

Stormwater Management Program (SWMP) Plan

Town of Bethlehem, NY

Municipal Separate Storm Sewer Systems (MS4) Permit No. GP-0-24-001

MS4 SPDES Permit # NYR20A208



Town of Bethlehem's Stormwater Program Webpage

<https://www.townofbethlehem.org/172/Stormwater-Management>

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1. List of Commonly Used Abbreviations/ Acronyms:

BMP - Best Management Practice

CGP - SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001

eNOI - Electronic Notice of Intent

ERP - Enforcement Response Plan

GIS - Geographic Information Systems

IDDE - Illicit Discharge Detection & Elimination

MCM - Minimum Control Measure

MEP - Maximum Extent Practicable

MS4 - Municipal Separate Storm Sewer System

MS4GP - SPDES General Permit for Stormwater Discharges from the MS4, GP-0-24-001

MSGP - SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Act Activity, GP-0-23-001

NOI - Notice of Intent

NPDES - National Pollutant Discharge Elimination System

NYSDEC - New York State Department of Environmental Conservation

O&M - Operations and Maintenance

ORI - Outfall Reconnaissance Inventory

POC - Pollutant of Concern

PCSMP - Post-Construction Stormwater Management Practice

SMO - Stormwater Management Officer

SPDES - State Pollution Discharge Elimination System

SSM - Storm System Mapping

SWMP - Stormwater Management Program

SWMP Plan - Stormwater Management Program Plan

SWPC - Stormwater Program Coordinator

SWPPP - Stormwater Pollution Prevention Plan

TDE - Town Designated Engineer

TMDL - Total Maximum Daily Load

USEPA - United States Environmental Protection Agency

WI/WPL - Waterbody Inventory/Priority Waterbodies List

2. Discharge Eligibility Documentation

A. MS4 eNOI

See Appendix A for copy of the Town of Bethlehem's MS4 eNOI submitted to the NYSDEC.

B. MS4 eNOI acknowledgement

See Appendix A for a copy of the eNOI acknowledgement provided by the NYSDEC.

3. Special Conditions

A. Discharge Compliance with Water Quality Standards

The MS4 Operator must implement the required controls contained in Part III. through Part IX. of the MS4GP. The NYSDEC expects that compliance with the terms and conditions of MS4GP will assure MS4 discharges meet applicable water quality standards.

It shall be a violation of the ECL for any discharge authorized by the MS4GP to either cause or contribute to a violation of water quality standards as contained in 6 NYCRR 700-705.

The MS4 Operator must take all necessary actions to ensure discharges comply with the terms and conditions of the MS4GP. If at any time an MS4 Operator becomes aware (e.g., through self-monitoring or by notification from the NYSDEC) that a discharge causes or contributes to the violation of an applicable water quality standard, the MS4 Operator must implement corrective actions and the MS4 Operator must document these actions in the SWMP Plan.

Compliance with the MS4GP does not preclude, limit, or eliminate any enforcement activity as provided by Federal and/or State law. Additionally, if violations of applicable water quality standards occur, then coverage under this SPDES general permit may be terminated by the NYSDEC in accordance with 6 NYCRR 750-1.21(e), and the NYSDEC may require an application for an alternative SPDES general permit or an individual SPDES permit may be issued.

B. Water Quality Improvement Strategies for Impaired Waters

The Town of Bethlehem is designated as a 'Traditional land use MS4 operator', subject to Part VI. MCM requirements (and not Part VII., intended for 'Non-land use Control & Non-traditional MS4 operators').

List of Impaired Waters (Appendix C of the MS4GP)

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI.

For MS4 Operators whose MS4 outfalls and additionally designated area MS4 outfalls (ADA MS4 outfalls) discharge to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables (Appendix C of the MS4GP), the MS4 Operator must develop and implement the pollutant specific best management practices (BMPs), listed in Part VIII of the MS4GP, targeted towards the pollutant of concern (POC) causing the impairment.

For MS4 Operators discharging to waters within a total maximum daily load (TMDL) watershed that does not specify a pollutant load reduction necessary for MS4s and listed in Appendix C, the MS4 Operator must implement the enhanced BMP requirements of Part VIII. for the applicable pollutant of concern of the TMDL.

The enhanced BMP requirements in Part VIII. are written to address the POCs listed in Table 2 of the MS4GP:

Table 2. Pollutant Specific BMPs for Impaired Waters listed in Appendix C	
POC	Part VIII. Reference
Phosphorus	A
Silt/Sediment	B
Pathogens	C
Nitrogen	D
Floatables	E

The Town of Bethlehem does not have any MS4 Outfalls that discharge to impaired waters listed in Appendix C of the MS4GP.

Watershed Improvement Strategy Requirements for TMDL Implementation (Part IX. of the MS4GP)

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI.

MS4 Operators discharging to waters within Approved TMDL Watersheds with MS4 Contribution (table 3. of the MS4GP) must implement additional BMPs and applicable retrofit plans as specified in Part IX. to achieve the pollutant load reductions specified in the referenced TMDL or respective implementation plan.

Table 3. Approved TMDL Watersheds with MS4 Contribution		
TMDL	POC	Part IX. Reference
Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000	Phosphorus	A
Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel, October 2016		
Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake, March 2015		
Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, September 2005	Phosphorus	B
Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012		
Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008		
None	Pathogen	C
TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries, September 2007	Nitrogen	D

The Town of Bethlehem does not have any discharges to waters within an Approved TMDL Watershed with MS4 Contribution listed in Table 3. of the MS4GP.

Impaired Waters with an approved TMDL and listed in Appendix C of the MS4GP

Part VIII. and Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI.

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

An MS4 discharging to a waterbody listed in table 3 must meet the requirements of Part IX. for the specific POC identified in the TMDL.

Applicability of Water Quality Improvement Strategies for Impaired Waters

Since Town of Bethlehem has no discharges to impaired waters and has no discharges to waters within a TMDL watershed the Town is not subject to MS4 permit Part VIII. or Part IX. requirements.

4. SWMP Requirements

A. Alternative Implementation Options

MS4 Operators may utilize other entities or the resources of those entities to assist with any portion of the SWMP development, implementation, or enforcement. These entities may consist of other MS4 Operators, a Regional Stormwater Entity (RSE), a Coalition of MS4 Operators, other public entities (e.g., non-MS4 Operators), or a private third-party contractor.

If the MS4 Operator is relying upon another entity for compliance with any portion of this SPDES general permit, there must be an agreement in place that:

- i. Is legally binding;
- ii. Is documented in writing;

- iii. Is signed and dated by all parties including a certification statement that explains that the MS4 Operator is responsible for compliance with this SPDES general permit;
- iv. Identifies the activities that the entity will be responsible for including the particular MCM, the location and type of work;
- v. Includes the name, address, and telephone number of the contact person representing the entity;
- vi. Is kept up-to-date and part of the SWMP Plan; and
- vii. Is retained by each party for the duration of the permit term.

In the SWMP Plan, the MS4 Operator must develop and maintain an inventory of entities assisting in permit implementation that includes the following information:

- i. Name of entity performing permit implementation; and
- ii. Permit requirement being implemented performed by entity.

Irrespective of any agreements, each party remains legally responsible for obtaining its own permit coverage, for filing the NOI, and satisfying all requirements of this SPDES general permit for its own discharges.

Within thirty (30) days signing, alternative implementation agreements (Part IV.A.1.) must be documented in the SWMP Plan (Part IV.B.).

Annually review and update any alternative implementation agreements in the SWMP Plan, as necessary.

Town of Bethlehem's Use of Alternative Implementation Options

The Town utilizes several outside entities to assist in the development, implementation or enforcement of its SWMP and SWMP plan. See Appendix B for the inventory of those entities and copies of the formal agreements with each respective entity.

B. Staffing plan/Organizational chart

Within six (6) months of the effective date of permit (EDP) coverage (EDP = 1/3/2024), the MS4 Operator must develop a written staffing plan/organizational chart which includes job titles and other entities as identified in Part IV.A.1, and the roles and responsibilities for each corresponding to the required elements of the SWMP. The staffing plan must describe how information will be communicated and coordinated among all those with identified responsibilities.

The Town has developed an organizational chart which include job titles and other entities as identified in Part IV.A.1, and the roles and responsibilities for each corresponding to the required elements of the SWMP.

Information is communicated and coordinated among all responsible parties included within the staffing plan/organizational chart via email, in-person meetings, or through written documentation. The SMO or SWPC coordinates all communications and MS4-related actions and/or responses among those other staff or outside third-parties with identified MS4 roles and responsibilities.

See Appendix C. for a copy of the Organizational Chart.

C. Stormwater Program Coordinator

The MS4 Operator must designate a Stormwater Program Coordinator (SPC) who must be knowledgeable in the principles and practices of stormwater management, the requirements of the MS4GP, and the SWMP. The Town has designated a specific staff person to serve as the SPC, that oversees the development, implementation and enforcement of the SWMP, coordinates all elements of the SWMP to ensure compliance with the MS4GP and develops and submits the interim progress certifications and annual reports to the NYSDEC. Below is all required information required to be documented in this SWMP regarding the Town's SPC:

Name: Joe Cleveland

Title: Stormwater Program Coordinator / Senior Environmental Scientist Technician

Contact: (518) 439-4955 x 1139

jcleveland@townofbethlehem.org

Town of Bethlehem Town Hall, Room 203

445 Delaware Ave.

Delmar, NY 12054

D. Timeframes for SWMP Plan Development or Updates

MS4 Operators must develop and implement their SWMP Plan in accordance with the timeframes set forth in this SPDES general permit. Annually, after the end of the Reporting Year and by April 1, the SWMP Plan must be updated to ensure the permit requirements are implemented. More frequent updates to the SWMP Plan are noted throughout this SPDES general permit in specific permit requirements.

This SWMP Plan is currently up-to-date as of **July 2, 2024**.

E. Mapping

The Comprehensive System Mapping requirements are fulfilled and maintained on internal (password protected) GIS program mappers. Screenshots or exported .pdf map products are readily accessible upon request to the Town's SPC, SMO, and/or GIS Coordinator.

Currently, all required six (6) month mapping elements are completed, are included within the GIS program mappers, and are readily available upon request:

- MS4 Outfalls (as required by previous iterations of the MS4GP)
- Interconnections (as required by previous iterations of the MS4GP)
- Preliminary storm-sewershed boundaries (as required by previous iterations of the MS4GP)
- MS4 infrastructure, including conveyance systems, conveyance system descriptions for closed and open drainages, and direction of flow
- Stormwater structures, by type
- Number of connections to catch basins and manholes

- Basemap information (Automatically designated and additionally designated areas, names and locations of all surface waters of the state - including Waterbody Classification and WI/PWL)
- Land Use (this is achieved through an database of Property Class Codes, included in the GIS information for each tax parcel within the Town)
- Roads
- Topography (at 2' contour intervals)

Not included are those mapping elements that are not applicable to the Town of Bethlehem:

- Mapped culvert crossings were not required by previous iterations of the MS4GP and is not applicable to the Town of Bethlehem since it is not subject to Part IX.A. or Part IX.D of the MS4GP
- There are no TMDL watershed areas within the Town's jurisdiction and they are therefore not included in the Town's comprehensive system mapping

Annually, after Phase I mapping requirements are completed, the comprehensive system mapping requirements will be updated in accordance with the requirements of the MS4GP.

F. Legal Authority

For MS4 Operators continuing coverage from previous iterations of this SPDES general permit, adequate legal authority must be maintained in accordance with Part IV.E.1. or Part IV.E.2. of the MS4GP.

The Town of Bethlehem demonstrates adequate legal authority in accordance with Part IV.E.1. through its adoption of the DEC model local laws, 1) The New York State Department of Environmental Conservation Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, April 2006 (NYS DEC Model IDDE Local Law 2006) and 2) The New York State Department of Environmental Conservation Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006).

Copies of the Local Laws are available upon request at Town Hall and are also publicly available through ecode360.com, in Chapter 98 of the Code of the Town of Bethlehem, at <https://ecode360.com/8992628>.

To demonstrate adequate legal authority copies of the local law resolutions must be included in the SWMP plan. Copies of the Local Law resolutions are provided in Appendix D.

G. Enforcement Measures & Tracking

Enforcement Response Plan

Within six (6) months, the MS4 Operator must develop and implement an enforcement response plan (ERP) which clearly describes the action(s) to be taken for violations that the MS4 Operator has enacted for illicit discharge (Part VI.C. or Part VII.C, depending on the MS4 Operator type), construction (Part VI.D. or Part VII.D, depending on the MS4 Operator type), and post-construction (Part VI.E. or Part VII.E, depending on the MS4 Operator type). The ERP must be documented in the SWMP Plan. The ERP must set forth a protocol to address repeat and continuing violations through

progressively stricter responses (i.e., escalation of enforcement) as needed to achieve compliance with the terms and conditions of this SPDES general permit.

The ERP must describe how the MS4 Operator will use the following types of enforcement responses or combination of responses:

- i. Verbal warnings;
- ii. Written notices;
- iii. Citations (and associated fines);
- iv. Stop work orders;
- v. Withholding of plan approvals or other authorizations affecting the ability to discharge to the MS4; and
- vi. Additional measures, supported in local legal authorities, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials to correct violations.

Enforcement responses are based on the type, magnitude, and duration of the violation, effect of the violation on the receiving water, compliance history of the operator, and good faith of the operator in compliance efforts.

Efforts to obtain a voluntary correction of deficiencies through informal enforcement, such as verbal warnings or written notices, must not exceed sixty (60) days in duration (from the time of the MS4 Operator's initial determination until a return to compliance).

Enforcement Tracking

The MS4 Operator must track instances of non-compliance in the SWMP Plan. The enforcement case documentation must include, at a minimum, the following:

- a. Name of the owner/operator of the facility or site of the violation (can be redacted from the publicly available SWMP Plan);
- b. Location of the stormwater source (e.g., construction project);
- c. Description of the violation;
- d. Schedule for returning to compliance;
- e. Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations);
- g. Any referrals to different departments or agencies; and
- h. Date violation was resolved.

The Town's Enforcement Measures and Tracking procedures for violations related to Illicit Discharges, Construction, and Post-Construction are located within the MCM3, MCM4 and MCM5 procedures documents, and are referenced here within their respective sections of this SWMP plan.

