STORMWATER POLLUTION PREVENTION PLAN

for

3750 Millersport Highway

Town of Amherst
Erie County, New York 14068
Lots 70.11 & 58.111, Block 1

Prepared For:

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PREFACE

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the Citi-Crosspointe Parking Lot Expansion located at 3750 Millersport Highway in Amherst, New York. The project site consists of two lots (Block 1, Lot 58.111 & 70.11), however, the proposed development discussed in this SWPPP will occur solely on Lot 58.111. The redevelopment consists of a 491 spaces parking lot expansion to support the existing Citi Bank office space located on Lot 70.11. Additional improvements include stormwater management facilities, landscaping, site lighting and wetland mitigation.

As described in Appendix B, Table 2 of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-20-001), which is included in this report as Attachment G, this SWPPP consists of both construction phase erosion and sedimentation controls, and post-construction stormwater management practices.

The SWPPP describes practices and procedures required to prevent pollutants from entering the waters of the United States via stormwater runoff. The stormwater management design and erosion control plan for the project were prepared using criteria established in the New York State Standards and Specifications for Erosion and Sediment Control (November 2016).

Site Operator

Operator
CITI Group Technology INC
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Chicago, IL 60606

Contact
Name: Jasmine Baker
Telephone: (312) 933-0137

General Contractor

The general contractor for construction activities is responsible for installing and maintaining all stormwater pollution prevention measures proposed in this plan.

General Contractor
TBD

Contact
TBD

SWPPP Development

This SWPPP was developed in accordance with the New York State Stormwater Management Design Manual, erosion and sediment control standards, and accepted engineering practices, and provides the following:

- Offers protective measures to minimize sediment transport during construction activities.
- Describes the implementation of control measures that are to be used to reduce pollutant loadings from stormwater runoff during construction activities.
- Identifies potential sources of stormwater pollution from the construction site.
- Includes site wide post-construction stormwater management practices.

SWPPP Review

This SWPPP will be kept on-site and will be made available for review by the designer, general contractor, subcontractors, and applicable federal, state, and local regulatory agencies that have jurisdiction over the construction site. If necessary, any of these regulatory agencies may notify the owner that the SWPPP is not in compliance with required regulations. If the SWPPP is in need of revision, the operator of the project will make the required revisions to the SWPPP within 7 days of notification by the regulatory agency. In addition, the operator will submit a written certification that the revisions have been made and will be implemented.

SWPPP Update

When deemed necessary, the preparer or operator may amend this SWPPP by making a change in design, construction, operation, maintenance, or other item that has an effect on the potential for discharge of pollutants from stormwater runoff associated with the construction activities. Amendment of the SWPPP by the preparer or operator may also be deemed necessary under the following conditions:

- Field conditions render the erosion and sediment control measures to be ineffective in minimizing pollutants from stormwater discharges.
- To identify a new contractor that will implement any measure of the SWPPP.

The revised SWPPP should be marked as such with the revision date and shall be distributed by the owner or general contractor to the relevant parties.

EXISTING CONDITIONS

Site Description

The project area for this SWPPP is Erie County Block 1, Lots 70.11 & 58.111, commonly known as 3750 Millersport Highway and 580 Crosspoint Parkway, Town of Amherst, NY. The total site area is approximately 15.98 acres (Lot 70.11 is 7.99 acres, and lot 58.111 is 7.99). The project proposes the merging of these two lots under separate application. The site frontage is to the south, along Millersport Highway. See Figure 1 for a site location map.

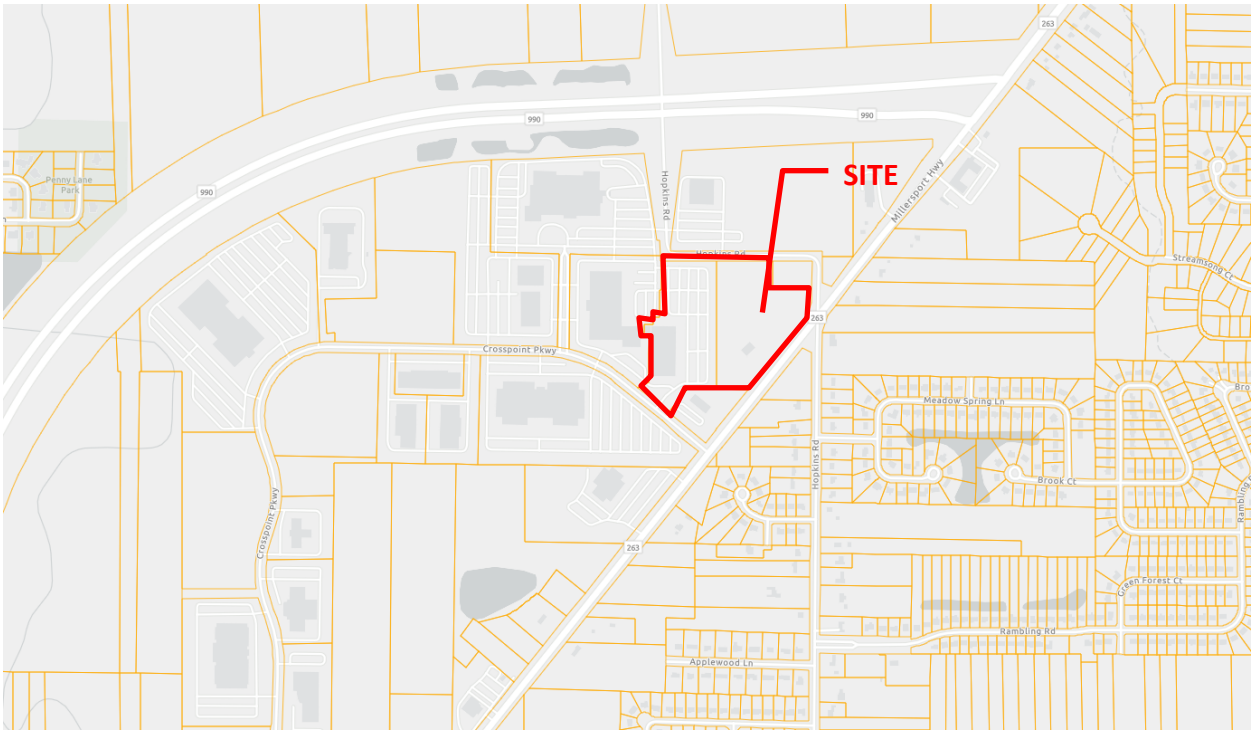


Figure 1: Site Location Map

Existing conditions on Lot 70.11 (580 Crosspointe Parkway), the western portion of the site, consists of an office building and associated parking. Lot 58.111 (3750 Millersport Highway) is currently vacant and is primarily covered by grass and carious vegetation, though there are patches of impervious surfaces which remain from the previous tenant. All proposed improvements discussed in this SWPPP report will take place on Lot 58.111.

There is an existing drainage ditch, identified as ditch 26A, which flows south to north along the existing lot line separating the two lots.

There are three wetlands located on site. Two of which are isolated wetlands, not regulated by the Section 404 of the Clean Water Act, and the third wetland, located at the southern end of the site, is subject to Army Corps of Engineers regulations. All wetlands have been reviewed by the Department of Army Corps of Engineers, and a Jurisdiction Determination has been provided for the wetlands (No. 2003-00052, dated March 26, 2020).

Soil Characteristics

The Soil Survey of Erie County, conducted by the U.S. Department of Agriculture (USDA) in 2022, was used to identify soil types resulting from natural deposition and modification, as well as human-induced alterations associated with land use. Figure 2 provides the USDA soil survey for the subject property. Geotechnical testing is currently being scheduled within the proposed infiltration area footprint. For the purposes of design, we have assumed an infiltration of 0.5 in/hr until testing results are received.

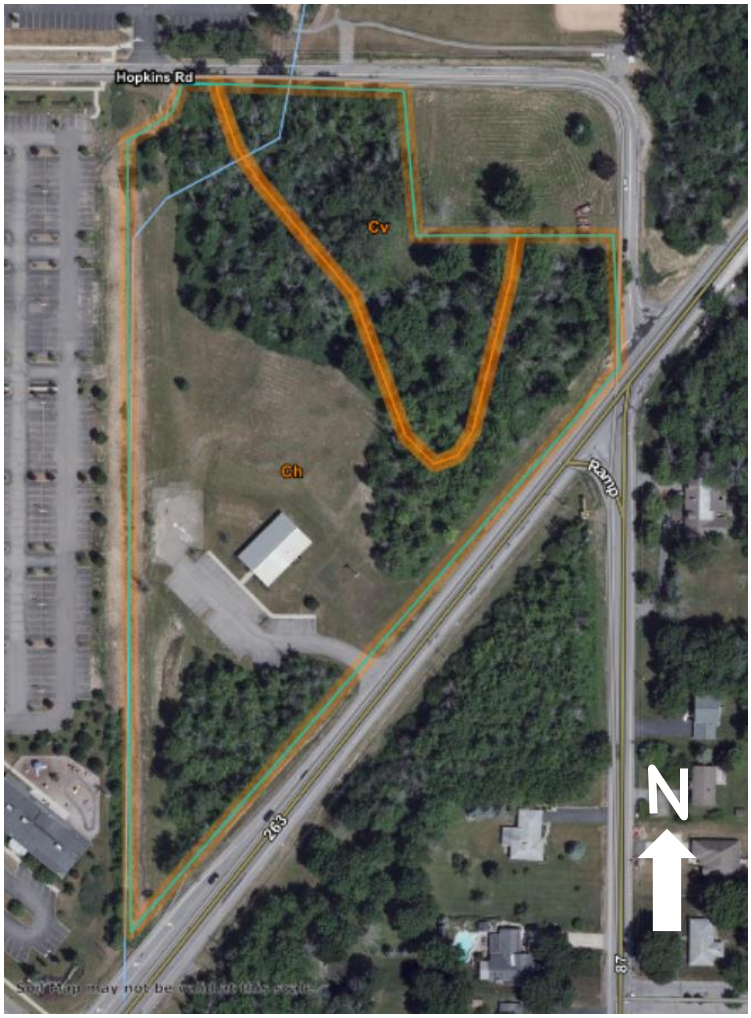


Figure 2: USDA Soil Survey
(Source: USDA Web Soil Survey)

Map Unit Symbol	Map Unit Name	Percent of AOI	Hydrologic Soil Group
Ch	Cheektowaga fine sandy loam, 0 – 3% slopes	79.0%	C/D
Cv	Cosad loamy fine sand, 0 – 3% slopes	21.0%	C/D

Existing Stormwater Runoff Characteristics

The existing site is currently vacant and was previously occupied by a church. The site is primarily covered by wooded and grass area, though there are impervious patches which remain from the previous tenant. The existing site is rather flat and existing stormwater runoff either ponds on-site or sheet flows west, at slopes less than 1%, to the drainage ditch. There is an existing detention pond, which served the previous development, at the south end of the site which discharges into the drainage ditch.

PROPOSED CONDITIONS

The proposed project consists of a 491-space asphalt parking lot expansion on 3750 Millersport Highway to support the existing Citi Bank Office space located at 580 Crosspointe Parkway. Proposed site improvements that will accompany the development include the clearing of wooded areas, leveling of the site, landscape improvements, hardscape improvements, on-site lighting and a stormwater management facility.

The project proposes to capture all stormwater within the proposed improvement limits via catch basins and convey stormwater via piping to an above ground infiltration basin located at the south end of the site. Stormwater from the infiltration basin will outfall to the drainage ditch on the west side of the site. The infiltration system has been designed to meet NYSDEC water quality volume, runoff reduction and peak flow requirements. A TR-55 model was established for the post site conditions utilizing HydroCAD software to determine volume size.

The project proposes to fill portions of all three existing wetlands on site to support the proposed parking lot expansion. Per Jurisdictional Determination No. 20003-00052, two of the existing wetlands onsite are considered isolated and authorization from the Department of the Army is not needed to commence work on the wetlands. The existing wetland to the south is regulated, however, and subject to Army Corps permitting. Refer to Attachment G for a copy of the Jurisdictional Determination.

EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION

The NYSDEC requires the implementation of protective measures to minimize the effect of erosion and sediment impacts from construction activities involving soil disturbance. Temporary soil erosion and sediment control measures will be applied to this site to minimize the amount of sediment carried by stormwater runoff during construction activities. The temporary structural and vegetative measures have been designed in accordance with the NYSDEC Standards and Specifications for Erosion and Sediment Control (November 2016) and the SPDES General Permit. The following summarizes the planned soil erosion and sediment control practices as shown on sheet C1.0 through C7.1 enclosed herein.

Soil Erosion and Sediment Control Practices

- Silt Fence: A r silt fence will be installed along the limits of the site to prevent any sediment laden runoff from discharging off site. Reinforced silt fence will also be placed around the base of any stockpiles. The location of silt fence is shown on Drawings C1.0 through C1.1.
- Inlet Protection: Drop fabric inlet protection will be installed in catch basins. Stone inlet protection will be installed in areas where high sediment transport is expected. Typical filter fabric inlet protection will be installed at curb inlets in areas of site development.
- Stabilized Construction Entrance: Stabilized construction entrances will be installed at locations determined by the general contractor. The likely location for the construction entrance is shown on Drawings C1.0 and C1.1, however, the operator may relocate the construction entrances if necessary and as coordinated with Richmond County and the NYSDOT. Wash-down water and runoff from the construction entrances shall be directed to appropriate soil erosion and sediment control measures.
- Dust Control: Excessive dust shall be controlled by water sprinkling.
- Surface Stabilization: Surface stabilization will be accomplished with vegetation and mulch. Roadway, concrete sidewalks, pavers and building base course will be installed as soon as finished grade is reached. All ground covers must achieve at least 80% density, and the vegetation must be thriving.
- Temporary Stabilization: Temporarily seed exposed rough-graded soil areas as required by construction schedule. Temporary seeding will be primarily limited to any long-term exposed, rough graded areas and soil stockpiles. See sheet C1.0 for construction scheduling notes. All ground covers must achieve at least 80% density, and the vegetation must be thriving.
- Staging & Equipment Storage Areas: Provide standard soil erosion and sediment control measures to all areas used for equipment staging and storage. The objective of these measures shall be to prevent any off-site sediment tracking due to equipment, loading of trucks or other vehicles, etc. Install inlet protection in these areas, as required. Short-term soil stockpiles are to be covered and protected with tarps if exposed for more than 3 days.
- Concrete Truck Washout: This facility will receive highly alkaline wash water from the cleaning of chutes, mixers, hoppers, vibrators, placing equipment, trowels, and screeds. This facility shall be sized at 7 gallons per chute and 50 gallons per hopper of concrete pump truck and located a minimum of 100 ft from the tidal wetland.

Construction Sequencing and Soil Erosion and Sediment Control Schedule

This construction schedule has been prepared to clearly outline the construction and the implementation of the soil erosion and sediment control measures. Project construction is anticipated to take place in two phases: Phase 1 will include the site clearing, rough grading and installation of erosion control measures and Phase 2 will include the construction of site utilities, proposed site improvements and site stabilization. The construction sequencing should be used as a general guide, and the contractor shall adjust as needed per field conditions. All temporary erosion and control measures are to be installed prior to site demolition (per sequencing below) and are to remain in place until the site has been fully stabilized. The construction schedule is

also shown on Drawing C1.0. All temporary erosion and sediment control measures are to remain in place until earthwork completion and site is permanently stabilized.

Phase 1 Schedule:

1. Obtain local and state permits and approvals prior to commencing earthwork;
2. Flag the work limits and items to be protected;
3. Hold preconstruction meeting with contractor, and project engineer at least one week prior to construction to coordinate implementation of erosion and sediment control practices;
4. Install reinforced silt fence as shown on the plan C1.0 and C1.1 or as directed by soil expert in the field. (2 Days)

   Silt fence locations should be phased such that no sediment laden water leaves the site;
5. Install drop fabric inlet protection on all existing catch basins as shown on the plan C1.0 (1 day);
6. Install staging, lay-down, and construction entrance areas on stabilized portions of the site as directed by the owner in the field (2 days);
7. All erosion and sediment control practices will be inspected daily by a trained contractor and twice a week by a qualified inspector. Needed repairs shall be made immediately. Keep areas beyond site in clean, clear condition during course of work. Temporary erosion control measures installed shall remain installed from this point until site is fully stabilized.
8. Demolish site features, building and debris, dispose of waste materials off-site in accordance with local, state, and federal regulations (2 weeks);
9. Complete rough grading and begin excavation of export material as determined by the contractor in the field. (2 months)

Phase 2 Schedule:

1. Install stormwater drainage infiltration system and pipe conveyance system. (2 months)

   Immediately upon installation of each storm inlet, install drop fabric inlet protection as shown on the plan C1.0 through C1.1. Drop fabric inlet protection to remain until site is fully stabilized.
2. Sprinkle areas of exposed soil and soil stockpiles with potable water as necessary to control dust;
3. Complete fine-grading and permanent stabilization. Install asphalt pavement, sidewalk and curb according to construction plans. (3 months)

   Prior to curb and sidewalk installation, install concrete washout station and keep on-site until all concrete work is complete and stabilized.
4. Remove all temporary erosion and sediment control measures when earthwork is complete, and all permanent surfaces are in place and established. All stormwater structures within the disturbed area and right-of-way must be clear of sediment. (2 days)

Maintenance Program

The trained contractor shall be responsible for the installation and maintenance of all temporary erosion and sediment control measures. A log shall be kept, documenting the maintenance of the control measures. Inspections shall be done under the supervision of a licensed Professional Engineer or Landscape Architect, or a Certified Professional in Erosion and Sediment Control. Reference "Inspections During Construction" section for inspection schedule and guidelines.

Any material removed from a temporary control measure shall be incorporated back into the earthwork as fill on the site or shall be exported according to appropriate government regulations. Any such material to be redistributed on-site will be done so in an even manner as to not change drainage patterns present at that time.

All maintenance methods described below are in direct accordance with the New York State Standards and Specifications for Erosion and Sediment Control (November 2016)

- Silt Fence: Maintenance of all silt fence installed shall be performed as needed. When "bulges" of material develop on the fence, they shall be removed. Repair the silt fence as necessary to maintain a constant barrier.
- Stabilized Construction Entrances: The stabilized construction entrances shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device. Periodic inspection and needed maintenance shall be provided after each rain.
- Dust Control: Maintain dust control measures through dry weather periods until all disturbed areas are stabilized.
- Inlet Protection: The structure shall be inspected after every storm event with repairs made as required. Remove sediment from the pool area as necessary with care not to undercut or damage the filter fabric or stone berm. Upon stabilization of the drainage area, remove all materials and unstable sediment. Bring the adjacent area of the drop inlet to grade, smooth, compact, and stabilize in the appropriate manner to the site.
- Disturbed Land: Any land disturbed and exposed for more than 7 days is to be seeded and stabilized. Apply ryegrass at 30 lb./ac in spring and summer, or winter rye at 100 lb./ac in late fall through early winter. Mulch the area with hay or straw at 2 tons/acre and anchor where wind and areas of concentrated water are concerned.

Inspection During Construction

A qualified professional shall conduct an assessment of the site prior to the commencement of construction. The qualified professional is to be a person knowledgeable in the principles and practices of erosion and sediment controls. The qualified professional shall be under the supervision of a licensed professional engineer, Certified Professional in Erosion and Sediment Control (CPESC), or soil scientist qualified in these regards.

Per the NYS SPDES General Permit for Stormwater Discharges – Part II.D.3, at no point in time will more than 5.0 acres of soil be disturbed at a given period. The contractor shall determine the final phasing scheme and confirm phase 1 limits of stabilization prior to commencing phase 2 soil disturbances. Please refer to the Soil Disturbance Phasing Plan (Drawing C2.1) for additional detail.

The owner or operator shall have a qualified professional conduct a site inspection at least once every seven calendar days. The qualified profession shall certify in an inspection report that the appropriate erosion and sediment control measures described within this SWPPP have been adequately installed or implemented to ensure overall preparedness of the site for the commencement of construction. A typical inspection report form for conducting the inspections is included in Appendix B. A monthly inspection summary and quarterly compliance summary for the inspections of the erosion and sediment control measures shall be prepared by a qualified professional knowledgeable in the principles and practices of a licensed engineer. The general contractor is to post on-site a summary of site inspection activities on a monthly basis.

Generally, the inspection report is to include the inspector's name, date, findings of the inspection, notes, and actions taken to repair or replace defective control measures. Copies of the inspection report are to be distributed by the general contractor to the owner and the preparer. Based on the results of the inspection, the pollution prevention measures identified in this SWPPP are to be revised and implemented as appropriate by the general contractor and SWPPP preparer within seven calendar days following the date of the inspection. Further mitigation measures are to be taken by the general contractor if warranted. Each inspection report is to remain on file at the site as part of this SWPPP. The general contractor shall post at the site, in a publicly accessible location, a summary of the site inspection activities on a monthly basis.

Prior to the completion of work, the general contractor shall have the qualified professional perform a final site inspection. The qualified professional shall certify that the site has undergone final stabilization using either vegetative or structural stabilization methods and that all temporary erosion and sediment control measures are no longer required.

POST-CONSTRUCTION STORMWATER CONTROLS

Stormwater management is essential in protecting the waters of the State of New York from the effects of urban stormwater runoff. As such, NYSDEC has developed requirements to improve the protection of these water bodies from stormwater runoff. Through the use of stormwater management practices that are in accordance with the New York State Stormwater Management Design Manual (SMDM), the water quality and quantity requirements can be met.

Pre-developed Drainage Area

Site topography is relatively flat and generally slopes east to west toward the existing drainage ditch on the west side of the site. There is one (1) drainage area that was outlined in the pre-development condition:

1. Existing Drainage to Ditch – This area encompasses the entire limit of disturbance on which runoff flows east to west to the existing drainage ditch on site.

Table 1: Summary of Pre-Developed Drainage Areas			
Drainage Area	**Pervious Area (acre)**	**Wooded Area (acre)**	**Impervious Area (acre)**
E-1	2.24	2.12	0.38
Total	**4.74**		

Post-Developed Drainage Area

The proposed development will be a new 491-space asphalt parking lot designed for passenger vehicles. These improvements result in a net increase of 3.57 acres of impervious surfaces. The proposed parking lot is designed to have a series of low points throughout, where stormwater will be collected via inlets and conveyed to the infiltration basin at the south end of the site. Drainage from the basin will outfall to the existing drainage ditch to the west, thus maintaining existing drainage patterns.
The post-development condition has one drainage area:

1. Proposed Drainage to Infiltration Basin (P-1) –Includes all runoff associated with the proposed improvements and this runoff will be conveyed to the infiltration basin.

Table 2: Summary of Post-Developed Drainage Areas		
Drainage Area	**Pervious Area (acre)**	**Impervious Area (acre)**
P-1	0.79	3.95
Total	**4.74**	

Above-Ground Infiltration Basin

Stormwater runoff from the entirety of the proposed improvements will be collected via inlets, conveyed via pipes and discharged to an infiltration basin located at the southern end of the site. Stormwater runoff from the infiltration basin will outfall to the drainage ditch at the western edge of the site. Prior to entering the basin, stormwater runoff will be pretreated through a forebay and be discharged to the basin via a riprap pad which extends from the forebay peak to the basin. The infiltration basin has been sized to infiltrate the water quality storm and includes an outlet control structure which will provide flow reductions per NYSDEC requirements. Refer to table 1 below for a summary of infiltration basin sizing.

Table 3 – Infiltration Basin Summary

Basin ID	Basin Type	SHWT EL (NAVD88)	Bottom of Soil/Stone Media (NAVD88)	Basin Invert (NAVD88)	Water Quality Storm Elev (NAVD88)	100-Year Storm Elev (NAVD88)	Emergency Spillway Elev (NAVD88)
Basin 01	Infiltration Basin	<570.00	572.75	573.25	574.62	576.24	576.75

Table 4 – Outlet Control Structure Summary

OUTLET CONTROL STRUCTURE	Culvert Out Elevation (NAVD88)	12″ Low Flow Orifice Elevation (NAVD88)	6″ 10-yr Storm Orifice (NAVD88)	Weir Height (NAVD88)
OCS - 23	574.50	574.50	574.80	576.00

Water Quality Requirements and Controls

NYSDEC requires the treatment of the water quality volume, as defined in Section 4.2 of the SMDM. This volume is designed for the 90% rainfall event number for the State of New York, and derived from the impervious coverage of the development, as well as the contributing drainage area. The water quality volume is required to be treated through the implementation of acceptable stormwater management practices. Refer to Table 1 for Water Quality Volume Calculations.

Water quality controls for this SWPPP have been sized following the criteria of Section 4.2 of the SMDM. For this project, water quality control will follow Section 6.1 – Infiltration Basin. The system consists of one 36,283 cf infiltration basin which will treat all stormwater runoff from the proposed surface improvements. The system will infiltrate, store, and ultimately discharge runoff to the existing drainage ditch to the west.

Table 5: Water Quality Volume Requirement (WQ_V)								
Proposed Conditions								
P	=	90% Rainfall Event	=	1.0	inches			
I	=	Impervious Cover	=	83	%			
R_V	=	0.05 + 0.009 * I	=	0.80				
A	=	Contributing Area	=	206,530	sf	=	4.74	ac
Water Quality Volume Required								
WQ_V	=	(P * R_V * A) / 12						
WQ_V	=	(1.0 * 0.95 * 4.74) / 12	=	0.32	ac-ft			
Water Quality Provided			**=**	**0.32**	**acre-feet**			
				13,766	**cf**			

Based on the water quality calculations in Table 1, the infiltration basin must be designed to capture and treat 13,766 cubic feet (0.32 ac-ft). To meet water quality volume requirements, the basin is designed so there is 1.25 ft of storage prior to the first outlet structure. This equates to 13,800 cf, thus the treatment capacity provided exceeds the minimum water quality sizing requirement.

Pretreatment

Per Section 6.3.3 of the NYS SWMP, prior to entering an infiltration practice the pretreatment volume required shall be 25% of the water quality volume. To achieve this, all stormwater on-site discharges into a forebay prior to entering the infiltration basin. The forebay has been sized per Section 6.3.3, and 6.4.3 of the NYS Stormwater Design Manual. Please refer to Tables 3 below for pretreatment requirements and proposed pretreatment measures.

Table 6: Pretreatment Summary (Forebay)				
Pretreatment Volume Required				
Min Volume Required	V	=	25% WQ_V	
V = 0.25*13,766 cf	V	=	3,442	cf
Volume Proposed	**V**	**=**	**3,500**	**cf**
Depth Proposed	**D**	**=**	**3 ft**	
Proposed Length/Width	**L/W**	**=**	**1.5**	

Runoff Reduction Volume (RR_V) Requirement

NYSDEC requires the implementation of acceptable stormwater management practices to control site runoff. The stormwater management practices must be adequately sized in accordance with Section 4.3 and 4.4 of the SMDM to provide for the required runoff reduction for stream channel protection. This site will capture and infiltrate in excess of the required water quality volume via groundwater recharge. As a result, the runoff reduction volume requirement has been met. All

areas outside of the proposed hardscape will be permeable vegetated landscaping and will therefore not be collected as it is a hydraulic improvement upon the existing conditions.

Peak Flow Requirements

The NYSDEC water quantity control requirements are concerned with the peak discharge rates of the stormwater runoff in both the pre-developed and post-developed phases of the site. As outlined in Sections 4.6, 4.7, and 4.8 of the SMDM, the peak discharges for the pre-developed and post-developed site must be computed for the 1-year, 10-year, and 100-year storms to meet the Stream Channel Protection, Overbank Flood Control, and Extreme Flood Control Requirements respectively. To determine these peak discharge rates a TR-55 model was established for both the pre and post site conditions utilizing HydroCAD software. Please refer to Attachment C and D for pre-development and post-development hydrologic calculations.

Stream Channel Protection Requirement – 1-year Storm

The Stream Channel Protection Requirements require the development to provide 24-hr extended detention for the 1-year, 24-hr design storm that remains after runoff reduction. The development proposes to route all stormwater from the proposed improvements to an infiltration basin at the south end of the site. The 1-year post-development peak discharge rate is less than 2.0 cfs, thus, per Section 4.6 of the NYDEC Stormwater Management Design Manual Stream Channel Protection Volume Requirements are waived for this development. Refer to Table 7 below for a brief summary of the 1-year storm peak discharge rates.

Table 7: Summary of Pre- and Post-development Peak Discharge Rates

Design Point	**1-year, 24-hour Storm Event (2.16 in/hr)**		
	Pre-development (cfs)	Post Development (cfs)	Reduction (%)
Point of Analysis - 1	1.10	0.03	97%

Overbank Flood Control Criteria Requirement – 10-year Storm

The Total Overbank Flood Control Criteria Requirement requires that the post-developed peak discharge is equal to or less than the pre-developed discharge for the 10 year, 24 hr storm, which in this part of New York State is 3.06 inches per hour. Using a TR-55 Model, the pre-developed discharge was calculated to be 3.62, and the peak post-development discharge was calculated to be 2.20 cfs. Refer to Table 8 below for a summarization of the Overbank Flood Control Requirement calculations.

Table 8: Summary of Pre- and Post-development Peak Discharge Rates

Design Point	**10-year, 24-hour Storm Event (3.06 in/hr) (Q_P)**		
	Pre-development (cfs)	Post Development (cfs)	Reduction (%)
Point of Analysis - 1	3.62	2.20	39%

Extreme Storm Criteria Requirement – 100-year Storm

The Extreme Storm Criteria Requirement requires that the post-developed peak discharge is equal to or less than the pre-developed discharge for the 100-year storm, which in this part of New York is 5.05 inches per hour. Using a TR-55 model, the pre-developed discharge for the northern and southern outfalls was calculated to be 8.79, and the peak post-development discharge was calculated to be 6.62. Refer to Table 9 for a summarization of the Extreme Storm Criteria Requirement calculations.

Table 9: Summary of Pre- and Post-development Peak Discharge Rates

Design Point	100-year, 24-hour Storm Event (5.05 in/hr) (Q_p)		
	Pre-development (cfs)	Post Development (cfs)	Reduction (%)
Point of Analysis - 1	8.79	6.62	25%

Post-Construction Stormwater Controls Maintenance

Following the permanent stabilization of each phase of construction, the owner of the site is to be responsible for maintaining the site's stormwater controls. Please refer to Appendix F of this report for the Operations and Maintenance Manual. Below is a list of several of the items discussed in the manual:

1. Infiltration Basin: Please refer to Operation and Maintenance Manual in Appendix F of this report for details regarding infiltration basin maintenance. The owner/operator of the site will be required to operate and maintain the detention units in accordance with these recommendations.
2. At a minimum, the owner/operator of the site will inspect the storm drainage network (pipes, catch basins, detention facilities, etc.) four times a year. A log of maintenance and inspections must be kept in accordance with the manufacturer's recommendations.
3. Catch basin and storm manhole sumps shall be inspected and cleaned when 50% of the sump capacity is filled with sediment.
4. Inlet grates shall be inspected regularly, and debris removed from the grate when necessary.

Non-Stormwater Discharge Controls

Possible sources of non-stormwater discharges associated with the construction activity are identified below. This SWPPP is designed to convey all non-stormwater discharges to on-site control measures, away from public streets or adjacent properties. The following are additional stormwater pollution prevention measures for non-stormwater discharge:

1. The general contractor is to coordinate with the owner for identifying areas on-site for construction vehicle transit (i.e. – haul roads, contractor trailers and parking areas, etc.) or equipment staging which shall be monitored and where runoff can be controlled.
2. Water used for dust control measures shall be applied using appropriate quantities and equipment. No chemical additives shall be used.

3. Trucks shall be washed out in an area approved of by the owner or owner's representative. All runoff from these activities shall be directed to the on-site control measures.

The following non-stormwater discharges are authorized:

- Those listen in 6 NYCRR 7501.2(a)(29)(vi), with the following exception: "Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned"; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated discharges from construction site de-watering operations

In the post developed condition there are no locations of discharges associated with industrial and commercial activity.

Winter Conditions

During non-winter months, periodic inspections are to occur as described above until construction is completed and the site is stabilized. During winter operation (i.e. suspended soil disturbance, site stabilization), however, the owner may reduce inspection frequencies in accordance with the NYSDEC's Winter Site Stabilization/Site Inspections for Construction Sites. Under winter conditions, inspections are to be performed at least once every 30 days. Non-winter inspection frequencies are to resume upon resumption of construction activities, but no later than March 15th. Refer to NYSDEC SPDES General Permit (Attachment G) for additional information regarding winter shutdown procedures.

