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Policy
for
Stormwater Pollution Prevention

REVISION

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5	DCN3624	Updating SWPPP for new Stormwater Permit per NYS DEC	July 2024	W. Crowe	K. Rydberg

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1. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance and clarity for NY CREATES staff responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) Permit and Construction Activity Permit, including Operation and Maintenance (O&M) of Post-Construction Management Practices. The content of this document draws from permit language and is intended to make explicit how this particular Non-Traditional MS4, given existing administrative arrangements internal to NY CREATES, shall implement both permits.

The overarching goal is to prevent stormwater pollution generated by NY CREATES [on the Albany NanoTech Complex \(ANC\)](#) from entering the local water bodies. Both permits function in tandem to address a wide variety of runoff-related pollutants.

1.1 [The MS4 Permit details a range of strategies related to such pollutants as:](#)

- [oil and grease](#)
- [bacteria](#)
- [pesticides](#)
- [fertilizers](#)
- [heavy metals](#)

1.1.1 These strategies include:

- [public education and participation](#)
- [mapping of storm infrastructure](#)
- [tracking down of pollution sources](#)
- [effective oversight of construction activity permits](#)
- [proper management of campus operations and facilities](#)

1.2 [Construction Activity Permit serves to protect against:](#)

- [soil erosion](#)
- [siltation](#)
- [pollution on campus during construction activity, and to reduce or maintain stormwater runoff rates and volumes generated from development or redevelopment](#)

2. GENERAL

As defined in the Federal Clean Water Act (CWA) administered by New York State Department of Environmental Conservation (NYSDEC), the ANC owns and operates a separate storm system in an urbanized area. For this reason, ANC is permitted by NYSDEC to discharge stormwater into the waters of New York State (NYS) under the terms that are detailed in the NYSDEC State Pollutant Discharge Elimination System (SPDES or NYSPDES) General Permit for Stormwater Discharges from MS4s. By permit definition, the ANC is a Non-Traditional MS4.

As an MS4, ANC is responsible for overseeing all construction activity which disturbs > 1 acre of land. The components of that oversight are detailed in the MS4 Permit ([GP-0-24-001](#)), [Minimum Control Measures (MCM) 4 and 5]. This same construction activity is also regulated under the CWA, such that ANC, before construction occurs must receive permit coverage, as detailed in GP-0-24-001.

3. RESPONSIBILITIES

[Responsibilities under the facility's Stormwater Management Program include:](#)

- 3.1 **Environmental Health and Safety (EHS)** is responsible for program development and monitoring compliance, as needed.
- 3.2 **Site Facilities and Other Organizations involved in design and construction projects at ANC** are responsible for implementing and monitoring compliance to the Stormwater Pollution Prevention Policy (SWPPP) during different phases of planning, engineering design, constructions, and operations that have impacts to the onsite stormwater systems.
- 3.3 **Stormwater Management Committee (Committee)** is responsible for reviewing and monitoring stormwater management practices at ANC to meet NYSPDES requirements and leading the post-construction inspection and maintenance of the stormwater treatment structures. This Committee is the technical resource of the stormwater program, which, at a minimum, consists of members from NY CREATES Facilities Operations Group (FOG), Facilities Engineering Group (FEG), Grounds Maintenance Department, and EHS.
- 3.4 **Stormwater Management Program Coordinator (SMPC)** is responsible for coordinating the stormwater program with the Committee and stakeholders of ANC to ensure the campus meets the SPDES General Permit requirements for stormwater management systems. A member of the EHS Department serves as the SMPC.

- 3.5 **Employees, Students, Faculty, Tenants, and Contractors** shall practice good housekeeping on campus to mitigate stormwater pollutants entering the stormwater systems.

4. DEFINITIONS

- 4.1 **Best Management Practices (BMPs)** – Schedules of activities, prohibitions of practices, general good housekeeping 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.
- 4.2 **Clean Water Act (CWA)** –The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.
- 4.3 **Construction Activity** – Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-0-20-001, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.
- 4.4 **New York State Department of Environmental Conservation** – NYSDEC
- 4.5 **Design Professional** – NYS licensed professional engineer (PE) or licensed architect.
- 4.6 **Hazardous Materials** – Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 4.7 **Illicit Connections** – Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including, but not limited to:
- Any conveyances which allow any non-stormwater discharge, including treated or untreated sewage, process wastewater, or wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether

said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

- 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.

