

Stormwater Management Program Plan (SWMP Plan)

Town of Lockport Niagara County, New York



**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

Updated: 09-30-2024

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Town of Lockport

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 Belson

Title: Senior Building Inspector

Phone: 716-439-9527

Email: b_belson@elockport.com

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

Name: Brian Belson

Title: Senior Building Inspector

Phone: 716-439-9527

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

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

Name: Brian Belson

Title: Senior Building Inspector

Phone: 716-439-9527

Email: b belson@elockport.com

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
Wendel	SWPPP Review, MS4 Acceptance Forms, Annual Engineer Contract, Assist with MS4 Report, Annual MS4 Permit Assistance
WNYSC	Public Education, Public Improvement, Employee Trainings

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 the **Town of Lockport**.

Niagara County

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

* This segment is not listed in Appendix C of the MS4 General Permit (GP-0-24-001) for Niagara County. However, this segment is included in the Stormwater Interactive Map as an Impaired Waterbody for MS4 GP and is located within Lockport’s regulated MS4 area.

iii. TMDL watersheds:

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

iv. Areas with construction activities:

Education will be targeted to specific construction sites/operators that are identified during Construction General Permit oversight and/or inspections as impacting water quality/generating stormwater pollutants. In addition, construction-related activities are an education and outreach topic for the following target audiences: contractors, developers, design professionals, and **Town of Lockport** 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, the **Town of Lockport** directs an educational message to each target audience(s) for each focus area(s) based on the defined education and outreach topic(s) listed in this Stormwater Management Program Plan; and, documents the date of completion and method of distribution for each message.

Compliance documentation is listed in Appendix B.

c. Updates to the Public Education and Outreach Program

Annually, by April 1: The **Town of Lockport** 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 the **Town of Lockport** Stormwater Management Program includes opportunities to: review the SWMP Plan; submit comments; ask questions; and, become involved in the SWMP.

The **Town of Lockport** 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:

- Public hearings or meetings

Methods of distribution used to inform public of opportunity:

- The scheduled public information meeting is added to the Town Board agenda which is posted on the Town's website.
- The Town Board meeting/worksession agenda is printed and copies are available at the scheduled Town Board meeting/agenda.

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: Brian Belson

Title: Senior Building Inspector

Phone: 716-439-9527

Email: b_belson@elockport.com

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.

1. For public review and comment, the draft Annual Report will be presented at a regular Town Board Meeting. The public must have the ability to ask questions about and make comments on the draft annual report during that presentation; or
2. For public review and comment, the draft Annual Report will be posted on the **Town of Lockport** website: <https://elockport.com/> The website includes information on the timeframes and procedures to submit comments and/or request a meeting. If a public meeting is requested by two or more persons, the MS4 Operator must hold such a meeting.

Compliance documentation is listed in Appendix B.

c. Consideration of Public Input

Annually, the **Town of Lockport** 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

The **Town of Lockport** has a program to systematically detect illicit discharges to its municipal separate storm sewer system (MS4), track down the source of the illicit discharge, and eliminate it. This program is designed to manage the MS4 so it is not conveying pollutants associated with flows other than those directly attributable to stormwater runoff. The **Town of Lockport** Illicit Discharge Detection and Elimination Program is supported by **Local Law 6-2016** adopted 12-7-2016. Refer to [Chapter 158: Storm Sewers](#) of the Town of Lockport Town Code.

1. Illicit Discharge Detection

a. Public Reporting of Illicit Discharges

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

Contact: Brian Belson
Phone: 716-439-9527
Email: b_belson@elockport.com

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

Compliance documentation is listed in Appendix B.

b. Monitoring Locations

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

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

c. Monitoring Locations Inventory

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

- Upon request: contact the Stormwater Program Coordinator listed on page 2 of this document.

For each monitoring location, the following information is included:

a) Inventory information for MS4 outfalls

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

b) Inventory information for interconnections

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

c) Inventory information for municipal facility intraconnections

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

ii. Annually, the **Town of Lockport** 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. The **Town of Lockport** prioritizes its monitoring locations which are included in the monitoring locations inventory as follows:

a) High priority monitoring locations are as follows:

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

b) All other monitoring locations are considered low priority.

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

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

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

e. Monitoring Locations Inspection and Sampling Program

The **Town of Lockport** 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 listed on page 2 of this document.

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

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

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

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

ii. The **Town of Lockport**, 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, the **Town of Lockport** reviews and updates its monitoring location inspection and sampling procedures based on results (e.g., trends, patterns, areas with illicit discharges, and common problems).

Compliance documentation is listed in Appendix B for:

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

2. Illicit Discharge Track Down Program

Within two (2) years

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

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

i. The illicit discharge track down program is part of the Illicit Discharge Detection and Elimination Track Down Program detailed in Appendix D. It includes procedures and steps to take for illicit discharge track down;

ii. Timeframes to initiate illicit discharge track down are as follows:

- a) Within twenty-four (24) hours of discovery, or 72 hours of dry weather conditions, the **Town of Lockport** will initiate track down procedures for flowing MS4 monitoring locations with obvious illicit discharges;
- b) Within two (2) hours of discovery, the **Town of Lockport** will initiate track down procedures for obvious illicit discharges of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the NYSDEC Regional Water Engineer and local health department; and
- c) Within five (5) days of discovery, or 72 hours of dry weather conditions, the **Town of Lockport** will initiate track down procedures for suspect illicit discharges.

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

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

d. Annually, by April 1, the **Town of Lockport** 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

The **Town of Lockport** has an illicit discharge elimination program. Once an illicit discharge is track downed and a source identified, steps are taken to eliminate the source/discharge. As noted previously, the **Town of Lockport** Illicit Discharge Detection and Elimination Program is supported by **Local Law 6-2016** adopted 12-7-2016. Refer to [Chapter 158: Storm Sewers](#) of the Town of Lockport Town Code.

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

a. The illicit discharge elimination procedures including

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

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

iii. Steps taken for illicit discharge elimination procedures; and

iv. Timeframes for illicit discharge elimination are as follows:

- Within twenty-four (24) hours of identification of an illicit discharge that has a reasonable likelihood of adversely affecting human health or the environment, the **Town of Lockport** will eliminate the illicit discharge;
- Within five (5) days of identification of an illicit discharge that does not have a reasonable likelihood of adversely affecting human health or the environment, the **Town of Lockport** will eliminate the illicit discharge; and
- Where elimination of an illicit discharge within the specified timeframes

above is not possible, the **Town of Lockport** will notify the NYSDEC Regional Water Engineer.

b. As noted above, the **Town of Lockport**, 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, the **Town of Lockport** 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

The **Town of Lockport** has a program to ensure construction sites subject to the NYSDEC General Permit for Stormwater Discharges from Construction Activity (CGP) are effectively controlled. This program is designed to prevent pollution from construction related activities, as well as ensure for proper planning and installation of post-construction SMPs. The **Town of Lockport** Construction Site Stormwater Runoff Control Program is supported by **Local Law 8-2016**. Refer to [Chapter 159: Stormwater Management](#) of the Town of Lockport Town Code.

1. Applicable Construction Activities/Projects/Sites

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

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

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

2. Public Reporting of Construction Site Complaints

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

Contact: Brian Belson
Phone: 716-439-9527
Email: b_belson@elockport.com

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

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

Although not included as an appendix, this documentation is considered part of the **Town of Lockport** 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.

3. Construction Oversight Program

Within one (1) year of the EDC

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

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

i. The construction site stormwater control program applies to all construction sites that are subject to the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001);

ii. As per the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), construction activities that require a Stormwater Pollution Prevention Plan (SWPPP) are listed in Appendix E;

iii. Procedures for submitting SWPPPs to the **Town of Lockport** are as follows:

a. When Application is made to the Town for a Site Plan or Subdivision, the Applicant comes before the Town Planning Board. During project review, inquiry is made regarding anticipated area of disturbance. If area of disturbance is equal to or greater than 1-acre, the Applicant is advised that compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001 or current version) is required and is also informed about the Town's local Pre-25, Post-10 detention requirements. A Stormwater Pollution Prevention Plan (SWPPP) is required for compliance with the General Permit.

b. As the Site Plan or Subdivision is reviewed by the Planning Board, the SWPPP is reviewed by the Town Engineer. An MS4 Acceptance Form is issued upon completion of Engineering Review.

iv. The **Town of Lockport** reviews Stormwater Pollution Prevention Plans (SWPPPs) for all CGP-regulated constructed projects for conformance with NYS standards (Detailed below in Part 6: SWPPP Review);

v. Prior to commencement of CGP-regulated construction activity, the **Town of Lockport** requires a pre-construction meeting (Detailed below in Part 7: Pre-Construction Meeting);

vi. The **Town of Lockport** 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 **Local Law 8-2016**. Refer to [Chapter 159: Stormwater Management](#) of the Town of Lockport Town Code (Detailed below in Part 8: Construction Site Inspections);

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

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

Contact: Brian Belson
Phone: 716-439-9527
Email: b_belson@elockport.com

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

x. Other procedures associated with the control of stormwater runoff from applicable construction activities. Not applicable.

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

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

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

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

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

d. All individuals involved in construction activity in the **Town of Lockport** (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 the **Town of Lockport** will maintain certification.

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

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

Compliance documentation is listed in Appendix B for:

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

4. Construction Site Inventory & Inspection Tracking

Within six (6) months of the EDC

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

- Upon request: contact Stormwater Program Coordinator listed on page 2 of this document.

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, the **Town of Lockport** updates the inventory if construction projects are approved or completed.

5. Construction Site Prioritization

Within one (1) year

a. The **Town of Lockport** 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;

- Tonawanda Creek, Middle, Main Stem (0102-0006)

- Fecal Coliform

ii) Classified as AA-S, AA, or A: **N/A**

iii) Classified with a trout (T) or trout spawning (TS) designation: **N/A**

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, the **Town of Lockport** updates the construction site prioritization in the inventory based on information gathered as part of the construction oversight.

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

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

- Upon request: contact Stormwater Program Coordinator listed on page 2 of this document.

6. SWPPP Review

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

b. SWPPP reviewers for the Town of Lockport 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 Town of Lockport SWMP Plan. The SWPPP reviews are available for public review and comment as follows:

- Upon request: contact Stormwater Program Coordinator listed on page 2 this document.

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

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

7. Pre-Construction Meeting

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

- a. Confirm the approved project has received, or will receive²⁶, coverage under the CGP or an individual SPDES permit;
- b. Verify contractors and subcontractors selected by the owner/operator of the construction activity have identified at least one individual that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP; and, a copy of the certification(s) for those individuals is added to the on-site SWPPP.
- c. Verify each of the contractors and subcontractors identified have signed a copy of the following certification statement below before they commence any construction activity:

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

to be true, including the possibility of fine and imprisonment for knowing violations"

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

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

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

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

8. Construction Site Inspections

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

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

- i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the CGP and the MS4 Operator's Enforcement Response Plan.
- d. The names, titles, and contact information for the individuals who have received the NYSDEC 4-Hour Erosion and Sediment Control Training are updated annually;
- e. All construction inspections are documented using the NYSDEC Construction Site Inspection Report Form (Appendix G) or an equivalent form containing the same information. The completed Construction Site Inspection Reports are considered part of the **Town of Lockport** SWMP Plan and are available as follows:
 - Upon request: contact Stormwater Program Coordinator listed on page 2 of this document.

Compliance documentation is listed in Appendix B for:

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

9. Construction Site Close-out

- a. To close out a CGP-regulated construction site, the **Town of Lockport** conducts and documents a final construction site inspection. The final construction site inspection is documented using the Construction Site Inspection Report Form (Appendix G), or an equivalent form containing the same information, or accept the construction site owner/operator's qualified inspector final inspection certification that is required by the CGP. The completed (final) Construction Site Inspection Reports are considered part of the **Town of Lockport** SWMP Plan and are available as follows:
 - Upon request: contact Stormwater Program Coordinator listed on page 2 of this document.
- b. The Notice of Termination (NOT) is signed by the **Town of Lockport** 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

The **Town of Lockport** has a program to ensure proper operation and maintenance of post-construction Stormwater Management Practices (SMPs) for new or redeveloped sites. This program is designed to promote the long-term performance of post-construction SMPs in removing pollutants from stormwater runoff. The **Town of Lockport** Post-Construction Stormwater Management Program is supported by **Local Law 8-2016**. Refer to [Chapter 159: Stormwater Management](#) of the Town of Lockport Town Code.

1. Applicable Post-Construction SMPs

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

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

2. Post-Construction SMP Inventory & Inspection Tracking

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

- a. The **Town of Lockport** under its continuing MS4 General Permit coverage:
 - i. Maintains the inventory from previous iterations of the MS4 General Permit requirement for post-construction SMPs installed after March 10, 2003; and
 - ii. Will update the inventory for post-construction SMPs installed after March 10, 2003 as post-construction SMPs are approved or discovered; or after an owner/operator of CGP-regulated construction activity has filed a NOT with the NYSDEC.
- b. Annually, the **Town of Lockport** updates the inventory of post-construction SMPs to include the post-construction SMPs as noted above.
- c. Within five (5) years
The following information will be included in the inventory either by using **Town of Lockport** 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 **Town of Lockport** inventory of post-construction SMPs is considered part of this SWMP Plan and is available as follows:

- Upon request: contact Stormwater Program Coordinator listed on page 2 of this document.

3. SWPPP Review

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

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

- c. The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction SMP. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

4. Post-Construction SMP Inspection & Maintenance Program

Within one (1) year

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

- a. The post-construction SMP inspection and maintenance procedures are as follows:
 - i. All post-construction SMPs identified in the inventory are inspected at the frequency specified in the NYSDEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP, if available;
 - ii. The Post-Construction SMP Inspection Checklist in the NYSDEC Maintenance Guidance or an equivalent form containing the same information must be used to document post-construction SMP inspections. The **Town of Lockport** 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 listed on page 2 of this document.
- iii. Upon receipt of a completed inspection checklist, the **Town of Lockport** will inform the owner that follow-up actions indicated on the checklist (i.e. maintenance, repair, or higher level inspection) must occur within thirty (30) days of the post-construction SMP inspection; and
 - iv. The **Town of Lockport** 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. The **Town of Lockport**, in partnership with the Western NY Stormwater Coalition, has an employee training program addressing its post-construction SMP inspection and maintenance procedures. This training utilizes the NYSDEC Maintenance Guidance and includes a classroom setting, followed by a post-construction SMP inspection.

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

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

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

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

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

d. Annually, by April 1, the **Town of Lockport** 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

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

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

Within three (3) years

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

a) Store materials in appropriate containers;

b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;

c) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;

d) Develop procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;

e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;

f) Develop procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the stormwater pollution prevention team. Any spills must be reported in accordance with 6 NYCRR 750-2.7; and

g) Following any spill or release, the MS4 Operator must evaluate the adequacy of the BMPs identified in the municipal facility specific SWPPP. If the BMPs are inadequate, the SWPPP must be updated to identify new BMPs that will prevent reoccurrence and improve the emergency response to such releases.

ii. Measures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage, or hazardous waste management regulations at 6

NYCRR Parts 596-599, 613 and 370-373.

iii. This SPDES general permit does not relieve the **Town of Lockport** 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. The **Town of Lockport** will consider:

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

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

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

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

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

e. Manage Vegetated Areas and Open Space on Municipal Property

i. Maintain vegetated areas on **Town of Lockport** 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 **Town of Lockport** 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

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

i. Municipal facility procedures:

a) All BMPs incorporated into the municipal facility program;

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

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

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

- a) All new staff that are charged with conducting municipal facility procedures/BMPs will receive training on procedures prior to doing so;
- b) All existing staff, that are charged with conducting any municipal facility procedures/BMPs will receive training on procedures prior to doing so, and, once every five (5) years, thereafter; and
- c) If the municipal facility procedures/BMPs are updated, all staff will receive training on the updates prior to conducting municipal facility procedures.

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

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

Compliance documentation is listed in Appendix B for:

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

b. Municipal Facility Inventory

i. Within two (2) years

The **Town of Lockport** 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, the **Town of Lockport** updates the inventory if new municipal facilities are added.

c. Municipal Facility Prioritization

i. Within three (3) years

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

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

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

ii) Fueling stations; and/or

iii) Vehicle or equipment maintenance/repair.

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

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

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

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

- Upon request: contact Stormwater Program Coordinator listed on page 2 of this document.

d. High Priority Municipal Facility Requirements

i. Municipal Facility Specific SWPPP

Within five (5) years

The **Town of Lockport** has a municipal facility specific SWPPP for each high priority municipal facility. A copy of the municipal facility specific SWPPP is retained on site at the respective municipal facility. The **Town of Lockport** 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, the **Town of Lockport** 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, the **Town of Lockport** will complete and document the following actions:

- (1) Evaluate the facility for potential sources;
- (2) Remedy the problems identified;
- (3) Revise the municipal facility specific SWPPP; and
- (4) Perform an additional visual inspection during the first qualifying storm event following implementation of the corrective action. If the first qualifying storm event does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.

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

c) Comprehensive Site Assessments

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

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

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

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

(c) Deficiencies were identified and all reasonable steps taken to minimize any discharge in violation of the permit, which does not have a

reasonable likelihood of adversely affecting human health or the environment;

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

e. Low Priority Municipal Facility Requirements

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

ii. Municipal Facility Assessments

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

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

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the **Town of Lockport** 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;

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

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

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

implemented.

3. Municipal Operations & Maintenance

a. Municipal Operations Program

Municipal operations in the **Town of Lockport** are: street and bridge maintenance; winter road maintenance; MS4 maintenance; open space maintenance; new construction and land disturbances; right-of-way maintenance and hydrologic habitat modification.

Within three (3) years

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

Compliance documentation is listed in Appendix B for:

- **Staff that have received municipal operations procedures training; and,**

- **Updates to the municipal operations procedures.**

b. Municipal Operations Corrective Actions

i. For municipal operations, **Town of Lockport** 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,

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

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

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

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

i. Sweeping

Within six (6) months

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

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, the **Town of Lockport** 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

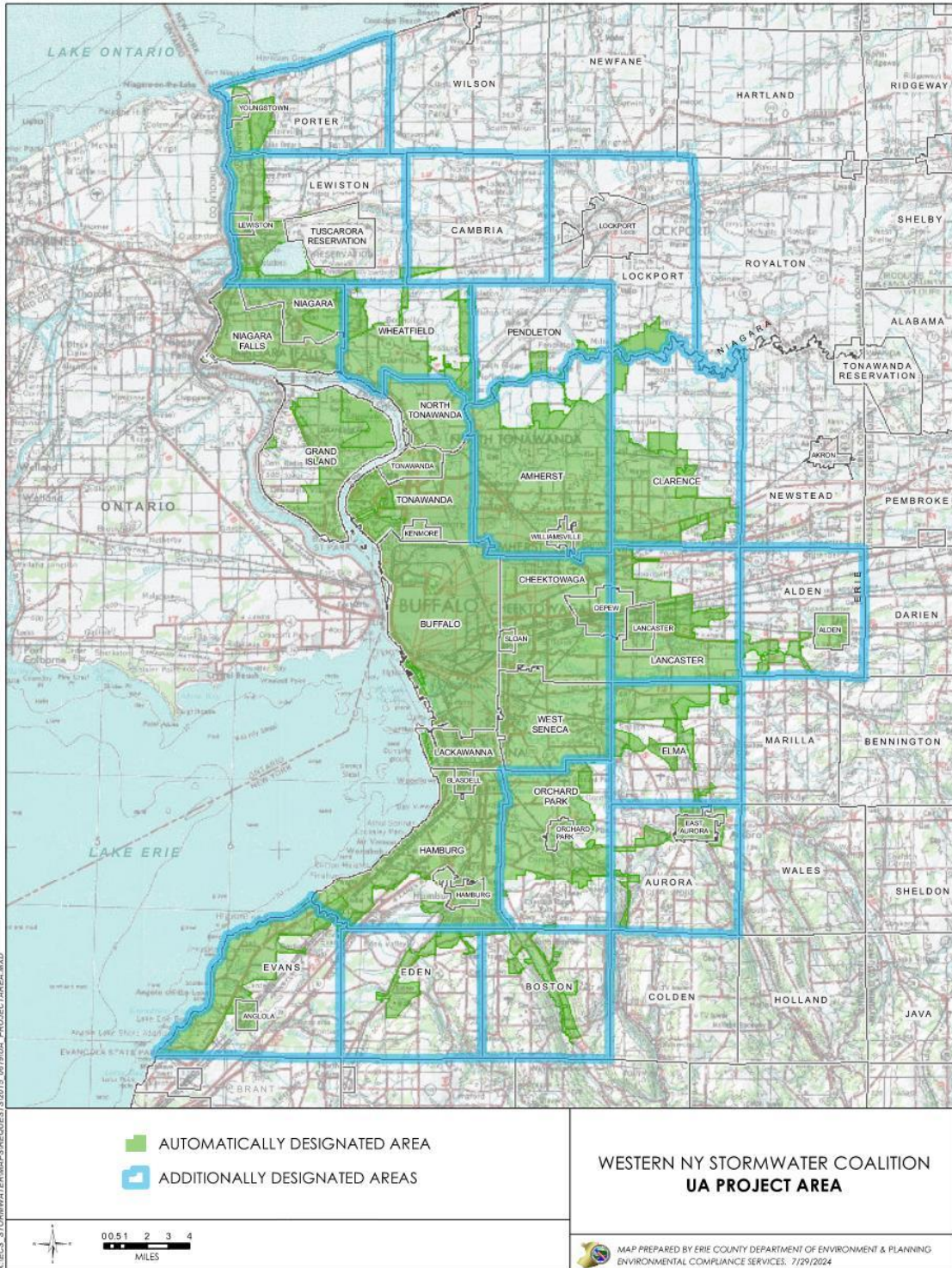
Within five (5) years

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

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

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

- Upon request: contact Stormwater Program Coordinator listed on page 2 of this document.



A. MCM1 – Public Education and Outreach Program

Compliance Documentation

Once every 5 years, the **Town of Lockport** 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: 7/13/2024

Method used: Household Hazardous Waste Event @ Lockport Town Hall

Vehicle washing:

Date of completion: _____

Method used: _____

Illicit Discharge:

Date of completion: 6/28/24

Method used: 1000 brochures entitled: Illicit Discharge Detection and Elimination: Citizen’s Guide to Identifying and Preventing Stormwater Pollution have been sent to 45 public libraries in Erie and Niagara County. WNYSWC, Mary MacSwan as contact.

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: 6/28/24 _____

Method used: 1000 brochures entitled: Illicit Discharge Detection and Elimination: Citizen's Guide to Identifying and Preventing Stormwater Pollution have been sent to 45 public libraries in Erie and Niagara County. WNYSWC, Mary MacSwan as contact. _____

iii. 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: Fall 2023 _____

Method used: Class A/B Operator Training _____

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: _____

Method used: _____

Updates to the Public Education and Outreach Program

Annually, by April 1: The **Town of Lockport** 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")

B. MCM 2 - Public Involvement/Participation

Public involvement/participation in the development and implementation of the **Town of Lockport** 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: _____

Public Notice and Input Requirements for Draft Annual Report

Annually, the **Town of Lockport** 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

Consideration of Public Input

Annually, the **Town of Lockport** 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, the **Town of Lockport** 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, the **Town of Lockport** 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

Annually, by April 1, the **Town of Lockport** 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

D. MCM 3 – Construction Site Stormwater Runoff Control

Annually, the **Town of Lockport** 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

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

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

Annually, the **Town of Lockport** updates its 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 the **Town of Lockport** 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

E. MCM 5 – Post-Construction Stormwater Management

Annually, the **Town of Lockport** 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

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

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

Annually, by April 1, the **Town of Lockport** 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, the **Town of Lockport** 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

Annually, by April 1, the **Town of Lockport** 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, the **Town of Lockport** 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 <i>If No, Skip to Section 5</i>			
Flow Description (If present)	<input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial			

Section 3: Quantitative Characterization

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

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)
Odor	<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Faint <input type="checkbox"/> 2 - Easily detected <input type="checkbox"/> 3 - Noticeable from a distance
Color	<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Faint colors in sample bottle <input type="checkbox"/> 2 - Clearly visible in sample bottle <input type="checkbox"/> 3 - Clearly visible in flow
Turbidity	<input type="checkbox"/>	See severity	<input type="checkbox"/> 1 - Slight cloudiness <input type="checkbox"/> 2 - Cloudy <input type="checkbox"/> 3 - Opaque
Floatables -Does Not include Trash!!	<input type="checkbox"/>	<input type="checkbox"/> Sewage (Toilet Paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Few/slight; origin not obvious <input type="checkbox"/> 2 - Some; indications of origin (e.g., possible suds or oil sheen) <input type="checkbox"/> 3 - Some; origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

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

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

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

Section 6: Overall Monitoring Location Characterization

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

Section 7: Data Collection

1. Sample for the lab?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If yes, collected from:	<input type="checkbox"/> Flow <input type="checkbox"/> Pool
3. Intermittent flow trap set?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, type: OBM Caulk dam

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

IDDE Dry Weather Inspection and Outfall Testing Guide

Procedures for Dry Weather Inspection and IDDE

- I. Plan dry weather inspections
 - a. No precipitation/snow melt for preceding 72 hours

- II. Choose Monitoring Locations (aka outfalls)
 - 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, maps/route, clip board, pen.

- III. Inspect Monitoring Locations/Outfalls
 - a. Inspect each monitoring location scheduled for the year.
 - b. 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 to determine whether or not there is flow. Note the inspection point on the form if it deviates from the mapped outfall. Make a note in your files as well for future inspectors. Complete Monitoring Locations Inspection and Sampling Field Sheet for each outfall
 - c. Hardcopy inspection form or inspection APP available from Western NY Stormwater Coalition.
 - d. Retain forms/APP reports as documentation of inspection for 5 years
 - e. Schedule sampling for high priority monitoring locations (aka outfalls) discharging flow during dry weather

- IV. Document Inspections
 - a. Record monitoring locations inspected on spreadsheet or whatever you choose to 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. You can add information as to whether it was flowing and a "Notes" column as well.

 - b. The Monitoring Locations Inspection and Sampling Field Sheet completed in the field are to be filed and retained as compliance documentation. You may also scan the completed forms. If you opt to scan, create a new folder for each year.

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

Procedures for Sampling and IDDE

- I. Outfalls discharging during dry weather will need to be investigated further to ensure there are no pollutants in the flow.

- II. Prepare for IDDE Testing
 - a. Prepare sampling equipment, field meters and testing supplies
 - b. Take system maps depicting outfall and conveyance system contributing area and Monitoring Locations Inspection and Sampling Field Sheet to record data

- III. Collect sample/field data according to Outfall Testing Guide (follows)

- IV. Lab Analysis/Track Down/Elimination
 - a. Conduct lab analysis on sample(s) according to Monitoring Location (Outfall) Testing Guide. Record results on Monitoring Locations Inspection and Sampling Field Sheet
 - b. Interpret results to characterize flow
 - c. If pollutants are detected, initiate track down investigation to identify the source of contamination
 - d. Eliminate source of contamination or if nature of the source prohibits elimination, utilize targeted education to inform/minimize the source (e.g. pet waste disposed in storm sewers: distribute information on proper disposal throughout neighborhood)
 - e. **Document all efforts taken to identify and eliminate the source of contamination. Retain forms as documentation of inspection for 5 years**

Monitoring Location (Outfall) Testing Guide

This document was prepared to serve as quick reference for field analyses of flowing outfalls using test strips for Ammonia, pH, Total Chlorine, Nitrite/Nitrate and Phosphate. 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.

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

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 Track Down Field Report.
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 provided see **insert entitled: *Care and Storage of pH Electrode.***

Note:

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



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.

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



pH and Total Chlorine (LaMotte # 5049-36)

pH is measured to indicate potential industrial discharges.

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

1. Immerse test strip and remove with pads face up.
2. Do not shake off excess water.
3. Wait 15 seconds and immediately hold up vertically against the color chart on container.
4. Record the pH result on the Outfall Sampling Results form.
5. 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.

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



Phosphate (HACH # 4315-75)

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

1. Dip a strip into water for 5 seconds and remove.



2. Hold the strip level, with pad side up, for 45 seconds.
3. Do not shake excess water from the strip.
4. Compare the color of the small pad to the color chart on the container.
5. Record the result on the Outfall Sampling Results form.



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 Outfall Sampling Results Form.



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.

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

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none"> • 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 <i>alter the hydrology from pre to post development conditions</i> • Athletic fields with artificial turf • Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with <i>impervious cover</i>, 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 <i>impervious area</i> or <i>alter the hydrology from pre to post development conditions</i>, <u>and</u> 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

Yes	No	N/A or N/R	Citation
<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

Yes	No	N/A or N/R	Citation
<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: III.B.1.i. III.B.1.b. Legend, scale, north arrow III.B.1. total area, all improvements, areas disturbed and not disturbed, existing vegetation, onsite and adjacent offsite surface waters, floodplain/floodway boundaries, wetlands and drainage patterns that could be affected the project.

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

Post-construction Stormwater Management Practices

<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: <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	III.B.2.
<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: <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	III.B.2.c.

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

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



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 Department of Environmental Conservation		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: I.I.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: I.I.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: I.I.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: I.I.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 |



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Visual Observations

Yes No N/A		Citation
20. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Are all erosion and sediment control measures installed properly?	GP-0-20-001: VII.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:




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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><u>Certification</u></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%;"> <tr> <td style="border: 1px solid black; height: 20px; width: 80%;"></td> <td style="border: 1px solid black; height: 20px; width: 20%;"></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: 1px solid black; height: 20px; text-align: center;">/ /</td> <td style="border: 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											

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"/> N/A	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"/> N/A	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"/> N/A	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)

Salt Storage Piles or Pile Containing Salt				<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"/>	<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"/>	<input type="checkbox"/>
35	Are salt spills cleaned up promptly?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36	Is overflow and tracked salt removed promptly from loading areas?			<input type="checkbox"/>	<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"/>	<input type="checkbox"/>
Comments:						
Fluids Management				<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"/>	<input type="checkbox"/>
39	Are fluids stored in appropriate containers and/or storage cabinets?			<input type="checkbox"/>	<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"/>	<input type="checkbox"/>
41	Are Material Safety Data Sheets (MSDS/SDS) readily available?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42	Are all containers that are stored free of leaks or deposits?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43	Are containers of product inspected regularly?			<input type="checkbox"/>	<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"/>	<input type="checkbox"/>
45	Is used oil and antifreeze properly disposed of or recycled?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
Lead Acid Batteries				<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"/>	<input type="checkbox"/>
47	Are intact batteries stored on an acid-resistant rack or tub?			<input type="checkbox"/>	<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"/>	<input type="checkbox"/>
49	Is the date each battery was placed in storage recorded?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50	Are batteries stacked more than 5 high?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51	Are batteries inspected regularly for leaks?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
Spill Prevention and Response Procedures				<input type="checkbox"/> N/A	Yes	No
52	Are vehicles inspected daily for leaks?			<input type="checkbox"/>	<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"/>

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

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MS4 Notice of Intent

version 1.0

(Submission #: HQ1-E570-G2APB, version 1)

Details

Submitted 2/19/2024 (221 days ago) by Timothy Zuber

Alternate Identifier NYR20A554

Submission ID HQ1-E570-G2APB

Status Deemed Complete

Form Input

MS4 Operator Information

Is this NOI for an MS4 Operator continuing coverage?

Yes

Permit ID #:

NYR20A554

MS4 Operator Type

Traditional land use control

Traditional Land Use Control

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

Municipality Name or Legal Entity Name

Town of Lockport

Legal Municipal/Entity Mailing address

6560 Dysinger Road

Lockport, NY 14094

Niagara

Ranking Official

Official Title	First and Last Name	Phone	Email
Town Supervisor	Mark Crocker	716-439-9520	crocker@elockport.com

NOI Preparer

NOI Preparer Title	First and Last Name	Phone	Email
Contract Engineer	Timothy Zuber	716-688-0766	tzuber@wendelcompanies.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?

No

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

No

MS4 Location Information**MS4 Facility Name**Town of Lockport 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

43.11695510734614,-78.66079869258711

Waterbody Information (1 of 8)

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

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

[Stormwater Interactive Map](#)**Waterbody name and segment receiving MS4 Operator discharges**

Bull Creek and tribs - 0102-0026

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

No

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

No

Waterbody Information (2 of 8)

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 (3 of 8)

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

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

[Stormwater Interactive Map](#)

Waterbody name and segment receiving MS4 Operator discharges

Tonawanda Creek, Middle, Main Stem - 0102-0006

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

Yes

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

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

Pathogens

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

No

Waterbody Information (4 of 8)

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

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

[Stormwater Interactive Map](#)

Waterbody name and segment receiving MS4 Operator discharges

Minor Tribs to Tonawanda Creek - 0102-0028

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

No

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

No

Waterbody Information (5 of 8)

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

East Branch 18-mile Cr, Upper, and tribs - 0301-0057

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 8)

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

East Branch 18-mile Cr, Lower, and tribs - 0301-0056

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 8)

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

18-mile trib/The Gulf trib and tribs - 0301-0058

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 8)

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

Eighteenmile Creek, Upp, and minor tribs - 0301-0055

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.

[Lockport-ms4eNOIcertification-Signed.pdf - 02/19/2024 11:15 AM](#)

Comment

NONE PROVIDED

Attachments

Date	Attachment Name	Context	User
3/1/2024 3:31 PM	MS4 eNOI Acknowledgement.pdf	Generated Document	Audra Rossignol
2/19/2024 11:15 AM	Lockport-ms4eNOIcertification-Signed.pdf	Attachment	Timothy Zuber

Status History

	User	Processing Status
2/15/2024 8:26:44 AM	Timothy Zuber	Draft
2/19/2024 11:17:23 AM	Timothy Zuber	Submitting
2/19/2024 11:17:32 AM	Timothy Zuber	Submitted
3/1/2024 3:31:55 PM	Audra Rossignol	Deemed Complete

Audit

Event	Event Description	Event By	Event Date
MS4 eNOI Acknowledgement	The MS4 eNOI Acknowledgement document has been generated and is available for download.	Audra Rossignol	3/1/2024 3:31 PM

Processing Steps

Step Name	Assigned To/Completed By	Date Completed
Form Submitted	Timothy Zuber	2/19/2024 11:17:32 AM

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water
625 Broadway, Albany, New York 12233-3500
P: (518) 402-8233 | F: (518) 402-9029
www.dec.ny.gov

MS4 Operator Certification Form for eReports

**SPDES General Permit for
Stormwater Discharges From
Municipal Separate Storm Sewer Systems (GP-0-24-001)**

Instructions

Please review Part X.J. of GP-0-24-001 before signing this form. A signature by an unauthorized person will delay permit coverage.

This form must be signed by one of the following:

1. For a corporation: by a responsible corporate officer
2. For a partnership: by a general partner
3. For a sole proprietorship: by the proprietor
4. For a municipality, state, federal or other public agency: by a principal executive officer or ranking elected official

MS4 Operator Name: Town of Lockport

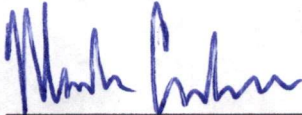
eReport Submission Number: HQ1-E570-G2APB

MS4 Operator Certification

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 gathered and evaluated 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.

Mark Crocker

Name (please print or type)



Signature

Supervisor

Title

16 FEB 24

Date

Town of Lockport

Organization

TOWN OF LOCKPORT

Department at the Town Responsible for Implementation of the Six Minimum Control Measures (MCM)

MS4 Coordinator - Stormwater Management Officer - Brian Belson

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>WNYSO - The Coalition creates graphics and designs presentations. Prepares postcards and mailers. Creates K-12 Education</p>	<p>WNYSO - WNYSO schedules 2 public meetings a year to educate key individuals and groups.</p>	<p>GIS - (Wendle) - Performs mapping functions. Assists and trains individuals using GPS.</p>	<p>Building Department - Once the SWPPP is approved, Developer is required to apply for a Stormwater Inspection Permit (SWIP) through B. Belson. No building permits are issued until the SWIP has been issued.</p>	<p>Wendle/B.I. - All long term post construction measures are inspected by the Engineering Consultant before construction is completed and NOT signed by B. Belson.</p>	<p>Management, Highway Dept, Building Maintenance Dept, Recreation Dept - Implements best management practices for operational and capital.</p>
<p>Organizes a stormwater conference once in 2 years. Invites Guest speakers, Engineering Consultants, Landscape Architects and MS4 communities.</p>	<p>Town of Lockport along with WNYSO organizes a household hazardous waste collection day. This event is published in the newspaper and residents from all communities are encouraged to attend.</p>	<p>Engineering Department (B. Belson) - 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>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 Town.</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, Town roadways, drainage infrastructures.</p>
<p>Makes presentations to educate MS4 Communities and Town Boards when needed. Maintains a website related to stormwater management.</p>	<p>Town of Lockport participates in different Environmental groups that have interest in the stormwater management program and environment. These local groups assist with public education and involvement.</p>	<p>(B. Belson) - 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>B. Belson closely monitors the construction sites by reviewing the weekly inspection reports and issuing notice of violations (NOV) if necessary. Fourth NOV may be accompanied with an administrative fine. A stop work order may also be issued with the help of the Code Enforcement Officer.</p>	<p>Highway Dept. - Maintains Highway maintenance facilities including buildings, salt storage, fueling station, Town roadways, drainage infrastructures.</p>	<p>Recreation Dept maintains all recreation infrastructure. Highway Dept maintains all public Town Parks.</p>
			<p>After the NOV is issued the site is inspected again in 14 days as a follow up on violations.</p>		

Guide to Utilizing the Online Stormwater Mapper

WNY Stormwater Coalition

PURPOSE:

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

Online mapper Link:

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

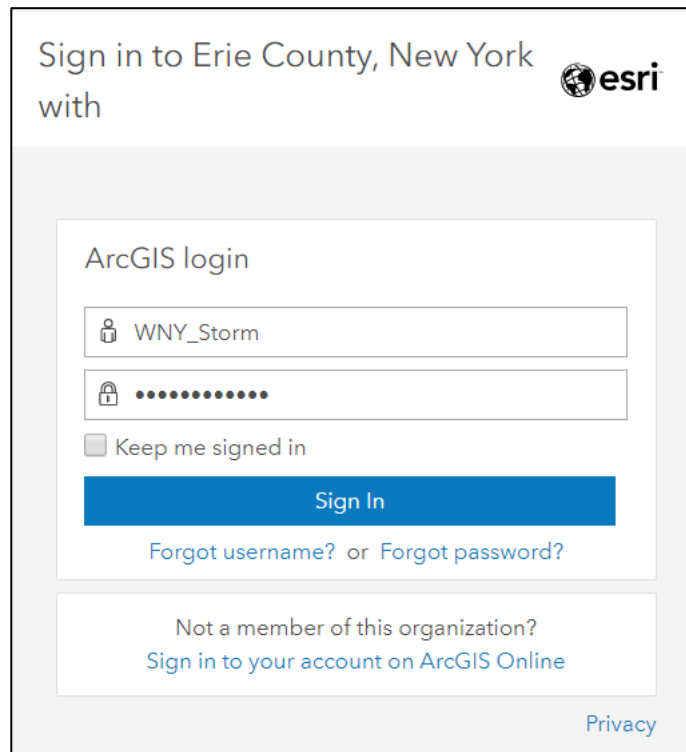
After clicking the above link, you are prompted for an ArcGIS Login to sign into Erie County.

Login Credentials:

Username: WNY_Storm
Password: \$tormW@ter20

Recommended Web Browsers:

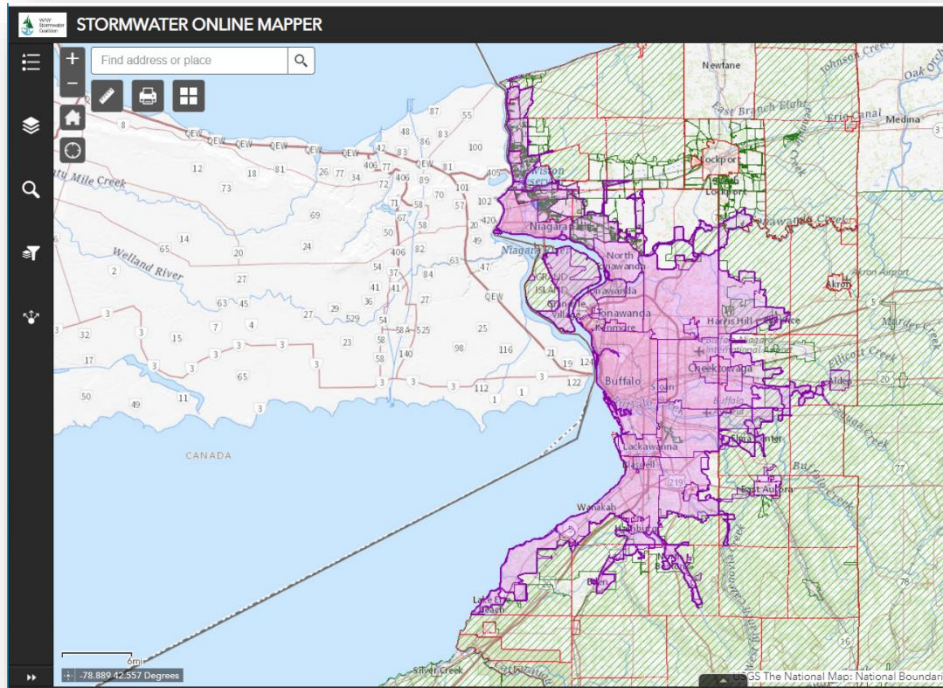
- Google Chrome
- Internet Explorer
- iOS Safari



LEGEND:



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



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: 

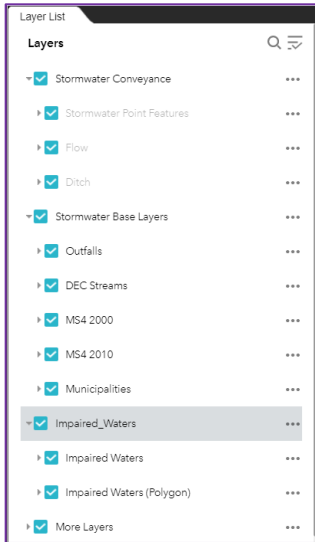
Legend

Stormwater Base Layers

- MS4 2000
- MS4 2010
- Municipalities

More Layers

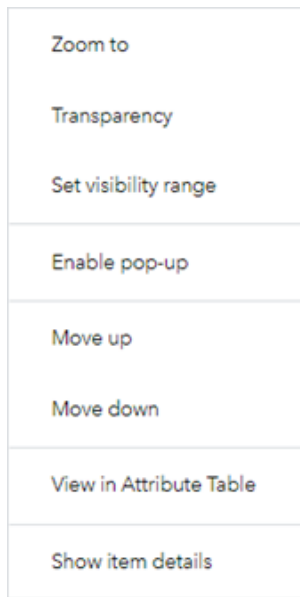
- Areas Without Municipal Sewer



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

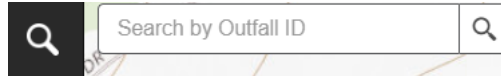
View in Attribute Table: Pulls up attribute table for the feature

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:

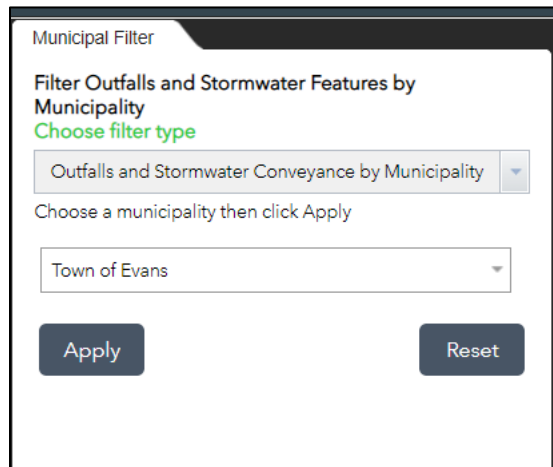
The search widget is in the upper-left hand portion of the mapper next to the layer list icon. Once clicked the widget panel drop downs on the left side and a small search box appears next to the search symbol.



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



MUNICIPAL FILTER:



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

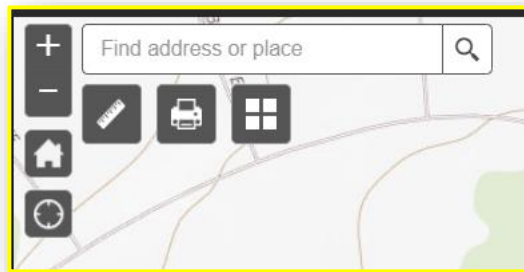
TYPE	MUNICIPALITY	CONDITION	BMP	CONSTRUC	EP_POSIT	EP_INVERT	EP_DIAM	EP_COMP	EP_BMP	IP1_POSIT	IP1_INVERT	IP1_DI
CB	Town of Evans	Fair	None	Precast	NW	27.00	8	HDPE		SE	26.00	8
CB	Town of Evans	Fair	None	Precast	NW	42.00	12	Concrete		SE	40.00	12
CB	Town of Evans	Clean me	None	Precast		0.00					0.00	
CB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

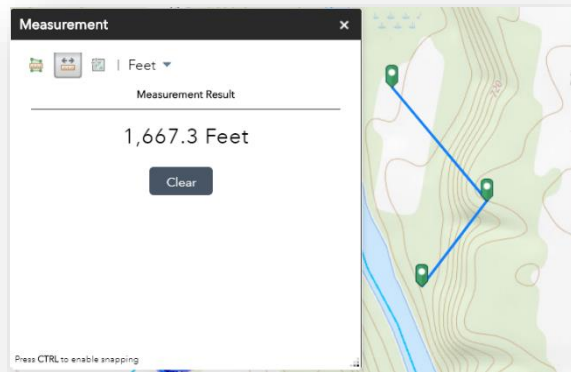
The button uses your device's location when you have it enabled. This is particularly helpful if using the mapper in the field.

Measurement:

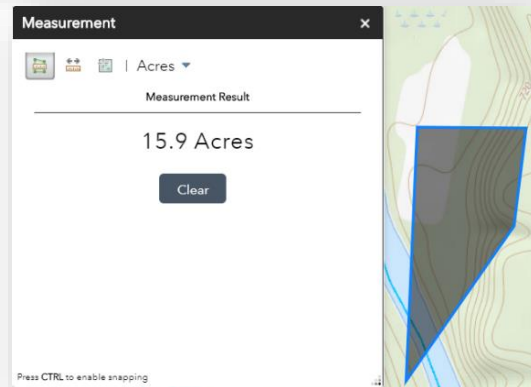


Allows you to measure Area, Distance and can give you a precise location.

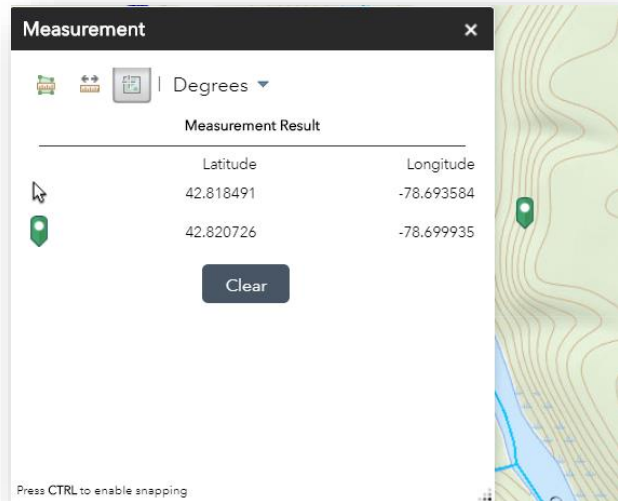
To measure distance, select the middle icon and then single click your starting point and as many points in between your last point. To end your segment, double-click on the last point in your measurement. You can change your measure type from feet to miles etc. in the drop down list.



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



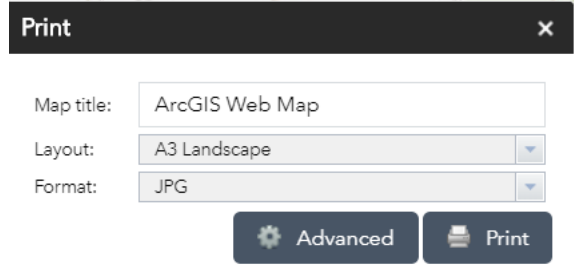
To capture the precise location of a point select the third icon to the right. It will take the location of your mouse at all times, and then also allow you to click a point on the map to give you precise location in longitude/latitude based on either Decimal Degrees, or Degree, Minutes, Seconds. (use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



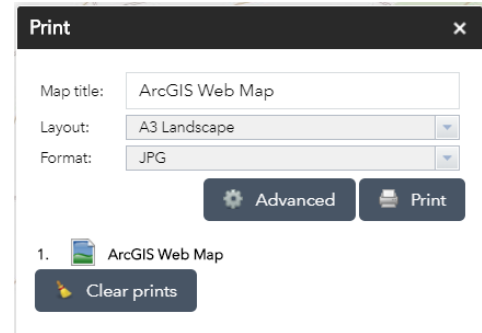
***For all three measurements, you can use CTRL (on your keyboard) to enable snapping to features in the map such as manholes, pipes, ditches, outfalls etc. This makes tracing polygons very easy.**

Printing Widget: 

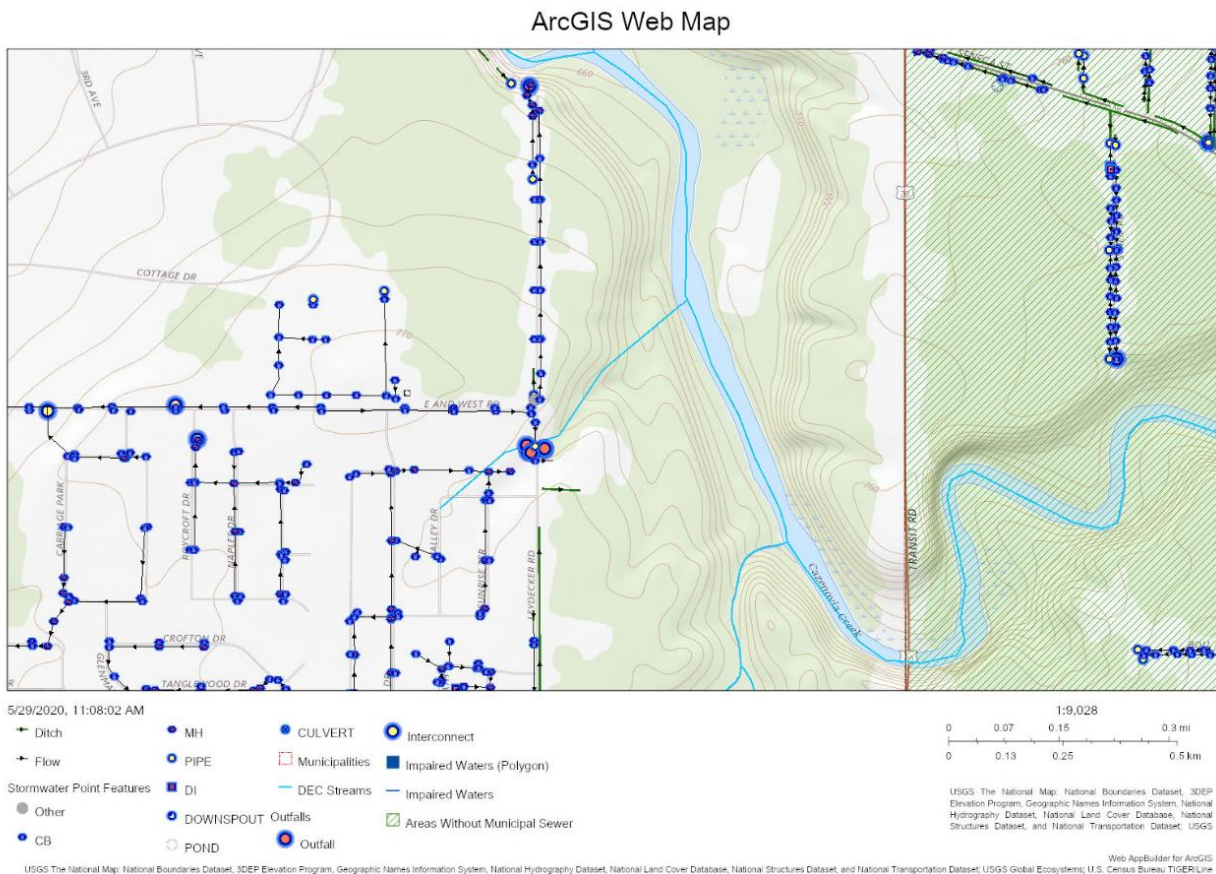
The print widget lets you export the map to various file types to be saved or printed. The current view of the map generates when you click print. The default layout is “A3 Landscape” and default format is JPG. You have the option to select different types in the drop down. You can title your map.



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.

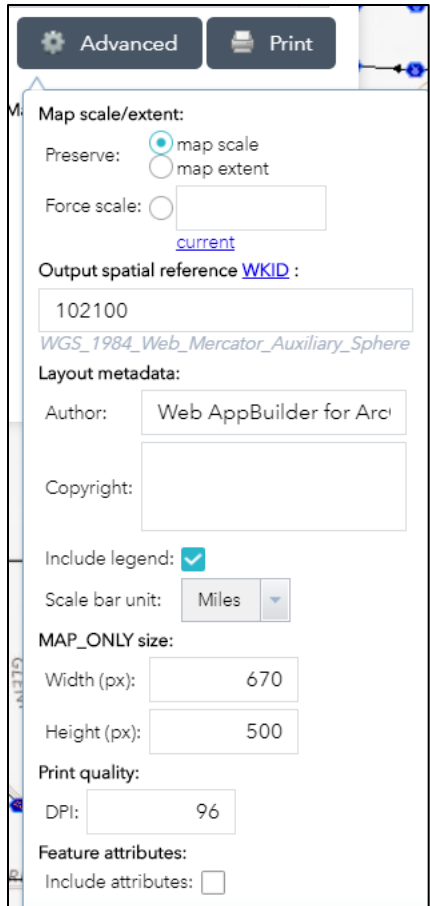


Below is an example of a JPG map generated from the widget



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

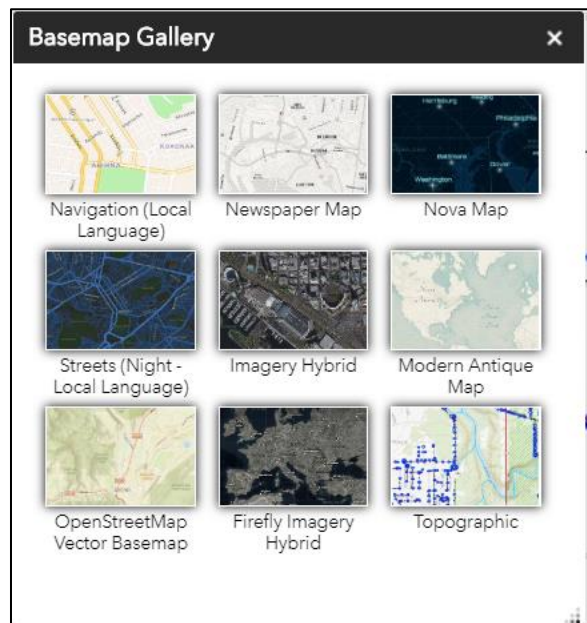
Basemap



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 this 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 your mapper due to the large amounts of 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 attribute table at the bottom provides detailed information for the selected features.

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		0.00
CB	Town of Elma	Good	None	Brick	W	30.50	18	HDPE		N	27.50	12	HDPE	S	28.00
CB	Town of Elma	Good	None	Precast	N	28.50	12	HDPE		S	26.50	12	HDPE		0.00
CB	Town of Elma	Good	None	Precast	N	27.50	12	HDPE		S	27.50	12	HDPE		0.00
CB	Town of Elma	Good	None	Brick	N	26.50	12	HDPE		S	26.50	12	HDPE		0.00

Local Law Filing

(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
(Select one.)

of Lockport _____

Local Law No. 6 of the year 2016

A local law Adding Storm Sewers Chapter to the Code of the Town of Lockport
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Lockport _____ as follows:

See attached.

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

(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. 6 of 2016 of the ~~(County)~~(City)(Town)(Village) of Lockport was duly passed by the Town Board on December 7 2016, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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.

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) *(Name of Legislative Body)* (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.

* 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 1 above.

Nancy G. Brooks

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12-8-2016

(Seal)

Be it enacted by the Town Board of the Town of Lockport as follows:

The Code of the Town of Lockport, is hereby amended to add Chapter 160, entitled Storm Sewers, to read as follows:

“Chapter 160: STORM SEWERS

§ 160-1. Purpose and intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Town of Lockport through the regulation of non-stormwater discharges to the MS4 to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with the requirements of the SPDES General Permit for MS4s. The objectives of this chapter are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-0-15-002 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. 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.

§ 160-2. Definitions.

The following definitions shall apply to this chapter:

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 NYSDEC 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.

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.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Any activity requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-0-15-002, as amended or revised, including construction projects resulting in land disturbance of one or more acres. Construction activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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.

ILLCIT CONNECTION — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyance which allows any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connection to the storm sewer 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
- B. 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.

ILLCIT DISCHARGE — Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 160-4 of this chapter.

INDUSTRIAL ACTIVITY — Activities requiring coverage under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-15-002, as amended or revised.

MS4 — Municipal Separate Storm Sewer System.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm sewers):

- A. Owned or operated by the Town of Lockport;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.

NON-STORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

NYSDEC – The New York State Department of Environmental Conservation.

PERSON – Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law.

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, and agricultural waste and ballast discharged into water, any of which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of water quality standards.

PREMISES – Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. **Discharge Compliance with Water Quality Standards.** The condition that applies where the Town 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 Town must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. **303(d) Listed Waters.** The condition in the Town'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.
- C. **Total Maximum Daily Load (TMDL) Strategy.** The condition in the Town'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 Town was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the Town'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 Town 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 Town 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.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — a permit issued by NYSDEC that authorizes the discharge of pollutants to waters of the state.

STORMWATER – Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee or officer of the Town of Lockport appointed by the Town Board to enforce this chapter. The SMO shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel.

TMDL — Total Maximum Daily Load.

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.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and has been or will be discarded.

§ 160-3. General Provisions.

A. Applicability.

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

B. Responsibility for Administration.

The SMO shall administer, implement, and enforce the provisions of this chapter. 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 Town.

C. Conflict. Where the conditions imposed by any provisions of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

§ 160-4. Discharge prohibitions.

A. Prohibition of Illicit Discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided below. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this chapter, unless NYSDEC or the Town 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 stormsewers, uncontaminated pumped ground water, foundation or footing drains, 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.
- (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 chapter.
- (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.
- (4) The prohibition of illegal discharges shall not apply to any discharge permitted under a SPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of NYSDEC, 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.

B. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (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.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

§ 160-5. Prohibition against activities contaminating stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the Town's MS4 SPDES stormwater discharge permit; or
 - (2) Cause or contribute to the Town being subject to a Special Condition.
- B. Such activities include improper management of pet waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Town's MS4 SPDES stormwater discharge 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 Town's MS4 SPDES stormwater discharge permit authorization.

§ 160-6. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

Best Management Practices. Where the SMO has identified illicit discharges or an activity contaminating stormwater, as defined in § 160-5 of this chapter, the Town may require implementation of BMPs to control those illicit discharges and activities.

- A. 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.
- B. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, or an activity contaminating stormwater, as defined in § 160-5 of this chapter, 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.
- C. 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 chapter.

§ 160-7. 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 Town prior to the allowing of discharges to the MS4.

§ 160-8. Suspension of access to MS4.

- A. Illicit Discharges in Emergency Situations. 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 people, 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 people.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter 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 reoccur. A person commits an offense if the person reinstates MS4 access to the premises terminated pursuant to this chapter, without the prior approval of the SMO.

§ 160-9. Access and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, 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 chapter.
- B. Access to Facilities.
 - (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. 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.
 - (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 chapter.
 - (3) The Town shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The Town has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. 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.
 - (5) An unreasonable delay in allowing the SMO access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the SMO reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.

- (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 chapter, 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 chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 160-10. 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 nonhazardous materials, said person shall notify the Town 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 Town 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.

§ 160-11. Enforcement.

- A. Notice of Violation. When the SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he or she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) That the Town will seek civil remedies or criminal penalties, including the imposition of a criminal fine, as provided in section 160-11(B); and
 - (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.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter 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 fifteen (15) days, 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 fifteen (15) days, 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 fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.

§ 160-12. Appeal of notice of violation.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Town Board within fifteen (15) days of its issuance, which shall hear the appeal within thirty (30) days after the filing of the appeal, and within five (5) 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.

§ 160-13. Corrective measures after appeal.

- A. 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 five (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.
- B. 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.

§ 160-14. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, 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.

§ 160-15. Alternative remedies.

- A. Where a person has violated a provision of this chapter, he/she may be given alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO, where:
 - (1) The violation was unintentional;
 - (2) The violator has no history of previous violations of this chapter;
 - (3) Environmental damage was minimal;
 - (4) The violator acted quickly to remedy the violation; and/or
 - (5) The violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
 - (1) Attendance at compliance workshops;
 - (2) Storm sewer stenciling or storm sewer marking; and/or
 - (3) River, stream, or creek cleanup activities.

§ 160-16. 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 chapter 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.

§ 160-17. Remedies not exclusive.

The remedies listed in this chapter 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.

§ 160-18. Severability.

If any section, subsection, phrase, sentence or other portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the invalidity of the portion hereof.”

This local law shall be effective immediately upon filing with the Office of the New York Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

Local Law Filing

(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
(Select one.)

of Lockport _____

Local Law No. 8 of the year 2016

A local law Amending the Zoning Chapter of the Code of the Town of Lockport in relation to
(Insert Title)
Stormwater Management

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Lockport _____ as follows:

See attached.

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

(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. 8 of 2016 of the (County)(City)(Town)(Village) of Lockport was duly passed by the Town Board on December 7 2016, 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____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.

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.

* 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 1 above.

Nancy G. Brooks

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12-8-2016

(Seal)

Be it enacted by the Town Board of the Town of Lockport as follows:

The Town of Lockport Zoning Law, as contained in Chapter 200 of the Code of the Town of Lockport, is hereby amended as follows:

1. §200-4, Terms Defined, is hereby amended by adding the following word and term:

“STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.”

2. §200-126, Site Plan contents, is hereby amended by adding the following subsection:

“O. A SWPPP, if required for the proposed development under Article XXX of this chapter, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § 200-212(B) of this chapter.”

3. §200-127, Site plan review procedures, is hereby amended by adding the following subsection:

“E. If a SWPPP was submitted pursuant to § 200-126(O) of the Town Code, the site plan and SWPPP comply with the performance and design criteria and standards set forth in Article XXX of this chapter.”

4. Article XXX, entitled Stormwater Management, is added to read as follows:

“ARTICLE XXX Stormwater Management

§ 200-209. Authority; Findings; purpose.

- A. In accordance with Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Lockport has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Lockport and for the protection and enhancement of its physical environment. In addition, Section 10 of the Municipal Home Rule Law of the State of New York grants the Town Board of the Town of Lockport the authority to exercise any of the powers granted to it in the Statute of Local Governments, including the power to adopt, amend, or repeal zoning regulations, through the enactment of local laws or the amendment of local laws. In any such local law, the Town Board may provide for the appointment of any municipal officer, employee, or independent contractor to effectuate, administer and enforce such local law.
- B. Findings. The Town Board of the Town of Lockport makes the following findings:
 1. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
 2. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;

3. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
4. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
5. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
6. Substantial economic losses can result from these adverse impacts on the waters of the Town;
7. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
8. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and
9. 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.

C. Purpose. The purpose of this article 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 § 200-211A of this article. This article seeks to meet those purposes by achieving the following objectives:

1. Meet the requirements of minimum measures 4 and 5 of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-15-002 or as amended or revised;
2. Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, Permit No. GP-0-15-002 or as amended or revised;
3. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
4. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

6. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 200-210. Definitions.

The following definitions shall apply to this title:

AGRICULTURAL ACTIVITY – the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT – a property owner or agent of a property owner who has filed an application for a land development activity.

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

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* (New York State Department of Environmental Conservation), most recent version or its successor, including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER - a person who undertakes land development activities.

EROSION CONTROL MANUAL - the *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, commonly known as the *Blue Book*.

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

IMPERVIOUS COVER - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT - a State Pollutant Discharge Elimination System (SPDES) permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

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.

LAND DEVELOPMENT 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 plan of development or sale disturbing one acre or more in the aggregate, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LICENSED PROFESSIONAL - a landscape architect or professional engineer licensed to practice his or her profession in New York State.

MAINTENANCE AGREEMENT - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

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 - a development 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, or habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-0-15-002 - 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-0-15-002 - 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 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 (SMO) - an employee or officer of the Town of Lockport designated by the Town Board to accept and review Stormwater Pollution Prevention Plans (SWPPPs), forward the plans to such employee, agency or board of the Town of Lockport which may be reviewing any application for a construction activity requiring submission of a SWPPP, 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.

§ 200-211. General provisions.

- A. Applicability. This article shall be applicable to all land development activities within the Town.
- B. Exemptions. The following activities shall be exempt from review under this article:
 - 1. Agricultural activity;
 - 2. Silvicultural activity except that landing areas and log haul roads are subject to this article;
 - 3. 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;
 - 4. Repairs to any stormwater management practice or facility deemed necessary by the SMO;

5. Land development activities for which a building permit has been approved on or before the effective date of this article;
6. Cemetery graves;
7. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles
8. Emergency activity immediately necessary to protect life, property or natural resources;
9. Activities of an individual engaging in home gardening by growing flowers, vegetables or other plants primarily for use by that person and his or her family; and
10. Landscaping and horticultural activities in connection with an existing structure.

C. Conflict. Where the conditions imposed by any provisions of this article are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

§ 200-212. Procedure.

A. The Town shall designate an SMO who shall accept and review all SWPPPs. The SMO may:

1. Review the SWPPPs;
2. Upon approval by the Town Board, engage the services of a New York State licensed professional engineer to review the SWPPPs, specifications and related documents at a cost not to exceed a fee schedule established by the Town Board; or
3. Accept the certification of a licensed professional that the SWPPPs conform to the requirements of this article.

B. For all land development activities subject to review and approval by the Building Inspector, Planning Board, or Town Board of the Town under subdivision or site plan regulations, the applicant or developer shall be required to submit a SWPPP that complies with the requirements of this article to the SMO, and the land development activity shall be reviewed subject to the standards contained in this article.

1. Initial Review by SMO. Within 45 days of receipt of a SWPPP, the SMO shall forward the SWPPP, together with his or her written recommendation to approve, approve with modifications, or disapprove the SWPPP, to such employee, officer, committee or board of the Town which is reviewing an application for approval of a land development activity requiring submission of a SWPPP. A recommendation of approval shall only be given if the SWPPP complies with the requirements of this article. In making a recommendation to approve with modifications or disapprove the SWPPP, the SMO shall state the reasons for the decision in writing.
2. Review by Final Reviewing Body. The employee, officer, committee or board of the Town reviewing the application for approval of a land development activity shall review the SWPPP and recommendation of the SMO and shall act to approve, approve with modifications, or disapprove the SWPPP. Such reviewing body shall not act to approve the SWPPP unless it complies with the requirements of this article. If the reviewing body acts to approve with modifications or disapprove the SWPPP, the reasons for the decision shall be stated in writing. In order to be approved, the applicant shall revise a SWPPP that has been approved with modifications or disapproved in accordance with the

recommendations of the reviewing body and shall submit the revised SWPPP to such body for review.

- C. For all land development activities not subject to review as provided in § 200-212(B) of this article, the applicant or developer shall be required to submit a SWPPP that complies with the standards contained in this article to the SMO. Within 45 days of receipt of a SWPPP, the SMO shall approve, approve with modifications, or disapprove the SWPPP. Approval shall only be given if the SWPPP complies with the requirements of this article. In approving with modifications or disapproving the SWPPP, the SMO shall state the reasons for the decision in writing. In order to be approved, an applicant shall revise a SWPPP that has been approved with modifications or disapproved in accordance with the recommendations of the SMO and shall submit the revised SWPPP to the SMO for review.

§ 200-213. Stormwater Pollution Prevention Plans.

- A. Stormwater Pollution Prevention Plan Requirement. No application for approval of a land development activity shall be reviewed and no land development activity shall be commenced until the SMO or such officer, employee, committee or board of the Town reviewing an application for approval of a land development activity requiring submission of a SWPPP has received a SWPPP that complies with the specifications in this article.
- B. Contents of Stormwater Pollution Prevention Plans.
1. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - a. Background information about the scope of the project, including the location, type and size of the project;
 - b. Site map/construction drawing(s) for the project, including a general location map. The site map should be at a scale of no smaller than one inch to 100 feet. 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; onsite and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the land development activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 - c. Description of the soil(s) present at the site;
 - d. 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 Erosion Control Manual, not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - e. 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;
 - f. 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;
 - g. 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;

- h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - j. Temporary practices that will be converted to permanent control measures;
 - k. 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;
 - l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - m. Name(s) of the receiving water(s);
 - n. Delineation of SWPPP implementation responsibilities for each part of the site;
 - o. 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
 - p. Any existing data that describes the stormwater runoff at the site.
2. Land development activities 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 § 200-213(B)(3) of this article as applicable:
- a. Condition A - Stormwater runoff from land development activity 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.
 - b. Condition B - Stormwater runoff from land development activity disturbing five (5) or more acres.
 - c. Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.
3. SWPPP Requirements for Condition A, B or C (post-construction stormwater runoff controls):
- a. All information in § 200-213(B)(1) of this article;
 - b. Description of each post-construction stormwater management practice;
 - c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 - d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 - e. Comparison of post-development stormwater runoff conditions with pre-development conditions;
 - f. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - g. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
 - h. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

- i. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 200-215 of this article; and
 4. The SWPPP shall be prepared by a licensed professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this article.
- C. 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.
- D. Contractor Certification.
 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. 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.
 3. The certification statement(s) shall be included with and become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 200-214. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control.

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

- A. Technical Standards. For the purposes of this article, 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 article:
 1. The Design Manual; and
 2. The Erosion Control Manual.
- B. Equivalence to Technical Standards. Where stormwater management practices are not in accordance with the technical standards set forth in § 200-214(A) of this article, the applicant or developer must demonstrate equivalence to such technical standards.
- C. Water Quality Standards. Any land development 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.

§ 200-215. Maintenance, Inspection and Repair of Stormwater Facilities.

A. Maintenance and Inspection During Construction.

1. The applicant or developer of the land development 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 article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
2. For land development activities meeting Condition A, B or C in § 200-213(B)(2) of this article, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven (7) days and within twenty-four (24) hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.

B. Maintenance Easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town.

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

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 article.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 200-213 of this article.
4. Maintenance Agreements. The Town shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Appendix A (200 Attachment 5) of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement." The Town, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 200-216. Administration and Enforcement.

A. Construction Inspection.

1. Erosion and Sediment Control Inspection. The SMO may require such inspections as necessary to determine compliance with this article 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 article and the SWPPP as approved. To obtain inspections, the applicant shall notify the SMO at least 48 hours before any of the following, as required by the SMO:
 - (a) Start of construction;
 - (b) Installation of sediment and erosion control measures;
 - (c) Completion of site clearing;
 - (d) Completion of rough grading;
 - (e) Completion of final grading;
 - (f) Close of the construction season;
 - (g) Completion of final landscaping; or
 - (h) 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 SMO.

2. Stormwater Management Practice Inspections. The SMO is responsible for conducting inspections of SMPs. All applicants are required to submit "as built" plans for any SMPs 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.
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.
4. Submission of Reports. The SMO may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.
5. Right-of-Entry for Inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in § 200-216(A)(3) of this article.

B. Performance Guarantee.

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 Town in its approval of the SWPPP, the Town 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 Town as the beneficiary. The security shall be in an amount to be determined by the Town 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 Town, 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 Town. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

2. Maintenance Guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
3. Recordkeeping. The Town may require entities subject to this article to maintain records demonstrating compliance with this article.

C. Enforcement and Penalties.

1. Notice of Violation. When the Town determines that a land development activity is not being carried out in accordance with the requirements of this article, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (a) The name and address of the landowner, developer or applicant;
 - (b) The address when available or a description of the building, structure or land upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to bring the land development activity into compliance with this article and a time schedule for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - (f) A statement that the determination of violation may be appealed to the Town by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
2. Stop Work Orders. The Town may issue a stop work order for violations of this article. 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 Town 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 article.
3. Violations. Any land development activity that is commenced or is conducted contrary to this article may be restrained by injunction or otherwise abated in a manner provided by law.
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 article shall be guilty of a violation punishable

by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to fifteen (15) days, 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 fifteen (15) days, 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 fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.

5. Withholding of Certificate of Occupancy. If any building or land development activity is installed or conducted in violation of this article, the SMO may prevent the occupancy of said building or land.
6. 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 Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

D. Fees for Services. The Town may require any person undertaking land development activities regulated by this article to pay fees, as set by the Town Board from time to time, for review of SWPPPs, inspections, or SMP maintenance performed by the Town or performed by a third party for the Town.

§ 200-217. Severability.

If any section, subsection, phrase, sentence or other portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the invalidity of the portion hereof."

5.

Chapter 200, Zoning Appendix A (200 Attachment 5), entitled "Sample Stormwater Control Facility Maintenance is hereby added:

"CHAPTER 200, ZONING Appendix A (200 Attachment 5) Sample Stormwater Control Facility Maintenance Agreement

Whereas, the Town of Lockport ("Town") and the _____ ("facility owner") wish to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Town for the below named project; and

Whereas, the Town and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Town and the facility owner agree as follows:

1. This agreement binds the Town and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.

2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Town.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Town or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Town within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Niagara together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Town determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Town or by the inspecting engineer, the Town is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective _____”

This local law shall be effective on the first day after it shall have been filed with the Office of the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

December 7, 2016

Five Public Hearings and the regular monthly business meeting of the Lockport Town Board were conducted at 7:30 p.m. on Wednesday, December 7, 2016, at the Town Hall, 6560 Dysinger Road, Lockport, New York.

Present were: Supervisor: Mark C. Crocker

Town Board Members: Paul W. Siejak
Patricia Dufour
Thomas J. Keough
Darlene DiCarlo

Also present: Nancy A. Brooks, Town Clerk; Michael J. Norris, Town Attorney;
David J. Miller, Town Highway Superintendent; Rob Klavoon of Wendel
and approximately 15 residents.

Following the Pledge of Allegiance, Supervisor Crocker opened the first of five Public Hearings as follows:

PUBLIC HEARING: LOCAL LAW to add a Storm Sewers Chapter to the Code of the Town of Lockport.

Supervisor Crocker opened the floor for comments. No one spoke on the matter and the hearing was closed.

PUBLIC HEARING: LOCAL LAW Amending the Subdivision Chapter of the Code of the Town of Lockport.

The floor was opened to public comments. There being none, the hearing was closed.

PUBLIC HEARING: LOCAL LAW Amending the Zoning Chapter of the Code of the Town of Lockport in relation to Storm Water Management.

Supervisor Crocker called for any comments. No one spoke on the matter and the hearing was closed.

PUBLIC HEARING: LOCAL LAW for an Extension of a Moratorium on the Disposal Of Sludge, Sewage Sludge, Septage, and Bio Mass.

The floor was opened for comments. Mr. Michael Olmstead of Minnick Road addressed the Board, stating that he was in favor of the moratorium's extension and he encouraged the Town Board to continue to research the matter. He offered to give Board members any of the information that he has acquired regarding sludge disposal.

There being no further comments, the hearing was closed.

PUBLIC HEARING: LOCAL LAW to consider Public Improvements to Water District #3.

After opening the floor to comments, Michael Olmstead inquired where he could find out what improvements were being considered. Supervisor Crocker offered to assist him with this information.

There being no further comments, the hearing was closed and the regular business meeting was begun.

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BUSINESS MEETING:

1. Approval of Minutes

MOTION (2016-302): to approve the minutes of Town of Lockport Board meetings conducted on 11/02/2016, 11/16/2016 was made by Council member Siejak and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

2. Approval of Payment of Bills

MOTION (2016-303): to approve the payment of bills was made by Council member Keough and seconded by Council member Dufour. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

The bills for December include Vouchers #37835 – 38012 in the amount of \$670,245.80.

3. Communications

The Clerk reported that the Planning Board meeting scheduled for 7:00 p.m. on Tuesday, December 20, 2016 had been re-scheduled to take place at 4:30 p.m. on that date.

4. Building Inspector's Report

Councilwoman Dufour read the Building Inspector's Report for the month of November which states that 30 building permits were issued; \$3,475.00 was collected in fees; and the estimated cost of construction was \$594,287.00.

MOTION (2016-304): to approve the Building Inspector's Report as submitted was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

5. Supervisor's Monthly Financial Report

MOTION (2016-305): to approve the Supervisor's Monthly Financial Report for the period ending 11/30/2016 was made by Council member Dufour and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

ACTION AFTER PUBLIC HEARING:

6. Adoption of a Negative Declaration under SEQRA for the Revised Water Dist. #3 Public Improvement Project

MOTION (2016-306): on a motion by Council member Siejak and seconded by Council member Dufour, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT RESOLUTION
Negative Declaration- Revised Water Capital Improvement Program**

WHEREAS, the Town of Lockport will be funding the Water District No. 3 Capital Improvements through an issuance of a Bond dated February 5, 2014 in the maximum amount of \$14,080,000.00 in accordance with the Map, Plan and Report dated December 2013 for the original project and the Map, Plan and Report dated November 2016 for additional improvements without increasing the maximum amount of the original project of \$14,080,000.00;

WHEREAS, the funding of this project and the subsequent construction of these improvements are subject to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board issued on February 5, 2014 a Negative Declaration on the original project and a determination that it is not anticipated to result in any significant adverse environmental impact; and

WHEREAS, a new short form EAF has been completed for the original project and the additional improvements as set forth in the November 2016 Map, Plan and Report and the original project and the additional improvements are considered the "revised project"; and

WHEREAS, the revised project has been determined to be an Unlisted Action under SEQRA;

WHEREAS, the Lockport Town Board, in accordance with SEQRA, has determined that the revised project will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic consideration, based upon completion of Parts 1, 2, and 2 of the EAF; now therefore be it

RESOLVED, that the Lockport Town Board hereby determines that the revised project is not anticipated to result in any significant adverse environmental impact and issues a Negative Declaration (authorizing the attached short form EAF to act as the SEQRA Negative Declaration in accordance with recent SEQRA amendments) and the Supervisor is authorized to sign the EAF.

7. Adoption of 202-b Resolution for Revised Water Distr. #3 Capital Improvement Project

MOTION (2016-307): on a motion by Council member Dufour and seconded by Council member Siejak, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN ADDITIONAL IMPROVEMENTS TO THE TOWN'S WATER DISTRICT NO. 3

WHEREAS, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") previously considered whether to authorize certain improvements to the Town's Water District No. 3 including the replacement of certain waterlines, the replacement of certain pressure reducing valves, the acquisition of a water monitoring system and the conducting of a leak detection survey within the Town's water distribution system (collectively, the "Original Project"); and

WHEREAS, the Town caused a certain map, plan and report, for the Original Project, dated December 2013 (the "Original Map, Plan and Report"), to be prepared by Wendel Companies, a firm of engineers duly licensed in the State of New York ("Wendel"); and

WHEREAS, the Original Project, as more particularly described in the Original Map, Plan and Report, consisted of the following:

(I) the replacement of existing ductile iron watermains with 10" PVC watermains at the following locations: (a) approximately 1,130 lineal feet of watermain along Leete Road from the intersection of Sunset Drive and Leete Road eastward, (b) approximately 3,600 lineal feet of watermain on Slayton Settlement Road from the Town of Lockport town line westward, (c) approximately 2,700 lineal feet of watermain along Shimer Road from Transit Road to Locust Street Extension, (d) approximately 3,150 lineal feet of watermain on Upper Mountain Road from Junction Road eastward, (e) approximately

3,300 lineal feet of watermain along Bowmiller Road from the intersection of Lincoln Avenue and Bowmiller Road southward, (f) approximately 7,200 lineal feet of watermain along Old Saunders Settlement Road from the intersection of Old Saunders Settlement Road and Saunders Settlement Road to the intersection of Old Saunders Settlement Road and Upper Mountain Road, (g) approximately 8,500 lineal feet of watermain along Keck Road from the intersection of Akron Road and Keck Road northward, (h) approximately 14,000 lineal feet of watermain along Junction Road from the intersection of Junction Road and Lockport Road northward to Upper Mountain Road, (i) approximately 3,900 lineal feet of watermain along Ernest Road between Lincoln Avenue and East High Street, (j) approximately 9,500 lineal feet of watermain along Purdy Road from the intersection of Purdy Road and Ridge Road southward to Old Niagara Road, (k) approximately 16,300 lineal feet of watermain along Transit Road from the Tonawanda Creek northward to Robinson Road, and (l) approximately 8,080 lineal feet of watermain along Beattie Avenue from Dysinger Road to Lincoln Avenue; and

(II) the replacement of pressure reducing valves (PRVs) at the following locations: Old Niagara Road, Lake Avenue, Leete Road, Sunset Drive/Leete Road, Sunset Drive/Niagara Street, Lockport IDA/Upper Mountain Road, Candlewood Estates, Cold Springs Road/Old Niagara Road, Cold Spring Road/East Avenue, Day Road, and Slaton Settlement/Day Road;

(III) the acquisition of a water monitoring system to provide the Water Department with future leak detection capabilities; and

(IV) the conducting of a leak detection survey within the Town's water distribution system to locate and pinpoint leaks; all at an estimated maximum cost of \$14,080,000; and

WHEREAS, by resolution adopted on January 8, 2014, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Original Project, and to hear all persons interested in the subject thereof concerning the same on February 5, 2014 at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Lockport Union Sun & Journal*, the official newspaper of the Town, on January 22, 2014 and a copy of such notice was posted on January 10, 2014 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, by resolution dated February 5, 2014 (the "Original SEQRA Resolution"), the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), that the improvements included in the Original Project constituted an "Unlisted Action" within the meaning of SEQRA and that such improvements would not have a significant detrimental effect upon the environment and issued a "negative declaration" (within the meaning of SEQRA) with respect to the Original Project; and

WHEREAS, by resolution dated February 5, 2014, adopted subsequent to the adoption of the aforementioned Original SEQRA Resolution, the Town Board (i) found and determined, based upon the evidence given at the aforementioned public hearing held on such date, that it was in the public interest to undertake the Original Project at a maximum cost of \$14,080,000; and (ii) approved the Original Project; and

WHEREAS, the Town Board is now considering amending the scope of the Original Project to include additional improvements to Water District #3 but without increasing the maximum estimated cost thereof, and the Town has caused an amended map, plan and report for the proposed project, dated November, 2016 (the "Amended Map, Plan and Report") to be prepared by Wendel to include the following additional work to be completed as part of the Original Project, consisting of:

(i) the replacement of additional waterlines as necessary on Wicks Road, Slayton Settlement Road, Keck Road, Locust Street, Hamm Road, Badger Drive, Corwin Drive, Crosby Road, Tonawanda Creek Road, Lower Mountain Road, Upper Mountain Road, Murphy Road, East High Street, Lincoln Avenue, Bowmiller Road, Dysinger Road, O'Connor Drive, Sherman Drive, Rapids Road, Transit Road, the watermain Serving the Co-Generation Facility, Dorchester Road, Bartz Road, Day Road, Jennifer Drive West and/or Jennifer Drive East; and

(ii) the replacement of approximately 1,000 residential water meters that are two-inches or less with ultrasonic meters that have no moving parts (collectively, the "Additional Improvements");

(the "Original Project", as so revised to include the Additional Improvements, being referred to as the "Revised Project"); and

WHEREAS, by resolution adopted on November 2, 2016, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Additional Improvements to be undertaken as part of the Revised Project, and to hear all persons interested in the subject thereof concerning the same on December 7, 2016 at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Lockport Union Sun & Journal*, the official newspaper of the Town, on November 18, 2016 and a copy of such notice was posted on November 18, 2016 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, by resolution dated December 7, 2016, adopted immediately prior to consideration of this of this resolution, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA"), that the public improvements and purposes to be included in the as part of the Additional Improvements and the Revised Project constitute an "Unlisted" action under SEQRA and that it will not have a significant impact on the environment; and adopted a negative declaration under SEQRA to such effect.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Based upon the evidence given at the aforesaid public hearing held on the date hereof, it is hereby found and determined that it is in the public interest to undertake the Additional Improvements as part of the Revised Project as described above with the estimated maximum cost of the Revised Project remaining at \$14,080,000. The Revised Project is hereby approved.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Clerk of Niagara County, New York, within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

8. Adoption of a Bond Resolution for the Revised Water Distr. #3 Capital Improvement Project

MOTION (2016-308): on a motion by Council member DiCarlo and seconded by Council member Keough, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION DATED FEBRUARY 5, 2014 RELATING TO THE AUTHORIZATION OF THE ISSUANCE OF UP TO \$14,080,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN'S WATER DISTRICT NO. 3

WHEREAS, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") by resolution dated February 5, 2014, in accordance with Section 202-b of the Town Law (the "Original 202-b Order"), determined it to be in the public interest to undertake the following improvements to Water District No. 3 (collectively, the "Original Project"), at an estimated maximum cost of \$14,080,000, consisting of

(i) the replacement of existing ductile iron watermains with 10" PVC watermains at the following locations: (a) approximately 1,130 lineal feet of watermain along Leete Road from the intersection of Sunset Drive and Leete Road eastward, (b) approximately 3,600 lineal feet of watermain on Slayton Settlement Road from the Town of Lockport town line westward, (c) approximately 2,700 lineal feet of watermain along Shimer Road from Transit Road to Locust Street Extension, (d) approximately 3,150 lineal feet of watermain on Upper Mountain Road from Junction Road eastward, (e) approximately 3,300 lineal feet of watermain along Bowmiller Road from the intersection of Lincoln Avenue and Bowmiller Road southward, (f) approximately 7,200 lineal feet of watermain along Old Saunders Settlement Road from the intersection of Old Saunders Settlement Road and Saunders Settlement Road to the intersection of Old Saunders Settlement Road and Upper Mountain Road, (g) approximately 8,500 lineal feet of watermain along Keck Road from the intersection of Akron Road and Keck Road northward, (h) approximately 14,000 lineal feet of watermain along Junction Road from the intersection of Junction Road and Lockport Road northward to Upper Mountain Road, (i) approximately 3,900 lineal feet of watermain along Ernest Road between Lincoln Avenue and East High Street, (j) approximately 9,500 lineal feet of watermain along Purdy Road from the intersection of Purdy Road and Ridge Road southward to Old Niagara Road, (k) approximately 16,300 lineal feet of watermain along Transit Road from the Tonawanda Creek northward to Robinson Road, and (l) approximately 8,080 lineal feet of watermain along Beattie Avenue from Dysinger Road to Lincoln Avenue;

(ii) the replacement of pressure reducing valves (PRVs) at the following locations: Old Niagara Road, Lake Avenue, Leete Road, Sunset Drive/Leete Road, Sunset Drive/Niagara Street, Lockport IDA/Upper Mountain Road, Candlewood Estates, Cold Springs Road/Old Niagara Road, Cold Spring Road/East Avenue, Day Road, and Slaton Settlement/Day Road;

(iii) the acquisition of a water monitoring system to provide the Water Department with future leak detection capabilities; and

(iv) the conducting of a leak detection survey within the Town's water distribution system to locate and pinpoint leaks; and

WHEREAS, by resolution dated February 5, 2014 (the "Original SEQRA Resolution"), the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), that the improvements included in the Original Project constituted an "Unlisted Action" within the meaning of SEQRA and that such improvements would not have a significant detrimental effect upon the environment and issued a "negative declaration" (within the meaning of SEQRA) with respect to the Original Project; and

WHEREAS, the Town Board by bond resolution dated February 5, 2014 (the "Original Bond Resolution") authorized, among other things, the issuance of \$14,080,000 in serial bonds of the Town to finance the Original Project; and

WHEREAS, by resolution dated December 7, 2016, adopted immediately prior to the consideration of this resolution, in accordance with Section 202-b of the Town Law (the "202-b Order"), the Board determined it to be in the public interest to undertake additional improvements to Water District #3 (collectively, the "Additional Improvements") but without increasing the maximum estimated cost of the Original Project, consisting of:

(i) the replacement of additional waterlines as necessary on Wicks Road, Slayton Settlement Road, Keck Road, Locust Street, Hamm Road, Badger Drive, Corwin Drive, Crosby Road, Tonawanda Creek Road, Lower Mountain Road, Upper Mountain Road, Murphy Road, East High Street, Lincoln Avenue, Bowmiller Road, Dysinger Road, O'Connor Drive, Sherman Drive, Rapids Road, Transit Road, the watermain serving the Co-Generation Facility, Dorchester Road, Bartz Road, Day Road, Jennifer Drive West and/or Jennifer Drive East; and

(ii) the replacement of approximately 1,000 residential water meters that are two-inches or less with ultrasonic meters that have no moving parts

(the Original Project as revised to include the Additional Improvements being referred to as the "Revised Project"); and

WHEREAS, the Board, acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (collectively, "SEQRA"), by resolution dated December 7, 2016, adopted immediately prior to the consideration of the 202-b Order, determined that the Revised Project constitutes an "Unlisted" action within the meaning of SEQRA, that it will not have a significant impact on the environment; and adopted a negative declaration under SEQRA to such effect.

THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. Section 1 of the Original Bond Resolution is hereby amended in its entirety to read as follows:

"SECTION 1. The Town is hereby authorized to undertake the following improvements to Water District No. 3 (the "Project"):

(i) the replacement of existing ductile iron watermain with 10" PVC watermain at the following locations: (a) approximately 1,130 lineal feet of watermain along Leete Road from the intersection of Sunset Drive and Leete Road eastward, (b) approximately 3,600 lineal feet of watermain on Slayton Settlement Road from the Town of Lockport town line westward, (c) approximately 2,700 lineal

feet of watermain along Shimer Road from Transit Road to Locust Street Extension, (d) approximately 3,150 lineal feet of watermain on Upper Mountain Road from Junction Road eastward, (e) approximately 3,300 lineal feet of watermain along Bowmiller Road from the intersection of Lincoln Avenue and Bowmiller Road southward, (f) approximately 7,200 lineal feet of watermain along Old Saunders Settlement Road from the intersection of Old Saunders Settlement Road and Saunders Settlement Road to the intersection of Old Saunders Settlement Road and Upper Mountain Road, (g) approximately 8,500 lineal feet of watermain along Keck Road from the intersection of Akron Road and Keck Road northward, (h) approximately 14,000 lineal feet of watermain along Junction Road from the intersection of Junction Road and Lockport Road northward to Upper Mountain Road, (i) approximately 3,900 lineal feet of watermain along Ernest Road between Lincoln Avenue and East High Street, (j) approximately 9,500 lineal feet of watermain along Purdy Road from the intersection of Purdy Road and Ridge Road southward to Old Niagara Road, (k) approximately 16,300 lineal feet of watermain along Transit Road from the Tonawanda Creek northward to Robinson Road, (l) approximately 8,080 lineal feet of watermain along Beattie Avenue from Dysinger Road to Lincoln Avenue and (m) the replacement of additional waterlines as necessary on Wicks Road, Slayton Settlement Road, Keck Road, Locust Street, Hamm Road, Badger Drive, Corwin Drive, Crosby Road, Tonawanda Creek Road, Lower Mountain Road, Upper Mountain Road, Murphy Road, East High Street, Lincoln Avenue, Bowmiller Road, Dysinger Road, O'Connor Drive, Sherman Drive, Rapids Road, Transit Road, the watermain serving the Co-Generation Facility, Dorchester Road, Bartz Road, Day Road, Jennifer Drive West and/or Jennifer Drive East;

(ii) the replacement of pressure reducing valves (PRVs) at the following locations: Old Niagara Road, Lake Avenue, Leete Road, Sunset Drive/Leete Road, Sunset Drive/Niagara Street, Lockport IDA/Upper Mountain Road, Candlewood Estates, Cold Springs Road/Old Niagara Road, Cold Spring Road/East Avenue, Day Road, and Slaton Settlement/Day Road;

(iii) the acquisition of a water monitoring system to provide the Water Department with future leak detection capabilities;

(iv) the conducting of a leak detection survey within the Town's water distribution system to locate and pinpoint leaks; and

(v) the replacement of approximately 1,000 residential water meters that are two-inches or less with ultrasonic meters that have no moving parts.

and issue up to \$14,080,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Revised Project."

SECTION 2. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of the Original Bond Resolution, as amended by this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

SECTION 3. Except as specifically amended herein, all the terms and provisions of the Original Bond Resolution shall remain in full force and effect.

9. Adoption of a Neg. Declaration under SEQRA for Three Local Laws Relating to Storm Water Management

MOTION (2016-309): on a motion by Council member Keough and seconded by Council member Dufour, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT
SEQR RESOLUTION**

WHEREAS, the Code of the Town of Lockport contains and specifies the local laws and ordinances of the Town of Lockport, and

WHEREAS, the Town has been designated as an MS-4 in relation to storm water management laws and shall be in compliance no later than March 17, 2017, and

WHEREAS, local laws has been introduced entitled "Adding Storm Sewer Chapter to the Code of the Town of Lockport", "Amending the Subdivision Chapter to the Code of the Town of Lockport", and "Amending the Zoning Code of the Town of Lockport in relation to Stormwater Management" in order to update the Code to current storm water management standards, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Lockport Town Board has conducted an environmental review of these Code additions and revisions, and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action, and

WHEREAS, public hearings were held on December 7, 2016 on said local laws and no adverse comments were received, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to adopt said local laws entitled "Adding Storm Sewer Chapter to the Code of the Town of Lockport", "Amending the Subdivision Chapter to the Code of the Town of Lockport", and

"Amending the Zoning Code of the Town of Lockport in relation to Stormwater Management" in order to update the Code to current storm water management standards;

NOW, THEREFORE BE IT RESOLVED, the Lockport Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed enactments of these Local Laws is an Unlisted action and will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQRA Negative Declaration in accordance with the SEQRA regulations, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the Environmental Assessment Form (EAF).

10. Adoption of a Local Law entitled "Adding Storm Sewers Chapter to the Code of the Town of Lockport"

MOTION (2016-310): on a motion by Council member DiCarlo and seconded by Council member Siejak, the following resolution was duly put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

LOCAL LAW # 6 of 2016

A Local Law entitled "Adding Storm Sewers Chapter to the Code of the Town of Lockport" Be it enacted by the Town Board of the Town of Lockport as follows:
The Code of the Town of Lockport is hereby amended to add Chapter 160, entitled Storm Sewers, to read as follows:

“Chapter 160: STORM SEWERS

§ 160-1. Purpose and intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the

Town of Lockport through the regulation of non-stormwater discharges to the MS4 to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with the requirements of the SPDES General Permit for MS4s. The objectives of this chapter are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-0-15-002 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. 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.

§ 160-2. Definitions.

The following definitions shall apply to this chapter:

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 NYSDEC 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.

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.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Any activity requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-0-15-002, as amended or revised, including construction projects resulting in land disturbance of one or more acres. Construction activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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.

ILLICIT CONNECTION — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyance which allows any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connection to the storm sewer 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
- B. 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.

ILLICIT DISCHARGE — Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 160-4 of this chapter.

INDUSTRIAL ACTIVITY — Activities requiring coverage under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-15-002, as amended or revised.

MS4 — Municipal Separate Storm Sewer System.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm sewers):

- A. Owned or operated by the Town of Lockport;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.

NON-STORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

NYSDEC – The New York State Department of Environmental Conservation.

PERSON – Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law.

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, and agricultural waste and ballast discharged into water, any of which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of water quality standards.

PREMISES – Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge Compliance with Water Quality Standards. The condition that applies where the Town 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 Town must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d) Listed Waters. The condition in the Town'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.

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- C. Total Maximum Daily Load (TMDL) Strategy. The condition in the Town'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 Town was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the Town'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 Town must review the applicable TMDL to see if it includes requirement for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the Town must, within six (6) months of the TMDL's approval, modify its
- E. stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)
STORMWATER

DISCHARGE PERMIT — a permit issued by NYSDEC that authorizes the discharge of pollutants to waters of the state.

STORMWATER – Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee or officer of the Town of Lockport appointed by the Town Board to enforce this chapter. The SMO shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel.

TMDL — Total Maximum Daily Load.

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.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and has been or will be discarded.

§ 160-3. General Provisions.

- A. Applicability.
This chapter shall apply to all water entering the MS4 generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.
- B. Responsibility for Administration.
The SMO shall administer, implement, and enforce the provisions of this chapter. 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 Town.
- C. Conflict.
Where the conditions imposed by any provisions of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

§ 160-4. Discharge prohibitions.

- A. Prohibition of Illicit Discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided below. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:

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- (1) The following discharges are exempt from discharge prohibitions established by this chapter, unless NYSDEC or the Town 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 stormsewers, uncontaminated pumped ground water, foundation or footing drains, 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.
- (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 chapter.
- (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.
- (4) The prohibition of illegal discharges shall not apply to any discharge permitted under a SPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of NYSDEC, 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.

B. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (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.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

§ 160-5. Prohibition against activities contaminating stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the Town's MS4 SPDES stormwater discharge permit; or
 - (2) Cause or contribute to the Town being subject to a Special Condition.
- B. Such activities include improper management of pet waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Town's MS4 SPDES stormwater discharge 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 Town's MS4 SPDES stormwater discharge permit authorization.

§ 160-6. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

Best Management Practices. Where the SMO has identified illicit discharges or an activity contaminating stormwater, as defined in § 160-5 of this chapter, the Town may require implementation of BMPs to control those illicit discharges and activities.

- A. 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.
- B. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, or an activity contaminating stormwater, as defined in § 160-5 of this chapter, 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.

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- C. 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 chapter.

§ 160-7. 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 Town prior to the allowing of discharges to the MS4.

§ 160-8. Suspension of access to MS4.

- A. Illicit Discharges in Emergency Situations. 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 people, 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 people.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter 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 reoccur. A person commits an offense if the person reinstates MS4 access to the premises terminated pursuant to this chapter, without the prior approval of the SMO.

§ 160-9. Access and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, 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 chapter.
- B. Access to Facilities.
 - (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. 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.
 - (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 chapter.
 - (3) The Town shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The Town has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. 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.
 - (5) An unreasonable delay in allowing the SMO access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the SMO reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
 - (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 chapter, 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 chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 160-10. 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 nonhazardous materials, said person shall notify the Town 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 Town 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.

§ 160-11. Enforcement.

- A. Notice of Violation. When the SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he or she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) That the Town will seek civil remedies or criminal penalties, including the imposition of a criminal fine, as provided in section 160-11(B); and
 - (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.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter 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 fifteen (15) days, 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 fifteen (15) days, 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 fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.

§ 160-12. Appeal of notice of violation.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Town Board within fifteen (15) days of its issuance, which shall hear the appeal within thirty (30) days after the filing of the appeal, and within five (5) 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.

§ 160-13. Corrective measures after appeal.

- A. 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 five (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.
- B. 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.

§ 160-14. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, 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.

§ 160-15. Alternative remedies.

- A. Where a person has violated a provision of this chapter, he/she may be given alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO, where:
 - (1) The violation was unintentional;
 - (2) The violator has no history of previous violations of this chapter;
 - (3) Environmental damage was minimal;
 - (4) The violator acted quickly to remedy the violation; and/or
 - (5) The violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
 - (1) Attendance at compliance workshops;
 - (2) Storm sewer stenciling or storm sewer marking; and/or
 - (3) River, stream, or creek cleanup activities.

§ 160-16. 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 chapter 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.

§ 160-17. Remedies not exclusive.

The remedies listed in this chapter 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.

§ 160-18. Severability.

If any section, subsection, phrase, sentence or other portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the invalidity of the portion hereof."

This local law shall be effective immediately upon filing with the Office of the New York Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

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11. Adoption of Local Law entitled 'Amending the Subdivision Chapter of the Code of the Town of Lockport'

MOTION (2016-311): on a motion by Council member Dufour and seconded by Council member Keough, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

LOCAL LAW # 7 of 2016

A Local Law entitled "Amending the Subdivision Chapter of the Code of the Town of Lockport" Be it enacted by the Town Board of the Town of Lockport as follows:
Section 165-12 of Chapter 165, Subdivision of Land, of the Code of the Town of Lockport is hereby amended by adding the following subsections:

- D. Subdivisions shall be designed and constructed in accordance with any Stormwater Pollution Prevention Plan approved by the Town.
- E. All storm drainage designs shall be prepared by an engineer licensed in New York State and shall conform to all applicable laws and regulations of the State of New York.
- F. For any subdivision subject to regulation under Article XXX of Chapter 200, Zoning, all erosion and sediment controls, stormwater management facilities, and drainage improvements shall comply with the performance and design criteria set forth therein.
- G. For any subdivision not subject to regulation under Article XXX of Chapter 200, Zoning, the following requirements shall:
 - (1) Stormwater drainage design methodologies shall be based on the Erie and Niagara County Stormwater Design Manual, the NYSDEC Design Standards or methodologies approved by the Town Engineer and be described in an engineering report submitted with the plans.
 - (2) Erosion and sediment control shall be based on the New York State Manual.
 - (3) Stormwater systems shall be designed for a twenty-five-year storm (except for more restrictive requirements from other permitting agencies, i.e., County Highway or State Department of Transportation) with no increase in runoff over the existing flow from the site. Existing downstream drainage problems must also be taken into consideration.
 - (4) All stormwater piping shall be 12 inches in diameter or larger (smaller sizes when necessary may be approved by the Town Engineer) and be at a minimum grade to provide a stormwater flow velocity in the pipe of two feet per second or greater. (Velocities greater than eight feet per second will require conduit outlet protection.)
 - (5) Stormwater catch basins shall be located a maximum of 400 feet apart and at all low points.
 - (6) If subsurface drainage is deemed necessary by the Planning Board, the subdivider shall provide for the same in a manner acceptable to the Town Engineer.
 - (7) Drainpipes under streets or driveways shall be designed to withstand New York State highway loadings and be located a minimum of one foot below the subbase of the road (to top of pipe)."

In accordance with Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Lockport has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Lockport and for the protection and enhancement of its physical environment.

This local law shall be effective on the first day after it shall have been filed with the Office of the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

12. Adoption of Local Law entitled "Amending Zoning Chapter of the Code of the The Town of Lockport in relation to Storm Water Management"

MOTION (2016-312): on a motion by Council member DiCarlo and seconded by Council member Keough, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

LOCAL LAW # 8 of 2016

A Local Law entitled “Amending the Zoning Chapter of the Code of the Town of Lockport in relation to Stormwater Management.”

Be it enacted by the Town Board of the Town of Lockport as follows:

The Town of Lockport Zoning Law, as contained in Chapter 200 of the Code of the Town of Lockport, is hereby amended as follows:

1. §200-4, Terms Defined, is hereby amended by adding the following word and term:

“STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.”
2. §200-126, Site Plan contents, is hereby amended by adding the following subsection:

“O. A SWPPP, if required for the proposed development under Article XXX of this chapter, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § 200-212(B) of this chapter.”
3. §200-127, Site plan review procedures, is hereby amended by adding the following subsection:

“E. If a SWPPP was submitted pursuant to § 200-126(O) of the Town Code, the site plan and SWPPP comply with the performance and design criteria and standards set forth in Article XXX of this chapter.”
4. Article XXX, entitled Stormwater Management, is added to read as follows:
“**ARTICLE XXX Stormwater Management**

§ 200-209. Authority; Findings; purpose.

- A. In accordance with Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Lockport has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Lockport and for the protection and enhancement of its physical environment. In addition, Section 10 of the Municipal Home Rule Law of the State of New York grants the Town Board of the Town of Lockport the authority to exercise any of the powers granted to it in the Statute of Local Governments, including the power to adopt, amend, or repeal zoning regulations, through the enactment of local laws or the amendment of local laws. In any such local law, the Town Board may provide for the appointment of any municipal officer, employee, or independent contractor to effectuate, administer and enforce such local law.
- B. Findings. The Town Board of the Town of Lockport makes the following findings:
 1. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
 2. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
 3. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
 4. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;

5. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
6. Substantial economic losses can result from these adverse impacts on the waters of the Town;
7. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
8. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and
9. 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.

C. Purpose. The purpose of this article 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 § 200-211A of this article. This article seeks to meet those purposes by achieving the following objectives:

1. Meet the requirements of minimum measures 4 and 5 of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-15-002 or as amended or revised;
2. Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, Permit No. GP-0-15-002 or as amended or revised;
3. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
4. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
6. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 200-210. Definitions.

The following definitions shall apply to this title:

AGRICULTURAL ACTIVITY – the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT – a property owner or agent of a property owner who has filed an application for a land development activity.

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

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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* (New York State Department of Environmental Conservation), most recent version or its successor, including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER - a person who undertakes land development activities.

EROSION CONTROL MANUAL - the *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, commonly known as the *Blue Book*.

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

IMPERVIOUS COVER - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT - a State Pollutant Discharge Elimination System (SPDES) permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

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.

LAND DEVELOPMENT 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 plan of development or sale disturbing one acre or more in the aggregate, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LICENSED PROFESSIONAL – a landscape architect or professional engineer licensed to practice his or her profession in New York State.

MAINTENANCE AGREEMENT - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

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 – a development 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, or habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-0-15-002 - 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-0-15-002 - 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 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 (SMO) - an employee or officer of the Town of Lockport designated by the Town Board to accept and review Stormwater Pollution Prevention Plans (SWPPPs), forward the plans to such employee, agency or board of the Town of Lockport which may be reviewing any application for a construction activity requiring submission of a SWPPP, 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.

§ 200-211. General provisions.

- A. Applicability. This article shall be applicable to all land development activities within the Town.
- B. Exemptions. The following activities shall be exempt from review under this article:
 - 1. Agricultural activity;
 - 2. Silvicultural activity except that landing areas and log haul roads are subject to this article;
 - 3. 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;
 - 4. Repairs to any stormwater management practice or facility deemed necessary by the SMO;
 - 5. Land development activities for which a building permit has been approved on or before the effective date of this article;
 - 6. Cemetery graves;
 - 7. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles
 - 8. Emergency activity immediately necessary to protect life, property or natural resources;
 - 9. Activities of an individual engaging in home gardening by growing flowers, vegetables or other plants primarily for use by that person and his or her family; and
 - 10. Landscaping and horticultural activities in connection with an existing structure.
- C. Conflict. Where the conditions imposed by any provisions of this article are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

§ 200-212. Procedure.

- A. The Town shall designate an SMO who shall accept and review all SWPPPs. The SMO may:
 - 1. Review the SWPPPs;
 - 2. Upon approval by the Town Board, engage the services of a New York State licensed professional engineer to review the SWPPPs, specifications and related documents at a cost not to exceed a fee schedule established by the Town Board; or
 - 3. Accept the certification of a licensed professional that the SWPPPs conform to the requirements of this article.
- B. For all land development activities subject to review and approval by the Building Inspector, Planning Board, or Town Board of the Town under subdivision or site plan regulations, the applicant or developer shall be required to submit a SWPPP that complies with the requirements of this article to the SMO, and the land development activity shall be reviewed subject to the standards contained in this article.

1. Initial Review by SMO. Within 45 days of receipt of a SWPPP, the SMO shall forward the SWPPP, together with his or her written recommendation to approve, approve with modifications, or disapprove the SWPPP, to such employee, officer, committee or board of the Town which is reviewing an application for approval of a land development activity requiring submission of a SWPPP. A recommendation of approval shall only be given if the SWPPP complies with the requirements of this article. In making a recommendation to approve with modifications or disapprove the SWPPP, the SMO shall state the reasons for the decision in writing.
 2. Review by Final Reviewing Body. The employee, officer, committee or board of the Town reviewing the application for approval of a land development activity shall review the SWPPP and recommendation of the SMO and shall act to approve, approve with modifications, or disapprove the SWPPP. Such reviewing body shall not act to approve the SWPPP unless it complies with the requirements of this article. If the reviewing body acts to approve with modifications or disapprove the SWPPP, the reasons for the decision shall be stated in writing. In order to be approved, the applicant shall revise a SWPPP that has been approved with modifications or disapproved in accordance with the recommendations of the reviewing body and shall submit the revised SWPPP to such body for review.
- C. For all land development activities not subject to review as provided in § 200-212(B) of this article, the applicant or developer shall be required to submit a SWPPP that complies with the standards contained in this article to the SMO. Within 45 days of receipt of a SWPPP, the SMO shall approve, approve with modifications, or disapprove the SWPPP. Approval shall only be given if the SWPPP complies with the requirements of this article. In approving with modifications or disapproving the SWPPP, the SMO shall state the reasons for the decision in writing. In order to be approved, an applicant shall revise a SWPPP that has been approved with modifications or disapproved in accordance with the recommendations of the SMO and shall submit the revised SWPPP to the SMO for review.

§ 200-213. Stormwater Pollution Prevention Plans.

- A. Stormwater Pollution Prevention Plan Requirement. No application for approval of a land development activity shall be reviewed and no land development activity shall be commenced until the SMO or such officer, employee, committee or board of the Town reviewing an application for approval of a land development activity requiring submission of a SWPPP has received a SWPPP that complies with the specifications in this article.
- B. Contents of Stormwater Pollution Prevention Plans.
 1. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - a. Background information about the scope of the project, including the location, type and size of the project;
 - b. Site map/construction drawing(s) for the project, including a general location map. The site map should be at a scale of no smaller than one inch to 100 feet. 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; onsite and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the land development activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 - c. Description of the soil(s) present at the site;
 - d. 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 Erosion Control Manual, not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - e. 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;

- f. 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;
 - g. 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;
 - h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - j. Temporary practices that will be converted to permanent control measures;
 - k. 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;
 - l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice
 - m. Name(s) of the receiving water(s);
 - n. Delineation of SWPPP implementation responsibilities for each part of the site;
 - o. 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
 - p. Any existing data that describes the stormwater runoff at the site.
2. Land development activities 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 § 200-213(B)(3) of this article as applicable:
- a. Condition A - Stormwater runoff from land development activity 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.
 - b. Condition B - Stormwater runoff from land development activity disturbing five (5) or more acres.
 - c. Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.
3. SWPPP Requirements for Condition A, B or C (post-construction stormwater runoff controls):
- a. All information in § 200-213(B)(1) of this article;
 - b. Description of each post-construction stormwater management practice;
 - c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 - d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 - e. Comparison of post-development stormwater runoff conditions with pre-development conditions;
 - f. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - g. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
 - h. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
 - i. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 200-215 of this article; and

4. The SWPPP shall be prepared by a licensed professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this article.
- C. 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.
- D. Contractor Certification.
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. 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.
 3. The certification statement(s) shall be included with and become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 200-214. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control.

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

- A. Technical Standards. For the purposes of this article, 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 article:
1. The Design Manual; and
 2. The Erosion Control Manual.
- B. Equivalence to Technical Standards. Where stormwater management practices are not in accordance with the technical standards set forth in § 200-214(A) of this article, the applicant or developer must demonstrate equivalence to such technical standards.
- C. Water Quality Standards. Any land development 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.

§ 200-215. Maintenance, Inspection and Repair of Stormwater Facilities.

- A. Maintenance and Inspection During Construction.
1. The applicant or developer of the land development 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 article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 2. For land development activities meeting Condition A, B or C in § 200-213(B)(2) of this article, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven (7) days and within twenty-four (24) hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.

- B. Maintenance Easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town.

- C. Maintenance after Construction. The owner or operator of permanent stormwater management practices installed in accordance with this article shall ensure they are operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes as a minimum, the following:
 - 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 article.
 - 2. Written procedures for operation and maintenance and training new maintenance personnel.
 - 3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 200-213 of this article.
 - 4. Maintenance Agreements. The Town shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Appendix A (200 Attachment 5) of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement." The Town, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 200-216. Administration and Enforcement.

A. Construction Inspection.

- 1. Erosion and Sediment Control Inspection. The SMO may require such inspections as necessary to determine compliance with this article 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 article and the SWPPP as approved. To obtain inspections, the applicant shall notify the SMO at least 48 hours before any of the following, as required by the SMO:
 - (a) Start of construction;
 - (b) Installation of sediment and erosion control measures;
 - (c) Completion of site clearing;
 - (d) Completion of rough grading;
 - (e) Completion of final grading;
 - (f) Close of the construction season;
 - (g) Completion of final landscaping; or
 - (h) 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 SMO.

- 2. Stormwater Management Practice Inspections. The SMO is responsible for conducting inspections of SMPs. All applicants are required to submit "as built" plans for any SMPs 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.

- 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.

4. Submission of Reports. The SMO may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.
5. Right-of-Entry for Inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in § 200-216(A)(3) of this article.

B. Performance Guarantee.

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 Town in its approval of the SWPPP, the Town 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 Town as the beneficiary. The security shall be in an amount to be determined by the Town 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 Town, 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 Town. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
2. Maintenance Guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
3. Recordkeeping. The Town may require entities subject to this article to maintain records demonstrating compliance with this article.

C. Enforcement and Penalties.

1. Notice of Violation. When the Town determines that a land development activity is not being carried out in accordance with the requirements of this article, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (a) The name and address of the landowner, developer or applicant;
 - (b) The address when available or a description of the building, structure or land upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to bring the land development activity into compliance with this article and a time schedule for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - (f) A statement that the determination of violation may be appealed to the Town by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
2. Stop Work Orders. The Town may issue a stop work order for violations of this article. 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 Town 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 article.

3. Violations. Any land development activity that is commenced or is conducted contrary to this article may be restrained by injunction or otherwise abated in a manner provided by law.
 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 article shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to fifteen (15) days, 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 fifteen (15) days, 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 fifteen (15) days, or both. Each week's continued violation shall constitute a separate additional violation.
 5. Withholding of Certificate of Occupancy. If any building or land development activity is installed or conducted in violation of this article, the SMO may prevent the occupancy of said building or land.
 6. 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 Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- D. Fees for Services. The Town may require any person undertaking land development activities regulated by this article to pay fees, as set by the Town Board from time to time, for review of SWPPPs, inspections, or SMP maintenance performed by the Town or performed by a third party for the Town.

§ 200-217. Severability.

If any section, subsection, phrase, sentence or other portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the invalidity of the portion hereof.”

5. Chapter 200, Zoning Appendix A (200 Attachment 5), entitled “Sample Stormwater Control Facility Maintenance is hereby added:

**“CHAPTER 200, ZONING
Appendix A (200 Attachment 5)
Sample Stormwater Control Facility Maintenance Agreement**

Whereas, the Town of Lockport ("Town") and the _____ ("facility owner") wish to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Town for the below named project; and

Whereas, the Town and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Town and the facility owner agree as follows:

1. This agreement binds the Town and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.

Continued Next Page

3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Town.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Town or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Town within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Niagara together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Town determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Town or by the inspecting engineer, the Town is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective _____ ”

This local law shall be effective on the first day after it shall have been filed with the Office of the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

13. Adoption of a Local Law entitled “Second Moratorium upon the Disposal of Sludge, Sewage Sludge, Septage and Bio Mass”.

MOTION (2016-313): on a motion by Council member Keough and seconded by Council member Dufour, the following resolution was put to a ROLL CALL VOTE and was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

LOCAL LAW # 9 of 2016

A Local Law “Second Extension of a Moratorium upon the Disposal of Sludge, Sewage Sludge, Septage and Bio Mass”

Be it enacted by the Town Board of the Town of Lockport as follows:

SECTION 1. FINDINGS, PURPOSE AND INTENT.

The Town Board of the Town of Lockport enacted a moratorium upon the disposal of sludge, sewage sludge, septage and bio mass by Local Law on September 2, 2015, and said Local Law was filed with the Secretary of State on September 17, 2015. The Town Board of the Town of Lockport then extended the moratorium by Local Law on March 2, 2016, and said Local Law was filed with the Secretary of State on March 17, 2016.

The Town Board of the Town of Lockport continues to have under consideration and to review potential amendments to the Town Code in regard to solid waste and recycling. Matters pertaining to solid waste and recycling activity within the Town emphasizes the need for suitable

regulation under existing and clearly established standards in an effort to plan for and protect the health, safety and well being of the citizens of and property in the Town of Lockport. The existing provisions contained in Chapter 156 of the Town Code of the Town of Lockport may not create and meet such appropriate standards and controls to allow for a harmonious balance and to protect the health, safety and well being of the citizens and property in the Town of Lockport. The Town Board desires to continue to review and address, in a careful manner, provisions relating to solid waste and recycling and the disposal of sludge, sewage sludge, septage and bio mass on a comprehensive and town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes.

Further, the Town Board understands that other local municipalities have recently enacted and/or amended local laws regarding solid waste and recycling and the disposal of sludge, sewage sludge, septage, and bio mass. The Town Board further understands that certain of these local laws are still being challenged by the New York State Department of Agriculture and Markets and/or through private litigation, including a pending Notice of Appeal at the State Appellate Division, Fourth Department. In order to fully consider and review the outcome of these challenges, the Town Board of the Town of Lockport finds it prudent and necessary to again extend its moratorium applicable to solid waste and recycling and the disposal of sludge, sewage sludge, septage and bio mass.

This moratorium is intended to ensure that no approvals for such land use application be granted or permitted until this Board can complete its planning studies and has had the opportunity to consider and enact appropriate amendments to the Code.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York, and pursuant to the police powers of the Town of Lockport. This Local Law is further enacted pursuant to the zoning authority vested in the Town of Lockport and to the authority set forth in the Municipal Home Rule Law Section 10(1)(ii)(a)(1) and 10(1)(ii)(d)(3). To the extent that any provision of this Law is inconsistent with any other Town Law, including Town Law Sections 261, 262, 263, 269, 270, 271, 274(a) and 274(b), such Laws are expressly superseded by the provisions of this Law, as authorized by said Sections of the Municipal Home Rule Law.

SECTION 3. APPLICATION.

This Law shall apply to any and all solid waste and recycling and disposal of sludge, sewage sludge, septage and bio mass with the Town.

SECTION 4. DURATION.

This Law shall be in effect for one year from and after its adoption and filing.

SECTION 5. SCOPE.

During the effective period of this Local Law, no Board or Agency of the Town shall accept, process, review, recommend or grant approval for solid waste and recycling processing or the disposal of sewage, sewage sludge, septage, or bio mass. No permit shall be issued for such activity, and no application shall be accepted or processed for such activity during such time. Such activity is hereby banned during this time.

SECTION 6. EXISTING ACTIVITIES.

Any or all projects with the Town having a current permit to dispose of sewage, sewage sludge, septage or bio mass shall not be affected by the terms and provisions of this Local Law.

SECTION 7. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State.

14. Res. to Amend Town Fee Schedule to include Fees for Irrigation & Hydrant Usage

MOTION (2016-314): on a motion by Council member Keough and seconded by Council member DiCarlo, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT
RESOLUTION
AMEND FEES- IRRIGATION AND HYDRANT METER USAGE**

WHEREAS, pursuant to Town Code Section 90-5, Modification of fees; additional fees, the Town Board may from time to time, by resolution without Public Hearing, provide for additional fees for other matters, and

WHEREAS, due to the temporary use of water from an unmetered fire hydrant for the purposes of irrigation or farming operations, it is necessary to establish additional fees, and now therefore be it

RESOLVED, that the following additional fee subsection shall be added to Town Code Section 90-3 (H), as follows:

"6. Water Fees for Temporary Hydrant, Irrigation and Farming Operations:

- (a) Water Usage : \$1.90/1,000 gallons.
 - * All Readings are Rounded up to the Next Thousand Gallons
 - * Minimum Water Usage Bill is \$50

- (b) Meter & Backflow (Backflow if required):
 - (1) 1" \$250.00
 - (2) 2" \$350.00
 - * Meter Fee includes Backflow Prevention Device (if not provided by the applicant), Town of Lockport Water Department delivery, set-up and removal of the meter. Contractor is not allowed to pick up the meter and install themselves.

- (c) Replacement of Meter & Backflow (Due to Theft, Damage, etc):
 - (1) 1" \$500.00
 - (2) 2" \$1,000.00"

AND BE IT FURTHER RESOLVED, that the fees outlined in Town Code Section 90-3 (H)(6) shall be waived for the applicant if the water used from a fire hydrant is used for purposes that directly benefit the Town of Lockport such as a capital or improvement project (ex. waterline replacement project or a sanitary sewer flushing project),

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to update the Town Code and Fee Schedule in her office to reflect said additional fees.

15. Res. to Amend Fee Schedule to include Fees for Storm Water Design, Review and Construction

MOTION (2016-315): on a motion by Council member Dufour and seconded by Council member Siejak, the following resolution was duly ADOPTED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

**TOWN OF LOCKPORT
RESOLUTION
AMEND FEES- SWPPP DESIGN REVIEW AND CONSTRUCTION**

WHEREAS, pursuant to Town Code Section 90-5, Modification of fees; additional fees, the Town Board may from time to time, by resolution without Public Hearing, provide for additional fees for other matters, and

WHEREAS, due to new requirements for Stormwater Pollution Prevention Plans (SWPPP), it is necessary to establish additional fees SWPPP design plan review and construction inspection, and now therefore it be

RESOLVED, that the following additional fee subsection be added to Town Code Section 90-3, as follows:

"J. Stormwater Pollution Prevention Plans (SWPPP) Design Review and Construction Inspection:

(1) Single Phase Residential & Commercial Development Projects

(a) In Conformance with New York State Design Manuals (NYSDEC 5-Day Review Period):

Area	SWPPP Design Plan Review	Construction Inspection
Less than 1 Acre	\$0	\$0
1 Acre to 5 Acres	\$400	\$600
5 Acres to 10 Acres	\$600	\$750
Over 10 Acres	\$600 + \$20 Per Acre over 10 Acres	\$750 + \$50 Per Acre over 10 Acres

(b) Not In Conformance with New York State Design Manuals (NYSDEC 60-Day Review Period):

Area	SWPPP Design Plan Review	Construction Inspection
Less than 1 Acre	\$0	\$0
1 Acre to 5 Acres	\$800	\$750
5 Acres to 10 Acres	\$1,000	\$900
Over 10 Acres	\$1,000 + \$25 Per Acre over 10 Acres	\$900 + \$60 Per Acre over 10 Acres

(2) Multi-Phase Residential & Commercial Development Projects

(a) When the entire project is first being reviewed and approved by the municipality, the Single Phase Residential & Commercial Development Project schedule above shall be used to determine an initial fee based on the entire acreage of the project to be developed in several phases.

(b) An additional \$500 for each subsequent phase after the 1st initial phase shall be collected at the beginning of the development of each subsequent phase and used for construction inspection."

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to update the Town Code and Fee Schedule in her office to reflect said additional fees.

16. Award Contract #17-1 Utility Repair to Mark Cerrone, Inc.

MOTION (2016-316): to award Contract #17-1 Utility Repair to Mark Cerrone, Inc., the low bidder in the amount of \$149,860.00 was made by Council member Dufour and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

17. Resolution to approve engineering for Contract #167S – Sewer Dist. #3 Capital Improvements – Pump Station Rehabilitation

MOTION (2016-317): to approve the engineering proposal prepared by Wendel Engineers for Contract #167S was made by Council member Siejak and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

18. Resolution to approve engineering for Contract #168S – Sewer Dist. #3 Capital Improvements – Phase 2A Pump Station Rehabilitation

MOTION (2016-318): to approve the engineering proposal prepared by Wendel Engineers for Contract #168S was made by Council member Dufour and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

19. Resolution to approve engineering for Contract #158W – Water Dist. #3 Capital Improvements – Phase 1A Waterline Replacements

MOTION (2016-319): to approve the engineering proposal prepared by Wendel Engineers for Contract #158W was made by Council member Keough and seconded by Council member DiCarlo. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

20. Resolution to approve engineering for Contract #159W – Water Dist. #3 Capital Improvements – Phase 2 Waterline Replacements – Survey, Design & Bidding Services

MOTION (2016-320): to approve the engineering proposal prepared by Wendel Engineers for Contract #159W was made by Council member DiCarlo and seconded by Council member Siejak. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

21. Town Board Comments

Councilwoman DiCarlo reported that the Santa House at Day Road Park is now open. The hours of operation are Tuesday & Thursdays from 5 – 8:00 p.m. and Saturdays from noon – 3:00 p.m. The house will remain open until December 22, 2016. She encouraged everyone to stop by the park to see Santa and to drive around Town to see all the beautiful Christmas light displays.

Councilman Siejak thanked everyone for attending the meeting, especially on this somber day, the 75th anniversary of the attack on Pearl Harbor. He stated that we must all continue to honor these heroes with remembrance of their sacrifices. He also thanked the Town Board and the Town staff for their great service this past year. Additionally, he thanked Mr. Olmstead for offering his thoughts at the public hearing on the disposal of sludges. Lastly, he wished everyone a blessed holiday season.

Councilwoman Dufour echoed Councilman's Siejak's comments, thanking all of our veteran's, especially those of WWII as they are in their late 80's or in their 90's. She suggested that young people strive to make contact with these veterans and ask to hear their stories before all of our WWII veterans are lost. She stated that we can all learn lessons from these heroes.

Additionally, she thanked the Town Board and the Town staff for another great year and thanked all those who attended the meeting. Lastly, she reported that the Dale Association will host a 10-week program designed to improve the wellbeing and quality of life for seniors, beginning February 23, 2017. The program will be held at the Town Hall.

Councilman Keough thanked several people including Supervisor Crocker and Kate Carter, Town Budget Officer, for their hard work in maintaining a "0%" based budget. He also thanked Wendel engineers for all their fine work on the many Town projects throughout the year. He thanked the Town Board and Town staff for the marvelous job they performed and stated that the Town is in a "good place".

22. Supervisor's Comments

Thanked the Participation in Government students in attendance and stated the Town Board appreciated their participation.

He reflected on December 7, 1941, informing those present that ten years ago, WWII veterans were dying at a rate of 1600 a day. Today, just a few thousand remain alive to tell their stories, only 200 of them being Pearl Harbor veterans. He stated he is eager to hear what these brave men have to say before they are all gone.

He thanked the Town Board and the Town staff for the tremendous job that was done throughout the year and with that, he asked for Michael Norris to step forward.

Supervisor Crocker along with Councilman Siejak presented Mr. Norris with a desk clock as it was his last regular meeting as Town Attorney. Supervisor Crocker stated that in his four years of service, "Mike" had been an integral part of the Town's success. He stated that he had done a marvelous job representing the Town and wished him continued success as he enters his new job as the Assemblyman elect for the NYS 144th District.

Mr. Norris then thanked both Mark Crocker and the previous Supervisor, Marc Smith as well as the entire Board for the privilege of serving as Town Attorney. He thanked David Miller, Town Highway Superintendent, Nancy Brooks, Town Clerk, Rob Klavoon from Wendel, the Town Dept. Heads, Town staff, as well as the Planning and Zoning Board members, stating they were all very dedicated, hardworking and that it was a privilege and an honor to have worked with them all. He stated he is excited and looking forward to working hard to represent the residents of the Town and City of Lockport as their Assemblyman.

The Town Board members then all spoke, thanking "Mike" for his service and wished him well in Albany.

There being nothing further, Supervisor Crocker wished everyone a safe and wonderful Christmas and a Happy New Year. He then asked for a motion to adjourn.

23. Adjournment

MOTION (2016-321): to adjourn was made by Council member Siejak and seconded by Council member Keough. The motion was CARRIED: AYES-5, NAYS-0. Voting AYE: Siejak, Dufour, Keough, DiCarlo and Crocker.

The meeting was ended at 8:01 p.m. The Lockport Town Board will next meet at 1:00 p.m. on Wednesday, December 21, 2016.

Respectfully submitted,

Nancy A. Brooks, RMC, CMC
Lockport Town Clerk

Enforcement Response Plan

Appendix O

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

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

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

- i. Verbal warnings; Upon determining that a violation is occurring, the Stormwater Management Officer (SMO) will issue a verbal warning and will reinspect after 7-days to make sure the violation is corrected. If not corrected, a second verbal warning will be issued and the issue reinspected after another 7-days.
- ii. Written notices; If two consecutive verbal warnings go unaddressed, the SMO, will issue a written Notice of Violation (NOV). The issue will be reinspected after 30-days for compliance.
- iii. Stop work orders; If a written NOV goes unaddressed, a Stop Work Order will be issued and the matter will be referred to court. The courts make the decisions and determinations on fines and further action.
- iv. Withholding of plan approvals or other authorizations affecting the ability to discharge to the MS4.

Enforcement Tracking

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

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

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

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

Illicit Discharge Detection and Elimination

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	i) Notice of Violation
	ii) One or more acres of disturbed area - violation continued for 30 or more days after discovery	ii) Cease and Desist
	iii) One or more acres of disturbed area - violation continued for 60 or more days after discovery	iii) Formal Enforcement/Fines
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	i) Notice of Violation
	ii) One up to five acres of disturbed area - violation continued for 15 or more days, after discovery	ii) Cease and Desist
	iii) One up to five acres of disturbed area - violation continued for 30 or more days after discovery	iii) Formal Enforcement/Fines
	iv) Five or more acres	iv) Cease and Desist
	v) Five or more acres - violation continued for 30 or more days after discovery	v) Formal Enforcement/Fines
Has coverage under the Construction General Permit and has significant violations of permit	i) One up to five acres of disturbed area	i) Warning letter with schedule for corrective action(s) (NOV Optional)
	ii) Failure to correct deficiencies in accordance with schedule: One up to five acres of disturbed area	ii) NOV and/or Stop Work Order
	iii) Five or more acres	iii) NOV and/or Stop Work Order
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	i) Warning letter with Inspection report listing deficiencies and schedule for corrective action(s)
	ii) Failure to correct deficiencies in accordance with schedule	ii) NOV and/or Stop Work Order
	iii) Duration of noncompliance is longer than 60 days.	iii) Formal Enforcement/Fines

Post-Construction Stormwater Management Practice Inspection & Maintenance

Enforcement Response Plan: Post-Construction Stormwater Management Practice Inspection & Maintenance		Minimum Response
Violation	Issue	
<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/smpinspc_hklist.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/smpma_intguidance.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 will form a committee in early 2025 for affected MS4 municipalities to collaborate on meeting the enhanced requirements.

Erie County

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

Niagara County

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

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

The following surface waters in the **Town of Lockport** are identified as “Impaired” by New York State and are subject to enhanced requirements as per the NYSDEC MS4 General Permit (GP-0-24-001). Locals laws to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System, and for Stormwater Management and Erosion & Sediment Control, help to address the following stormwater-related pollutants: Phosphorous;

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

Silt/Sediment; Pathogens; and, 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.

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

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