Inventory for Pollution Prevention Plan

The following materials or substances listed below are expected to be present on-site during demolition and construction, but are not limited to:

- Concrete and concrete products
- Paints
- Bituminous concrete products
- Wood
- Asphalt
- Plastics
- Diesel and gasoline fuels
- Silicon (sealants)
- Steel

Spill Prevention

The following are material management practices that are to be used by the general contractor to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff during construction:

1. Materials stored on-site with the potential for spillage are to be stored in a neat and orderly manner in their appropriate containers. Materials with a potential for spillage shall be stored under a roof or other enclosure when possible.
2. Products are to be kept in their original containers with the original manufacturer's label.
3. Substances are not to be mixed with one another unless recommended by the manufacturer.
4. Prior to disposal, a product is to be completely used up or its container is to be resealed whenever possible.
5. Manufacturers' recommendations for proper use and disposal are to be followed.
6. During periodic inspections, the proper use and disposal of materials is to be recorded on the inspection form.
7. On-site vehicles are to be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage of petroleum products. Petroleum products are to be stored in closed containers that are clearly labeled. Used oils are to be disposed of properly.
8. Materials are to be brought on-site in the minimum quantities required to limit on-site storage.
9. Paint containers are to be tightly sealed and properly stored when not required for use. Excess paint, solvents, and other similar products shall not be discharged to the storm sewer system. These items are to be properly disposed of according to manufacturers' instructions or state and local regulations.
10. Proper precautions are to be taken so materials do not spill onto public thoroughfares. If materials are spilled in these areas, they are to be removed immediately so that they do not enter the surface and subsurface drainage systems.
11. Oil containers are to have appropriate secondary containment. If total oil storage on-site exceeds a cumulative total of 1,320 gallons, then a Spill Prevention Control and Countermeasure (SPCC) plan must be prepared by the owner.

If necessary, the contractor is to prepare an SPCC plan to cover proposed activities.

<u>Spill Control Practices</u>

The following practices are to be adhered to by the general contractor for spill prevention and cleanup.

1. Spills of petroleum, toxins, or hazardous material are to be reported to the owner and appropriate state or local government agencies immediately, regardless of size.
2. Manufacturers' recommended methods for spill cleanup are to be clearly posted at the site. Site personnel are to be made aware of the procedures and the location of the information and cleanup supplies.

3. Materials and equipment necessary for spill cleanup are to be kept in designated material storage areas on-site. Equipment and materials are to include but not be limited to brooms, dust pans, mops, rags, gloves, goggles, spill control materials, sand, sawdust, and trash containers specifically for this purpose.
4. Spills are to be cleaned up immediately after discovery.
5. The spill area is to be kept well-ventilated, and personnel are to wear appropriate protective clothing to prevent injury from contact with hazardous substances.
6. A spill report is to be completed and filed in the SWPPP and is to include a description of the spill, the cause of the spill, and the corrective actions taken.

Additional Stormwater Controls

The following is a description of additional controls and measures that are to be implemented at the site by the general contractor to minimize pollutant transport:

1. Solid waste disposal dumpsters and containers are to be covered and emptied regularly. Solid waste is to be disposed of properly in accordance with local regulations.
2. Portable toilets are to be installed and cleaned regularly with their contents properly disposed of.
3. Construction materials are to be properly stored and contained on-site.

CERTIFICATIONS AND FORMS

The following certifications forms are to be reviewed, understood, filled out, and signed by the appropriate personnel at the appropriate time:

1. The Pre-Construction Documents & Certifications provided in Appendix A shall be filled out by the operator, preparer and qualified professional, as appropriately shown in the section.
2. The Construction Duration Inspections form provided in Appendix B is to be filled out and signed by the qualified professional that will perform site inspections and oversee installation of erosion control measures for this project.
3. The Monthly Summary of Site Inspection Activities form provided in Appendix C is to be filled out and signed by the owner, or the duly authorized representative of the owner (the preparer).
4. The Contractor's Certification Statement provided in Appendix D is to be filled out and signed by the operator/general contractor
5. The Sub-Contractor's Certification Statement provided in Appendix D is to be filled out and signed by all subcontractors.
6. The Certificate of Issuance provided in Appendix D is to be filled out and signed by the operator and preparer prior to performing any site work.
7. The Erosion and Sediment Control Identification form provided in Appendix D is to be filled out by the operator.

8. Records of site work and site stabilization are to be kept on the Construction Stabilization form provided in Appendix D and is to be filled out by the operator as necessary.
9. The Certificate of Change by the Contractor provided in Appendix D is to be filled out and signed by the operator upon implementation of any requested changes to the SWPPP by the owner, preparer, or any local authority having jurisdiction over the project site. Changes to the SWPPP are only to be made when the plan or contractor's implementation proves to be ineffective in eliminating or significantly minimizing pollutants from the construction activity.
10. The Final Stabilization and Retention of Records form provided in Appendix E is to be filled out and signed by the qualified professional that will perform site inspections and oversee installation of erosion control measures for this project.
11. The Post-Construction Stormwater Management form is to be filled out and signed by the qualified professional that performed the site inspections and oversaw installation of SMP for the project.
12. The Certificate of Return provided in Appendix E is to be filled out and signed by the operator and owner after final stabilization of the site has been completed.
13. NYSDEC Notice of Termination (NOT) will be filed by the owner or its representative upon completion of the site's final stabilization.

RETENTION OF RECORDS

The following are to be retained by the owner at the site and for a period of three years from the date the site is finally stabilized:

1. SWPPP
2. Contract Documents including contract drawings and technical specifications
3. Stormwater inspections and maintenance reports
4. Contractor Certification
5. SWPPP Certification Statement of Satisfactory Completion
6. Correspondence regarding stormwater practices

REFERENCES

New York State Standards and Specifications for Erosion and Sediment Control. New York State Department of Environmental Conservation, November 2016.

New York State Stormwater Management Design Manual, New York State Department of Environmental Conservation, July 2024.

SPDES General Permit for Stormwater Discharges. New York State Department of Environmental Conservation, January 2020.

Urban Hydrology for Small Watersheds – TR-55. United Stated Department of Agriculture, June 1996.

Soil Survey of Richmond County New York. United States Department of Agriculture. 2023

ATTACHMENT A

Construction Drawings

CAUTION: IF THIS SHEET IS NOT 24"x36" IT IS A REDUCED PRINT

HOPKINS ROAD
66.WIDE
(PUBLIC R.O.W.)

STABILIZED CONSTRUCTION ENTRANCE

STABILIZED CONSTRUCTION ENTRANCE

5" MAPLE

6" DECIDUOUS

10" DECIDUOUS

10" DECIDUOUS

10" DECIDUOUS

6" DECIDUOUS

12" DECIDUOUS

8" Maple

9" DECIDUOUS

PARCEL "A"

PARCEL "B"

PARCEL "C"

PARCEL "D"

VACANT LOT
LOT AREA=
7.993 Acres ±

10" Deciduous

TEMPORARY EASEMENT BY THE PEOPLE OF THE STATE OF NEW YORK BY MAP NO. 160, PARCEL 190 (LIBER 11430 DEEDS PAGE 4977)

OWNER NOW OR FORMERLY CITIGOUP TECHOLOGY INC. S.B.L. NO. 28.00-1-58.22 (2360 HOPKINS ROAD)

TREE PROTECTION FENCE (TYP)

SOIL TYPES DELINEATION LINE

APPROXIMATE LIMIT OF TEMPORARY EASEMENT LINE. PROPERTY LINE TO BE FINALIZED ONCE THE HOPKINS ROAD IMPROVEMENTS ARE RECORDED WITH ERIE COUNTY

APPROPRIATION OF PROPERTY BY THE PEOPLE OF THE STATE OF NEW YORK BY MAP NO. 159, PARCEL 188 (LIBER 11430 DEEDS PAGE 4977)

SET CAP REBAR

Cv

Ch

RIP-RAP

SILT FENCE (TYP)

RIP-RAP

LIMIT OF DISTURBANCE
229,511 SF (5.27 AC)

GAS MARKER

88.00' WIDE PERMANENT PUBLIC STORM DRAINAGE EASEMENT BY LIBER 10895 DEEDS PAGE 3248

TREE LINE

SOIL STOCKPILE/STAGING AREA

CRUSHED STONE

8" MAPLE

CONCRETE WASHOUT STATION FENCE

30' X 20' CONCRETE WASHOUT STATION. CONTRACTOR TO ENSURE WASHOUT STATION SIZE MEETS NYS STRANDARDS AND SEPCIFICATIONS FOR EROSION AND SEDIMENT CONTROL

6" PVC E
INV. 573.52'

6" PVC W
INV. 573.83'

MILLERSPORT HIGHWAY
WIDTH VARIES
(PUBLIC R.O.W.)

MILLERSPORT HIGHWAY
WIDTH VARIES
(PUBLIC R.O.W.)

LEGEND

- BOUNDARY
- EASEMENT
- CENTERLINE
- CURB
- SIDEWALK
- CURB RAMPS
- SIGN
- PAVEMENT MARKINGS
- CROSSWALK STRIPING
- FIRE HYDRANT
- CATCH BASIN
- WATER VAULT
- TREES
- STORM DRAIN
- OVERHEAD UTILITY
- UTILITY POLE
- LIGHT POLE
- WATERLINE
- SILT FENCE
- LIMIT OF DISTURBANCE
- INLET PROTECTION
- STORM MANHOLE
- TREE PROTECTION FENCE
- STABILIZED CONSTRUCTION ENTRANCE
- TREE LINE SOIL TYPE DELINEATION LINE

TOTAL LIMIT OF DISTURBANCE: 5.27 ACRES (229,511 SF)

0 20 40 80
SCALE: 1" = 40'

W:\NYC24\4006\00\Civil\CAD\Sheets\SWPPP\NYC24-4006_C1.0 SWPPP - SESC.dwg 09/19/2024 MSUMMITT 1:1

WARE MALCOMB
LEADING DESIGN FOR COMMERCIAL REAL ESTATE
45 w 21st street
6th floor
new york, ny 10010
p. 646.680.7000
waremalcomb.com

FOR AND ON BEHALF OF WARE MALCOMB

CITI - CROSSPOINT EXPANSION
SWPPP DRAWINGS
BLOCK 1, LOTS 70.11 & 58.111
3750 MILLERSPORT HWY, AMHERST, NY 14068

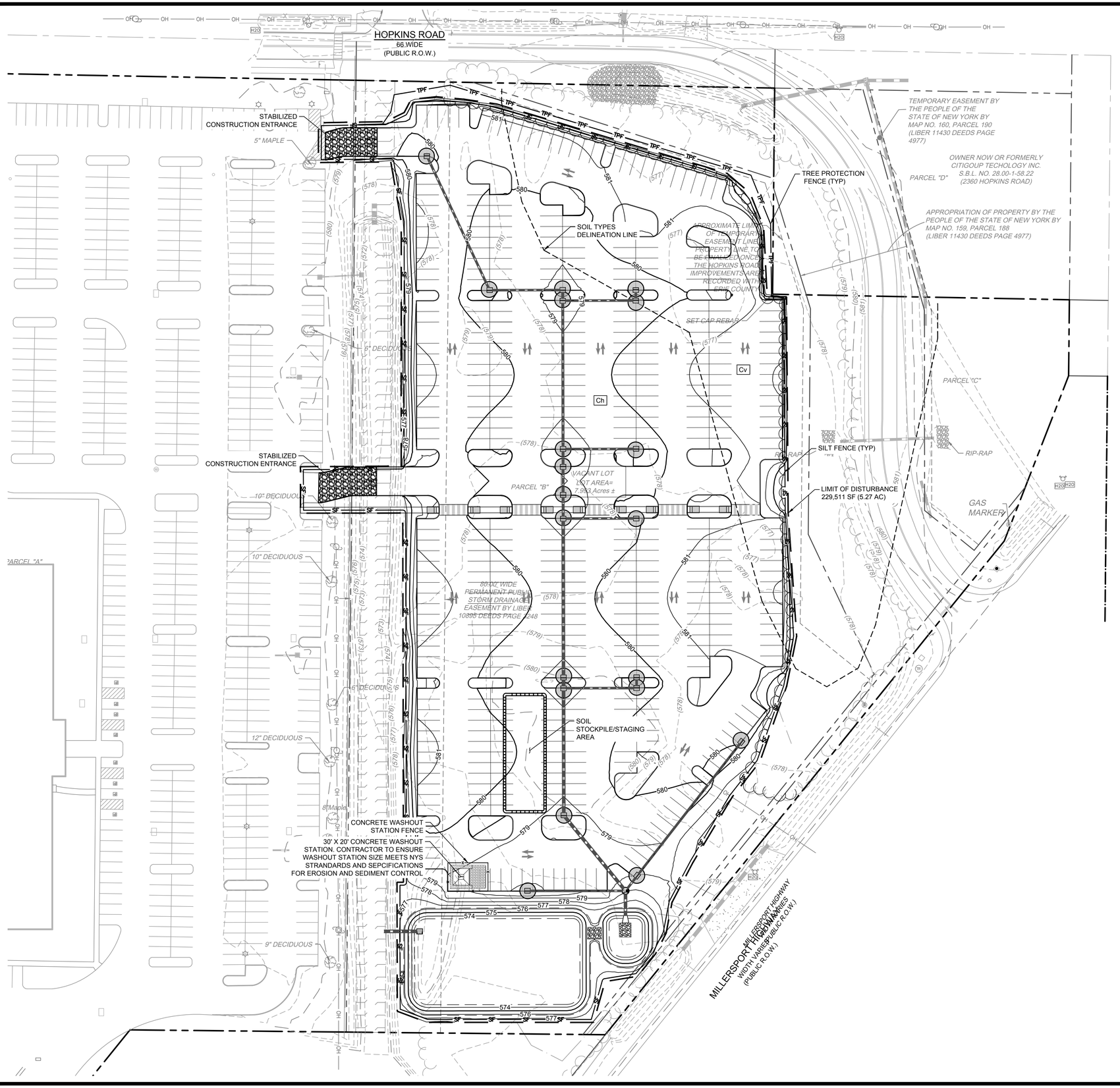
SOIL EROSION AND SEDIMENT CONTROL PLAN - PHASE 1

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
C1.0
Sheet 01 of 10

CAUTION: IF THIS SHEET IS NOT 24"x36" IT IS A REDUCED PRINT



LEGEND

EXISTING		PROPOSED
	BOUNDARY	
	EASEMENT	
	CENTERLINE	
	CURB	
	SIDEWALK	
	CURB RAMPS	
	SIGN	
	PAVEMENT MARKINGS	
	CROSSWALK STRIPING	
	FIRE HYDRANT	
	CATCH BASIN	
H2O	WATER VAULT	
	TREES	
	STORM DRAIN	
OH	OVERHEAD UTILITY	
	UTILITY POLE	
	LIGHT POLE	
WM	WATERLINE	
	SILT FENCE	SF
	LIMIT OF DISTURBANCE	
	INLET PROTECTION	
	STORM MANHOLE	SM
	TREE PROTECTION FENCE	TPF
	STABILIZED CONSTRUCTION ENTRANCE	

TOTAL LIMIT OF DISTURBANCE: 5.27 ACRES (229,511 SF)

0 20 40 80
SCALE: 1" = 40'

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SWPPP DRAWINGS
BLOCK 1, LOTS 70.11 & 58.111
3750 MILLERSPORT HWY, AMHERST, NY 14068

SOIL EROSION AND SEDIMENT CONTROL PLAN - PHASE 2

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
C1.1
Sheet 02 of 10

NOT FOR CONSTRUCTION

W:\NYC24\4006\00\Civil\CAD\Sheets\SWPPP\NYC24-4006_C1.0 SWPPP - SESC.dwg 09/19/2024 MSUMMITT 1:1

GENERAL PROJECT NOTES:

1. THE PROPERTY IS KNOWN AS AMHERST BLOCK 1, LOTS 70.11 & 58.111.
2. THE PROPERTY LIES IN OB (OFFICE BUILDING) AND RD (RESEARCH DEVELOPMENT) DISTRICTS. .
3. EXISTING CONDITIONS REFERENCED FROM SURVEY TITLED "TOPOGRAPHICAL SURVEY - PRELIMINARY COPY; LOT 1, BLOCK 196" DATED 04/10/2019, PREPARED BY MERIDIAN.
4. THE PROJECT VERTICAL DATUM AND ELEVATIONS ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
5. THE PROJECT HORIZONTAL DATUM IS BASED UPON NEW YORK STATE PLANE COORDINATE SYSTEM OF 1983 (NAD83).
6. THE MEAN HIGH WATER ELEVATION IS 2.23 (NAVD 1988) PER TIDAL BENCHMARK PID KV0442.
7. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE GOVERNED BY THE NYS DEC APPROVED SWPPP. SEE APPROVED SWPPP FOR DETAILS.

SOIL EROSION NOTES:

1. THE CONTRACTOR IS REQUIRED TO INSTALL SOIL EROSION AND SEDIMENT CONTROL MEASURES PER CONTRACT DRAWINGS AND SPECIFICATIONS.
2. DEWATERING: DEP DEWATERING PRACTICES WILL BE USED TO PREVENT PONDING OF WATER DURING CONSTRUCTION. CONTRACTOR TO OBTAIN ALL PERMITS. SEE NOTE #1 UNDER "CONSTRUCTION ACTIVITY" FOR SPECIFIC DEWATERING MEASURES.
3. STORMWATER RUN-OFF: CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER DISPOSAL OF STORMWATER RUN-OFF DURING CONSTRUCTION TO AN ON-SITE STORMWATER FILTRATION AND DRAINAGE SYSTEM IN CONFORMANCE WITH THE NYC DEC REGULATIONS AND SPECIFICATIONS.

MAINTENANCE NOTES:

1. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE PROPER CONSTRUCTION AND MAINTENANCE OF ALL TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AND RELATED ITEMS INCLUDED WITHIN THIS PLAN. THE CONTRACTOR WILL ALSO BE RESPONSIBLE FOR THE PROPER CONSTRUCTION AND STABILIZATION OF PERMANENT CONTROL MEASURES AND RELATED ITEMS INCLUDED WITHIN THIS PLAN THROUGH COMPLETION OF CONSTRUCTION.
2. ALL EROSION AND SEDIMENT CONTROLS SHALL REMAIN IN PLACE UNTIL THE TRIBUTARY AREA TO THE CONTRO LIS COMPLETELY STABILIZED. ALL CONTROLS SHALL BE CHECKED DAILY AND AFTER STORM EVENTS TO ENSURE THEY ARE IN PROPER WORKING ORDER.
3. THE OWNER WILL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL PERMANENT CONTROL MEASURES.
4. SEDIMENT REMOVED FROM ANY TEMPORARY CONTROL MEASURE DURING REGULAR MAINTENANCE MAY BE INCORPORATED BACK INTO THE EARTHWORK AS FILL ON THE SITE IF APPROVED BY THE ENGINEER. SEDIMENT THAT IS NOT APPROVED FOR FILL MUST BE DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND GUIDELINES.
5. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED FOR STABILITY AND OPERATION FOLLOWING EVERY RUNOFF-PRODUCING RAINFALL BUT IN NO CASE LESS THAN ONCE A WEEK. ANY NEEDED REPAIRS WILL BE MADE IMMEDIATELY TO MAINTAIN ALL PRACTICES DURING A SPECIFIC CONSTRUCTION STAGE.
6. SEDIMENT WILL BE REMOVED FROM BEHIND THE SILT FENCE WHEN ACCUMULATION IS APPROXIMATELY 4 INCHES AT THE FENCE, OR WHEN BULGES DEVELOP IN THE FENCE. THE SILT FENCE WILL BE REPAIRED AS NECESSARY TO MAINTAIN A BARRIER.
7. THE STABILIZED CONSTRUCTION ENTRANCES SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.
9. IN ADDITION TO IMPLEMENTATION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES FOR ONGOING ACTIVE CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL INITIATE STABILIZATION MEASURES AS SOON AS POSSIBLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED BUT IN NO CASE NO MORE THAN 7 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAD TEMPORARILY OR PERMANENTLY CEASED.
10. THE ACCESS SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY OR STREETS. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL AGGREGATE. ALL SEDIMENT SPILLED, DROPPED, OR WASHED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY. WHEN NECESSARY, WHEELS MUST BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH AGGREGATE, WHICH DRAINS INTO AN APPROVED SEDIMENTTRAPPING DEVICE. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERCOURSES.

INSPECTION DURING CONSTRUCTION:

TO MEET NYS DEC REQUIREMENTS A QUALIFIED PROFESSIONAL SHALL CONDUCT AN ASSESSMENT OF THE SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE QUALIFIED PROFESSIONAL IS TO BE A PERSON KNOWLEDGEABLE IN THE PRINCIPLES AND PRACTICES OF EROSION AND SEDIMENT CONTROLS. THE QUALIFIED PROFESSIONAL SHALL BE UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC), OR SOIL SCIENTIST QUALIFIED IN THESE REGARDS. THE QUALIFIED PROFESSIONAL SHALL CERTIFY IN AN INSPECTION REPORT THAT THE APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES DESCRIBED WITHIN THE SWPPP HAVE BEEN ADEQUATELY INSTALLED OR IMPLEMENTED TO ENSURE INSPECTIONS ARE TO BE COMPLETED AT LEAST TWICE A WEEK. A TYPICAL INSPECTION SUMMARY AND QUARTERLY COMPLIANCE SUMMARY FOR THE INSPECTION OF THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL KNOWLEDGEABLE IN THE PRINCIPLES AND PRACTICES OF A LICENSED ENGINEER. THE GENERAL CONTRACTOR IS TO POST ON-SITE A SUMMARY OF SITE INSPECTION ACTIVITIES ON A MONTHLY BASIS.

PLANNED EROSION AND SEDIMENT CONTROL PRACTICES:

1. SILT FENCE OR SILT BARRIER: AS INDICATED ON DRAWINGS AND OR AS DIRECTED BY SOIL EXPERT IN FIELD.
2. INLET PROTECTION: AS INDICATED, PROVIDE INLET PROTECTION ON ALL INSTALLED DRAINS AND GRATES UNTIL THE SITE IN COMPLETELY STABILIZED.
3. STAGING, LAY-DOWN, AND CONSTRUCTION ENTRANCE AREAS: STAGING, LAY-DOWN, AND ENTRANCE AREAS FOR VEHICLES AND EQUIPMENT ARE TO BE LOCATED ON STABILIZED PORTIONS OF THE SITE AS DIRECTED BY THE OWNER IN THE FIELD. VEHICLES AND EQUIPMENT ARE TO BE WASHED DOWN IN STABILIZED AREAS PRIOR TO EXITING THE SITE AS NEEDED. WASH DOWN WATER SHALL BE DIRECTED TO SITE EROSION AND SEDIMENT CONTROLS.
4. SURFACE STABILIZATION: PAVEMENT COURSES WILL BE INSTALLED AS SOON AS FINISHED GRADE IS REACHED. NO SOIL SHALL REMAIN UNSTABILIZED FOR OVER 7 DAYS. TEMPORARY STABILIZATION SHALL CONFORM TO NYSDEC STANDARDS.
5. DUST CONTROL: SHOULD EXCESSIVE DUST BE GENERATED, IT WILL BE CONTROLLED BY SPRINKLERING.
6. TEMPORARY STOCKPILE: SHOULD SOIL STOCKPILING BE NECESSARY ON SITE, MAINTAIN STOCKPILES IN ACCORDANCE WITH NYSDEC REQUIREMENTS. CONSTRUCT STOCKPILES SO THAT HEIGHT DOES NOT EXCEED 15 FEET, SIDE SLOPES ARE NOT STEEPER THAN 2H:1V, AND SILT FENCE IS INSTALLED AROUND THE PERIMETER. COVER ALL STOCKPILES WHICH WILL BE INACTIVE FOR MORE THAN 7 DAYS WITH POLY SHEETING, STABILIZE WITH TEMPORARY SEEDING, OR APPLY A LIQUID COPOLYMER FOR DUST SUPPRESSION (GORILLA SNOT OR APPROVED EQUAL).

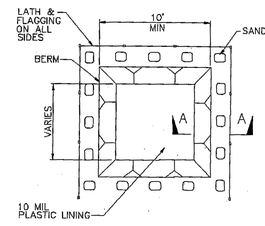
SOIL EROSION AND SEDIMENT CONTROL SCHEDULE:

PHASE 1:

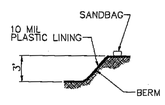
1. OBTAIN LOCAL AND STATE PERMITS AND APPROVALS PRIOR TO COMMENCING EARTHWORK.
2. FLAG THE WORK LIMITS AND ITEMS TO BE PROTECTED.
3. HOLD PRE-CONSTRUCTION MEETING WITH CONTRACTOR, PROJECT ARCHITECT, AND PROJECT ENGINEER AT LEAST ONE WEEK PRIOR TO COORDINATE IMPLEMENTATION OF EROSION AND SEDIMENT CONTROL PRACTICES.
4. INSTALL REINFORCED SILT FENCE, INLET PROTECTION, AND ALL OTHER POLLUTION PREVENTION ESC MEASURES AS SHOWN ON THE PLAN C1.0 OR AS DIRECTED BY SOIL EXPERT IN THE FIELD. SILT FENCE SHOULD BE PHASED SO THAT NO SEDIMENT LADEN WATER LEAVES THE SITE.
5. INSTALL STAGING, CONCRETE WASHOUT STATION, LAY-DOWN AND CONSTRUCTION ENTRANCE AREAS ON STABILIZED PORTIONS OF THE SITE AS DIRECTED BY THE OWNER IN THE FIELD.
6. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE INSPECTED DAILY BY A TRAINED CONTRACTOR AND TWICE PER WEEK BY A QUALIFIED PROFESSIONAL. NEEDED REPAIRS SHALL BE MADE IMMEDIATELY. KEEP AREAS BEYOND SITE IN CLEAN, CLEAR CONDITION DURING COURSE OF WORK.
7. REMOVE NECESSARY SITE FEATURES AND DEBRIS. DISPOSE OF WASTE MATERIALS OFF-SITE IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

PHASE 2:

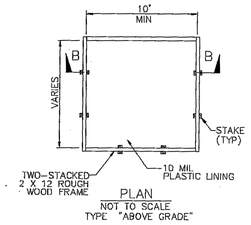
1. INSTALL STORMWATER DRAINAGE SYSTEM INCLUDING SEDIMENTATION TANK.
2. SPRINKLE AREAS OF EXPOSED SOIL AND SOIL STOCKPILES WITH POTABLE WATER AS NECESSARY TO CONTROL DUST.
3. COMPLETE FINE-GRADING AND PERMANENT STABILIZATION. INSTALL ASPHALT PAVEMENT ACCORDING TO CONSTRUCTION PLANS.
4. REMOVE ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES WHEN EARTHWORK IS COMPLETE AND ALL PERMANENT SURFACES ARE IN PLACE AND ESTABLISHED. ALL STORMWATER STRUCTURES WITHIN DISTURBED AREA AND RIGHT-OF-WAY MUST BE CLEAR OF SEDIMENT.



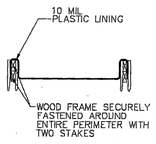
PLAN
NOT TO SCALE
TYPE "BELOW GRADE"



SECTION A–A
NOT TO SCALE

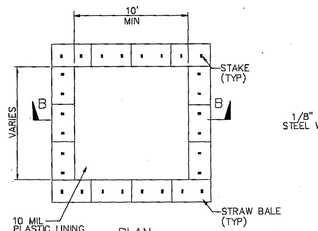


PLAN
NOT TO SCALE
TYPE "ABOVE GRADE"

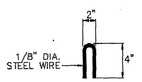


SECTION B–B
NOT TO SCALE

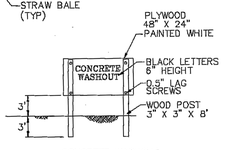
NOTES
1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.



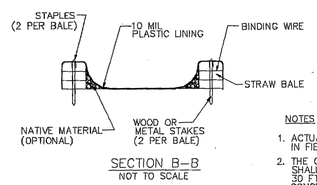
PLAN
NOT TO SCALE
TYPE "ABOVE GRADE" WITH STRAW BALES



STAPLE DETAIL



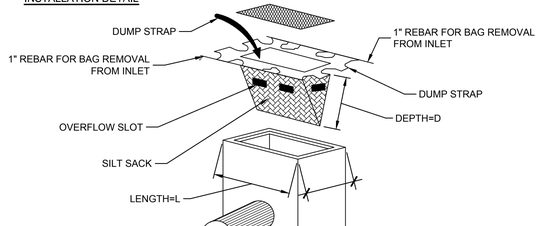
CONCRETE WASHOUT SIGN DETAIL (OR EQUIVALENT)



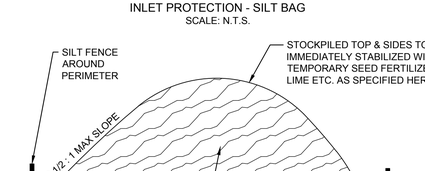
SECTION B–B
NOT TO SCALE

NOTES
1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.

CONCRETE WASHOUT
SCALE: N.T.S.

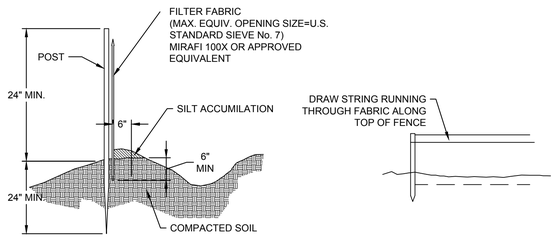


INLET PROTECTION - SILT BAG
SCALE: N.T.S.



MATERIAL	WATER DILITION	TYPE OF NOZZLE	APPLY CAL/ACRE
ANIONIC ASPHALT EMULSION	7:1	COARSE SPRAY	1200
LATEX EMULSION	12.5:1	FINE SPRAY	235
RESIN IN WATER	4:1	FINE SPRAY	300
POLYACRYLAMIDE (PAM) - SPRAY ON POLYACRYLAMIDE (PAM) - DRY SPREAD	APPLY ACCORDING TO MANUFACTURER'S INSTRUCTIONS. MAY ALSO BE USED AS AN ADDITIVE TO SEDIMENT BASING TO FLOCCULATE AND PRECIPITATE SUSPENDED COLLOIDS. SEE SEDIMENT BASIN STANDARD, P. 26-1		
ACIDULATED SOY BEAN SOAP STICK	NONE	COARSE SPRAY	1200

STOCKPILE AREA
SCALE: N.T.S.

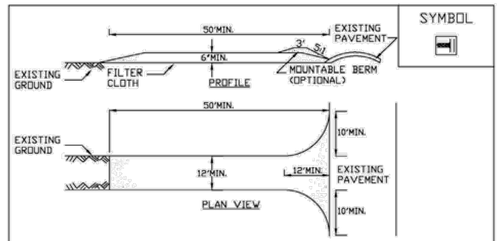


METHOD OF INSTALLATION

1. CONTRACTOR TO DIG 6" MIN. TRENCH AND LINE TRENCH WITH FILTER FABRIC PRIOR TO BACK FILL.
2. EXCEPT FOR THE END POST, DRIVE ALL POSTS INTO THE GROUND AT BACK SIDE OF TRENCH SPACED A MAXIMUM OF 8 FT O.C.
3. ATTACH FILTER FABRIC TO POST AND STRETCH BETWEEN POST WITH METAL FASTENER AND REINFORCEMENT MATERIAL PLACED BETWEEN THE FASTENER AND THE GEOTEXTILE FABRIC.
4. POST SHALL BE CONSTRUCTED OF HARDWOOD WITH A MINIMUM DIAMETER THICKNESS OF 1-1/2 INCHES.

SILT FENCE
SCALE: N.T.S.