5. Recordkeeping, Reporting, and SWMP Evaluation

Recordkeeping

The MS4 Operator must keep records required by the MS4GP for five (5) years after they are generated. Records must be submitted to the NYSDEC within a reasonable specified time period of a written NYSDEC request for such information. Documents can be maintained in electronic format if the manner reasonably assures the integrity of the records, in accordance with NYCRR 750-2.5(e)(1). Records, including the NOI and the SWMP Plan, must be made available to the public at reasonable times during regular business hours.

All records are retained with the Engineering Division and are available upon request to the SMO or SWPC.

Reporting

Reports are submitted to the DEC via the DEC's nForms web portal. Access to nForms is user/password protected, which is managed by the SWPC. Copies of the eNOI and Acknowledgement of Notice of Intent are also included in Appendix A.

Annual Reports

Annually, MS4 Operators must submit an Annual Report to the NYSDEC using the form provided by the NYSDEC. The completion of this permit requirement must be documented in the SWMP Plan. The reporting period for the Annual Report is January 3 of the current year to January 2 of the following year (Reporting Year).

For The Town of Bethlehem (MS4 Operator continuing coverage), the Annual Report must be submitted to the NYSDEC by April 1 of the year following the end of the Reporting Year.

Past annual reports are retained with the Engineering Division and are available upon request to the SMO or SWPC.

Interim Progress Certifications

Twice a year, MS4 Operators must submit to the NYSDEC an Interim Progress Certification that verifies the activities included in this SPDES general permit have been completed by the date specified using the form provided by the NYSDEC. The completion of this permit requirement must be documented in the SWMP Plan.

An Interim Progress Certification for the period of January 3 through June 30 of the same year must be submitted to the NYSDEC by October 1 of the same year.

An Interim Progress Certification for the period of July 1 through January 2 of the following year must be submitted to the NYSDEC by April 1 of the following year along with the Annual Report.

Submission of the Annual Report is not a substitute for submission of the Interim Progress Certification.

Certification

All reports specified within Part V. of the MS4GP must be signed and certified in accordance with Part X.J. of the MS4GP.

Annual Report and Interim Progress Certification Content

The Annual Report and Interim Progress Certifications shall summarize the activities performed throughout the Reporting Year, including:

- a. The status of compliance with permit requirements;
- b. Information documented in the SWMP Plan, as specified throughout this SPDES general permit; and
- c. A certification statement in accordance with 40 CFR 122.22(d).

SWMP Evaluation

Once every five (5) years, the MS4 Operator must evaluate the SWMP for compliance with the terms and conditions of this SPDES general permit, including the effectiveness or deficiencies of components of the individual SWMP Plan, and the status of achieving the requirements outlined in this SPDES general permit. The SWMP evaluation must be documented in the SWMP Plan.

6. Minimum Control Measures (MCMs) for Traditional Land Use Control MS4 Operators (MS4GP Part VI. requirements)

The Designation Criteria for Identifying Regulated MS4s (Appendix B of the MS4GP) serves as the basis for determining where permit requirements are implemented. The MCMs in Part VI. and Part VII, depending on the MS4 Operator type, must be implemented in certain designated areas as specified in the MS4GP, Part IV.C, to reduce the discharge of pollutants to the MEP.

The Town of Bethlehem, as a Traditional Land Use Control MS4, is subject to the MCM requirements outlined in Part VI. of the MS4GP.

For MS4 Operators subject to Part VI. requirements, all MCMs must be implemented within the automatically designated area or an additionally designated area subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B).

For MS4 Operators subject to Part VI. requirements, MCM 4 and MCM 5 must also be implemented within an additionally designated area subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

The Town of Bethlehem has no discharges to USEPA-approved TMDL waters nor does it have any discharges to sensitive waters classified as AA-S, AA, or SA, in areas contiguous to the automatically designated areas. As such, the Town is not subject to the Additional Designation Criterion 1 or 2 of the MS4GP.

The Town of Bethlehem, as a Traditional Land Use Control MS4 Operator, is subject to Criterion 3 for MCM4 (construction site stormwater runoff control) and MCM5 (post-construction stormwater management in development and redevelopment), which extends the requirements of those MCMs to the Town's municipal boundary.

MCM 1: Public Education and Outreach Program

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

Currently the only items required for MCM1 are those from previous iterations of the MS4GP that are still applicable and the development of the Illicit Discharge Education requirements.

The Town has provided an informational brochure, posted online in its Stormwater Management website (link provided on the cover of this SWMP plan) as well as in physical copies distributed in common area locations including the Town Hall, Parks & Recreation Administration Building, and the Highway Department offices. A copy of the brochure is included in Appendix

Target Audiences and Associated Pollutant Generating Activities

The Town has created Target Audience Analysis GIS maps identifying different priority areas of concern: Medical, Industrial, Commercial, Septic Systems, Residential, and Motor Vehicle. These heat maps help understand those areas where certain pollutants of concern related to those land uses have the most potential to be present. Screenshots are provided in Appendix F. and hard copies are available upon request to the SMO or SWPC.

The Town also has a GIS web mapper which includes land-uses for each parcel. The ability to query for commercial or industrial parcels, as well as homes not connected to the sanitary sewer system, allows staff to better understand areas with higher potential for causing illicit discharges to the MS4. The GIS web mapper also includes the entire MS4 system inventory. This provides staff with the location of every known storm drainage network and its associated outfall, which provides geographic context to the potential source locations of illicit discharges.

Updates to the Public Education and Outreach Program

Following the completion of Part VI.A.1.a, Part VI.A.1.b, and Part VI.A.1.c, annually, by April 1, the MS4 Operator must:

- i. Review and update the focus areas, target audiences, and/or education and outreach topics; and
- ii. Document the completion of this requirement in the SWMP Plan.

This section of the SWMP plan is current as of 7/3/2024 and will be updated routinely to maintain compliance with the timeframes and deliverables to demonstrate compliance in preparation of their deadlines.

MCM 2: Public Involvement/Participation

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

Annually, the MS4 Operator must provide an opportunity for public involvement/participation in the development and implementation of the SWMP. The MS4 Operator must document the public involvement/participation opportunities in the SWMP Plan.

The opportunities for public involvement/participation are as follows:

- i. Citizen advisory group on stormwater management;
- ii. Public hearings or meetings;
- iii. Citizen volunteers to educate other individuals about the SWMP;
- iv. Coordination with other pre-existing public involvement/participation opportunities;
- v. Reporting concerns about activities or behaviors observed; or
- vi. Stewardship activities.

Annually, the MS4 Operator must inform the public of the opportunity for their involvement/participation in the development and implementation of the SWMP and how they can become involved. The MS4 Operator must document the method for distribution of this information in the SWMP Plan.

The Town informs the public of this opportunity through website postings on the Town's website.

Within six (6) months of the EDC, the MS4 Operator must identify a local point of contact to receive and respond to public concerns regarding stormwater management and compliance with permit requirements.

The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the SWMP Plan.

Local Point of Contact Info:

Joe Cleveland

Stormwater Management Coordinator

Bethlehem Town Hall, Room 203

445 Delaware Ave.

Delmar, NY 12054

(518)439-4955 x1139

jcleveland@townofbethlehem.org

Public Notice and Input Requirements for SWMP Plan

Annually, the MS4 Operator must provide an opportunity for the public to review and comment on the publicly available SWMP Plan (Part IV.B.2.b.). The public must have the ability to ask questions and submit comments on the SWMP Plan. The completion of this permit requirement must be documented in the SWMP Plan.

This requirement is satisfied by the Town through the website postings made concurrently with the public participation opportunity outlined above.

Public Notice and Input Requirements for Draft Annual Report

Annually, the MS4 Operator must provide an opportunity for the public to review and comment on the draft Annual Report. The completion of this permit requirement must be documented in the SWMP Plan.

This requirement is satisfied by the Town by posting the draft Annual Report on the Town's Stormwater Management website. The website posting provides information on the timeframes and procedures to submit comments and/or request a meeting.

If a public meeting is requested by two or more persons, the MS4 Operator must hold such a meeting.

This section of the SWMP plan is current as of 7/3/2024 and will be updated routinely to maintain compliance with the timeframes and deliverables to demonstrate compliance in preparation of their deadlines.

MCM 3: Illicit Discharge Detection and Elimination

The MS4 Operator must develop, implement, and enforce a program which systematically detects, tracks down, and eliminates illicit discharges to the MS4. This MCM is designed to manage the MS4 so it is not conveying pollutants associated with flows other than those directly attributable to stormwater runoff.

Public Reporting of Illicit Discharges

Within six (6) months of the EDC, the MS4 Operator must establish and document in the SWMP Plan an email or phone number (with message recording capability) for the public to report illicit discharges.

The Town has satisfied this requirement by including a "Report an Issue" webpage which includes email and phone contact info to report such issues, found here:

<https://www.townofbethlehem.org/177/Report-an-Issue>

Within thirty (30) days of an illicit discharge, the MS4 Operator must document each report of an illicit discharge in the SWMP Plan with the following information:

- a) Date of the report;
- b) Location of the illicit discharge;
- c) Nature of the illicit discharge;

- d) Follow up actions taken or needed (including response times); and
- e) Inspection outcomes and any enforcement taken.

Illicit discharge documentation is retained within the network drive on the Town's local network. Records are available upon request to the SMO or SWPC.

Monitoring Locations and Inventory

The Town has mapped and inventoried using GIS web maps and Microsoft SharePoint data management software, including the various monitoring locations throughout its jurisdiction: MS4 outfalls, Interconnections, and Municipal facility intraconnections. The monitoring locations inventory is available upon request to the SMO or SWPC.

This section of the SWMP plan is current as of 7/3/2024 and will be updated routinely to maintain compliance with the timeframes and deliverables to demonstrate compliance in preparation of their deadlines.

The remainder of the Town's MCM3 procedures, provisions and documentation are included in a separate document "TOB MS4 Procedures for MCM3 FINAL.pdf" and is available upon request to the SMO or SWPC.

MCM 4: Construction Site Stormwater Runoff Control

The MS4 Operator must develop, implement, and enforce a program to ensure construction sites are effectively controlled. This MCM is designed to prevent pollutants from construction related activities, as well as promote the proper planning and installation of post-construction SMPs.

Public Reporting of Construction Site Complaints

Within six (6) months of the EDC, the MS4 Operator must establish and document in the SWMP Plan an email or phone number (with message recording capability) for the public to report complaints related to construction stormwater activity.

The Town has satisfied this requirement by including a "Report an Issue" webpage which includes email and phone contact info to report such issues, found here:

<https://www.townofbethlehem.org/177/Report-an-Issue>

The MS4 Operator must document reports of construction site complaints in the SWMP Plan with the following information:

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

Construction site complaint documentation is retained within the network drive on the Town's local network. Records are available upon request to the SMO or SWPC.

Construction Site Inventory & Inspection Tracking

Within six (6) months of the EDC, the MS4 Operator must develop and maintain an inventory of all applicable construction sites (Part VI.D.1.a.) in the SWMP Plan.

The Town has mapped and inventoried Construction Sites using GIS web maps and Microsoft SharePoint data management software and utilizes Microsoft SharePoint data management software to retain all Inspection records (for both MS4-performed construction site compliance inspections and CGP Owner/Operator qualified inspector inspections). Hard copies are available upon request to the SMO or SWPC.

SWPPP Reviews

The Town ensures that all individuals responsible for reviewing SWPPPs for acceptance receive the required Four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other NYSDEC endorsed entity. This training is updated every three (3) years so that certifications remain current. Copies of required training records are retained within the network drive on the Town's local network. Records are available upon request to the SMO or SWPC.

This section of the SWMP plan is current as of 7/3/2024 and will be updated routinely to maintain compliance with the timeframes and deliverables to demonstrate compliance in preparation of their deadlines.

The remainder of the Town's MCM4 procedures, provisions and documentation are included in a separate document "TOB MS4 Procedures for MCMs 4 5 6 FINAL.pdf" and is available upon request to the SMO or SWPC.

MCM 5: Post-Construction Stormwater Management

The MS4 Operator must develop, implement, and enforce a program to ensure proper operation and maintenance of post construction SMPs for new or redeveloped sites. This MCM is designed to promote the long-term performance of post-construction SMPs in removing pollutants from stormwater runoff.

The Town maintains its previous inventory of PCSMPs as required from previous iterations of the MS4GP. Those records are maintained through the use of GIS web maps and Microsoft SharePoint data management software and are available upon request to the SMO or SWPC.

This section of the SWMP plan is current as of 7/3/2024 and will be updated routinely to maintain compliance with the timeframes and deliverables to demonstrate compliance in preparation of their deadlines.

The remainder of the Town's MCM5 procedures, provisions and documentation are included in a separate document "TOB MS4 Procedures for MCMs 4 5 6 FINAL.pdf" and is available upon request to the SMO or SWPC.

MCM 6: Pollution Prevention and Good Housekeeping

The MS4 Operator must develop and implement a pollution prevention and good housekeeping program for municipal facilities and municipal operations to minimize pollutant discharges. This MCM is

designed to ensure the MS4 Operator’s own activities do not contribute pollutants to surface waters of the State.

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

Within three (3) years of the EDC, the MS4 Operator must incorporate best management practices (BMPs) into the municipal facility program and municipal operations program to minimize the discharge of pollutants associated with municipal facilities and municipal operations, respectively. The deadline for this requirement is January 2, 2027. The BMPs to be considered are as follows and must be documented in the SWMP Plan:

- a. Minimize Exposure
- b. Follow a Preventive Maintenance Program
- c. Spill Prevention and Response Procedures
- d. Salt Storage Piles or Pile Containing Salt
- e. Waste, Garbage, and Floatable Debris
- f. Alternative Implementation Options

The above BMPs have been considered and implemented for each MS4 Municipal Facility and/or MS4 Operation, as applicable to that site or activity. Most BMPs were already created as required by GP-0-15-002. This is a work in progress and more will be instituted over the next two years. The individual BMPs are categorized by the responsible municipal department / division. BMP summary sheets for each have been published and are on file with each respective responsible party and are also included in Appendix H of this SWMP document.

2. Municipal Facilities

a. Municipal Facility Program

Within three (3) years of the EDC, the MS4 Operator must develop and implement a municipal facility program. The due date for this requirement is January 2, 2027. All MS4 Facility and Operation Self-Audits (a requirement of GP-0-15-002) have been completed within the last three years of the date of the most recent update to the SWMP. This portion of the SWMP will continue to be developed and updated over the next two years to meet the timeframes and specific additional components of the MS4 permit MCM6 requirements.