- 4.8 **Illicit Discharge** – Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6.5 of this policy.
- 4.9 **Industrial Activity** – Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-0-17-004, as amended or revised.
- 4.10 **MS4** – A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- Owned or operated by NY CREATES;
 - Designed or used for collecting or conveying stormwater;
 - Which is not a combined sewer; and
 - Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2.
- 4.11 **NYS Erosion and Sedimentation Control Certificate Program** – A certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting, and maintaining erosion and sediment control plans on projects that disturb soils in NYS. The certificate program is administered by the NYS Conservation District Employees Association.
- 4.12 **Non-Stormwater Discharge** – Any discharge to the MS4 that is not composed entirely of stormwater.
- 4.13 **Person** – Any individual, association, organization, partnership, firm, corporation, or other entity recognized by policy and acting as either the owner or as the owner's agent.
- 4.14 **Pollutant** – Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

- 4.15 **Premises** – Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 4.16 **Qualified Inspector** – A person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed PE, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, NYS Erosion and Sediment Control Certificate Program holder, or other Department endorsed individual(s).
- It can also mean someone working under the direct supervision of, and at the same company as, the licensed PE or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. This training means that the individual working under the direct supervision of the licensed PE or Registered Landscape Architect has received four hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed PE or Registered Landscape Architect shall receive four hours of training every three years.
 - It can also mean a person that meets the Qualified Professional qualifications in addition to the Qualified Inspector qualifications.
 - **NOTE:** Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed PE.
- 4.17 **Qualified Professional** – A person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed PE, Registered Landscape Architect, or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must understand the principles of hydrology, water quality management practice design, water quantity control design, and the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a PE licensed to practice in NYS.
- 4.18 **SPDES Stormwater Discharge Permit** – A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.
- 4.19 **Stormwater** – Rainwater, surface runoff, snowmelt, and drainage.

- 4.20 **Stormwater Management Committee** – This Committee consists of members from FOG, FEG, Grounds Maintenance Department, and EHS, as a minimum.
- 4.21 **SMPC** – An employee designated by NY CREATES to enforce this policy. The SMPC may also be designated to accept and review stormwater pollution prevention plans and inspect stormwater management practices.
- 4.22 **303(d) List** – A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the CWA. 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.
- 4.23 **Third Party Entity** – Business contracted by NY CREATES that creates policies or procedures, provides services or delivery of materials that could impact ANC's storm sewer system.
- 4.24 **Total Maximum Daily Load (TMDL)** – The maximum amount of a pollutant that is allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.
- 4.25 **Wastewater** – Water that is not stormwater, is contaminated with pollutants, and is or will be discarded.
- 4.26 **Water Quality Standard** – Such measures of purity or quality for any water in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

5. SPECIAL CONDITIONS

5.1 Discharge Compliance with Water Quality Standards

The condition that applies where NY CREATES 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, NY CREATES must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

5.2 303(d) Listed Waters

The condition in ANC's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program (SMP) must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

5.3 TMDL Strategy

The condition in ANC's MS4 permit 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, NY CREATES would be required to modify its SMP to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

The condition in NY CREATES 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, NY CREATES 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, NY CREATES must, within six (6) months of the TMDL's approval, modify its SMP to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

6. MS4 PERMIT - SMP

6.1 Administration

6.1.1 The SMP for NY CREATES is administered by the SMPC in conjunction with the Committee. The Committee consists of members from the FOG, FEG, Grounds Maintenance Department, and EHS Organization.

6.1.2 The SMPC shall convene meetings with the Committee on a routine basis, no less than once per calendar year to monitor stormwater management progress on the campus, review regulatory updates, troubleshoot implementation issues, and monitor campus-wide design/implementation efforts.