Figure 2.1
Stabilized Construction Access



CONSTRUCTION SPECIFICATIONS

1. STONE SIZE - USE 1-4 INCH STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
5. GEOTEXTILE - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ACCESS SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

ADAPTED FROM DETAILS PROVIDED BY: USDA - NRCS, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

STABILIZED CONSTRUCTION ACCESS

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FOR AND ON BEHALF OF WARE MALCOMB

CITI - CROSSPOINT EXPANSION
SWPPP DRAWINGS
BLOCK 1, LOTS 70.11 & 58.111
3750 MILLERSPORT HWY, AMHERST, NY 14068

SOIL EROSIONN & SEDIMENT CONTROL PLAN - NOTES

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
C1.2
Sheet 03 of 10

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HOPKINS ROAD
66 WIDE
(PUBLIC R.O.W.)

TEMPORARY EASEMENT BY THE PEOPLE OF THE STATE OF NEW YORK BY MAP NO. 160, PARCEL 190 (LIBER 11430 DEEDS PAGE 4977)

OWNER NOW OR FORMERLY CITIGOUP TECHOLOGY INC. S.B.L. NO. 28.00-1-58.22 (2360 HOPKINS ROAD)

PARCEL "D"

APPROPRIATION OF PROPERTY BY THE PEOPLE OF THE STATE OF NEW YORK BY MAP NO. 159, PARCEL 188 (LIBER 11430 DEEDS PAGE 4977)

APPROXIMATE LIMIT OF TEMPORARY EASEMENT LINE/ PROPERTY LINE TO BE FINALIZED ONCE THE HOPKINS ROAD IMPROVEMENTS ARE RECORDED WITH ERIE COUNTY

PHASE 2 LIMIT OF DISTURBANCE
AREA: 2.12 ACRES

PARCEL "C"

PARCEL "B"

VACANT LOT
LOT AREA=
7.993 Acres ±

OVERALL LIMIT OF DISTURBANCE
229,511 SF (5.27 AC)

PARCEL "A"

PHASE 1 LIMIT OF DISTURBANCE
AREA: 3.15 ACRES

MILLERSPORT HIGHWAY
WIDTH VARIES
(PUBLIC R.O.W.)

0 20 40 80
SCALE: 1" = 40'

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SOIL DISTURBANCE PHASING PLAN

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
C2.0
Sheet 04 of 10

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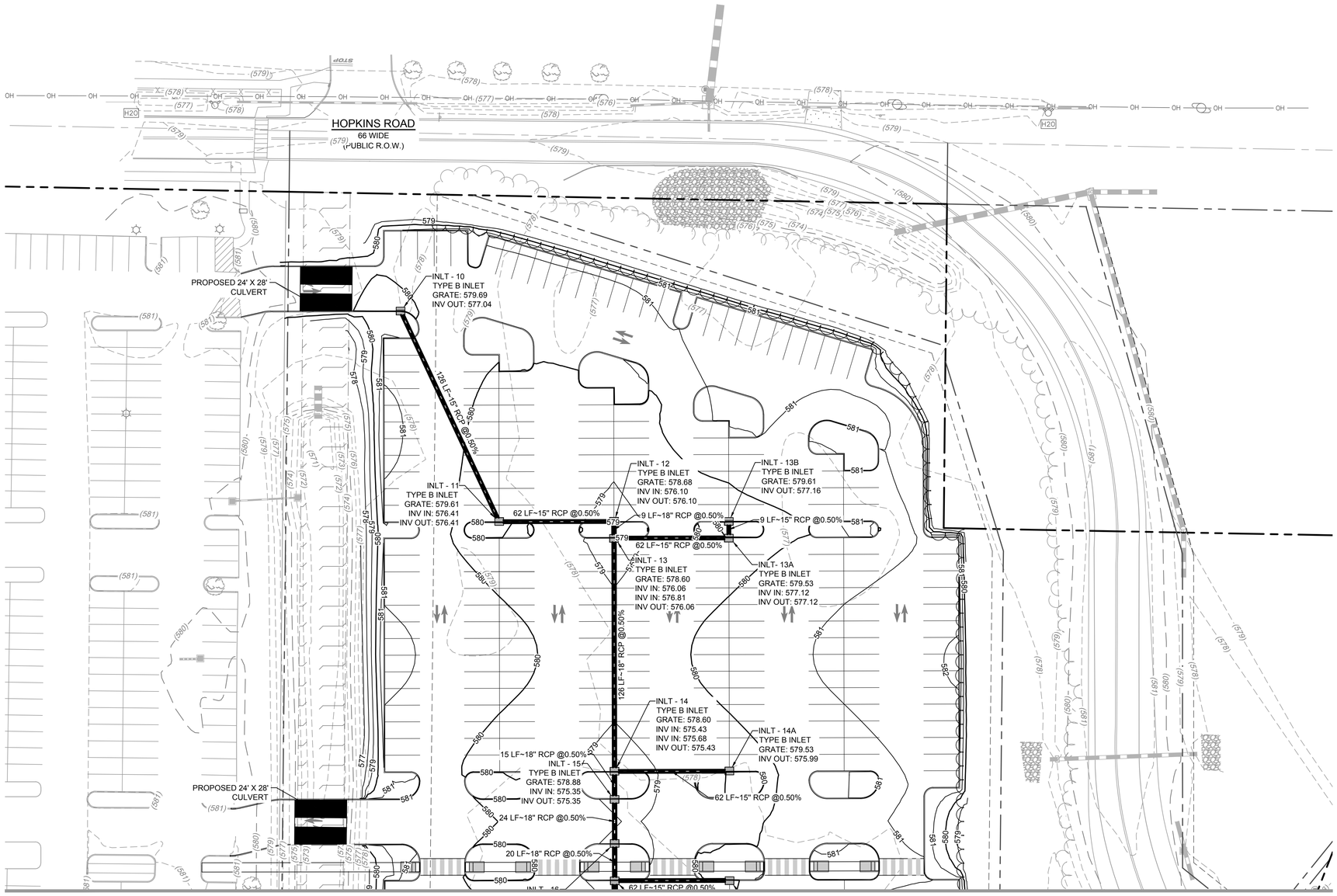
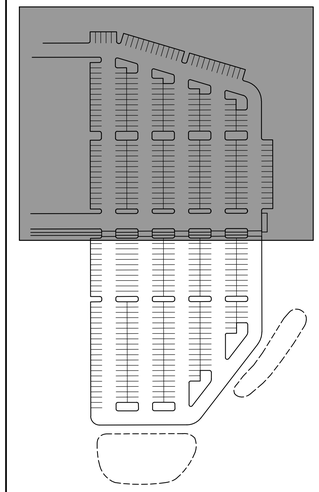


MATCHLINE
SEE SHEET C6.1



KEY MAP
SCALE: N.T.S.

LEGEND

EXISTING		PROPOSED
	BOUNDARY	
	EASEMENT	
	CENTERLINE	
–(5280)–	MAJOR CONTOUR	5280
–(5278)–	MINOR CONTOUR	5278
	CURB / GUTTER	
	BUILDING	
	SIDEWALK	
	STORM DRAIN	

0 15 30 60
SCALE: 1" = 30'

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DRAINAGE PLAN

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
C3.0
Sheet 05 of 10

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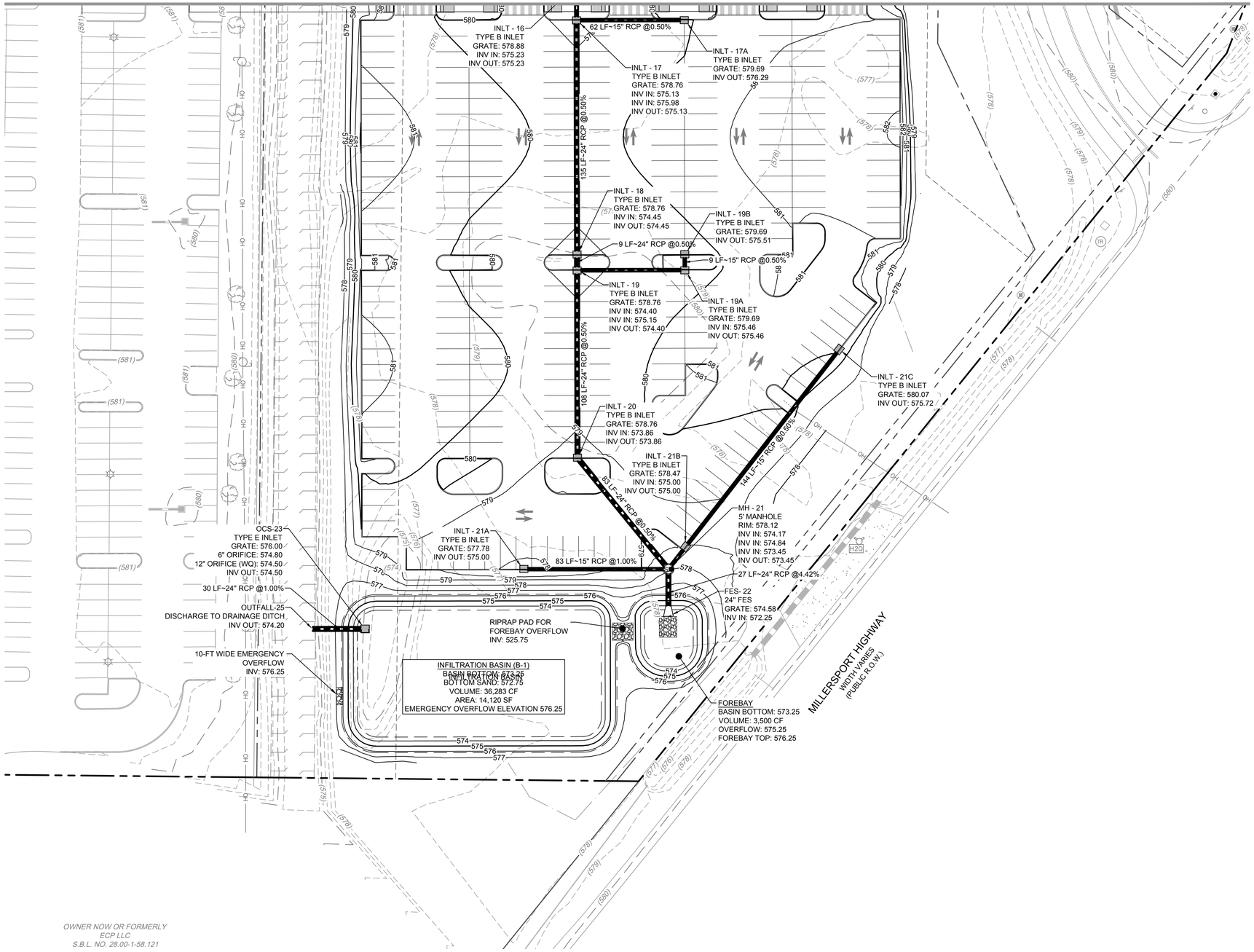

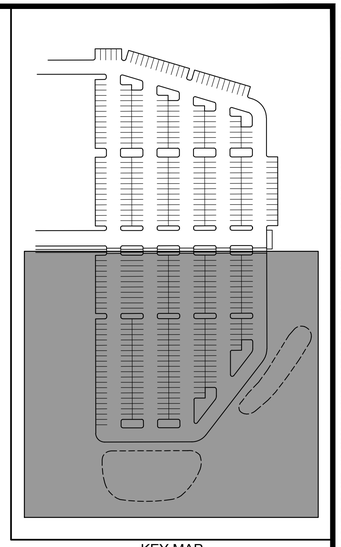

KEY MAP
SCALE: N.T.S.

LEGEND

EXISTING		PROPOSED
	BOUNDARY	
	EASEMENT	
	CENTERLINE	
(5280)	MAJOR CONTOUR	5280
(5278)	MINOR CONTOUR	5278
	CURB / GUTTER	
	BUILDING	
	SIDEWALK	
	STORM DRAIN	

0 15 30 60
SCALE: 1" = 30'

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DRAINAGE PLAN

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
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PLOT DATE:	09/19/24

SHEET
C3.1
Sheet 06 of 10

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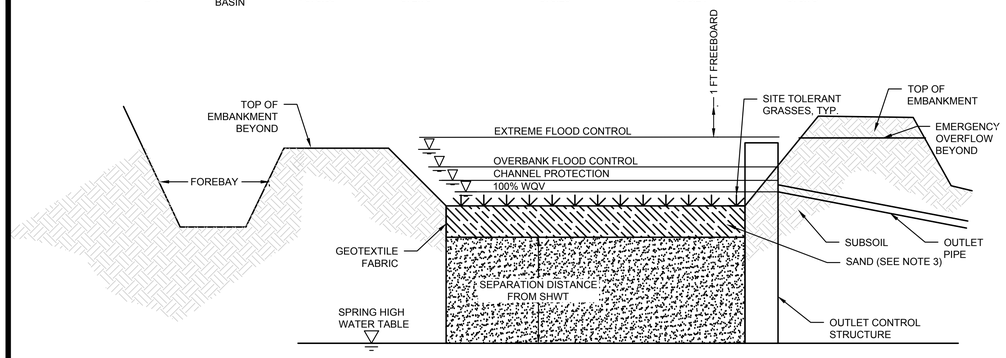
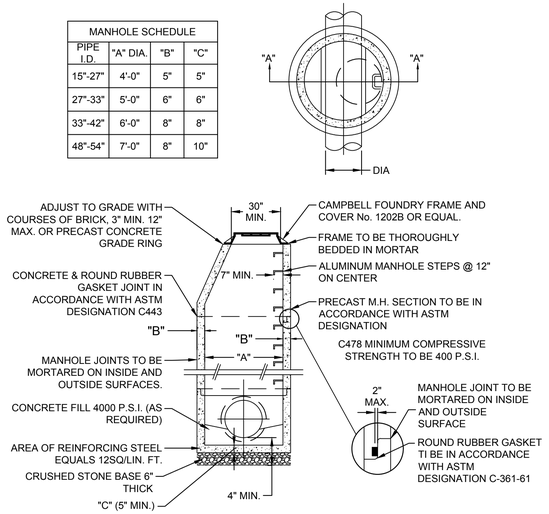
BASIN ID	BASIN TYPE	SHWT EL (NAVD88)	BOTTOM OF BASIN (NAVD88)	WATER QUALITY STORM ELEV (NAVD88)	100-YEAR STORM ELEV (NAVD88)	TOP OF BASIN ELEV (NAVD88)
B-1	INFILTRATION BASIN	< 570.00	572.75	573.25	576.24	576.75



1. MAXIMUM SIDE SLOPE RATIO FOR EARTHEN EMBANKMENTS IS 3:1
2. DURING CLEARING AND GRADING OF THE SITE, MEASURES MUST BE TAKEN TO ELIMINATE SOIL COMPACTION AT THE LOCATION OF THE PROPOSED INFILTRATION SYSTEM.
3. MINIMUM DEPTH OF SAND LAYER TO BE 6 INCHES. THE SAND MUST MEET ALL THE SPECIFICATIONS FOR CLEAN, MEDIUM-AGGREGATE CONCRETE SAND IN ACCORDANCE WITH AASHTO M-6 OR ASTM C-33, AS CERTIFIED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK. THE MAXIMUM PERCENTAGE OF FINES IS 15% AND THE MINIMUM TESTED PERMEABILITY RATE IS 20 INCHES/HOUR.

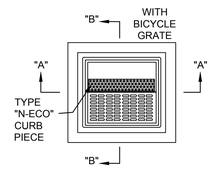
INFILTRATION BASIN
SCALE: N.T.S.

MANHOLE SCHEDULE			
PIPE I.D.	"A" DIA.	"B"	"C"
15"-27"	4'-0"	5"	5"
27"-33"	5'-0"	6"	6"
33"-42"	6'-0"	8"	8"
48"-54"	7'-0"	8"	10"

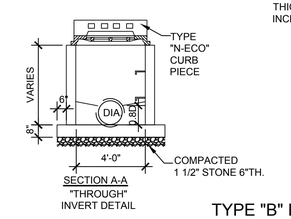


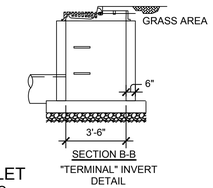
SECTION A-A

PRECAST STANDARD DRAINAGE MANHOLE
SCALE: N.T.S.

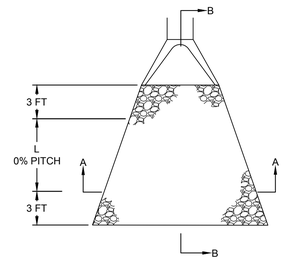


GENERAL NOTES
1. FOOTING TO BE 4500 PSI CONCRETE, CLASS "C".
2. INVERT TO BE 4500 PSI CONCRETE.
3. IF WALL CONSTRUCTION IS OTHER THAN CONCRETE, THE WALLS SHALL BE PLASTERED BOTH INSIDE AND OUTSIDE WITH 1/2" THICK CEMENT PLASTER.
4. FRAME AND GRATE TO BE No.3425 AS MANUFACTURED BY CAMPBELL FOUNDRY CO. OR APPROVED EQUAL.
5. PROVIDE ALUMINUM LADDER RUNGS @ 12" CENTER TO CENTER.
6. WHEN ADDITIONAL DEPTH IS REQUIRED WALLS BELOW THE DEPTH OF 8'-0" MEASURED FROM THE INLET GUTTER TO THE INVERT, SHALL BE 12" THICK. THE FOUNDATION DIMENSIONS SHALL BE INCREASED TO 12" WIDTHS AND TO 12" IN DEPTH.

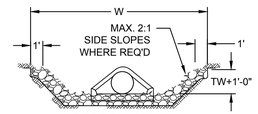




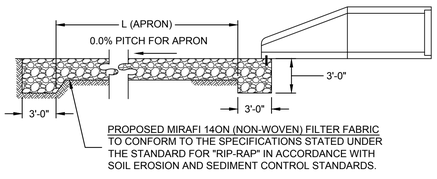
TYPE "B" INLET
SCALE: N.T.S.



PLAN



SECTION VIEW
SECTION A-A
(WHERE REQUIRED)



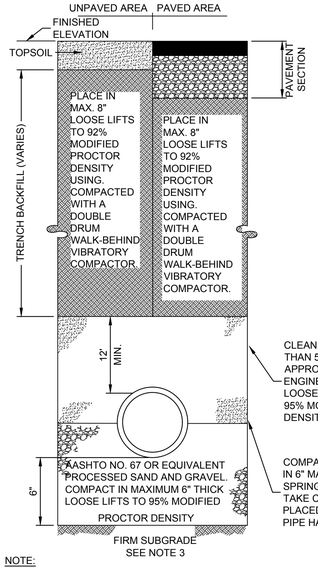
PROFILE VIEW
SECTION B-B

NOTES:

1. RIPRAP DESIGNED FOR 25-YR STORM.

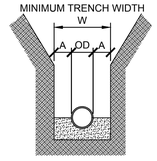
CONDUIT OUTLET PROTECTION
SCALE: N.T.S.

SCOUR HOLE DESIGN TABLE (Adapted from design calculations)								
Description	Pipe Width (ft) W_o	Pipe Depth (ft) D_o	Pipe Discharge (cfs) Q	Tailwater (ft) T_w	Apron Length (ft) L	Apron Width (ft) W	Median Riprap Diameter (in) D_{50}	Apron Thickness (in) T_h
FES - 22	2.00	2.00	11.48	0.40	12 '	10 '	8 "	16 "



PIPE DIAMETER "D"	MAXIMUM "A"
6" TO 15"	8"
16" TO 21"	10"
24" TO 30"	12"
33" TO 42"	15"
48" & LARGER	18"

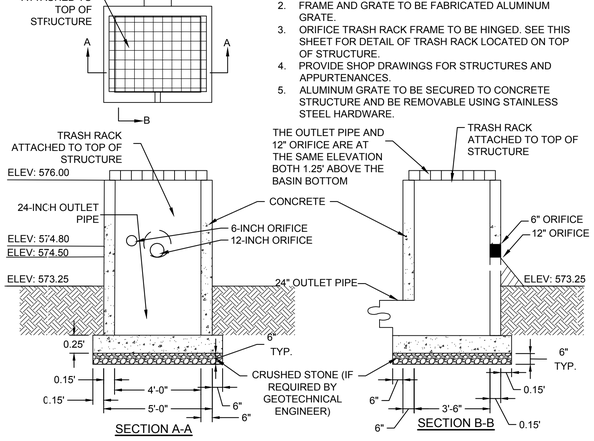
NOTE:
1. MAXIMUM TRENCH WIDTH "W" TAKEN AT TOP OF PIPE.



NOTE:

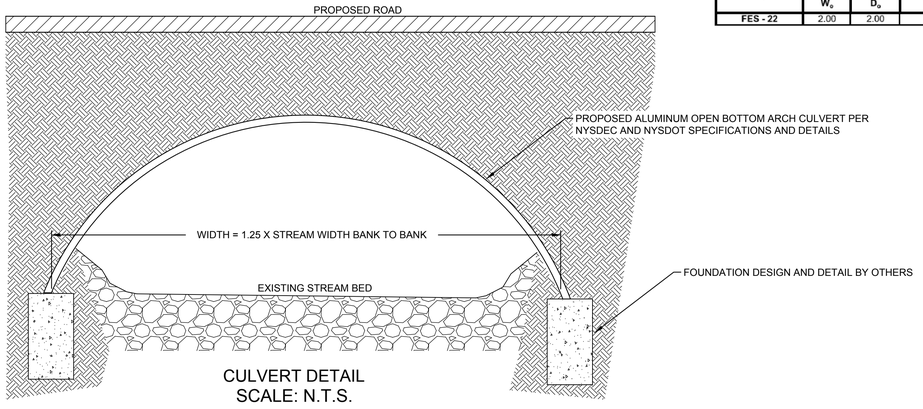
1. ALL TRENCH EXCAVATIONS ARE TO BE DONE IN COMPLIANCE WITH OSHA REGULATIONS.
2. MINIMUM TRENCH WIDTHS TO BE IN ACCORDANCE WITH THE CHART ABOVE.
3. IF SOFT SOIL IS ENCOUNTERED AT BEDDING SUBGRADE, THE SOFT SOIL IS TO BE REMOVED (TO A MAXIMUM DEPTH OF 2 FT) AND REPLACED WITH 3/4" CLEAN CRUSHED STONE.
4. TRENCH BACKFILL SHALL BE PREDOMINANTLY GRANULAR FILL MATERIAL AS APPROVED BY THE PROJECT ENGINEER, MATERIAL EXCAVATED FROM THE TRENCH MAY BE USED FOR BACKFILL PROVIDED IT IS PREDOMINATELY SAND AND IS AT WATER CONTENT THAT THE MATERIAL CAN BE READILY COMPACTED TO THE DENSITY REQUIRED.
5. WITHIN PUBLIC RIGHT OF WAY BENEATH PAVEMENT, THE BACKFILL MATERIAL SHALL NO. 67 OR 3/4" STONE, UNLESS AUTHORITY HAVING JURISDICTION REQUIRES OTHERWISE.
6. MAGNETIC UNDERGROUND MARKING TAPE TO BE PROVIDED FOR PLASTIC WATER, AND SANITARY FORCE MAINS. BURY 18" FROM FINISHED GRADE.
7. IN AREAS WHERE THERE IS NOT SUFFICIENT WIDTH FOR A DOUBLE DRUM WALK BEHIND VIBRATORY COMPACTOR THE LIFT THICKNESS SHALL BE DECREASED AS NECESSARY TO ACHIEVE COMPACTION WITH APPROPRIATE EQUIPMENT.
8. MAXIMUM PARTICLE SIZE FOR TRENCH BACKFILL SHALL BE 4 INCHES UNLESS APPROVED OTHERWISE BY PROJECT ENGINEER.
9. BACKFILL CONTAIN NO DELETERIOUS OR CONTAMINATED MATERIAL.

PIPE TRENCH DETAIL FOR SANITARY, WATER, AND STORM SEWER PIPE
SCALE: N.T.S.



GENERAL NOTES:
1. ALL ANCHOR BOLTS, NUTS AND WASHERS TO BE GALVANIZED.
2. FRAME AND GRATE TO BE FABRICATED ALUMINUM GRATE.
3. ORIFICE TRASH RACK FRAME TO BE HINGED. SEE THIS SHEET FOR DETAIL OF TRASH RACK LOCATED ON TOP OF STRUCTURE.
4. PROVIDE SHOP DRAWINGS FOR STRUCTURES AND APPURTENANCES.
5. ALUMINUM GRATE TO BE SECURED TO CONCRETE STRUCTURE AND BE REMOVABLE USING STAINLESS STEEL HARDWARE.

OUTLET CONTROL STRUCTURE
SCALE: N.T.S.



CULVERT DETAIL
SCALE: N.T.S.

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SWPPP DRAWINGS
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3750 MILLERSPORT HWY, AMHERST, NY 14068

DRAINAGE DETAILS

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
C3.2
Sheet 07 of 10

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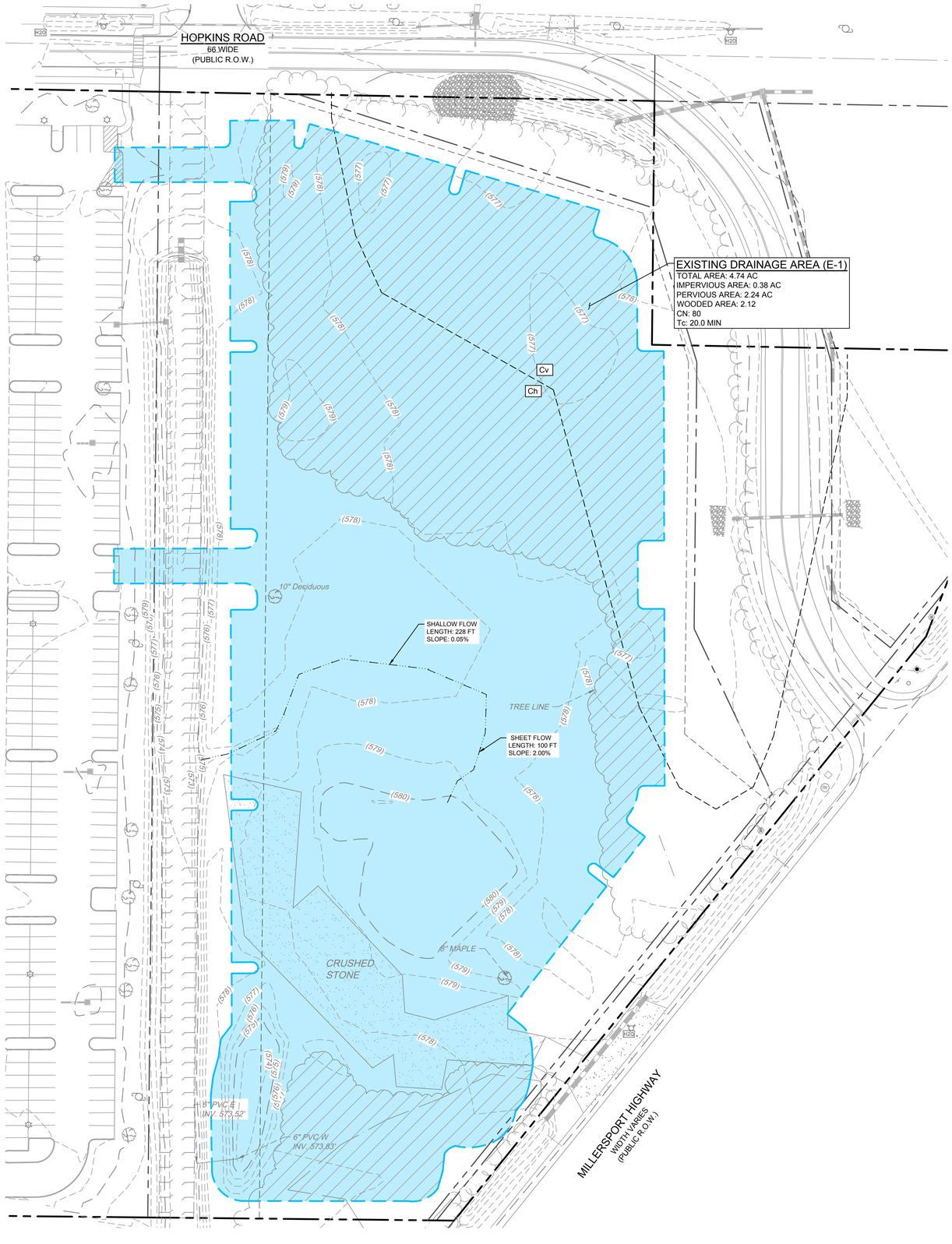

LEGEND:

- PROPERTY BOUNDARY
- PROPOSED DRAINAGE AREA
- FLOW PATH
- EXISTING WOODED AREA
- SOIL TYPE BOUNDARY

0 20 40 80

SCALE: 1" = 40'

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EXISTING DRAINAGE MAP

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
WS-01
Sheet 08 of 10

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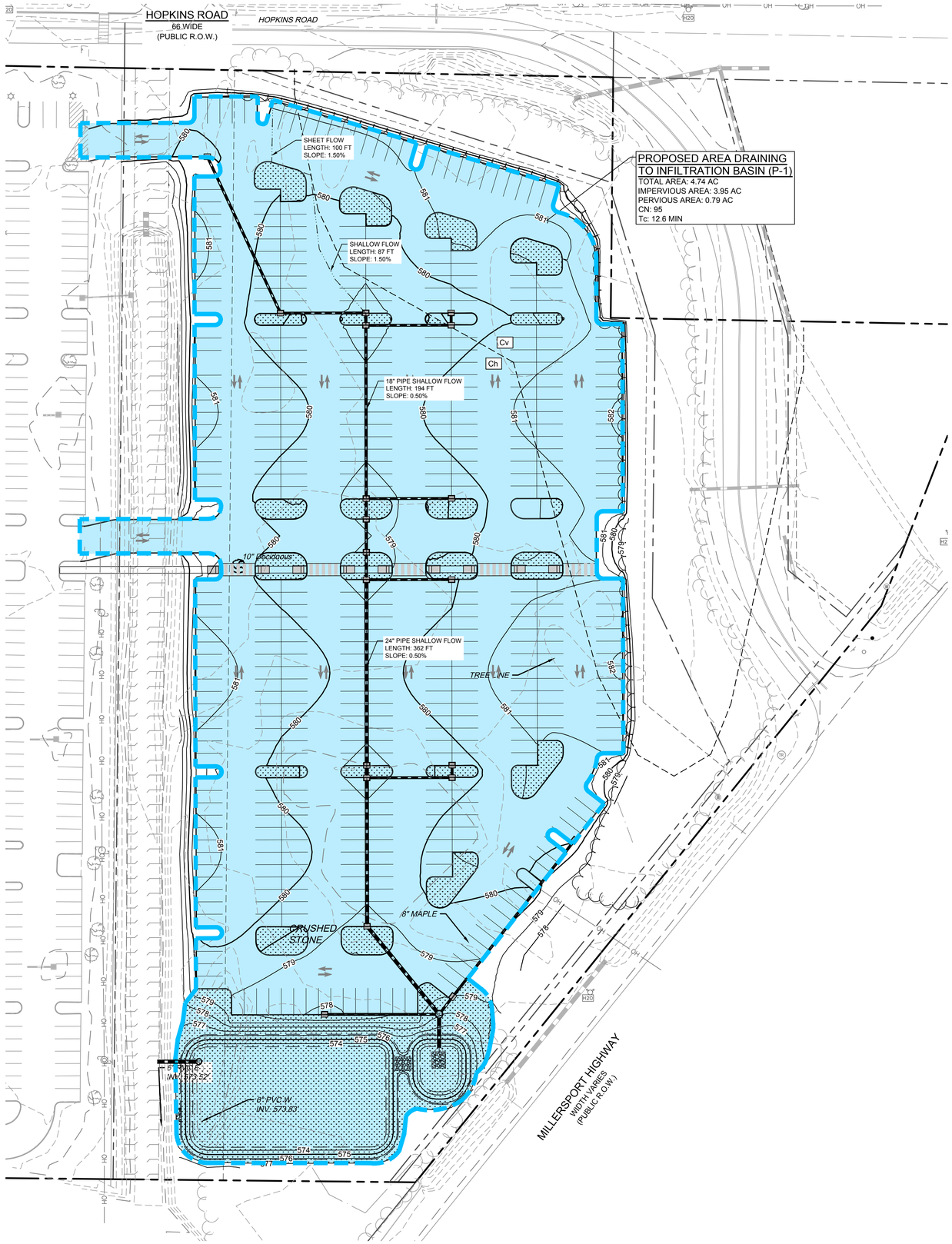

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PROPOSED DRAINAGE MAP

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
WS-02
Sheet 09 of 10

CAUTION: IF THIS SHEET IS NOT 24"x36" IT IS A REDUCED PRINT

HOPKINS ROAD
66 WIDE
(PUBLIC R.O.W.)