The municipal facility procedures including:

BMPs –

High Priority Requirements –

Low Priority Requirements –

No Exposure Certification –

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

3. Municipal Operations & Maintenance

a. Municipal Operations Program

Within three (3) years of the EDC, the MS4 Operator must develop and implement a municipal operations program. Municipal operations are: street and bridge maintenance; winter road maintenance; MS4 maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

The municipal operations program must be documented in the SWMP Plan specifying:

- i. The municipal operations procedures including:
 - a. The BMPs (Part VII.F.1.) incorporated into the municipal operations program;
 - b. The municipal operations corrective actions requirements (Part VII.F.3.b.);
 - c. Catch basin inspection and maintenance requirements (Part VII.F.3.c.);
 - d. Roads, bridges, parking lots, and right of way maintenance requirements (Part VII.F.3.d.); and
 - e. All other municipal operations maintenance requirements.
- ii. The training provisions for the MS4 Operator's municipal operations procedures (Part VII.F.3.a.i.)
- iii. The names, titles, and contact information for the individuals who have received municipal operations training and update annually; and
- iv. Annually, by April 1, the MS4 Operator must:
 - a. Review and update the municipal operations procedures (Part VII.F.3.a.i.); and
 - b. Document the completion of this requirement in the SWMP Plan.

This section of the SWMP was developed at permit EDC, and has been reviewed and updated through 12/24/24.

b. Municipal Operations Corrective Actions

c. Catch Basin Inspection and Maintenance

Sweeping

Within six (6) months of the EDC, the MS4 Operator must develop and implement procedures for sweeping and/or cleaning municipal streets, bridges, parking lots, and right of ways owned/operated by the MS4 Operator. The procedures and completion of permit requirements must be documented in the SWMP Plan specifying:

- a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding).
- b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept.

The Town currently sweeps all applicable roads within the Town's jurisdiction at least once annually between April 1 and October 31, with many areas receiving multiple sweepings.

This section of the SWMP plan is current as of 7/3/2024 and will be updated routinely to maintain compliance with the timeframes and deliverables to demonstrate compliance in preparation of their deadlines.

The remainder of the Town’s MCM6 procedures, provisions and documentation are included in a separate document “TOB MS4 Procedures for MCMs 4 5 6 FINAL.pdf” and is available upon request to the SMO or SWPC.

Appendix A. Copies of Town of Bethlehem Discharge Eligibility Documentation

eNOI submitted to DEC to obtain MS4GP coverage:

MS4 Notice of Intent

version 1.0

(Submission #: HQ1-6F5N-17ZYA, version 1)

Details

Submitted 2/5/2024 (146 days ago) by Joseph Cleveland

Alternate Identifier NYR20A208

Submission ID HQ1-6F5N-17ZYA

Status Deemed Complete

Form Input

MS4 Operator Information

Is this NOI for an MS4 Operator continuing coverage?

Yes

Permit ID #:
NYR20A208

MS4 Operator Type
Traditional land use control

Traditional Land Use Control

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

Municipality Name or Legal Entity Name
Town of Bethlehem

Legal Municipal/Entity Mailing address
445 Delaware Avenue
Delmar, NY 12054
Albany

Ranking Official

Official Title	First and Last Name	Phone	Email
Town Supervisor	David VanLuven	518-439-4955	dvanluven@townofbethlehem.org

NOI Preparer

NOI Preparer Title	First and Last Name	Phone	Email
Stormwater Program Coordinator	Joseph Cleveland	518-439-4955	jcleveland@townofbethlehem.org

NAICS Codes

Federal, State or Local Government - 924110
Military Bases - 928110
Highway, road or other thoroughfare system - 237310
Large Hospitals - 822110
Public Colleges and Universities - 611310
Correctional Institutions - 922140
[NAICS Code Lookup](#)

NAICS Code

924110

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

No

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

No

MS4 Location Information

MS4 Facility Name
Town of Bethlehem MS4

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

Central point of the MS4 Operator
42.62018027976347,-73.83991852914363

Waterbody Information (1 of 7)

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

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

Waterbody name and segment receiving MS4 Operator discharges
Normans Kill, Lower, and minor tribs - 1311-0010

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
No

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
No

Waterbody Information (2 of 7)

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

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

Waterbody name and segment receiving MS4 Operator discharges
Island Creek and minor tribs - 1311-0020

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
No

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
No

Waterbody Information (3 of 7)

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

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

Waterbody name and segment receiving MS4 Operator discharges
Hudson River (Class C) - 1301-0002

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
No

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
No

Waterbody Information (4 of 7)

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

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

Waterbody name and segment receiving MS4 Operator discharges
Minor Tribs to West of Hudson - 1301-0238

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
No

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
No

Waterbody Information (5 of 7)

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

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

Waterbody name and segment receiving MS4 Operator discharges
 Vioman Kill, Lower, and tribs - 1301-0239

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
 No

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
 No

Waterbody Information (6 of 7)

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

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

Waterbody name and segment receiving MS4 Operator discharges
 Vioman Kill, Upper, and tribs - 1301-0240

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
 No

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
 No

Waterbody Information (7 of 7)

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

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

Waterbody name and segment receiving MS4 Operator discharges
 Coeymans Creek and minor tribs - 1301-0095

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?
 No

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?
 No

CERTIFICATION

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

I am the ranking elected official or Principal Executive Officer for the MS4 Operator and will be signing the form electronically.
 No

Attach completed certification form.

[Bethlehem MS4 permit nForms MS4 Operator Cert signed.pdf - 02/05/2024 02:43 PM](#)
 Comment
 NONE PROVIDED

Attachments

Date	Attachment Name	Context	User
2/28/2024 2:24 PM	MS4 eNOI Acknowledgement.pdf	Generated Document	Audra Rossignol
2/5/2024 2:43 PM	Bethlehem MS4 permit nForms MS4 Operator Cert signed.pdf	Attachment	Joseph Cleveland

Status History

	User	Processing Status
2/5/2024 1:36:49 PM	Joseph Cleveland	Draft
2/5/2024 2:44:45 PM	Joseph Cleveland	Submitting
2/5/2024 2:45:03 PM	Joseph Cleveland	Submitted
2/28/2024 2:24:44 PM	Audra Rossignol	Deemed Complete

Audit

Event	Event Description	Event By	Event Date
MS4 eNOI Acknowledgement	The MS4 eNOI Acknowledgement document has been generated and is available for download.	Audra Rossignol	2/28/2024 2:24 PM

Processing Steps

Step Name	Assigned To/Completed By	Date Completed
Form Submitted	Joseph Cleveland	2/5/2024 2:45:03 PM

DEC Acknowledgement of Notice of Intent:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

2/28/2024

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

Dear Town of Bethlehem,

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

Town of Bethlehem

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

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

SPDES ID No: NYR20A208

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

Sincerely,



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



Appendix B. Inventory of Alternative Implementation Option Entities and Copies of Executed Agreements

Alternative Implementation Options Third Party Certification Form

Name of MS4: Town of Bethlehem

NYSDEC MS4 Permit No. NYR20A208

Contracted Entity Certification Statement

From SPDES General Permit for Stormwater Discharges from MS4s, GP-0-24-001,
Part IV.A.1. - Alternative Implementation Options

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Bethlehem's stormwater management program and agree to implement any corrective actions identified by the Town of Bethlehem or a representative. I also understand that the Town of Bethlehem must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001 (MS4 GP) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by Town of Bethlehem will not diminish, eliminate, or lessen my own liability."

Company Name: Greenman-Pedersen, Inc. (GPI)

Company Address: 80 Wolf Road Suite 600

Albany, NY 12205

Phone Number(s): 518-453-9431

Description of activities the entity will be responsible for, including the particular Minimum Control Measure (MCM), the location, and type of work:

MCM 4: Capital project plan design/SWPPP design and review; Private development project SWPPP review; Construction-duration inspections

MCM 5: Capital project plan design/SWPPP design and review; Private development project SWPPP review; Construction-duration inspections

Description of where the work is performed within the Town of Bethlehem:

All design and review work is performed at the firm's office location with the exception of occasional field meetings, Town office meetings, or attendance at Town and/or Planning Board meetings. Construction-duration inspections performed at various active construction sites, town-wide.



Signature

Ryan Trunko, PE

Printed Name

Project Manager

Title

7/1/2024

Date

**Alternative Implementation Options
Third Party Certification Form**

Name of MS4: Town of Bethlehem

NYSDEC MS4 Permit No. NYR20A208

Contracted Entity Certification Statement

From SPDES General Permit for Stormwater Discharges from MS4s, GP-0-24-001,
Part IV.A.1. - Alternative Implementation Options

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Bethlehem's stormwater management program, as it pertains to the MCMs identified below that are delegated to me or the firm I am employed by, and agree to implement any corrective actions identified by the Town of Bethlehem or a representative. I also understand that the Town of Bethlehem must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001 (MS4 GP) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by Town of Bethlehem will not diminish, eliminate, or lessen my own liability."

Company Name: MJ Engineering and Land Surveying, PC

Company Address: 21 Corporate Drive
Clifton Park, NY 12065

Phone Number(s):

Description of activities the entity will be responsible for, including the particular Minimum Control Measure (MCM), the location, and type of work:

MCM 4: Capital project plan design/SWPPP design and review; Private development project SWPPP review; Construction-duration inspections

MCM 5: Capital project plan design/SWPPP design and review; Private development project SWPPP review; Construction-duration inspections

Description of where the work is performed within the Town of Bethlehem:

All design and review work is performed at the firm's office location with the exception of occasional field meetings, Town office meetings, or attendance at Town and/or Planning Board meetings. Construction-duration inspections performed at various active construction sites, town-wide.



Signature

Joel Bianchi

Printed Name

Senior Vice President of Civil Engineering

Title

July 1, 2024

Date

Alternative Implementation Options Third Party Certification Form

Name of MS4: Town of Bethlehem

NYSDEC MS4 Permit No. NYR20A208

Contracted Entity Certification Statement

From SPDES General Permit for Stormwater Discharges from MS4s, GP-0-24-001,
Part IV.A.1. - Alternative Implementation Options

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Bethlehem's stormwater management program and agree to implement any corrective actions identified by the Town of Bethlehem or a representative. I also understand that the Town of Bethlehem must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001 (MS4 GP) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by Town of Bethlehem will not diminish, eliminate, or lessen my own liability."

Company Name: CHA Consulting, Inc.

Company Address: 3 Winners Circle Suite 100

Albany, NY 12205-0269

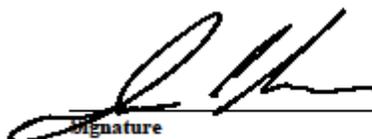
Phone Number(s): 518-453-4500

Description of activities the entity will be responsible for, including the particular Minimum Control Measure (MCM), the location, and type of work:

MCM 4: Capital project plan design/SWPPP design and review; Private development project SWPPP review
MCM 5: Capital project plan design/SWPPP design and review; Private development project SWPPP review

Description of where the work is performed within the Town of Bethlehem:

All design and review work is performed at the firm's office location with the exception of occasional field meetings, Town office meetings, or attendance at Town and/or Planning Board meetings.



Signature

Joseph P. Romano

Printed Name

Associate Vice President

Title

7/1/24

Date

Stormwater Coalition of Albany County

Stormwater Coalition SWMP Plan Activities

April 2023 – Present

Krupa, Gabrielle
2-20-2025

Stormwater Coalition of Albany County

Members:

Albany County

City of Albany

Village of Altamont

Town of Bethlehem

City of Cohoes

Town of Colonie

Village of Green Island

Town of Guilderland

Village of Menands

Town of New Scotland

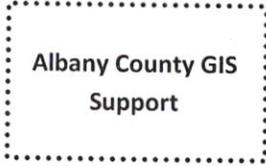
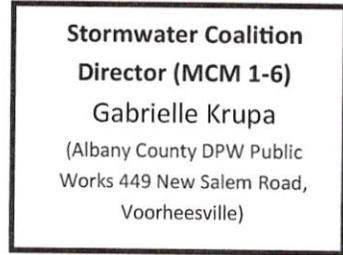
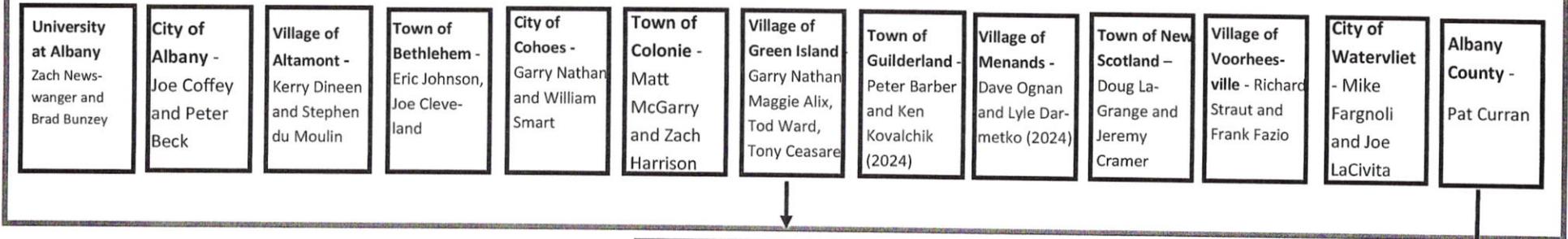
Village of Voorheesville

City of Watervliet

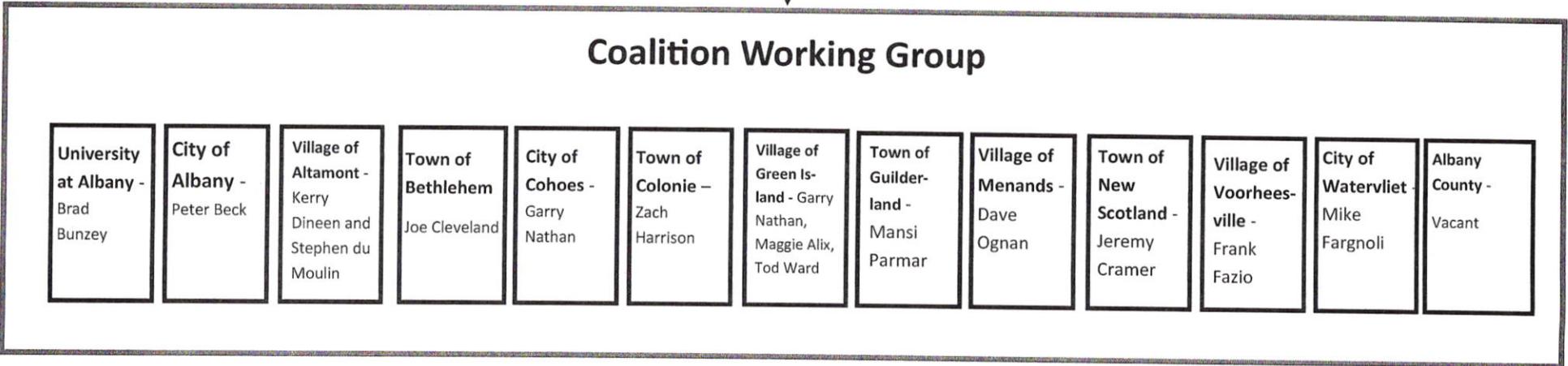
University at Albany - SUNY

Stormwater Coalition of Albany County Organizational Chart as of 2/20/2025

Coalition Board of Directors



Coalition Working Group



The Stormwater Coalition Contact Information:

Gabrielle Krupa, Stormwater Coalition Program Director

Gabrielle.krupa@albanycountyny.gov

(518)-447-5666

449 New Salem Road

Voorheesville, NY 12186

<https://stormwateralbanycounty.org/>

2. Coalition Intermunicipal Agreement and Memorandum of Understanding (2023-2027) – Alternative Implementation Option

Basic Services of the Coalition

4.1 The Parties agree that the Coalition will perform the following Basic Services for all Members:

- a. Serve as a clearinghouse for information concerning the MS4 Permit and stormwater management generally by facilitating the routine sharing of expertise, data, and program resources.
- b. Implement MS4 Permit requirements collaboratively for the purpose of MS4 Permit compliance as allowed and described in the most current MS4 Permit. Collaborative activities may include, but are not limited to:
 - i. Preparing and submitting a joint annual report to NYSDEC and;
 - ii. Updating, preparing, and posting an annual evaluation of Storm Water Management Program implementation and;
 - iii. Implementing those components of the MS4 Permit where a Coalition wide approach serves all members equally and is agreed to by all Members.
- c. Contract for the provision of services and the purchase of goods in support of its purposes. The procurement of any services will comply with the requirements of General Municipal Law.
- d. Subject to the approval of lead agencies named in grant applications; on approval of all Members, apply for, administer, and implement stormwater program related grants.

- e. Manage Coalition operations so that Coalition services are delivered to the satisfaction of all Members.
- f. Communicate Members' interests to relevant parties.
- g. Facilitate the sharing of information pertaining to regulatory audits, inspections, and policy directives generally; provide support as needed.
- h. Provide information regarding MS4 Program and stormwater management funding mechanisms which are sustainably, long term.
- i. Identify issues of growing concern related to stormwater management; coordinate a Member-wide response; and advocate for appropriate changes.

6.0 Board of Directors

6.1 The Board of Directors will consist of one (1) representative of each Member, each such representative being known as a Director.

6.2 The governing board of each Member, if a Traditional MS4 or Non-MS4 municipality, shall designate a permanent representative and one (1) or more alternates (as it deems fit) to serve on the Board for a period of one (1) year or such other period determined by the Member. In the event no permanent representative or alternate has been designated, or no designated permanent representative or alternate is able to act, the supervisor of the town, or mayor of the village or city, or the Chief Executive Officer, as the case may be, or their designee shall serve as the representative to the Coalition Board. If a Non-Traditional MS4, the individual responsible for signing the MS4 Permit Notice of Intent shall designate a permanent representative and one or more alternates (as it shall see fit) to serve on the Coalition for a period of one (1) year or such other period determined by the Member. The designation of a Board representative as a permanent or alternate representative shall be submitted in writing to the Coalition Stormwater Program Director annually and a copy of this designation (electronic and hard copy) retained by the Member.

6.3 The Host will appoint a Host Liaison to serve in an advisory capacity to the Board of

and Coalition Stormwater Program Director. If approved by the Host governing board, the Host Liaison may also serve on the Coalition Board of Directors.

6.4 Each Director shall have one (1) vote. A majority vote of the total number of Directors will be necessary to pass any resolution.

6.5 At the first Board Meeting of the fiscal year, the Board of Directors will select a chairperson and alternate chairperson of the Coalition. The chair will help guide Coalition operations, personnel issues, facilitate Board meetings, and assist the Coalition Stormwater Program Director as needed. When the chairperson is absent, the alternate chairperson will provide these services.

6.6 A majority of the total number of Directors will constitute a quorum and no business of the Board of Directors will be conducted without a quorum.

6.7 Meetings of the Board of Directors will be subject to the Open Meetings Law.

6.8 The Board of Directors will keep and provide minutes of its meetings.

6.9 Approval of the Board of Directors is needed for the following actions by the Coalition:

- a. Adoption of the annual work plan and budget.
- b. All personnel decisions.
- c. Application for grants.
- d. Adoption and amendment of bylaws.
- e. Approval of contract awards.
- f. Authorization to make a contract and purchase payments in excess of five thousand and 00/000 dollars (\$5,000.00).
- g. Provision of policy direction and oversight for the Coalition Stormwater Program Director.
- h. Approval of Additional Services - GIS received by Members individually.
- i. Permit entities that are eligible for Coalition Membership to participate in Coalition activities.
- j. Permit entities that are not eligible for Coalition Membership, as described in

Paragraphs 3.5 and 3.6, to participate in Coalition activities.

k. Any other matters under this Agreement requiring Board of Directors approval.

7.0 Coalition Stormwater Program Director and Other Employees

7.1 The Board of Directors will appoint the Coalition Stormwater Program Director, subject to consensus with the Host. The Coalition Stormwater Program Director will be responsible for the day-to-day business of the Coalition under the direction of the Board of Directors.

7.2 The Board of Directors may appoint such other part-time and full-time employees of the Coalition as may be funded in the Annual Budget, subject to consensus with the Host.

7.3 All such employees will be entitled to the same benefits as non-union employees of the County

of Albany, including the making of employer's contributions for retirement, social security, health insurance, worker's compensation, and other similar benefits.

7.4 The cost of all salary and benefits for any such employee will be an expense of the Coalition.

7.5 All such employees will be deemed employees of the County of Albany. The Coalition will establish any such position through the Department of Civil Service of Albany County, to be updated as needed.

7.6 Additional Services – GIS shall be provided to Members who choose to pay additional fees to the

Coalition for these services. These services shall be provided and managed by a Coalition staff person responsible for providing GIS services, such that the individual has the qualifications to provide these services, herein referred to as the GIS Coordinator.

7.7 The GIS Coordinator may serve on GIS technical committees related to the Purpose and Authority of the Coalition as approved by the Coalition Stormwater Program Director, subject to

consensus with the Host and Coalition Board of Directors.

7.8 The Coalition Stormwater Program Director is responsible for coordinating all aspects of the hiring process of part-time and full-time employees, other than the Coalition Stormwater Program Director.

7.9 The Coalition Board of Directors and Host Liaison is responsible for coordinating all aspects of

the hiring process for the Coalition Stormwater Program Director.

7.10 Employees seeking to resign from the Coalition, other than the Coalition Stormwater Program

Director, will submit a letter to of resignation to the Coalition Stormwater Program Director and the County Department providing payroll services to the Coalition.

7.11 The Coalition Stormwater Director, when seeking to resign will submit a letter of resignation to the Chairperson of the Coalition Board of Directors; Host Liaison; and the County Department providing payroll services to the Coalition.

The full IMA-MOU (2023-2027) can be found here:

[SWAgmt 2023-2027 15July2022FINAL 31Oct2022EXECUTED sigs.pdf \(stormwateralbanycounty.org\)](#)

3. Coalition Work Plans

The 2023 Work Plan can be found here:

[2023 Workplan IMAMOU Adopted 15July2022.pdf \(stormwateralbanycounty.org\)](#)

The 2024 revised Work Plan can be found here:

[2024 Coalition revWORK-PLAN ADOPTED BODMtg 22Mar2024 FINAL.pdf](#)

The 2025 Work Plan can be found here:

https://albanycountyny-my.sharepoint.com/personal/nancy_heinzen_albanycountyny_gov/Documents/1_SwC/2025_Wkplan_Budg/2025BudgetandWorkPlan Approved/2025 Coalition vWORK PLAN FINAL BODMtg 21June2024 Approved- NoUalbanyTier

Joint Evaluations / Reports Listed Here:

[Joint Program Activities – Albany County Stormwater Coalition](#)

4. Minimum Control Measures (MCMs)- Coalition Support

MCM 1: Public Education and Outreach:

Website: <https://stormwateralbanycounty.org/>

Joint Program Activities – Albany County Stormwater Coalition (stormwateralbanycounty.org)

- June 2023- Public Comment section updated on website
- November 2023 – ORI Reference Doc posted on website
- December 2023- Each Member Org Charts updated on website; Member contact info updated
- January - March 2024 – Website Updates: Upgrades to the Elementor Version, the WordPress version, the PHP version, updated the theme and all the relevant plug-ins.
- March 2024 – Illicit Stormwater Discharges Pamphlet – Identifying & Preventing Stormwater Pollution In Your Neighborhood
- September 14, 2024 – Fall Festival at Five Rivers Education Center Tabling Event
- October 5, 2024 – Albany County Fall Fest & 5K on Helderberg Hudson Rail Trail Tabling Event

MCM 2: Public Involvement and Participation:

- May 2023- Riverkeeper Clean up
- May 2023- Joint Annual Report 2023 and Joint SMWP Annual Evaluation
- August 2, 2023- Vly Creek WAVE Stream Monitoring – Nancy Heinzen (Stormwater Coalition), Laura DeGaetano (Albany County Rep), Voorheesville Summer Recreation Program (14 Kids, 1 Counselor) Wave Monitoring Site: Latitude 42.651211, Longitude -73.926523
- August 3, 2023- Vly Creek WAVE Stream Monitoring – Nancy Heinzen (Stormwater Coalition), Peter Beck (City of Albany Rep), Voorheesville Summer Recreation Program (14 Kids, 1 Counselor) Wave Monitoring Site: Latitude 42.651211, Longitude -73.926523
- September 29, 2023 – Town of Guilderland Krumkill & KcKown Rd WAVE Stream Monitoring – Nancy Heinzen, Gabrielle Krupa (Director In Training), Laura DeGaetano (Alb County Rep), Jesse Fraine (Town of Guilderland Engineer) Wave Monitoring Site: Latitude: 42.6767, Longitude – 73.8356
- August 1, 2024 - Vly Creek WAVE Stream Monitoring - Gabrielle Krupa (Stormwater Coalition), Frank Fazio (Village of Voorheesville Rep), Brent Meredith (Albany County Rep), Voorheesville Summer Recreation Program (20 kids) Wave Monitoring Site: Latitude 42.651211, Longitude - 73.926523
- September 24, 2024 – Shaker Creek Stream Monitoring – Gabrielle Krupa (Stormwater Coalition), Laura DeGaetano (Albany County Rep), Zach Harrison (Town of Colonie Rep, Andrew Boyd (Town of Colonie)
- March 2025 Joint Annual Report and Comment Period

MCM 3: Illicit Discharge and Detection Elimination (IDDE):

- October 2023- ORI Training, 175 Green Street Albany, NY (Coalition Office)
- November 2023- ORI Field Training at Village of Menands
- May 2024 – ORI Field Training, Town of Bethlehem

MCM 4: Construction Site Stormwater Runoff Control

- Erosion and Sediment Control Site Issues - Working Group Input and Guidance at every meeting

MCM 5: Post – Construction Stormwater Management

- ArcGIS Stormwater Program Mappers maintained by Coalition
- Post Construction Stormwater Management Practices, SWPPP Review Layers included

MCM 6: Pollution Prevention and Good Housekeeping

- Coalition provides tuition for Stormwater related trainings, BMPs, hosts occasional in-house ORI field training, and MS4 related staff training.

Other Trainings:

- February – March 2024: New MS4 Permit (GP-0-001-24) training sessions with each individual member of Stormwater Coalition
- May 14, 2024 – Regional MS4 Coordination Workshop with DEC held at University at Albany
- January – February 2025: SWMP Plan Review sessions with multiple members of the Coalition

**ALBANY COUNTY INTER-MUNICIPAL AGREEMENT AND MEMORANDUM OF
UNDERSTANDING TO CONTINUE AN EXISTING COALITION FOR COOPERATION ON
ISSUES RELATED TO STORM WATER MANAGEMENT**

1.0 Purpose and Authority

This Agreement is authorized pursuant to Article 5-G of the General Municipal Law, as it applies to municipalities. For those regulated Non-Traditional MS4s which are not municipalities, this Agreement serves as a memorandum of understanding between municipal and non-municipal signatories. Its purpose is to foster cooperation and to provide for the provision of joint services related to compliance with the requirements of the MS4 program established under state and federal law specifically, and for matters related to protecting water quality and managing storm water more generally.

2.0 Definitions

For purposes of this Agreement, the following terms are defined:

- 2.1 “Additional Services - GIS” shall mean mapping and Geographic Information Systems (GIS) services in addition to the Basic Services, as further defined in Section 5.0. These services are approved by the Board of Directors and provided to interested Members for the duration of this Agreement. Such Members pay separately for these services.
- 2.2 “Basic Services” shall mean those services available to all Members, as further defined in Section 4.0.
- 2.3 “Board of Directors” shall mean the governing board of the Coalition, comprised of one (1) representative from each Member.

- 2.4 “Coalition” or “Stormwater Coalition of Albany County” shall mean the group of municipalities and other governmental entities that are parties to this Agreement.
- 2.5 “Coalition Account” shall mean the account which holds all funds of the Coalition.
- 2.6 “Coalition Stormwater Program Director” shall mean the staff person responsible for the day-to-day business of the Coalition and implementing the Work Plan.
- 2.7 “Coalition Support Supplement” shall mean discretionary sum(s) provided to the Coalition by Albany County from its General Fund to cover Basic Services and/or Additional Services – GIS provided under this Agreement so that Member stormwater compliance programs can continue uninterrupted. The amount is not to exceed one hundred thousand and 00/100 dollars (\$100,000) annually.
- 2.8 “Director” shall mean an individual serving on the Coalition Board of Directors.
- 2.9 “Grant Account” shall mean any account created by the Chief Fiscal Officer of Albany County to maintain funds provided to the Coalition through grants to the Host.
- 2.10 “Host” means Albany County.
- 2.11 “Host Liaison” shall mean a person appointed by the Host’s Chief Executive Officer who attends Board of Director meetings and serves as a liaison between the Host and the Coalition.
- 2.12 “MS4 Program” shall mean the municipal separate storm sewer system program established under federal and state law.
- 2.13 “Member” or “Members” shall mean any dues paying entity which appoints a Director to serve on the Coalition Board of Directors.
- 2.14 “Membership Fee” shall mean the total amount of annual dues paid by a Member.
- 2.15 “Municipality” shall mean any village, town, or city within Albany County.
- 2.16 “Non-MS4 Municipality” shall mean any municipality in Albany County that is not subject to the MS4 Program.

- 2.17 “Non-Traditional MS4” shall mean any government entity wholly or partially in Albany County subject to the MS4 Program that is not a Traditional MS4, including state and federal prisons, office complexes, hospitals, state transportation agencies, university campuses, public housing authorities, schools, other special districts.
- 2.18 “Signatory” shall mean the individual authorized by each Member to enter into this Agreement and related contracts.
- 2.19 “Statement of Intent” shall mean a written statement from a Member indicating its commitment to continue to pay the Membership Fee in the amount approved by the Board of Directors for the upcoming fiscal year
- 2.20 “Traditional MS4” shall mean any city, town, or village in Albany County subject to the requirements of the MS4 program and the County of Albany.
- 2.21 “Working Group” shall mean the group of representatives appointed by Members to implement the Work Plan and other participating entities as described in Paragraph 3.6.
- 2.22 “Work Plan” shall mean the annually prepared document approved by the Coalition Board of Directors which includes projected services and related activities for the upcoming fiscal year.

3.0 Parties to this Agreement; Membership

- 3.1 This Agreement shall be executed by Current Members who executed the prior Agreement entitled “ALBANY COUNTY INTER-MUNICIPAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING TO CONTINUE AN EXISTING COALITION FOR COOPERATION ON ISSUES RELATED TO STORM WATER MANAGEMENT” and paid Member Dues in 2022 (the “[P]arties”). Current Members are the: City of Albany, Village of Altamont, Town of Bethlehem, City of Cohoes, Town of Colonie, Village of Green Island, Town of Guilderland, Village of Menands,

Town of New Scotland, Village of Voorheesville, City of Watervliet, University at Albany – SUNY, and Albany County.

3.2 Additional Members

Membership in the Coalition will also be available to Non-Traditional MS4s which are not municipal corporations; regulated Traditional MS4s who were not Members of the Coalition when this Agreement was executed; Traditional or Non-Traditional MS4s who were Members since two or more years from the date of their departure from the Coalition; and Non-MS4 Municipalities.

3.3 Membership Process

- a. Any such entity desiring to become a Member must present a written statement indicating its interest to become a Member of the Coalition and commitment to abide by the terms of this Agreement.
- b. Upon receipt of this written statement, the Coalition Board of Directors establishes a Membership Fee and upon receiving a majority vote of the Coalition Board of Directors will invite the entity to join the Coalition.
- c. For Traditional MS4s and Non-MS4 Municipalities a resolution is adopted by a majority vote of the voting strength of its governing body authorizing the Chief Elected Official, or their designated representative to execute the signature page of this Agreement. The following items are submitted to the Coalition Stormwater Program Director: a copy of the resolution; the signature page; the name of the individuals serving as Permanent and Alternate representatives to the Coalition Board of Directors; and the name of individual(s) serving on the Working Group.
- d. For Non-Traditional MS4s the individual authorized to enter into contracts and/or the individual (by job title) who signed the MS4 Permit Notice of Intent executes the

signature page of this Agreement. The following items are submitted to the Coalition Stormwater Program Director: signature page; the name of the individuals serving as Permanent and Alternate representatives to the Coalition Board of Directors; and the name of individual(s) serving on the Working Group.

3.4 Rights of Members

All Members will have the following rights under this Agreement:

- a. Access to all Basic Services on the same basis.
- b. The Option to secure Additional Services – GIS.
- c. Attendance and participation in all meetings of the Coalition and of its Working Groups, committees, and subcommittees.
- d. Access to all financial information concerning the operation of the Coalition.
- e. The ability to cast a single vote on all issues before the Board of Directors.

3.5 Non-Traditional MS4s Not Eligible For Membership

If, for whatever reason, a Non-Traditional MS4 may not be eligible to participate as a voting Member serving on the Board of Directors, to the extent that such a Non-Traditional MS4 and Coalition can enter into contracts, the Board of Directors may contract with a Non-Traditional MS4 upon such terms and conditions as it determines appropriate.

3.6 Participating Entities Not Subject to the MS4 Program

At the request of an entity that is not subject to the MS4 Program, nor a municipality, such as a sewer and/or water district, soil and water conservation district, water-related authority, regional planning commission, Cornell Cooperative Extension, and/or County Department with water-related responsibilities or on its own initiative, the Board of Directors may invite any such entity to participate in some or all of the Coalition's activities upon terms it determines appropriate. Such terms may involve charging a fee to participate in Coalition activities, with

participation and fees both subject to approval by the Board of Directors. The purpose of these fees is to cover the direct and indirect costs of the activity, and the activities must be a component of the adopted Coalition work plan. Such entities may also contribute tangible, non-monetary support to the Coalition.

4.0 Basic Services of the Coalition

4.1 The Parties agree that the Coalition will perform the following Basic Services for all Members:

- a. Serve as a clearinghouse for information concerning the MS4 Permit and stormwater management generally by facilitating the routine sharing of expertise, data, and program resources.
- b. Implement MS4 Permit requirements collaboratively for the purpose of MS4 Permit compliance as allowed and described in the most current MS4 Permit. Collaborative activities may include, but are not limited to:
 - i. Preparing and submitting a joint annual report to NYSDEC and;
 - ii. Updating, preparing, and posting an annual evaluation of Storm Water Management Program implementation and;
 - iii. Implementing those components of the MS4 Permit where a Coalition wide approach serves all members equally and is agreed to by all Members.
- c. Contract for the provision of services and the purchase of goods in support of its purposes. The procurement of any services will comply with the requirements of General Municipal Law.
- d. Subject to the approval of lead agencies named in grant applications; on approval of all Members, apply for, administer, and implement stormwater program related grants.

- e. Manage Coalition operations so that Coalition services are delivered to the satisfaction of all Members.
- f. Communicate Members' interests to relevant parties.
- g. Facilitate the sharing of information pertaining to regulatory audits, inspections, and policy directives generally; provide support as needed.
- h. Provide information regarding MS4 Program and stormwater management funding mechanisms which are sustainably, long term.
- i. Identify issues of growing concern related to stormwater management; coordinate a Member-wide response; and advocate for appropriate changes.

5.0 Additional Services - GIS

5.1 The Parties agree that the Coalition may perform the following Additional Services- GIS for interested Members:

- a. Create and update stormwater, combined, and sanitary infrastructure data.
- b. Create and maintain ArcGIS Online (AGOL) Web Application "Viewing Platforms".
- c. Facilitate the sharing and viewing of water infrastructure data.
- d. Create and maintain ArcGIS Online Inspection Forms.
- e. Purchase and manage GIS software licenses.
- f. Train Members in use of GIS applications developed by the Coalition.
- g. Manage GIS projects efficiently so that all receive requested services.

6.0 Board of Directors

6.1 The Board of Directors will consist of one (1) representative of each Member, each such representative being known as a Director.

- 6.2 The governing board of each Member, if a Traditional MS4 or Non-MS4 municipality, shall designate a permanent representative and one (1) or more alternates (as it deems fit) to serve on the Board for a period of one (1) year or such other period determined by the Member. In the event no permanent representative or alternate has been designated, or no designated permanent representative or alternate is able to act, the supervisor of the town, or mayor of the village or city, or the Chief Executive Officer, as the case may be, or their designee shall serve as the representative to the Coalition Board. If a Non-Traditional MS4, the individual responsible for signing the MS4 Permit Notice of Intent shall designate a permanent representative and one or more alternates (as it shall see fit) to serve on the Coalition for a period of one (1) year or such other period determined by the Member. The designation of a Board representative as a permanent or alternate representative shall be submitted in writing to the Coalition Stormwater Program Director annually and a copy of this designation (electronic and hard copy) retained by the Member.
- 6.3 The Host will appoint a Host Liaison to serve in an advisory capacity to the Board of Directors and Coalition Stormwater Program Director. If approved by the Host governing board, the Host Liaison may also serve on the Coalition Board of Directors.
- 6.4 Each Director shall have one (1) vote. A majority vote of the total number of Directors will be necessary to pass any resolution.
- 6.5 At the first Board Meeting of the fiscal year, the Board of Directors will select a chairperson and alternate chairperson of the Coalition. The chair will help guide Coalition operations, address personnel issues, facilitate Board meetings, and assist the Coalition Stormwater Program Director as needed. When the chairperson is absent, the alternate chairperson will provide these services.

- 6.6 A majority of the total number of Directors will constitute a quorum and no business of the Board of Directors will be conducted without a quorum.
- 6.7 Meetings of the Board of Directors will be subject to the Open Meetings Law.
- 6.8 The Board of Directors will keep and provide minutes of its meetings.
- 6.9 Approval of the Board of Directors is needed for the following actions by the Coalition:
- a. Adoption of the annual work plan and budget.
 - b. All personnel decisions.
 - c. Application for grants.
 - d. Adoption and amendment of bylaws.
 - e. Approval of contract awards.
 - f. Authorization to make a contract and purchase payments in excess of five thousand and 00/000 dollars (\$5,000.00).
 - g. Provision of policy direction and oversight for the Coalition Stormwater Program Director.
 - h. Approval of Additional Services - GIS received by Members individually.
 - i. Permit entities that are eligible for Coalition Membership to participate in Coalition activities.
 - j. Permit entities that are not eligible for Coalition Membership, as described in Paragraphs 3.5 and 3.6, to participate in Coalition activities.
 - k. Any other matters under this Agreement requiring Board of Directors approval.

7.0 Coalition Stormwater Program Director and Other Employees

- 7.1 The Board of Directors will appoint the Coalition Stormwater Program Director, subject to

consensus with the Host. The Coalition Stormwater Program Director will be responsible for the day-to-day business of the Coalition under the direction of the Board of Directors.

- 7.2 The Board of Directors may appoint such other part-time and full-time employees of the Coalition as may be funded in the Annual Budget, subject to consensus with the Host.
- 7.3 All such employees will be entitled to the same benefits as non-union employees of the County of Albany, including the making of employer's contributions for retirement, social security, health insurance, worker's compensation, and other similar benefits.
- 7.4 The cost of all salary and benefits for any such employee will be an expense of the Coalition.
- 7.5 All such employees will be deemed employees of the County of Albany. The Coalition will establish any such position through the Department of Civil Service of Albany County, to be updated as needed.
- 7.6 Additional Services – GIS shall be provided to Members who choose to pay additional fees to the Coalition for these services. These services shall be provided and managed by a Coalition staff person responsible for providing GIS services, such that the individual has the qualifications to provide these services, herein referred to as the GIS Coordinator.
- 7.7 The GIS Coordinator may serve on GIS technical committees related to the Purpose and Authority of the Coalition as approved by the Coalition Stormwater Program Director, subject to consensus with the Host and Coalition Board of Directors.
- 7.8 The Coalition Stormwater Program Director is responsible for coordinating all aspects of the hiring process of part-time and full-time employees, other than the Coalition Stormwater Program Director.
- 7.9 The Coalition Board of Directors and Host Liaison is responsible for coordinating all aspects of the hiring process for the Coalition Stormwater Program Director.

- 7.10 Employees seeking to resign from the Coalition, other than the Coalition Stormwater Program Director, will submit a letter to of resignation to the Coalition Stormwater Program Director and the County Department providing payroll services to the Coalition.
- 7.11 The Coalition Stormwater Director, when seeking to resign will submit a letter of resignation to the Chairperson of the Coalition Board of Directors; Host Liaison; and the County Department providing payroll services to the Coalition.

8.0 Finances of the Coalition

- 8.1 The Chief Fiscal Officer of the County of Albany will have custody of all funds of the Coalition.
- 8.2 Funds of the Coalition shall be deposited in a separate account which shall only be used for Coalition expenses (the “Coalition Account”).
- 8.3 The Chief Fiscal Officer of the County of Albany has the authority to dispense funds from the Coalition Account for all personnel expenses, all non-personnel expenses of five thousand (\$5,000) or less upon the review and audit of proper documentation for such expenses and all non-personnel expenses in excess of five thousand (\$5,000.00) upon the authorization of the Board of Directors. No funds will be dispensed unless they are within the overall budget expenditure adopted by the Board of Directors and unless the obligation was incurred in accordance with applicable procurement policies, if any.
- 8.4 All funds collected as Membership Fees for Basic Services and fees for Additional Services - GIS are the property of the Coalition. They will be delivered to the Chief Fiscal Officer of the County of Albany for deposit into the Coalition Account.
- 8.5 The Coalition Support Supplement is managed administratively by the Chief Fiscal Officer of the County of Albany and the Commissioner of Management and Budget such that the annual Member Dues assigned to the County Department responsible for MS4 Permit implementation

and the estimated monetary cost of County in-kind services provided to the Coalition are deducted from the monetary value of the Coalition Support Supplement. The Coalition Support Supplement can be applied to the provision of Basic Services and/or Additional Services – GIS.

8.6 Funds provided to the Host pursuant to grant contracts may be deposited into a separate account which may only be used for grant expenses (the “Grant Account”),

8.7 The Coalition will not incur any obligations which cumulatively exceed the budget allocations for any given fiscal year.

9.0 Budget and Work Plan

9.1 The fiscal year of the Coalition will be from January 1 to December 31.

9.2 On or before June 25 of each year, the Coalition Stormwater Program Director will provide a proposed budget to the Board of Directors together with a proposed work plan.

9.3 The proposed budget will show the projected cost of all Coalition activities for Basic Services and Additional Services – GIS for the upcoming fiscal year; the projected amount of grant funds that will be received during the upcoming fiscal year; any other non-local income; the projected amount of the Coalition Support Supplement; and the amount of local income to be raised through Basic Services and Additional Services – GIS Fees. The total Membership Fee will be itemized for each Member, to include fees from Other Non-Traditional MS4 Not Eligible for Membership (see Paragraph 3.5).

9.4 The proposed work plan will show the projected Basic Services provided for all Members and the Additional Services – GIS for interested Members.

9.5 The Board of Directors will approve the proposed budget and work plan as submitted or make such modifications as it determines are necessary.

- 9.6 When the proposed budget is approved, the Coalition Stormwater Program Director will finalize the amount of total fees owed by each Member for Basic Services and for interested Members Additional Services – GIS. The Coalition Stormwater Program Director will send a letter to the Chief Executive Officer or the person responsible for MS4 Program budgeting on or before July 15 with the fees information, or as soon as possible thereafter.
- 9.7 On or before August 15, the governing body of each Member or person responsible for MS4 Program budgeting will send a Statement of Intent to the Coalition.

10.0 Membership Fees

10.1 The annual Membership Fee for each Member, other than Albany County is the sum of the Basic Services Fee plus Additional Services - GIS Fees as approved by the Board of Directors.

10.2 The Basic Services fee is calculated as follows:

a. Base Fee:

Base Fee for Traditional MS4 other than Albany County	\$3,500
Base Fee for Non-Traditional MS4	\$3,500
Base Fee for Non-MS4 Municipalities	\$3,500

b. Supplemental Fee:

Traditional MS4s other than Albany County and Non-MS4 Municipalities may be subject to a supplemental fee based on the following point system and formula:

Total Population. In the case of Towns that have Villages, the population will be based on the population of the Town and excludes that of the Village.

Population is based on the most recent census figures.

50,000+	3 points
25,001 to 50,000	2 points

7,501 to 25,000	1 point
Up to 7,500	0 points

Total Square Mileage in MS4 Designated Areas. In the case of Towns that have Villages the total square mileage will be based on the square mileage in the MS4-designated area of the Town, excluding that Village.

30 sq. miles+	2 points
10-30 sq. miles	1 point
Up to 10 sq. miles	0 points

After determining the number of points for a Traditional MS4 Member or Non-MS4 Municipality subject to a supplemental fee, all of the points are totaled and a price per point calculation is performed by first subtracting the total amount of base fees to be paid by all Members from the total expenditures identified in the budget for Basic Services.

The remaining expenditure amount is the dollar amount which must be covered by supplemental fees, and the price per point value is established by dividing the remaining expenditure amount by the total number of points. The supplemental fee for each Traditional MS4 or Non-MS4 municipality subject to this fee will be the price per point value times the number of points for the Traditional MS4 or Non-MS4 Municipality.

10.3 The Additional Services - GIS Fee includes three tiers of services. Interested Members may select one or more tiers of services, such that one tier must be Tier 1. Tier 2 and Tier 3 Additional Services – GIS must be pre-approved by Coalition staff, itemized in the annual Work Plan, and

approved by the Board of Directors. Appendix A, attached hereto and made a part hereof itemizes possible Additional Services - GIS associated with each tier.

Tier 1	Coalition-wide – Shared Viewing Platform – Standardized Products	\$1,500
Tier 2	Infrastructure Mapping (Storm, Combined, Sewer Separation); Inspection Support, Enhanced Viewing Platform(s)	\$3,500
Tier 3	Infrastructure Mapping (Combined, Sewer Separation, Sanitary); Enhanced Viewing Platform(s), Special Projects	\$7,000

The cost of ArcGIS Online mapping licenses purchased by the Coalition for Members is based on the number of licenses requested and is a separate, additional cost added to the Additional Services – GIS Fees for each Member.

- 10.4 Members may select partial Additional Services - GIS from Tier 2 and Tier 3, at a mutually agreed upon price, subject to the approval of Coalition staff and the Board of Directors.
- 10.5 Participating Entities Not Subject to the MS4 Program, as described in Paragraph 3.6 may receive Tier 2 and Tier 3 Additional Services - GIS subject to the approval of Coalition staff and the Board of Directors.
- 10.6 Members may agree to a member-wide inflationary adjustment to the Base Fee portion of the Basic Services Fee.
- 10.7 Membership Fees for all Members will be due on January 31 of each year. A one percent (1%) surcharge will be added to the fees due that are a month or more overdue. Such surcharge will accumulate at the rate of one percent (1%) of each month or part thereof for which the fees are overdue.

10.8 If a Member fails to pay its fees in full within six (6) months after such fees are due, the Board of Directors may suspend the rights of such Member until payment is made in full, including any surcharge.

10.9 Albany County agrees to provide the Coalition with the following in-kind services, such services to constitute a non-monetary portion of its total Membership Fee:

Office space, furniture, and storage for Coalition records

Payroll and benefits support

Computer services

Legal support for grants, contracts, and minor questions of law

Purchasing services

Telephone and office equipment

County fleet

Budgeting

Legislative support

11.0 Role of the Host

11.1 The Host will assign to various County departments the delivery of in-kind services. The Host Liaison as described in Paragraph 6.3 will facilitate the delivery of these services to the Coalition.

11.2 The Coalition will function in practice as a quasi-independent unit within the Albany County Department of Public Works such that the coordination of in-kind services is managed by the Host Liaison, the Coalition Stormwater Program Director, and the Commissioner of Public Works, as needed.

12.0 Working Group and Subcommittees

- 12.1 Each Member will appoint one or more representatives who will participate in the Working Group of the Coalition. That representative may also be a Director.
- 12.2 The Working Group will meet on a periodic basis to be determined by the Coalition Stormwater Program Director but not less frequently than once every two months.
- 12.3 The Working Group will establish and abolish such subcommittees as may be needed from time to time to handle the business of the Coalition. The Members agree to participate in good faith on the subcommittees on which they serve.
- 12.4 The Coalition Stormwater Program Director will coordinate the activities of the Working Group and its subcommittees, providing administrative support directly or through other employees of the Coalition.

13.0 Miscellaneous Provisions

- 13.1 This Agreement will become effective upon the execution of this Agreement by all of the interested Traditional MS4s, Non-MS4 Municipalities, and Non Traditional MS4s. For Traditional MS4s and Non-MS4 Municipalities a resolution is adopted by a majority vote of the voting strength of its governing body authorizing the Chief Elected Official, or their designated representative to execute the signature page of this Agreement. For Non-Traditional MS4s the individual authorized to enter into contracts and/or the individual (by job title) who signed the MS4 Permit Notice of Intent executes the signature page of this Agreement. If not executed by all of the Current Members by September 23, 2022, the Agreement will become effective when executed by at least ten of the Current Members, so long as Albany County is among those who have executed this Agreement. Any Current Member that has not executed this Agreement when it becomes effective may renew their status as a Current Member thereafter when that

Current Member executes this Agreement after being duly authorized by the governing body in the case of Traditional MS4s or Non MS4 Municipalities or by the individual authorized to execute contracts in the case of Non Traditional MS4s.

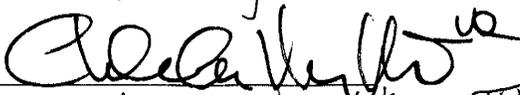
- 13.2 Whenever an entity is admitted to Membership after the commencement of the Coalition's fiscal year, the Board of Directors may decide to prorate the Membership Fee for such new Member and charge an administrative fee to cover the cost of updating relevant Stormwater Coalition documents.
- 13.3 Any Member may withdraw from the Coalition upon sixty (60) days written notice to the Coalition Stormwater Program Director. The withdrawal of a Member will not entitle that Member to the refund of any Membership Fee.
- 13.4 Should an existing Member or Non-Traditional MS4 Not Eligible for Membership (See Section 3.4) choose to leave in the middle of the Coalition's fiscal year, then return within a two (2) year period, their Membership Fee or contractual annual fee for a Non-Traditional MS4 Not Eligible for Membership, is the full amount as itemized in the budget adopted by the Board of Directors at the time of departure. This fee is an annual charge for each fiscal year of their absence, to compensate for benefits that continued to be derived during that absence, excluding the fiscal year of their departure, due within thirty (30) days of their date of re-entry, with that date determined and approved by the Coalition Board of Directors. The Board of Directors may decide to charge an administrative fee to cover the cost of updating relevant Stormwater Coalition documents.
- 13.5 This Agreement may be amended upon the written consent of a majority of all Members, such consent to be given by their respective governing bodies in the same manner as the initial approval of this Agreement.

- 13.6 This Agreement may be terminated upon the written consent of a majority of Members, such consent to be given by their respective governing bodies.
- 13.7 Prior to termination, the Coalition Board of Directors will dispose of all Coalition assets and legal documents. These assets may include intellectual property, such as printed material; equipment and software, such as computers, printers and mapping equipment, Coalition GIS data; ArcGIS Online Web Applications; other ArcGIS Online applications; or the Stormwater Coalition website. Legal documents include those documents pertaining to recordkeeping requirements noted in past and current NYSDEC SPDES General Permits for Stormwater Discharges from Municipal Separate Storm Sewer System (MS4s) and documents named in grant contracts where the Host is the contractual party and the Coalition implements grant deliverables.
- 13.8 All records of the Coalition are subject to the Freedom of Information Law.
- 13.9 Each Member shall indemnify and hold harmless the other Members, their officers, agents, and assigns, from all liability arising as a result of its own acts and omissions regarding the activities under this Agreement.
- 13.10 This Agreement will be governed by and construed in accordance with the laws of the State of New York.
- 13.11 This Agreement may be executed in duplicate originals.
- 13.12 If not terminated earlier, this Agreement will remain in effect until December 31, 2027.

WHEREFORE, IN CONSIDERATION OF THE FOREGOING, THE GOVERNING BODIES OF EACH OF THE FOLLOWING MUNICIPALITIES AND SIGNATORIES FOR NON-TRADITIONAL MS4S HAVE DULY AUTHORIZED THE EXECUTION OF THIS AGREEMENT BY THE SIGNATURES BELOW

Date: 9/6/2022

City of Albany/Albany Water Board

By: 

Title: Chairman, Albany Water Board

Date: _____

City of Cohoes

By: _____

Title:

Date: _____

City of Watervliet

By: _____

Title:

Date: _____

Town of Bethlehem

By: _____

Title:

Date: _____

Town of Colonie

By: _____

Title

Date: _____

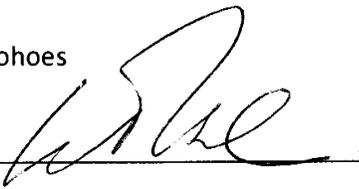
City of Albany

By: _____

Title:

Date: 8/31/2022
NH

City of Cohoes

By: 

Title: MAYOR

Date: _____

City of Watervliet

By: _____

Title:

Date: _____

Town of Bethlehem

By: _____

Title:

Date: _____

Town of Colonie

By: _____

Title

Date: _____ City of Albany

By: _____

Title:

Date: _____ City of Cohoes

By: _____

Title:

Date: Sept 23, 2022 City of Watervliet

By: Ch. B. [Signature]

Title: Mayor

Date: _____ Town of Bethlehem

By: _____

Title:

Date: _____ Town of Colonie

By: _____

Title

Date: _____

City of Albany

By: _____

Title:

Date: _____

City of Cohoes

By: _____

Title:

Date: _____

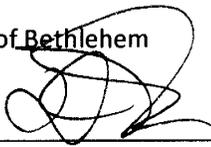
City of Watervliet

By: _____

Title:

Date: 8/29/2022

Town of Bethlehem

By:  _____

Title: Town Supervisor

Date: _____

Town of Colonie

By: _____

Title

Date: _____

City of Albany

By: _____

Title:

Date: _____

City of Cohoes

By: _____

Title:

Date: _____

City of Watervliet

By: _____

Title:

Date: _____

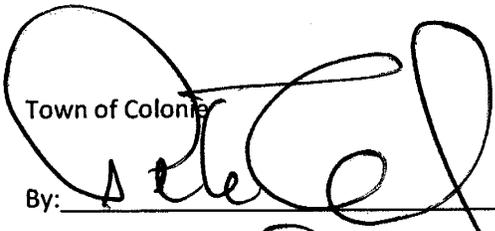
Town of Bethlehem

By: _____

Title:

Date: _____

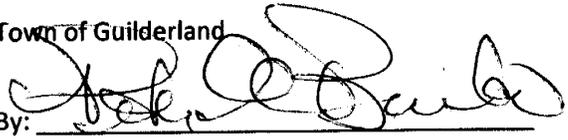
Town of Colonie

By:  _____

Title: *Tom Spurgin* 10-31-22

Date: 2/17/22

Town of Guilderland

By: 

Title: Town Supervisor

Date: _____

Town of New Scotland

By: _____

Title: _____

Date: _____

Village of Altamont

By: _____

Title: _____

Date: _____

Village of Green Island

By: _____

Title: _____

Date: _____

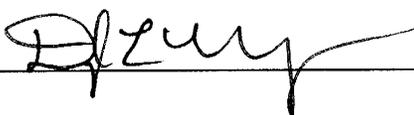
Town of Guilderland

By: _____

Title:

Date: 08-11-2022

Town of New Scotland

By:  _____

Title: Supervisor

Date: _____

Village of Altamont

By: _____

Title:

Date: _____

Village of Green Island

By: _____

Title:

Date: _____

Town of Guilderland

By: _____

Title:

Date: _____

Town of New Scotland

By: _____

Title:

Date: 9/16/2022
NH.

Village of Altamont

By: Kerry Devereux

Title: Mayor

Date: _____

Village of Green Island

By: _____

Title:

Date: _____

Town of Guilderland

By: _____

Title:

Date: _____

Town of New Scotland

By: _____

Title:

Date: _____

Village of Altamont

By: _____

Title:

Date: September 14, 2022

Village of Green Island

By: Ellen M. McNulty-Ryan
Ellen M. McNulty-Ryan

Title: MAYOR

Date: 9/30/22

Village of Menands

By: Mega O'Brien

Title: Mayor

Date: _____

Village of Voorheesville

By: _____

Title: _____

Date: _____

County of Albany

By: _____

Title: _____

Date: _____

University of Albany-SUNY (Uptown)

By: _____

Title: _____

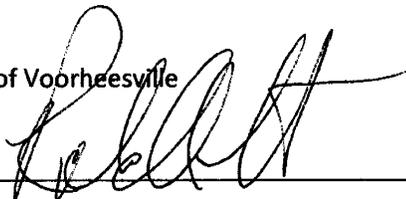
Date: _____

Village of Menands

By: _____

Title:

Date: 9/6/2022
nt

Village of Voorheesville
By: 

Title: Mayor

Date: _____

County of Albany

By: _____

Title:

Date: _____

University of Albany-SUNY (Uptown)

By: _____

Title:

Date: _____

Village of Menands

By: _____

Title:

Date: _____

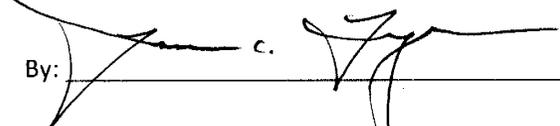
Village of Voorheesville

By: _____

Title:

Date: 10/6/2022

County of Albany

By:  _____

Title: *Deputy County Executive*

Date: _____

University of Albany-SUNY (Uptown)

By: _____

Title:

Date: _____

Village of Menands

By: _____

Title:

Date: _____

Village of Voorheesville

By: _____

Title:

Date: _____

County of Albany

By: _____

Title:

Date: 8/26/2022

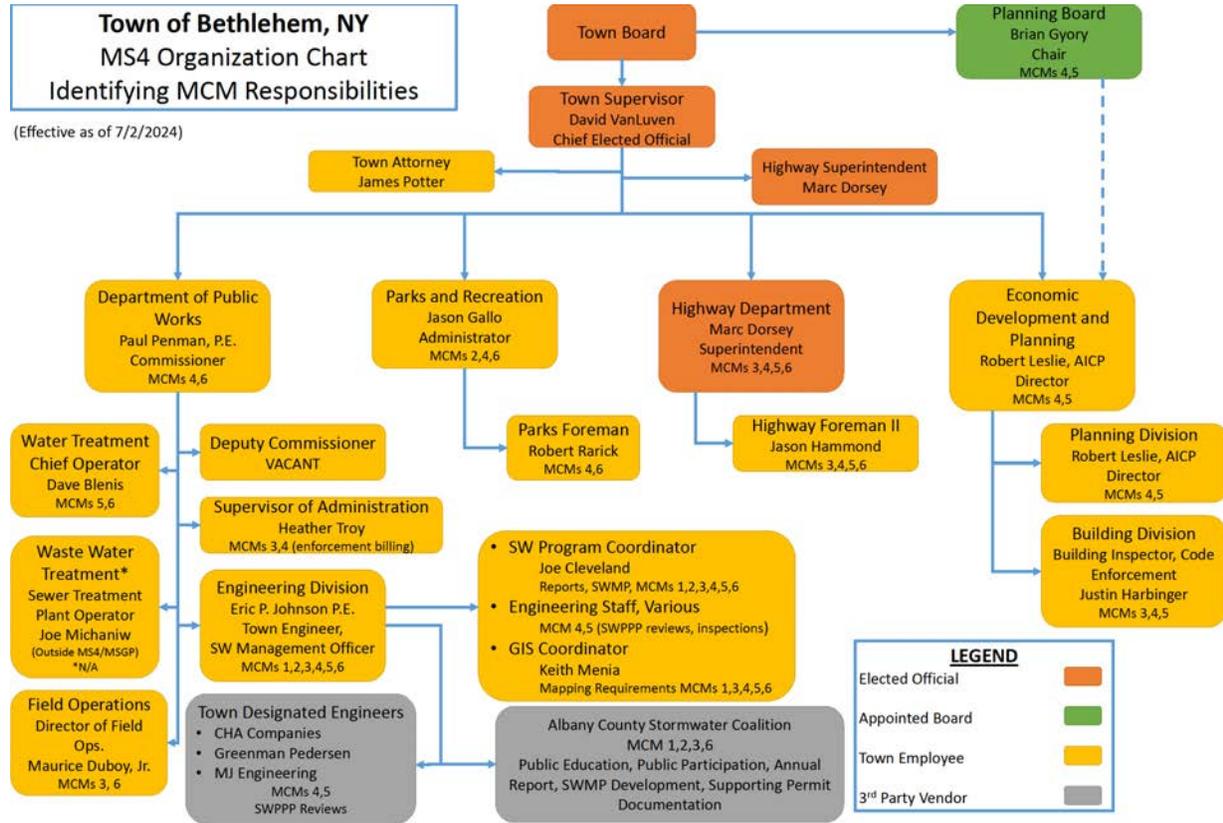
University of Albany-SUNY (Uptown)

By: *Gerard Marino*

Title: *Assistant Vice President
for Finance and Administration*

Appendix A Coalition IMA-MOU Additional Services - GIS Fees									
Tier 1			Tier 2				Tier 3		
Coalition-wide			Infrastructure Mapping & Inspections				Infrastructure Mapping & Special Projects		
Shared Viewing Platform, Standardization & Updates			Infrastructure: Stormwater, Combined, Sewer Separation				Infrastructure: Combined, Sewer Separation, Sanitary		
MS4 Permit			MS4 & CSO Permit				MS4 & CSO Permit; Asset Management		
Activities Support: Shared Viewing Platform; Standardized Forms/Updates; Shared Products; Inter MS4 Communication			Activities Support: Infrastructure Mapping (Field Work, Other); Inspection Support - New Users; Enhanced Web Apps (Viewing Platform); Individual Muni/MS4 Needs				Activities Support: Infrastructure Mapping (Field Work, Other); Enhanced Web Apps (Viewing Platform); Special Projects		
Required for additional Tier 2 and Tier 3 Services			Optional - Some or All, needs Board approval				Optional - Some or All, needs Board approval		
			I. Creating/Updating Storm, CSO, Sewer Separation Infrastructure Data				I. Creating/Updating CSO, Sewer Separation, Sanitary Infrastructure Data		
			Field Mapping - Field, Desktop, Finalization				Field Mapping - Field, Desktop, Finalization		
			1wk (40 hrs) included w/ Tier 2 Fee		extra \$		1wk (40 hrs) included w/Tier 3 Fee		extra \$
			\$4,000		2 wks (80 hrs)		\$4,500		2 wks (80 hrs)
			\$8,000		4 wks (160 hrs)		\$8,500		4 wks (160 hrs)
			\$16,000		8 wks (320 hrs)		\$16,500		8 wks (320 hrs)
			Data provided by Community-Useable Data				Data provided by Community-Useable Data		
			Sm area (< 1.0 sq mi)- 10 hrs w/Tier 2 Fee		extra \$		Sm area (< 1.0 sq mi)- 10 hrs w/ Tier 3 Fee		extra \$
			Large area 1.0 - 2.0 sq mi)- 20 hrs				Large area 1.0 - 2.0 sq mi)- 20 hrs		
			Desktop Update - Infrastructure				Desktop Update - Infrastructure		
			Small area (< 1.0 sq mi)- 5 hrs w/ Tier 2 Fee		extra \$		Small area (< 1.0 sq mi)- 10 hrs w/ Tier 3 Fee		extra \$
			Large area (1.0 to 2.0 sq mi)- 10 hrs				Large area (1 - 2. sq mi)- 10 hrs		
			Desktop Update - Data Model				Desktop Update - Data Model		
			2 data layers w/ Tier 2 Fee		extra \$		7 + data layers w/ Tier 3 Fee		extra \$
			3 - 6 data layers						
II. ArcGIS Online (AGOL) Web Apps - Viewing Platform			II. ArcGIS Online (AGOL) Web Apps - Viewing Platform				II. ArcGIS Online (AGOL) Web Apps - View'g Platform		
Create Esri AGOL Web Application-1 community							Create Esri AGOL Web Application - 1 Entity		
Create 3 Esri WebApps MS4Pmt focus (MCM1- MCM6)									
Maintain Web App- 1 community & Coaliton-wide			Maintaining the Web App- 1 community				Maintaining the Web App - 1 entity		
Stormwater template layers			Others Layers - Additional to SW Template Layers (3)				Others Layers (5)		
III. Sharing/Viewing All Community Data			III. Sharing/Viewing All Community Data				III. Sharing/Viewing All Community Data		
Share Web App URLs - Individual									
Web Apps one location - ArchUB- create/maintain									
Individual WebApp-multi community data							Individual WebApp-multi community data as approved		
Share dataset with communities									
IV. AGOL Survey123 Inspection Forms			IV. AGOL Survey123 Inspection Forms				IV. AGOL Survey123 Inspection Forms		
Create Survey123 Form - Update existing:									
Standardized - DEC (ORI, Muni Fac, Const Insp)									
Create new Survey123 Form:			Create new Survey123 Form				Create new Survey123 Form		
Standardized - Catch Basin Inspection-Clean Out			Needs based; unknown (3 forms)				Needs based; unknown (5 forms)		
Standardized - DEC PCSMP Maintnce Guidance									
Distribute Survey123 Forms			Distribute Survey123 Form				Distribute Survey123 Form		
Prep WebMap(s) for individual community - for Forms			Prep WebMap for individual community - Not Storm forms (2)				Prep WebMap for individual community - Not Storm forms (2)		
Publish Storm Forms for community			Publish Not Storm Forms for community (2)				Publish Not Storm Forms for community (2)		
Maintain Forms			Maintain Forms				Maintain Forms		
Update, correct Forms, publish for community			Update, correct forms, publish for community				Update, correct forms, publish for community		
V. Mapping Software - Purchase & Management			V. Mapping Software - Purchase & Management				V. Mapping Software - Purchase & Management		
Manage license			extra \$		extra \$		extra \$		
Purchase annual AGOL license(s)			\$ # Whom?		\$ # Whom?		\$ # Whom?		
VI. Training			VI. Training				VI. Training		
ID Target Audience			ID Target Audience				ID Target Audience		
Develop training materials			Develop training materials				Develop training materials		
Organize & implement trainings			Organize & implement trainings				Organize & implement trainings		
Training topics:			Training topics:				Training topics:		
Use of Web Apps & ArcHub			Field Inspections-Using Tablet, Viewing Data				Use of Trimble Unit		
			Field Inspections - Desktop Edits, Final Reports				Data management		
			Data management						
VII. Project Management			VII. Project Management				VII. Project Management		
ID Ind MS4 Mapping Needs/Priorities									
Budgeting, Revenue Clarity									
Implementing GIS Tasks - Plan'g, Coordination							Implementing GIS Tasks - Planning, Timelines, Coordination		
Data sharing - create/update policy & agreements									
\$1,500 TIER 1 rate			\$3,500 TIER 2 rate				\$7,000 TIER 3 rate		
Licenses- an additional cost.			Licenses- an additional cost.				Licenses- an additional cost.		
Requests & cost require staff and Board approval.			Requests & cost require staff and Board approval.				Requests & cost require staff and Board approval.		

Appendix C. Organizational Chart



Appendix D. Copies of Local Law Resolutions

[Resolution for Local Law No. 7-2007](#)

MR. JASINSKI: It's always nice when municipalities get away with things and the public don't.

TOWN ATTORNEY POTTER: Well, there's... we have our responsibilities otherwise.

MR. JASINSKI: Thank you.

SUPERVISOR CUNNINGHAM: Thanks Bob.

MS. LINDA JASINSKI: Does this only... is this only effective in the MS4, the stormwater management district or is it effective throughout the whole Town?

MR. PENMAN: It affects the whole Town.

SUPERVISOR CUNNINGHAM: The entire Town. Go ahead Paul.

MR. PENMAN: It affects the whole Town. One of the changes... the grading permit requirement is a quarter to 1 acre disturbance. The permit requirement is for... in the grading permit is a quarter acre to 1 acre disturbance within the MS4 area. Outside of the MS4 area it's a 1 acre threshold, that's not changing, that's staying the same. So, it is the only quarter acre to 1 acre within the MS4 area. Okay, does that answer your...?

MS. JASINSKI: Yes, okay.

SUPERVISOR CUNNINGHAM: Additional comments? Okay, I'd like to ask the Board... Do I want to close it before I do this?

TOWN CLERK NEWKIRK: Yes, the negative dec can be done after the close of the hearing.

SUPERVISOR CUNNINGHAM: Very good, okay. So, can I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mr. Kotary to close the public hearing at 6:32 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson,
Noes: None.
Absent: None.


Town Clerk

Supervisor Cunningham asked the Board to make a motion to adopt the resolution making a negative declaration with regard to SEQR. The following resolution was presented for adoption:

Resolution No. 25

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION

CLASSIFICATION OF ACTION AS NEGATIVE DECLARATION
PROPOSED LOCAL LAW NO. 7 OF THE YEAR 2007
STORMWATER MANAGEMENT

WHEREAS, The Town Board of the Town of Bethlehem as part of its Phase II SPDES General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems is mandated by the NYSDEC as a permit condition to enact local laws which will prohibit illicit discharges and require the development and implementation of erosion and sedimentation controls for land development within the Town, which include construction site and post-construction stormwater runoff control regulatory mechanisms.

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of Local Law No. 7 of the Year 2007 that would provide regulatory mechanism for dealing with stormwater management and,

WHEREAS, the Town Board has received a Long Environmental Assessment Form ("LEAF") for the proposed action completed by the Town Engineering Division; and,

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund, or approve a Type I or Unlisted action; and,

WHEREAS, The Town Board hereby determined that:

- 1) adoption of the proposed local law constitutes an Type I action which is subject to SEQRA,
- 2) the proposed action does not involve a federal agency or any other agency,
- 3) the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
- 4) a long EAF is adequate for determining the significance of the proposed action; and;

WHEREAS, The Town Board declared it is lead agency with respect to SEQRA review of the proposed action; and;

NOW, THEREFORE, BE IT RESOLVED,

that based upon its review of the project and the EAF, and comparison with the Criteria for Determining Significance found at 6 NYCRR Section 617.7(c), the Town Board hereby finds that adoption of the proposed local law for stormwater management constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

- 1) The Town Board of the Town of Bethlehem as part of its Phase II SPDES General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems is mandated by the NYSDEC as a permit condition to enact local laws which will prohibit illicit discharges and require the development and implementation of erosion and sedimentation controls for land development within the Town, which include construction site and post-construction stormwater runoff control regulatory mechanisms.

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town of Bethlehem Engineering Division is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Kolary, seconded by Mr. Messina, and by a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on November 14, 2007.