6.2 Stormwater Management Program Plan (SWMP)

6.2.1 The SWMP is organized based on [Minimum Control Measures \(MCMs\) outlined](#) in the MS4 Permit. The SWMP conforms to the requirements of the MS4 Permit in that it includes measurable goals for each Best Management Practice (BMP) which:

- describe the BMP / measurable goal
- include timelines, schedules, and milestones
- include quantifiable goals
- describe how the campus will address pollutants of concern (POC)

6.2.2 The SWMP functions as the guiding document for the ANC Stormwater Program where the listed tasks and related goals are addressed. The SWMP is on file with the SMPC.

6.2.3 The following is a general description of [each Minimum Control Measure](#) and related policy language pertaining to the ANC.

6.2.4 MCM 1 Public Education and Outreach Program

[MCM 1](#) includes BMPs that focus on promoting general awareness with local campus communities regarding the impact of stormwater discharges on local waterbodies, explaining what is or is not a stormwater discharge, describing pollutants of concern and the steps to reduce these pollutants, as well as describing how and why stormwater is regulated.

6.2.5 MCM 2 Public Involvement/Participation

[MCM 2](#) includes BMPs that focus on involving the local campus community in the development and implementation of the SMP. This MCM is performed by EHS, FOG, FEG, Grounds Maintenance, Shipping and Receiving, Security, and ERT teams.

6.2.6 MCM 3 Illicit Discharge Detection and Elimination (IDDE)

[MCM 3](#) includes BMPs that focus on the detection and elimination of illicit discharges into the campus separated storm sewer conveyance system. It is standard practice that there is to be no discharge of sanitary sewers or illicit discharge e connections into the storm sewer system. Training will be provided to staff to inform them of the hazards associated with illegal discharges and the improper disposal of waste.

To prohibit discharges into the storm sewer system, an IDDE policy is described in this policy, which draws from the 2006 NYSDEC Model Local to Prohibit Illicit Discharges, Activities, and Connections to Separate Storm Sewer System.

6.2.7 MCM 4 Construction Site [Stormwater](#) Runoff Control

MCM 4 includes BMPs that focus on the reduction of pollutants in any stormwater runoff to the MS4 from construction activities. NY CREATES oversight of construction activity must provide equivalent protection to the regulations as contained in the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities GP-0-20-001, as amended or revised.

This [incorporates the](#) implementation of required erosion and sediment control measures, soil stabilization, dewatering, pollution prevention measures, prohibited discharges, enforcement procedures and actions to

ensure compliance, site plan review, material disposals that will impact water quality, and SWPPP procedures. Measures will also include annual review of campus policy and procedures with the Committee, design consultants, and contractors where construction activities apply.

6.2.8 MCM 5 Post Construction Stormwater Management

MCM 5 includes BMPs that focus on the prevention or minimization of water quality impacts from construction projects. NY CREATES oversight of post-construction stormwater practices must provide equivalent protection to the regulations as contained in the NYSDEC SPDES General Permit from Stormwater Discharges from Construction activities GP-0-20-001, as amended or revised. Post construction stormwater management practices must meet the selection, design, installation, and maintenance performance criteria in the NYS Stormwater Management Design Manual (“Design Manual”), dated January 2015, as amended, or revised, using sound engineering judgment. This includes the consideration and review of green-infrastructure practices.

All post-construction practices are to be inventoried and maintained in a database consisting of maps and spreadsheets that is updated when new facilities are constructed and placed into service. Maintenance of these facilities is to be performed in accordance with the O&M manuals prepared for the practice and recorded in the database.

Post-construction stormwater practices include inspections, corrective measures, and training. Each post-construction stormwater practice is to be examined at a minimum annually, which is performed or organized by the SMPC and Committee members for priority of any modification or improvement needs based on location and potential for pollution impact that may result on receiving waters and the environment. Employee training in methods of pollution prevention and good housekeeping will be provided for education.

6.2.9 MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations

MCM 6 includes NYSDEC BMPs which focus on ensuring that the campus is maintained, and related operations are performed in ways that will minimize contamination of stormwater discharges.