LEGEND:
- PROPERTY BOUNDARY
- PROPOSED INLET DRAINAGE AREA

INLT 10
TOT AREA: 0.11
IMP AREA: 0.11
PERV AREA: 0.00
CN: 98

INLT 11
TOT AREA: 0.07
IMP AREA: 0.07
PERV AREA: 0.00
CN: 98

INLT 12
TOT AREA: 0.44
IMP AREA: 0.42
PERV AREA: 0.02
CN: 98

INLT 13B
TOT AREA: 0.24
IMP AREA: 0.24
PERV AREA: 0.00
CN: 98

INLT 13
TOT AREA: 0.34
IMP AREA: 0.32
PERV AREA: 0.02
CN: 98

INLT 13A
TOT AREA: 0.18
IMP AREA: 0.00
PERV AREA: 0.00
CN: 98

INLT 14
TOT AREA: 0.31
IMP AREA: 0.31
PERV AREA: 0.00
CN: 98

INLT 14A
TOT AREA: 0.17
IMP AREA: 0.17
PERV AREA: 0.00
CN: 98

INLT 15
TOT AREA:0.15
IMP AREA: 0.15
PERV AREA: 0.00
CN: 98

INLT 16
TOT AREA:0.23
IMP AREA: 0.21
PERV AREA: 0.02
CN: 97

INLT 17
TOT AREA: 0.38
IMP AREA: 0.38
PERV AREA: 0.00
CN: 98

INLT 17A
TOT AREA: 0.15
IMP AREA: 0.15
PERV AREA: 0.00
CN: 98

INLT 18
TOT AREA: 0.36
IMP AREA: 0.35
PERV AREA: 0.01
CN: 98

INLT 19B
TOT AREA: 0.11
IMP AREA: 0.11
PERV AREA: 0.00
CN: 98

INLT 19
TOT AREA: 0.14
IMP AREA: 0.13
PERV AREA: 0.01
CN: 97

INLT 19A
TOT AREA: 0.05
IMP AREA: 0.05
PERV AREA: 0.00
CN: 61

INLT 20
TOT AREA: 0.22
IMP AREA: 0.22
PERV AREA: 0.00
CN: 98

INLT 21C
TOT AREA: 0.09
IMP AREA: 0.08
PERV AREA: 0.01
CN: 97

INLT 21A
TOT AREA: 0.24
IMP AREA: 0.21
PERV AREA: 0.03
CN: 96

INLT 21B
TOT AREA: 0.14
IMP AREA: 0.13
PERV AREA: 0.01
CN: 97

MILLERSPORT HIGHWAY
WIDTH VARIES
(PUBLIC R.O.W.)

SCALE: 1" = 40'

W:\NYC24\4006\00\Civil\CAD\Sheets\SWPPP\NYC24-4006_C4.0 SWPPP - Inlet Protection Plan.dwg 09/19/2024 KESEILER 1:1

WARE MALCOMB
LEADING DESIGN FOR COMMERCIAL REAL ESTATE
45 w 21st street
6th floor
new york, ny 10010
p 646.680.7000
waremalcomb.com

FOR AND ON BEHALF
OF WARE MALCOMB

CITI - CROSSPOINT EXPANSION
SWPPP DRAWINGS
BLOCK 1, LOTS 70.11 & 58.111
3750 MILLERSPORT HWY, AMHERST, NY 14068

INLET PROTECTION PLAN

NO.	DATE	REMARKS

JOB NO.:	NYC24-4006
PA / PM:	E. WILKES
DESIGNED:	K. SEILER
DATE:	09/20/24
PLOT DATE:	09/19/24

SHEET
WS-03
Sheet 10 of 10

ATTACHMENT B

Boundary and Topographic Survey

NOTE:

TOTAL LOT AREA OF VACANT LOT
PRIOR TO APPROPRIATION = 7.993 ACRES

NOTE:

PROPERTY BOUNDARY SUBJECT TO APPROPRIATION DUE TO RELOCATION OF HOPKINS ROAD. HOPKINS ROAD UNDER CONSTRUCTION AT TIME OF SURVEY.

APPROXIMATE APPROPRIATION LINES SHOWN ON SURVEY. APPROPRIATION CORNERS HAVE NOT BEEN SET BY N.Y.S.D.O.T. AT TIME OF SURVEY. SURVEYOR CAN NOT ACCURATELY PLOT CHANGE TO PROPERTY LINES DUE TO APPROPRIATION UNTIL CORNERS HAVE BEEN SET BY N.Y.S.D.O.T..

APPROPRIATION LINES SHOWN ON SURVEY ARE FOR INFORMATIONAL PURPOSES ONLY. PROPERTY LINES SHOWN ON SURVEY ARE PER FIRST AMERICAN TITLE INSURANCE COMPANY, POLICY Y 3020-959576, EFFECTIVE DATE: 12-12-2019.

LEGEND

Ø	UTILITY / SERVICE POLE	R.O.W.	RIGHT OF WAY
WV	WATER LINE VALVE	CONC.	CONCRETE
	FIRE HYDRANT	INV.	INVERT
⊞	D.I. (DROP INLET – STORM)	M.H.	MANHOLE
Ⓓ	MANHOLE (STORM)	—G—	GAS LINE
Ⓔ	MANHOLE (ELECTRIC)	—W—	WATER LINE
TR	MANHOLE (TRAFFIC)	—T—	TELEPHONE LINE
Ⓢ	MANHOLE (SANITARY)	—E—	ELECTRIC LINE
Ⓣ	MANHOLE (TELEPHONE)	—P—	UTILITY LINES
Ⓖ	GASLINE MARKER	—C—	CABLE LINES
GV	GAS LINE VALVE	D.	DEED
	LIGHT STANDARD	M.	MEASURED
—o—	SIGN	L.	LIBER
H.C.	HANDICAP	P.	PAGE

ELEVATION DATUM

ELEVATIONS ON THIS MAP WERE DETERMINED UTILIZING GPS DATUM:
NAD83 (2011) STONEX S900 GPS UNIT (CONUS 12B GEOID) NAVD 88 VERTICAL DATUM

40 0 40 80 120
SCALE: 1"=40'

UTILITIES

The underground utilities shown have been located from field survey information & existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. This surveyor has not physically located the underground utilities.

National Fuel Attn: Ed Kulpa (716) 857-7967	Time Warner Cable Attn: Chris Smith (800) 262-8600	Verizon Attn: Mark Granschow (716) 840-8656
Erie County Water Dept. Attn: Steve Denzler (716) 685-8289	N.Y.S. Electric & Gas Attn: Sam Ceppaglia (716) 651-5256	National Grid Attn: Roy Schultz (315) 428-6319

SURVEYOR'S CERTIFICATION

To:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 2,3,4,5,7(a),7(b)(1),8,9,13 & 14 of Table A thereof. The field work was completed on 9-9-24.

Date of Plat or Map: 9-19-24 .

Christopher J. Barr Registration No. 051068

STATE OF NEW YORK · CHRISTOPHER JOHN BARR · 051068 · LICENSED LAND SURVEYOR

SHEET 1 OF 3

TRUE NORTH
LAND SURVEYING, PLLC
150 AERO DRIVE
BUFFALO, NEW YORK 14225
(716)631-5140 ~ Truenorthpllc@aol.com

AMEND:
SURVEY DATE: 9-13-24
©DRAWING DATE: 9-19-24
SCALE: 1" = 40'

ALTA/NSPS LAND TITLE SURVEY

PART OF LOT 59 SECTION ___ TOWNSHIP 12 RANGE 7 OF THE:
Holland Land Company's SURVEY – Erie COUNTY, N.Y.

SURVEY OF: 3750 Millersport Highway, Town of Amherst

SBL No. 28.00-1-58.111

40 0 40 80 120
SCALE: 1"=40'

LEGEND

Ø	UTILITY / SERVICE POLE	R.O.W.	RIGHT OF WAY
WV	WATER LINE VALVE	CONC.	CONCRETE
	FIRE HYDRANT	INV.	INVERT
⊞	D.I. (DROP INLET – STORM)	M.H.	MANHOLE
Ⓓ	MANHOLE (STORM)	—G—	GAS LINE
Ⓔ	MANHOLE (ELECTRIC)	—W—	WATER LINE
TR	MANHOLE (TRAFFIC)	—T—	TELEPHONE LINE
Ⓢ	MANHOLE (SANITARY)	—E—	ELECTRIC LINE
Ⓣ	MANHOLE (TELEPHONE)	—P—	UTILITY LINES
Ⓖ	GASLINE MARKER	—C—	CABLE LINES
GV	GAS LINE VALVE	D.	DEED
	LIGHT STANDARD	M.	MEASURED
—o—	SIGN	L.	LIBER
H.C.	HANDICAP	P.	PAGE

ELEVATION DATUM

ELEVATIONS ON THIS MAP WERE DETERMINED UTILIZING GPS DATUM:
NAD83 (2011) STONEX S900 GPS UNIT (CONUS 12B GEOID) NAVD 88 VERTICAL DATUM

UTILITIES

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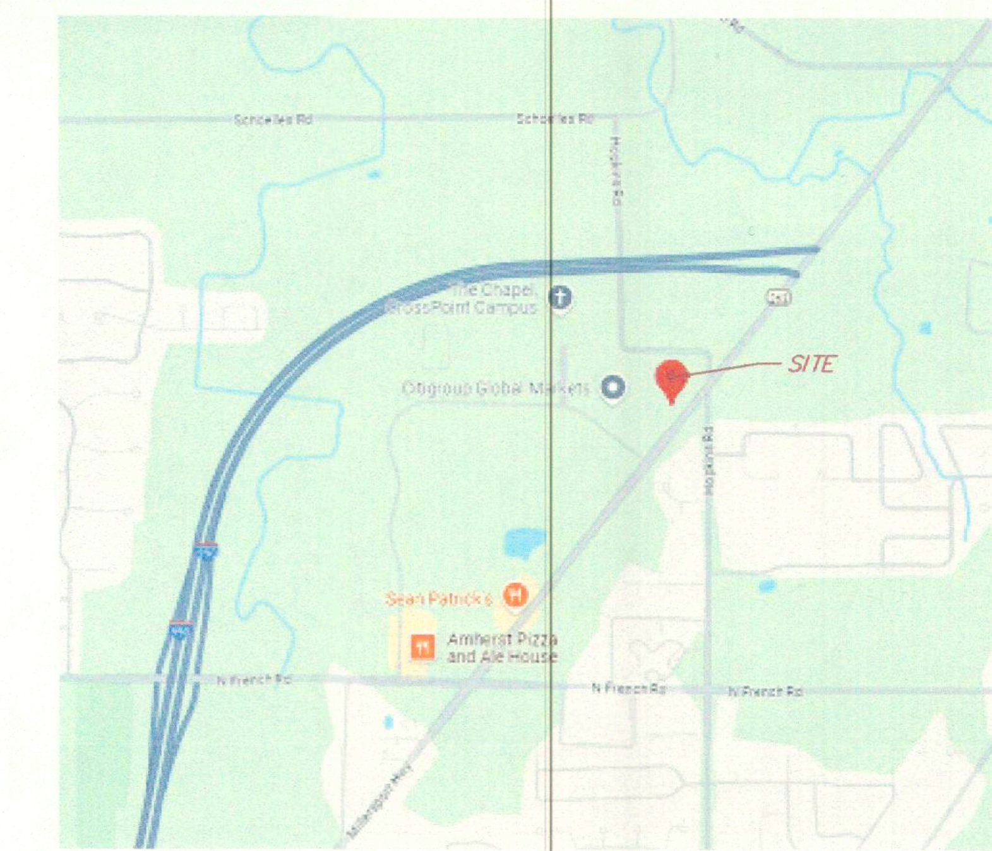


VICINITY MAP
Not To Scale

SURVEYOR'S CERTIFICATION

To:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 2,3,4,5,7(a),7(b)(1),8,9,13 & 14 of Table A thereof. The field work was completed on 9-9-24.

Date of Plat or Map: 9-19-24.

Christopher J. Barr Registration No. 051068

STATE OF NEW YORK CHRISTOPHER JOHN BARR 051068 LICENSED LAND SURVEYOR

SHEET 2 OF 3	©COPYRIGHT 2024 BY: TRUE NORTH LAND SURVEYING, PLLC 150 AERO DRIVE BUFFALO, NEW YORK 14225 (716)631-5140 ~ Truenorthpllc@aol.com	AMEND: SURVEY DATE: 9-13-24 ©DRAWING DATE: 9-19-24 SCALE: 1" = 40' "ALL RIGHTS RESERVED"
ALTA/NSPS LAND TITLE SURVEY PART OF LOT 59 SECTION ___ TOWNSHIP 12 RANGE 7 OF THE: Holland Land Company's SURVEY– Erie COUNTY, N.Y.		THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.
SURVEY OF: 3750 Millersport Highway, Town of Amherst		SBL No. 28.00-1-58.111

SCHEDULE "A"
FIRST AMERICAN TITLE INSURANCE COMPANY
Policy No. Y 3020-959576
EFFECTIVE DATE: 12-12-2019

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 59 TOWNSHIP 12, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEASTERLY CORNER OF LANDS CONVEYED TO JOHN E. LINDEMANN AND HERBERT E. LINDEMANN BY DEED DATED MARCH 1, 1945 AND RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 3722 OF DEEDS AT PAGE 440, SAID POINT BEING ALSO THE NORTHWESTERLY CORNER OF LANDS OWNED BY MENDEL VOGELSANGER, ALSO KNOWN AS MENDEL FUGELSONGER BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 289 OF DEEDS AT PAGE 38, SAID POINT ALSO BEING IN THE CENTERLINE OF HOPKINS ROAD (NORTH LINE OF LOT 59);

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LINDERMANN AND EXTENDED ALONG THE EASTERLY LINE OF LANDS CONVEYED TO THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY BY DEED FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10921 OF DEEDS AT PAGE 2915, SOUTH 00° 35' 22" WEST A DISTANCE OF 841.04 FEET TO A POINT;
THENCE NORTH 89° 24' 38" WEST A DISTANCE OF 183.42 FEET TO A POINT;
THENCE SOUTH 38° 54' 44" WEST A DISTANCE OF 194.17 FEET TO A POINT, SAID POINT BEING A POINT ON THE NORTH LINE OF CROSSPOINT PARKWAY BY DEED FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10927 OF DEEDS AT PAGE 1560;
THENCE ALONG THE NORTHERLY RIGHT OF WAY OF CROSSPOINT PARKWAY, NORTH 51° 05' 16" WEST A DISTANCE OF 249.07 FEET TO A POINT;
THENCE NORTH 38° 54' 44" EAST A DISTANCE OF 98.08 FEET TO A POINT;
THENCE NORTH 00° 33' 48" EAST A DISTANCE OF 259.50 FEET TO A POINT;
THENCE NORTH 89° 26' 12" WEST A DISTANCE OF 32.53 FEET TO A POINT ON THE EXISTING CONCRETE FOUNDATION OF 540 CROSSPOINT;
THENCE NORTH 00° 33' 48" EAST, ALONG THE CONCRETE FOUNDATION A DISTANCE OF 2.00 FEET TO A POINT;
THENCE NORTH 89° 26' 12" WEST ALONG THE CONCRETE FOUNDATION A DISTANCE OF 2.00 FEET TO A POINT;
THENCE NORTH 00° 33' 48" EAST ALONG THE CONCRETE FOUNDATION A DISTANCE OF 42.73 FEET TO A POINT;
THENCE SOUTH 89° 26' 12" EAST ALONG THE CONCRETE FOUNDATION A DISTANCE OF 2.00 FEET TO A POINT;
THENCE NORTH 00° 33' 48" EAST A DISTANCE OF 26.78 FEET TO A POINT;
THENCE SOUTH 89° 26' 12" EAST A DISTANCE OF 55.55 FEET TO A POINT;
THENCE NORTH 00° 33' 48" EAST A DISTANCE OF 48.00 FEET TO A POINT;
THENCE SOUTH 89° 26' 12" EAST A DISTANCE OF 80.43 FEET TO A POINT;
THENCE NORTH 00° 33' 48" EAST A DISTANCE OF 170.64 FEET TO A POINT;
THENCE NORTH 89° 26' 12" WEST A DISTANCE OF 11.87 FEET TO A POINT;
THENCE NORTH 00° 33' 48" EAST A DISTANCE OF 215.20 FEET TO THE NORTH LINE OF LOT 59 AND THE EXTENSION OF THE CENTER LINE OF HOPKINS ROAD EXTENDED;
THENCE SOUTH 88° 55' 48" EAST ALONG THE NORTH LINE OF LOT 59 AND THE CENTER LINE OF SAID HOPKINS ROAD A DISTANCE OF 347.19 FEET TO THE POINT OR PLACE OF BEGINNING.
EXCEPTING THEREFROM ANY PORTION OF PREMISES LYING IN THE BOUNDS OF HOPKINS ROAD.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT NUMBER 59, TOWNSHIP 12, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT IN THE NORTH LINE OF LOT NUMBER 59, SAID POINT BEING THE NORTHWEST CORNER OF LANDS DEEDED FROM MILL-HOP LAND CORP. TO VLOGGY HELFFENSTEIN AND LAURINE KAESELAU IN DEED FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 8640, PAGE 135, WHICH POINT IS DISTANT 284.90 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT NUMBER 59;
THENCE WESTERLY ALONG THE CENTER LINE OF HOPKINS ROAD AND THE NORTH LINE OF LOT 59 NORTH 88° 55' 48" WEST, A DISTANCE OF 355.30 FEET TO THE NORTHWEST CORNER OF LANDS CONVEYED TO WENDLE VOGELSANGER BY DEED FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 289 OF DEEDS AT PAGE 38;
THENCE SOUTH 00° 35' 22" WEST AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT NUMBER 59, SAID LINE BEING THE EASTERLY LINE OF LANDS CONVEYED TO THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY BY LIBER 10921 AT PAGE 2915, A DISTANCE OF 841.04 FEET TO A POINT;
THENCE SOUTH 89° 24' 38" EAST AND THROUGH THE LANDS CONVEYED TO THE ASBURY UNITED METHODIST CHURCH OF AMHERST IN LIBER 10880 OF DEEDS AT PAGE 1196 A DISTANCE OF 219.84 FEET TO A POINT IN THE NORTHWESTERLY LINE OF MILLERSPORT HIGHWAY AS APPROPRIATED BY THE STATE OF NEW YORK DEPARTMENT OF PUBLIC WORKS, BUFFALO – MILLERSPORT PART 2, C.H. 1949, MAP 26 A, B PARCEL 26 B;
THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF MILLERSPORT HIGHWAY AS APPROPRIATED BY THE STATE OF NEW YORK DEPARTMENT OF PUBLIC WORKS, BUFFALO – MILLERSPORT PART 2, C.H. 1949, MAP NO. 26 A, B PARCEL NO. 26 B, NORTH 38° 55' 42" EAST (AS A HIGHWAY 100 FEET WIDE) A DISTANCE OF 218.34 FEET TO THE SOUTHWEST CORNER OF LANDS DEEDED FROM MILL-HOP LAND CORP. TO VLOGGY HELFFENSTEIN AND LAURINE KAESELAU IN DEED FILED IN ERIE COUNTY CLERK'S OFFICE LIBER 8640, PAGE 135;
THENCE NORTHERLY AND ALONG THE WEST LINE OF PROPERTY DEEDED IN LIBER 8640, PAGE 135 AS AFORESAID NORTH 00° 35' 22" EAST A DISTANCE OF 666.80 FEET TO THE POINT OR PLACE OF BEGINNING.
EXCEPTING THEREFROM ANY PORTION OF PREMISES LYING IN THE BOUNDS OF HOPKINS ROAD.

PARCEL C

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT NUMBER 59, TOWNSHIP 12, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF LOT NUMBER 59, SAID POINT ALSO BEING AN ANGLE POINT IN THE CENTER LINE OF HOPKINS ROAD,
THENCE SOUTHERLY ALONG THE CENTERLINE OF HOPKINS ROAD AND THE EAST LINE OF LOT NUMBER 59 SOUTH 00° 35' 22" WEST A DISTANCE OF 208.00 FEET TO THE POINT OR PLACE OF BEGINNING;
THENCE WESTERLY AND PARALLEL TO THE NORTH LINE OF LOT NUMBER 59 NORTH 88° 55' 48" WEST A DISTANCE OF 284.90 FEET TO A POINT ON THE WEST LINE OF LANDS DEEDED FROM MILL-HOP LAND CORP. TO VLOGGY HELFFENSTEIN AND LAURINE KAESELAU IN DEED FILED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 8640, PAGE 135;
THENCE SOUTH 00° 35' 22" WEST ALONG THE WEST LINE OF LANDS DEEDED FROM MILL-HOP LAND CORP. TO VLOGGY HELFFENSTEIN AND LAURINE KAESELAU IN DEED LIBER 8640, PAGE 135 AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT NUMBER 59 A DISTANCE OF 458.80 FEET THE NORTHWESTERLY LINE OF MILLERSPORT HIGHWAY AS APPROPRIATED BY THE STATE OF NEW YORK DEPARTMENT OF PUBLIC WORKS, BUFFALO –MILLERSPORT PART 2, C.H. 1949, MAP NO. 26 A, B PARCEL NO. 26 B, NORTH 38° 55'42" EAST (AS A HIGHWAY 100 FEET WIDE) A DISTANCE OF 218.34 FEET TO THE SOUTHWEST CORNER OF LANDS DEEDED FROM MILL-HOP LAND CORP. TO VLOGGY HELFFENSTEIN AND LAURINE KAESELAU IN DEED LIBER 8640, PAGE 135;
THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF MILLERSPORT HIGHWAY AS APPROPRIATED BY THE STATE OF NEW YORK DEPARTMENT OF PUBLIC WORKS, BUFFALO – MILLERSPORT PART 2, C.H. 1949, MAP NO. 26 A, B PARCEL NO. 26 B, NORTH 38° 55' 42" EAST (AS A HIGHWAY 100 FEET WIDE) A DISTANCE OF 320.42 FEET TO AN ANGLE THEREIN;
THENCE CONTINUING NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF MILLERSPORT HIGHWAY AS APPROPRIATED BY THE STATE OF NEW YORK DEPARTMENT OF PUBLIC WORKS, BUFFALO –MILLERSPORT PART 2, C.H. 1949, MAP NO. 26 A, B PARCEL NO. 26 B, NORTH 21° 15' 44" EAST A DISTANCE OF 150.50 FEET TO A POINT ON THE WESTERLY LINE OF HOPKINS ROAD AS A 66 FOOT WIDE HIGHWAY;
THENCE EASTERLY AT RIGHT ANGLE TO THE WEST LINE OF HOPKINS ROAD SOUTH 89° 24' 38" EAST A DISTANCE OF 33.0 FEET TO A POINT ON THE CENTERLINE OF HOPKINS ROAD AND THE EAST LINE OF LOT 59, TOWNSHIP 12, RANGE 7;
THENCE NORTHERLY AND ALONG THE CENTERLINE OF HOPKINS ROAD AND THE EAST LINE OF LOT 59, TOWNSHIP 12, RANGE 7, NORTH 00° 35' 22" EAST A DISTANCE OF 64.35 FEET, MORE OR LESS, TO THE POINT OR PLACE OF BEGINNING.
EXCEPTING THEREFROM ANY PORTION OF PREMISES LYING IN THE BOUNDS OF HOPKINS ROAD.

PARCEL D

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT NUMBER 59, TOWNSHIP 12, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 59, TOWNSHIP 12, RANGE 7, SAID POINT BEING AN ANGLE POINT IN THE CENTERLINE OF HOPKINS ROAD;
THENCE WESTERLY ALONG THE NORTH LINE OF LOT 59, TOWNSHIP 12, RANGE 7 AND THE CENTERLINE OF HOPKINS ROAD NORTH 88° 55' 48" WEST A DISTANCE 284.90 FEET TO THE NORTHWEST CORNER OF LANDS DEEDED FROM MILL-HOP LAND CORP. TO VLOGGY HELFFENSTEIN AND LAURINE KAESELAU IN DEED FILED IN ERIE COUNTY CLERK'S OFFICE UNDER LIBER 8640, PAGE 135;
THENCE SOUTH 00° 35' 22" WEST ALONG THE WEST LINE OF LANDS DEEDED FROM MILL-HOP LAND CORP. TO VLOGGY HELFFENSTEIN AND LAURINE KAESELAU IN DEED LIBER 8640, PAGE 135 AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT NUMBER 59 A DISTANCE OF 208.00 FEET TO A POINT;
THENCE EASTERLY AND PARALLEL TO THE NORTH LINE OF LOT NUMBER 59 SOUTH 88° 55' 48" EAST A DISTANCE OF 284.90 FEET TO A POINT ON THE TO A POINT ON THE CENTERLINE OF HOPKINS ROAD AND THE EAST LINE OF LOT 59, TOWNSHIP 12, RANGE 7;
THENCE NORTHERLY AND ALONG THE CENTERLINE OF HOPKINS ROAD AND THE EAST LINE OF LOT 59, TOWNSHIP 12, RANGE 7, NORTH 00° 35' 22" EAST A DISTANCE OF 208.00 FEET, MORE OR LESS, TO THE POINT OR PLACE OF BEGINNING.
EXCEPTING THEREFROM ANY PORTION OF PREMISES LYING IN THE BOUNDS OF HOPKINS ROAD.

PARCEL E (EASEMENT)

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT NOS. 52 AND 59, TOWNSHIPS 13 AND 12 (RESPECTIVELY), RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59 DISTANT 1,569.23 FEET WESTERLY FROM THE NORTHEAST CORNER OF LOT 59;
THENCE SOUTH 00° 35' 22" WEST, A DISTANCE OF 607.71 FEET TO A POINT ON THE NORTHERLY LINE OF CROSS POINT PARKWAY, AS DEDICATED TO THE TOWN OF AMHERST BY DEED FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10927 OF DEEDS AT PAGE 1560;
THENCE NORTHWESTERLY ALONG THE SAID NORTHERLY LINE OF CROSS POINT PARKWAY CURVING TO THE LEFT, HAVING A RADIUS OF 835.00 FEET AND AN ARC DISTANCE OF 71.27 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 78° 39' 18" WEST, 71.25 FEET;
THENCE NORTH 00° 35' 22" EAST, A DISTANCE OF 595.00 FEET TO A POINT ON THE NORTH LINE OF LOT 59;
THENCE SOUTH 88° 55' 48" EAST ALONG THE SAID NORTHERLY LINE OF LOT 59, A DISTANCE OF 70.00 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL F (EASEMENT)

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS NOS. 52 AND 59, TOWNSHIP 13 AND 12 (RESPECTIVELY), RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, DESRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59, DISTANT 1006.08 FEET WESTERLY TO THE NORTH EAST CORNER OF LOT 59;
THENCE N 00° 33'48"E, A DISTANCE OF 54.00 FEET TO A POINT;
THENCE PARALLEL TO THE NORTH LINE OF LOT 59 AND SOUTH LINE OF LOT 52 N 88°55'48"W, A DISTANCE OF 633.16 FEET TO A POINT;
THENCE S 00°33'48"W A DISTANCE OF 54.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 52 AND NORTH LINE OF LOT 59;
THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59 S88°55'48"E, A DISTANCE OF 70.00 FEET TO A POINT;
THENCE N 52° 21'40"E, A DISTANCE OF 38.38 FEET TO A POINT;
THENCE PARALLEL TO THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59 S 88°55'48"E, A DISTANCE OF 475.89 FEET TO A POINT;
THENCE S 26° 06'05"E, A DISTANCE OF 26.98 FEET TO A POINT ON THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59;
THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59 S 88°55'48"E A DISTANCE OF 45.00 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL G (EASEMENT)

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT NOS. 52 AND 59, TOWNSHIP 13 AND 12 (RESPECTIVELY), RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59, DISTANT 1006.08 FEET WESTERLY THE NORTH EAST CORNER OF LOT 59;
THENCE SOUTH 00° 33' 48" WEST, A DISTANCE OF 80.00 FEET TO A POINT;
THENCE SOUTH 89° 26' 12" EAST A DISTANCE OF 18.69 FEET TO A POINT;
THENCE SOUTH 00° 33' 48" WEST, A DISTANCE OF 24.00 FEET TO A POINT;
THENCE NORTH 89° 26' 12" WEST A DISTANCE OF 18.69 FEET TO A POINT;
THENCE SOUTH 00° 33' 48" WEST, A DISTANCE OF 111.36 FEET TO A POINT;
THENCE SOUTH 89° 26' 12" EAST A DISTANCE OF 30.56 FEET TO A POINT;
THENCE SOUTH 00° 33' 48" WEST, A DISTANCE OF 32.38 FEET TO A POINT;
THENCE NORTH 89° 26' 12" WEST A DISTANCE OF 18.90 FEET TO A POINT;
THENCE SOUTH 00° 33' 48" WEST, A DISTANCE OF 138.26 FEET TO A POINT;
THENCE NORTH 89° 26' 12" WEST A DISTANCE OF 56.66 FEET TO A POINT;
THENCE NORTH 00° 33' 48" EAST, A DISTANCE OF 386.40 FEET TO A POINT ON THE SOUTH LINE
OF LOT 52 AND THE NORTH LINE LOT 59;
THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 52 AND THE NORTH LINE OF LOT 59 SOUTH
88° 55' 48" EAST A DISTANCE OF 45.00 FEET TO THE POINT OR PLACE OF BEGINNING.

40 0 40 80 120
SCALE: 1"=40'

LEGEND

∅	UTILITY / SERVICE POLE	R.O.W.	RIGHT OF WAY
WV	WATER LINE VALVE	CONC.	CONCRETE
	FIRE HYDRANT	INV.	INVERT
	D.I. (DROP INLET – STORM)	M.H.	MANHOLE
(D)	MANHOLE (STORM)	—G—	GAS LINE
(E)	MANHOLE (ELECTRIC)	—W—	WATER LINE
(TR)	MANHOLE (TRAFFIC)	—T—	TELEPHONE LINE
(S)	MANHOLE (SANITARY)	—E—	ELECTRIC LINE
(T)	MANHOLE (TELEPHONE)	—P—	UTILITY LINES
G	GASLINE MARKER	—C—	CABLE LINES
	GAS LINE VALVE	D.	DEED
	LIGHT STANDARD	M.	MEASURED
—○—	SIGN	L.	LIBER
H.C.	HANDICAP	P.	PAGE

SCHEDULE "B"
FIRST AMERICAN TITLE INSURANCE COMPANY
Policy No. Y 3020-959576
EFFECTIVE DATE: 12-12-2019

7. Declaration of Easements and Covenants, together with provisions for maintenance, by and between Metropolitan Chapel of Buffalo and The Uniland Partnership of Delaware L.P. dated 6/4/2003 and recorded 8/1/2003 in Liber 11049 of Deeds, page 2642 (affects Parcel A.)

9. Right of Way Easement made by The Independent Union Telephone Company dated 4/30/1903 and recorded 11/12/1906 in Liber 1054 of Deeds, page 553 (affects Parcel A).

11. Electric and Telephone Easement granted to Niagara Mohawk Power Corporation and New York Telephone Company recorded 6/28/1961 in Liber 6670 of Deeds, page 589 (affects Parcels C and D). (Easement for service pole line no longer on Parcels C and D)

12. Easement granted to New York Telephone Company recorded 10/20/1970 in Liber 7736 of Deeds, page 289 (affects Parcels C and D). (Exact location unknown, unable to plot.)

13. Right of Way granted to Iroquois Gas Corporation recorded 3/4/1971 in Liber 7774 of Deeds, page 542 as assigned by Assignment of Interest to National Fuel Gas Distribution Corporation dated 6/25/1974, effective 7/1/1974 and recorded 7/18/1974 in Liber 8189 of Deeds, page 13 (affects Parcels B, C and D). (Plotted on Drawing)

15. Easement granted to Town of Amherst dated 11/28/1995 and recorded 12/21/1995 in Liber 10895 of Deeds, page 3248 (affects Parcel B). (Plotted on Drawing)

16. Permanent Public Sanitary Sewer Easement made by and between The Town of Amherst Industrial Development Agency and the Uniland Partnership L.P. to the Town of Amherst dated 5/5/1998 and recorded 6/4/1998 in Liber 10933 of Deeds, page 7521 (affects Parcel A).

17. Utility Easement Agreement made by and between The Town of Amherst Industrial Development Agency and the Uniland Partnership of Delaware, L.P. to Niagara Mohawk Power Corporation dated 10/6/1999 and recorded 10/12/1999 in Liber 10958 of Deeds, page 3455 (affects Parcel A).

18. Reciprocal Access Easement by The Uniland Partnership of Delaware L.P., recorded 1/29/2003 in Liber 11027 of Deeds, page 7192. (affects Parcel A)

20. Declaration of Easements for Reciprocal Parking, Ingress and Egress made by and between the Uniland Partnership of Delaware L.P. and the Metropolitan Chapel of Buffalo with consents of the Town of Amherst Industrial Development Agency and Reliance Trust Company dated 7/20/2005 and recorded 9/29/2005 in Liber 11102 of Deeds, page 806; which was amended by a First Amendment to Declaration of Easements for Reciprocal Parking, Ingress and Egress, dated 10/17/2013, recorded 12/30/2013 in the Office of the County Clerk, Erie County in Liber 11258, Page 4648; which was further amended by a Second Amendment to Declaration of Easements for Reciprocal Parking, Ingress and Egress, dated 04/24/2017, recorded 04/24/2017 in the Office of the County Clerk, Erie County in Liber 11312, Page 3021; which is being further amended and restated by that certain Amended and Restated Declaration of Easements for Reciprocal Parking, Ingress and Egress made by and between Uniland Development I, LLC and The Metropolitan Chapel of Buffalo (now known as The chapel at Crosspoint) dated 09/--/2019 and to be duly recorded in the Office of the County Clerk, Erie County. (affects Parcel A)

23. Grant of Easement made by and between The Town of Amherst Industrial Development Agency and Uniland Partnership of Delaware, L.P. to Niagara Mohawk Power Corporation dated 5/16/2006 and recorded 8/1/2006 in Liber 11117 of Deeds, page 1691 (affects Parcel A and Parcel C).

25. Grant of Easement made by and between The Uniland Partnership of Delaware, L.P. and The Town of Amherst Industrial Development Agency to Niagara Mohawk Power Corporation dated 10/30/2007 and recorded 11/13/2007 in Liber 11137 of Deeds, page 1043 (affects Parcel A).

26. Easement and Connector Building Agreement by and between Uniland Development I, LLC and Town of Amherst Industrial Development Agency dated 1/26/2009 and recorded 2/6/2009 in Liber 11155 of Deeds, page 2172 (affects Parcel A).

27. Grant of Easement to Niagara Mohawk Power Corporation dated 10/18/2010 and recorded 2/16/2011 in Liber 11198 of Deeds, page 6071 (affects Parcel A).

47. Declaration of Easements for Ingress and Egress (East-West Easement) by and bewteen Uniland Development I, LLC and Metropolitan Chapel of Buffalo, dated 12/--/2019, duly recorded in the Erie County Clerk's Office.

NOTES

THERE WAS RECENT EVIDENCE OF CONSTRUCTION FOR RELOCATION OF HOPKINS ROAD.

THE PARCEL HAS DIRECT ACCESS TO MILLERSPORT HIGHWAY, A PUBLIC HIGHWAY & HOPKINS ROAD, A PUBLIC HIGHWAY.

NO ENCROACHMENTS.

PARKING SPACES

0 REGULAR SPACES
0 HANDICAP SPACES
0 TOTAL SPACES

FLOOD ZONE

PREMISES LIES WITHIN ZONE "X" AREA OF MINIMAL FLOOD HAZARD. FLOOD PLAIN PER F.E.M.A. FLOOD INSURANCE RATE MAP No. 36029C 0008H, JUNE-7-2021 (TOWN OF AMHERST)

SURVEYOR'S CERTIFICATION

To:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 2,3,4,5,7(a),7(b)(1),8,9,13 & 14 of Table A thereof. The field work was completed on 9-9-24.

Date of Plat or Map: 9-19-24

Christopher J. Barr Registration No. 051068

STATE OF NEW YORK CHRISTOPHER JOHN BARR 051068 LICENSED LAND SURVEYOR

SHEET 3 OF 3

TRUE NORTH
LAND SURVEYING, PLLC
150 AERO DRIVE
BUFFALO, NEW YORK 14225
(716)631-5140 ~ Truenorthpllc@aol.com

AMEND:
SURVEY DATE: 9-13-24
©DRAWING DATE: 9-19-24
SCALE: 1" = 40'

ALTA/NSPS LAND TITLE SURVEY

PART OF LOT 59 SECTION ____ TOWNSHIP 12 RANGE 7 OF THE: Holland Land Company's SURVEY – Erie COUNTY, N.Y.

SURVEY OF: 3750 Millersport Highway, Town of Amherst

SBL No. 28.00-1-58.111

ATTACHMENT C

Pre-development Stormwater Calculations

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	1-yr	NY-Amherst 24-hr S1	1-yr	Default	24.00	1	1.80	2
2	10-yr	NY-Amherst 24-hr S1	10-yr	Default	24.00	1	3.06	2
3	50-yr	NY-Amherst 24-hr S1	50-yr	Default	24.00	1	4.33	2
4	100-yr	NY-Amherst 24-hr S1	100-yr	Default	24.00	1	5.05	2

Summary for Subcatchment E-1: Existing Drainage Area

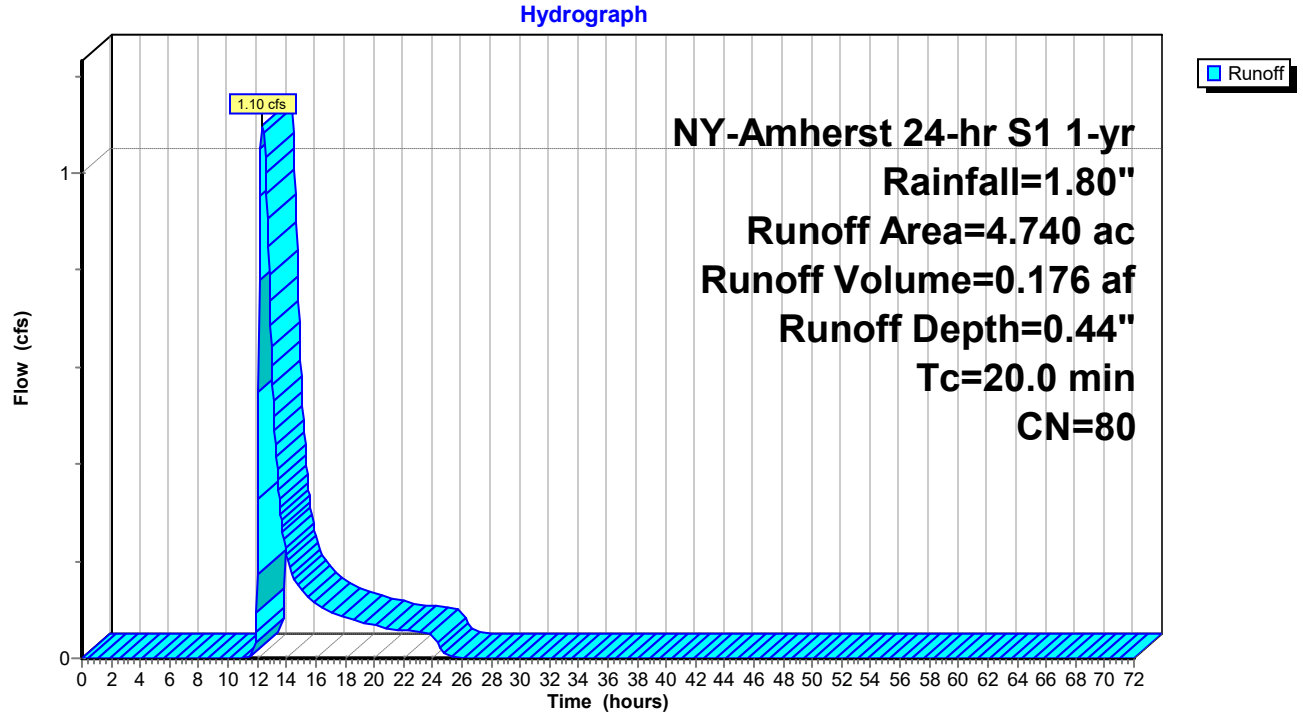
Runoff = 1.10 cfs @ 12.36 hrs, Volume= 0.176 af, Depth= 0.44"

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 1-yr Rainfall=1.80"

	Area (ac)	CN	Description
*	0.380	98	Impervious
	2.240	80	>75% Grass cover, Good, HSG D
	2.120	77	Woods, Good, HSG D
	4.740	80	Weighted Average
	4.360	79	91.98% Pervious Area
	0.380	98	8.02% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
20.0					**Direct Entry,**

Subcatchment E-1: Existing Drainage Area



Summary for Subcatchment E-1: Existing Drainage Area

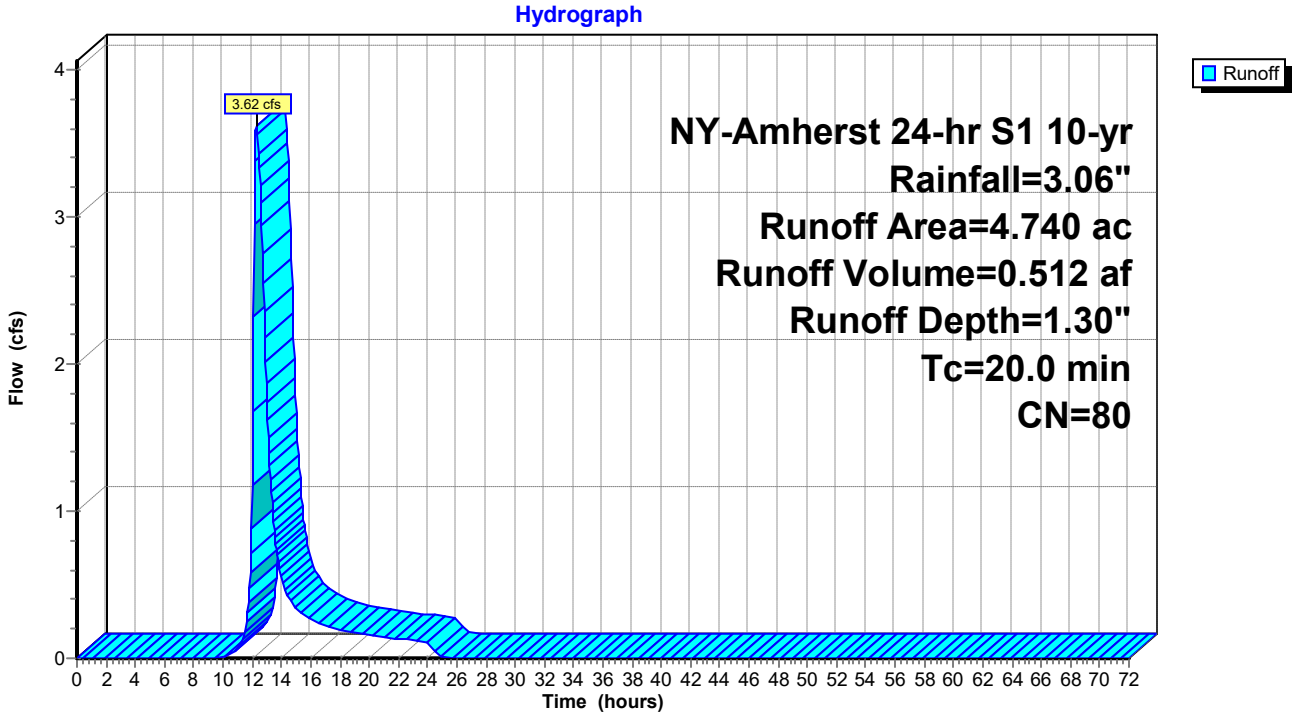
Runoff = 3.62 cfs @ 12.30 hrs, Volume= 0.512 af, Depth= 1.30"

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 10-yr Rainfall=3.06"

	Area (ac)	CN	Description
*	0.380	98	Impervious
	2.240	80	>75% Grass cover, Good, HSG D
	2.120	77	Woods, Good, HSG D
	4.740	80	Weighted Average
	4.360	79	91.98% Pervious Area
	0.380	98	8.02% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
20.0					**Direct Entry,**

Subcatchment E-1: Existing Drainage Area



Summary for Subcatchment E-1: Existing Drainage Area

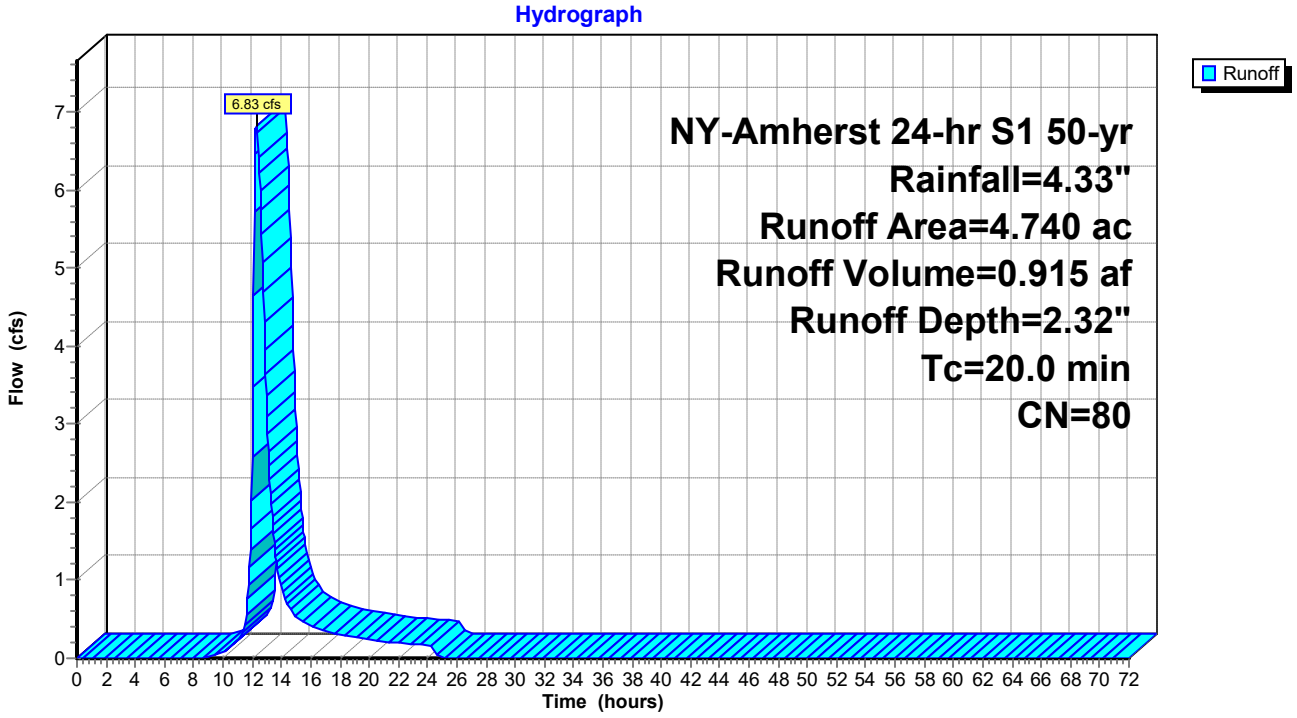
Runoff = 6.83 cfs @ 12.29 hrs, Volume= 0.915 af, Depth= 2.32"

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 50-yr Rainfall=4.33"

	Area (ac)	CN	Description
*	0.380	98	Impervious
	2.240	80	>75% Grass cover, Good, HSG D
	2.120	77	Woods, Good, HSG D
	4.740	80	Weighted Average
	4.360	79	91.98% Pervious Area
	0.380	98	8.02% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
20.0					**Direct Entry,**

Subcatchment E-1: Existing Drainage Area



Summary for Subcatchment E-1: Existing Drainage Area

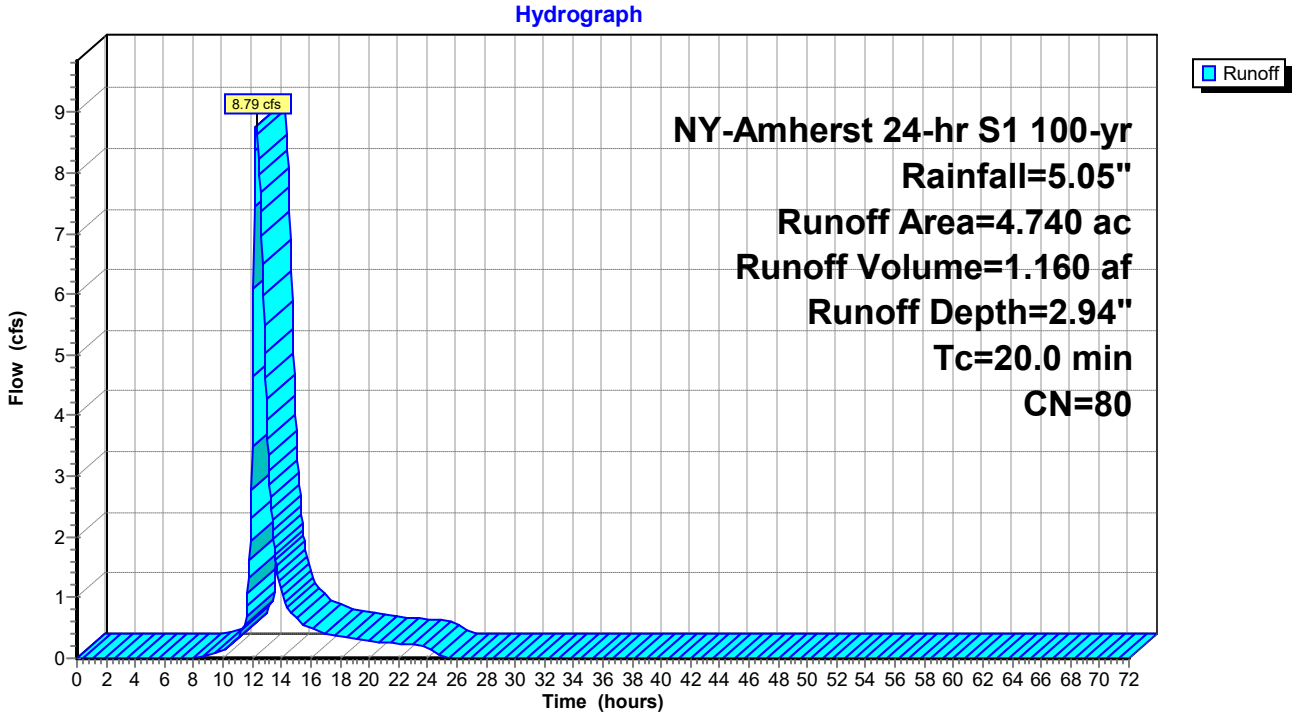
Runoff = 8.79 cfs @ 12.29 hrs, Volume= 1.160 af, Depth= 2.94"

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 100-yr Rainfall=5.05"

	Area (ac)	CN	Description
*	0.380	98	Impervious
	2.240	80	>75% Grass cover, Good, HSG D
	2.120	77	Woods, Good, HSG D
	4.740	80	Weighted Average
	4.360	79	91.98% Pervious Area
	0.380	98	8.02% Impervious Area

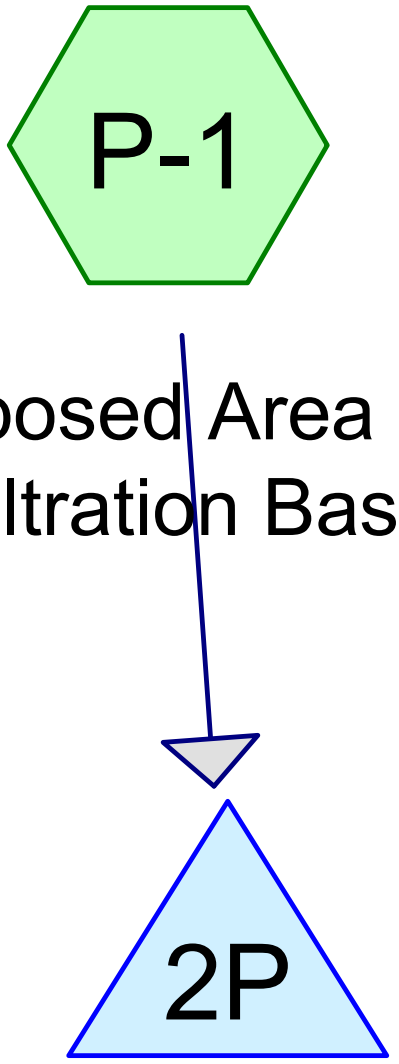
Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
20.0					**Direct Entry,**

Subcatchment E-1: Existing Drainage Area



ATTACHMENT D

Post-development Stormwater Calculations



Subcat Reach Pond Link

Routing Diagram for NJY24-4006 - 3750 Millersport Highway
Prepared by Hewlett-Packard Company, Printed 9/18/2024

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	1-yr	NY-Amherst 24-hr S1	1-yr	Default	24.00	1	1.80	2
2	10-yr	NY-Amherst 24-hr S1	10-yr	Default	24.00	1	3.06	2
3	25-yr	NY-Amherst 24-hr S1	25-yr	Default	24.00	1	3.73	2
4	100-yr	NY-Amherst 24-hr S1	100-yr	Default	24.00	1	5.05	2

Area Listing (selected nodes)

Area (acres)	CN	Description (subcatchment-numbers)
3.950	98	(P-1)
0.790	80	>75% Grass cover, Good, HSG D (P-1)
4.740	**95**	**TOTAL AREA**

Time span=0.00-72.00 hrs, dt=0.05 hrs, 1441 points
Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment P-1: Proposed Area To Runoff Area=4.740 ac 83.33% Impervious Runoff Depth=1.29"
Flow Length=743' Tc=12.6 min CN=95 Runoff=5.07 cfs 0.511 af

Pond 2P: Infiltration Basin Peak Elev=574.58' Storage=14,664 cf Inflow=5.07 cfs 0.511 af
Discarded=0.16 cfs 0.499 af Primary=0.03 cfs 0.012 af Outflow=0.19 cfs 0.511 af

Total Runoff Area = 4.740 ac Runoff Volume = 0.511 af Average Runoff Depth = 1.29"
16.67% Pervious = 0.790 ac 83.33% Impervious = 3.950 ac

Summary for Subcatchment P-1: Proposed Area To Infiltration Basin

[47] Hint: Peak is 268% of capacity of segment #4

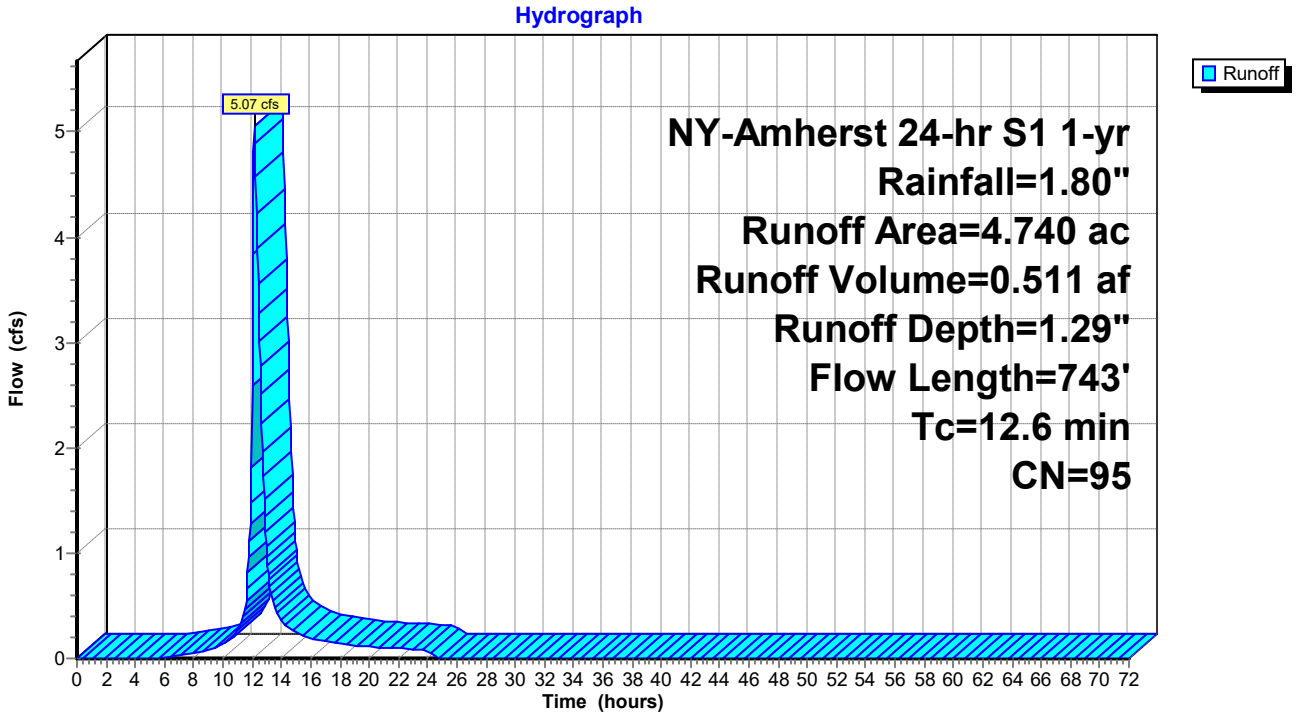
Runoff = 5.07 cfs @ 12.15 hrs, Volume= 0.511 af, Depth= 1.29"
Routed to Pond 2P : Infiltration Basin

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 1-yr Rainfall=1.80"

	Area (ac)	CN	Description
*	3.950	98	
	0.790	80	>75% Grass cover, Good, HSG D
	4.740	95	Weighted Average
	0.790	80	16.67% Pervious Area
	3.950	98	83.33% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.3	100	0.0150	1.24		**Sheet Flow, Sheet Flow** Smooth surfaces n= 0.011 P2= 3.29"
0.6	87	0.0150	2.49		**Shallow Concentrated Flow, Shallow Flow** Paved Kv= 20.3 fps
0.7	194	0.0050	4.97	8.78	**Pipe Channel, 18" Flow** 18.0" Round Area= 1.8 sf Perim= 4.7' r= 0.38' n= 0.011 Concrete pipe, straight & clean
10.0	362	0.0050	0.60	1.89	**Pipe Channel, 24" Pipe Flow** 24.0" Round Area= 3.1 sf Perim= 6.3' r= 0.50' n= 0.110
12.6	743	Total			

Subcatchment P-1: Proposed Area To Infiltration Basin



Summary for Pond 2P: Infiltration Basin

Inflow Area = 4.740 ac, 83.33% Impervious, Inflow Depth = 1.29" for 1-yr event
Inflow = 5.07 cfs @ 12.15 hrs, Volume= 0.511 af
Outflow = 0.19 cfs @ 16.30 hrs, Volume= 0.511 af, Atten= 96%, Lag= 248.7 min
Discarded = 0.16 cfs @ 16.30 hrs, Volume= 0.499 af
Primary = 0.03 cfs @ 16.30 hrs, Volume= 0.012 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
Peak Elev= 574.58' @ 16.30 hrs Surf.Area= 11,865 sf Storage= 14,664 cf

Plug-Flow detention time= 932.0 min calculated for 0.511 af (100% of inflow)
Center-of-Mass det. time= 931.9 min (1,745.8 - 814.0)

Volume	Invert	Avail.Storage	Storage Description
#1	573.25'	36,283 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

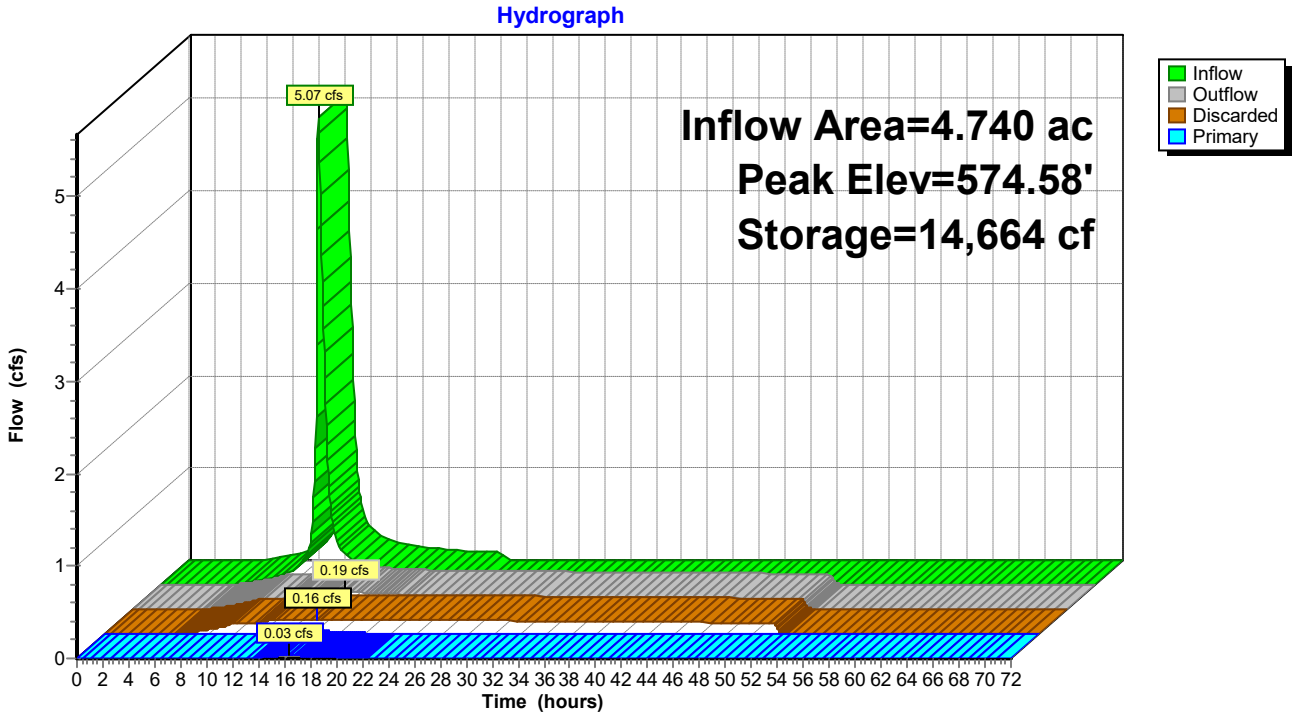
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
573.25	10,116	0	0
574.25	11,425	10,771	10,771
575.25	12,740	12,083	22,853
576.25	14,120	13,430	36,283

Device	Routing	Invert	Outlet Devices
#1	Primary	574.50'	**24.0" Round Culvert** L= 50.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 574.50' / 573.75' S= 0.0150 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 3.14 sf
#2	Device 1	574.50'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#3	Device 1	574.80'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Device 1	576.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Discarded	573.25'	**0.500 in/hr Exfiltration over Surface area** Conductivity to Groundwater Elevation = 564.00' Phase-In= 0.01'

Discarded OutFlow Max=0.16 cfs @ 16.30 hrs HW=574.58' (Free Discharge)
└**5=Exfiltration** (Controls 0.16 cfs)

Primary OutFlow Max=0.03 cfs @ 16.30 hrs HW=574.58' (Free Discharge)
└**1=Culvert** (Passes 0.03 cfs of 0.05 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 0.03 cfs @ 0.99 fps)
  ├**3=Orifice/Grate** (Controls 0.00 cfs)
  └**4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Pond 2P: Infiltration Basin



Time span=0.00-72.00 hrs, dt=0.05 hrs, 1441 points
Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment P-1: Proposed Area To Runoff Area=4.740 ac 83.33% Impervious Runoff Depth=2.51"
Flow Length=743' Tc=12.6 min CN=95 Runoff=9.15 cfs 0.991 af

Pond 2P: Infiltration Basin Peak Elev=575.23' Storage=22,625 cf Inflow=9.15 cfs 0.991 af
Discarded=0.18 cfs 0.565 af Primary=2.20 cfs 0.426 af Outflow=2.37 cfs 0.991 af

Total Runoff Area = 4.740 ac Runoff Volume = 0.991 af Average Runoff Depth = 2.51"
16.67% Pervious = 0.790 ac 83.33% Impervious = 3.950 ac

Summary for Subcatchment P-1: Proposed Area To Infiltration Basin

[47] Hint: Peak is 104% of capacity of segment #3
[47] Hint: Peak is 484% of capacity of segment #4

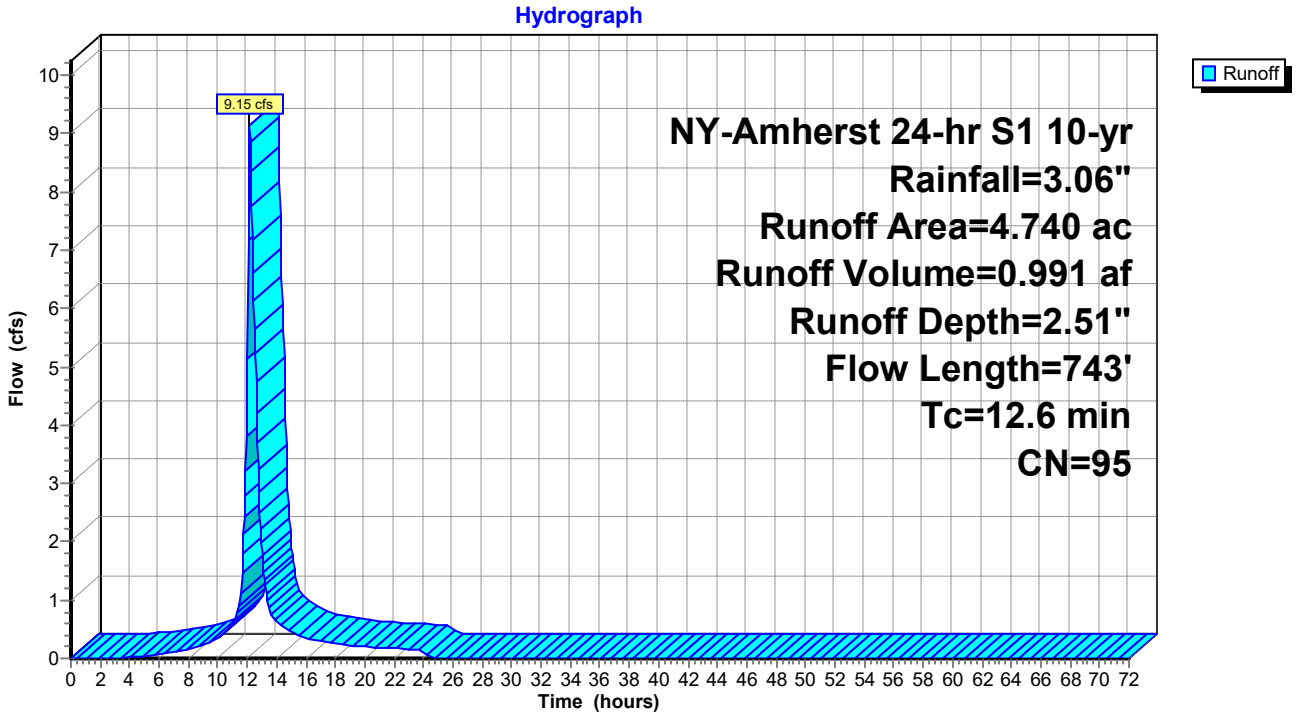
Runoff = 9.15 cfs @ 12.15 hrs, Volume= 0.991 af, Depth= 2.51"
Routed to Pond 2P : Infiltration Basin

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 10-yr Rainfall=3.06"

	Area (ac)	CN	Description
*	3.950	98	
	0.790	80	>75% Grass cover, Good, HSG D
	4.740	95	Weighted Average
	0.790	80	16.67% Pervious Area
	3.950	98	83.33% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.3	100	0.0150	1.24		**Sheet Flow, Sheet Flow** Smooth surfaces n= 0.011 P2= 3.29"
0.6	87	0.0150	2.49		**Shallow Concentrated Flow, Shallow Flow** Paved Kv= 20.3 fps
0.7	194	0.0050	4.97	8.78	**Pipe Channel, 18" Flow** 18.0" Round Area= 1.8 sf Perim= 4.7' r= 0.38' n= 0.011 Concrete pipe, straight & clean
10.0	362	0.0050	0.60	1.89	**Pipe Channel, 24" Pipe Flow** 24.0" Round Area= 3.1 sf Perim= 6.3' r= 0.50' n= 0.110
12.6	743	Total			

Subcatchment P-1: Proposed Area To Infiltration Basin



Summary for Pond 2P: Infiltration Basin

Inflow Area = 4.740 ac, 83.33% Impervious, Inflow Depth = 2.51" for 10-yr event
Inflow = 9.15 cfs @ 12.15 hrs, Volume= 0.991 af
Outflow = 2.37 cfs @ 12.87 hrs, Volume= 0.991 af, Atten= 74%, Lag= 43.1 min
Discarded = 0.18 cfs @ 12.87 hrs, Volume= 0.565 af
Primary = 2.20 cfs @ 12.87 hrs, Volume= 0.426 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
Peak Elev= 575.23' @ 12.87 hrs Surf.Area= 12,716 sf Storage= 22,625 cf

Plug-Flow detention time= 587.9 min calculated for 0.990 af (100% of inflow)
Center-of-Mass det. time= 588.7 min (1,384.8 - 796.1)

Volume	Invert	Avail.Storage	Storage Description
#1	573.25'	36,283 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

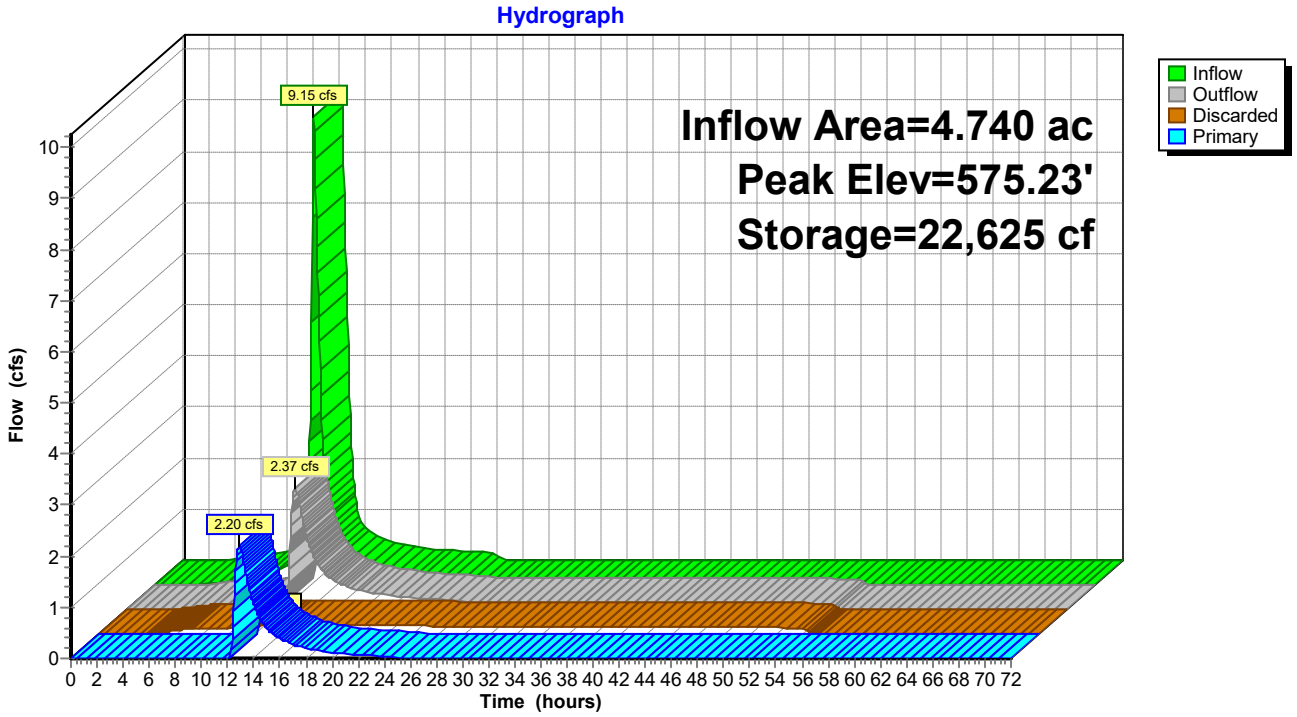
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
573.25	10,116	0	0
574.25	11,425	10,771	10,771
575.25	12,740	12,083	22,853
576.25	14,120	13,430	36,283

Device	Routing	Invert	Outlet Devices
#1	Primary	574.50'	**24.0" Round Culvert** L= 50.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 574.50' / 573.75' S= 0.0150 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 3.14 sf
#2	Device 1	574.50'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#3	Device 1	574.80'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Device 1	576.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Discarded	573.25'	**0.500 in/hr Exfiltration over Surface area** Conductivity to Groundwater Elevation = 564.00' Phase-In= 0.01'

Discarded OutFlow Max=0.18 cfs @ 12.87 hrs HW=575.23' (Free Discharge)
└**5=Exfiltration** (Controls 0.18 cfs)

Primary OutFlow Max=2.20 cfs @ 12.87 hrs HW=575.23' (Free Discharge)
└**1=Culvert** (Passes 2.20 cfs of 3.03 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 1.79 cfs @ 2.91 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.40 cfs @ 2.24 fps)
  └**4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Pond 2P: Infiltration Basin



Time span=0.00-72.00 hrs, dt=0.05 hrs, 1441 points
Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment P-1: Proposed Area To Runoff Area=4.740 ac 83.33% Impervious Runoff Depth=3.17"
Flow Length=743' Tc=12.6 min CN=95 Runoff=11.48 cfs 1.250 af

Pond 2P: Infiltration Basin Peak Elev=575.57' Storage=27,015 cf Inflow=11.48 cfs 1.250 af
Discarded=0.19 cfs 0.581 af Primary=3.54 cfs 0.669 af Outflow=3.73 cfs 1.250 af

Total Runoff Area = 4.740 ac Runoff Volume = 1.250 af Average Runoff Depth = 3.17"
16.67% Pervious = 0.790 ac 83.33% Impervious = 3.950 ac

Summary for Subcatchment P-1: Proposed Area To Infiltration Basin

[47] Hint: Peak is 131% of capacity of segment #3
[47] Hint: Peak is 607% of capacity of segment #4

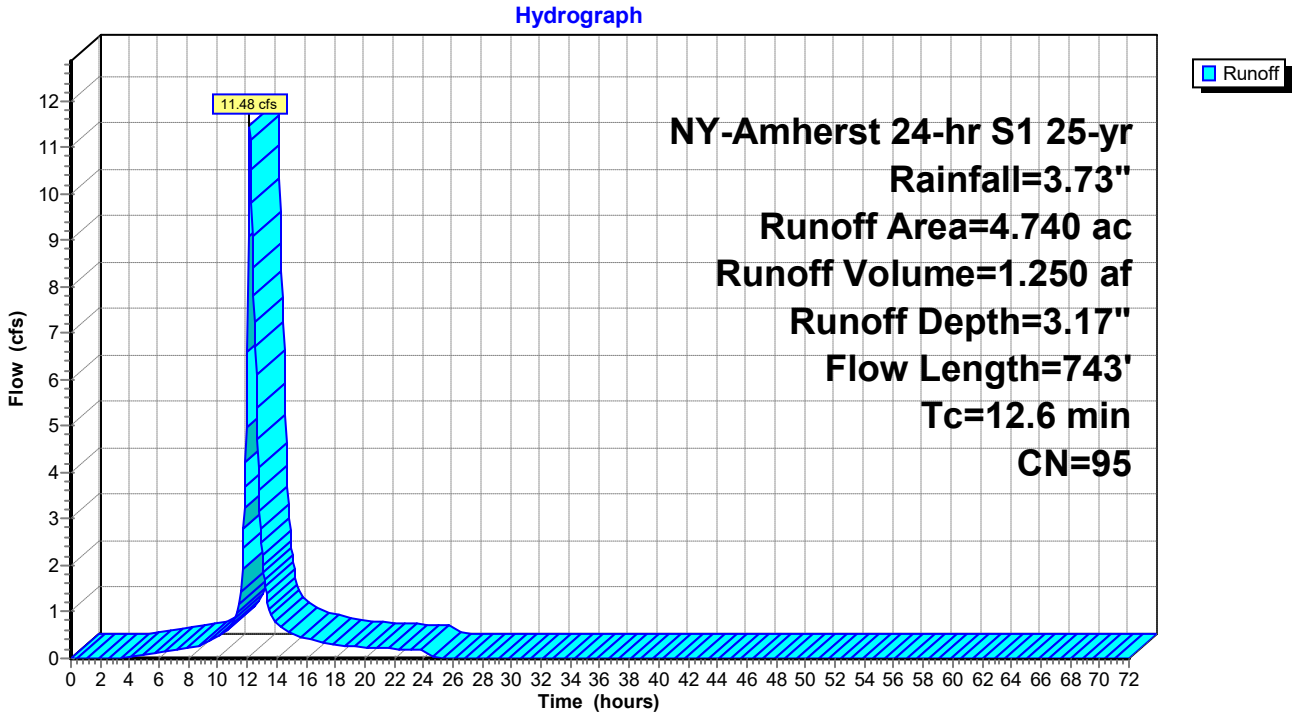
Runoff = 11.48 cfs @ 12.16 hrs, Volume= 1.250 af, Depth= 3.17"
Routed to Pond 2P : Infiltration Basin

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 25-yr Rainfall=3.73"

	Area (ac)	CN	Description
*	3.950	98	
	0.790	80	>75% Grass cover, Good, HSG D
	4.740	95	Weighted Average
	0.790	80	16.67% Pervious Area
	3.950	98	83.33% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.3	100	0.0150	1.24		**Sheet Flow, Sheet Flow** Smooth surfaces n= 0.011 P2= 3.29"
0.6	87	0.0150	2.49		**Shallow Concentrated Flow, Shallow Flow** Paved Kv= 20.3 fps
0.7	194	0.0050	4.97	8.78	**Pipe Channel, 18" Flow** 18.0" Round Area= 1.8 sf Perim= 4.7' r= 0.38' n= 0.011 Concrete pipe, straight & clean
10.0	362	0.0050	0.60	1.89	**Pipe Channel, 24" Pipe Flow** 24.0" Round Area= 3.1 sf Perim= 6.3' r= 0.50' n= 0.110
12.6	743	Total			

Subcatchment P-1: Proposed Area To Infiltration Basin



Summary for Pond 2P: Infiltration Basin

Inflow Area = 4.740 ac, 83.33% Impervious, Inflow Depth = 3.17" for 25-yr event
Inflow = 11.48 cfs @ 12.16 hrs, Volume= 1.250 af
Outflow = 3.73 cfs @ 12.79 hrs, Volume= 1.250 af, Atten= 68%, Lag= 38.0 min
Discarded = 0.19 cfs @ 12.79 hrs, Volume= 0.581 af
Primary = 3.54 cfs @ 12.79 hrs, Volume= 0.669 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
Peak Elev= 575.57' @ 12.79 hrs Surf.Area= 13,183 sf Storage= 27,015 cf

Plug-Flow detention time= 490.9 min calculated for 1.250 af (100% of inflow)
Center-of-Mass det. time= 490.8 min (1,280.1 - 789.3)

Volume	Invert	Avail.Storage	Storage Description
#1	573.25'	36,283 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

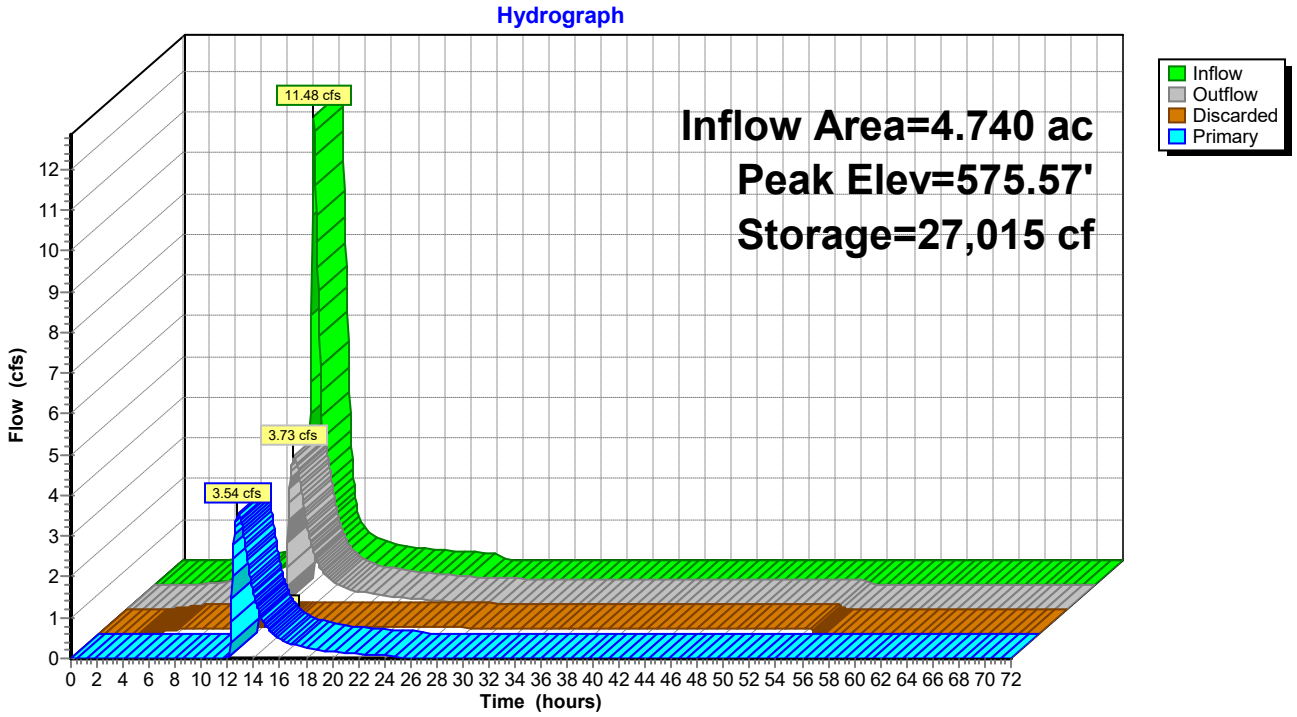
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
573.25	10,116	0	0
574.25	11,425	10,771	10,771
575.25	12,740	12,083	22,853
576.25	14,120	13,430	36,283

Device	Routing	Invert	Outlet Devices
#1	Primary	574.50'	**24.0" Round Culvert** L= 50.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 574.50' / 573.75' S= 0.0150 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 3.14 sf
#2	Device 1	574.50'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#3	Device 1	574.80'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Device 1	576.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Discarded	573.25'	**0.500 in/hr Exfiltration over Surface area** Conductivity to Groundwater Elevation = 564.00' Phase-In= 0.01'

Discarded OutFlow Max=0.19 cfs @ 12.79 hrs HW=575.57' (Free Discharge)
└**5=Exfiltration** (Controls 0.19 cfs)

Primary OutFlow Max=3.54 cfs @ 12.79 hrs HW=575.57' (Free Discharge)
└**1=Culvert** (Passes 3.54 cfs of 6.03 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 2.86 cfs @ 3.64 fps)
  ├**3=Orifice/Grate** (Orifice Controls 0.68 cfs @ 3.47 fps)
  └**4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Pond 2P: Infiltration Basin



Time span=0.00-72.00 hrs, dt=0.05 hrs, 1441 points
Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment P-1: Proposed Area To Runoff Area=4.740 ac 83.33% Impervious Runoff Depth=4.47"
Flow Length=743' Tc=12.6 min CN=95 Runoff=16.23 cfs 1.765 af

Pond 2P: Infiltration Basin Peak Elev=576.24' Storage=36,208 cf Inflow=16.23 cfs 1.765 af
Discarded=0.21 cfs 0.606 af Primary=6.62 cfs 1.160 af Outflow=6.83 cfs 1.765 af

Total Runoff Area = 4.740 ac Runoff Volume = 1.765 af Average Runoff Depth = 4.47"
16.67% Pervious = 0.790 ac 83.33% Impervious = 3.950 ac

Summary for Subcatchment P-1: Proposed Area To Infiltration Basin

[47] Hint: Peak is 185% of capacity of segment #3
[47] Hint: Peak is 859% of capacity of segment #4

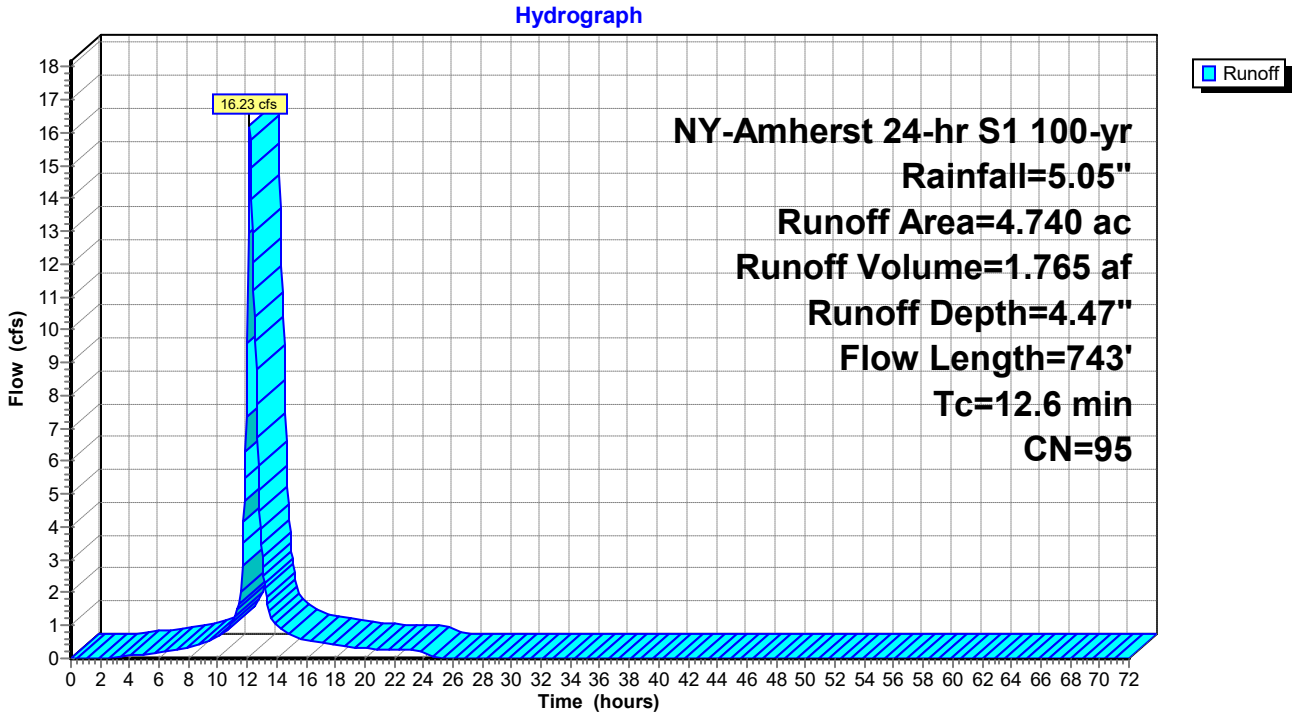
Runoff = 16.23 cfs @ 12.16 hrs, Volume= 1.765 af, Depth= 4.47"
Routed to Pond 2P : Infiltration Basin

Runoff by SCS TR-20 method, UH=Delmarva, Weighted-CN, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
NY-Amherst 24-hr S1 100-yr Rainfall=5.05"

	Area (ac)	CN	Description
*	3.950	98	
	0.790	80	>75% Grass cover, Good, HSG D
	4.740	95	Weighted Average
	0.790	80	16.67% Pervious Area
	3.950	98	83.33% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.3	100	0.0150	1.24		**Sheet Flow, Sheet Flow** Smooth surfaces n= 0.011 P2= 3.29"
0.6	87	0.0150	2.49		**Shallow Concentrated Flow, Shallow Flow** Paved Kv= 20.3 fps
0.7	194	0.0050	4.97	8.78	**Pipe Channel, 18" Flow** 18.0" Round Area= 1.8 sf Perim= 4.7' r= 0.38' n= 0.011 Concrete pipe, straight & clean
10.0	362	0.0050	0.60	1.89	**Pipe Channel, 24" Pipe Flow** 24.0" Round Area= 3.1 sf Perim= 6.3' r= 0.50' n= 0.110
12.6	743	Total			

Subcatchment P-1: Proposed Area To Infiltration Basin



Summary for Pond 2P: Infiltration Basin

Inflow Area = 4.740 ac, 83.33% Impervious, Inflow Depth = 4.47" for 100-yr event
Inflow = 16.23 cfs @ 12.16 hrs, Volume= 1.765 af
Outflow = 6.83 cfs @ 12.70 hrs, Volume= 1.765 af, Atten= 58%, Lag= 32.6 min
Discarded = 0.21 cfs @ 12.70 hrs, Volume= 0.606 af
Primary = 6.62 cfs @ 12.70 hrs, Volume= 1.160 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-72.00 hrs, dt= 0.05 hrs
Peak Elev= 576.24' @ 12.70 hrs Surf.Area= 14,113 sf Storage= 36,208 cf

Plug-Flow detention time= 380.0 min calculated for 1.765 af (100% of inflow)
Center-of-Mass det. time= 379.9 min (1,160.1 - 780.1)

Volume	Invert	Avail.Storage	Storage Description
#1	573.25'	36,283 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

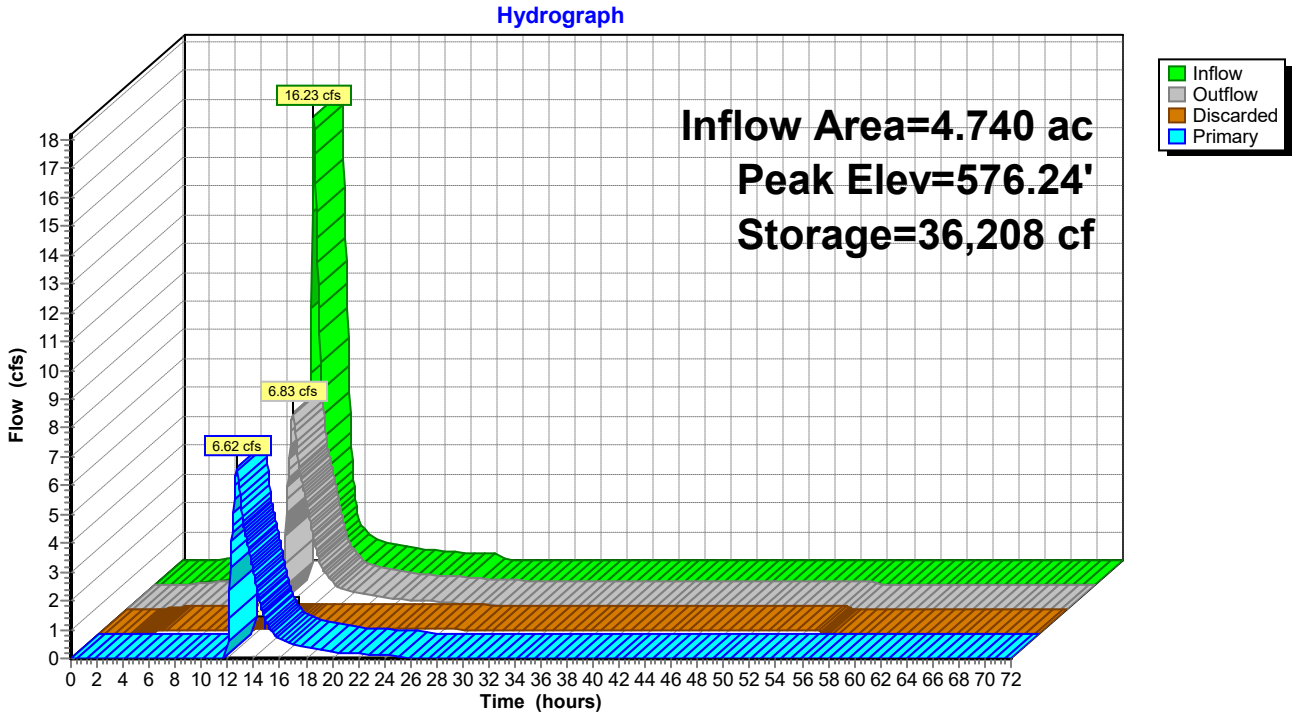
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
573.25	10,116	0	0
574.25	11,425	10,771	10,771
575.25	12,740	12,083	22,853
576.25	14,120	13,430	36,283

Device	Routing	Invert	Outlet Devices
#1	Primary	574.50'	**24.0" Round Culvert** L= 50.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 574.50' / 573.75' S= 0.0150 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 3.14 sf
#2	Device 1	574.50'	**12.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#3	Device 1	574.80'	**6.0" Vert. Orifice/Grate** C= 0.600 Limited to weir flow at low heads
#4	Device 1	576.00'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Discarded	573.25'	**0.500 in/hr Exfiltration over Surface area** Conductivity to Groundwater Elevation = 564.00' Phase-In= 0.01'

Discarded OutFlow Max=0.21 cfs @ 12.70 hrs HW=576.24' (Free Discharge)
└**5=Exfiltration** (Controls 0.21 cfs)

Primary OutFlow Max=6.62 cfs @ 12.70 hrs HW=576.24' (Free Discharge)
└**1=Culvert** (Passes 6.62 cfs of 13.08 cfs potential flow)
  ├**2=Orifice/Grate** (Orifice Controls 4.22 cfs @ 5.37 fps)
  ├**3=Orifice/Grate** (Orifice Controls 1.03 cfs @ 5.26 fps)
  └**4=Broad-Crested Rectangular Weir** (Weir Controls 1.37 cfs @ 1.40 fps)

Pond 2P: Infiltration Basin



ATTACHMENT E

Geotechnical Infiltration Testing Report

TO BE COMPLETED

ATTACHMENT F

NYSDEC SPDES General Permit for Stormwater Discharges

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001

Issued Pursuant to Article 17, Titles 7, 8 and Article 70

of the Environmental Conservation Law

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator

1-23-20

Authorized Signature

Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a *point source* and therefore, pursuant to ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* cannot wait until there is an actual *discharge* from the *construction site* to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

Table of Contents

Part 1. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;

2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State.*

3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

*Discharge*s authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the *Stormwater Pollution Prevention Plan* (“SWPPP”) the reason(s) for the

deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

   (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharge*s;

   (ii) Control stormwater *discharge*s, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;

   (iii) *Minimize* the amount of soil exposed during *construction activity*;

   (iv) *Minimize* the disturbance of *steep slopes*;

   (v) *Minimize* sediment *discharge*s from the site;

   (vi) Provide and maintain *natural buffer*s around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharge*s, unless *infeasible*;

   (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;

   (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and

   (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.

b. **Soil Stabilization**. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering**. *Discharge*s from *dewatering* activities, including *discharge*s from *dewatering* of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures**. Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited *Discharges*.** The following *discharge*s are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

(i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100% of the WQv shall be documented in the SWPPP.

For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site discharges directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

b. *Sizing Criteria* for *New Development* in Enhanced Phosphorus Removal Watershed

(i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be

calculated in accordance with the criteria in Section 10.3 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible.*

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site *discharge*s directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

c. Sizing Criteria for Redevelopment Activity

(i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.

(1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or

(2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or

(3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or

(4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

(ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iii) *Overbank* Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharge*s necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;

2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and

3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharge*s authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharge*s authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharge*s; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.

3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: "Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned"; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharge*s from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.

4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

1. *Discharge*s after *construction activities* have been completed and the site has undergone *final stabilization*;

2. *Discharge*s that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;

3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;

4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*

operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.D.2 of this permit;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;

6. *Construction activities* for residential, commercial and institutional projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

7. *Construction activities* for linear transportation projects and linear utility projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:

   a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.

      - 1-5 acres of disturbance - 20 feet
      - 5-20 acres of disturbance - 50 feet
      - 20+ acres of disturbance - 100 feet, or

   b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
      (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
      (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
      (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
      (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or

   c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

(i) No Affect
(ii) No Adverse Affect
(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharge*s from *construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the “MS4 SWPPP Acceptance” form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.

3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4* . This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

B. Notice of Intent (NOI) Submittal

1. Prior to December 21, 2020, an owner or operator shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (http://www.dec.ny.gov/). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address:

   NOTICE OF INTENT
   NYS DEC, Bureau of Water Permits
   625 Broadway, 4th Floor
   Albany, New York 12233-3505

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

C. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.

2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:

   a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (http://www.dec.ny.gov/) for more information,

   b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621), or the equivalent from another New York State agency, have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators* of *construction activities* that are required to obtain *UPA* permits

must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,

c. the final SWPPP has been prepared, and

d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.

3. An *owner or operator* that has satisfied the requirements of Part II.C.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

   a. For *construction activities* that are <u>not</u> subject to the requirements of a *regulated, traditional land use control MS4*:

      (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

      (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has <u>not</u> been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

      (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:

(i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed "*MS4* SWPPP Acceptance" form, or

(ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

D. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor's or subcontractor's certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.

3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land*

use control MS4, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:

a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.

c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

d. The *owner or operator* shall install any additional site-specific practices needed to protect water quality.

e. The *owner or operator* shall include the requirements above in their SWPPP.

4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements or consistent with Part VII.K..

5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.

6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

regulated, traditional land use control MS4 in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice.

E. Permit Coverage for Discharges Authorized Under GP-0-15-002

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of *a construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, unless otherwise notified by the Department.

   An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-20-001.

F. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4,* the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.

2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

3. Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or*

operator was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.

2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.

3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.

4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP, including construction drawings:

    a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

b. 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*;

c. to address issues or deficiencies identified during an inspection by the *qualified inspector,* the Department or other regulatory authority; and

d. to document the final construction conditions.

5. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor.* The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

   The *owner or operator* shall have each of the contractors and subcontractors identified above sign 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 *discharge*s 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 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* shall 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.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:

    a. Background information about the scope of the project, including the location, type and size of project

b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge*(s);

c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);

d. A construction phasing plan and sequence of operations describing the intended order 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;

e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;

f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;

g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;

h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;

i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection

schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;

j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;

k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the *construction site*; and

l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

   Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

   The post-construction stormwater management practice component of the SWPPP shall include the following:

   a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;

b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;

c. A Stormwater Modeling and Analysis Report that includes:
   (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;

   (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

   (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;

   (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

   (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and

   (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;

d. Soil testing results and locations (test pits, borings);

e. Infiltration test results, when required; and

f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria,* Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall

begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- New York State Erosion and Sediment Control Certificate Program holder
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:

   a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is 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;

b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is 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;

c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and

d. *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.

2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:

a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.

b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.D.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization,* and all temporary, structural erosion and sediment control measures have been removed*;* and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.

e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization,* all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, and all points of *discharge* from the *construction site*.

4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

a. Date and time of inspection;

b. Name and title of person(s) performing inspection;

c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;

d. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This shall include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;

e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;

f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;

g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;

j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);

k. Identification and status of all corrective actions that were required by previous inspection; and

l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

6. All inspection reports shall be signed by the *qualified inspector.* Pursuant to Part II.D.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:

   a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;

c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.F. of this permit.

d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.

3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.

4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "MS4 Acceptance" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector*'s final site inspection certification(s) required in Part V.A.3. of this permit.

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:

   a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),

c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,

d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.B.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water

Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator,* its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit , or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:

    a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) the chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field,

superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and,

c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.

3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.

4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4,* or by a duly authorized representative of that person.

   It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any owner or operator authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any discharger authorized by a general permit to apply for an individual SPDES permit, it shall notify the discharger in writing that a permit application is required. This notice shall

include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the owner or operator to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from owner or operator receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge*(s), the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* 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 *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a *construction site* which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the owner’s or operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.

4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.

2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

APPENDIX A – Acronyms and Definitions

Acronyms

APO – Agency Preservation Officer
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
Cpv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DOW – Division of Water
EAF – Environmental Assessment Form
ECL - Environmental Conservation Law
EPA – U. S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review
SEQRA - State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

Definitions

All definitions in this section are solely for the purposes of this permit.

Agricultural Building – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agricultural Property –means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both "sewage" and "stormwater".

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for "*Construction Activity(ies)*" also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for "*Commence (Commencement of) Construction Activities"* and "*Larger Common Plan of Development or Sale" also.*

Dewatering – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a *construction site* by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a *construction site* to a separate storm sewer system

and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or *point source*.

Embankment –means an earthen or rock slope that supports a road/highway.

Endangered or Threatened Species – see 6 NYCRR Part 182 of the Department's rules and regulations for definition of terms and requirements.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term “plan” in “larger common plan of development or sale” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State*;*
(ii) Designed or used for collecting or conveying stormwater;
(iii) Which is not a *combined sewer*; and
(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Natural Buffer –means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

New York State Erosion and Sediment 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 New York State. The certificate program is administered by the New York State Conservation District Employees Association.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Point Source - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, 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 or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State 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 Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) 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 Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) 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 Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, 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 professional engineer licensed to practice in the State of New York.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is authorized to discharge under New York State DEC's

SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or *embankment*,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank* Flood (Qp), and Extreme Flood (Qf).

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Steep Slope – means land area designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%) , or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

Streambank – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, 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 waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and *nonpoint source*s. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for *point source* discharges, load allocations (LAs) for *nonpoint source*s, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) 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 *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part 621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B – Required SWPPP Components by Project Type

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

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

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

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

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

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

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

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

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

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

Table 2

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

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

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

Table 2 (Continued)

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

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

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

APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

- Entire New York City Watershed located east of the Hudson River **-** Figure 1
- Onondaga Lake Watershed **-** Figure 2
- Greenwood Lake Watershed **-**Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

Figure 1 - New York City Watershed East of the Hudson

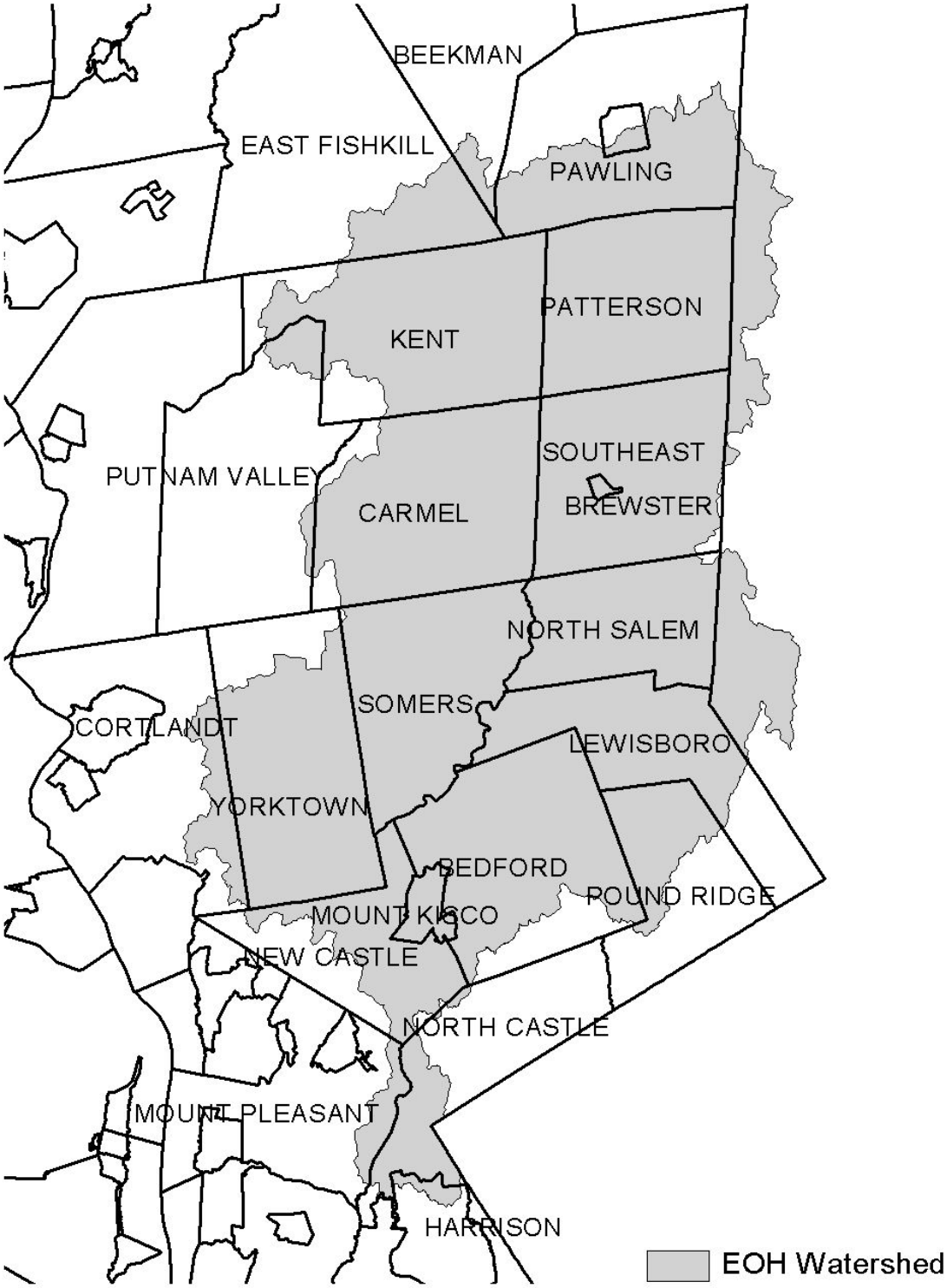


Figure 2 - Onondaga Lake Watershed

Figure 3 - Greenwood Lake Watershed

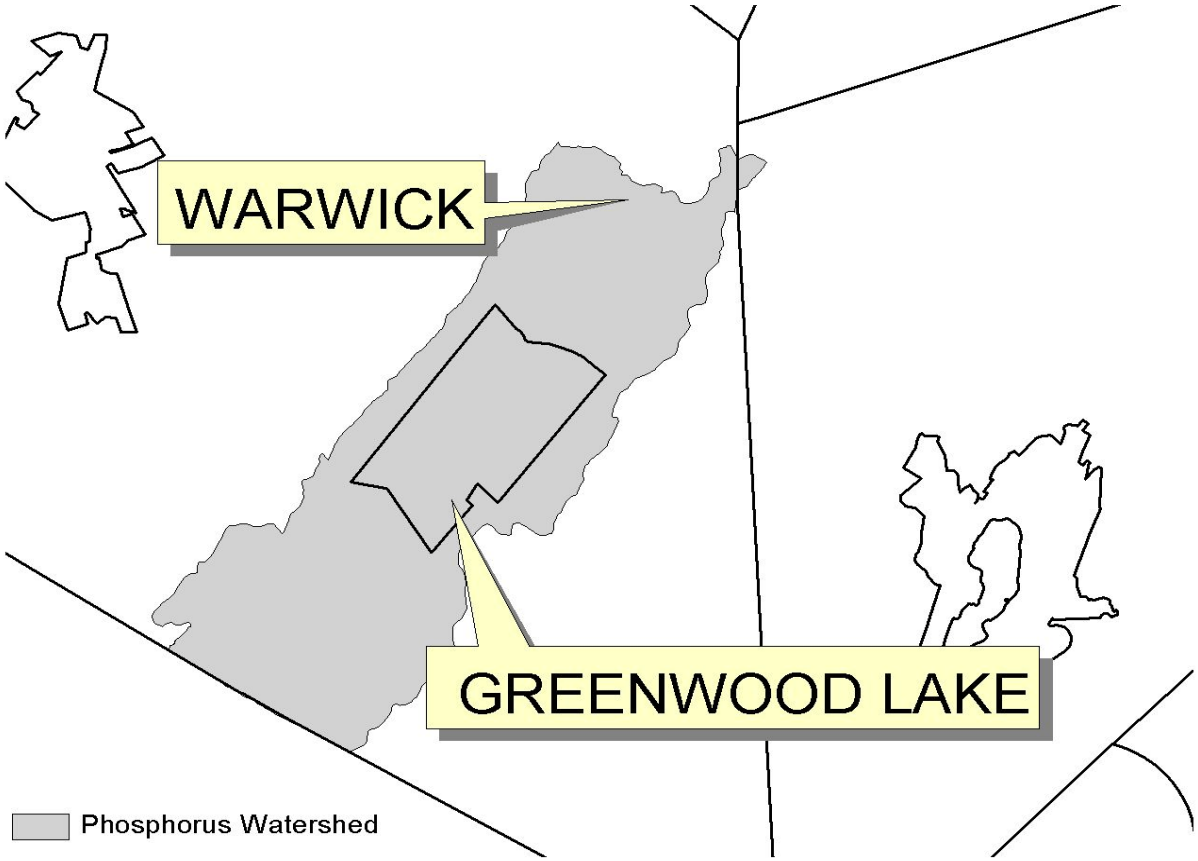


Figure 4 - Oscawana Lake Watershed

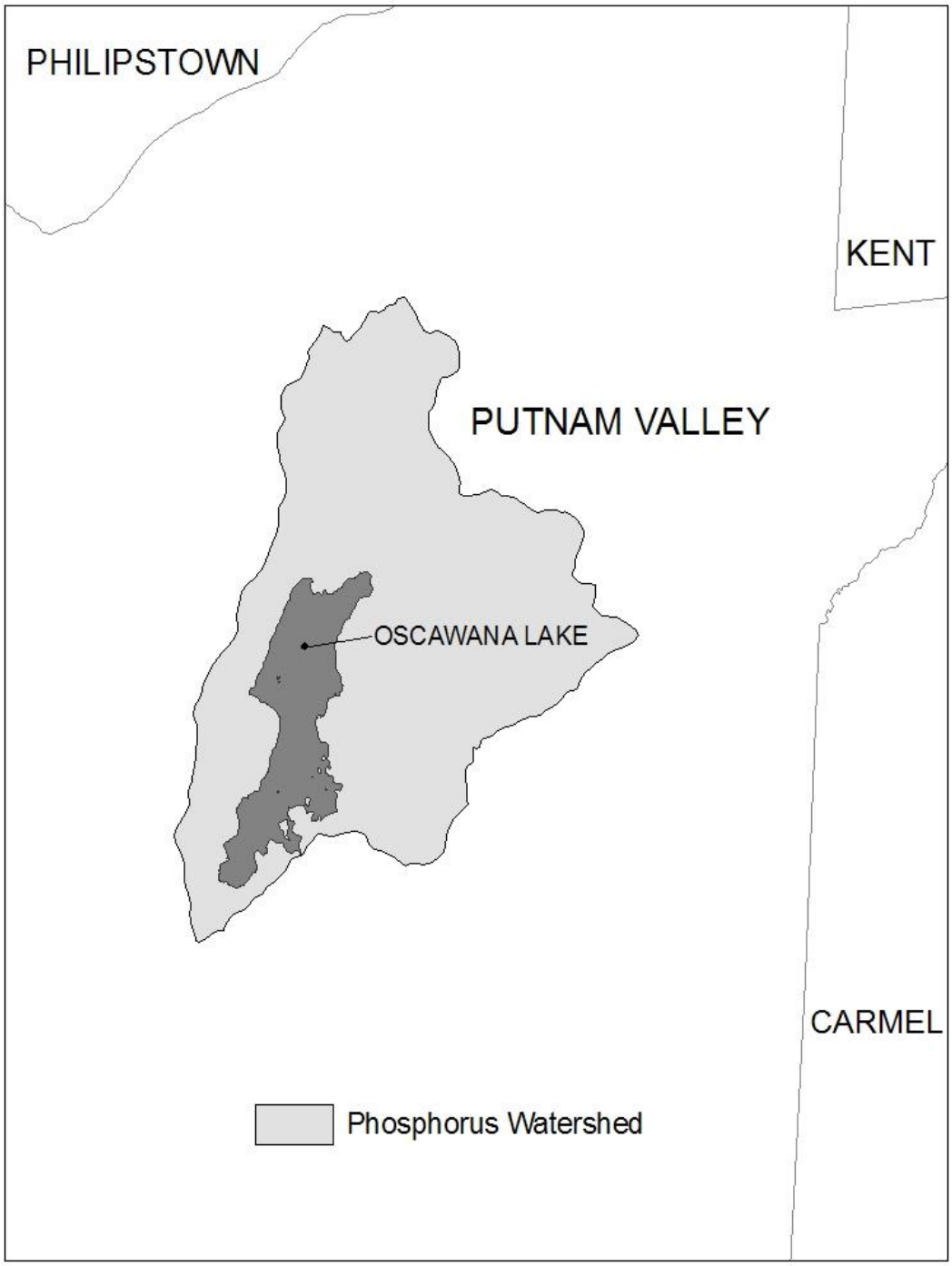
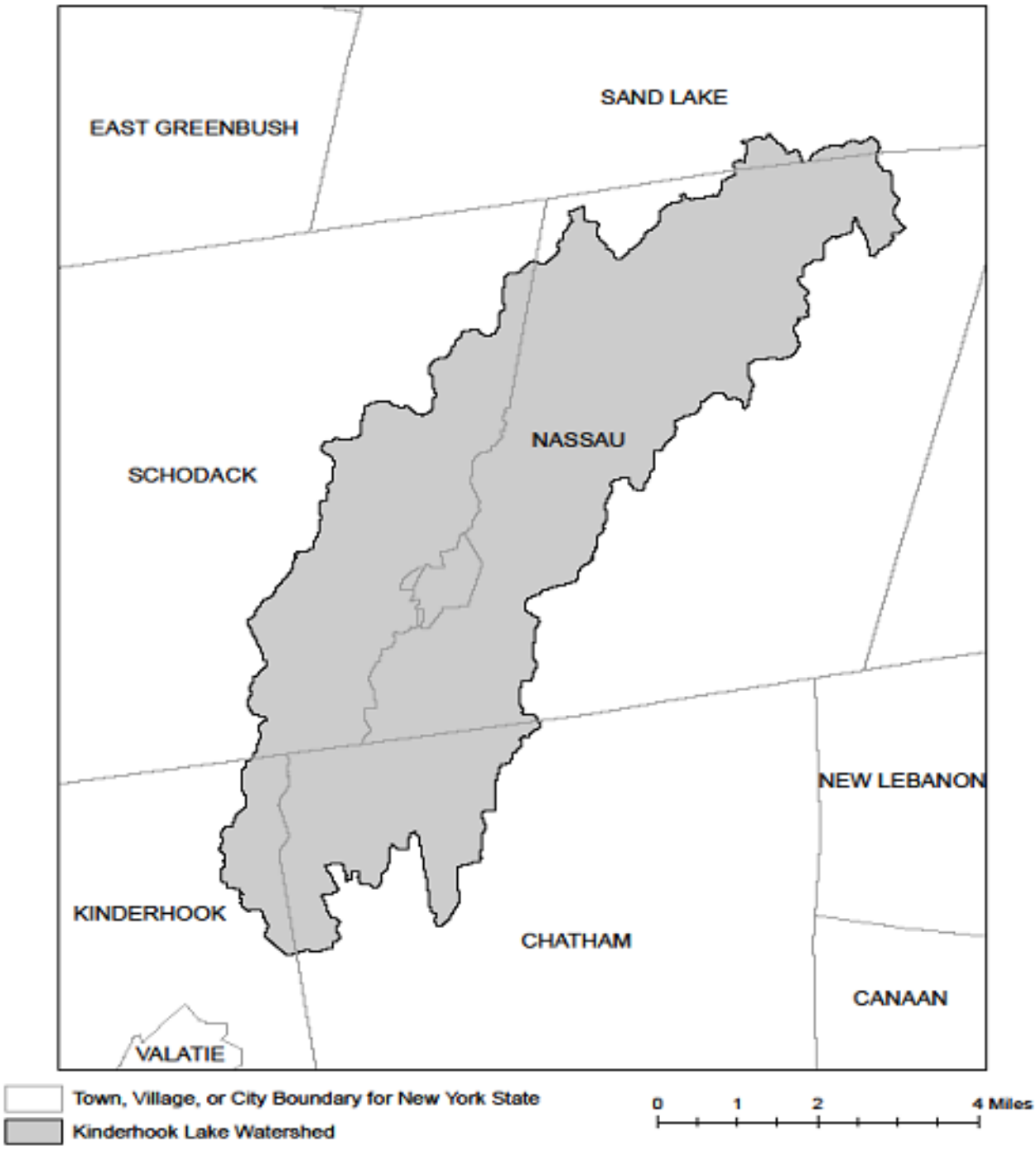


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Watersheds with Lower Disturbance Threshold

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River **-** See Figure 1 in Appendix C

APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribs to Lake Lonely	Nutrients

303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment

303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

APPENDIX F – List of NYS DEC Regional Offices

Region	Covering the following counties:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) Permit Administrators	DIVISION OF WATER (DOW) Water (SPDES) Program
1	Nassau and Suffolk	50 Circle Road Stony Brook, NY 11790 Tel. (631) 444-0365	50 Circle Road Stony Brook, NY 11790-3409 Tel. (631) 444-0405
2	Bronx, Kings, New York, Queens and Richmond	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4997	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4933
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester	21 South Putt Corners Road New Paltz, NY 12561-1696 Tel. (845) 256-3059	100 Hillside Avenue, Suite 1w White Plains, NY 10603 Tel. (914) 428 - 2505
4	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie	1150 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2069	1130 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2045
5	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington	1115 State Route 86, Po Box 296 Ray Brook, NY 12977-0296 Tel. (518) 897-1234	232 Golf Course Road Warrensburg, NY 12885-1172 Tel. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROADAVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

ATTACHMENT G

ARMY CORPS JURISDICTIONAL DETERMINATION

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

March 26, 2020

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination and Approved Jurisdictional Determination for Department of the Army Application No. 2003-00052 (Uniland Construction - 3750 and 3800 Millersport Highway)

David Reilly
Uniland Construction
University Corporate Centre
100 Corporate Parkway, Suite 500
Amherst, New York 14226

Dear Mr. Reilly:

I have reviewed the wetland delineation report submitted on your behalf by Wilson Environmental Technologies for a wetland boundary verification for a parcel located at 3750 & 3800 Millersport Highway, Town of Amherst, Erie County, New York.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. I am hereby verifying the wetland and water boundaries depicted on Sheet 1 of 1 with a preliminary and an approved jurisdictional determination.

1. <u>Approved Jurisdictional Determination, Attachment A, for Wetlands A & C</u>

Based upon our evaluation of the subject project site, we have determined that there is no clear surface water connection or ecological continuum between wetland A (1.52 acres) and wetland C (0.03 acres) on the parcel and a surface tributary system to a navigable water of the United States. Therefore, this water is considered isolated, non-navigable, intrastate water and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination for wetlands A & C will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. If you object to this

determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Attn: Jacob Siegrist
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
Phone: 513-684-2699; FAX 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by May 25, 2020.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

2. <u>Preliminary Jurisdictional Determination, Attachment B, for Unnamed Tributary to Ransom Creek; Wetland B</u>

Please note that this is a Preliminary Jurisdictional Determination (JD) for an Unnamed Tributary to Ransom Creek (1027 linear feet) and Wetland B (0.204 Acres). Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved jurisdictional determination (AJD) from this office. If an AJD is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention. If you do not respond within 15

days, we will presume concurrence and no additional follow up is necessary prior to finalizing an action.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, the Preliminary and Approved Jurisdictional Determinations have been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Questions pertaining to this matter should be directed to me by calling (716) 879-4279, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: joseph.m.rowley@usace.army.mil

Sincerely,

Joseph Rowley
Physical Scientist

Enclosure
cc: Mr. Don Wilson of Wilson Environmental Technologies

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Uniland Development		File Number: 2003-00052	Date: 3/26/2020
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION for Wetlands B and D		D
X	PRELIMINARY JURISDICTIONAL DETERMINATION for Tributary 1 & 2; Wetlands A,C,E		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Joseph Rowley
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
(716)879-4279
joseph.m.rowley@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Attn: Jacob Siegrist
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
Phone: 513-684-2699; FAX 513-684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRB 2003-00052 Uniland Development (Citi Bank) Wetland A = 1.52 acres; Wetland C = 0.03 acres From 1 of 1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: New York County/parish/borough: Erie City: Amherst
Center coordinates of site (lat/long in degree decimal format): Lat. 43.042789 ° N, Long. -78.740869° W
Universal Transverse Mercator:
Name of nearest waterbody: Roadside drainage ditch to Ransom Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None
Name of watershed or Hydrologic Unit Code (HUC):

- [x] Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- [ ] Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- [x] Office (Desk) Determination. Date: March 4, 2020
- [x] Field Determination. Date(s): October 30, 2019

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

- [ ] Waters subject to the ebb and flow of the tide.
- [ ] Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
  Explain: *Click here to enter text.*

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. ***[Required]***

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]

- [ ] TNWs, including territorial seas
- [ ] Wetlands adjacent to TNWs
- [ ] Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
- [ ] Non-RPWs that flow directly or indirectly into TNWs
- [ ] Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- [ ] Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- [ ] Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- [ ] Impoundments of jurisdictional waters
- [x] Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: linear feet: width (ft) and/or # acres.
   Wetlands: acres

   c. **Limits (boundaries) of jurisdiction** based on: 1987 Delineation Manual

   Elevation of established OHWM (if known): Unknown

2. **Non-regulated waters/wetlands (check if applicable):**[3]

- [x] Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
  Explain: A site visit was conducted on October 30, 2019 at the 13 acre parcel located at the corner of Millersport Highway and Hopkins Road, Town of Amherst, Erie County, New York. In addition, a review of in-house resources including, topographical maps, aerial photography and soils maps were checked. The boundary of Wetland A (1.52 acres) and Wetland C (0.03 acres) were walked and no surface flows or culverts were observed going away from the wetland. Finally, almost an inch of rain fell throughout the Buffalo area the night before and during the day of the site visit, October 30, 2019.

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

Wetland A (1.52 acres total, PFO Wetland) boundary was walked and based on the on-site walkover and review of in-house resources it was determined the wetland is a closed depressional wetland that was not abutting or adjacent to a drainage-way nor appeared to flow directly into a drainage-way or a TNW. The wetland is approximately 50 linear feet away from a roadside drainage ditch along Millersport Highway, 75 linear feet away from a roadside drainage ditch along Hopkins Road and 200-250 feet away from the Unnamed Tributary to Ransom Creek to the West. No other drainageways were located coming or going from the wetland during the site visit or from a desktop review. During the site visit, no surface flow from Wetland A to the two (2) drainage ditches was observed and no drainage patterns were found around the wetland. The wetland is a shallow surface concave depression that collects water and hold it long enough to provide wetland characteristics but do not drain from any surface connections and any subsurface connection would be speculative but based on the topography would not be expected to occur. During the October 30, 2019 site visit, approximately inch of water was found to be pooling in areas throughout the wetland.

Wetland C (0.03 acres, PEM Wetland) boundary was walked and based on the on-site walkover and review of in-house resources it was determined the wetland is a closed depressional wetland that was not abutting or adjacent to a drainage-way nor appeared to flow directly into a drainage-way or a TNW. No drainage ditch was located along Hopkins Road within the vicinity of Wetland C. The wetland is over 250 feet away from the Unnamed Tributary to Ransom Creek to the West and there is no roadside drainage ditch along Hopkins Road to the North of the wetland. During the site visit, no surface flow from Wetland C was observed and there were no drainage patterns or were found around the wetland. The wetland is a shallow surface concave depression that collects water and hold it long enough to provide wetland characteristics but do not drain from any surface connections and any subsurface connection would be speculative but based on the topography would not be expected to occur. During the October 30, 2019 site visit, approximately an inch of water was found to be pooling in the wetland.

No ecological nexus to any wetlands or drainageways were seen in the vicinity of the wetlands. With the excessive rain during the early morning and throughout the day on October 30, approximately an inch, hydrology was present within the wetlands. However, there was no evidence of drainage or flow from the wetlands to the roadside drainage ditches or the ditch along the western side of the parcel. In addition, the consultant who performed the delineation, WET,Inc., visited the site on November 1, 2019 after an additional 1.50 inches of rain fell within the Buffalo area. The consultant indicated no flow or the appearance of overland sheet flow was observed from the wetlands to the roadside drainage ditches or the Unnamed Tributary to Ransom Creek along the western side of the parcel. Due to the distance to the nearest drainageway and on-site soil conditions, it is unlikely that any shallow subsurface connection exists between the wetlands and the nearest drainageways. The wetlands are physically and geographically isolated within depressions on the landscape and water would not make it to a TNW.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: *Click here to enter text.*

Summarize rationale supporting determination: *Click here to enter text.*

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": *Click here to enter text.*

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: acres

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Drainage area: acres
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through tributaries before entering TNW.

Project waters are *Choose an item.* river miles from TNW.
Project waters are *Choose an item.* river miles from RPW.
Project waters are *Choose an item.* aerial (straight) miles from TNW.
Project waters are *Choose an item.* aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW[5]:
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural

☐ Artificial (man-made). Explain: *Click here to enter text.*

☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: *Choose an item.*

Primary tributary substrate composition (check all that apply):

☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain: Detritus

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: *Choose an item.*
Tributary gradient (approximate average slope):

(c) Flow:

Tributary provides for: *Choose an item.*
Estimate average number of flow events in review area/year: *Choose an item.*
Describe flow regime:.
Other information on duration and volume:

Surface flow is: *Choose an item.* Characteristics: .

Subsurface flow: Unknown Explain findings: *Click here to enter text.*
☐ Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):
☐ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community *Click here to enter text.*
☐ other (list): *Click here to enter text.*
☐ Discontinuous OHWM.[7] Explain: *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

---

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list): *Click here to enter text.*
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain:
Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: *Click here to enter text.*
  - ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
  - ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:
Properties:
Wetland size:
Wetland type. Explain:
Wetland quality. Explain:
Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:
Flow is: Intermittent and Ephemeral Flow Explain:

Surface flow is: Discrete and Confined
Characteristics:.

Subsurface flow: *Choose an item.* Explain findings: *Click here to enter text.*
- ☐ Dye (or other) test performed: *Click here to enter text.*

(c) Wetland Adjacency Determination with Non-TNW:
- ☐ Directly abutting:
- ☐ Not directly abutting:
  - ☐ Discrete wetland hydrologic connection. Explain:
  - ☐ Ecological connection. Explain:
  - ☐ Separated by berm/barrier. Explain: *Click here to enter text.*

(d) Proximity (Relationship) to TNW
Project wetlands are *Choose an item.* river miles from TNW.
Project waters are *Choose an item.* aerial (straight) miles from TNW.
Flow is from: *Choose an item.*
Estimate approximate location of wetland as within the *Choose an item.* floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
- ☐ Federally Listed species. Explain findings: *Click here to enter text.*
- ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
- ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
- ☐ Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: *Choose an item.*
Approximately (#) acres in total are being considered in the cumulative analysis.
For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: *Click here to enter text.*

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: # linear feet # width (ft), Or, # acres.
   - ☐ Wetlands adjacent to TNWs: # acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: *Click here to enter text.*.
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

     Provide estimates for jurisdictional waters in the review area (check all that apply):
     - ☐ Tributary waters: linear feet width (ft).
     - ☐ Other non-wetland waters: # acres.
       Identify type(s) of waters: *Click here to enter text.*

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   - ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   - ☐ Tributary waters: # linear feet # width (ft).
   - ☐ Other non-wetland waters: # acres.
     Identify type(s) of waters: *Click here to enter text.*

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

[8]See Footnote # 3.

☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: .

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: # acres.

7. **Impoundments of jurisdictional waters.**[9]

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: *Click here to enter text.*

☐ Other factors. Explain: *Click here to enter text.*

Identify water body and summarize rationale supporting determination: *Click here to enter text.*

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: # linear feet # width (ft).

☐ Other non-wetland waters: # acres.

Identify type(s) of waters: *Click here to enter text.*

☐ Wetlands: # acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☑ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☑ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*

☐ Other: (explain, if not covered above): *Click here to enter text.*

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).

☐ Lakes/ponds: # acres.

☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.

☑ Wetlands: 1.55 acres.

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[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans or plots submitted by or on behalf of the applicant/consultant: Delineation report submitted by WET, Inc dated July 2019; Additional information from WET dated November 15, 2019 .
- ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☑ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study: *Click here to enter text.*
- ☐ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite scale & quad name: Clarence Center USGS Quad, delineated parcel located.
- ☑ USDA Natural Resources Conservation Service Soil Survey: USDA-NRCS Web Soil Survey – Mapped Hydric/Potentially Hydric soils are found within the delineated boundary.
- ☑ National wetlands inventory map(s). Cite name: USFWS Wetland Mapper – No mapped Federal wetlands are found within the delineated boundary.
- ☑ State/Local wetland inventory map(s): NYSDEC Environmental Resource Mapper – No mapped State regulated wetland is located within the vicinity of the delineated parcel
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)
- ☑ Photographs: ☑ Aerial (Name & Date): Google Earth, Bing Maps
  - ☐ or ☑ Other (Name & Date): Photos included with the delineation report and additional information
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: Isolated wetlands A (1.52 acres) and C (0.03 acres) were field verified by the Corps of Engineers on October 30, 2019. The perimeter of the wetlands were walked and no evidence of any connections to other waters were identified. There were no connections between the wetlands and any other waters on the Clarence Center USGS Quad or the USDA/NRCS Web Soil Survey. The Wetlands are isolated and outside the Department of the Army's jurisdiction. The determination is supported by the review of in-house resources and field verified. None of the 328.3(a)(3)(i-iii) factors are relevant in this case. The wetlands don't support recreational or other use by interstate travelers, nor provide habitat for amphibians or other aquatic species. The wetlands offer no use for industrial or commercial purposes. The wetlands were determined to be isolated and therefore non-jurisdictional. The Unnamed Tributary to Ransom Creek and Wetland B will be verified under a Preliminary Jurisdictional Determination.

Joseph Rowley — March 26, 2020

Joseph M. Rowley
Project Manager

Date

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: March 26, 2020

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

David J. Reilly
Uniland Construction
University Corporate Centre
100 Corporate Pkwy, Suite 500
Amherst, New York 14226

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: 2003-00052 Uniland Construction (3750/3800 Millersport Highway)

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: New York County/parish/borough: Erie City: Amherst

Center coordinates of site (lat/long in degree decimal format):

Lat.: 43.0427 Long.: -78.7408

Universal Transverse Mercator:

Name of nearest waterbody: Ransom Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: July 15, 2019

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland B (2019)	43.0426	-78.7396	0.204 acres	Wetland	Sec 404
Unnamed Tributary to Ransom Creek	43.0428	-78.7401	1027 LF	Non-wetland	Sec 404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Delineation report submitted by WET dated July 11, 2019_____
☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
☐ Data sheets prepared by the Corps: _____.
☐ Corps navigable waters' study: _____.
☐ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USGS Clarence Center-delineated parcel located_____.
☒ Natural Resources Conservation Service Soil Survey. Citation: USDA/NRCS Web Soil Survey-mapped hydric/potential hydric soils located on the delineated parcel_____.
☒ National wetlands inventory map(s). Cite name: USFWS Wetland Mapper-mapped Federal located on delineated parcel_____.
☒ State/local wetland inventory map(s): NYSDEC Environmental Resource Mapper-no mapped State regulated wetlands located on delineated parcel_____.
☐ FEMA/FIRM maps: _____
☐ 100-year Floodplain Elevation is: ____. (National Geodetic Vertical Datum of 1929)
☒ Photographs:
☒ Aerial (Name & Date): Bing/Google Maps-delineated parcel located___.
☒ Other (Name & Date): Photos included with delineation report_____.
☐ Previous determination(s). File no. and date of response letter: _____.
☐ Other information (please specify): _____.

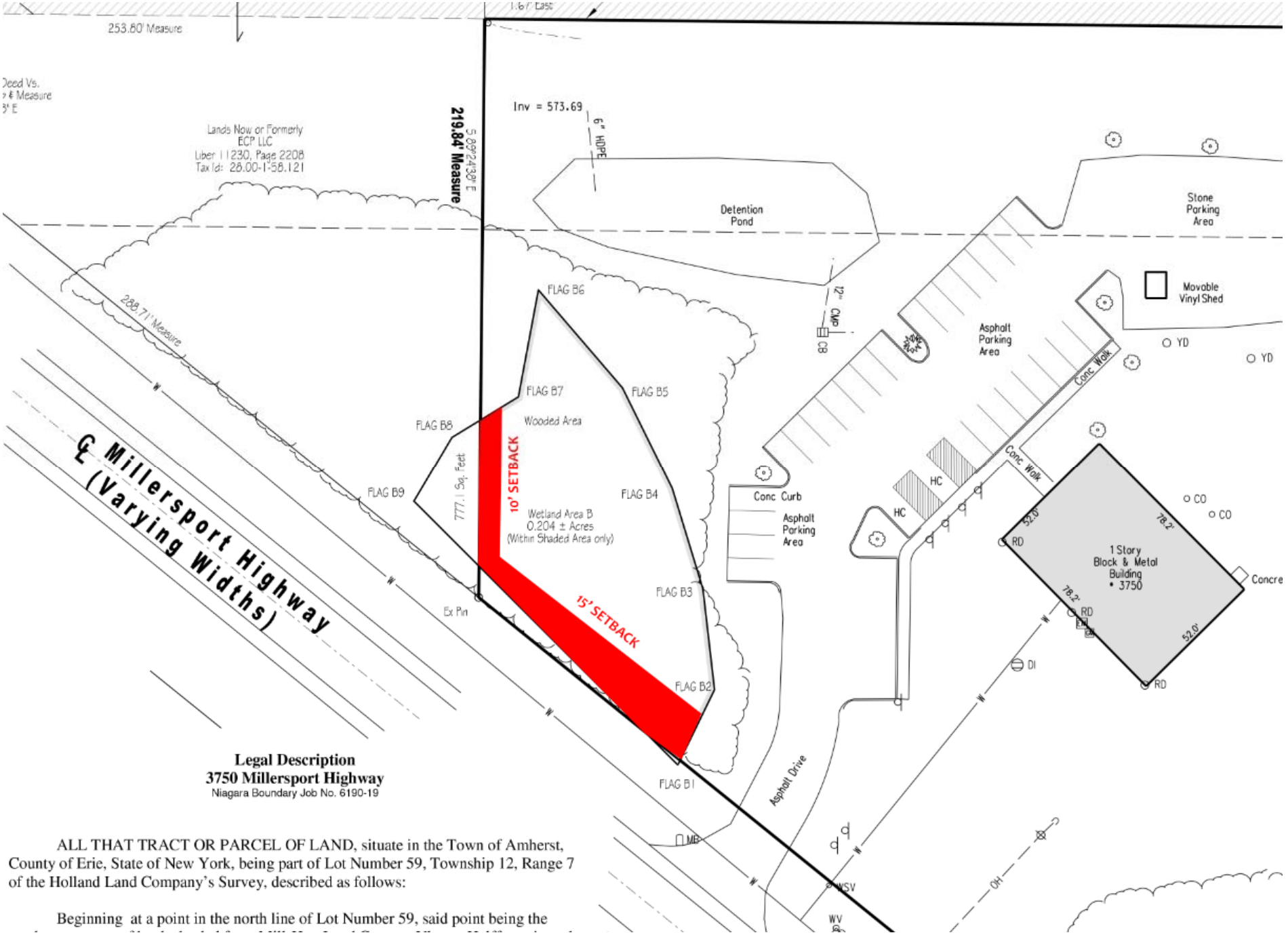
IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Joseph Rowley 3/26/2020

Signature and date of Regulatory staff member completing PJD

Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable)[1]

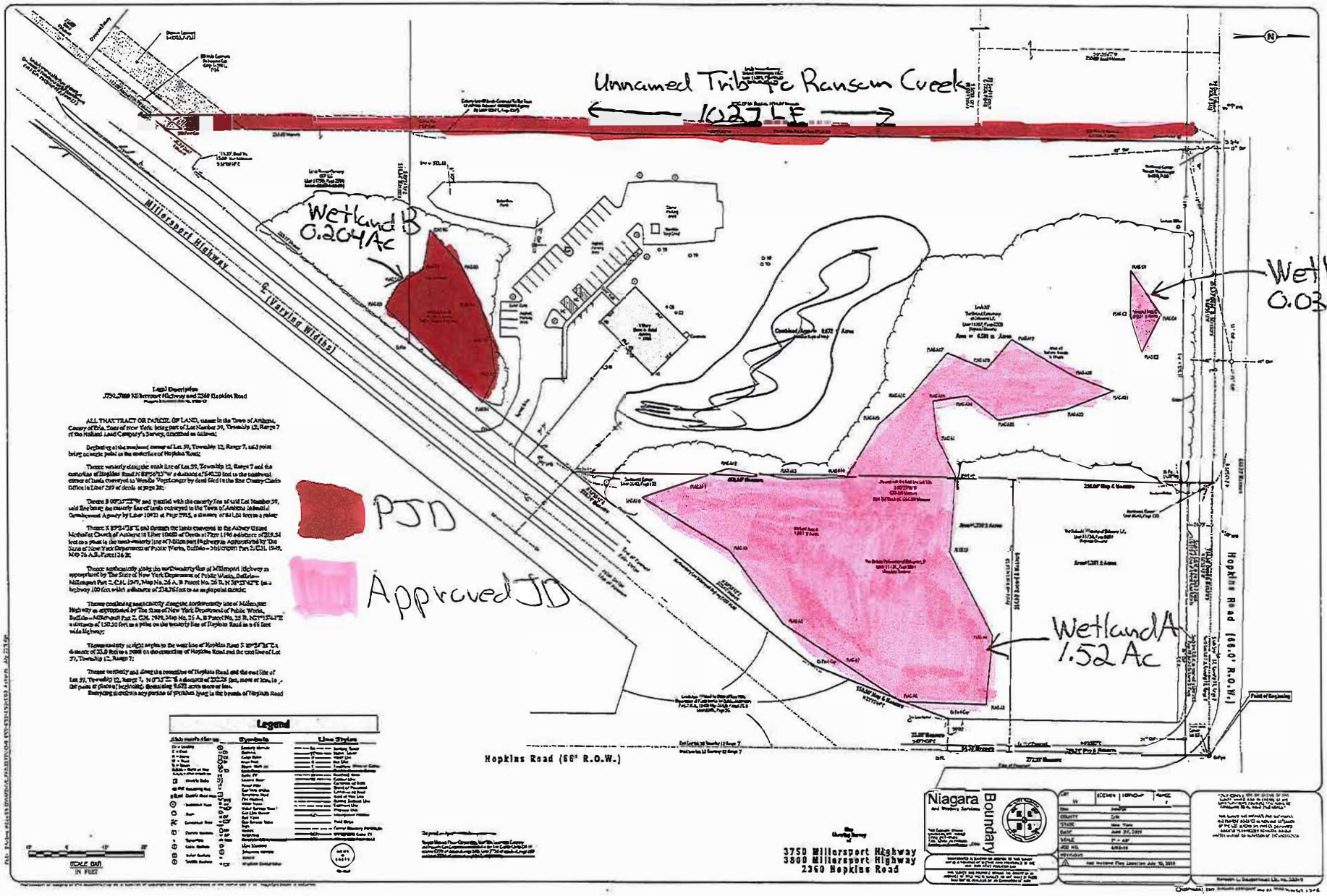
[1] Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



Legal Description
3750 Millersport Highway
Niagara Boundary Job No. 6190-19

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie, State of New York, being part of Lot Number 59, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the north line of Lot Number 59, said point being the



Uniland Development
DA# 2003-00052
Erie County
USGS: Clarence Center
Sheet 1 of 1

ATTACHMENT H

NYSDEC MSGP No Exposure Certification Filing

APPENDIX A

Pre-Construction Documents and Certifications

PRE-CONSTRUCTION DOCUMENTS

Project Name: 3750 Millersport Highway
Name of Operator: Citigroup Technology LLC
Name of Preparer: Ware Malcomb
Preamble to Site Assessment and Inspections

The following information to be read by all person's involved in the construction of stormwater related activities:

A qualified professional[1] shall conduct an assessment of the site prior to the development activity[2] and certify in this inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented to ensure overall preparedness of the site for the commencement of construction.

Prior to the commencement of construction, the Preparer shall certify in this site logbook that the SWPPP has been prepared in accordance with the State's standards and meets all Federal, State and local erosion and sediment control requirements.

When construction starts, site inspections shall be conducted by the qualified professional at least once every 7 calendar days (Construction Duration Inspections), except as otherwise required during "winter frequency". The Operator shall maintain a record of all inspection reports in this site logbook. The site logbook shall be maintained on site and be made available to the permitting authorities upon request. The Operator shall post at the site, in a publicly accessible location, a summary of the site inspection activities on a monthly basis (Monthly Summary Report).

A qualified professional shall perform a final site inspection. The qualified professional shall certify that the site had undergone final stabilization[3] using either vegetative or structural stabilization methods and that all temporary erosion and sediment controls (such as silt fencing) not needed for long-term erosion control have been removed. In addition, the Preparer must identify and certify that all permanent structures described in the SWPPP have been constructed and provide the owner(s) with an operation and maintenance plan that ensures the structure(s) continuously functions as designed.

[1] "Qualified Professional" means a person that is knowledgeable in the principles and practice of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect, or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quality control design, and, in many cases, 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 professional engineer licensed to practice in the State of New York.

[2] "Development activity" means soil disturbance on a site including but not limited to land contour work, clearing, grading, excavation, demolition, construction, reconstruction, new development, redevelopment, creation or replacement of impervious surface, stockpiling activities or placement of fill. Clearing activities include but are not limited to the cutting and skidding of trees, stump removal and/or brush root removal. Such term does not include routine maintenance (such as road resurfacing) that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

[3] "Final stabilization" means that all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of eighty (80) percent has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

PRE-CONSTRUCTION CERTIFICATIONS
Preparer's 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 in 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. Further, I hereby certify that the SWPPP meets all Federal, State, and local erosion and sediment control requirements and post-construction stormwater management requirements. I am aware that false statements made herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name (please print): Ed Wilkes – Ware Malcomb
Title: Civil Engineering Manager **Date:** 5/25/2024
Address: 45 West 21st Street, 6th Floor, New York, NY 10010
Phone: (848) 999-3987 **Email:** ewilkes@waremalcomb.com

Signature: 

Owner's Certification

"I certify that I am the Owner of this property and understand that "DEVELOPER" is submitting an application in compliance with RCNY Title 15 Chapter 19.1. I have read or been advised of my responsibilities as owner of the property under the rules and believe that I understand them.

Name (please print): Jasmine Baker
Title: Project Manager **Date**
Address: 227 West Monroe Chicago, Illinois 60606
Phone: 312-933-0137 **Email:** jasmine.baker@citi.com

Signature:

Developer's Certification

"I have read or been advised of the applicable sections of RCNY Title 15 Chapter 19.1 and believe that I understand them. I also understand that, under the RCNY I am responsible for submitting a fee to initiate review of this application. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that I will receive an MS4 SWPPP acceptance form or a Notice of Rejection as a result of submitting this application and the review can be as long as forty-five (45) calendar days as provided for in the RCNY. I also understand that, by submitting this application, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction.

Name (please print): Jasmine Baker
Title: Project Manager **Date:**
Address: 227 West Monroe Chicago, Illinois 60606
Phone: 312-933-0137 **Email:** jasmine.baker@citi.com

Signature: _____

Qualified Professional's (Design) Credentials & Certification

"I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the RCNY Title 15 Chapter 19.1 and terms and conditions of the most recent NYSDEC SPDES General Permit for Stormwater Discharges from Construction Sites. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the City New York and could subject me to criminal, civil and/or administrative proceedings."

Name (please print): Ed Wilkes – Ware Malcomb
Title: Civil Engineering Manager **Date:** 5/25/2024
Address: 45 West 21st Street, 6th Floor, New York, NY 10010
Phone: 848) 999-3987 **Email:** ewilkes@waremalcomb.com

Signature: 

Qualified Professional's (Inspection) Credentials & Certification

"I hereby certify that I meet the criteria set forth in the SWPPP to conduct site inspections for this project and that appropriate erosion and sediment controls described in the SWPPP and as described in the following Pre-Construction Site Assessment Checklist have been adequately installed or implemented, ensuring the overall preparedness of this site for the commencement of construction."

Name (please print): _____
Title: _____ **Date:** _____
Address: _____
Phone: _____ **Email:** _____

Signature: _____

APPENDIX B

Construction Duration Inspections

CONSTRUCTION DURATION INSPECTIONS

Directions:
Inspection Forms will be filled out during the entire construction phase of the project.
Required Elements:

(1) On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next 14-day period;

(2) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;

(3) Indicate all disturbed site areas that have not undergone active site work during the previous 14-day period;

(4) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of sediment storage volume (for example, 10 percent, 20 percent, 50 percent);

(5) Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems (earthen berms or silt fencing) and containment systems (sediment basins and sediment traps). Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching. Document any excessive deposition of sediment or ponding water along barrier or diversion systems. Record the depth of sediment within containment structures, any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated risers pipes to pass water; and

(6) Immediately report to the Operator any deficiencies that are identified with the implementation of the SWPPP.

(7) Maintain onsite a record of all inspection documents and reports.

The qualified inspector shall follow this checklist in it's entirety. For daily inspections performed by the trained contractor, please follow checklist items with "(**Trained Contractor)"** adjacent to them. The trained contractor must document (e.g., log), these daily inspections. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

Reason for Inspection

- **[ ]** Daily Trained Contractor Inspection
- **[ ]** 7-Day/Weekly Inspection
- **[ ]** Twice Every 7 Days Inspection
- **[ ]** 30-Day Inspection
- **[ ]** Under Temporary Shutdown
- **[ ]** Inspection After Rainfall

Current Phase of Construction

Deficiencies and Corrective Actions Addressed

Time and Date of Inspection

Weather and Soil Conditions

Condition of Natural Surface Waterbodies Within or Adjacent to Property Boundaries

SITE PLAN/SKETCH

Inspector (Print name)	Date of Inspection
Qualified Professional (print name)	Qualified Professional Signature

The above signed acknowledges that, to the best of his/her knowledge, all information provided on the forms is accurate and complete.

Maintaining Water Quality

Yes	No	N/A	
[ ]	[ ]	[ ]	Is there an increase in turbidity causing a substantial visible contrast to natural conditions? (**Trained Contractor)**
[ ]	[ ]	[ ]	Is there residue from oil and floating substances, visible oil film, or globules or grease?
[ ]	[ ]	[ ]	All disturbance is within the limits of the approved plans. (**Trained Contractor)**
[ ]	[ ]	[ ]	Have receiving lake/bay, stream, and/or wetland been impacted by silt from the project?

Housekeeping

General Site Conditions

Yes	No	N/A	
[ ]	[ ]	[ ]	Is construction site litter and debris appropriately managed? (**Trained Contractor)**
[ ]	[ ]	[ ]	Are facilities and equipment necessary for implementation or erosion and sediment control in working order and/or properly maintained?
[ ]	[ ]	[ ]	Is construction impacting the adjacent property?
[ ]	[ ]	[ ]	Is dust adequately controlled? (**Trained Contractor)**

Runoff Control Practices

Excavation Dewatering

Yes	No	N/A	
[ ]	[ ]	[ ]	Upstream and downstream berms (sandbags, inflatable dams, etc.) are installed per plan.
[ ]	[ ]	[ ]	Clean water from upstream pool is being pumped to the downstream pool.
[ ]	[ ]	[ ]	Sediment laden water from work area is being discharged to a silt-trapping device. (**Trained Contractor)**
[ ]	[ ]	[ ]	Constructed upstream berm with one-foot minimum freeboard.

Soil Stabilization

Topsoil and Spoil Stockpiles

Yes	No	N/A	
[ ]	[ ]	[ ]	Stockpiles are stabilized with vegetation and/or mulch.
[ ]	[ ]	[ ]	Sediment control is installed at the toe of the slope.

Revegetation

Yes	No	N/A	
[ ]	[ ]	[ ]	Temporary seedings and mulch have been applied to idle areas.
[ ]	[ ]	[ ]	4 inches minimum of topsoil has been applied under permanent seedings.

Sediment Control Practices

Stabilized Construction Entrance

Yes	No	N/A	
[ ]	[ ]	[ ]	Stone is clean enough to effectively remove mud from vehicles. (**Trained Contractor)**
[ ]	[ ]	[ ]	Installed per standards and specifications?
[ ]	[ ]	[ ]	Does all traffic use the stabilized entrance to enter and leave site?
[ ]	[ ]	[ ]	Is adequate drainage provided to prevent ponding at entrance? (**Trained Contractor)**

Silt Fence

Yes	No	N/A	
[ ]	[ ]	[ ]	Installed on Contour, 10 feet from toe of slope (not across conveyance channels).
[ ]	[ ]	[ ]	Joints constructed by wrapping the two ends together for continuous support.
[ ]	[ ]	[ ]	Fabric buried 6 inches minimum. (**Trained Contractor)**
[ ]	[ ]	[ ]	Post are stable, fabric is tight and without rips or frayed areas. Sediment accumulation is ___% of design capacity. (**Trained Contractor)**

Storm Drain Inlet Protection

(Use for Stone & Block, Filter Fabric, Curb, or Excavated practices)

Yes	No	N/A	
[ ]	[ ]	[ ]	Installed concrete blocks lengthwise so open ends face outward, not upward.
[ ]	[ ]	[ ]	Placed wire screen between No. 3 crushed stone and concrete blocks.
[ ]	[ ]	[ ]	Drainage area is 1 acre or less.
[ ]	[ ]	[ ]	Excavated area is 900 cubic feet.
[ ]	[ ]	[ ]	Excavated side slopes should be 2:1.
[ ]	[ ]	[ ]	2” x 4” frame is constructed and structurally sound.
[ ]	[ ]	[ ]	Posts 3-foot maximum spacing between posts.
[ ]	[ ]	[ ]	Fabric is embedded 1 to 1.5 feet below ground and secured to frame/posts with staples at max 8-inch spacing.
[ ]	[ ]	[ ]	Posts are stable, fabric is tight and without rips or frayed areas. Sediments accumulation ___% of design capacity.

Winter Stabilization

Yes	No	N/A	
[ ]	[ ]	[ ]	Is snow management plan being followed? (**Trained Contractor)**
[ ]	[ ]	[ ]	Ensure 25-foot buffer from perimeter controls such as silt fence is maintained. Mark silt fence with stakes that are visible above snowpack.
[ ]	[ ]	[ ]	Ensure drainage structures are free of snow and ice dams. All debris from plowing operations that restrict flow of runoff shall be removed. (**Trained Contractor)**
[ ]	[ ]	[ ]	Silt fence and other practices requiring earth disturbance must be installed before the ground freezes

Dust Control

Yes	No	N/A	
[ ]	[ ]	[ ]	Is mulch and/or erosion control blankets being utilized on-site?
[ ]	[ ]	[ ]	If spray adhesives are used in non-driving & driving disturbed area, ensure mixing ratios and application rates are in accordance with manufacturer's recommendations for specific soils on site.
[ ]	[ ]	[ ]	In no case shall spray adhesives be applied on wet soils or if there is a probability of precipitation within 48-hrs. (**Trained Contractor)**
[ ]	[ ]	[ ]	Are driving areas being sprinkled for short term dust control? (**Trained Contractor)**

Geotextile Filter Bag

Yes	No	N/A	
[ ]	[ ]	[ ]	Is filter bag located in an area to minimize interference with construction activities and pedestrian traffic? Should be placed in level and vegetated area, at least 50-ft from wetlands.
[ ]	[ ]	[ ]	Is geotextile filter bag sized in accordance with manufacturers recommendations based on pump rate?
[ ]	[ ]	[ ]	Are materials and installation in accordance with NYS Erosion and Standards and Specifications?
[ ]	[ ]	[ ]	When remaining bag flow area has been reduced by 75% ensure bag is replaced with new bag. (**Trained Contractor)**

Concrete Truck Washout

Yes	No	N/A	
[ ]	[ ]	[ ]	Are washout facilities being inspected daily? Damaged or leaking facilities shall be deactivated and repaired or replaced immediately. (**Trained Contractor)**
[ ]	[ ]	[ ]	Accumulated hardened material shall be removed when 75% of the storage capacity of the structure is filled. Any excess wash water shall be pumped into a containment vessel and properly disposed of off site.
[ ]	[ ]	[ ]	Dispose hardened material off-site in a construction/demolition landfill.
[ ]	[ ]	[ ]	Plastic Liner shall be replaced with each cleaning of the washout facility.
[ ]	[ ]	[ ]	Inspect project site frequently to ensure that no concrete discharges are taking place in non-designated areas.

Note: Not all erosion and sediment control practices are included in this listing. Add additional pages to this list as required by site specific design. Construction inspection checklists for post-development stormwater Management practices can be found in Appendix F of the New York Stormwater Management Design Manual.

CONSTRUCTION DURATION INSPECTIONS

Modifications to the SWPPP (To be completed as described below)

The Operator shall amend the SWPPP whenever:

14. There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
15. The SWPPP proves to be ineffective in;
    a. Eliminating or significantly minimizing pollutants from sources identified in the SWPPP and as required by this permit; or
    b. Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity; and
16. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP.

Modification & Reason:

APPENDIX C

Monthly Summary Reports

Monthly Summary of Site Inspection Activities

Name of Facility:	**Today's Date:**	**Reporting Month:**
Location:		
Name and Telephone Number of Site Inspector:		

Date Of Inspection	**Regular / Rainfall Based Inspection**	**Name of Inspector**	**Items of Concern**

Qualified Professional's 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 false statements made herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law."

Qualified Professional (print name) Qualified Professional Signature

APPENDIX D

Contractor's Certifications and Forms

CONTRACTOR'S CERTIFICATION STATEMENT

I. SITE INFORMATION

Construction Site Name: 3750 Millersport Highway

Site Location: 3750 Millersport Highway, Amherst, NY 14228

II. CONTRACTORS INFORMATION

Contracting Firm: TBD

Contracting Firm Address:

Telephone Number(s): _____

Contact(s): 1) _____

2) _____

III. STORMWATER MEASURES

Contractor is responsible for all stormwater pollution prevention measures described within the SWPPP and Erosion and Sediment Control Plan, but not limited to the following storm water measures.

1. _____	4. _____	7. _____
2. _____	5. _____	8. _____
3. _____	6. _____	9. _____

IV. CERTIFICATION

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge storm water. I also understand that the operator must comply with the terms and conditions 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."

V. SIGNATURE: _____ **Date:** _____

Name (print): _____

Title: _____

SUBCONTRACTOR'S CERTIFICATION STATEMENT

I. SITE INFORMATION

Construction Site Name: 3750 Millersport Highway

Site Location: 3750 Millersport Highway, Amherst, NY 14228

II. CONTRACTORS INFORMATION

Contracting Firm: _____

Contracting Firm Address: _____

Telephone Number(s): _____

Contact(s): 1) _____

2) _____

III. STORMWATER MEASURES

Subcontractor is responsible for all stormwater pollution prevention measures described within the SWPPP and Erosion and Sediment Control Plan, but not limited to the following storm water measures.

1. _____	4. _____	7. _____
2. _____	5. _____	8. _____
3. _____	6. _____	9. _____

IV. CERTIFICATION

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge storm water. I also understand that the operator must comply with the terms and conditions 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."

V. SIGNATURE: _____ **Date:** _____

Name (print): _____

Title: _____

CERTIFICATE OF ISSUANCE

As directed by the operator, a copy of the SWPPP will be retained at the site, along with all signed statements, reports and schedules contained herein for completion by the contractor. Upon completion, the SWPPP and all records shall be returned to the operator.

Date of issuance: _____

Name: _____

Title: _____

Firm: _____

Signature: _____

Received from:

Name / Title: Ed Wilkes – Ware Malcomb / Civil Engineering Manager

Address / Phone No: 45 West 21st Street, 6th Floor, New York, NY 10010

(848) 999-3987

Signature: _____

Inquiries in regards to copies of SWPPP by either the State Director or any local agency having jurisdiction to be directed to owner's project representative.

EROSION AND WATER QUALITY CONTROL IDENTIFICATION

The contractor and/or subcontractors that will implement each erosion control measure must be identified:

IDENTIFICATION

NAME OF CONTRACTOR AND/OR SUBCONTRACTOR	MEASURE TO BE IMPLEMENTED

Each contractor and subcontractor identified must sign a copy of the certification statement.

This identification does not reassign or remove responsibility for all measures as agreed to the contract documents. The contractor is responsible for all subcontractors.

CONSTRUCTION STABILIZATION

The contractor shall initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased. When construction activity is precluded by snow cover, stabilization measures shall be initiated as soon as practicable. When construction activity will resume within 21 days from when activity ceased, then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased.

THE CONTRACTOR IS RESPONSIBLE TO KEEP THE FOLLOWING RECORDS:

MAJOR GRAVITY ACTIVITY	PORTION OF THE SITE	DATE COMMENCED	DATE CEASED (PERMANENTLY OR TEMPORARILY)	DATE STABILIZATION MEASURES INITITATED

THESE MUST BE KEPT UP TO DATE AND ON-SITE FOR INSPECTION AT ANYTIMECERTIFICATE OF CHANGE BY THE CONTRACTOR

To: _____
_____
_____

Project: _____

Site Address: _____
_____

Enclosed, please find your written notification of the following provision(s) of the SWPPP not being met:

_____
_____
_____

Provisions of the plan requiring modification:

_____
_____
_____

Action taken to modify plan to bring project into compliance:

_____
_____
_____

Date Completed: _____

Received By:

Name: _____	Name: _____
Title: _____	Title: _____
Contracting Firm: _____	Contracting Firm: _____
Address: _____	Address: _____
_____	_____
_____	_____
Phone Number: _____	Phone Number: _____
Signature: _____	Signature: _____

Note: Plan amendments – major and minor need to be filed on-line. Major amendments include changes to structural components that would require design review. All others shall be filed, but will not require review.

APPENDIX E

End of Construction Documents

FINAL STABILZATION AND RETENTION OF RECORDS

A. Qualified Professional Certification: A qualified professional shall perform a final site inspection.

Yes	No	N/A	
[ ]	[ ]	[ ]	Final site drainage will prevent erosion, concentrated flows to adjacent properties, uncontrolled overflow, and ponding.
[ ]	[ ]	[ ]	Conveyance systems are stabilized.
[ ]	[ ]	[ ]	Channels and stream banks are seeded at the outlet points.

"I hereby certify that the site has undergone final stabilization. Final stabilization means that all soil disturbing activities have been completed and a uniform, perennial vegetative cover with a density of eighty (80) percent has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures. Further, all temporary erosion and sediment controls (such as silt fence) not specified for permanent erosion control have been removed."

Name of Qualified Professional: _____

Signature: _____

B. Retention of Records: The operator shall retain copies of SWPPPs, all reports, and records of all data for a period of at least three years from the date that the site is finally stabilized.

C. Maintenance of SWPPP and Reports at the Construction Site: The operator shall retain a copy of the SWPPP at the construction site from the data of initiation of construction activities to the date of final stabilization.

POST-CONSTRUCTION STORMWATER MANAGEMENT FORM

A. Qualified Professional Certification: A qualified professional shall certify to the installation of all SMPs.

"I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the City and State of New York and could subject me to criminal, civil and/or administrative proceedings".

Name of Qualified Professional: _____

Signature: _____

B. Retention of Records: The developer shall retain copies of SWPPPs, all reports, and records of all data for a period of at least five years from the date that the site is finally stabilized.

C. Maintenance of SWPPP and Reports at the Construction Site: The operator shall retain a copy of the SWPPP at the construction site from the data of initiation of construction activities to the date of final stabilization.

CERTIFICATE OF RETURN

As directed by the owner's representative, the copy of the storm water pollution prevention plan retained at the site, along with all signed statements, reports and schedules contained herein for completion by the contractor are to be returned to the owner. The owner shall retain the plan, reports and records of all data for a period of three years from the date that the site is stabilized. This period may be extended by the State director at any time upon written notification.

Date of issuance: _____

Name: _____

Title: _____

Firm: _____

Signature: _____

Received by:

Name / Title: _____

Address / Phone No: _____

_____

Signature: _____

Inquiries in regards to copies of pollution prevention plan by either the State Director or any local agency having jurisdiction to be directed to owner's project representative.

APPENDIX F

Operations & Maintenance Manual

APPENDIX G

Notice of Intent Form (SWPTS eFiling)