Resolution No. 9

TOWN BOARD

TOWN OF BETHLEHEM

SEQR RESOLUTION

PROPOSED LOCAL LAW 3 OF THE YEAR 2009

AMENDMENTS STORMWATER MANAGEMENT

- WHEREAS, the Town Board of the Town of Bethlehem as mandated by the NYSDEC Phase II SPDES General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4) has enacted, as a condition of the MS4 permit, a local law which prohibits illicit discharges and requires the development and implementation of erosion and sedimentation controls for land development within the Town, which includes construction site and post-construction stormwater runoff control regulatory mechanisms.
- WHEREAS, the Town Board adopted on November 28, 2007, Local Law No. 7 of the year 2007, Chapter 98 of the Code of the Town of Bethlehem, with an effective date of January 1, 2008 and,
- WHEREAS, Chapter 98 of the Code of the Town of Bethlehem, known as the Stormwater Management Local Law, provides a regulatory mechanism for dealing with stormwater management within the entire municipal boundary of the Town and,
- WHEREAS, the Town Board is considering amendments to the Stormwater Management Local Law to satisfy the current requirements of the NYSDEC MS4 permit and,
- WHEREAS, the Town Board has received a short Environmental Assessment Form ("EAF") for the proposed action completed by the Town Engineering Division; and,
- WHEREAS, the Town Board has received a Negative Declaration Form for the proposed action completed by the Town Engineering Division; and,
- WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,
- WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund, or approve a Type I or Unlisted action; and,

WHEREAS, the Town Board declared it is lead agency with respect to SEQRA review of the proposed action, and;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

- 1) the adoption of the proposed amendments to the Stormwater Management Local Law constitutes an Type 1 action which is subject to SEQRA,
- 2) the proposed action does not involve a federal agency or any other agency,
- 3) the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
- 4) there is no coordinated review with respect to SEQRA of this action; and
- 5) a short EAF is adequate for determining the significance of the proposed action, and;

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town of Bethlehem Town Clerk is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

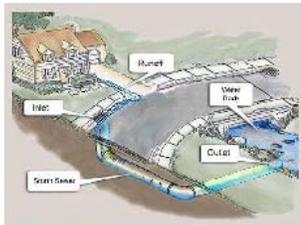
On a motion by Mr. Hennessey, seconded by Mrs. Dawson, and by a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on February 25, 2009.

Appendix E. Illicit Discharge Educational Brochure

Stormwater Pollution

Polluted stormwater degrades our lakes, rivers, wetlands and other waterways. Nutrients such as phosphorus and nitrogen can promote the overgrowth of algae and deplete oxygen. Toxic fluids from automobiles and careless application of pesticides, herbicides and fertilizers threaten water quality and can kill fish and other aquatic life.

Bacteria from animal wastes and improper sanitary sewer connections to storm sewer systems can make lakes and waterways unsafe for wading, swimming, and fish consumption. Eroded soil is a pollutant as well. It clouds the waterway and destroys the habitats of fish and plants.



Bronx River Alliance



Terra Erosion Control, Ltd.

To report illicit discharges or complaints related to construction or stormwater activity, call or email:

Public Contact: Joe Cleveland
 Report an Illicit Discharge:
jcleveland@townofbethlehem.org;
townofbethlehem.org "Report a Concern" Feature
 Construction Stormwater Activity Complaint:
ajohnson@townofbethlehem.org;
townofbethlehem.org "Report a Concern" Feature



Illicit Stormwater Discharges



Illicit Discharge Prince William County, VA

Identifying & Preventing Stormwater Pollution In Your Neighborhood



Stormwater Runoff

Stormwater runoff is water from rain or melting snow that does not soak into the ground. It flows from rooftops, paved areas, bare soil, and lawns into storm drains or ditches. Storm sewers and ditches collect stormwater runoff and empty it directly to local bodies of water.

Ideally, stormwater runoff would be free of contaminants. In reality it picks up pollutants such as animal waste, pesticides, fertilizers, salt, oil and grease, soil and debris and transports them to waterways where they are discharged with no treatment. This is stormwater pollution.

You can identify a storm sewer by the open grates along roadways and within some low-lying areas.



Millers River Watershed Council

What is an "Illicit Discharge?"

An illicit (illegal) discharge is any discharge to a municipal storm sewer system – storm drains, pipes, and ditches – that is not composed entirely of stormwater. Pollutants end up in storm sewer systems in a number of ways, many of which are easily preventable. In some instances, companies or residences have waste pipes tapped into stormwater pipes. In other cases, individuals use the storm drain inlets to dispose of various types of waste. Disposal of anything other than stormwater in storm sewers is illegal!

Storm sewers transport rain water and everything in it directly to surrounding rivers, streams, lakes, and other bodies of water.

Examples of Illicit Discharges

- Septic Tank Seepage / Illegal Sanitary Connections
- Laundry Wastewater / Detergent
- Improper Waste Oil Disposal / Auto Fluids Flushing
- Home Improvement Waste (e.g. concrete, paint)
- Pesticides and Fertilizers
- Improper Disposal of Commercial and Industrial Hazardous Waste
- Pool / Spa Discharge
- Cooking Grease / Household Waste
- Debris or Sediment from Construction Activity
- Suspended, Colloidal, or Settleable Solids Increasing Turbidity

Signs of an Illicit Discharge

The point in a storm sewer system where it empties into a body of water is a storm sewer outfall. It may be a pipe or ditch. If the outfall is flowing when there has been no recent rainfall, this may indicate an illicit discharge. Visible sewage waste, foul odor, suds or other evidence of contamination, are indicators that an illicit discharge is contaminating the storm sewer.

Examples of Allowable Discharges

Discharges from firefighting activities, waterline flushings; irrigation drainage; lawn watering; uncontaminated infiltration and inflow; leakage from raw water conveyance systems; routine external building wash down and vehicle washing which does not use detergents or other compounds; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used; air conditioning and steam condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents.



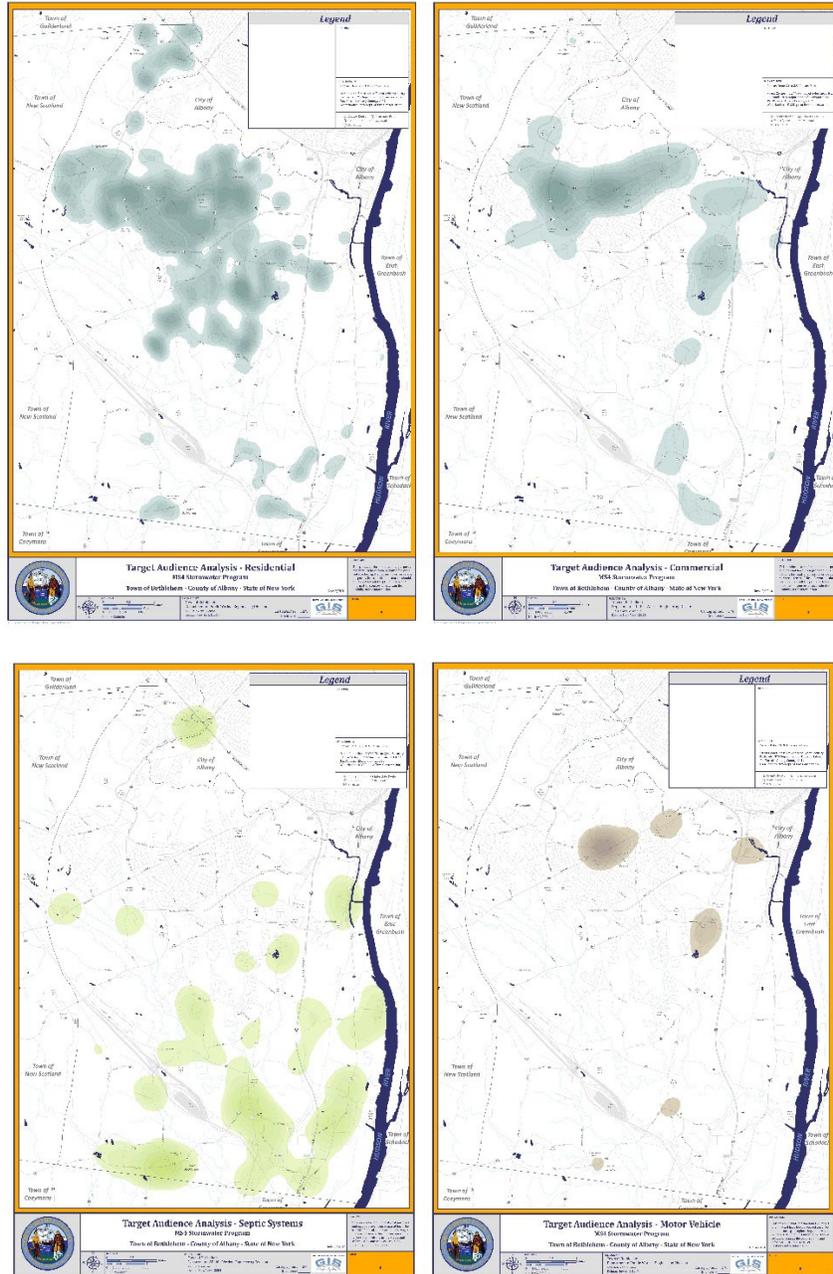
City of Portage, Michigan

Things You Can Do To Protect Water Quality

- Never dump anything down storm drains
- Use lawn and garden chemicals sparingly; sweep up any excess from driveways, sidewalks and roads
- Repair vehicle leaks; cover spilled fluids with kitty litter then sweep into household waste
- Pick up after your pet and dispose of properly
- Control soil erosion on your property by planting ground cover and stabilizing erosion-prone areas
- Keep grass clippings, leaves, litter, and debris out of street gutters and storm drains
- Direct downspouts onto grassy areas away from paved surfaces
- Use a commercial car wash or wash your vehicle on the grass instead of the driveway
- Dispose of used oil, antifreeze, paints and other household chemicals in an approved manner

Keep an eye out for inappropriate ("illicit") amounts of discharge from stormwater pipes, especially during dry weather. This could be a sign that there is a problem, and should be reported to your local municipality.

Appendix F: Target Audience Analysis Worksheets





Appendix G: Public Comments of MS4 Annual Report

No comments were received for any Annual Report from 2023 and older.

Public Comment on 2024 Annual Report:

One public comment was received for 2024 Annual Report. The received comments and Town's response to those comments are provided here:

From: Michael Hallisey <halliseym@spotlightnews.com>
Sent: Thursday, March 6, 2025 7:56 AM
To: Joseph Cleveland <jcleveland@townofbethlehem.org>
Subject: MEDIA INQUIRY: Draft MS4 Annual Report

Mr. Cleveland,

- The report states more than 76 percent of private sites are out of compliance, is that normal?
- Do those private sites face consequences from the state DEC, or does the responsibility of obtaining that information fall squarely on the town?
- What kind of consequences are there?

Thank you, sir.

--

Sincerely,

Michael Hallisey
 Managing Editor

Spotlight Newspapers
518-439-4949, ext. 416

On Thu, Mar 6, 2025 at 1:05 PM Joseph Cleveland <jcleveland@townofbethlehem.org> wrote:

Good afternoon, Michael,

Thank you for the message. Before we can provide a response to your questions, we require clarification:

You specifically asked about “sites”, and claimed a related percentage of noncompliance.

To properly answer your query, would you please clarify what you mean by “sites” and also clarify how you determined that 76% of private sites are out of compliance?

Thank you,

Joe Cleveland

Stormwater Program Coordinator

Engineering Division | Department of Public Works

Town of Bethlehem, New York

445 Delaware Avenue

Delmar, New York 12054

Office: (518) 439-4955 x1139 | Fax: (518) 439-5808

www.townofbethlehem.org

From: Michael Hallisey [mailto:halliseym@spotlightnews.com]

Sent: Thursday, March 6, 2025 1:46 PM

To: Joseph Cleveland <jcleveland@townofbethlehem.org>

Cc: Eric Johnson <ejohnson@townofbethlehem.org>

Subject: Re: MEDIA INQUIRY: Draft MS4 Annual Report

Looking over the report, I transposed numbers. You received all but 36 "private SMP inspections" or 23.5%. So, is that an issue, still? Do they not have to respond just yet? Though I said "on record" in the time I'm allotted to leave a message, my questions are also for my education—my purpose in contacting you.

Thank you.

On Mar 7, 2025, at 9:33 AM, Joseph Cleveland <jcleveland@townofbethlehem.org> wrote:

Good morning Michael,

Thanks for those clarifications.

I'm summarizing your inquires here, and providing our response below these embedded messages:

On Mar 6, 2025, at 1:46 PM, Michael Hallisey
<halliseym@spotlightnews.com> wrote:

Looking over the report, I transposed numbers. You received all but 36 "private SMP inspections" or 23.5%. So, is that an issue, still? Do they not have to respond just yet? Though I said "on record" in the time I'm allotted to leave a message, my questions are also for my education—my purpose in contacting you.

Thank you.

From: Joseph Cleveland
Sent: Thursday, March 6, 2025 1:05 PM
To: Michael Hallisey <halliseym@spotlightnews.com>
Cc: Eric Johnson <ejohnson@townofbethlehem.org>
Subject: Re: MEDIA INQUIRY: Draft MS4 Annual Report

Good afternoon, Michael,

Thank you for the message. Before we can provide a response to your questions, we require clarification:

You specifically asked about "sites", and claimed a related percentage of noncompliance.

To properly answer your query, would you please clarify what you mean by "sites" and also clarify how you determined that 76% of private sites are out of compliance?

Thank you,

Joe Cleveland

On Mar 6, 2025, at 7:57 AM, Michael Hallisey
<halliseym@spotlightnews.com> wrote:

Mr. Cleveland,

The report states more than 76 percent of private sites are out of compliance, is that normal?

Do those private sites face consequences from the state DEC, or does the responsibility of obtaining that information fall squarely on the town?

What kind of consequences are there?

Thank you, sir.

--

Sincerely,

Michael Hallisey
Managing Editor
Spotlight Newspapers
518-439-4949, ext. 416

Response:

The Town has 198 Stormwater Management Practices (SMPs) included its SMP inventory. Of the 153 privately-owned SMPs in our inventory, we received documents for 117 of those practices. We did not receive documents for 36 of those practices.

Of the 198 SMPs in our inventory, we received documents for approx. 81.2% of all practices, and approx. 76.5% specifically for that subset of private SMPs. The SMPs for which we've received documentation are in compliance. So, your numbers were flipped - 76.5% have complied with our requests.

To clarify, the MS4 permit states that we as the MS4 must obtain those inspection records from those private SMP owners. We make several efforts to notify and request those documents from those private SMP owners annually.

The private practice owners face consequences from the enforcement of our MS4 permit requirements. I do not believe DEC would enforce the requirement as it does solely fall squarely on the Town.

Those consequences can escalate, but are typically handled through sending records request correspondence, reminder correspondence and potential increased enforcement including, but not limited to, a summons for noncompliance.

It should be noted that we have had much better success in receiving private SMP documentation than other municipalities, likely due to our repeat efforts to request and inform the responsible SMP owners.

This is one of the more challenging aspects of the MS4 program for local municipalities. The challenges primarily result from: changes in property ownership that we may not yet be aware of, sellers not informing buyers of these requirements (though, they should appear in title searches during the sale process), incorrect or unresponsive contact info, difficulty in ensuring communications are getting to the right people, etc. