential to carry pollutants to the MS4
Litter in Waterways	Residents, MS4 staff	Addresses how litter pollutes and impacts local waterways
Moving Dirt/Soil Disturbance/ Construction General Permit	Contractors, developers, MS4 staff	Addresses soil disturbance, the CGP, and importance of erosion and sediment control

### d. Illicit Discharge Education

Within six (6) months

The brochure entitled: *Illicit Discharge Detection and Elimination: A Citizen's Guide to Identifying and Preventing Stormwater Pollution* will be made available to municipal employees, businesses, and the public as follows:

- i. Municipal employees: email announcement
- ii. Businesses: municipal web page; public library
- iii. Public: municipal web page; public library

## 2. Implementation and Frequency

### a. Distribution Method of Educational Messages

A variety of the following methods of distribution will be utilized:

- Printed materials (e.g., mail inserts, brochures, and newsletters);
- Electronic materials (e.g., websites, email listservs);
- ~~Mass media (e.g., newspapers, public service announcements on radio or cable);~~
- ~~Workshops or focus groups;~~
- Displays in public areas (e.g., town halls, library, parks); or
- ~~Social Media (e.g., Facebook, Twitter, blogs).~~

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## b. Frequency

Once every 5 years, the **Town of Pendleton** directs an educational message to each target audience(s) for each focus area(s) based on the defined education and outreach topic(s) listed in this Stormwater Management Program Plan; and, documents the date of completion and method of distribution for each message.

**Compliance documentation is listed in Appendix B.**

## c. Updates to the Public Education and Outreach Program

Annually, by April 1: The **Town of Pendleton** reviews and updates, if necessary, the focus areas, target audiences, and/or education and outreach topics.

**Compliance documentation is listed in Appendix B.**

## 3. Enhanced Requirements for Impaired Waters

### a. Pathogens

**See Appendix P for information on how the impairment is being addressed by implementation of the MS4 Operator's local law.**

Additional specific activities to address the enhanced requirements for impaired waters will be added in accordance with compliance deadlines in the MS4 report.

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## B. MCM 2 - Public Involvement/Participation

The MS4 Operator must provide opportunities to involve the public in the development, review, and implementation of the SWMP. This MCM is designed to give the public the opportunity to include their opinions in the implementation of this SPDES general permit.

### 1. Public Involvement/Participation

Public involvement/participation in the development and implementation of the Town of Pendleton Stormwater Management Program includes opportunities to: review the SWMP Plan; submit comments; ask questions; and, become involved in the SWMP.

The Town of Pendleton informs the public of the opportunity they have to review the SWMP Plan; submit comments; ask questions; and, become involved in the SWMP via the following avenues of communication:

- Coordination with other pre-existing public involvement/participation opportunities
- SWMP available at Town Hall and Town Website

Methods of distribution used to inform public of opportunity:

- Printed materials (e.g., mail inserts, brochures, and newsletters);

**Compliance documentation is listed in Appendix B.**

a. **Local point of contact** to receive and respond to public concerns regarding stormwater management and compliance with permit requirements:

Name: Troy Barnes

Title: Building Inspector

Phone: (716) – 625 – 8833

Email: tbarnes@pendletonny.us

**The name or title of this individual, with contact information, will be published on public outreach and public participation materials.**

## 2. Public Notice and Input Requirements

### a. Public Notice and Input Requirements for SWMP Plan

This requirement is included above in B.1 Public Involvement/Participation

### b. Public Notice and Input Requirements for Draft Annual Report

Annually, provide an opportunity for the public to review and comment on the draft Annual Report. Document the opportunity below.

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1. For public review and comment, the draft Annual Report will be posted on the **Town of Pendleton** website: <https://pendletonny.us/>. The website includes information on the timeframes and procedures to submit comments and/or request a meeting. If a public meeting is requested by two or more persons, the MS4 Operator must hold such a meeting.

**Compliance documentation is listed in Appendix B.**

### c. Consideration of Public Input

Annually, the **Town of Pendleton** documents a summary of comments received on the SWMP Plan and draft Annual Report.

**Compliance documentation is listed in Appendix B.**

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## C. MCM 3 - Illicit Discharge Detection and Elimination

The **Town of Pendleton** has a program to systematically detect illicit discharges to its municipal separate storm sewer system (MS4), track down the source of the illicit discharge, and eliminate it. This program is designed to manage the MS4 so it is not conveying pollutants associated with flows other than those directly attributable to stormwater runoff. The **Town of Pendleton** Illicit Discharge Detection and Elimination Program is supported by Local law **No. 2 – 2022**, <https://ecode360.com/5125533>

### 1. Illicit Discharge Detection

#### a. Public Reporting of Illicit Discharges

i. To report illicit discharges in the **Town of Pendleton** contact:

Contact: Building Inspector/Code Enforcement

Phone: (716) – 625 – 8833

Email: [stormwater@pendletonny.us](mailto:stormwater@pendletonny.us)

ii. Within thirty (30) days of an illicit discharge, each report of an illicit discharge is documented in the **Town of Pendleton** SWMP Plan.

**Compliance documentation is listed in Appendix B.**

#### b. Monitoring Locations

The three types of monitoring locations used to detect illicit discharges are identified as follows:

- i. **MS4 outfalls:** Any point of stormwater discharge from pipes, ditches, and swales, as well as other points of concentrated flow, to surface waters of New York State from the **Town of Pendleton** municipal separate storm sewer system (MS4).
- ii. **Interconnections:** Any point of stormwater discharge from pipes, ditches, and swales, as well as other points of concentrated flow, to another MS4 or private storm sewer system.
- iii. Municipal facility **intraconnections:** Any point where stormwater is conveyed from a municipal facility property to its own MS4. This is the most down-drainage end of the MS4 infrastructure located on the municipal facility prior to discharge to the MS4.

#### c. Monitoring Locations Inventory

The **Town of Pendleton** maintains an inventory of monitoring locations that are within the boundaries of its MS4 Regulated area (see Appendix A). The inventory is available for public review and comment as follows:

- Upon request: contact the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:

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- Public: Upon Request
- Internally: (with Town Building Department)

For each monitoring location, the following information is included:

a) Inventory information for MS4 outfalls

- ID;
- Prioritization (high or low);
- Type of monitoring location;
- Name of MS4 Operator's municipal facility, if located at a municipal facility;
- Receiving waterbody name and class;
- Receiving waterbody WI/PWL Segment ID;
- Land use in drainage area;
- Type of conveyance (open drainage or closed pipe);
- Material;
- Shape;
- Dimensions;
- Submerged in water; and
- Submerged in sediment.

b) Inventory information for interconnections

- ID;
- Prioritization (high or low);
- Type of monitoring location;
- Name of MS4 Operator receiving discharge or private storm system;
- Name of MS4 Operator's municipal facility, if located at a municipal facility; and
- Receiving waterbody name and class.

c) Inventory information for municipal facility intraconnections

- ID;
- Prioritization (high or low);
- Type of monitoring location;
- Name of MS4 Operator's municipal facility; and
- Receiving waterbody name and class.

ii. Annually, the **Town of Pendleton** updates the inventory if monitoring locations are constructed or discovered; or if information for existing monitoring locations change. Prioritization determinations and updates, as noted below, are also addressed in the update.

**Compliance documentation pertaining to updating the monitoring locations inventory is listed in Appendix B.**

### d. Monitoring Locations Prioritization

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i. The **Town of Pendleton** prioritizes its monitoring locations which are included in the monitoring locations inventory as follows:

a) High priority monitoring locations are as follows:

- At a high priority municipal facility, defined as a municipal facility that has one or more of the following on site and exposed to stormwater:
  - Storage of chemicals, salt, petroleum, pesticides, fertilizers, antifreeze, lead-acid batteries, tires, waste/debris;
  - Fueling stations; and/or
  - Vehicle or equipment maintenance/repair.
- Discharging to impaired waters;
- Discharging within a TMDL watershed (Not applicable in the **Town of Pendleton**);
- Directly discharging to waters with Class AA-S, A-S, AA, A, B, SA, or SB; and/or
- Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.

b) All other monitoring locations are considered low priority.

ii. Monitoring locations that are newly constructed, or discovered, will be prioritized within 30 days; and

iii. Annually, the **Town of Pendleton** updates the monitoring location prioritization in the inventory based on information gathered as part of the monitoring location inspection and sampling program.

**Compliance documentation pertaining to updating prioritization for monitoring locations in the inventory is listed in Appendix B. The inventory is available for public review and comment as indicated above.**

### e. Monitoring Locations Inspection and Sampling Program

The **Town of Pendleton** has a program to inspect monitoring locations and sample dry weather flow discharging from the MS4.

i. The monitoring locations inspection and sampling procedures are as follows:

a) During dry weather, one (1) inspection of each monitoring location identified in the inventory every five (5) years;

b) Inspections and sampling results (if flowing during dry weather) are documented with a Monitoring Locations Inspection and Sampling Field Sheet (Appendix C). Although not included as an appendix, all completed forms for inspection and sampling are considered part of this SWMP Plan and are available for public review and comment as follows:

- Upon request: contact the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:

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- Electronically:
  - Public: Upon Request
  - Internally: (with Town Building Department)

c) Following a monitoring location inspection, all inspections which resulted in a “suspect” or “obvious” illicit discharge characterization are subject to sampling unless the source of the illicit discharge is clear and discernable (e.g., sewage), in which case sampling is not necessary;

d) Sampling is conducted using field test strips and/or field instrumentation that are sufficiently sensitive to detect the parameter below the sampling action level used. As per the MS4 General Permit (Part VI.C.d), analytical methods are not subject to New York State’s 40 CFR Part 136 requirements for approved methods and certified laboratories;

e) Source track down is initiated for monitoring locations that are characterized as “suspect” or “obvious” illicit discharge, or that exceed any sampling action level used;

f) All monitoring locations are re-inspected within thirty (30) days of the initial inspection, if there is a physical indicator not related to flow, that is indicative of an intermittent or transitory discharges. In layman’s terms, a monitoring location may not be flowing at the time of the dry weather inspection, but there may be evidence (i.e. physical indicators) of an illicit discharge such as oil stains or toilet paper. If those same physical indicators persist, the **Town of Pendleton** will initiate illicit discharge track down procedures.

ii. The **Town of Pendleton**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing Illicit Discharge Detection and Elimination procedures. This training engages employees in a classroom setting as well as in hands-on monitoring location Inspection, sampling, results interpretation, and source track down and elimination.

a) All new staff that are charged with performing monitoring location inspections and sampling procedures will receive training on procedures prior to doing so;

b) All existing staff, that are charged with performing monitoring location inspections and sampling procedures will receive training on procedures prior to doing so, and, once every five (5) years, thereafter; and

c) If the monitoring locations inspection and sampling procedures are updated, all staff will receive training on the updates prior to conducting monitoring locations inspections and sampling.

iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training is updated annually; and

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iv. Annually, by April 1, the **Town of Pendleton** reviews and updates its monitoring location inspection and sampling procedures based on results (e.g., trends, patterns, areas with illicit discharges, and common problems).

**Compliance documentation is listed in Appendix B for:**

- **Staff that have received monitoring location inspection and sampling procedures training; and,**
- **Updates to the monitoring location inspection and sampling procedures.**

## 2. Illicit Discharge Track Down Program

Within two (2) years

The **Town of Pendleton** has an illicit discharge track down program to identify the source of illicit discharges and the responsible party.

a. The illicit discharge track down program includes the following:

- i. The illicit discharge track down program is part of the Illicit Discharge Detection and Elimination Track Down Program detailed in Appendix D. It includes procedures and steps to take for illicit discharge track down;
- ii. Timeframes to initiate illicit discharge track down are as follows:
  - a) Within twenty-four (24) hours of discovery, or 72 hours of dry weather conditions, the **Town of Pendleton** will initiate track down procedures for flowing MS4 monitoring locations with obvious illicit discharges;
  - b) Within two (2) hours of discovery, the **Town of Pendleton** will initiate track down procedures for obvious illicit discharges of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the NYSDEC Regional Water Engineer and local health department; and
  - c) Within five (5) days of discovery, or 72 hours of dry weather conditions, the **Town of Pendleton** will initiate track down procedures for suspect illicit discharges.

b. As noted above, the **Town of Pendleton**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing Illicit Discharge Detection and Elimination procedures. This training includes source track down. Requirements pertaining to employee training for existing staff, new staff and updates to the illicit discharge source track down procedures are identical.

c. The names, titles, and contact information for the individuals who have received illicit discharge track down procedures training is updated annually; and

d. Annually, by April 1, the **Town of Pendleton** reviews and updates its illicit discharge track down procedures.

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Compliance documentation is listed in Appendix B for:

- Staff that have received illicit discharge track down procedures training; and,
- Updates to the illicit discharge track down procedures.

### 3. Illicit Discharge Elimination Program

Within two (2) years

The **Town of Pendleton** has an illicit discharge elimination program. Once an illicit discharge is track down and a source identified, steps are taken to eliminate the source/discharge. As noted previously, the **Town of Pendleton** Illicit Discharge Detection and Elimination Program is supported by Local law No. 2 – 2022, <https://ecode360.com/5125533>

- Although not included in this SWMP Plan, documentation of enforcement measures to eliminate illicit discharges is available upon request by contacting the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document.

a. The illicit discharge elimination procedures including

i. Provisions for escalating enforcement and tracking enforcement actions are in the **Town of Pendleton** Enforcement Response Plan detailed in Appendix O;

ii. To confirm the corrective actions have been taken, the monitoring location will be inspected, and sampled if flowing, within 30 days of receiving notice that the source of contamination has been eliminated;

iii. Steps taken for illicit discharge elimination procedures; and

iv. Timeframes for illicit discharge elimination are as follows:

- Within twenty-four (24) hours of identification of an illicit discharge that has a reasonable likelihood of adversely affecting human health or the environment, the **Town of Pendleton** will eliminate the illicit discharge;
- Within five (5) days of identification of an illicit discharge that does not have a reasonable likelihood of adversely affecting human health or the environment, the **Town of Pendleton** will eliminate the illicit discharge; and
- Where elimination of an illicit discharge within the specified timeframes above is not possible, the **Town of Pendleton** will notify the NYSDEC Regional Water Engineer.

b. As noted above, the **Town of Pendleton**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing Illicit Discharge Detection and Elimination procedures. This training includes illicit discharge elimination procedures. General requirements pertaining to employee training for existing staff, new staff and updates to the illicit discharge elimination are identical.

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c. The names, titles, and contact information for the individuals who have received illicit discharge elimination procedures training is updated annually; and

d. Annually, by April 1, the Town of Pendleton reviews and updates the illicit discharge elimination procedures.

**Compliance documentation is listed in Appendix B for:**

- **Staff that have received illicit discharge elimination procedures training; and,**
- **Updates to the illicit discharge elimination procedures.**

#### **4. Enhanced Requirements for Impaired Waters**

##### **a. Pathogens**

Additional specific activities to address the enhanced requirements for impaired waters will be added in accordance with compliance deadlines in the MS4 report.

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## D. MCM 4 - Construction Site Stormwater Runoff Control

The **Town of Pendleton** has a program to ensure construction sites subject to the NYSDEC General Permit for Stormwater Discharges from Construction Activity (CGP) are effectively controlled. This program is designed to prevent pollution from construction related activities, as well as ensure for proper planning and installation of post-construction SMPs. The **Town of Pendleton** Construction Site Stormwater Runoff Control Program is supported by Local law **No. 2 – 2022**, <https://ecode360.com/5125533>

### 1. Applicable Construction Activities/Projects/Sites

a. The construction site stormwater runoff control program addresses stormwater runoff to the MS4 from sites with construction activities that:

- i. Result in a total land disturbance of greater than or equal to one acre; or
- ii. Disturb less than one acre if part of a larger common plan of development or sale (even if additional development/phase is years away).

b. For construction activities where the **Town of Pendleton** is listed as the owner/operator on the Notice of Intent for coverage under the CGP. The **Town of Pendleton** will ensure its own compliance with the CGP. The additional requirements for Section 3: Construction Oversight; Section 6: SWPPP Review; Section 7: Pre-Construction Meeting; Section 8: Construction Site Inspection; and Section 9: Construction Close-Out below are not required.

### 2. Public Reporting of Construction Site Complaints

a. To report stormwater complaints related to construction in the **Town of Pendleton** contact:

Contact: Building Inspector/Code Enforcement

Phone: (716) – 625 – 8833

Email: [stormwater@pendletonny.us](mailto:stormwater@pendletonny.us)

b. The **Town of Pendleton** documents reports of construction site complaints with the following information:

- i. Date of the report;
- ii. Location of the construction site;
- iii. Nature of complaint;
- iv. Follow up actions taken or needed; and
- v. Inspection outcomes and any enforcement taken.

Although not included as an appendix, this documentation is considered part of the **Town of Pendleton** SWMP Plan. It is available for public review upon request; contact the Stormwater

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Program Coordinator or Stormwater Management Officer listed on page 2 of this document (with Town Building Department).

### 3. Construction Oversight Program

Within one (1) year of the EDC

The **Town of Pendleton** has a construction oversight program. It is important to note that the program encompasses the entire municipality, within and beyond the MS4 regulated area.

a. Construction oversight procedures in the **Town of Pendleton** are as follows:

- i. The construction site stormwater control program applies to all construction sites that are subject to the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001);
- ii. As per the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), construction activities that require a Stormwater Pollution Prevention Plan (SWPPP) are listed in Appendix E;
- iii. Procedures for submitting SWPPPs to the **Town of Pendleton** are as follows:
  1. The SWPPP is submitted to the Town Planning Board, including but not limited to:
    - a. A Stormwater Pollution Prevention Plan (SWPPP), prepared in accordance with the local and state laws
    - b. All construction drawings applicable to the SWPPP
    - c. All other applicable environmental permits that have been or will be acquired for the land development activity, as needed.
  2. No building permits will be issued till the Town Planning Board has reviewed and approved the SWPPP and correlating drawings.
- iv. The **Town of Pendleton** reviews Stormwater Pollution Prevention Plans (SWPPPs) for all CGP-regulated constructed projects for conformance with NYS standards (Detailed below in Part 6: SWPPP Review);
- v. Prior to commencement of CGP-regulated construction activity, the **Town of Pendleton** requires a pre-construction meeting (Detailed below in Part 7: Pre-Construction Meeting);
- vi. The **Town of Pendleton** inspects CGP-regulated construction sites to ensure compliance with the conditions of the CGP and is authorized to escalate enforcement actions as is necessary by **L.L. No. 2 – 2022**, <https://ecode360.com/5125533> . (Detailed below in Part 8: Construction Site Inspections);
- vii. All CGP-regulated construction projects in the **Town of Pendleton** are subject to construction site close-out requirements in conformance with the CGP (Detailed below in Part 9: Construction site close-out);

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viii. The **Town of Pendleton** follows an enforcement process that includes expectations for compliance for CGP-regulated construction sites that fail to comply with the conditions of the CGP and their SWPPP. See Appendix O for the Enforcement Response Plan. For information on enforcement actions pertaining to specific construction sites in the **Town of Pendleton** contact:

Contact: Building Inspector/Code Enforcement

Phone: (716) – 625 – 8833

Email: [stormwater@pendletonny.us](mailto:stormwater@pendletonny.us)

ix. Although not included in this SWMP Plan, documentation of enforcement measures addressing non-compliance with the Construction General Permit (GP-0-20-001) is available upon request by contacting the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document.

x. Other procedures associated with the control of stormwater runoff from applicable construction activities.

Not Applicable

b. The **Town of Pendleton**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing its Construction Site Stormwater Runoff Control Program. This training engages employees in a classroom setting, and as appropriate, a SWPPP compliance inspection at a construction site.

i) All new staff that are charged with conducting any construction oversight activities will receive training on procedures prior to doing so;

ii) All existing staff, that are charged with conducting any construction oversight activities will receive training on procedures prior to doing so, and, once every five (5) years, thereafter; and

iii) If the construction oversight procedures are updated, all staff will receive training on the updates prior to conducting construction oversight.

c. The names, titles, and contact information for the individuals who have received construction oversight training are updated annually;

d. All individuals involved in construction activity in the **Town of Pendleton** (e.g., contractor, subcontractor, qualified inspector, SWPPP reviewers) will be certified and maintain four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles by attending the NYSDEC 4-Hour Erosion and Sediment Control Training. This training is offered annually by Erie and Niagara County Soil and Water Conservation Districts, as well as online by other Soil and Water Conservation Districts across the state.

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i) Individuals responsible for reviewing SWPPPs on behalf of the Town of Pendleton will maintain certification.

ii) In conformance with the NYS CGP, contractors, subcontractors and qualified inspectors will maintain certification throughout the project. Contractors and subcontractors will include a current copy of their NYS certification in the on-site SWPPP.

e. Annually, by April 1, the Town of Pendleton reviews and updates its construction oversight procedures.

**Compliance documentation is listed in Appendix B for:**

- **Staff that have received construction oversight training;**
- **Updates to the construction oversight procedures; and,**
- **NYSDEC 4-Hour Erosion and Sediment Control Training for individuals involved in construction activity.**

#### 4. Construction Site Inventory & Inspection Tracking

Within six (6) months of the EDC

a. The Town of Pendleton maintains an inventory of CGP-regulated construction sites that encompasses the entire municipality, within and beyond the MS4 regulated area. Although not included as an appendix, the inventory is considered part of the Town of Pendleton SWMP Plan. The inventory is available for public review and comment as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the Town of Pendleton municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department)

The following information is included in the inventory:

- Location of the construction site;
- Owner/operator contact information, if other than the MS4 Operator;
- Receiving waterbody name and class;
- Receiving waterbody WI/PWL Segment ID;
- Prioritization (high or low);
- Construction project SPDES identification number;
- SWPPP approval date;
- Inspection history, including dates and ratings (satisfactory, marginal, or unsatisfactory, when available); and
- Current status of the construction site/project (i.e., active, temporarily shut down, complete).

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b. Annually, the **Town of Pendleton** updates the inventory if construction projects are approved or completed.

### 5. Construction Site Prioritization

Within one (1) year

a. The **Town of Pendleton** prioritizes all CGP-regulated construction sites which are included in the construction site inventory as follows:

i. High priority construction sites include construction sites:

a) With greater than five (5) acres of disturbed earth at any one time;

b) With earth disturbance within one hundred (100) feet of any lake or pond; and/or

c) Within fifty (50) feet of any rivers or streams.

ii. All other construction sites are considered low priority.

b. All CGP-regulated construction sites are prioritized within thirty (30) days of becoming active; and

c. Annually, after the initial prioritization, the **Town of Pendleton** updates the construction site prioritization in the inventory based on information gathered as part of the construction oversight.

i. If the prioritization of the construction site changes priority based on information gathered as part of the construction oversight program, the MS4 Operator must comply with the requirements that apply to that prioritization.

As noted above, the CGP-regulated construction sites inventory is available for public review and comment as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department)

### 6. SWPPP Review

a. All individual(s) responsible for reviewing SWPPPs for acceptance will complete four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles by attending the NYSDEC 4-Hour Erosion and Sediment Control Training. This training is offered annually by Erie and Niagara County Soil and Water Conservation Districts, as well as online by other Soil and Water Conservation Districts across the state. This training will be completed within three (3) years of the EDC and every three (3) years thereafter to maintain active certification.

b. SWPPP reviewers for the **Town of Pendleton** receive this training prior to

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conducting SWPPP reviews for acceptance.

i. Individuals without these trainings cannot review SWPPPs for acceptance.

ii. Individuals who meet the definition of a qualified professional or qualified inspector are exempt from this requirement.

c. To ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable construction activities and for conformance with the requirements of the CGP, the NYSDEC SWPPP Review Checklist will be utilized (Appendix F). SWPPP reviews will include the following:

i. Erosion and sediment controls will be reviewed for conformance with the NYS Standards and Specifications for Erosion and Sediment Control 2016, or equivalent;

ii. Individuals responsible for review of post-construction SMPs must be qualified professionals or under the supervision of a qualified professional; and

iii. Post-construction SMPs must be reviewed for conformance with the NYS Stormwater Management Design Manual (NYS SWMDM) 2015 or equivalent, including:

- All post-construction SMPs must meet the sizing criteria contained in the CGP and NYS SWMDM 2015.
- Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.
- The SWPPP must include an Operation & Maintenance Plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction SMP. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

**Compliance documentation is listed in Appendix B for:**

- **Staff involved in SWPPP reviews that have received NYSDEC 4-Hour Erosion and Sediment Control Training**

d. Although not included as an appendix, SWPPP reviews, as documented by the NYSDEC SWPPP Review Checklist, are considered part of the **Town of Pendleton** SWMP Plan. The SWPPP reviews are available for public review and comment as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department)

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e. As new construction activities are added to the construction site inventory, they will be prioritized as noted previously; and

f. The **Town of Pendleton** will notify construction site owner/operators that their SWPPP has been accepted using the MS4 SWPPP Acceptance Form created by the Department and required by the CGP, signed in accordance with Part X.J: Signatories and Certifications (MS4 General Permit: GP-0-24-001).

### 7. Pre-Construction Meeting

Prior to commencement of construction activities, the **Town of Pendleton** requires a pre-construction meeting. The date and content of the preconstruction inspection/meeting is documented in the construction site inventory of this SWMP Plan. The owner/operator listed on the CGP NOI, the **Town of Pendleton**, contractor(s) responsible for implementing the SWPPP for the construction activity, and the qualified inspector (if required for the construction activity) must attend the meeting in order to:

- a. Confirm the approved project has received, or will receive<sup>26</sup>, coverage under the CGP or an individual SPDES permit;
- b. Verify contractors and subcontractors selected by the owner/operator of the construction activity have identified at least one individual that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP; and, a copy of the certification(s) for those individuals is added to the on-site SWPPP.
- c. Verify each of the contractors and subcontractors identified have signed a copy of the following certification statement below before they commence any construction activity:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges from construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the following:

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- Specific elements of the SWPPP that each contractor and subcontractor will be responsible for, and include the name and title of the person providing the signature;
- The name and title of the *trained contractor* responsible for SWPPP implementation;
- The name, address and telephone number of the contracting firm;
- The address (or other identifying description) of the site; and
- The date the certification statement is signed.

The owner or operator of the Construction General Permit must attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

- d. Review the construction oversight program and expectations for compliance.

### 8. Construction Site Inspections

The Town of Pendleton inspects CGP-regulated construction sites to ensure they are in compliance with the SWPPP that pertains to the site.

- a. All individual(s) responsible for construction site inspection will complete four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles by attending the NYSDEC 4-Hour Erosion and Sediment Control Training. This training is offered annually by Erie and Niagara County Soil and Water Conservation Districts, as well as online by other Soil and Water Conservation Districts across the state. This training will be completed every three (3) years thereafter to maintain active certification.
- b. All MS4 Construction Site Inspectors will receive this training prior to conducting construction site inspections.
  - i. Individuals without these trainings cannot inspect construction sites.
  - ii. Individuals who meet the definition of a qualified professional or qualified inspector are exempt from this requirement.
- c. All sites with construction activity identified in the inventory will be inspected annually during active construction, after the pre-construction meeting, or sooner if deficiencies are noted that require attention.
  - i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the CGP and the MS4 Operator's Enforcement Response Plan.
- d. The names, titles, and contact information for the individuals who have received the NYSDEC 4-Hour Erosion and Sediment Control Training are updated annually;

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e. All construction inspections are documented using the NYSDEC Construction Site Inspection Report Form (Appendix G) or an equivalent form containing the same information. The completed Construction Site Inspection Reports are considered part of the **Town of Pendleton** SWMP Plan and are available as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department).

**Compliance documentation is listed in Appendix B for:**

- **Staff conducting construction inspections that have received NYSDEC 4-Hour Erosion and Sediment Control Training**

### 9. Construction Site Close-out

a. To close out a CGP-regulated construction site, the **Town of Pendleton** conducts and documents a final construction site inspection. The final construction site inspection is documented using the Construction Site Inspection Report Form (Appendix G), or an equivalent form containing the same information, or accept the construction site owner/operator's qualified inspector final inspection certification that is required by the CGP. The completed (final) Construction Site Inspection Reports are considered part of the **Town of Pendleton** SWMP Plan and are available as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department).

b. The Notice of Termination (NOT) is signed by the **Town of Pendleton** as required by the CGP for projects determined to be complete. The NOT is signed in accordance with Part X.J: Signatories and Certifications (MS4 General Permit: GP-0-24-001).

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## E. MCM 5 – Post-Construction Stormwater Management

The **Town of Pendleton** has a program to ensure proper operation and maintenance of post-construction Stormwater Management Practices (SMPs) for new or redeveloped sites. This program is designed to promote the long-term performance of post-construction SMPs in removing pollutants from stormwater runoff. The **Town of Pendleton** Post-Construction Stormwater Management Program is supported by Local law **No. 2 – 2022**, <https://ecode360.com/5125533>

### 1. Applicable Post-Construction SMPs

The **Town of Pendleton** post-construction SMP program addresses stormwater runoff to the MS4 from publicly owned/operated and privately owned/operated post-construction SMPs that meet the following:

- a. Post-construction SMPs that have been installed as part of any CGP regulated construction site or individual SPDES permit since March 10, 2003; and
- b. All new post-construction SMPs constructed as part of the construction site stormwater runoff control program.

### 2. Post-Construction SMP Inventory & Inspection Tracking

The **Town of Pendleton** maintains an inventory of post-construction SMPs that encompasses the entire municipality, within and beyond the MS4 regulated area.

- a. The **Town of Pendleton** under its continuing MS4 General Permit coverage:
  - i. Maintains the inventory from previous iterations of the MS4 General Permit requirement for post-construction SMPs installed after March 10, 2003; and
  - ii. Will update the inventory for post-construction SMPs installed after March 10, 2003 as post-construction SMPs are approved or discovered; or after an owner/operator of CGP-regulated construction activity has filed a NOT with the NYSDEC.
- b. Annually, the **Town of Pendleton** updates the inventory of post-construction SMPs to include the post-construction SMPs as noted above.

c. Within five (5) years

The following information will be included in the inventory either by using **Town of Pendleton** maintenance records or by verification of maintenance records provided by the owner of the post-construction SMP:

- i. Street address or tax parcel;
- ii. Type;
- iii. Receiving waterbody name and class;
- iv. Receiving waterbody WI/PWL Segment ID
- v. Date of installation (if available) or discovery;

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- vi. Ownership;
  - vii. Responsible party for maintenance;
  - viii. Contact information for party responsible for maintenance;
  - ix. Location of documentation depicting O&M requirements and legal agreements for post-construction SMP;
  - x. Frequency for inspection of post-construction SMP, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP;
  - xi. Reason for installation (e.g., new development, redevelopment, retrofit, flood control), if known;
  - xii. Date of last inspection;
  - xiii. Inspection results; and
  - xiv. Any corrective actions identified and completed.
- d. Although the **Town of Pendleton** inventory of post-construction SMPs is considered part of this SWMP Plan and is available as follows:
- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
  - At the **Town of Pendleton** municipal building as follows:
    - Electronically:
      - Public: Upon Request
      - Internally: (with Town Building Department)

### 3. SWPPP Review

As noted above, post-construction SMP SWPPP review requirements address the following:

- a. Individuals responsible for review of post-construction SMPs must be qualified professionals or under the supervision of a qualified professional; and
- b. Post-construction SMPs must be reviewed for conformance with the NYS Stormwater Management Design Manual (NYS SWMDM) 2015 or equivalent, including:
  - i. All post-construction SMPs must meet the sizing criteria contained in the CGP and NYS SWMDM 2015.

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- ii. Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.
- c. The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction SMP. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

#### 4. Post-Construction SMP Inspection & Maintenance Program

Within one (1) year

The **Town of Pendleton** has an inspection and maintenance program for publicly owned/operated and privately owned/operated post-construction SMPs.

- a. The post-construction SMP inspection and maintenance procedures are as follows:
  - i. All post-construction SMPs identified in the inventory are inspected at the frequency specified in the NYSDEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP, if available;
  - ii. The Post-Construction SMP Inspection Checklist in the NYSDEC Maintenance Guidance or an equivalent form containing the same information must be used to document post-construction SMP inspections. The **Town of Pendleton** will only accept Level 1 inspections (NYS DEC Maintenance Guidance 2017) by private owners inspecting post-construction SMPs. Level 2 and Level 3 inspections must be performed by qualified individuals as indicated in the checklist document.

The completed Post-Construction SMP Inspection Checklists are considered part of this SWMP Plan and are available as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department)
  - iii. Upon receipt of a completed inspection checklist, the **Town of Pendleton** will inform the owner that follow-up actions indicated on the checklist (i.e. maintenance, repair, or higher level inspection) must occur within thirty (30) days of the post-construction SMP inspection; and
  - iv. The **Town of Pendleton** will initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete. See Appendix O Enforcement Response Plan for course of action.
  - v. Although not included in this SWMP Plan, documentation of enforcement measures pertaining to inspection and maintenance of post-construction stormwater management

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practices is available upon request by contacting the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document.

b. The **Town of Pendleton**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing its post-construction SMP inspection and maintenance procedures. This training utilizes the NYSDEC Maintenance Guidance and includes a classroom setting, followed by a post-construction SMP inspection.

i) All new staff that are charged with conducting post-construction SMP inspection and maintenance activities will receive training on procedures prior to doing so;

ii) All existing staff, that are charged with conducting any post-construction SMP inspection and maintenance activities will receive training on procedures prior to doing so, and, once every five (5) years, thereafter; and

iii) If the post-construction SMP inspection and maintenance procedures are updated, all staff will receive training on the updates prior to conducting post-construction SMP inspection and maintenance.

iv) All inspectors will meet minimum qualifications for Level 1, 2, 3 inspections as per the NYSDEC Maintenance Guidance document (2017).

c. The names, titles, and contact information for the individuals who have received post-construction SMP inspection and maintenance procedures training are updated annually;

d. Annually, by April 1, the **Town of Pendleton** reviews and updates its post-construction SMP inspection and maintenance procedures.

**Compliance documentation is listed in Appendix B for:**

- **Staff that have received post-construction SMP inspection and maintenance procedures training; and,**
- **Updates to the post-construction SMP inspection and maintenance procedures.**

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## F. MCM 6 – Pollution Prevention and Good Housekeeping

The Town of Pendleton has a pollution prevention and good housekeeping program for municipal facilities and municipal operations to minimize pollutant discharges. This MCM is designed to ensure the Town of Pendleton's own activities do not contribute pollutants to surface waters of the State.

### 1. Best Management Practices (BMPs) for Municipal Facilities & Operations

Within three (3) years

The Town of Pendleton has a municipal facility program and municipal operations program with best management practices (BMPs) that will minimize the discharge of pollutants associated with municipal facilities and municipal operations, respectively. The BMPs to be considered are as follows and are documented in this SWMP Plan:

#### a. Minimize Exposure

- i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following BMPs:
  - a) Locate materials and activities inside or protect them with storm resistant coverings;
  - b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
  - c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;
  - d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
  - e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
  - f) Use spill/overflow protection equipment;
  - g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also captures any overspray;
  - h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and/or
  - i) Minimize exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners).

#### ii. No Exposure Certification for High Priority Municipal Facilities

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- a) Municipal facilities may qualify for No Exposure Certification (Appendix H) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.
- b) High priority municipal facilities with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority municipal facility if only routine maintenance is performed inside and all other no exposure criteria are met. Details on high/low priority municipal facilities are addressed later in this section.
- c) Municipal facilities accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the No Exposure Certification.
- d) Municipal facilities must maintain the No Exposure Certification and document in the SWMP Plan. The No Exposure Certification ceases to apply when activities or materials become exposed.

### b. Follow a Preventive Maintenance Program

i. The Town of Pendleton has a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and equipment and systems to prevent leaks, spills and other releases.

This includes:

- a) Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems;
- b) Maintaining non-structural BMPs (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas); and
- c) Ensuring vehicle washwater is not discharged to the MS4 or to surface waters of the State. Washing equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or discharged to the sanitary sewer is required.

ii. Routine maintenance is performed to ensure BMPs are operating properly.

iii. When a BMP is not functioning to its designed effectiveness and needs repair or replacement:

- a) Maintenance is performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable; and
- b) Interim measures are taken to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events.

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## c. Spill Prevention and Response Procedures

i. The **Town of Pendleton** follows Spill Prevention and Response Procedures designed to minimize the potential for leaks, spills and other releases that may be exposed to stormwater and provide for effective response to such spills if or when they occur. The Spill Prevention and Response Procedures are as follows:

- a) Store materials in appropriate containers;
- b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- c) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- d) Develop procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;
- f) Develop procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the stormwater pollution prevention team. Any spills must be reported in accordance with 6 NYCRR 750-2.7; and
- g) Following any spill or release, the MS4 Operator must evaluate the adequacy of the BMPs identified in the municipal facility specific SWPPP. If the BMPs are inadequate, the SWPPP must be updated to identify new BMPs that will prevent reoccurrence and improve the emergency response to such releases.

ii. Measures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage, or hazardous waste management regulations at 6 NYCRR Parts 596-599, 613 and 370-373.

iii. This SPDES general permit does not relieve the **Town of Pendleton** of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

## d. Erosion and Sediment Controls<sup>31</sup>

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i. Stabilize exposed areas and control runoff using structural and/or nonstructural controls to minimize onsite erosion and sedimentation.

ii. The **Town of Pendleton** will consider:

a) Structural and/or non-structural controls found in the NYS E&SC 2016;

b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;

c) Whether structural, vegetative, and/or stabilization BMPs are needed to limit erosion;

d) Whether velocity dissipation devices (or equivalent measures) are needed at discharge locations and along the length of any channel to provide a non-erosive flow velocity from the structure to a water course; and

e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (50) feet of a surface water of the State.

### e. Manage Vegetated Areas and Open Space on Municipal Property

i. Maintain vegetated areas on **Town of Pendleton** owned/operated property and right of ways:

a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction;

b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);

c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and  
d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the MS4.

### f. Salt Storage Piles or Pile Containing Salt

Enclose or cover storage piles of salt, or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

### g. Waste, Garbage, and Floatable Debris

i. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment,

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treatment); and

ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are discharged:

a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);

b) Pick up trash and debris on **Town of Pendleton** owned/operated property and rights of way; and

c) Clean out catch basins within the appropriate timeframes as noted later in this section.

## h. Alternative Implementation Options

When alternative implementation options are utilized, require the parties performing municipal operations as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed.

## 2. Municipal Facilities<sup>33</sup>

### a. Municipal Facility Program

Within three (3) years

The **Town of Pendleton** has a municipal facility program that includes BMPs to minimize stormwater pollution from municipal operations, differentiation of BMPs applicable to high or low priority facilities, and employee training. The municipal facility program is documented for this SWMP Plan as follows:

i. Municipal facility procedures:

a) All BMPs incorporated into the municipal facility program;

b) High priority municipal facility requirements, that are specific to municipal operations occurring at each high priority facility; and

c) Low priority municipal facility requirements that are specific to municipal operations occurring at each low priority facility.

ii. The **Town of Pendleton**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing its municipal facility procedures. This training addresses on-site facility operations and is conducted concurrently with municipal operations procedures.

a) All new staff that are charged with conducting municipal facility procedures/BMPs will receive training on procedures prior to doing so;

b) All existing staff, that are charged with conducting any municipal facility procedures/BMPs will receive training on procedures prior to doing so, and, once

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every five (5) years, thereafter; and

- c) If the municipal facility procedures/BMPs are updated, all staff will receive training on the updates prior to conducting municipal facility procedures.

iii. The names, titles, and contact information for the individuals who have received municipal facility procedures training are updated annually;

iv. Annually, by April 1, the **Town of Pendleton** reviews and updates its municipal facility procedures.

**Compliance documentation is listed in Appendix B for:**

- **Staff that have received municipal facility procedures training; and,**
- **Updates to the municipal facility procedures.**

### b. Municipal Facility Inventory

i. Within two (2) years

The **Town of Pendleton** maintains an inventory of all municipal facilities in the SWMP Plan.

The following information is included in the inventory:

- a) Name of municipal facility;
- b) Street address;
- c) Type of municipal facility;
- d) Prioritization (high or low);
- e) Receiving waterbody name and class;
- f) Receiving waterbody WI/PWL Segment ID;
- g) Contact information;
- h) Responsible department;
- i) Location of SWPPP (if high priority; when completed);
- j) Type of activities present on site;
- k) Size of facility (acres);
- l) Date of last assessment;
- m) BMPs identified; and

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n) Projected date of next comprehensive site assessment as per the municipal facility prioritization.

ii. Annually, the **Town of Pendleton** updates the inventory if new municipal facilities are added.

## c. Municipal Facility Prioritization

i. Within three (3) years

The **Town of Pendleton** prioritizes all known municipal facilities as follows:

a) High priority municipal facilities include municipal facilities that have one or more of the following on site and exposed to stormwater:

i) Storage of chemicals, salt, petroleum, pesticides, fertilizers, antifreeze, lead-acid batteries, tires, waste/debris;

ii) Fueling stations; and/or

iii) Vehicle or equipment maintenance/repair.

b) Low priority municipal facilities include any municipal facilities that do not meet the criteria for a high priority municipal facility.

c) High priority municipal facilities which qualify for a No Exposure Certification (Appendix H) are low priority municipal facilities.

ii. Within thirty (30) days of when a municipal facility is added to the inventory, the **Town of Pendleton** prioritizes it; and

iii. Annually, after the initial prioritization, the **Town of Pendleton** will update the municipal facility prioritization in the inventory based on information gathered as part of the municipal facility program, including cases where a No Exposure Certification ceases to apply. Although not included as an appendix, the inventory and all required updates is considered part of the **Town of Pendleton** SWMP Plan. The inventory is available for public review and comment as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department)

## d. High Priority Municipal Facility Requirements

### i. Municipal Facility Specific SWPPP

Within five (5) years

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The **Town of Pendleton** has a municipal facility specific SWPPP for each high priority municipal facility. A copy of the municipal facility specific SWPPP is retained on site at the respective municipal facility. The **Town of Pendleton** SWPPP contains the following:

a) Stormwater Pollution Prevention Team

The municipal facility specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in developing, implementing, maintaining, and revising the municipal facility specific SWPPP. The activities and responsibilities of the team must address all aspects of the municipal facility specific SWPPP.

b) General Site Description

A written description of the nature of the activities occurring at the municipal facility with a potential to discharge pollutants, type of pollutants expected, and location of key features as detailed in the site map.

c) Summary of potential pollutant sources

The municipal facility specific SWPPP must identify each area at the municipal facility where materials or activities are exposed to stormwater or from which authorized non-stormwater discharges originate, including any potential pollutant sources for which the municipal facility has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

i) Materials or activities include: machinery; raw materials; intermediate products; byproducts; final products or waste products; and, material handling activities which includes storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product or waste product.

ii) For each separate area identified, the description must include:

- Activities - A list of the activities occurring in the area (e.g., material storage, equipment fueling and cleaning);
- Pollutants - A list of the associated pollutant(s) for each activity. The pollutant(s) list must include all materials that are exposed to stormwater; and
- Potential for presence in stormwater - For each area of the municipal facility that generates stormwater discharges, a prediction of the direction of flow, and the likelihood of the activity to contaminate the stormwater discharge. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or discharged, the likelihood of contact with stormwater; and history of leaks or spills of toxic or hazardous pollutants.

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance to be covered under this SPDES general permit, the municipal facility specific SWPPP must include a list of spills or releases of petroleum and hazardous substances or other pollutants, including unauthorized non-stormwater discharges, that

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may adversely affect water quality that occurred during the last three-year period. The list must be updated when spills or releases occur.

### e) Site Map

The municipal facility specific SWPPP must include a site map identifying the following, as applicable:

- i) Property boundaries and size in acres;
- ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;
- iii) Monitoring locations with its approximate sewershed. Each monitoring location must be labeled with the monitoring location identification;
- iv) Location of all post-construction SMPs and MS4 infrastructure (i.e. storm sewer system);
- v) Locations of discharges authorized under other SPDES permits;
- vi) Locations where potential spills or releases can contribute to pollutants in stormwater discharges and their accompanying drainage points;
- vii) Locations of haul and access roads;
- viii) Rail cars and tracks;
- ix) Arrows showing direction of stormwater flow;
- x) Location of all receiving waters in the immediate vicinity of the municipal facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
- xi) Locations where stormwater flows have significant potential to cause erosion;
- xii) Location and source of run-on from adjacent property containing significant quantities of pollutants and/or volume of concern to the municipal facility; and
- xiii) Locations of the following areas where such areas are exposed to precipitation or stormwater:
  - (a) Fueling stations;
  - (b) Vehicle and equipment maintenance and/or cleaning areas;
  - (c) Loading/unloading areas;

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- (d) Locations used for the treatment, storage or disposal of wastes;
- (e) Liquid storage tanks;
- (f) Processing and storage areas;
- (g) Locations where significant materials, fuel or chemicals are stored and transferred;
- (h) Locations where vehicles and/or machinery are stored when not in use;
- (i) Transfer areas for substances in bulk;
- (j) Location and description of non-stormwater discharges (Part I.A.3.);
- (k) Locations where spills<sup>35</sup> or leaks have occurred; and
- (l) Locations of all existing structural BMPs.

### f) Stormwater Best Management Practices (BMPs)

The municipal facility specific SWPPP also documents the location and type of BMPs implemented at the municipal facility. The municipal facility specific SWPPP must describe how each BMP is being implemented for all the potential pollutant sources.

### g) Municipal facility assessments

The municipal facility specific SWPPP includes a schedule for completing and recording results of routine and comprehensive site assessments.

## ii. Municipal Facility Assessments

### a) Wet Weather Visual Monitoring (High Priority Municipal Facilities ONLY)

i) Once every five (5) years, the **Town of Pendleton** conducts wet weather visual monitoring at all monitoring locations and other sites of stormwater leaving the site that are discharging stormwater from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential pollutant generating areas.

(a) All samples must be collected from discharges resulting from a qualifying storm event. The storm event must be documented using the Storm Event Data Form (Appendix I) and kept with the municipal facility specific SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the discharge at the monitoring location.

(b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.

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(c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of stormwater pollution.

(d) The visual examination of the sample must be conducted in a well-lit area.

(e) Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term for consistency.

(f) The MS4 Operator must document the visual examination using the Visual Monitoring Form (Appendix I) and keep it with the municipal facility specific SWPPP to record:

(i) Monitoring location ID;

(ii) Examination date and time;

(iii) Personnel conducting the examination;

(iv) Nature of the discharge (runoff or snowmelt);

(v) Visual quality of the stormwater discharge including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution; and

(vi) Probable sources of any observed stormwater contamination.

(vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of stormwater pollution, at minimum, the **Town of Pendleton** will complete and document the following actions:

(1) Evaluate the facility for potential sources;

(2) Remedy the problems identified;

(3) Revise the municipal facility specific SWPPP; and

(4) Perform an additional visual inspection during the first qualifying storm event following implementation of the corrective action. If the first qualifying storm event does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.

b) The monitoring locations inspection and sampling program (MCM 3: Illicit Discharge Detection and Elimination) includes all **Town of Pendleton** municipal facilities.

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### c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the **Town of Pendleton** will complete a comprehensive site assessment for each high priority municipal facility as identified in the inventory using the Municipal Facility Assessment Form (Appendix J) or an equivalent form containing the same information, and document it in the municipal facility specific SWPPP and SWMP Plan that:

(a) The municipal facility is in compliance with the terms and conditions of the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-24-001);

(b) Deficiencies were identified and all reasonable steps taken to minimize any discharge in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the MS4 Operator must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps taken to minimize any discharge in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the MS4 Operator must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

### e. Low Priority Municipal Facility Requirements

i. The MS4 Operator must identify procedures outlining BMPs for the types of activities that occur at the low priority municipal facilities. A municipal facility specific SWPPP is not required.

### ii. Municipal Facility Assessments

a) Low priority municipal facilities are not required to conduct wet weather visual monitoring.

b) The monitoring locations inspection and sampling program is conducted at the municipal facility.

### c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the **Town of Pendleton** will complete a comprehensive site assessment for each low priority municipal facility as identified in the inventory using the Municipal Facility Assessment Form (Appendix J) or an equivalent form containing the same information, and document in the SWMP Plan that:

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(a) The municipal facility is in compliance with the terms and conditions of the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-24-001);

(b) Deficiencies were identified and all reasonable steps taken to minimize any discharge in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

- Within twenty-four (24) hours, the **Town of Pendleton** must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps taken to minimize any discharge in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

- Within seven (7) days, the MS4 Operator must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

### 3. Municipal Operations & Maintenance

#### a. Municipal Operations Program

Municipal operations in the **Town of Pendleton** are: street maintenance; winter road maintenance; MS4 maintenance; open space maintenance; solid waste management; and right-of-way maintenance.

Within three (3) years

The **Town of Pendleton** has a municipal operations program. The municipal operations program is documented in the SWMP Plan specifying:

- i. The municipal operations procedures as follows:
  - a) The BMPs incorporated into the municipal operations program;
  - b) The municipal operations corrective actions requirements;
  - c) The municipal operations maintenance requirements;
  - d) Roads, parking lots, and right of way maintenance requirements; and
  - e) All other municipal operations maintenance requirements.
- ii. The **Town of Pendleton**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing its municipal operations procedures. This training addresses municipal operations procedures and is conducted concurrently with municipal facility procedures.

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- a) All new staff that are charged with conducting municipal operations procedures will receive training prior to conducting municipal operations procedures;
  - b) All existing staff, that are charged with conducting any municipal operations procedures will receive training prior to conducting municipal operations procedures and, once every five (5) years, thereafter; and
  - c) If the municipal operations procedures are updated, all staff will receive training on the updates prior to conducting municipal operations procedures.
- iii. The names, titles, and contact information for the individuals who have received municipal operations procedures training is updated annually;
- iv. Annually, by April 1, the Town of Pendleton reviews and updates its municipal operations procedures.

### Compliance documentation is listed in Appendix B for:

- Staff that have received municipal operations procedures training; and,
- Updates to the municipal operations procedures.

### b. Municipal Operations Corrective Actions

- i. For municipal operations, Town of Pendleton must either:
- a) Ensure compliance with the terms and conditions of the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-24-001); or
  - b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-24-001):
    - i) Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment;
    - ii) Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment; and
    - iii) For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, a schedule will be prepared that specifies interim milestones to ensure compliance in the shortest reasonable time.

### c. Catch Basin Inspection and Maintenance

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Within three (3) years of the EDC,

The **Town of Pendleton** has a catch basin inspection and maintenance program that targets its MS4 Regulated area (see map Appendix A). The program entails the following:

- i. Identifies when catch basin inspection is needed with consideration for:
  - a) Areas with construction activities;
  - b) Residential, commercial, and industrial areas;
  - c) Recurring or history of issues; or
  - d) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
- ii. An inventory of catch basin inspection information is maintained and includes the following information
  - a) Date of inspection;
  - b) Approximate level of trash, sediment, and/or debris captured at time of clean-out
    - no trash, sediment, and/or debris;
    - <50% of the depth of the sump;
    - >50% of the depth of the sump);
  - c) Depth of structure;
  - d) Depth of sump; and
  - e) Date of clean out, if applicable.
- iii. Based on inspection results, catch basins will be cleaned out within the following timeframes:
  - a) Within six (6) months after the catch basin inspection, catch basins which had trash, sediment, and/or debris exceeding 50% of the depth of the sump must be cleaned out;
  - b) Within one (1) year after the catch basin inspection, catch basins which had trash, sediment, and/or debris at less than 50% of the depth of the sump must be cleaned out; and
  - c) MS4 Operators are not required to clean out catch basins if the catch basins are operating properly and:
    - i. There is no trash, sediment, and/or debris in the catch basin; or
    - ii. The sump depth of the catch basin is less than or equal to two (2) feet.

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iv. The **Town of Pendleton** catch basin inspection and maintenance program includes the following practices for properly managing materials removed from catch basins during clean out operations (handling and disposal) so that:

- a) Water removed during the catch basin cleaning process will not reenter the MS4 or surface waters of the State;
- b) Material removed from catch basins is disposed of in accordance with any applicable environmental laws and regulations; and
- c) Material removed during the catch basin cleaning process will not reenter the MS4 or surface waters of the State.

v. The catch basin inspection and maintenance operations process can be used to determine if there are signs/evidence of illicit discharges and procedures for referral/follow-up if illicit discharges are encountered.

### d. Roads, Parking Lots, & Right of Way Maintenance

#### i. Sweeping

Within six (6) months

The **Town of Pendleton** has procedures for sweeping and/or cleaning municipal streets, bridges, parking lots, and right of ways owned/operated by the **Town of Pendleton**.

a) All roads, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement is not applicable to:

- i) Uncurbed roads with no catch basins;
- ii) High-speed limited access highways; or
- iii) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement is not applicable to:

- i) Uncurbed roads with no catch basins;
- ii) High-speed limited access highways; or
- iii) Roads defined as interstates, freeways and expressways, or arterials by the USDOT 2013.

#### ii. Maintenance

Within five (5) years

In addition to the BMPs, the **Town of Pendleton** adheres to the following provisions:

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- a) Pave, mark, and seal in dry conditions;
- b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the MS4 or surface waters of the State;
- c) Restrict the use of herbicides/pesticide application to roadside vegetation; and
- d) Contain pollutants associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

### iii. Winter Road Maintenance

Within five (5) years

In addition to the BMPs, the **Town of Pendleton** adheres to the following provisions:

- a) Routinely calibrate equipment to control salt/sand application rates; and
- b) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.

Although not included as an appendix in the SWMP Plan, documentation of the procedures and completion of permit requirements pertaining to Pollution Prevention and Good Housekeeping for Municipal Operations are available as follows:

- Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Town of Pendleton** municipal building as follows:
  - Electronically:
    - Public: Upon Request
    - Internally: (with Town Building Department)

## 4. Enhanced Requirements for Impaired Waters

### a. Pathogens

Within six (6) months

The **Town of Pendleton** has identified facilities with nuisance bird populations that have potential to contribute pathogens (e.g., Canada Geese) that are **documented in Appendix P**.

- a) Signage is available at these municipal facilities, instructing the public not to feed wildlife.

The **Town of Pendleton** must remove any accumulated trash and debris from municipal facilities when necessary to eliminate potential food sources for wildlife.

Additional specific activities to address the enhanced requirements for impaired waters will be added in accordance with compliance deadlines in the MS4 report.

Within one (1) year

The Town of Pendleton does not have any facilities with nuisance bird populations, therefore no evaluation was necessary.

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The Town of Pendleton has made dog waste recaptacles available in areas where pets/domestic animals may frequent, more may be installed as the Town sees a need.

## **G. Additional Enhanced Requirements for Impaired Waters**

### **1. Mapping**

#### **a. Pathogens**

Additional specific activities to address the enhanced requirements for impaired waters will be added in accordance with compliance deadlines in the MS4 report.

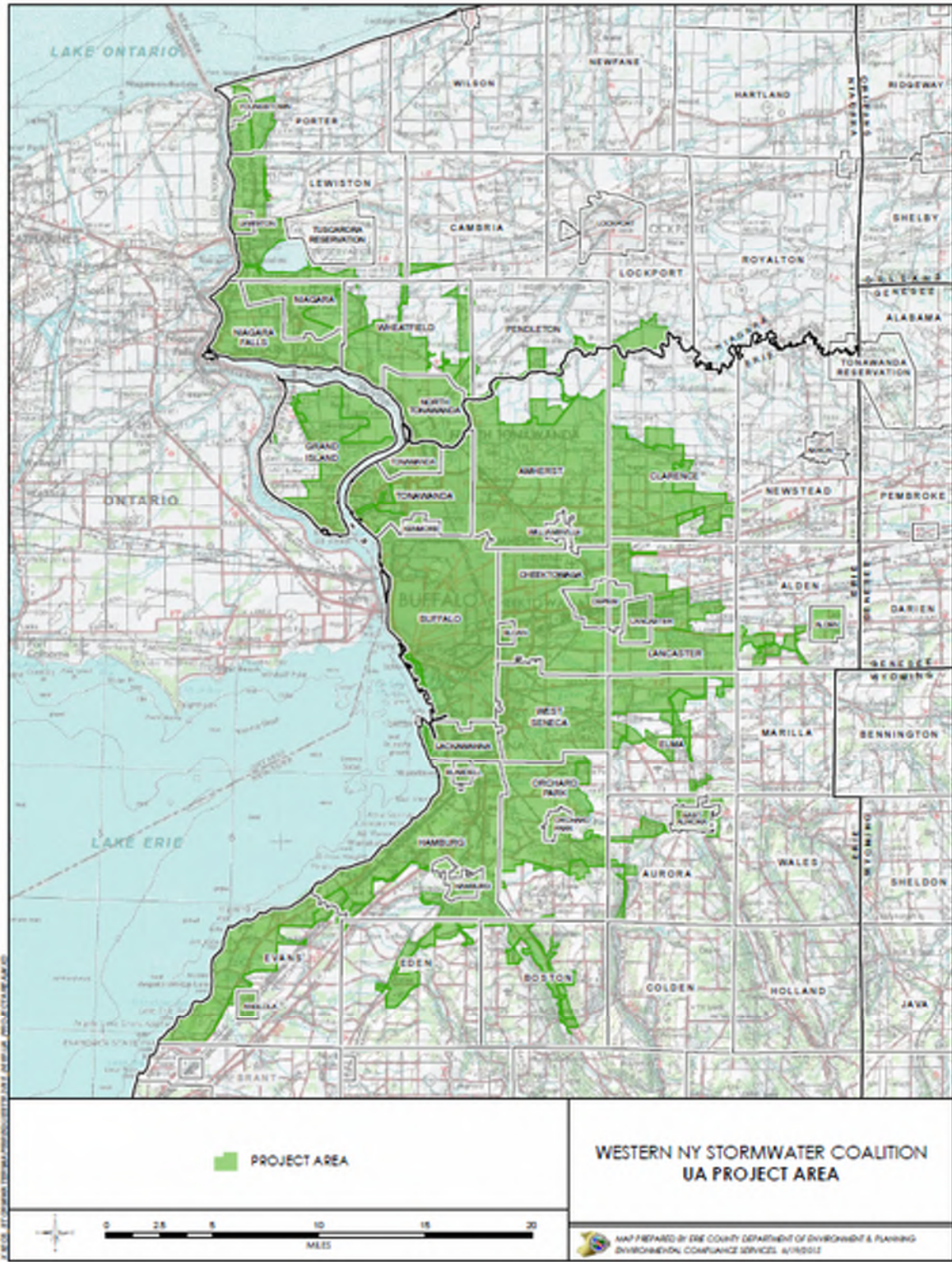
### **2. Planned Upgrades to Municipal Facilities**

Incorporate, where feasible, cost-effective runoff reduction techniques during planned municipal upgrades including municipal right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

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**Map of Erie and Niagara County MS4 Regulated Area**

**Appendix A**



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## SWMP Plan Compliance Documentation

## Appendix B

### A. MCM1 – Public Education and Outreach Program Compliance Documentation

Once every 5 years, the **Town of Pendleton** directs an educational message to target audience(s) for each focus area(s) based on the defined education and outreach topic(s) listed in this Stormwater Management Program Plan. Listed below are the date(s) of completion and method of distribution for each message.

#### I. Residents:

##### Landscaping and lawn care:

Date of completion: January 2, 2024 - present

Method used: Brochure *Household Guide to Preventing Stormwater Pollution* posted online: [www.erie.gov/stormwater](http://www.erie.gov/stormwater); brochure handout at 14 public education tabling events;

##### Dog waste:

Date of completion: January 2, 2024 - present

Method used: Brochure *Pick Up Your Pet Waste: It's Your Doodie* posted online: [www.erie.gov/stormwater](http://www.erie.gov/stormwater); brochure handout at 14 public education tabling events;

##### Household hazardous waste disposal:

Date of completion: Annually

Method used: Erie County: multiple press releases, County newsletters and multiple social media posts for HHW drop off events; brochure *Household Guide to Preventing Stormwater Pollution* at 14 public education tabling events;

##### Vehicle washing:

Date of completion: January 2, 2024 - present

Method used: Brochure *Household Guide to Preventing Stormwater Pollution* posted online: [www.erie.gov/stormwater](http://www.erie.gov/stormwater); brochure handout at 14 public education tabling events;

##### Illicit Discharge:

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Date of completion: June 15, 2024 (libraries); January 2, 2024 – present (others)

Method used: Distributed *Illicit Discharge Detection and Elimination: A Citizen's*

*Guide to Identifying and Preventing Stormwater Pollution* brochure to Erie and

Niagara Public Libraries; posted online: [www.erie.gov/stormwater](http://www.erie.gov/stormwater); brochure at 14

public education events;

## II. Commercial: Business Owners and Staff:

Landscaping and lawn care:

Date of completion: \_\_\_\_\_

Method used: \_\_\_\_\_

Vehicle fueling:

Date of completion: \_\_\_\_\_

Method used: \_\_\_\_\_

Vehicle maintenance:

Date of completion: \_\_\_\_\_

Method used: \_\_\_\_\_

Uncovered materials exposure/storage:

Date of completion: \_\_\_\_\_

Method used: \_\_\_\_\_

Illicit Discharge:

Date of completion: \_\_\_\_\_

Method used: \_\_\_\_\_

## III. Institutions: Managers, Staff, and Students (Institutions Not Subject to SPDES MS4/MSGP Stormwater Permitting)

Uncovered materials exposure/storage:

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Date of completion: \_\_\_\_\_

Method used: \_\_\_\_\_

**IV. Construction: Developers, Contractors, And Design Professionals:**

Soil disturbance:

Date of completion: 1/1/2025; 2/19/2025

Method used: NYSDEC 4 Hour Erosion & Sediment Control Training

Uncontained construction waste:

Date of completion: 1/1/2025; 2/19/2025

Method used: NYSDEC 4 Hour Erosion & Sediment Control Training

**V. Industrial: Owners and Staff: (Industry Not Subject to SPDES MSGP Stormwater Permit)**

Uncovered materials exposure/storage:

Date of completion: \_\_\_\_\_

Method used: \_\_\_\_\_

**VI. MS4 Operator's Municipal Staff:**

Uncovered materials exposure/storage

Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

Preventative maintenance:

Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

Spill prevention and response:

Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

Erosion and Sediment Controls:

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Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

Vegetated areas and open space:

Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

Salt storage:

Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

Waste, garbage and floatable debris:

Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

Illicit Discharge:

Date of completion: 10/14/2025

Method used: Pollution Prevention - Good Housekeeping Training

## Updates to the Public Education and Outreach Program

Annually, by April 1: The **Town of Pendleton** reviews and updates, if necessary, the focus areas, target audiences, and/or education and outreach topics. Listed below are the date(s) of review and description of update.

Date of Review	Description of Update (including "No Update")
3/5/2025	No Update
<b>3/3/2026</b>	Residential, Construction, and MS4 Staff education

## **SWMP Plan Compliance Documentation**

## **Appendix B (continued)**

### **B. MCM 2 - Public Involvement/Participation**

Public involvement/participation in the development and implementation of the **Town of Pendleton** SWMP includes opportunities to: review the SWMP Plan; submit comments; ask questions; and, become involved in the SWMP.

**To document (annually), enter date(s) of completion:**

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Coordination with other pre-existing public involvement/participation opportunities

Description: At a Town Board Meeting

Method used: SWMP was presented and public was informed it was available for review and comment at Town Hall and on the Town website

Dates of completion: 3/10/2025, 3/9/2026

Available at Town Hall and Town Website

Description: Located with Town Clerk and on Town website

Method used: Available for public review and comment

Dates of completion: at all times

## Public Notice and Input Requirements for Draft Annual Report

Annually, the **Town of Pendleton** provides an opportunity for the public to review and comment on the draft Annual Report. Listed below are the date(s) of review and description of the opportunity provided.

Date of Review	Description of Opportunity
3/10/2025	At a Town Board meeting
3/9/2026	At a Town Board meeting

## Consideration of Public Input

Annually, the **Town of Pendleton** documents a summary of comments received on the SWMP Plan and draft Annual Report. Listed below are the comments and date received (if no comments were received, date and note in description).

Date Received	Description of SWMP Plan Comments

Date Received	Description of Draft Annual Report Comments

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Within thirty (30) days of when public input is received, the MS4 Operator must update the SWMP Plan, where appropriate, based on the public input received. Listed below are the updates and effective date (if no updates are made, note in description).

Date of Update	Description of SWMP Plan Update or "No Update" if applicable

**SWMP Plan Compliance Documentation**

**Appendix B (continued)**

**C. MCM 3 - Illicit Discharge Detection and Elimination**

**1. Illicit Discharge Detection**

Public Reporting of Illicit Discharges

Within thirty (30) days of an illicit discharge, each report of an illicit discharge is documented below.

Date of the report: \_\_\_\_\_

Location of the illicit discharge: \_\_\_\_\_

Nature of the illicit discharge: \_\_\_\_\_

Follow up actions taken or needed (including response times): \_\_\_\_\_

\_\_\_\_\_

Inspection outcomes and any enforcement taken: \_\_\_\_\_

\_\_\_\_\_



Date of the report: \_\_\_\_\_

Location of the illicit discharge: \_\_\_\_\_

Nature of the illicit discharge: \_\_\_\_\_

Follow up actions taken or needed (including response times): \_\_\_\_\_

\_\_\_\_\_

Inspection outcomes and any enforcement taken: \_\_\_\_\_

\_\_\_\_\_



Date of the report: \_\_\_\_\_

Location of the illicit discharge: \_\_\_\_\_

Nature of the illicit discharge: \_\_\_\_\_

Follow up actions taken or needed (including response times): \_\_\_\_\_

\_\_\_\_\_

Inspection outcomes and any enforcement taken: \_\_\_\_\_

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Annually, the **Town of Pendleton** updates the inventory for new monitoring locations that are constructed or discovered; or if information for existing monitoring locations change. Prioritization determinations and updates are also addressed below.

<b>Date of Update</b>	<b>Description Inventory Update(s); or “No Update” if applicable</b>
3/5/2025	No update
3/3/2026	No update

Annually, the **Town of Pendleton** reviews and updates the names, titles, and contact information for the individuals who have received illicit discharge training on the following:

- Monitoring locations inspection;
- Sampling procedures;
- Results interpretation;
- Source track down; and,
- Source elimination.

The Illicit Discharge Detection and Elimination training provided by the Western New York Stormwater Coalition is comprehensive and addresses all training requirements applicable to the IDDE Program.

<b>Date of Update</b>	<b>Name, title &amp; email of individual trained</b>	<b>Training Date</b>
3/5/2025	Ron Diedrich, Building Inspector, <a href="mailto:rdiedrich@pendletonny.us">rdiedrich@pendletonny.us</a>	2018
3/3/2026	Troy Barnes, Building Inspector, <a href="mailto:tbarnes@pendletonny.us">tbarnes@pendletonny.us</a>	10/7/2025

Annually, by April 1, the **Town of Pendleton** reviews and updates its monitoring location inspection and sampling procedures based on results (e.g., trends, patterns, areas with illicit discharges, and common problems).

<b>Date of Update</b>	<b>Description Inspection and Sampling Procedures Update(s); or “No Update” if applicable</b>
3/5/2025	No Update
3/3/2026	Monitoring location inspection and sampling program, illicit discharge track down program, and illicit discharge elimination program developed and implemented as a year 2 permit requirement.

# DRAFT

## SWMP Plan Compliance Documentation

## Appendix B (continued)

### D. MCM 3 – Construction Site Stormwater Runoff Control

Annually, the Town of Pendleton reviews and updates the names, titles, and contact information for the individuals who have received **Construction Oversight Training**.

Date of Update	Name, Title & Email of Individual Trained	Training Date
3/3/2026	Troy Barnes, Building Inspector, tbarnes@pendletonny.us	2026

Annually, by April 1, the Town of Pendleton reviews and updates its construction oversight procedures.

Date of Update	Description Construction Oversight Procedures Update(s); or “No Update” if applicable
3/5/2025	Construction Oversight procedures were updated in compliance with the year 1 permit requirements
3/3/2026	No Update

Annually, the Town of Pendleton updates its CGP-regulated construction sites inventory.

Date of Update	Description Inventory Update(s); or “No Update” if applicable
3/5/2025	West Herr Subaru project has been terminated and is no longer active
3/3/2026	Updated to include Campbell Boulevard Subdivision [NYR11P657]

Individuals **involved in construction activity, SWPPP review, construction site inspections** in the Town of Pendleton have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other Department endorsed entity. Individuals who meet the definition of a qualified professional or qualified inspector are exempt from this requirement.

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<b>Date of Training</b>	<b>Name, Title &amp; Email of Individual Trained</b>	<b>Task : Oversight; SWPPP Review; Inspection</b>
2026	Troy Barnes, Building Inspector, tbarnes@pendletonny.us	Oversite

# DRAFT

## SWMP Plan Compliance Documentation

## Appendix B (continued)

### E. MCM 5 – Post-Construction Stormwater Management

Annually, the **Town of Pendleton** reviews and updates the names, titles, and contact information for the individuals who have received **Post-Construction SMP Inspection And Maintenance Training**.

Date of Update	Name, Title & Email of Individual Trained	Training Date
3/5/25	Ron Deidrich, Building Inspector, rdiedrich@pendletonny.us	2018

Annually, the **Town of Pendleton** updates its inventory of post-construction SMPs.

Date of Update	Description Inventory Update(s); or “No Update” if applicable
3/5/25	West Herr Subaru Added to the list
3/3/2026	No Update

Annually, by April 1, the **Town of Pendleton** reviews and updates its post-construction SMP inspection and maintenance procedures.

Date of Update	Description Post-construction SMP Inspection and Maintenance Procedures Update(s); or “No Update” if applicable
3/5/2025	Post-construction SMP Inspection and maintenance procedures formalized and implemented as a year 1 requirement of the permit
3/3/2026	No Update

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**SWMP PLAN COMPLIANCE**

**Appendix B (continued)**

**F. MCM 6 – Pollution Prevention and Good Housekeeping**

Annually, the **Town of Pendleton** reviews and updates the names, titles, and contact information for the individuals who have received **Municipal Facility Procedures Training And Municipal Operations Procedures Training**.

<b>Date of Update</b>	<b>Name, Title &amp; Email of Individual Trained</b>	<b>Training Date</b>

Annually, by April 1, the **Town of Pendleton** reviews and updates its municipal facility procedures and its municipal operations procedures.

<b>Date of Update</b>	<b>Description Municipal Facility Procedures Update(s)</b>
3/5/2025	No Update
3/3/2026	No Update

<b>Date of Update</b>	<b>Description Municipal Operations Procedures Update(s)</b>
3/5/2025	No Update
3/3/2026	No Update

Annually, the **Town of Pendleton** updates its inventory of all municipal facilities.

<b>Date of Update</b>	<b>Description Inventory Update(s); or “No Update” if applicable</b>
3/5/25	No Update
3/3/2026	Municipal facility inventory completed as a year 2 requirement of the permit.

# DRAFT

## Monitoring Locations Inspection and Sampling Field Sheet

### Section 1: Background Data

Subwatershed:		Monitoring Location ID:	
Today's date:		Time (Military):	
Investigators:		Form completed by:	
Temperature (°F):	Rainfall (in):	Last 24 hours:	Last 48 hours:
Latitude:	Longitude:	GPS Unit:	GPS LMK #:
Camera:		Photo #s:	
Land Use in Drainage Area (Check all that apply):			
<input type="checkbox"/> Industrial <input type="checkbox"/> Ultra-Urban Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial		<input type="checkbox"/> Open Space <input type="checkbox"/> Institutional Other: _____ Known Industries: _____	
Notes (e.g., origin, if known):			

### Section 2: Monitoring Location Description

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
<input type="checkbox"/> Closed Pipe	<input type="checkbox"/> RCP <input type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> Steel <input type="checkbox"/> Other: _____	<input type="checkbox"/> Circular <input type="checkbox"/> Single <input type="checkbox"/> Elliptical <input type="checkbox"/> Double <input type="checkbox"/> Box <input type="checkbox"/> Triple <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	Diameter/Dimensions: _____	In Water: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully  With Sediment: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully
	<input type="checkbox"/> Open drainage	<input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> Rip-Rap <input type="checkbox"/> Other: _____	<input type="checkbox"/> Trapezoid <input type="checkbox"/> Parabolic <input type="checkbox"/> Other: _____	Depth: _____ Top Width: _____ Bottom Width: _____
<input type="checkbox"/> In-Stream	(applicable when collecting samples)			
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, Skip to Section 5</i>			
Flow Description (if present)	<input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial			

### Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING MONITORING LOCATIONS				
PARAMETER	RESULT	UNIT	EQUIPMENT	
<input type="checkbox"/> Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
<input type="checkbox"/> Flow #2	Flow depth		In	Tape measure
	Flow width	____' ____'	Ft, In	Tape measure
	Measured length	____' ____'	Ft, In	Tape measure
	Time of travel		S	Stopwatch
Temperature		°F	Thermometer	
pH		pH Units	Test strip/Probe	
Ammonia		mg/L	Test strip	
Total Chlorine		mg/L	Test strip	
Nitrate/Nitrite		mg/L	Test strip	
Phosphate		mg/L	Test strip	
Detergents		Visual	Black light, cotton pads	

**Monitoring Locations Inspection and Sampling Field Sheet**

**Section 4: Physical Indicators for Flowing Monitoring Locations Only**

Are Any Physical Indicators Present in the flow?  Yes  No (If No, Skip to Section 5)

INDICATOR	CHECK IF Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
			1 - Faint	2 - Easily detected	3 - Noticeable from a distance
Odor	<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/hoar <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Color	<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Turbidity	<input type="checkbox"/>	See severity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floatables -Does Not include Trash!	<input type="checkbox"/>	<input type="checkbox"/> Sewage (Toilet Paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Section 5: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations**

Are physical indicators that are not related to flow present?  Yes  No (If No, Skip to Section 6)

INDICATOR	CHECK IF Present	DESCRIPTION	COMMENTS
Monitoring Location Damage	<input type="checkbox"/>	<input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion	
Deposits/Stains	<input type="checkbox"/>	<input type="checkbox"/> Oil <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other:	
Abnormal Vegetation	<input type="checkbox"/>	<input type="checkbox"/> Excessive <input type="checkbox"/> Inhabited	
Poor pool quality	<input type="checkbox"/>	<input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other:	
Pipe benthic growth	<input type="checkbox"/>	<input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:	

**Section 6: Overall Monitoring Location Characterization**

Unlikely  Potential (presence of two or more indicators)  Suspect (one or more indicators with a severity of 3)  Obvious

**Section 7: Data Collection**

1. Sample for the lab?  Yes  No
2. If yes, collected from:  Flow  Pool
3. Intermittent flow trap set?  Yes  No If Yes, type:  OSM  Caulk dam

**Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?**

# DRAFT

## **Illicit Discharge Detection and Elimination Track Down Program      Appendix D** **Outfall and Monitoring Locations Guidance** **Procedures for Dry Weather Inspection, Sampling, Track Down and Elimination**

**Dry weather: No precipitation/snow melt for at least 48 hours (minimum; consider longer during periods of prolonged wet weather).**

### **I. Choose Monitoring Locations (outfalls, interconnections, intraconnections)**

- a. Review previous outfall inspections; identify monitoring locations/outfalls requiring inspection or any that may require re-inspection.
- b. Prepare for dry weather inspection: Monitoring Locations Inspection and Sampling Field Sheet, outfall report/current data for all to be inspected, storm system maps/route, clip board, pen.
- c. Each outfall has a detailed report listing dimensions/composition of the pipe or ditch and also visual observations of the flow, if it was flowing at the time data were collected.
- d. The outfall report should be updated to reflect any changes, especially the “Outfall Discharging” answer.
  - i. Submit an Outfall Map Update Request form.  
OR
  - ii. The Outfall Editor App can be used in the field to make real time changes to your outfall report, including a new picture. Do not change ownership or Outfall IDs.

### **II. Inspect/Sample Monitoring Locations/Outfalls**

Dry weather inspections and sampling can be done at the same time.

- a. Inspection
  - i. Inspect each monitoring location scheduled for the year.
  - ii. If you cannot find the end of the pipe or ditch, or it is inaccessible or unsafe to reach, locate the first upstream catch basin/access point to determine whether there is flow. Note the inspection point on the form if it deviates from the mapped monitoring location. Make a note in your files for future inspections.
  - iii. If no flow is present, complete Sections 1, 2 and 5 on the Monitoring Locations Inspection and Sampling Field Sheet. If flow is present, complete Sections 4 and 6 too.

# DRAFT

## Illicit Discharge Detection and Elimination Track Down Program      Appendix D (continued)

### b. Sampling

- i. Schedule (or proceed with) sampling for monitoring locations discharging flow during dry weather based on completion of Sections 2, 4, 5 and 6 of the Monitoring Locations Inspection and Sampling Field Sheet. Complete Sections 3 and 7 if sampling. If the source of the illicit discharge is clear and discernable (e.g. sewage), sampling is not necessary.

- ii. Suggested sampling equipment and supplies

Note: The equipment listed below, including the black light, was provided to all WNY Stormwater Coalition members in 2011.

The WNY Stormwater Coalition has test strips and equipment available to borrow. Purchasing information can be provided upon request.

Contact for both: Mary Rossi at [mary.rossi@erie.gov](mailto:mary.rossi@erie.gov).

- Equipment

- Hanna pH/Temp/Conductivity/TDS Meter
- 6' Dipper Sample Collector
- Nalgene Wash Bottle
- Safety Glasses
- 600 mL plastic beakers (2)
- Glass jar/bottle with tight lid
- Disposable Gloves
- Tape Measure
- Distilled Water
- Paper Towels
- Trash Bag
- Hand Sanitizer
- Black Light Fixture and Cotton Pads

- Test Strips

- Ammonia (Hach # 4315-70)
- pH (LaMotte # 5049-36)
- Total Chlorine (LaMotte # 5049-36)
- Nitrite (LaMotte # 5049-39)
- Nitrate (LaMotte # 5049-39)
- Phosphate (Hach # 4315-75)

- iii. Use the **Outfall and Monitoring Location Sampling Guide** (page 5) to conduct on-site sampling using field meter and test strips; if detergent contamination is suspected (bubbles/suds/etc.), a sample will need to be brought back for exposure to black light. Record results in Section 3 on the Monitoring Locations Inspection and Sampling Field Sheet.

- c. Retain forms as documentation of inspection/sampling for 5 years.

**Illicit Discharge Detection and Elimination Track Down Program Appendix D**  
**(continued)**

**III. Illicit Discharge Track Down**

For all flows characterized as “suspect” or “obvious” in Section 6 of the Monitoring Locations Inspection and Sampling Field Sheet, source track down must be conducted according to the following timeframe:

- a. Following inspection and sampling, within twenty-four (24) hours of discovery, the MS4 Operator must initiate track down procedures for flowing MS4 monitoring locations with **obvious** illicit discharges.
- b. Within two (2) hours of discovery, the MS4 Operator must initiate track down procedures for **obvious** illicit discharges of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the NYSDEC Regional Water Engineer and local health department; and
- c. Within five (5) days of discovery, the MS4 Operator must initiate track down procedures for **suspect** illicit discharges.
- d. Consult sewer and land use maps to evaluate potential contributing area and characteristics of the area.
- e. Visually inspect catch basins/manholes/ditches progressively upstream from the outfall/monitoring location to identify contributing areas with no flow that can be eliminated from further consideration.
- f. It is possible that the visual inspections indicate the source of flow/contamination is from another MS4 entering your system at an interconnection. Contact their stormwater coordinator, in writing, and describe your findings along with a precise location for the point where flow from their system enters your system. Keep this documentation for 5 years. Add a note in your files or on the outfall report itself to save time and trouble for the next inspection.
- g. See below for additional track down options.

<b>Track Down Techniques to Locate the Discharge</b>		
<b>Technique</b>	<b>Best Applications</b>	<b>Limitations</b>
Dye Testing	<ul style="list-style-type: none"> <li>• Discharge limited to a very small drainage area (&lt;10 properties is ideal)</li> <li>• Discharge probably caused by a connection from an individual property</li> <li>• Commercial or industrial land use</li> </ul>	<ul style="list-style-type: none"> <li>• May be difficult to gain access to some properties</li> </ul>
Video Testing	<ul style="list-style-type: none"> <li>• Continuous discharges</li> <li>• Discharge limited to a single pipe segment</li> <li>• Communities who own equipment for other investigations</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively expensive equipment</li> <li>• Cannot capture non-flowing discharges</li> <li>• Often cannot capture discharges from pipes submerged in the storm drain</li> </ul>
Smoke Testing	<ul style="list-style-type: none"> <li>• Cross-connection with the sanitary sewer</li> <li>• Identifying other underground sources (e.g., leaking storage techniques) caused by damage to the storm drain</li> </ul>	<ul style="list-style-type: none"> <li>• Poor notification to public can cause alarm</li> <li>• Cannot detect all illicit discharges</li> </ul>

# DRAFT

## Illicit Discharge Detection and Elimination Track Down Program      Appendix D (continued)

### IV. **Illicit Discharge Elimination**

- a. Eliminate source of contamination or if nature of the source prohibits elimination, utilize targeted education to inform/minimize the source (e.g. pet waste or pool/spa water disposed in storm sewers: distribute information on proper disposal throughout neighborhood).
- b. The following timeframes are required for illicit discharge elimination:
  - i. Within twenty-four (24) hours of identification of an illicit discharge that has a reasonable likelihood of adversely affecting human health or the environment, the MS4 Operator must eliminate the illicit discharge;
  - ii. Within five (5) days of identification of an illicit discharge that does not have a reasonable likelihood of adversely affecting human health or the environment, the MS4 Operator must eliminate the illicit discharge;
  - iii. Where elimination of an illicit discharge within the specified timeframes is not possible, the MS4 Operator must notify the Regional Water Engineer.
- c. Refer to your Stormwater Management Plan (Appendix O) for detailed provisions for escalating enforcement and tracking. Your municipality has a local law specific to illicit discharges to assist with enforcement as needed.

### V. **Documentation**

The Monitoring Locations Inspection and Sampling Field Sheet completed in the field is to be filed and retained as compliance documentation for inspection and sampling. You may also scan the completed forms. If you opt to scan, create a new folder for each year or indicate year of inspection in the file name (this will be helpful for planning inspections to meet your compliance goal and for state/federal compliance audits). Retain all documentation for 5 years.

- a. Inspection Frequency (20%/year)
  - i. Completed Monitoring Locations Inspection and Sampling Field Sheets.
  - ii. Record monitoring locations inspected on spreadsheet or whatever you use to track inspections. It doesn't have to be elaborate, just a tool to identify outfalls inspected and those in need of inspection.  
e.g. Outfall ID and date inspected are adequate. Additional information such as whether it was flowing and a "Notes" column are also useful.

#### b. Sampling

The Monitoring Locations Inspection and Sampling Field Sheet documents both inspection and sampling.

#### c. Track Down and Elimination

All steps and actions utilized to track down and eliminate illicit discharges should be carefully documented. There is no "one size fit" as each instance will be unique. Documentation should include all efforts taken to identify and eliminate the source of contamination: how track down was done, results of track down, actions to eliminate source of contamination, additional details, and any enforcement measures utilized.

# DRAFT

## Illicit Discharge Detection and Elimination Track Down Program      Appendix D (continued)

### **Outfall and Monitoring Location Sampling Guide**

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This document was prepared to serve as quick reference for sampling flowing outfalls using your Hanna meter for pH, temperature, Total Dissolved Solids (TDS) and Conductivity, test strips for Ammonia, pH, Total Chlorine, Nitrite/Nitrate and Phosphate, and black light/cotton pad for detergents. Depending on the results and visual observations at the outfall, source identification and elimination of that source may be necessary as well as additional sampling.

#### **Sample collection**

1. When possible, sample flow directly in a clean, wide mouth beaker (rinse dipper and beakers 2x with flow for conditioning). Dump the contents downstream from sample collection point.
2. Collect two samples: one for the field meter analyses and one for the test strips.

Note: I use the beaker for one sample and the dipper for the second.

#### **pH, Temperature, Total Dissolved Solids (TDS) and Conductivity (Hanna Meter)**

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This meter should be calibrated periodically as per the instruction manual. If you cannot find your meter, there is a test strip for pH (below) and a basic thermometer will work.

1. Turn on the Hanna Instruments pH /Temperature/Conductivity meter.
  2. Remove cap on probe and rinse the probe end with distilled water.
  3. In the field, place the probe in the sample collected for on-site analyses.
  4. Record the results on the Monitoring Locations Inspection and Sampling Field Sheet.
  5. Rinse the probe with distilled water and replace the cap. **For extended time of storage, probe cap must be filled with pH Electrode Storage Solution or pH 4 Buffer solution.**
- Detailed instructions in folder see *Care and Storage of pH Electrode*.



#### **Test Strips**

When using test strips, keep wet fingers out of the container. Close cap tightly after use. Store in a cool, dry place.

**Ammonia (HACH # 4315-70)**

Ammonia levels are tested to indicate presence of **sanitary sewage** in stormwater. Should high levels be detected, further investigation and source track down are required. If the illicit discharge is clearly and discernably sewage, sampling is not necessary.

---

1. Dip strip into water sample.
2. Vigorously move it up and down in water sample for 30 seconds, making sure both pads are always submerged.
3. Remove test strip and shake off excess water.
4. Hold the strip level, with pad side up, for 30 seconds.
5. To read the result, turn the test strip over so that both pads face away from you.
6. Compare the color of the small pad to the color chart on the container.
7. Read the result through the clear plastic of the test strip.
8. Record the result on the Monitoring Locations Inspection and Sampling Field Sheet.



**pH and Total Chlorine (LaMotte # 5049-36)**

pH is measured to indicate **potential industrial discharges**.

Total chlorine is measured to indicate a **tap water** leak into the storm sewer system or possibly discharge of chlorinated **pool/spa water**.

---

1. Immerse test strip and remove with pads face up.
2. Do not shake off excess water.
3. Wait 15 seconds and immediately hold up vertically against the color chart on container.
4. Record the pH result on the Monitoring Locations Inspection and Sampling Field Sheet.
5. Using the same strip, record the results for Total Chlorine



**Nitrite and Nitrate (LaMotte # 5049-39)**

Sources of nitrite (NO<sub>2</sub>) and nitrate (NO<sub>3</sub>) in urban stormwater runoff include **lawn and garden fertilizers, pet waste and failing septic tanks**.

1. Using at least a cup-size sample, immerse test strip for 2 seconds and remove with pads face up.
2. Do not shake off excess water.
3. Wait 60 seconds and immediately hold up vertically against the color chart on container.
4. Record the Nitrite result on the Monitoring Locations Inspection and Sampling Field Sheet.
5. Using the same strip, record the results for Nitrate.



**Phosphate (HACH # 4315-75)**

Sources of phosphate/phosphorus in urban runoff include **plant and leaf litter, soil particles, pet waste, road salt and lawn fertilizer**. Lawns and roads account for the greatest loading.

---

1. Dip a strip into water for 5 seconds and remove.
2. Hold the strip level, with pad side up, for 45 seconds.
3. Do not shake excess water from the strip.
4. Compare the color of the small pad to the color chart on the container.
5. Record the result on the Monitoring Locations Inspection and Sampling Field Sheet.



**Additional Testing**

**Detergents – Black Light/Cotton Pad**

Indicates presence of optical brighteners, used in detergents to whiten fabrics, which fluoresce under ultraviolet light. Sources of detergents include failing septic systems, improperly connected laundry discharges and industrial sources.

---

1. Soak cotton pad with sample.
2. Place under black light. If it fluoresces, detergents are present.
3. Under bright light conditions, you may have to move to a dark area or devise a box to block light.
4. Record the detection or absence of detergents on the Monitoring Locations Inspection and Sampling Field Sheet.



Note: If an intermittent discharge is suspected, the cotton pad can be secured at the outfall or an upstream point (such as suspended in a storm DI) for a given length of time during dry weather before black light exposure. A suet feeder cage works well.

**Construction Activities that Require SWPPP**

**Appendix E**

(from NYS Construction General Permit (GP-0-20-001)

Appendix B-Table 1 and Table 2

**Table 1**  
**Construction Activities that Require the Preparation of a SWPPP That Only Includes Erosion and Sediment Controls**

The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:

- Single family home not located in one of the watersheds listed in Appendix C or not directly discharging to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E
- Construction of a barn or other *agricultural building*, silo, stock yard or pen.

The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:

All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains
- Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects
- Pond construction
- Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover
- Cross-country ski trails and walking/hiking trails
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.
- Slope stabilization projects
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

**Table 1 (Continued) CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS**

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) excluding projects that *alter hydrology from pre to post development* conditions,
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions
- Demolition project where vegetation will be established, and no redevelopment is planned
- Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*
- Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

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**Table 2**  
**CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES**  
**POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family home that disturbs five (5) or more acres of land
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development conditions*
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other *agricultural building* (e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

Table 2 (Continued)

**CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development conditions*
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development conditions*, and are not listed in Table 1

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 Stormwater Pollution Prevention Plan Review Checklist

<b>Project Name:</b>	<input type="checkbox"/> <b>Basic SWPPP (E&amp;SC Plan)</b>	<input type="checkbox"/> <b>Full SWPPP</b>
<b>Site Address:</b>	<b>Watershed:</b>	<b>Date:</b>
<b>Municipality:</b>	<b>Appendix E 303(d) segment:</b>	<b>SPDES General Permit ID Number:</b>
<b>County:</b>		<b>NYR1</b> _____
<b>Owner/Operator:</b>	<b>Phone:</b>	<b>Reviewer:</b>
<b>Address:</b>	<b>Fax:</b>	

**General Requirements**

<u>Yes</u>	<u>No</u>	<u>N/A or N/R</u>	<u>Citation</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP contains completed final NOI III.A.1.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies potential sources of pollutants in runoff III.A.2.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies Trained Contractor. III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contractor/Subcontractor certification statements have been signed. III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP is signed by responsible corporate officer, general partner, proprietor, principal executive officer, ranking elected official, or duly authorized representative. VII.H.2.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MS4 requirements...?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OPRHP documentation...?

**Erosion & Sediment Control Requirements**

<u>Yes</u>	<u>No</u>	<u>N/A or N/R</u>	<u>Citation</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location, type and size of project are described. III.B.1.a.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phasing plan and sequence of operations are described. III.B.1.d.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HSG is identified. III.B.1.c.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies contractor/subcontractor responsible for installing, constructing, repairing, replacing, inspecting and maintaining the E&SCs. III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP documents selection, design, dimensions, material specifications, installation details, implementation & maintenance of E&SCs, including soil stabilization plans III.A.1. III.B.1.f. III.B.1.h.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E&SCs are designed in conformance with the NYS Standards and Specifications for Erosion and Sediment Control; or equivalence to this standard is demonstrated and reason for the alternative is provided. III.B.1. III.B.1.j.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Maps</b> of general location and site are present showing: Legend, scale, north arrow III.B.1. total area, all improvements, areas disturbed and not disturbed, existing vegetation, onsite and adjacent offsite surface waters, floodplain/floodway boundaries, wetlands and drainage patters that could be affected the project, III.B.1.

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			existing and final contours, locations of soil types & boundaries, material/waste/borrow/equipment storage areas, locations of stormwater discharges, and location/size/length of each E&SC	III.B.1.g.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location and sizing of any temporary sediment basins or structural practices planned to divert flows from exposed soils are included	III.B.1.h.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintenance inspection schedule, in accordance with the NYS Standards & Specs for E&SCs is included	III.B.1.i.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pollution Prevention measures to control litter, chemicals, debris are described.	III.B.1.j.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Description & location of any industrial stormwater discharges (i.e., concrete, asphalt, etc.) is included	III.B.1.k.

**Post-construction Stormwater Management Practices**

<b>Yes</b>	<b>No</b>	<b>N/A or N/R</b>	<b>Citation</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP is prepared by a Qualified Professional. <span style="float: right;">III.A.3.</span>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies contractor/subcontractor responsible for constructing the SMPs. <span style="float: right;">III.A.6.</span>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Design Manual planning process for reducing runoff is employed: <span style="float: right;">III.B.2.</span> <u>Site planning</u> to preserve natural features and reduce impervious cover, <u>Calculation of the WQ<sub>v</sub></u> for the site, <u>Incorporation of runoff reduction</u> techniques and standard SMPs with Runoff Reduction Volume (RR <sub>v</sub> ) capacity, <u>Determine minimum RR<sub>v</sub> required</u> , <u>Use of standard SMPs</u> , where applicable, <u>to treat the remaining WQ<sub>v</sub></u> not addressed by runoff reduction techniques and standard SMPs with RR <sub>v</sub> capacity, <u>design of volume and peak rate control</u> practices where required
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP documents selection, design, installation, implementation and maintenance of SMPs <span style="float: right;">III.A.1.</span>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SMPs are designed in conformance with the applicable sizing and performance criteria in the NYS Stormwater Management Design Manual (Jan. 2015); or equivalence to this standard is demonstrated and reason for the alternative is provided. <span style="float: right;">III.B.2.c.vi.</span>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All SMPs are identified, including dimensions, material specs & installation details. <span style="float: right;">III.B.2.a.</span>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location & size of SMPs are shown on a site map or construction drawing. <span style="float: right;">III.B.2.b.</span>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP includes a <u>Stormwater Modelling and Analysis Report</u> that contains: <span style="float: right;">III.B.2.c.</span> <u>Predevelopment map</u> w/ watershed/subcatchment boundaries, flow paths & design points, (list further detail per App. G Design Manual?) <u>post-development map</u> showing same plus SMPs, <u>hydrology &amp; hydraulic results</u> for required storm events including supporting calculations, methodology and a summary table comparing pre & post-development runoff rates & volumes for the different storm events, <u>summary table</u> w/ calculations showing that ea. SMP conforms w/ the Design Manual sizing criteria

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identification of any Design Manual sizing criteria that are not required under the General Permit

- |                          |                          |                          |   |            |
|--------------------------|--------------------------|--------------------------|---|------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Soil testing results and locations of test pits and borings are included                                  | III.B.2.d. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Infiltration test results are included if needed  | III.B.2.e. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | O&M plan, including inspection & maintenance schedules, is included and identifies the responsible entity | III.B.2.f. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Enhanced Phosphorus Removal Standards sizing criteria are included if required.                           | III.B.3.   |



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Department of Environmental Conservation <b>New York State Department of Environmental Conservation</b> <b>Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001</b>			
Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any): NYR	Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entry Time:	Exit Time:
Name of SPDES Permittee:		Inspection Type:	<input type="checkbox"/> NOT <input type="checkbox"/> Complaint
Phone Number(s):			<input type="checkbox"/> Compliance <input type="checkbox"/> Referral
On-site Representative(s) and Company(s):		MS4 Operator Name:	
		MS4 Permit ID: NYR20A	

**SPDES Authority**

- | Yes No N/A   | Citation                      |
|--|-------------------------------|
| 1. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the project have permit coverage?   | GP-0-20-001: I.A & II. B      |
| 2. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing? | GP-0-20-001: II.D.2           |
| 3. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?     | GP-0-20-001: II.D.2           |
| 4. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is an up-to-date copy of the signed SWPPP retained at the construction site?                 | GP-0-20-001: II.D.2 & III.A.4 |
| 5. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the SPDES General Permit retained at the construction site?                     | GP-0-20-001: II.D.2           |
| 6. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the NOI accurately report the number of acres to be disturbed?                          | GP-0-20-001: II.B.4           |

**SWPPP Content**

- | Yes No N/A   | Citation               |
|--|------------------------|
| 7. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the erosion and sediment control measures to be employed?                   | GP-0-20-001: III.B.1.e |
| 8. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?                | GP-0-20-001: III.B.1.j |
| 9. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the stormwater management practices to be employed?                         | GP-0-20-001: III.B.2   |
| 10. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?                    | GP-0-20-001: III.A.6   |
| 11. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies? | GP-0-20-001: III.A.6   |
| 12. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP include all the necessary Contractor Certification Statements and signatures?                    | GP-0-20-001: III.A.6   |
| 13. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP signed by the permittee?   | GP-0-20-001: VII.H.2   |
| 14. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?        | GP-0-20-001: III.A.3   |
| 15. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)?                 | GP-0-20-001: III.B.3   |

**Recordkeeping**

- | Yes No N/A  | Citation                               |
|---|--|
| 16. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)? | GP-0-20-001: IV.C.2.a. & b             |
| 17. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are the self-inspections performed and signed by a qualified inspector and retained on site?               | GP-0-20-001: II.C.2., IV.C.6 & VII.H.3 |
| 18. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do the qualified inspector's reports include the minimum reporting requirements?                           | GP-0-20-001: IV.C.4                    |
| 19. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do inspection reports identify corrective measures that have not been implemented or are recurring?        | GP-0-20-001: IV.C.5                    |



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Visual Observations

Yes	No	N/A		Citation	
20.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures installed properly?	GP-0-20-001: VIII
21.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures being maintained properly?	GP-0-20-001: IV.A.1
22.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was written authorization issued for any disturbance greater than 5 acres?	GP-0-20-001: II.D.3
23.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have stabilization measures been implemented in inactive areas per Permit (>5 acres) or EDC Standard?	GP-0-20-001: II.D.3.b & III.B.1.f
24.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are post-construction stormwater management practices constructed/installed correctly?	GP-0-20-001: III.B.2
25.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has final site stabilization been achieved and temporary E&S measures removed prior to NOT submittal?	GP-0-20-001: V.A.2
26.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was there a discharge from the site on the day of inspection?	
27.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there evidence that a discharge caused or contributed to a violation of water quality standards?	ECL 17-0501, 6 NYCRR 703.2 & GP-0-20-001: I.D

Water Quality Observations

Describe the discharge(s): location, source(s), impact on receiving water(s), etc.

Describe the quality of the receiving water(s) both upstream and downstream of the discharge:

Describe any other water quality standards or permit violations:



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Additional Comments:


Photographs attached

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	
Name/Agency of Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	

<b>NO EXPOSURE CERTIFICATION</b>				
<b>For High Priority Municipal Facilities</b>				
<b>in SPDES MS4 General Permit, GP-0-24-001</b>				
		<p>The completed No Exposure Certification must be documented in the SWMP Plan. Please do not submit this form to the Department unless requested.</p>		
<b>I. Owner/Facility Information</b>				
Owner/Operator Name:				
Mailing Address:		City/State/Zip:		
Contact Name:		Phone No.:		
Facility Name:				
Street Address:		City/State/Zip:		
County:	Latitude:	Longitude:		
<b>II. Exposure Checklist</b>				
Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) If you answer "Yes" to any of these questions (1) through (11), you are not eligible for no exposure.			YES	NO
1	Using, storing or cleaning machinery or equipment, and areas where residuals from using, storing or cleaning machinery or equipment remain and are exposed to stormwater			
2	Materials or residuals on the ground or in stormwater inlets from spills/leaks			
4	Material handling equipment (except adequately maintained vehicles)			
5	Materials or products during loading/unloading or transporting activities			
6	Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)			
7	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers			
8	Materials or products handled/stored on roads or railways owned or maintained by the discharger			
9	Waste material (except waste in covered, non-leaking containers [e.g., dumpster])			
<b>III. Certification</b>				
<p>I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from SPDES stormwater permitting. I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)). I understand that I am obligated to submit a no exposure certification form upon request to the NPDES permitting authority or to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the SPDES permitting authority, or MS4 Operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request.</p>				
Printed Name:		Title/Position:		
Signature:		Date:		

**Storm Event Data Form**  
**Visual Monitoring Form**

**Appendix I**

 <b>NEW YORK STATE</b>	<b>Department of Environmental Conservation</b>	<b>Storm Event Data Form for SPDES MS4 General Permit, GP-0-24-001</b>
Do not submit this form to the Department; keep this form with the municipal facility's SWPPP and in the MS4 Operator's SWMP Plan.		
Permit Number:		
N	Y	R 2 0 A
Facility Name:		
Contact First Name:		
Contact Last Name:		
Contact Phone:		
Contact Email:		
Storm Event Date:		
Storm Duration (in hours):		
Rainfall Measurement from Storm Event (in inches):		
Date of Last Measurable Storm Event:		
Duration Between Storm Event Sampled and End of Previous Measurable Storm (in hours):		
<b>Certification</b> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		
Facility Operator First Name (please print or type)	Facility Operator Last Name (please print or type)	
/ /		
Date	Signature	

m



**Storm Event Data Form**  
**Visual Monitoring Form**

**Appendix I (continued)**

If yes, describe

5. Is there something floating on the surface of the sample? .....  Yes  No

If yes, describe

6. Is there something suspended in the water column of the sample? .....  Yes  No

If yes, describe


7. Is there something settled on the bottom of the sample? .....  Yes  No

If yes, describe

8. Is there foam or material forming on the top of the sample surface? .....  Yes  No

If yes, describe

Detail any concerns, corrective actions taken and any other indicators of pollution present in the sample:

	<b>Department of Environmental Conservation</b>	<b>Municipal Facility Assessment Form For SPDES MS4 General Permit, GP-0-24-001</b>
<p>Assessments must be conducted by a person with the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and evaluate the effectiveness of best management practices required by the SPDES MS4 General Permit (GP-0-24-001).</p>		
MS4 Permit ID:		MS4 Operator Name:
Facility Name:	Facility Type:	Date:
Weather Conditions:		
Is stormwater runoff present during this assessment? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:		

<u>General</u>		Yes	No
1	Is this a high priority municipal facility?	<input type="checkbox"/>	<input type="checkbox"/>
2	If this is a high priority municipal facility, does the facility qualify for a No Exposure Certification?	<input type="checkbox"/>	<input type="checkbox"/>
3	If this is a high priority municipal facility, is there a completed SWPPP available?	<input type="checkbox"/>	<input type="checkbox"/>
4	Does the facility have any MS4 outfalls?	<input type="checkbox"/>	<input type="checkbox"/>
5	Does the facility have any interconnections?	<input type="checkbox"/>	<input type="checkbox"/>
6	Does the facility have any municipal facility intraconnections?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<u>Good Housekeeping</u>		Yes	No
7	Are paved surfaces free of trash, sediment, and/or debris?	<input type="checkbox"/>	<input type="checkbox"/>
8	Date the paved area was last swept or vacuumed.	<input type="checkbox"/>	<input type="checkbox"/>
9	Do outdoor waste receptacles have covers?	<input type="checkbox"/>	<input type="checkbox"/>
10	Are the waste receptacles emptied on a regular basis?	<input type="checkbox"/>	<input type="checkbox"/>
11	Are there signs of leaks, contaminants or overflowing at the waste receptacle area?	<input type="checkbox"/>	<input type="checkbox"/>
12	Are the following facility areas free of accumulated trash, sediment, debris, contaminants, and spills:	<input type="checkbox"/>	<input type="checkbox"/>
	- Salt storage areas	<input type="checkbox"/>	<input type="checkbox"/>
	- Container storage areas	<input type="checkbox"/>	<input type="checkbox"/>
	- Maintenance areas	<input type="checkbox"/>	<input type="checkbox"/>

**Municipal Facility Assessment Form**

**Appendix J (continued)**

	- Staging areas	<input type="checkbox"/>	<input type="checkbox"/>
	- Material stockpile areas	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<b><u>Vehicle and Equipment Areas</u></b>		<input type="checkbox"/> <u>N/A</u>	
13	Are vehicle/equipment parked indoors or under a roof?	<input type="checkbox"/>	<input type="checkbox"/>
14	Are vehicles/equipment washed in only designated areas?	<input type="checkbox"/>	<input type="checkbox"/>
15	Are vehicles washed regularly to remove contamination and prevent them from polluting stormwater?	<input type="checkbox"/>	<input type="checkbox"/>
16	Is all wash water treated in an oil water separator prior to discharge?	<input type="checkbox"/>	<input type="checkbox"/>
17	Is all wash water managed so it does not enter the MS4?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<b><u>Vehicle/Equipment Maintenance</u></b>		<input type="checkbox"/> <u>N/A</u>	
18	Is equipment stored under shelter or elevated and covered?	<input type="checkbox"/>	<input type="checkbox"/>
19	Are fluids drained over a drip pan or pad?	<input type="checkbox"/>	<input type="checkbox"/>
20	Are funnels or pumps used when transferring fluids?	<input type="checkbox"/>	<input type="checkbox"/>
21	Are waste rags and used absorbent pads disposed of properly?	<input type="checkbox"/>	<input type="checkbox"/>
22	Are any vehicles and/or equipment leaking fluids?	<input type="checkbox"/>	<input type="checkbox"/>
23	Are drip pans immediately placed under leaks?	<input type="checkbox"/>	<input type="checkbox"/>
24	Are materials, equipment, and activities located so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas)?	<input type="checkbox"/>	<input type="checkbox"/>
25	Are vehicles inspected daily for leaks?		
Comments:			
<b><u>Fueling areas</u></b>		<input type="checkbox"/> <u>N/A</u>	
26	Is fueling performed under a canopy or roof?	<input type="checkbox"/>	<input type="checkbox"/>
27	Are spill cleanup materials available at the fueling area?	<input type="checkbox"/>	<input type="checkbox"/>
28	Are breakaway valves used on fueling hoses?	<input type="checkbox"/>	<input type="checkbox"/>
29	Is the fueling handle lock disconnected so the operator must attend the fueling?	<input type="checkbox"/>	<input type="checkbox"/>
30	Is stormwater runoff from fueling area treated in an oil/water separator?	<input type="checkbox"/>	<input type="checkbox"/>
31	Is the fueling automatic stop inspected regularly to ensure it is working properly?	<input type="checkbox"/>	<input type="checkbox"/>
32	Are all fuel deliveries monitored?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

**Municipal Facility Assessment Form**

**Appendix J (continued)**

<u>Salt Storage Piles or Pile Containing Salt</u>				<input type="checkbox"/> N/A	Yes	No
33	Is salt stored in a salt storage building or under a roof?			<input type="checkbox"/>	<input type="checkbox"/>	
34	Are controls in place to minimize spills while adding or removing material from the pile?			<input type="checkbox"/>	<input type="checkbox"/>	
35	Are salt spills cleaned up promptly?			<input type="checkbox"/>	<input type="checkbox"/>	
36	Is overflow and tracked salt removed promptly from loading areas?			<input type="checkbox"/>	<input type="checkbox"/>	
37	Is stormwater draining away from the salt pile directed to a vegetated filter area			<input type="checkbox"/>	<input type="checkbox"/>	
Comments:						
<u>Fluids Management</u>				<input type="checkbox"/> N/A	Yes	No
38	Are all drums and containers of fluids stored with proper cover and containment?			<input type="checkbox"/>	<input type="checkbox"/>	
39	Are fluids stored in appropriate containers and/or storage cabinets?			<input type="checkbox"/>	<input type="checkbox"/>	
40	Are all fluids kept in original containers or labeled in a manner that describes the contents adequately?			<input type="checkbox"/>	<input type="checkbox"/>	
41	Are Material Safety Data Sheets (MSDS/SDS) readily available?			<input type="checkbox"/>	<input type="checkbox"/>	
42	Are all containers that are stored free of leaks or deposits?			<input type="checkbox"/>	<input type="checkbox"/>	
43	Are containers of product inspected regularly?			<input type="checkbox"/>	<input type="checkbox"/>	
44	Is used oil and antifreeze stored indoors and/or on spill containment pallets?			<input type="checkbox"/>	<input type="checkbox"/>	
45	Is used oil and antifreeze properly disposed of or recycled?			<input type="checkbox"/>	<input type="checkbox"/>	
Comments:						
<u>Lead Acid Batteries</u>				<input type="checkbox"/> N/A	Yes	No
46	Are lead-acid batteries stored indoors on spill containment pallets or in bins?			<input type="checkbox"/>	<input type="checkbox"/>	
47	Are intact batteries stored on an acid-resistant rack or tub?			<input type="checkbox"/>	<input type="checkbox"/>	
48	Are cracked or leaking batteries stored in labeled, closed, leak-proof containers?			<input type="checkbox"/>	<input type="checkbox"/>	
49	Is the date each battery was placed in storage recorded?			<input type="checkbox"/>	<input type="checkbox"/>	
50	Are batteries stacked more than 5 high?			<input type="checkbox"/>	<input type="checkbox"/>	
51	Are batteries inspected regularly for leaks?			<input type="checkbox"/>	<input type="checkbox"/>	
Comments:						
<u>Spill Prevention and Response Procedures</u>				<input type="checkbox"/> N/A	Yes	No
52	Are vehicles inspected daily for leaks?			<input type="checkbox"/>	<input type="checkbox"/>	

**Municipal Facility Assessment Form**

**Appendix J (continued)**

53	Is spill control equipment and absorbents readily available?	<input type="checkbox"/>	<input type="checkbox"/>
54	Are emergency phone numbers posted in conspicuous areas?	<input type="checkbox"/>	<input type="checkbox"/>
55	Are spills contained and cleaned up immediately?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<b><u>General Material Storage Areas</u></b>		<input type="checkbox"/> <u>N/A</u>	<b>Yes</b>
<b>No</b>			
56	Are leaking or damaged materials stored inside a building or another type of storm resistance shelter?	<input type="checkbox"/>	<input type="checkbox"/>
57	Are all material stockpiles within containment structures (e.g., concrete barriers, earthen berms) or stored in a manner that does not allow discharge of impacted stormwater?	<input type="checkbox"/>	<input type="checkbox"/>
58	Are used fuel tanks and other scrap metal and parts drained of fluids and stored under cover?	<input type="checkbox"/>	<input type="checkbox"/>
59	Are outdoor containers covered?	<input type="checkbox"/>	<input type="checkbox"/>
60	Are piles of spoils, asphalt, debris, etc. stored under a roof or cover?	<input type="checkbox"/>	<input type="checkbox"/>
61	Are spills of material or debris cleaned up promptly?	<input type="checkbox"/>	<input type="checkbox"/>
62	Are used tire storage piles placed away from storm drains or conveyances?	<input type="checkbox"/>	<input type="checkbox"/>
63	Are tires recycled frequently to keep the number of stored tires manageable?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<b><u>Stormwater Management</u></b>		<b>Yes</b>	<b>No</b>
64	Are employees trained on the municipal facility procedures?	<input type="checkbox"/>	<input type="checkbox"/>
66	Are BMPs and treatment structures working as designed?	<input type="checkbox"/>	<input type="checkbox"/>
67	Are BMPs and treatment structures free from debris buildup or overgrown vegetation that may impair function?	<input type="checkbox"/>	<input type="checkbox"/>
68	Catch basins should be cleaned in accordance with the timeframes listed in Part VI.F.3.c.II. / Part VII.F.3.c.II, depending on the MS4 Operator type. Based on this, do any catch basins need to be cleaned?	<input type="checkbox"/>	<input type="checkbox"/>
69	Are berms, curbing or other methods used to divert and direct discharges adequate and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>
70	Are rooftop drains directed to areas away from pavement?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<b><u>Erosion and Sediment Controls</u></b>		<b>Yes</b>	<b>No</b>
71	Are soil stabilization measures (e.g., seed and mulch, rolled erosion control products) considered in areas that have the potential for significant soil erosion?	<input type="checkbox"/>	<input type="checkbox"/>
72	Are natural buffers maintained around surface waters?	<input type="checkbox"/>	<input type="checkbox"/>
73	Are flow velocity dissipation devices in place at monitoring locations and channel outlets (rock riprap, stone check dams, concrete baffles)?	<input type="checkbox"/>	<input type="checkbox"/>
74	Do controls conform to the NYS Standards and Specifications for Erosion and Sediment Control (2016), or equivalent?	<input type="checkbox"/>	<input type="checkbox"/>



# **MS4 Notice of Intent**

version 1.0

(Submission #: HQ1-DHY9-GMWK2, version 1)

## **Details**

---

**Originally Started By** Joel Maerten

**Alternate Identifier** NYR20A173

**Submission ID** HQ1-DHY9-GMWK2

**Status** Draft

## **Form Input**

---

### **MS4 Operator Information**

**Is this NOI for an MS4 Operator continuing coverage?**

Yes

**Permit ID #:**

NYR20A173

**MS4 Operator Type**

Traditional land use control

### **Traditional Land Use Control**

Traditional land use control MS4 Operator requirements are found in Part VI of the MS4 General Permit.

**DRAFT**

**Municipality Name or Legal Entity Name**

Town of Pendleton

**Legal Municipal/Entity Mailing address**

6570 Campbell  
Lockport, NY 14094  
Niagara

**Ranking Official**

<b>Official Title</b>	<b>First and Last Name</b>	<b>Phone</b>	<b>Email</b>
Town Supervisor	Joel Maerten	(716)625-8833	jmaerten@pendletonny.us

**NOI Preparer**

<b>NOI Preparer Title</b>	<b>First and Last Name</b>	<b>Phone</b>	<b>Email</b>
Contract Engineer	Amanda McNamara	(716)827-8000	amcnamara@nussclarke.com

**NAICS Codes**

- Federal, State or Local Government - 924110
- Military Bases - 928110
- Highway, road or other thoroughfare system - 237310
- Large Hospitals - 622110
- Public Colleges and Universities - 611310
- Correctional Institutions - 922140

[NAICS Code Lookup](#)

**NAICS Code**

924110

**Is the MS4 Operator working with other MS4 Operators to implement the Stormwater Management Program?**

Yes

**Does the MS4 Operator have any facilities that need to obtain MSGP coverage under MSGP permit?**

No

**MS4 Location Information**

**MS4 Facility Name**

Town of Pendleton MS4

---

On the map below, place the pin at the center of the MS4 Operator. This can be either the geographic center or the population center.

**Central point of the MS4 Operator**

43.07906131629695,-78.76347741100645

**Waterbody Information (1 of 7)**

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

**Waterbody name and segment receiving MS4 Operator discharges**

Bull Creek and tribs - 0102-0026

**Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?**

No

**Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?**

No

**Waterbody Information (2 of 7)**

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

**Waterbody name and segment receiving MS4 Operator discharges**

Tonawanda Creek, Lower, Main Stem - 0102-0022

**Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?**

No

**Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?**

No

**Waterbody Information (3 of 7)**

**DRAFT**

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

**Waterbody name and segment receiving MS4 Operator discharges**  
NYS Barge Canal (portion 1) - 0102-0044

**Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?**

No

**Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?**

No

**Waterbody Information (4 of 7)**

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

**Waterbody name and segment receiving MS4 Operator discharges**  
Tonawanda Creek, Middle, Main Stem - 0102-0006

**Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?**

Yes

An MS4 discharging to a waterbody listed in Appendix C must meet the requirements of Part VIII. for the pollutant(s) of concern listed in Appendix C.

**For which pollutant(s) of concern is the waterbody impaired?**

Pathogens

**Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?**

No

### Waterbody Information (5 of 7)

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

**Waterbody name and segment receiving MS4 Operator discharges**

Mud Creek and tribs - 0102-0029

**Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?**

No

**Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?**

No

**Waterbody Information (6 of 7)**

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

**Waterbody name and segment receiving MS4 Operator discharges**  
Minor Tribs to Tonawanda Creek - 0102-0028

**Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?**

No

**Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?**

No

**Waterbody Information (7 of 7)**

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

**DRAFT**

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

**Waterbody name and segment receiving MS4 Operator discharges**  
Minor Tribs to Lower Tonawanda Creek - 0102-0025

**Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?**

No

**Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?**

No

**CERTIFICATION**

**The MS4 Operator has read and understands the SPDES MS4 General Permit, GP-0-24-001, as it pertains to permit requirements as well as the timeframes for compliance set forth in the permit.**

Yes

**I am the ranking elected official or Principal Executive Officer for the MS4 Operator and will be signing the form electronically.**

No

**DRAFT**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Water, Bureau of Water Permits  
625 Broadway, Albany, New York 12233-3505  
P: (518) 402-8111 | F: (518) 402-9029  
[www.dec.ny.gov](http://www.dec.ny.gov)

3/1/2024

**Re: Acknowledgement of Notice of Intent for Coverage under SPDES General Permit for Municipal Separate Storm Sewer Systems (GP-0-24-001)**

Dear Town of Pendleton,

This is to acknowledge that the New York State Department of Environmental Conservation (DEC) received a complete electronic Notice of Intent (eNOI) for the MS4 Operator:

Town of Pendleton

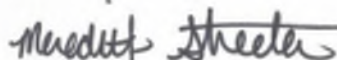
Pursuant to 6 NYCRR 750-1.21(d) and Part II of the SPDES MS4 GP, GP-0-24-001, Town of Pendleton is authorized to discharge stormwater under the terms and conditions of the SPDES MS4 GP, GP-0-24-001, starting on the effective date of **01/03/2024**. Town of Pendleton must comply with all requirements contained in the MS4 GP, GP-0-24-001.

The following SPDES ID No. should be included in all correspondences with the DEC:

SPDES ID No:                   NYR20A173

Should you have any questions regarding any aspect of the requirements in the MS4 GP, GP-0-24-001, please contact [MS4GP@dec.ny.gov](mailto:MS4GP@dec.ny.gov) or (518) 402-8111.

Sincerely,



Meredith Streeter, P.E.  
Chief, Central Section  
Bureau of Water Permit



Staffing Plan/Organizational Chart

Appendix L

TOWN OF PENDELTON  
 Departments at the Town Responsible for Implementation of the  
 Six Minimum Control Measures (MCM)

MCM 1	MCM 2	MCM 3	MCM 4	MCM 5	MCM 6
PUBLIC EDUCATION	PUBLIC INVOLVEMENT	ILICIT DISCHARGE DETECTION AND ELIMINATION	CONSTRUCTION SITES	POST CONSTRUCTION MANAGEMENT	GOOD HOUSEKEEPING
<p><b>WNYSC -</b>                      The Coalition creates graphics and designs presentations. Prepares postcards and mailers. Creates K-12 Education</p>	<p><b>WNYSC</b>                      WNYSC schedules 7 public meetings a year to educate key individuals and groups</p>	<p><b>Highway Department with Retained Consultant</b>                      - Performs mapping functions.</p>	<p><b>Town Engineer With Retained Consultant</b>                      SWPPP approved through the planning board. Inspection fee collected prior to authorization for start of construction</p> <p>No building permits are issued until the SWPPP has been approved and fee collected.</p>	<p><b>Code Enforcement -</b>                      All long term post construction measures are inspected by Code Enforcement before construction is completed and NOT signed</p>	<p><b>All Departments -</b> Implements best management practices for operational and capital improvements. Staff is trained annually.</p>
<p>Organizes a Stormwater conference once in 2 years. Invites Guest speakers, Engineering Consultants, Landscape Architects and MS4 communities.</p>	<p><b>Top along with WNYSC</b>                      organizes a household hazardous waste collection day. This event is published in the newspaper and residents from all communities are encouraged to attend</p>	<p><b>Highway Dept</b>                      - Inspects outfalls, and potential illicit discharge violations. Works on staff training, performs inspections and issues notice of violations</p>	<p>Construction sites are monitored by Town of Pendleton and/or <b>Engineering Consultants</b> hired by the Town.</p>	<p>The owner signs a maintenance agreement and files it at <b>Town Planning Board and Town Clerks Office</b> to document the post-construction measures.</p>	<p><b>Highway Dept</b> maintains Highway Maintenance facilities including buildings, salt storage, fueling station, Town roadways, drainage infrastructures.</p>
<p>Makes presentations to educate MS4 Communities and Town Boards when needed. Maintains a website related to stormwater management</p>		<p><b>SMD (Ron Diedrich)</b> receives calls from Residents, Code Enforcement Officers, Highway employees, regarding illicit discharges into storm sewers. The complaints are investigated and necessary violations issued.</p>	<p><b>Code Enforcement</b> monitors the construction sites by reviewing the weekly inspection reports and issuing notice of violations (NOV) if necessary. Fourth NOV maybe accompanied with an administrative fine. A stop work order may also be issued with the help of the Code Enforcement Officer.</p> <p>After the NOV is issued the site is inspected again in 14 days as a follow up on the violations</p>	<p><b>Highway Dept -</b>                      Maintains Highway maintenance facilities including buildings, salt storage, fueling station, Town roadways, drainage infrastructures.</p>	<p>Highway Dept maintains all recreation infrastructure and community centers. Highway Dept maintains all public Town Parks.</p>

## Guide to Utilizing the Online Stormwater Mapper

### WNY Stormwater Coalition

**PURPOSE:**

This web application was created using ArcGIS enterprise to provide the WNY Stormwater Coalition members with a method for viewing all of their stormwater conveyance data in an online interactive map.

**Online mapper Link:**

<https://erieny.maps.arcgis.com/apps/webappviewer/index.html?id=717984bd03e74f23b0296461e3ea9957>

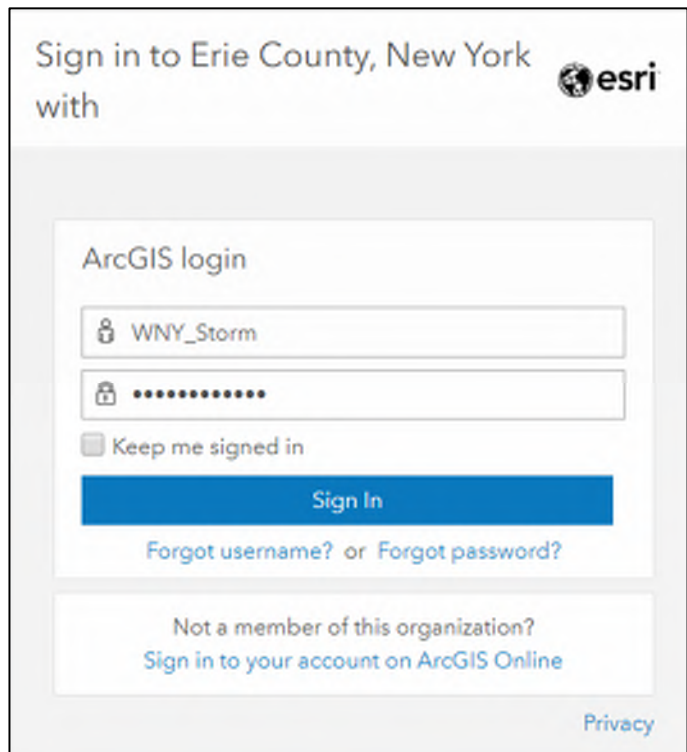
After clicking the above link, you are prompted for an ArcGIS Login to sign into Erie County.

**Login Credentials:**

Username: WNY\_Storm  
Password: \$tormW@ter20

Recommended Web Browsers:

- Google Chrome
- Internet Explorer
- iOS Safari

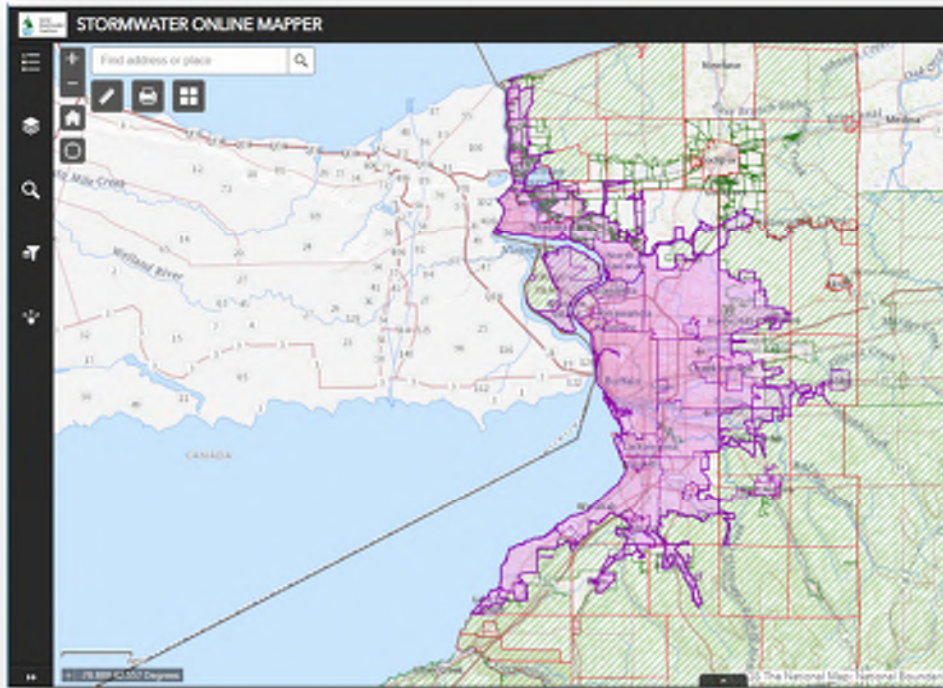


**LEGEND:**

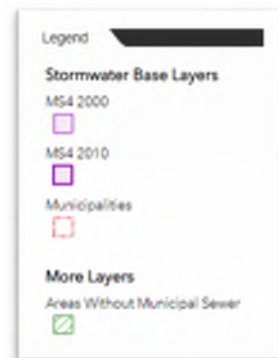


Upon opening the mapper, layers automatically turn on. As you zoom in more layers become visible. To view the legend click the icon above, located in the upper left corner of the mapper.

DRAFT

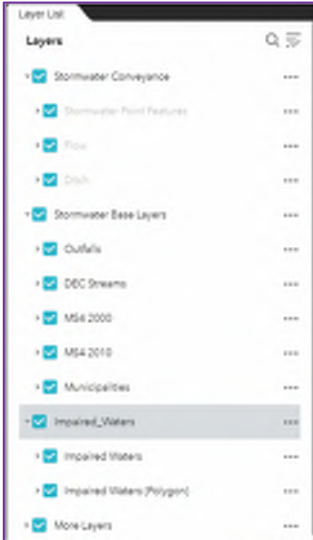


The Legend is dynamic and will change to show you which layers are active as you zoom in and out of the map. At the default scale you see MS4 boundaries (2000,2010), Municipalities and Areas Without Municipal Sewer are the active layers.



LAYER LIST: 

## DRAFT



The layer list is located to the right of the legend in the upper left portion of the mapper. The layer list is also dynamic, similar to the legend. Data layers that are not visible at certain scales appear greyed out. The image on the left shows that *Stormwater Point Features*, *Flow* and *Ditch* layers appearing grey. These layers will only turn on at a larger scale as they are not clearly visible at smaller scales. You can also turn on/off any layers you choose by simply checking the blue box. Notice the three little dots next to each layer.



When you click the three little dots a menu appears:



*Zoom to:* Zooms to the scale of the entire layer

*Transparency:* Allows you to adjust the transparency of the layer

*Visibility Range:* Lets you turn on/off layers at range of scales

*Enable Pop-up:* Lets you turn on/off pop capability on a layer

*Move Up/Down:* Will move a layer up or down in ranking in the TOC

*View in Attribute Table:* Pulls up attribute table for the feature

MUNIID	OUTOWNER	OUTID	PIPESIZEIN
WS362	Town of West Seneca	Interconnect	12
EC1312	Erie County - Aurora District	Outfall	18

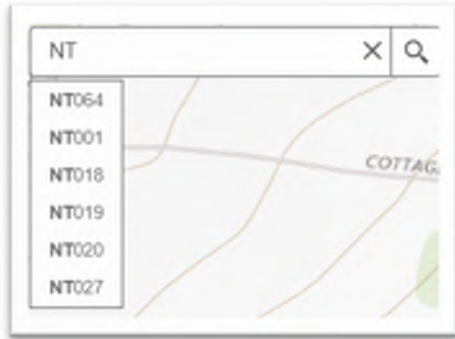
*Show Item Details:* Takes you to the item detail page on ArcGIS online

**SEARCH BY OUTFALL**  **ID:**

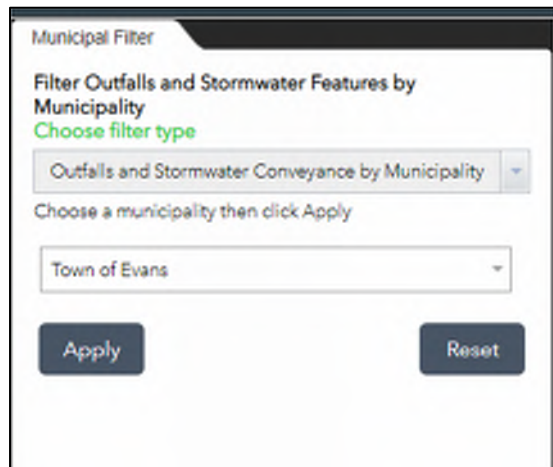
The search widget is in the upper-left hand portion of the mapper next to the layer list icon. Once clicked the widget panel drop downs on the left side and a small search box appears next to the search symbol.



The search box gives you results as you begin to type the outfall ID.



**MUNICIPAL**  **FILTER:**



- This widget allows you to apply a filter to all of the stormwater conveyance and outfall data based on municipality.
- Once you select a municipality, click *Apply*. It will zoom to that municipality and the only data showing on the map will be for that particular municipality.
- Depending on the size of the municipality, you may need to zoom in further to see the stormwater data.
- Notice in the attribute table pull up, the only data available is the selected municipality

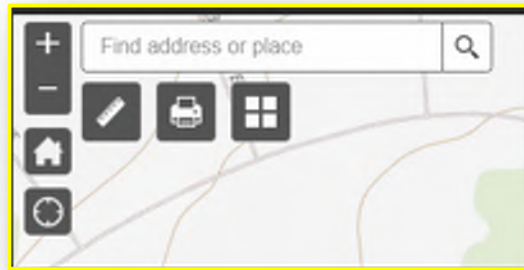
TYPE	MUNICIPALITY	CONDITION	BMP	CONSTRUC	EP_POGIT	EP_INVERT	EP_DIAM	EP_COMP	EP_BMP	IP1_POGIT	IP1_INVERT	IP1_DI
CB	Town of Evans	Fair	None	Precast	NW	27.00	8	HDPE		SE	26.00	8
CB	Town of Evans	Fair	None	Precast	NW	42.00	12	Concrete		SE	40.00	12
CB	Town of Evans	Clean me	None	Precast		0.00					0.00	
CB	Town of Evans	Good	None	Precast	N	30.50	10	HDPE		W	30.50	10
CB	Town of Evans	Good	None	Precast	W	18.00	10	CMP		E	19.00	6
CB	Town of Evans	Good	None	Precast	N	42.50	12	HDPE		E	42.50	10
CB	Town of Evans	Good	None	Precast	NE	23.75	8	HDPE		SW	22.50	8
CB	Town of Evans	Clean me	None	Precast	W	26.00	8	HDPE		E	25.00	8

110 features 0 selected

**OTHER WIDGETS:**

Notice a few other remaining widgets on the inside portion of the mapper.


*Basic Zoom Function:* You can use these buttons to zoom. You can also use your mouse capability to scroll in/out to zoom throughout the mapper. Double-clicking any area on the map will also do a partial zoom-in.



*Home Button:*

The home button takes you to the default extent of the map.



*My Location:* 

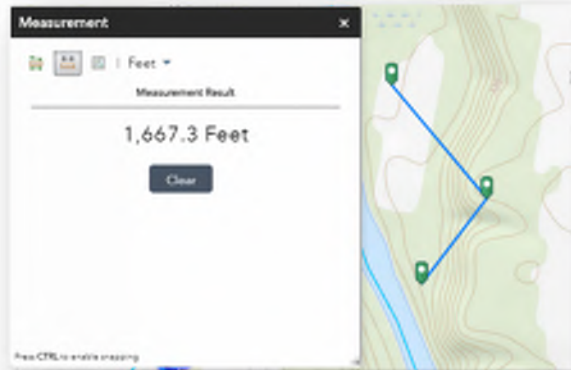
The button uses your device's location when you have it enabled. This is particularly helpful if using the mapper in the field.

*Measurement:* 

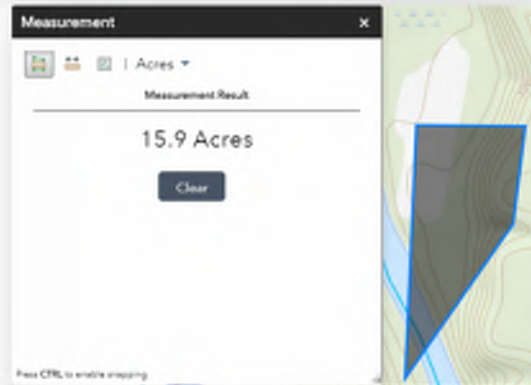
## DRAFT

Allows you to measure Area, Distance and can give you a precise location.

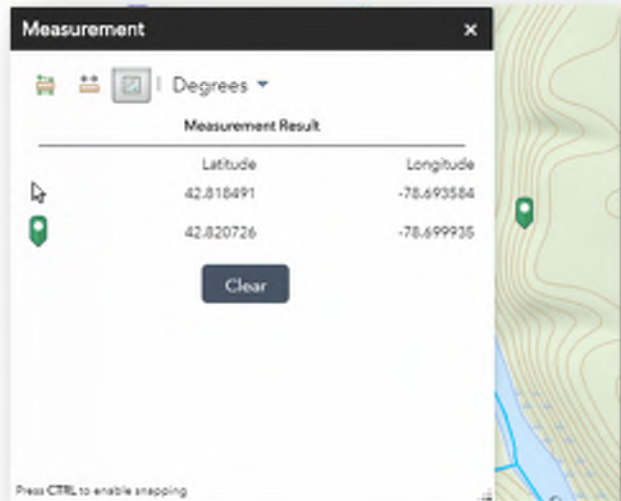
To measure distance, select the middle icon and then single click your starting point and as many points in between your last point. To end your segment, double-click on the last point in your measurement. You can change your measure type from feet to miles etc. in the drop down list.



To measure area use the icon on the far left. Single click to begin drawing your polygon, and double-click to finish it. Use the measurement type drop-down to change your area measurement unit.



To capture the precise location of a point select the third icon to the right. It will take the location of your mouse at all times, and then also allow you to click a point on the map to give you precise location in longitude/latitude based on either Decimal Degrees, or Degree, Minutes, Seconds. (use drop-down)

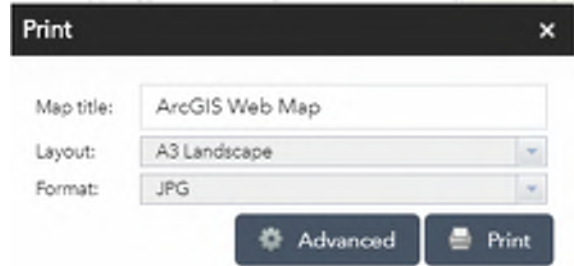


**\*For all three measurements, you can use CTRL (on your keyboard) to enable snapping to features in the map such as manholes, pipes, ditches, outfalls etc. This makes tracing polygons very easy.**

Printing Widget: 

## DRAFT

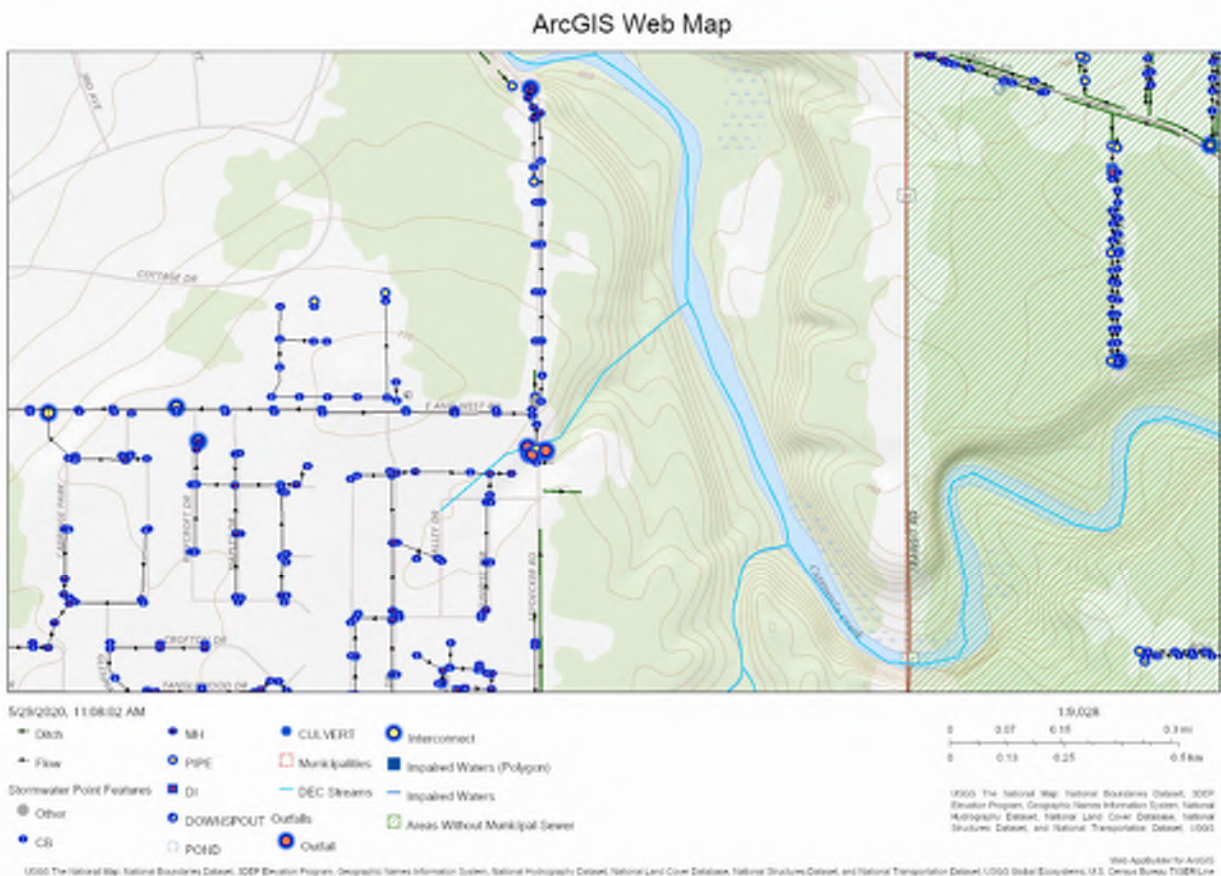
The print widget lets you export the map to various file types to be saved or printed. The current view of the map generates when you click print. The default layout is “A3 Landscape” and default format is JPG. You have the option to select different types in the drop down. You can title your map.



A file is generated after clicking print. To view the file click on the file name. It will open the map in another tab in your browser.



Below is an example of a JPG map generated from the widget



Notice that all of the active layers in your current map view are included in the legend at the bottom of the map. Also included are map data references, a scale, and the title of the map.

To start over the print process, select *Clear Prints* button.

## DRAFT

Advanced Print

Map scale/extent:  
Preserve:  map scale  map extent  
Force scale:  [current](#)

Output spatial reference [WKID](#) :  
  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Layout metadata:  
Author:   
Copyright:

Include legend:

Scale bar unit:

MAP\_ONLY size:  
Width (px):   
Height (px):

Print quality:  
DPI:

Feature attributes:  
Include attributes:

The *Advanced* print button lets the user:

- Adjust the map scale/extent
- Edit the spatial reference
- Add an author and copyright to the map
- Option to include the legend
- Change the unit used for the scale bar
- Edit the size of the map portion of the print
- Change the DPI of the file output
- Option to include attributes in the map

Basemap



Gallery:

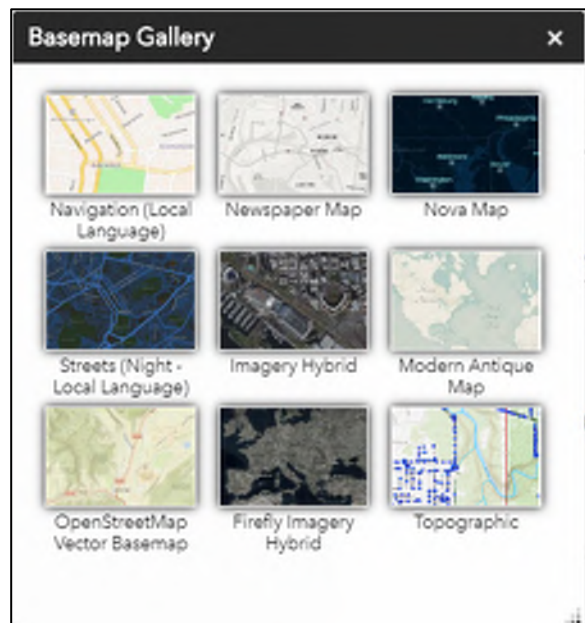
This lets the user change active basemap used in the mapper. The default basemap is called 'Topographic'

Depending on how you're using the mapper, other basemaps might be more useful than others.

Full Screen:



This button will set the mapper to fill your entire screen rather than just within your browser.



### The Attribute Table:

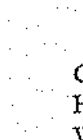
The attribute table can be pulled up from the bottom of the map screen at any time. All layers that contain attributes can be found in the is table. Each layer has its own tab. By default 'Filter by map extent' is checked. This means that you can only see attributes for features that are currently displayed in the map. Feel free to uncheck this setting, but it may slow down you mapper due to the large amounts data stored in each layer.

1

The screenshot shows a GIS application interface. At the top, there is a search bar and navigation controls. The map displays a network of blue lines representing sewer pipes and blue circles representing stormwater points. Below the map is a layer selection menu with tabs for 'Stormwater Point Features', 'Flow', 'Ditch', 'Outfalls', 'DEC Streams', 'MS4 2000', 'MS4 2010', 'Municipalities', 'Impaired Waters', 'Impaired Waters (Polygon)', and 'Areas Without Municipal Sewer'. The 'Stormwater Point Features' tab is active, showing an attribute table with the following columns: TYPE, MUNICIPALITY, CONDITION, BMP, CONSTRUC, EP\_POST, EP\_INVERT, EP\_DIAM, EP\_COMP, EP\_BMP, IP1\_POST, IP1\_INVERT, IP1\_DIAM, IP1\_COMP, IP2\_POST, and IP2\_INVERT. The table contains 8 rows of data for 'CB' type features in the 'Town of Elma'.

TYPE	MUNICIPALITY	CONDITION	BMP	CONSTRUC	EP_POST	EP_INVERT	EP_DIAM	EP_COMP	EP_BMP	IP1_POST	IP1_INVERT	IP1_DIAM	IP1_COMP	IP2_POST	IP2_INVERT
CB	Town of Elma	Good	None	Brick	S	21.50	12	CMP		N	21.50	12	CMP		0.00
CB	Town of Elma	Clean	None	Brick	S	18.00	12	CMP		N	18.00	12	CMP		0.00
CB	Town of Elma	Fair	None	Brick	S	16.00	12	HDPE		N	16.00	12	HDPE		0.00
CB	Town of Elma	Good	None	Brick	W	30.50	18	HDPE		N	27.50	12	HDPE	S	28.00
CB	Town of Elma	Good	None	Precast	N	28.50	12	HDPE		S	26.50	12	HDPE		0.00
CB	Town of Elma	Good	None	Precast	N	27.50	12	HDPE		S	27.50	12	HDPE		0.00
CB	Town of Elma	Good	None	Brick	N	26.50	12	HDPE		S	26.50	12	HDPE		0.00

1



General Fund	\$	79,365.84
Highway Fund	\$	18,111.10
Water	\$	17,008.53
Sewer	\$	6,292.95
Trust & Agency	\$	136.58
Refuse	\$	37,292.99

RESOLUTION 158-07

**PROCEED WITH EQUIPMENT SCHEDULES**

Motion by Councilman Frawley, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

Resolved to authorize Councilman Farnham to proceed with a schedule for the equipment used by the two (Highway and Water/Sewer) departments.

RESOLUTION 159-07

**LEAD AGENCY RESOLUTION**

Motion by Councilman Frawley, seconded by Councilman Farnham, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

**WHEREAS**, Local Law Introductory No. 2 of 2007 (“Local Law for Erosion and Sediment Control”) and Local Law Introductory No. 3 of 2007 (Illicit Discharge Law) (collectively, the “Local Laws”) have been proposed, which seek to reduce stormwater pollution, enhance water quality, and improve aquatic habitats by requiring that a Stormwater Pollution Prevention Plan be submitted for all land development projects disturbing more than one acre of land, or less than one acre if part of a larger plan of development, and by prohibiting illicit discharges to the Municipal Separate Storm Sewer System (“MS4”); and

**WHEREAS**, the Local Laws have been drafted using model language from the New York State Department of Environmental Conservation (“DEC”) and the New York State Department of State in order to fulfill the MS4 Phase II stormwater management requirements of the National Pollutant Discharge Elimination System as administered by the State Pollutant Discharge Elimination System; and

**WHEREAS**, the Local Laws shall amend Chapters 114, 122, 135, 200, 209, 220, and 247 of the Code of the Town of Pendleton (“Code”); and

**WHEREAS**, all terms used but not defined herein shall have the meanings given to them in §617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

**WHEREAS**, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

**WHEREAS**, in accordance with §617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Town Board may proceed under SEQR as if it were the only involved agency and, therefore, as the lead agency; and

**WHEREAS**, the approval of the Local Laws by the Town Board (the “Action”) constitutes an unlisted action under SEQR; and

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**WHEREAS**, the Town Board must make a determination as to the environmental impact of the Action; and

**WHEREAS**, a public hearing has been called for October 2, 2007 ("Public Hearing") regarding the Local Laws; and

**WHEREAS**, all proposed zoning changes must be sent to the Niagara County Planning Board ("Planning Board"); and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes an uncoordinated review of the Action; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby declares itself to be the lead agency with respect to the Action; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the preparation of a short EAF to be circulated with the Planning Board together with the full text of the Local Law for Erosion and Sediment Control; and

**BE IT FURTHER RESOLVED**, that the Town Board will consider whether or not to issue a negative declaration with respect to adopting the Local Laws during the Public Hearing.

**RESOLUTION 160-07**

**SCHEDULE PUBLIC HEARING LOCAL LAW 03-07 AND 04-07**

Motion by Councilman Frawley, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

Resolved to schedule a public hearing for the proposed Local Law #03-07 for Erosion and Sediment Control and Local Law #04-07 Illicit Discharge Law for 7:55 P.M. on October 2, 2007.

**RESOLUTION 161-07**

**AUTHORIZE SUPERVISOR TO SIGN THE 2008 STARPOINT LEASE AGREEMENT**

Motion by Councilman Korkuc, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

Resolved to authorize the Supervisor to sign the Starpoint Lease Agreement for 2008 pending legal review of the amendment.

**RESOLUTION 162-07**

**AUTHORIZE THE APPLICATION TO SUBMIT GRANT FOR JUSTIC COURT**

Motion by Councilman Farnham, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

**WHEREAS** the State of New York Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training.

**WHEREAS** the funding available under the State of New York Court System would facilitate local efforts in upgrading the Town's Justice Departments.

**DRAFT**

People Program requesting \$1,000.00 to offset the cost of a Grand Opening Ceremony.

**RESOLUTION 168-07**

**APPROVAL OF MINUTES**

Motion by Councilman Farnham, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

Resolved that the minutes of the previous meetings held September 4 and September 11 be approved as submitted by the Town Clerk.

**RESOLUTION 169-07**

**APPROVAL OF BILLS TO BE PAID**

Motion by Councilman Frawley, seconded by Councilman Farnham, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

Resolved that the bills be paid in the following amounts:

General Fund	\$ 41,259.61
Highway Fund	\$ 81,307.63
Water	\$ 5,971.57
Sewer	\$ 10,555.32
Trust & Agency	\$ 1,785.26
Refuse	\$ 40,798.69
Fire Protection	\$ 450.00

**RESOLUTION 170-07**

**MEADOWS ROAD DEDICATION**

Motion by Councilman Farnham, seconded by Councilman Frawley, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

Resolved to accept dedication of Phase I of the Meadows including the agreed upon conditions stipulated in the letter dated August 31, 2007 from Campbell Pendleton LLC regarding their maintenance responsibilities for the sprinklers located within the right-of-way and for roadway signage.

**RESOLUTION 171-07**

**ISSUE A NEGATIVE DECLARATION FOR LOCAL LAWS #03-07 AND #04-07**

Motion by Councilman Frawley, seconded by Councilman Korkuc, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Korkuc, Farnham, Leible  
Nays 0

Resolved to issue a negative declaration for Local Laws #03-07 and # 04-07 in relation to stormwater management and illicit discharge per Engineer Dave Britton's recommendation.

**RESOLUTION 172-07**

**LOCAL LAW #03-07 STORMWATER MANAGEMENT**

Motion by Councilman Korkuc, seconded by Councilman Farnham, the following Local Law was

ADOPTED.

ROLL CALL: Supervisor Riester Aye  
Councilman Frawley Aye

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Councilman Korkuc   Aye  
Councilman Farnham   Aye  
Councilman Leible    Aye

This LOCAL LAW (#03-07) amends Chapter 114, Camping, Travel Trailer and Recreational Vehicle Parks; Chapter 122, Drainage; Chapter 135, Flood Damage Prevention; Chapter 200, Public Improvements; Chapter 220, Subdivision of Land; and Chapter 247, Zoning, of the Code of the Town of Pendleton, in relation to stormwater management.

**RESOLUTION 173-07**

**LOCAL LAW #04-07 PROHIBITING ILLICIT DISCHARGE**

Motion by Councilman Korkuc, seconded by Councilman Farnham, the following Local Law 7 was ADOPTED.

ROLL CALL:   Supervisor Riester    Aye  
                  Councilman Frawley    Aye  
                  Councilman Korkuc     Aye  
                  Councilman Farnham   Aye  
                  Councilman Leible    Aye

This LOCAL LAW prohibits illicit discharges, activities, and connections to the municipal separate storm sewer system, amending Chapter 209, Sewers and Water, of the Code of the Town of Pendleton.

**RESOLUTION 174-07**

**REFER BED & BREAKFAST SPECIAL USE PERMIT TO THE PLANNING BOARD**

Motion by Councilman Korkuc, seconded by Councilman Farnham, the following resolution was

ADOPTED:    Ayes 5    Riester, Frawley, Korkuc, Farnham, Leible  
                  Nays 0

Resolved to refer the request for a Bed & Breakfast permit to the Planning Board as required by Town Code.

**RESOLUTION 175-07**

**LEVY NOTICE FOR DELINQUENT WATER BILLS GREATER THAN \$9.99**

Motion by Councilman Farnham, seconded by Councilman Frawley the following resolution was

ADOPTED:    Ayes 5    Riester, Frawley, Korkuc, Farnham, Leible  
                  Nays 0

Resolved to authorize all delinquent water bills to the tax roll for those having a balance greater than \$9.99.

**RESOLUTION 176-07**

**AUTHORIZE TO PLACE LIENS**

Motion by Councilman Farnham, seconded by Councilman Leible, the following resolution was

ADOPTED:    Ayes 5    Riester, Frawley, Korkuc, Farnham, Leible  
                  Nays 0

Resolved to authorize all unpaid Town charges as liens upon real property in accordance with Town Law §198 and to forward authorization and actual listing of all unpaid accounts that are provided by the water/sewer billing department, refuse bills and other Town charges to the assessor's office for posting.

**RESOLUTION 177-07**

**SET PUBLIC HEARINGS FOR STORMWATER DISTRICT AND EXTENSION OF SEWER DISTRICT FOR THE MEADOWS SUBDIVISION**

Motion by Councilman Frawley, seconded by Councilman the following resolution was

ADOPTED:    Ayes 5    Riester, Frawley, Korkuc, Farnham, Leible  
                  Nays 0

## **Enforcement Response Plan**

## **Appendix O**

The Enforcement Response Plan (ERP) describes the action(s) to be taken for violations pertaining to MCM 3: Illicit Discharge Detection and Elimination, MCM 4: Construction Site Stormwater Runoff Control, and MCM 5: Post-Construction Stormwater. The ERP provides a protocol to address repeat and continuing violations through progressively stricter responses (i.e., escalation of enforcement) as needed to achieve compliance with the terms and conditions of the MS4 General Permit (GP-0-24-001) and/or Construction General Permit (GP-0-20-001). Enforcement responses are based on the type, magnitude, and duration of the violation, effect of the violation on the receiving water, compliance history of the violator(s), and good faith of the violator(s) in compliance efforts. See subsequent pages for specific illicit discharge, construction, and post-construction stormwater management practice enforcement responses.

Efforts to obtain a voluntary correction of deficiencies through informal enforcement, such as verbal warnings or written notices, must not exceed sixty (60) days in duration from the time of initial determination of the violation(s) until a return to compliance.

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The **Town of Pendleton** will use the following types of enforcement responses or combination of responses for illicit discharge, construction, and post-construction stormwater management practice violations:

- i. Verbal warnings to be issued by the Stormwater Management Officer or Code Enforcement;
- ii. Written notices to be issued by Code Enforcement;
- iii. Citations (and associated fines) to be issued by Code Enforcement;
- iv. Stop work orders to be issued by Code Enforcement;
- v. Withholding of plan approvals or other authorizations affecting the ability to *discharge* to the *MS4 to held by the Stormwater Management Officer or Stormwater Program Coordinator*; and
- vi. Additional measures, supported in local legal authorities, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials to correct violations will be pursued by the Town Court.

### **Enforcement Tracking**

The **Town of Pendleton** documents instances of non-compliance in this SWMP Plan. The enforcement case documentation includes, at a minimum, the following:

- a. Name of the owner/operator of the facility or site of the violation (can be redacted from the publicly available SWMP Plan);

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- b. Location of the *stormwater* source (e.g., construction project);
- c. Description of the violation;
- d. Schedule for returning to compliance;
- e. Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations);
- g. Any referrals to different departments or agencies; and
- h. Date violation was resolved.

All documentation pertaining to Enforcement Response is considered part of this SWMP Plan and is available upon request: contact Stormwater Management Officer or Stormwater Program Coordinator listed on page 2 of this document.

**Enforcement Response Plan:  
Illicit Discharge Detection and Elimination**

**Appendix O (continued)**

<b>Enforcement Response Plan: Illicit Discharge Detection and Elimination</b>	
<b>Violation</b>	<b>Minimum Response</b>
<p><b>Unauthorized discharge to MS4</b></p> <p>i) Any direct or indirect non-stormwater discharge to the MS4</p> <p>ii) Failure to eliminate discharge/cease practice or implement BMPs in accordance with schedule: violation continued for 30 or more days after notice</p> <p>iii) Failure to eliminate discharge/cease practice or implement BMPs in accordance with schedule: violation continued for 60 or more days after notice</p>	<p>i) Warning letter with schedule for correction/implementation of BMPs (NOV Optional)</p> <p>ii) NOV</p> <p>iii) Formal Enforcement/Fines</p>
<p><b>Unauthorized/Illicit Connection to MS4</b></p> <p>i) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4</p> <p>ii) Failure to eliminate illicit connection to the MS4 in accordance with schedule: violation continued for 30 or more days after notice</p> <p>iii) Failure to eliminate illicit connection to the MS4 in accordance with schedule: violation continued for 60 or more days after notice</p>	<p>i) Warning letter with schedule for correction/implementation of BMPs (NOV Optional)</p> <p>ii) NOV</p> <p>iii) Formal Enforcement/Fines</p>

**Enforcement Response Plan:  
Construction General Permit**

**Appendix O (continued)**

<b>Enforcement Response Plan: Construction General Permit</b>		
<b>Violation</b>	<b>Issue</b>	<b>Minimum Response</b>
<b>Failure to obtain coverage under the Construction General Permit <u>WITH appropriate erosion &amp; sediment control practices</u></b>	i) One or more acres of disturbed area	i) Notice of Violation
	ii) One or more acres of disturbed area - violation continued for 30 or more days after discovery	ii) Cease and Desist
	iii) One or more acres of disturbed area - violation continued for 60 or more days after discovery	iii) Formal Enforcement/Fines
<b>Failure to obtain coverage under the Construction General Permit and <u>WITHOUT or MINIMAL erosion &amp; sediment control practices</u></b>	i) One up to five acres of disturbed area	i) Notice of Violation
	ii) One up to five acres of disturbed area - violation continued for 15 or more days, after discovery	ii) Cease and Desist
	iii) One up to five acres of disturbed area - violation continued for 30 or more days after discovery	iii) Formal Enforcement/Fines
	iv) Five or more acres	iv) Cease and Desist
	v) Five or more acres - violation continued for 30 or more days after discovery	v) Formal Enforcement/Fines
<b>Has coverage under the Construction General Permit and has significant violations of permit</b>	i) One up to five acres of disturbed area	i) Warning letter with schedule for corrective action(s) (NOV Optional)
	ii) Failure to correct deficiencies in accordance with schedule: One up to five acres of disturbed area	ii) NOV and/or Stop Work Order
	iii) Five or more acres	iii) NOV and/or Stop Work Order
<b>Failure to meet significant permit requirements. Including, but not limited to:</b>  - lack of or a substantially inadequate SWPPP;  - failure to implement or maintain BMPs;  - failure to perform required inspections	i) Unsatisfactory compliance inspection	i) Warning letter with Inspection report listing deficiencies and schedule for corrective action(s)
	ii) Failure to correct deficiencies in accordance with schedule	ii) NOV and/or Stop Work Order
	iii) Duration of noncompliance is longer than 60 days.	iii) Formal Enforcement/Fines

**Enforcement Response Plan: Post-Construction Stormwater Management Practice Inspection & Maintenance** **Appendix O (continued)**

<b>Enforcement Response Plan: Post-Construction Stormwater Management Practice Inspection &amp; Maintenance</b>	
Violation	Minimum Response
<p>Failure to perform required inspections and/or submit inspection report.</p> <p>NYS DEC Stormwater Management Practices Inspection Checklists 2017: <a href="https://www.dec.ny.gov/docs/water_pdf/smp_inspchklst.pdf">https://www.dec.ny.gov/docs/water_pdf/smp_inspchklst.pdf</a></p>	<p>i) No SMP inspection report submitted</p> <p>ii) No inspection report submitted - violation continued for 30 or more days after notice</p> <p>iii) No inspection report submitted - violation continued for 60 or more days after notice</p>
<p>Failure to perform required maintenance as called for in the Maintenance Agreement associated with the post-construction stormwater management practice(s); or, in the absence of a formal Maintenance Agreement, NYS DEC Maintenance Guidance for Stormwater Management Practices 2017: <a href="https://extapps.dec.ny.gov/docs/water_pdf/smp_maintguidance.pdf">https://extapps.dec.ny.gov/docs/water_pdf/smp_maintguidance.pdf</a></p>	<p>i) SMP maintenance not performed</p> <p>ii) Maintenance not performed - violation continued for 30 or more days after notice</p> <p>iii) Maintenance not performed - violation continued for 60 or more days after notice</p>
<p>Failure to address deficiencies, corrective actions, or further investigation (if recommended in inspection report)</p>	<p>i) Failure to correct SMP deficiencies</p> <p>ii) Failure to correct deficiencies in accordance with schedule: violation continued for 30 or more days after notice</p> <p>iii) Failure to correct deficiencies in accordance with schedule: violation continued for 60 or more days after notice</p>

**Part VIII: Enhanced Requirements for Impaired Waters**

**Appendix P**

As listed in Appendix B of the MS4 General Permit (GP-0-24-001), the followings waterbodies in Erie and/or Niagara County have segments that are subject to Enhanced Requirements for Impaired Waters. These requirements are to be included in the Minimum Controls Measures of this SWMP Plan by affected municipalities only (see map on next page). The WNYSC will form a committee in early 2025 for affected MS4 municipalities to collaborate on meeting the enhanced requirements.

**Erie County**

Delaware Park Pond (0101-0026)	Phosphorus
Ellicott Creek, Lower, and tribs (0102-0018)	Phosphorus and Silt/Sediment
Green Lake (0101-0038)	Phosphorus
Lake Erie (Main Lake, North) (0104-0037)	Fecal Coliform
Lake Erie (Northeast Shoreline) (0104-0036)	Fecal Coliform
Rush Creek and tribs (0104-0018)	Fecal Coliform and Phosphorus
Scajaquada Creek, Lower, and tribs (0101-0023)	Fecal Coliform and Oils & Floating Sub. and Phosphorus
Scajaquada Creek, Middle, and tribs (0101-0033)	Fecal Coliform and Oils & Floating Sub. and Phosphorus
Scajaquada Creek, Upper, and tribs (0101-0034)	Fecal Coliform and Phosphorus
South Branch Smoke Cr, Lower, and tribs (0101-0036)	Phosphorus and Silt/Sediment

**Genesee County**

Tonawanda Creek (Middle , Main Stem) (0102-0006)	Fecal Coliform
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**Niagara County**

Bergholtz Creek and tribs (0101-0004)	Fecal Coliform and Phosphorus
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The **Town of Pendleton** is subject to Enhanced Requirements for Impaired Waters due to the presence of impaired surface waters. Among the MS4 municipalities in Erie and Niagara Counties, one or more of the following stormwater-related pollutants are causing the impairment:

- Phosphorous
- Silt/Sediment
- Pathogens (i.e. fecal coliform)
- Floatables (i.e. oil & floating substances) .

The following surface waters in the **Town of Pendleton** are identified as “Impaired” by New York State and are subject to enhanced requirements as per the NYSDEC MS4 General Permit (GP-0-24-001). Locals laws to Prohibit Illicit Discharges, Activities and Connections to Separate Storm

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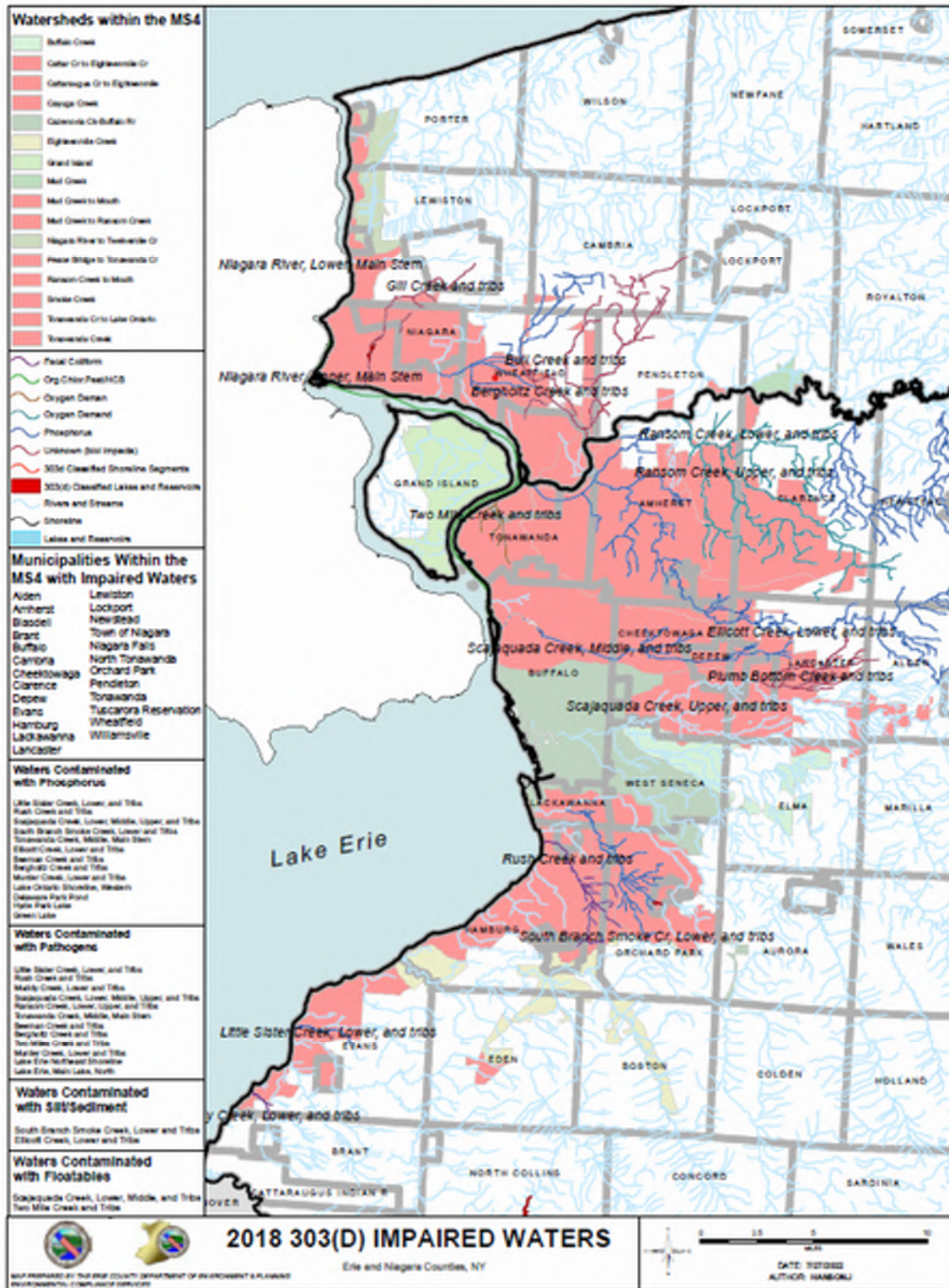
Sewer System, and for Stormwater Management and Erosion & Sediment Control, help to address the following stormwater-related pollutants: Phosphorous;

**Part VIII: Enhanced Requirements for Impaired Waters Appendix P (continued)**

Silt/Sediment; Pathogens; and, Floatable. The illicit discharge local law includes all pollutants discharged to impaired waters because storm sewers and ditches discharging to them are inspected regularly. In the event a pollutant is found to be discharged into a water, listed as impaired for a pollutant, whether detected by sampling or visually, the local law has the enforcement mechanism(s) necessary to eliminate the source. Similarly, for silt/sediment discharges, the Stormwater Management and Erosion & Sediment Control local law has the enforcement mechanisms necessary to eliminate the source generating it.

<b>NYS Impaired Surface Water</b>	<b>Impairment(s) Listed</b>
Tonawanda Creek (Middle , Main Stem) (0102-0006)	Fecal Coliform

Part VIII: Enhanced Requirements for Impaired Waters Appendix P (continued)



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**Part VIII: Enhanced Requirements for Impaired Waters Appendix P (continued)**

Facilities Identified with Nuisance Bird Populations	Address

There are no Town owned facilities with nuisance bird populations.