The SMPC, working in conjunction with the Committee, are to perform and document, at a minimum every three years, a self-assessment audit of all operations in order to determine if there are any sources of pollution created by the O&M facilities on the campus. Each assessment will result in a determination of management practices and policies that may need to be developed and implemented to correct any deficiencies or provide for improvements in the practices.

ANC practices good housekeeping on campus to mitigate stormwater pollutants entering the stormwater systems.

[MCM 7](#) includes coordination with the Committee. Other additional staff whose operations or onsite activities may impact stormwater pollution prevention will be invited to discussions and implementation of stormwater program management requirements, as needed. The Committee is led by the SMPC and will convene as needed and provide information and guidance for campus stormwater-related issues, policy, and procedures.

The SMPC will submit the Annual Report (reporting period from [January 3rd-January 2nd](#)) to the NYSDEC of each reporting year on April 1st, as required by the MS4 permit. [In addition, the SMPC will submit interim progress reports on October 1st and April 1st of each reporting year.](#)

ANC policy is to have any third party that may help develop or implement the SWMP sign the Contracted Entity Certification Statement in Appendix A of this document. By signing this document, the third party is ensuring that it:

- Will comply with permit requirements;
- Will use their identified (and approved) staff personnel responsible for contracted activities; and
- Understands the work location(s).

7. THE PROHIBITION OF ILLICIT DISCHARGES, ACTIVITIES, AND CONNECTIONS TO THE SEPARATE STORMSEWER SYSTEM

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

- To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. [GP-0-24-001](#), or as amended or revised;
- To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process, or discharge non-stormwater wastes;
- To prohibit Illicit connections, activities, and discharges to the MS4;

- To establish authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this policy; and
- 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.

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

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

7.2 Discharge Prohibitions

7.2.1 Prohibition of Illegal Discharges

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

- The following discharges are exempt from discharge prohibitions established by this local policy, unless the Department or the site has determined them to be substantial contributors of pollutants:
 - water line flushing or other potable water sources,
 - landscape irrigation or lawn watering,
 - rising ground water,
 - uncontaminated ground water infiltration to storm drains,
 - uncontaminated pumped ground water,
 - foundation or footing drains,
 - air conditioning condensate,
 - irrigation water,
 - springs,
 - water from firefighting activities, and

- any other water source not containing pollutants.

Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

- Discharges approved in writing by the SMPC to protect life or property from imminent harm or damage; provided that, such approval shall not be construed to constitute compliance with other applicable policy and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMPC may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local policy.
- Dye testing in compliance with applicable state and policy is an allowable discharge but requires a verbal notification to the SMPC prior to the time of the test.
- The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable policy and regulations, and provided that written approval has been granted for any discharge to the MS4.

7.3 Prohibition of Illicit Connections

- The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited.
- This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under policy or practices applicable or prevailing at the time of connection.
- A person is considered to be in violation of this local policy if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

Prohibition against Activities Contaminating Stormwater that are subject to the requirements of this section are those types of activities that:

- Cause or contribute to a violation of the MS4 SPDES permit.
- Cause or contribute to ANC being subject to the Special Conditions as defined in this policy.

Upon notification to a person that they are engaged in activities that cause or contribute to violations of the site MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that they no longer causes or contributes to violations of the MS4 SPDES permit authorization.

The requirement to prevent, control, and reduce stormwater pollutants through the use of BMPs where the SMPC has identified illicit discharges or activities contaminating stormwater implementation of BMPs to control those illicit discharges and activities may be required.

- The owner or operator of a commercial or industrial establishment shall provide, at his or her 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.
- Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section III or an activity contaminating stormwater as defined in Section 6, 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.
- 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 compliant with the provisions of this section.

7.4 **Suspension of Access to MS4 Illicit Discharges in Emergency Situations**

The SMPC may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMPC 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 SMPC may take such steps, as deemed necessary, to prevent or minimize damage to the MS4 or to minimize danger to persons.

Any person discharging to the site's MS4 in violation of this policy may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMPC will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMPC for a reconsideration and hearing. Access may be granted by the SMPC 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 SMPC determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMPC.

Any person or entity 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 NY CREATES prior to allowing discharges to the MS4.

Access and monitoring of discharges applies to all facilities that the SMPC must inspect to enforce any provision of this policy, 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 policy.

- The SMPC shall be permitted to enter and inspect facilities, subject to regulation under this policy, as often as may be necessary to determine compliance with this policy.
- Facility operators shall allow the SMPC 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 policy.
- NY CREATES shall have the right to set up on any facility, subject to this policy, such devices, as are necessary, in the opinion of the SMPC to conduct monitoring and/or sampling of the facility's stormwater discharge.
- NY CREATES has the right to require the facilities, subject to this policy, to install monitoring equipment, as is necessary, to determine compliance with this policy. 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.

Notwithstanding other requirements of this policy, as soon as any person responsible for a facility or operation, including third party entities, 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, said person shall immediately contact Security at (518) 437-8600. The owner or operator of such establishment shall generate a spill report of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

7.4.1 Contact Information:

- Emergency number: (518) 437-8600
- SMPC Name: Whitney Crowe
- SMPC Email: wcrowe@ny-creates.org
- SMPC Phone: (518) 918-6771

8. **CONSTRUCTION ACTIVITY PERMIT ADMINISTRATION**

A SPDES General Permit for Stormwater Discharges from Construction Activity must be obtained for site construction activities that:

- involve one or more acres of soil disturbance;
- involve less than one acre of soil disturbance, but are part of a larger plan/project that will disturb more than one acre; or
- are less than one acre but have the potential for stormwater discharge to violate a water quality standard or significantly contribute pollutants to surface waters of the State.

The SMPC is responsible for ensuring the implementation of the site SWMP and shall review and approve all construction activity SWPPPs for projects that require a SWPPP. All applicable projects are required to be completed in accordance with the SWPPP.

A consultant, if used, is to prepare and sign the Notice of Intent (NOI) as preparer and the consultant will sign the MS4 Permit Third Party Certification Form.

The SWPPP is to be submitted to the SMPC for review. For final submission, a hard copy and electronic version of the SWPPP is required. Upon acceptance, the NOI for campus funded or managed projects is to be signed by the Vice President of EHS. The NOI for non-campus funded or managed projects will be signed by the funding agency. All SWPPPs must be prepared by a Qualified Professional.

The NOI is to be submitted to the NYSDEC by the above-mentioned signatories, as required, and for record keeping purposes a copy of the signed NOI is to be sent to the SMPC.

Once the project has been permitted by NYSDEC, for record keeping purposes, a copy of the Acknowledgement Letter and SPDES permit number will be sent to the SMPC by the contracted consultant, Vice President of EHS, and/or the funding agency responsible for the Construction Activity Permit.

No building permits shall be issued without an accepted SWPPP for which there is documented Construction Activity permit coverage (NYSDEC Permit No., NYSDEC Acknowledgment Letter). Upon receipt of permit documentation, the campus SMPC will provide a letter of acceptance to NY CREATES's Code Enforcement Officer.

Upon request, the SWPPP shall also be submitted to the NYSDEC within five business days of making the request.

The SMPC is to be notified prior to any SWPPP amendment for review and acceptance.

Once the construction project is completed and the conditions of "Termination of Permit Coverage" are met, a qualified professional will prepare a Notice of Termination (NOT) for the construction project. The NOT is to be signed by the Vice President of EHS or a vice-president of the corporation in charge of a principal business function. The SMPC is responsible for submitting the NOT to the Department.

At the completion of the construction project, a hard copy and soft copy of engineering design documentation and drawings, as well as the O&M Manual prepared for each stormwater management treatment structure included in the SWPPP must be transferred to FOG and FEG.

The SMPC is responsible for retaining copies of the:

- NOI,
- NOI Acknowledgement Letter,
- SWPPP,
- MS4 SWPPP Acceptance Form,
- Inspection Reports, and
- NOT for a minimum of five (5) years after the Department receives a completed NOT.

9. STORMWATER POLLUTION PREVENTION PLANS

A SWPPP must be prepared for all construction projects required to obtain a SPDES General Permit for Construction. For projects that are classified as recreational trails, at a minimum, the SWPPP shall contain a sediment and erosion control plan. For disturbances of one acre or more, post-construction stormwater practices will be required. Projects that disturb five (5) acres or more at any one time will require a variance from the NYSDEC. The SWPPP is to be submitted to the SMPC for review and approval.

The SWPPP is to be prepared in accordance with the requirements of:

- NYS Stormwater Management Design Manual
- NYS Standards and specifications for Erosion and Sedimentation Control
- NYSDEC SPDES General Permit from Construction Activity, Permit No. GP-0-20-001, as amended or revised
- This policy

The SWPPP shall describe the erosion and sediment control practices and when required, Post-Construction Stormwater Practices that will be used and/or constructed to reduce the pollutants in stormwater discharges and to assure compliance with the permit. All potential pollution sources which may be expected to affect stormwater discharge quality, must also be identified in the SWPPP.

An O&M manual is to be prepared by a qualified professional and submitted to FOG and FEG departments for post-construction stormwater practices.

The SWPPP is to remain current during the construction. At a minimum, the SWPPP shall be amended:

- whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater discharges from the site;
- whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the discharge of pollutants; and/or
- to address issues or deficiencies identified during an inspection by the qualified inspector, the stormwater program coordinator, NYSDEC, or other regulatory authority.

10. PRE-CONSTRUCTION SITE STORMWATER CONTROL

A pre-construction meeting is to be held with the contractor prior to the commencement of construction activity to review the procedures and requirements. In accordance with NYSDEC permit requirements, construction activity resulting in site disturbance is not to commence until five (5) business days after the NYSDEC receives the NOI, and all necessary permits have been issued.

All contractors that create site disturbance are required to sign the contractor's certification statement contained in the SWPPP before commencing any construction activity.

Contractor(s) and subcontractor(s) that are to be responsible for the erosion and sediment control practices shall be identified, and each contractor shall identify at least one individual that will be responsible for implementation of the SWPPP. The individual must be a qualified inspector in accordance with the requirements contained in the General Permit and shall provide to the SMPC certification documenting completion of a 4-hour NYSDEC endorsed training in proper erosion and sedimentation control principles.

Each contractor(s) and subcontractor(s) identified as responsible for installing, constructing, repairing, replacing, inspecting, and maintaining the erosion and sediment control practices included in the SWPPP, and/or responsible for constructing the post-construction stormwater management practices included in the SWPPP shall sign a copy of the certification statement in Appendix A before they commence any construction activity.

The SMPC is responsible for attaching the above certification statement(s) to the SWPPP maintained on the construction site. Also, for ensuring the identification of the specific elements of the SWPPP that each contractor and subcontractor will be responsible for including:

- 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 of the site; and
- the date the certification statement is signed.

Contractors and subcontractors that create site disturbances involving sedimentation and erosion control measures are to each identify at least one individual from their company which is a trained contractor in accordance with the requirements contained in the General Permit that will be responsible for implementation of the SWPPP. This individual will be referred to as the trained contractor and will need to provide current documentation of completing the 4-hour NYSDEC endorsed training in proper erosion and sedimentation control principles. The trained contractor inspector is to perform daily SWPPP oversight and certification.

Inspections of construction activities shall be performed in accordance with the General Permit requirements. NY CREATES or the funding agency will engage a designated Qualified Inspector to perform the inspections and provide reports to the SMPC and all interested parties within seven (7) days. The reports will include, at a minimum, all information specified in the permit and be signed by the qualified inspector.

Within 24 hours of the inspection, the qualified inspector must notify the SMPC (or designee) of any deficiencies in the erosion and sedimentation control measures. Corrective actions on the erosion and sedimentation control measure must begin within one business day of notification. Illicit discharges shall be corrected immediately and any impacts to downstream systems shall be cleaned, repaired, or replaced at the contractor's expense.

Failure of the contractors, subcontractors, agents, and/or assigns to strictly adhere to any of the permit requirements shall constitute a violation. NY CREATES may issue a stop-work order, whereby all work of any nature is to be halted on the site, including structures. The stop-work order shall remain in effect until NY CREATES confirms that the violation has been properly corrected and the project is in conformance with the permit. A stop-work order shall not be the basis for lost construction time or a request for any time extension. Should the contractor fail to perform the required work within two (2) days, NY CREATES shall consider taking the action to have the work completed and any costs incurred may be charged to the contractor. Violations are also subject to the NYSDEC policies and legal action, as contained in the General Permit.

11. POST-CONSTRUCTION STORMWATER MANAGEMENT

NY CREATES shall maintain stormwater treatment structure inventory and implement inspection and maintenance of the stormwater treatment structures. The program shall include periodic training for local campus personnel as well.

NY CREATES shall maintain a complete inventory of all post-construction stormwater treatment structures that includes a listing and map of the locations of the structures.

The inventory is to be maintained by the FOG and FEG and is to include:

- structure identification number,
- name of the structure, and
- the type of stormwater management practice and treatment.

The inventory on site maps and spreadsheets is to be updated by FOG and FEG whenever a new structure is placed into service.

NY CREATES shall provide O&M on all post-construction stormwater practices in accordance with the O&M Manual prepared for each structure included in the SWPPP. The O&M program of the stormwater treatment structures is to be set up by the FOG and implemented by the Grounds Maintenance Department. Maintenance records for all work performed on the structures are to be submitted to the FOG File Manager for archive.

The stormwater treatment structures should be inspected in accordance with the recommended schedule for each practice, at least annually. The inspections are to determine if the practice is functioning properly and meeting the design requirements. The inspections will also determine if the maintenance is effective or if any increased maintenance, repairs, and upgrades are necessary. When an improperly functioning stormwater structure or practice is determined during facilities inspections, a qualified professional will be consulted to diagnose typical problems or modify the improperly functioning structure. Records are to be maintained for the inspections and any recommendations made. The inspection reports are to be submitted to the FOG File Manager for archive.

12. GREEN INFRASTRUCTURE POLICY DESIGN

ANC is a non-traditional MS4 pursuant to NYSDEC's SPDES General Permit for Stormwater Discharges from MS4s. That permit requires NY CREATES to undertake various measures during the design and construction of new facilities and the redevelopment of existing facilities to reduce the discharge of stormwater pollutants to the maximum extent practicable. The goal is to exceed the water quality and reduction of quantity to above the General Permit requirements through increased green infrastructure use. That is achieved by incorporating the principles of Low Impact Development, Better Site Design, and other Green Infrastructure measures in the design of the facilities.

All green infrastructure facilities and stormwater control measures shall be designed in accordance with the most recent NYS Stormwater Management Design Manual.

This guidance applies to all projects that will result in a land disturbance. For the purpose of this policy, “project” refers to any building, parking lot, sidewalk, playing field, or any other activity that will result in the disturbance of land with construction of impervious surfaces.

Whenever undertaking the design of a new project whether it is a new facility or the redevelopment of an existing facility, it shall incorporate the design guidelines for green infrastructure set forth herein to the maximum extent practicable. This can be included in the construction project as a scope for the engineering firm by the construction design team. A meeting is to occur with the SMPC to review incorporating the use of Green Infrastructure practices.

All green infrastructure facilities and stormwater control measures shall be designed in accordance with the most recent NYS Stormwater Management Design Manual.

13. RECORDS

The EHS Department maintains copies of regulatory permits and reports; and has access to the archive folder of the inspection and maintenance reports of the stormwater treatment structures at ANC.

14. APPENDIX

APPENDIX A - Contracted Entity Certification Statement

APPENDIX A - Contracted Entity Certification Statement

CONTRACTED ENTITY CERTIFICATION STATEMENT

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of NY CREATES's SWPPP and agree to implement any corrective actions identified by NY CREATES or a representative. I also understand that NY CREATES must comply with the terms and conditions of the NYS Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from the MS4s and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by NY CREATES will not diminish, eliminate, or lessen my own liability."

The following services are to be provided to: (Check proper certifying entity below)

- Research Foundation
- NY CREATES / Fuller Road Management Corp.

Description of Services Provided:

Name: _____

Title: _____

Address: _____

Phone
Number: _____

Signature: _____