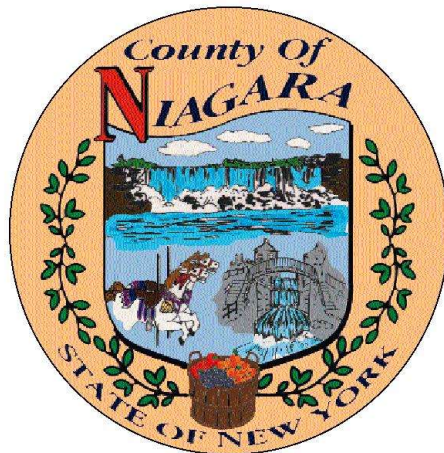


Stormwater Management Program Plan (SWMP Plan)

Niagara County



**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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Niagara County

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: Brian Doyle

Title: Stormwater Management Coordinator

Phone: (716) 860-1531

Email: v-brian.doyle@niagaracountygov

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

Name: Brian Doyle

Title: Stormwater Management Coordinator

Phone: (716) 860-1531

Email: v-brian.doyle@niagaracounty.gov

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

Name: Garret Meal, P.E.

Title: Commissioner of Public Works Engineering

Phone: (716) 439-7242

Email: garret.meal@niagaracounty.gov

To report illicit discharges in Niagara County contact:

Name: Brian Doyle

Title: Stormwater Management Coordinator

Phone: (716) 860-1531

Email: v-brian.doyle@niagaracounty.gov

To report **stormwater complaints related to construction activity** in **Niagara County** contact:

Name: Brian Doyle

Title: Stormwater Management Coordinator

Phone: (716) 860-1531

Email: v-brian.doyle@niagaracounty.gov

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.

Name of Entity	Permit Requirement
Western NY Stormwater Coalition	Public Education & Involvement and Employee Training

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.

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
- 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 **Niagara County**.

Niagara County

- Bergholtz Creek and tribs (0101-0004)
 - Fecal Coliform
 - Phosphorus

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 **Niagara County** municipal staff.

v. Areas with on-site wastewater systems:

Education will be targeted to specific sewersheds 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.
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).

Topic	Target Audience	How Topic Reduces Potential for Pollutants to be Generated by Target Audience(s)
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
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).

b. Frequency

Once every 5 years, **Niagara County** 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: **Niagara County** reviews and updates, if necessary, the focus areas, target audiences, and/or education and outreach topics.

Compliance documentation is listed in Appendix B.

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 **Niagara County** Stormwater Management Program includes opportunities to: review the SWMP Plan; submit comments; ask questions; and, become involved in the SWMP.

Niagara County 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:

- a) Public hearings or meetings
- b) Coordination with other pre-existing public involvement/participation opportunities
- c) Stewardship activities

Methods of distribution used to inform public of opportunity:

- Printed materials (e.g., mail inserts, brochures, and newsletters);
- Electronic materials (e.g., websites, email listserves);
- Mass media (e.g., newspapers, public service announcements on radio or cable);
- Displays in public areas (e.g., town halls, library, parks); or

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: Garret Meal, P.E.

Title: Commissioner of Public Works Engineering

Phone: (716) 439-7242

Email: garret.meal@niagaracounty.gov

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.

- For public review and comment, the draft Annual Report will be posted on the **Niagara County** website: niagaracounty.gov/government/county_information/stormwater_management.php. 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, **Niagara County** documents a summary of comments received on the SWMP Plan and draft Annual Report.

Compliance documentation is listed in Appendix B.

C. MCM 3 - Illicit Discharge Detection and Elimination

Niagara County 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 **Niagara County** Illicit Discharge Detection and Elimination Program is supported by Local law No. 4 of 2007, which can be found in Appendix N or at:

cms5.revize.com/revize/niagaracounty/Document_center/Department/G-L/Legislature/Local%20Laws/2007/Local%20Law%204%20-%20Prohibiting%20Illicit%20Discharges,%20Activities%20and%20Connections%20to%20Separate%20Storm%20Sewer%20System.pdf

1. Illicit Discharge Detection

a. Public Reporting of Illicit Discharges

i. To report illicit discharges in Niagara County contact:

Contact: Brian Doyle

Phone: (716) 860-1531

Email: v-brian.doyle@niagaracounty.gov

ii. Within thirty (30) days of an illicit discharge, each report of an illicit discharge is documented in the **Niagara County** 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 **Niagara County** 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

Niagara County 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:

1. Upon request: contact the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
 - Public: Upon Request
 - Internally: G/Stormwater\Stormwater Management Program (SWMP) Plan\Illicit Discharge

For each monitoring location, the following information is included:

- 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

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

c) Inventory information for municipal facility intraconnections

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

ii. Annually, **Niagara County** 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

i. **Niagara County** 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 **Niagara County**);
- 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.
 - 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, **Niagara County** 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

Niagara County 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 **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
 - Public: Upon Request
 - Internally: (G\Stormwater\Stormwater Management Program (SWMP) Plan\Illicit Discharge

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, **Niagara County** will initiate illicit discharge track down procedures.

ii. **Niagara County**, 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

iv. Annually, by April 1, **Niagara County** 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

Niagara County 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:

- Within twenty-four (24) hours of discovery, or 72 hours of dry weather conditions, **Niagara County** will initiate track down procedures for flowing MS4 monitoring locations with obvious illicit discharges;
- Within two (2) hours of discovery, **Niagara County** 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

- Within five (5) days of discovery, or 72 hours of dry weather conditions, **Niagara County** will initiate track down procedures for suspect illicit discharges.

b. As noted above, **Niagara County**, 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, **Niagara County** reviews and updates its illicit discharge track down procedures.

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

Niagara County 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 **Niagara County** Illicit Discharge Detection and Elimination Program is supported by Local law by Local law No. 4 of 2007, which can be found in Appendix N or at:

cms5.revize.com/revize/niagaracounty/Document_center/Department/G-L/Legislature/Local%20Laws/2007/Local%20Law%204%20-%20Prohibiting%20Illicit%20Discharges,%20Activities%20and%20Connections%20to%20Separate%20Storm%20Sewer%20System.pdf

2. 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 **Niagara County** 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:

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

b. As noted above, **Niagara County**, 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.

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, **Niagara County** 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.**

D. MCM 4 - Construction Site Stormwater Runoff Control

Niagara County 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. **Niagara County** Construction Site Stormwater Runoff Control Program is supported by Local law No. 5 of 2007, which can be found in Appendix N or at:

cms5.revize.com/revize/niagaracounty/Document_center/Department/G-L/Legislature/Local%20Laws/2007/Local%20Law%205%20-%20Stormwater%20Management%20and%20Erosion%20and%20Sediment%20Control.pdf

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 **Niagara County** is listed as the owner/operator on the Notice of Intent for coverage under the CGP. **Niagara County** 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 **Niagara County** contact:

Contact: Brian Doyle

Phone: (716) 860-1531

Email: v-brian.doyle@niagaracounty.gov

b. **Niagara County** 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 **Niagara County** SWMP Plan. It is available for public review upon request; contact the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction).

3. Construction Oversight Program

Within one (1) year of the EDC

Niagara County 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 **Niagara County** 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-0-25-001);

ii. As per the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001), construction activities that require a Stormwater Pollution Prevention Plan (SWPPP) are listed in Appendix E;

iii. Procedures for submitting SWPPPs to **Niagara County** are stated in Article 1, Section 4 of Local Law No. 5 of 2007, which can be found in Appendix N;

iv. **Niagara County** 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, **Niagara County** requires a pre-construction meeting (Detailed below in Part 7: Pre-Construction Meeting);

vi. **Niagara County** 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 Article 3, Section 3 of Local Law No. 5 of 2007, which can be found in Appendix N. (Detailed below in Part 8: Construction Site Inspections);

vii. All CGP-regulated construction projects in **Niagara County** are subject to construction site close-out requirements in conformance with the CGP (Detailed below in Part 9: Construction site close-out);

viii. **Niagara County** 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 **Niagara County** contact:

Contact: Brian Doyle

Phone: (716) 860-1531

Email: v-brian.doyle@niagaracounty.gov

ix. Although not included in this SWMP Plan, documentation of enforcement measures addressing non-compliance with the Construction General Permit (GP-0-25-001) 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.

I. Not Applicable.

b. **Niagara County**, 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 **Niagara County** (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.

i) Individuals responsible for reviewing SWPPPs on behalf of **Niagara County** 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, **Niagara County** 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. **Niagara County** 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 **Niagara County** SWMP Plan. The inventory is available for public review and comment as follows:

3. Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
 - At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
 - Public: Upon Request
 - Internally: (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction)

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).

b. Annually, **Niagara County** updates the inventory if construction projects are approved or completed.

5. Construction Site Prioritization

Within one (1) year

a. **Niagara County** 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 a direct conveyance (e.g., channel, ditch, storm sewer) to a surface water of the State:

i) Classified as impaired by silt/sediment, phosphorus, or nitrogen as the Pollutant of Concern;

List applicable surface waters listed in Appendix C of the MS4 General Permit (GP-0-24-001) with silt/sediment, phosphorus, or nitrogen as the POC; your NOI also has these waterbodies listed.

ii) Classified as AA-S, AA, or A; or

List waters below or delete if N/A; your NOI also has these waterbodies listed.

- Niagara River Class A-S

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

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

d) 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, **Niagara County** 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:

4. Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
 - At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
 - Public: Upon Request
 - Internally: (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction)

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 **Niagara County** receive this training prior to 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 **Niagara County** SWMP Plan. The SWPPP reviews are available for public review and comment as follows:

5. Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 this document
6. At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
 1. Public: Upon Request
 2. Internally: (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction)

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

f. **Niagara County** 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, **Niagara County** 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, **Niagara County**, 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:

- Confirm the approved project has received, or will receive²⁶, coverage under the CGP or an individual SPDES permit;

- 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.
- 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:

- 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.

- Review the construction oversight program and expectations for compliance.

8. Construction Site Inspections

Niagara County inspects CGP-regulated construction sites to ensure they are in compliance with the SWPPP that pertains to the site.

- 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.
- 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.
- 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.
- The names, titles, and contact information for the individuals who have received the NYSDEC 4-Hour Erosion and Sediment Control Training are updated annually;
- 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 **Niagara County** SWMP Plan and are available as follows:
 - 7. Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
 - i. At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
 - Public: Upon Request

- Internally: (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction)

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, **Niagara County** 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 **Niagara County** SWMP Plan and are available as follows:

8. Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
- ii. At the **Niagara County** municipal building as follows:
- Hardcopy: (Highway Department)
 - Electronically:
 - Public: Upon Request
 - Internally: (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction)
- b. The Notice of Termination (NOT) is signed by **Niagara County** 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).

E. MCM 5 – Post-Construction Stormwater Management

Niagara County 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 **Niagara County** Post-Construction Stormwater Management Program is supported by Local law No. 5 of 2007, which can be found in Appendix N.

1. Applicable Post-Construction SMPs

The **Niagara County** 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

Niagara County maintains an inventory of post-construction SMPs that encompasses the entire municipality, within and beyond the MS4 regulated area.

- a. **Niagara County** 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, **Niagara County** 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 **Niagara County** 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;
- 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 **Niagara County** inventory of post-construction SMPs is considered part of this SWMP Plan and is available as follows:

9. Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document

- At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
- Public: Upon Request
- Internally: (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction\Post-Construction)

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:
 - 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.
 - 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

Niagara County 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:
 - a. 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;
 - b. 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. **Niagara County** 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 **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department)
 - Electronically:
- Public: Upon Request
- Internally: (G:\Stormwater\Stormwater Management Program (SWMP) Plan\Construction\Post-Construction)

iii. Upon receipt of a completed inspection checklist, **Niagara County** 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. **Niagara County** 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 practices is available upon request by contacting the Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document.

b. **Niagara County**, 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, **Niagara County** 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.**

F. MCM 6 – Pollution Prevention and Good Housekeeping

Niagara County has a pollution prevention and good housekeeping program for municipal facilities and municipal operations to minimize pollutant discharges. This MCM is designed to ensure **Niagara County'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

Niagara County 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
 - 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. **Niagara County** 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.

c. Spill Prevention and Response Procedures

i. **Niagara County** 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 **Niagara County** 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 Controls³¹

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

ii. **Niagara County** 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 **Niagara County** 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, 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 **Niagara County** 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 Facilities³³

a. Municipal Facility Program

Within three (3) years

Niagara County 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. **Niagara County**, 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.

- All new staff that are charged with conducting municipal facility procedures/BMPs will receive training on procedures prior to doing so;
- All existing staff, that are charged with conducting any municipal facility procedures/BMPs will receive training on procedures prior to doing so, and, once every five (5) years, thereafter; and
- 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, **Niagara County** 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

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

ii. Annually, **Niagara County** updates the inventory if new municipal facilities are added.

c. Municipal Facility Prioritization

i. Within three (3) years

Niagara County 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, **Niagara County** prioritizes it; and

iii. Annually, after the initial prioritization, **Niagara County** 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 **Niagara County** SWMP Plan. The inventory is available for public review and comment as follows:

- a) Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
 - At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department Info)
 - Electronically:
 - Public: Upon Request
 - Internally: (G:\Phase II Stormwater\Pollution Prevention & Good Housekeeping)

d. High Priority Municipal Facility Requirements

i. Municipal Facility Specific SWPPP

Within five (5) years

Niagara County 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 **Niagara County** 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 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;
 - (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 spills³⁵ 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, **Niagara County** 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.

(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, **Niagara County** 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 **Niagara County** municipal facilities.

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, **Niagara County** 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, **Niagara County** 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:

(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;

a) Within twenty-four (24) hours, **Niagara County** 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;

b) 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 **Niagara County** are: street and bridge maintenance; winter road maintenance; MS4 maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; or marine operations.

Within three (3) years

Niagara County 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;
 - d) Roads, bridges, parking lots, and right of way maintenance requirements; and
 - e) All other municipal operations maintenance requirements.

ii. **Niagara County**, 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.

- All new staff that are charged with conducting municipal operations procedures will receive training prior to conducting municipal operations procedures;
- 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
- 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, **Niagara County** 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, **Niagara County** 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

Within three (3) years of the EDC,

Niagara County 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.

iv. The **Niagara County** 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:

- Water removed during the catch basin cleaning process will not reenter the MS4 or surface waters of the State;
- Material removed from catch basins is disposed of in accordance with any applicable environmental laws and regulations; and
- 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, Bridges, Parking Lots, & Right of Way Maintenance

i. Sweeping

Within six (6) months

Niagara County has procedures for sweeping and/or cleaning municipal streets, bridges, parking lots, and right of ways owned/operated by **Niagara County**.

a) All roads, bridges, 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, **Niagara County** adheres to the following provisions:

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

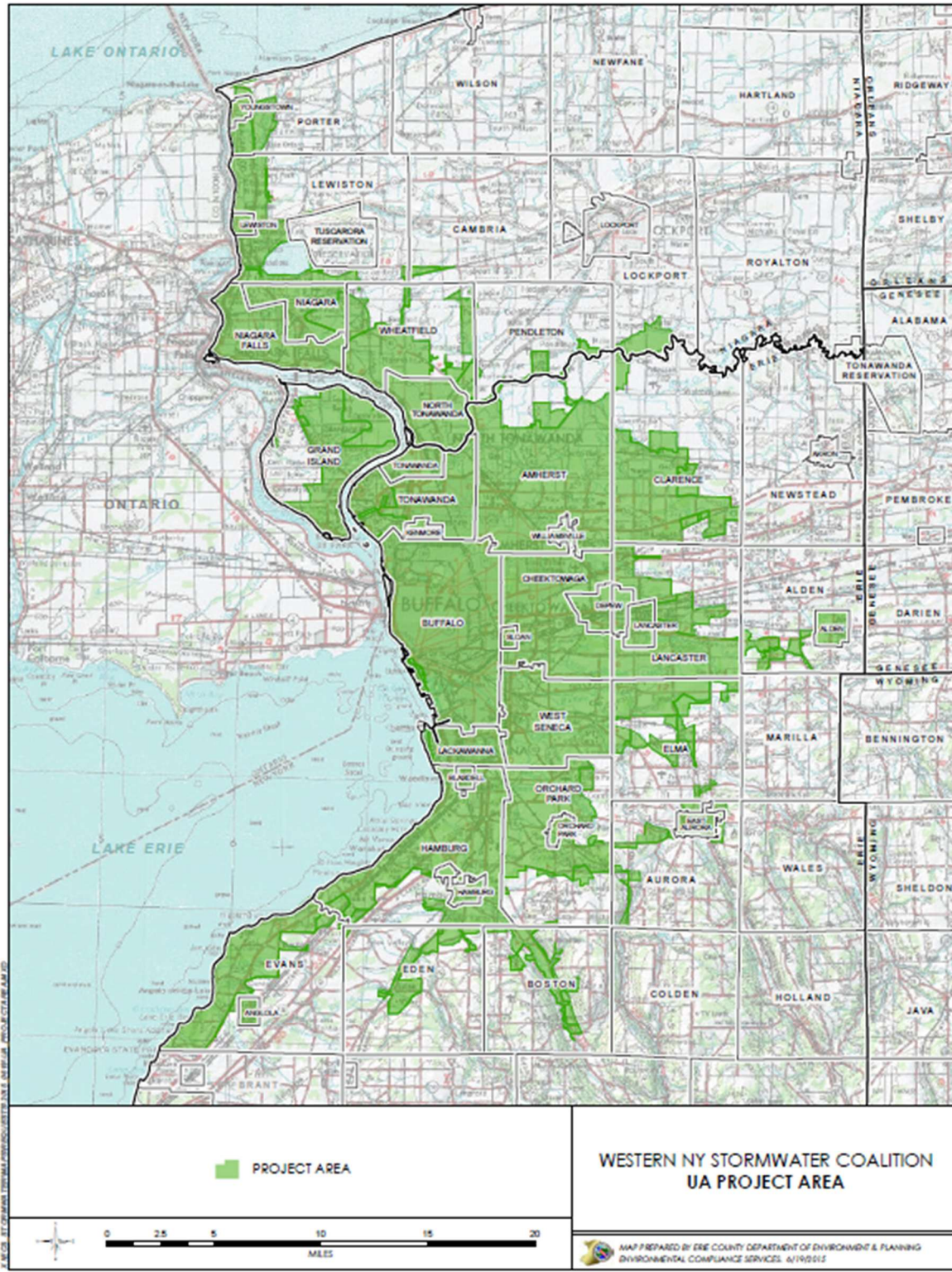
Within five (5) years

In addition to the BMPs, **Niagara County** 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:

- b) Upon request: contact Stormwater Program Coordinator or Stormwater Management Officer listed on page 2 of this document
 - At the **Niagara County** municipal building as follows:
 - Hardcopy: (Highway Department Info)
 - Electronically:
 - Public: Upon Request
 - Internally: (G:\Phase II Stormwater\Pollution Prevention & Good Housekeeping)



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

Once every 5 years, **Niagara County** 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: _____

Method used: _____

Dog waste:

Date of completion: _____

Method used: _____

Household hazardous waste disposal:

Date of completion: _____

Method used: _____

Vehicle washing:

Date of completion: _____

Method used: _____

Illicit Discharge:

Date of completion: _____

Method used: _____

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: _____

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

Uncovered materials exposure/storage:

Date of completion: _____

Method used: _____

iv. Construction: Developers, Contractors, And Design Professionals:

Soil disturbance:

Date of completion: _____

Method used: _____

Uncontained construction waste:

Date of completion: _____

Method used: _____

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: _____

Method used: _____

Preventative maintenance:

Date of completion: _____

Method used: _____

Spill prevention and response:

Date of completion: _____

Method used: _____

Erosion and Sediment Controls:

Date of completion: _____

Method used: _____

Vegetated areas and open space:

Date of completion: _____

Method used: _____

Salt storage:

Date of completion: _____

Method used: _____

Waste, garbage and floatable debris:

Date of completion: _____

Method used: _____

Illicit Discharge:

Date of completion: 7/16/2024

Method used: Email

Updates to the Public Education and Outreach Program

Annually, by April 1: **Niagara County** 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")

SWMP Plan Compliance Documentation

Appendix B (continued)

B. MCM 2 - Public Involvement/Participation

Public involvement/participation in the development and implementation of the **Niagara County** 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:

Public hearings or meetings

Description: _____

Method used: _____

Dates of completion: _____

Coordination with other pre-existing public involvement/participation opportunities

Description: _____

Method used: _____

Dates of completion: _____

Stewardship activities

Description: _____

Method used: _____

Dates of completion: _____

Public Notice and Input Requirements for Draft Annual Report

Annually, **Niagara County** 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
3/24/2026	MS4 Draft Annual Report is available for public review and comment.
3/18/2025	MS4 Draft Annual Report is available for public review and comment.
5/16/2023	MS4 Draft Annual Report is available for public review and comment.
5/3/2022	MS4 Draft Annual Report is available for public review and comment.
5/12/2020	MS4 Draft Annual Report is available for public review and comment.

Consideration of Public Input

Annually, **Niagara County** 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

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

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: _____

Annually, **Niagara County** 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.

Date of Update	Description Inventory Update(s); or “No Update” if applicable

Annually, **Niagara County** 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.

Date of Update	Name, title & email of individual trained	Training Date
3/6/2026	Brian Doyle, Stormwater Management Coordinator, v- brian.doyle@niagaracounty.gov	5/27/2025
3/6/2026	Frank Rotella, DPW General Foreman, Frank.Rotella@niagaracounty.gov	5/30/2017

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

Date of Update	Description Inspection and Sampling Procedures Update(s); or “No Update” if applicable

SWMP Plan Compliance Documentation

Appendix B (continued)

D. MCM 4 – Construction Site Stormwater Runoff Control

Annually, **Niagara County** 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
7/1/2024	Brian Doyle, Stormwater Management Coordinator, v- brian.doyle@niagaracounty.gov	6/29/2022

Annually, by April 1, **Niagara County** reviews and updates its construction oversight procedures.

Date of Update	Description Construction Oversight Procedures Update(s); or “No Update” if applicable

Annually, **Niagara County** updates it CGP-regulated construction sites inventory.

Date of Update	Description Inventory Update(s); or “No Update” if applicable

Individuals **involved in construction activity, SWPPP review, construction site inspections** in **Niagara County** 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.

Date of Training	Name, Title & Email of Individual Trained	Task : Oversight; SWPPP Review; Inspection
6/18/2025	Brian Doyle, Stormwater Management Coordinator, v- brian.doyle@niagaracounty.gov	6/18/2025
1/10/2019	Richard M. Wiesner, Assistant Civil Engineer, Richard.Wiesner@niagaracounty.gov	1/10/2019
1/10/2019	Eric Stein, Assistant Civil Engineer, Eric.Stein@niagaracounty.gov	1/10/2019
1/10/2019	Mark Niver, Jr. Civil Engineer, Mark.Niver@niagaracounty.gov	1/10/2019

E. MCM 5 – Post-Construction Stormwater Management

Annually, **Niagara County** 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
7/1/2024	Brian Doyle, Stormwater Management Coordinator, v-brian.doyle@niagaracounty.gov	4/7/2021

Annually, **Niagara County** updates its inventory of post-construction SMPs.

Date of Update	Description Inventory Update(s); or “No Update” if applicable
5/30/2025	Post-Construction SMP Inventory sent to WNYSC for mapping grant.

Annually, by April 1, **Niagara County** 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

SWMP PLAN COMPLIANCE

Appendix B (continued)

F. MCM 6 – Pollution Prevention and Good Housekeeping

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

Date of Update	Name, Title & Email of Individual Trained	Training Date
7/1/2024	Brian Doyle, Stormwater Management Coordinator, v- brian.doyle@niagaracounty.gov	9/11/2019
3/6/2026	Frank Rotella, DPW General Foreman, Frank.Rotella@niagaracounty.gov	7/22/2020

Annually, by April 1, **Niagara County** reviews and updates its municipal facility procedures and its municipal operations procedures.

Date of Update	Description Municipal Facility Procedures Update(s)

Date of Update	Description Municipal Operations Procedures Update(s)

Annually, **Niagara County** updates its inventory of all municipal facilities.

Date of Update	Description Inventory Update(s); or “No Update” if applicable

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	If No, Skip to Section 5		
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 Appendix C (continued)

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/sour <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"/> Green <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Gray <input type="checkbox"/> Red <input type="checkbox"/> Yellow <input type="checkbox"/> Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Turbidity	<input type="checkbox"/>	See severity <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"/>
Floatables -Does Not Include Trash!!	<input type="checkbox"/>		<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/Slains	<input type="checkbox"/>	<input type="checkbox"/> Oily <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"/> Inhibited	
Poor pool quality	<input type="checkbox"/>	<input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae	<input type="checkbox"/> Oil Sheen <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

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

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

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).

II. 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.

III. 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.
- 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.

- 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** (follows) 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.

IV. **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 Track Down Techniques table for additional track down options.

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

V. **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.

VI. **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.

Outfall and Monitoring Location Sampling Guide

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)

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.

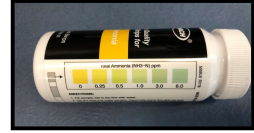
Ammonia (HACH # 4315-70)

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.



- To read the result, turn the test strip over so that both pads face away from you.
- Compare the color of the small pad to the color chart on the container.
- Read the result through the clear plastic of the test strip.
- Record the result on the Monitoring Locations Inspection and Sampling Field Sheet.

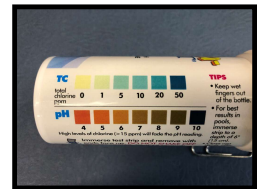


pH and Total Chlorine (LaMotte # 5049-36)

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**.

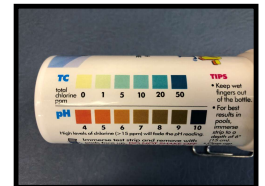
- Immerse test strip and remove with pads face up.
- Do not shake off excess water.
- Wait 15 seconds and immediately hold up vertically against the color chart on container.
- Record the pH result on the Monitoring Locations Inspection and Sampling Field Sheet.
- Using the same strip, record the results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



Nitrite and Nitrate (LaMotte # 5049-39)

Sources of nitrite (NO_2) and nitrate (NO_3) in urban stormwater runoff include **lawn and garden fertilizers, pet waste and failing septic tanks**.

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

- Dip a strip into water for 5 seconds and remove.
- Hold the strip level, with pad side up, for 45 seconds.
- Do not shake excess water from the strip.
- Compare the color of the small pad to the color chart on the container.
- 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.



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

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

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
Stormwater Pollution Prevention Plan Review Checklist**

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

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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maps of general location and site are present showing: Legend, scale, north arrow 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.i. III.B.1.b. III.B.1.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
Stormwater Pollution Prevention Plan Review Checklist

- 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.
- Location and sizing of any temporary sediment basins or structural practices planned to divert flows from exposed soils are included III.B.1.h.
- Maintenance inspection schedule, in accordance with the NYS Standards & Specs for E&SCs is included III.B.1.i.
- Pollution Prevention measures to control litter, chemicals, debris are described. III.B.1.j.
- Description & location of any industrial stormwater discharges (i.e., concrete, asphalt, etc.) is included III.B.1.k.

Post-construction Stormwater Management Practices

<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 is prepared by a Qualified Professional. III.A.3.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP identifies contractor/subcontractor responsible for constructing the SMPs. III.A.6.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Design Manual planning process for reducing runoff is employed: III.B.2. <u>Site planning</u> to preserve natural features and reduce impervious cover, <u>Calculation of the WQ_v</u> for the site, <u>Incorporation of runoff reduction</u> techniques and standard SMPs with Runoff Reduction Volume (RR _v) capacity, <u>Determine minimum RR_v required</u> , <u>Use of standard SMPs</u> , where applicable, <u>to treat the remaining WQ_v</u> not addressed by runoff reduction techniques and standard SMPs with RR _v 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 III.A.1.
<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. III.B.2. III.B.2.c.vi.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All SMPs are identified, including dimensions, material specs & installation details. III.B.2.a.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location & size of SMPs are shown on a site map or construction drawing. III.B.2.b.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWPPP includes a <u>Stormwater Modeling and Analysis Report</u> that contains: III.B.2.c. <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 & 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

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
Stormwater Pollution Prevention Plan Review Checklist**

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. |

Construction Site Inspection Report Form

Appendix G



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**



 Department of Environmental Conservation		New York State Department of Environmental Conservation Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001	
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.i |
| 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 |



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**



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.L
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 ESC 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&SC 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:




NEW YORK STATE
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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:	

NO EXPOSURE CERTIFICATION				
For High Priority Municipal Facilities in SPDES MS4 General Permit, GP-0-24-001				
		<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>		
I. Owner/Facility Information				
Owner/Operator Name:				
Mailing Address:		City/State/Zip:		
Contact Name:		Phone No.:		
Facility Name:				
Street Address:		City/State/Zip:		
County:	Latitude:	Longitude:		
II. Exposure Checklist				
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])			
III. Certification				
<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

	Department of Environmental Conservation	Storm Event Data Form for SPDES MS4 General Permit, GP-0-24-001										
<p>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.</p>												
Permit Number:												
<table border="1" style="margin: auto;"> <tr> <td style="padding: 2px;">N</td> <td style="padding: 2px;">Y</td> <td style="padding: 2px;">R</td> <td style="padding: 2px;">2</td> <td style="padding: 2px;">0</td> <td style="padding: 2px;">A</td> <td style="padding: 2px;"> </td> <td style="padding: 2px;"> </td> <td style="padding: 2px;"> </td> <td style="padding: 2px;"> </td> </tr> </table>			N	Y	R	2	0	A				
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):												
<p>Certification</p> <p>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.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; height: 20px;"></td> <td style="width: 50%; border-bottom: 1px solid black; height: 20px;"></td> </tr> <tr> <td style="font-size: small;">Facility Operator First Name (please print or type)</td> <td style="font-size: small;">Facility Operator Last Name (please print or type)</td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 20px; text-align: center;">/ /</td> <td style="border-bottom: 1px solid black; height: 20px;"></td> </tr> <tr> <td style="font-size: x-small;">Date</td> <td style="font-size: x-small;">Signature</td> </tr> </table>					Facility Operator First Name (please print or type)	Facility Operator Last Name (please print or type)	/ /		Date	Signature		
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:

	Department of Environmental Conservation	Municipal Facility Assessment Form For SPDES MS4 General Permit, GP-0-24-001
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).		
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 overfilling 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:			
Vehicle and Equipment Areas		<input type="checkbox"/> <u>N/A</u>	Yes No
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:			
Vehicle/Equipment Maintenance		<input type="checkbox"/> <u>N/A</u>	Yes No
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:			
Fueling areas		<input type="checkbox"/> <u>N/A</u>	Yes No
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:			
General Material Storage Areas		<input type="checkbox"/> N/A	
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:			
Stormwater Management		Yes	No
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.III. / Part VII.F.3.c.III, 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:			
Erosion and Sediment Controls		Yes	No
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"/>

Municipal Facility Assessment Form

Appendix J (continued)

Comments:			
<u>Corrective Actions and Comment</u>			
Describe inspection findings and if necessary, the corrective actions taken			
Inspector Signature		Date:	

MS4 Notice of Intent

version 1.0

(Submission #: HQ1-39TE-QY6Z9, version 1)

Details

Originally Started By Brian Doyle

Alternate Identifier NYR20A212

Submission ID HQ1-39TE-QY6Z9

Status Draft

Form Input

MS4 Operator Information

Is this NOI for an MS4 Operator continuing coverage?

Yes

Permit ID #:

NYR20A212

MS4 Operator Type

Traditional non-land use control

Traditional Non-Land Use or Non-Traditional

Traditional non-land use and non-traditional MS4 Operator requirements are found in Part VII of the MS4 General Permit.

Municipality Name or Legal Entity Name

Niagara County

Legal Municipal/Entity Mailing address

59 Park Avenue

Lockport, NY 14094

Niagara

Ranking Official

Official Title	First and Last Name	Phone	Email
Other: County Manager	Richard Updegrove	(716) 439-7213	Richard.Updegrove@niagaracounty.com

NOI Preparer

NOI Preparer Title	First and Last Name	Phone	Email
Stormwater Program Coordinator	Brian Doyle	(716) 695-8624	brian.doyle@niagaracounty.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**

Niagara County 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

43.16921129454526,-78.69919896125793

Waterbody Information (1 of 9)

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

Bergholtz Creek and tribs - 0101-0004

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?

Phosphorus

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

No

Waterbody Information (2 of 9)

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 (3 of 9)

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

Cayuga Creek and minor tribs - 0101-0001

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 9)

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 Niagara River - 0101-0029

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 (5 of 9)

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 9)

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

Niagara River, Lower, Main Stem - 0101-0027

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 9)

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

Saywer Creek and tribs - 0905-0130

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 (8 of 9)

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 (9 of 9)

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 - 0102-0002

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.

Yes

As the Ranking Elected Official or Principal Executive Officer, please download the certification form from the link below. Complete and sign the certification. Then upload the certification form to this NOI.

This certification form must be signed and uploaded every time the NOI is submitted.

[Certification Form](#)

Attach completed certification form.

NONE PROVIDED

Comment

NONE PROVIDED

Staffing Plan/Organizational Chart

Appendix L

NIAGARA COUNTY
Departments at the County Responsible for Implementation of the
Six Minimum Control Measures (MCM)
MS4 Coordinator - Stormwater Management Officer - B. Doyle

MCM 1	MCM 2	MCM 3	MCM 4	MCM 5	MCM 6
PUBLIC EDUCATION	PUBLIC INVOLVEMENT	ILLICIT DISCHARGE DETECTION AND ELIMINATION	CONSTRUCTION SITES	POST CONSTRUCTION MANAGEMENT	GOOD HOUSEKEEPING
<p>WNYS - The Coalition creates graphics and designs presentations. Prepares postcards and mailers. Creates K-12 Education</p> <p>Organizes a stormwater conference once in 2 years, Invites Guest speakers, Engineering Consultants, Landscape Architects and MS4 communities.</p>	<p>WNYS - WNYS schedules 2 public meetings a year to educate key individuals and groups</p> <p>Niagara County (NC) organizes three household hazardous waste collections events throughout the year. This event is published in the newspaper and residents from all communities are encouraged to attend.</p> <p>NC participates in different Environmental groups that have interest in the stormwater management program. These local groups assist with public education and involvement.</p>	<p>GIS (L. Casey) - Performs mapping functions. Assists and trains individuals using GPS.</p> <p>Public Works Department (B. Doyle) - Inspects outfalls, and field reconnaissance associated with regular inspections and potential illicit discharge violations. Works on staff training, performs inspections and issues notice of violations</p> <p>(B. Doyle) receives calls from Residents, Code Enforcement Officers, Pre-treatment Coordinator, Highway employees, Emergency Services & Safety Coordinator regarding illicit discharges into storm sewers. The complaints are investigated and necessary violations issued.</p>	<p>Public Works Department Stormwater Pollution Prevention Plans (SWPPPs) are reviewed by B. Doyle. Once approved, the MS4 SWPPP Acceptance Form is signed.</p> <p>Before any clearing activities can take place a kick-off meeting is held on site to be attended by the Project Manager, Site Superintendent and Owner's SWPPP Inspector. Construction sites are monitored by Engineering Consultants hired by the County.</p> <p>B. Doyle closely 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>Public Works Department All long term post construction measures are inspected by the Engineering Consultant before construction is completed and NOT signed by B. Doyle</p> <p>The owner signs a maintenance agreement and files it at County Clerk's office to ensure that the post-construction measures will not be altered without notification and will be maintained in the future.</p> <p>Highway Dept. - Maintains Highway maintenance facilities including buildings, salt storage, fueling station, County roadways, drainage infrastructures.</p>	<p>Public Works Dept, Highway Dept, Building and Grounds Dept, Parks Dept - Implements best management practices for operational and capital improvements. Staff is trained annually.</p> <p>Highway Dept maintains Highway Maintenance facilities including buildings, salt storage, fueling station, County roadways, drainage infrastructures.</p> <p>Building and Grounds Dept maintains all County building infrastructure. Parks Dept maintains all public County 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>

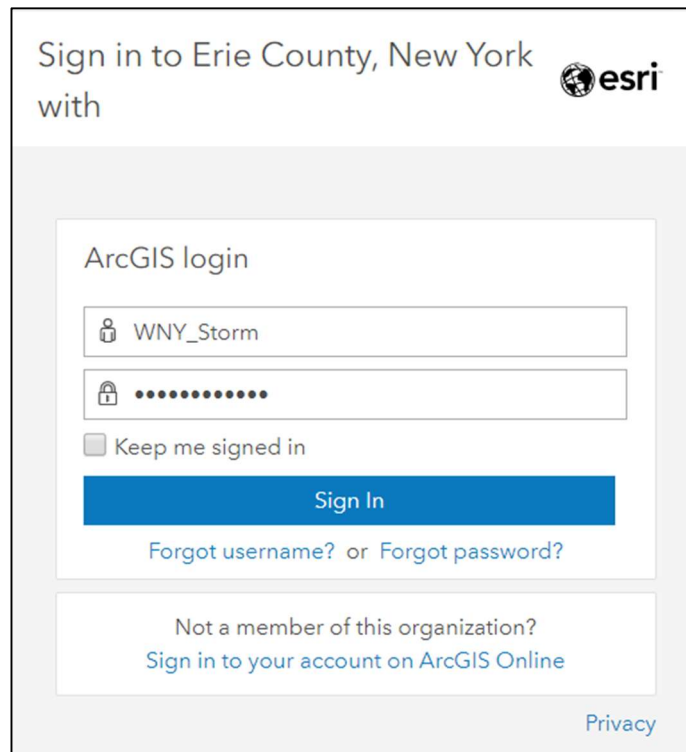
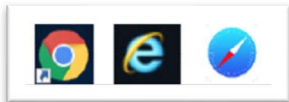
After clicking the above link, you are prompt for an ArcGIS Login to sign into Erie County.

Login Credentials:

Username: WNY_Storm
Password: \$tormW@ter20

Recommended Web Browsers:

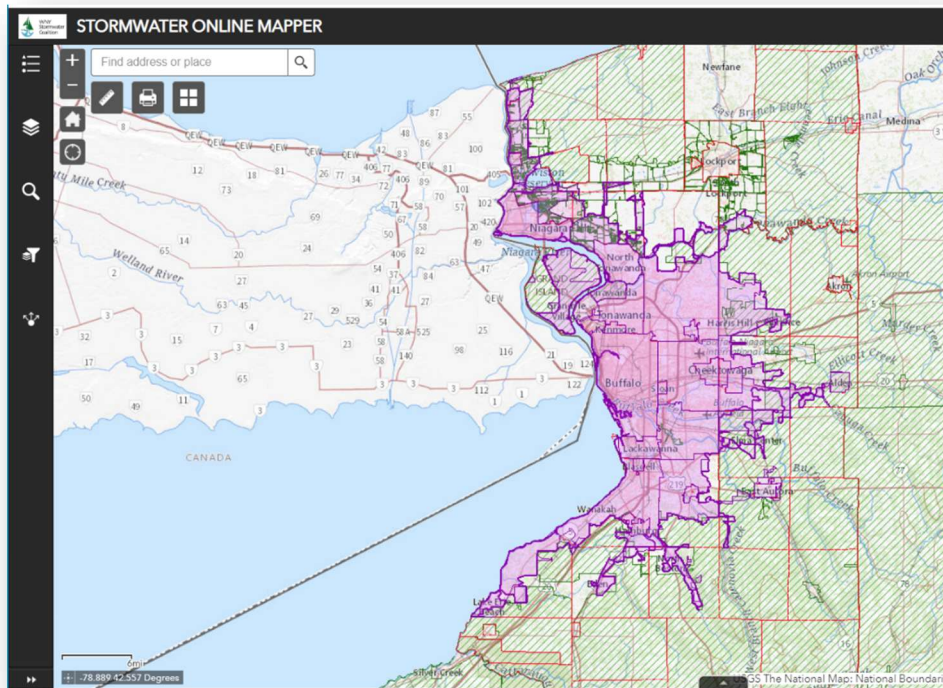
- 5. Google Chrome
- 6. Internet Explorer
- 7. iOS Safari



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.



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: 

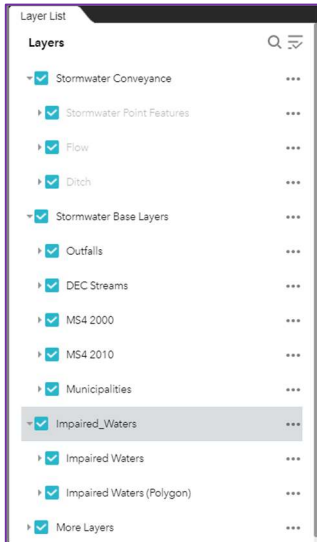
Legend

Stormwater Base Layers

- MS4 2000
- MS4 2010
- Municipalities

More Layers

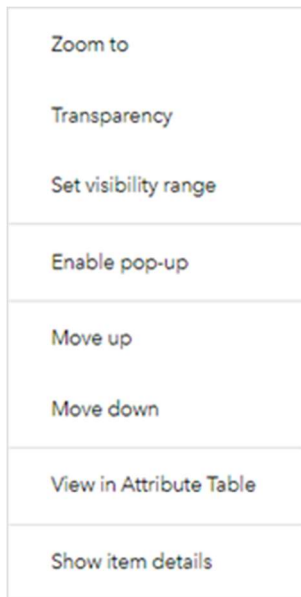
- Areas Without Municipal Sewer



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

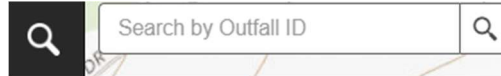
View in Attribute Table: Pulls up attribute table for the feature

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:

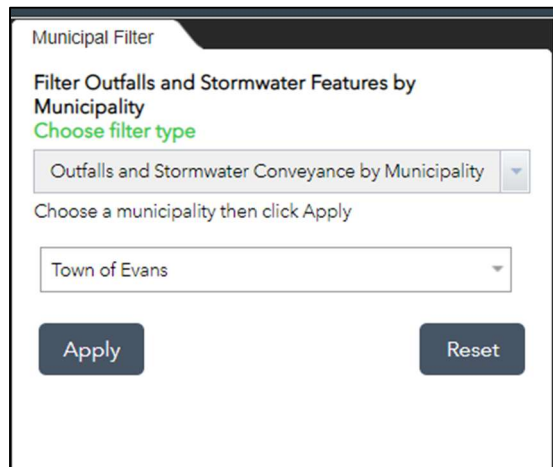
The search widget is in the upper-left hand portion of the mapper next to the layer list icon. Once clicked the widget panel drop downs on the left side and a small search box appears next to the search symbol.



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



MUNICIPAL FILTER:



Municipal Filter

Filter Outfalls and Stormwater Features by Municipality

Choose filter type

Outfalls and Stormwater Conveyance by Municipality

Choose a municipality then click Apply

Town of Evans

Apply Reset

6. This widget allows you to apply a filter to all of the stormwater conveyance and outfall data based on municipality.

7. 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.

8. Depending on the size of the municipality, you may need to zoom in further to see the stormwater data.

9. Notice in the attribute table pull up, the only data available is the selected municipality

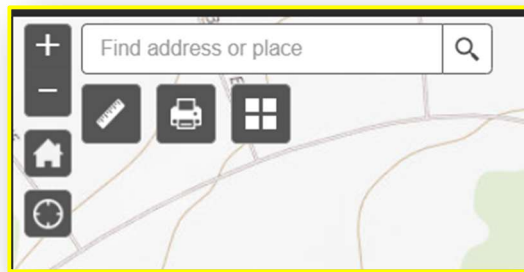
TYPE	MUNICIPALITY	CONDITION	BMP	CONSTRUC	EP_POSIT	EP_INVERT	EP_DIAM	EP_COMP	EP_BMP	IP1_POSIT	IP1_INVERT	IP1_DI
CB	Town of Evans	Fair	None	Precast	NW	27.00	8	HDPE		SE	26.00	8
CB	Town of Evans	Fair	None	Precast	NW	42.00	12	Concrete		SE	40.00	12
CB	Town of Evans	Clean me	None	Precast		0.00					0.00	
CB	Town of Evans	Good	None	Precast	N	30.50	18	HDPE		W	30.50	18
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:

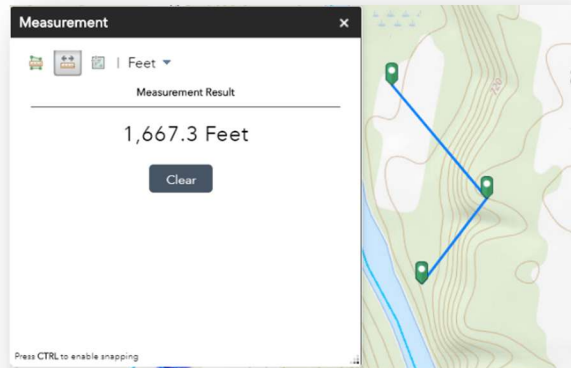
The button uses your device's location when you have it enabled. This is particularly helpful if using the mapper in the field.

Measurement:

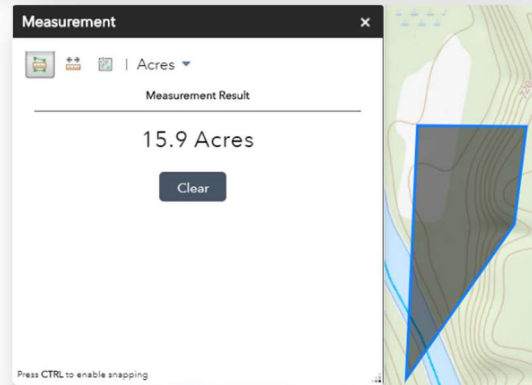


Allows you to measure Area, Distance and can give you a precise location.

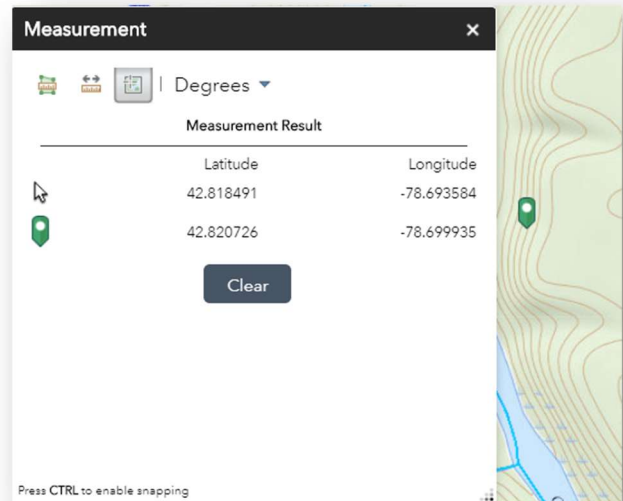
To measure distance, select the middle icon and then single click you starting point and as many points in between your last point. To end your segment, double-click on the last point in your measurement. You can change your measure type from feet to miles etc. in the drop down list.



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.



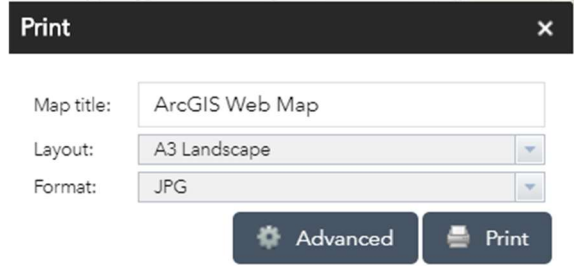
To capture the precise location of a point select the third icon to the right. It will take the location of you mouse at all times, and then also allow you to click a point on the map to give you precise location in longitude/latitude base on either Decimal Degrees, or Degree, Minutes, Seconds. (use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



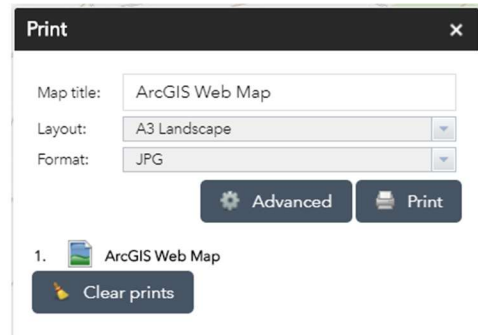
***For all three measurements, you can use CTRL (on your keyboard) to enable snapping to features in the map such as manholes, pipes, ditches, outfalls etc. This makes tracing polygons very easy.**

Printing Widget: 

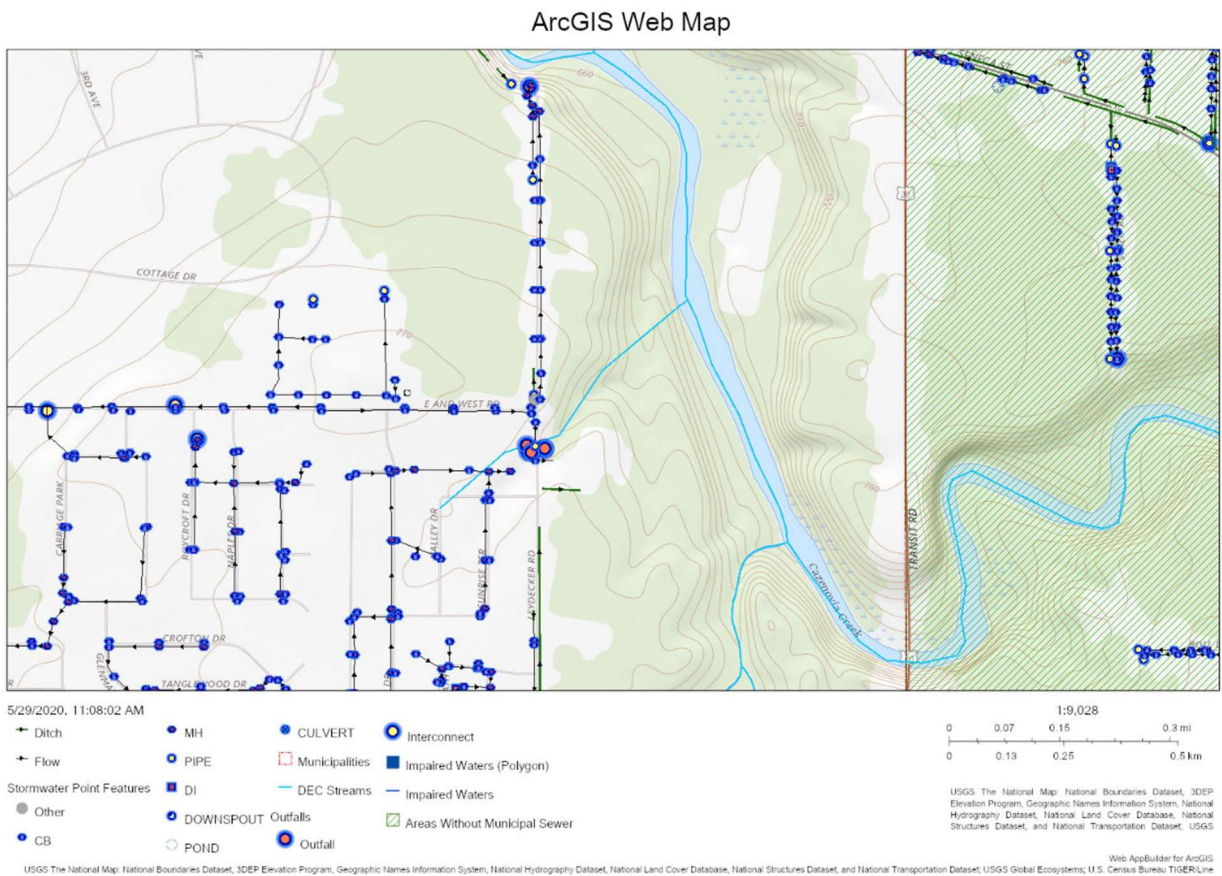
The print widget lets you export the map to various file types to be saved or printed. The current view of the map generates when you click print. The default layout is “A3 Landscape” and default format is JPG. You have the option to select different types in the drop down. You can title your map.



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.

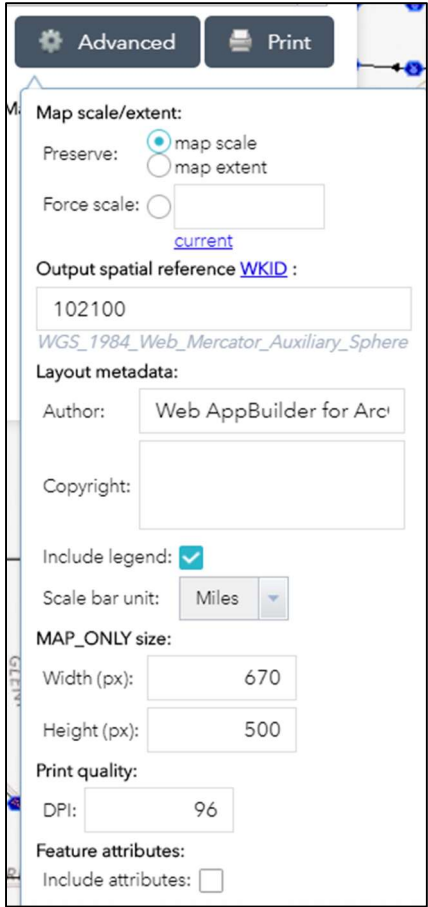


Below is an example of a JPG map generated from the widget



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.



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

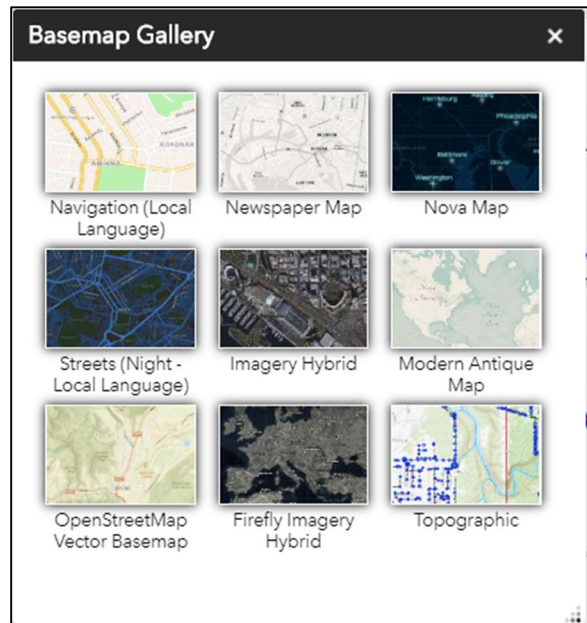
Basemap



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 interface with a map of a residential area. The map displays a network of stormwater features, including pipes and manholes, overlaid on a topographic map. The interface includes a search bar at the top left, a toolbar with navigation and editing tools, and a layer manager at the bottom. The attribute table is open, showing the following data:

TYPE	MUNICIPALITY	CONDITION	BMP	CONSTRUC	EP_POSIT	EP_INVERT	EP_DIAM	EP_COMP	EP_BMP	IP1_POSIT	IP1_INVERT	IP1_DIAM	IP1_COMP	IP2_POSIT	IP2_INVERT
CB	Town of Elma	Good	None	Brick	S	21.50	12	CMP		N	21.00	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	S	28.00
CB	Town of Elma	Good	None	Brick	W	30.50	18	HDPE		N	27.50	12	HDPE		0.00
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

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Niagara
Town
Village

Local Law No. 4 of the year 2007

A local law Prohibiting Illicit Discharges, Activities and Connections to
Separate Storm Sewer System

Be it enacted by the Legislature of the

County
City of Niagara as follows:
Town
Village

SECTION 1. PURPOSE/INTENT.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the County of Niagara through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- 1.1 To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
1.2 To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
1.3 To prohibit Illicit Connections, Activities and Discharges to the MS4;
1.4 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
1.5 To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 2. DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- 2.1 Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 2.2 Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- 2.3 Construction Activity. Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- 2.4 Department. The New York State Department of Environmental Conservation.
- 2.5 Design professional. New York State licensed professional engineer or licensed architect.
- 2.6 Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 2.7 Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
 1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- 2.8 Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.
- 2.9 Individual Sewage Treatment System. A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.
- 2.10 Industrial Activity. Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- 2.11 MS4. Municipal Separate Storm Sewer System.
- 2.12 Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 1. Owned or operated by the County of Niagara;
 2. Designed or used for collecting or conveying stormwater;
 3. Which is not a combined sewer; and
 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2.
- 2.13 Municipality. The County of Niagara.
- 2.14 Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.
- 2.15 Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 2.16 Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

- 2.17 Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 2.18 Special Conditions.
1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
 2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
 3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
 4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- 2.19 State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.
- 2.20 Stormwater. Rainwater, surface runoff, snowmelt and drainage.
- 2.21 Stormwater Management Officer (SMO). An employee, the municipal engineer or other public official(s) designated by the County of Niagara to enforce this local law. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

- 2.22 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.
- 2.23 TMDL. Total Maximum Daily Load.
- 2.24 Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.
- 2.25 Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

SECTION 3. APPLICABILITY.

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

SECTION 5. SEVERABILITY.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

SECTION 6. DISCHARGE PROHIBITIONS.

6.1 Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- 6.1.1 The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows,

rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

- 6.1.2 Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.
- 6.1.3 Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- 6.1.4 The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.
- 6.2 Prohibition of Illicit Connections.
 - 6.2.1 The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
 - 6.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - 6.2.3 A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

SECTION 7. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- 7.1 The backup of sewage into a structure.
- 7.2 Discharges of treated or untreated sewage onto the ground surface.
- 7.3 A connection or connections to a separate stormwater sewer system.
- 7.4 Liquid level in the septic tank above the outlet invert.
- 7.5 Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- 7.6 Contamination of off-site groundwater.

SECTION 8. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER.

- 8.1 Activities that are subject to the requirements of this section are those types of activities that:
 - 8.1.1 Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - 8.1.2 Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.
- 8.2 Such activities include failing individual sewage treatment systems as defined in Section 7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- 8.3 Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

SECTION 9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

- 9.1 Best Management Practices.

Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

- 9.1.1 The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of

prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.

- 9.1.2 Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- 9.1.3 Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- 9.2 Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants.

Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in Section 2 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:

9.2.1 Maintain and operate individual sewage treatment systems as follows:

1. Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee;
2. Avoid the use of septic tank additives;
3. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
4. Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

9.2.2 Repair or replace individual sewage treatment systems as follows:

1. In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.
2. A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 1. Relocating or extending an absorption area to a location not previously approved for such.

2. Installation of a new subsurface treatment system at the same location.
 3. Use of alternate system or innovative system design or technology.
3. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

SECTION 10. SUSPENSION OF ACCESS TO MS4.

Illicit Discharges in Emergency Situations.

- 10.1 The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- 10.2 Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

SECTION 11. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

SECTION 12. ACCESS AND MONITORING OF DISCHARGES.

- 12.1 Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this law.

12.2 Access to Facilities.

- 12.2.1 The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
- 12.2.2 Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
- 12.2.3 The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
- 12.2.4 The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- 12.2.5 Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
- 12.2.6 If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written

notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 14. ENFORCEMENT.

14.1 Notice of Violation.

When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- 14.1.1 The elimination of illicit connections or discharges;
- 14.1.2 That violating discharges, practices, or operations shall cease and desist;
- 14.1.3 The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- 14.1.4 The performance of monitoring, analyses, and reporting;
- 14.1.5 Payment of a fine; and
- 14.1.6 The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

14.2 Penalties.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However,

for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

SECTION 15. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the County Legislature within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

SECTION 16. CORRECTIVE MEASURES AFTER APPEAL.

- 16.1 If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- 16.2 If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

SECTION 17. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 18. ALTERNATIVE REMEDIES.

- 18.1 Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
 - 18.1.1 The violation was unintentional;

18.1.2 The violator has no history of pervious violations of this law;

18.1.3 Environmental damage was minimal;

18.1.4 Violator acted quickly to remedy violation;

18.1.5 Violator cooperated in investigation and resolution.

18.2 Alternative remedies may consist of one or more of the following:

18.2.1 Attendance at compliance workshops;

18.2.2 Storm drain stenciling or storm drain marking;

18.2.3 River, stream or creek cleanup activities.

SECTION 19. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 20. REMEDIES NOT EXCLUSIVE.

The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 21. ADOPTION OF LAW.

This law shall take effect upon filing in the Office of the Secretary of State, as provided by Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2007 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on April 3 2007, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

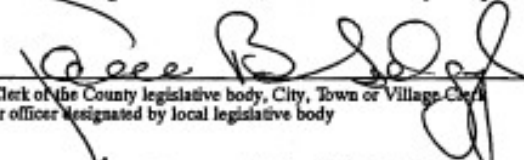
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



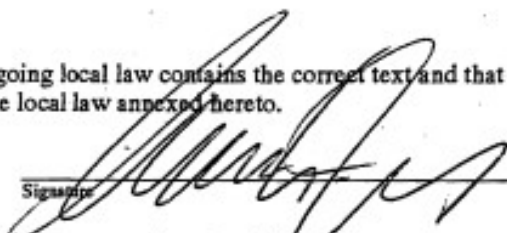
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body
Date: April 5, 2007

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Niagara County Attorney
Title

County
~~CITY~~ of Niagara
~~TOWN~~
~~VILLAGE~~

Date: April 5, 2007

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~CITY~~
~~TOWN~~
~~VILLAGE~~ of Niagara

Local Law No. 5 of the year 2007

A local law for Stormwater Management and Erosion and Sediment Control
(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~CITY~~
~~TOWN~~
~~VILLAGE~~ of Niagara as follows:

ARTICLE 1. GENERAL PROVISIONS

SECTION 1. FINDINGS OF FACT

It is hereby determined that:

- 1.1 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.2 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 1.3 Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 1.4 Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- 1.5 The regulation of stormwater runoff discharges from construction activities in County Highway ROW in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint

(If additional space is needed, attach pages the same size as this sheet, and number each.)

source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;

- 1.6 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

SECTION 2. PURPOSE

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- 2.2 Require construction activities in County Highway ROW to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- 2.3 Reduce soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

SECTION 3. STATUTORY AUTHORITY

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the County Legislature has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the County of Niagara and for the protection and enhancement of its physical environment. The County Legislature may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

SECTION 4. APPLICABILITY

- 4.1 This local law shall be applicable to all construction activities as defined in this local law, Article 2, Section 1.
- 4.2 The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal department. The Stormwater Management

Officer may (1) review the plans, (2) engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule in accordance with County Purchasing Procedures and Guidelines, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

- 4.3 All construction activities in the County Highway ROW subject to review and approval by the Stormwater Management Officer subject to the standards contained in this local law.
- 4.4 All construction activities in the County Highway ROW not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

SECTION 5. EXEMPTIONS

The following activities may be exempt from review under this law:

- 5.1 Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.2 Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- 5.3 Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 5.4 Emergency activity immediately necessary to protect life, property or natural resources.

ARTICLE 2. LOCAL LAW: STORMWATER CONTROL

SECTION 1. DEFINITIONS

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Applicant - any person, agency or public or private entity who has filed for a Highway Work Permit for construction activities within the County ROW.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Construction Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common construction plan, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation

Design Manual - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

Erosion Control Manual - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

Grading - excavation or fill of material, including the resulting conditions thereof.

Infiltration - the process of percolating stormwater into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - construction activity

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - rainwater, surface runoff, snowmelt and drainage

Stormwater Hotspot - an activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable County Department and inspect stormwater management practices.

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation.

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

SECTION 2. STORMWATER POLLUTION PREVENTION PLANS

2.1. Stormwater Pollution Prevention Plan Requirement.

No application for approval of a construction activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

2.2 Contents of Stormwater Pollution Prevention Plans.

2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project;
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); *Site map should be at a scale no smaller than 1"=100' (e.g. 1"=500" is smaller than 1"=100')*;
3. Description of the soil(s) present at the site;

4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill -prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;

15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the stormwater runoff at the site.

2.2.2 Construction activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable:

Condition A - Stormwater runoff from construction activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from construction activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from construction activity disturbing between one (1) and five (5) acres of land during the course of the project.

2.2.3 SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law;
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;

7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
8. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

2.3 Other Environmental Permits.

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

2.4 Contractor Certification.

2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

2.5 A copy of the SWPPP shall be retained at the site of the construction activity during construction from the date of initiation of construction activities to the date of final stabilization.

SECTION 3. PERFORMANCE AND DESIGN CRITERIA FOR STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

All construction activities shall be subject to the following performance and design criteria:

3.1 Technical Standards.

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law.

- 3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual).
- 3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

The New York State technical guidance documents may be ordered from The Department. An order form as well as downloadable versions of the Manuals are available on the Internet at:

<http://www.dec.state.ny.us/website/dow/toolbox/escstandards/index.html>

<http://www.dec.state.ny.us/website/dow/toolbox/swmanual/>

3.2 Equivalence to Technical Standards.

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.

3.3 Water Quality Standards.

Any construction activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

SECTION 4. MAINTENANCE, INSPECTION AND REPAIR OF STORMWATER FACILITIES

4.1 Maintenance and Inspection During Construction.

- 4.1.1 The applicant of the construction activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

- 4.1.2 For construction activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 2.2.2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.
- 4.1.3 The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

4.2 Maintenance after Construction.

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- 4.2.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law;
- 4.2.2 Written procedures for operation and maintenance and training new maintenance personnel;
- 4.2.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.3.

SECTION 5. SEVERABILITY

5.1 Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

SECTION 1. CONSTRUCTION INSPECTION

1.1 Erosion and Sediment Control Inspection.

The County of Niagara Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the County of Niagara enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- 1.1.1 Start of construction;
- 1.1.2 Installation of sediment and erosion control measures;
- 1.1.3 Completion of site clearing;
- 1.1.4 Completion of rough grading;
- 1.1.5 Completion of final grading;
- 1.1.6 Close of the construction season;
- 1.1.7 Completion of final landscaping;
- 1.1.8 Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

1.2 Stormwater Management Practice Inspections.

The County of Niagara Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

1.3 Inspection of Stormwater Facilities After Project Completion.

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with

higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

1.4 Submission of Reports.

The County of Niagara Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

SECTION 2. PERFORMANCE GUARANTEE

2.1 Construction Completion Guarantee.

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the County of Niagara in its approval of the Stormwater Pollution Prevention Plan, the County of Niagara may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the County of Niagara as the beneficiary. The security shall be in an amount to be determined by the County of Niagara based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the County of Niagara, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the County of Niagara. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

2.2 Recordkeeping.

The County of Niagara may require entities subject to this law to maintain records demonstrating compliance with this law.

SECTION 3. ENFORCEMENT AND PENALTIES

3.1 Notice of Violation.

When the County of Niagara determines that a construction activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- 3.1.1 the name and address of the landowner, developer or applicant;
- 3.1.2 the address when available or a description of the building, structure or land upon which the violation is occurring;
- 3.1.3 a statement specifying the nature of the violation;
- 3.1.4 a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
- 3.1.5 a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- 3.1.6 a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

3.2 Stop Work Orders.

The County of Niagara may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the County of Niagara confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

3.3 Violations.

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

3.4 Penalties.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed

within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

3.5 Restoration of Lands.

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the County of Niagara may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

SECTION 4. FEES FOR SERVICES

The County of Niagara may require any entity undertaking construction activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by County of Niagara or performed by a third party for the County of Niagara.

SECTION 5. EFFECTIVE DATE

5.1 Effective Date.

This Local Law shall be effective upon filing with the Office of the Secretary of State, as provided by Section 27 of the Municipal Home Rule Law.

Schedule A

Stormwater Management Practices Acceptable for Water Quality <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20⁰⁷ of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on May 1 20⁰⁷, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved)(repassed after disapproval) by the on 20. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved)(repassed after disapproval) by the on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

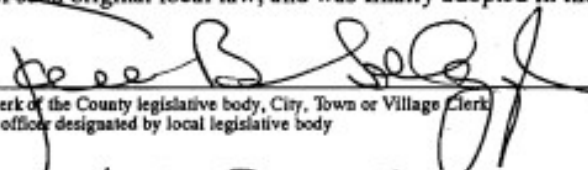
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



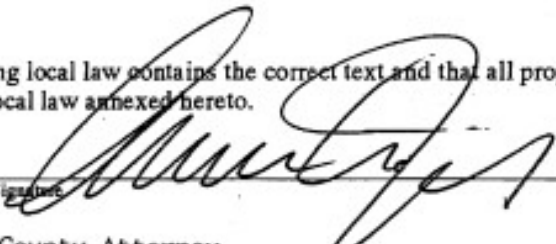
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Date: May 7, 2007

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



County Attorney
Title

County
~~City~~ of Niagara
~~Town~~
~~Village~~

Date: May 4, 2007

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-0-25-001). 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.

Niagara County will use the following types of enforcement responses or combination of responses for illicit discharge, construction, and post-construction stormwater management practice violations:

- Verbal warnings;
- Written notices;
- Citations (and associated fines);
- Stop work orders;
- Withholding of plan approvals or other authorizations affecting the ability to *discharge* to the *MS4*; and
- 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.

Enforcement Tracking

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

- Name of the owner/operator of the facility or site of the violation (can be redacted from the publicly available SWMP Plan);
- Location of the *stormwater* source (e.g., construction project);
- Description of the violation;
- Schedule for returning to compliance;

- Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations);
- Any referrals to different departments or agencies; and
- Date violation was resolved.

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

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

Appendix O (continued)

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

**Enforcement Response Plan:
Construction General Permit**

Appendix O (continued)

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

Enforcement Response Plan:

Appendix O (continued)

Post-Construction Stormwater Management Practice Inspection & Maintenance

Enforcement Response Plan: Post-Construction Stormwater Management Practice Inspection & Maintenance			
Violation	Issue	Minimum Response	
<p>Failure to perform required inspections and/or submit inspection report.</p> <p>NYS DEC Stormwater Management Practices Inspection Checklists 2017: https://www.dec.ny.gov/docs/water_pdf/smp_inspchklist.pdf</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>i) Warning letter with schedule for correction (NOV Optional)</p> <p>ii) NOV</p> <p>iii) Formal Enforcement/Fines</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: https://extapps.dec.ny.gov/docs/water_pdf/smp_maintguidance.pdf</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>i) Warning letter with schedule for correction (NOV Optional)</p> <p>ii) NOV</p> <p>iii) Formal Enforcement/Fines</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>	<p>i) Warning letter with schedule for correction (NOV Optional)</p> <p>ii) NOV</p> <p>iii) Formal Enforcement/Fines</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 formed a committee in early 2025 for affected MS4 municipalities to collaborate on meeting the enhanced requirements.

Niagara County is subject to Enhanced Requirements for Impaired Waters due to the presence of impaired surface waters. The following stormwater-related pollutants are causing the impairment:

- a. Phosphorous
- b. Pathogens (i.e. fecal coliform)

The following surface waters in **Niagara County** 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).

NYS Impaired Surface Water	Impairment(s) Listed
Bergholtz Creek and tribs (0101-0004)	Fecal Coliform and Phosphorus

Locals laws to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System, and for Stormwater Management and Erosion & Sediment Control, help to address the following stormwater-related pollutants: Phosphorous; Silt/Sediment; Pathogens; and, Floatables. 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.

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

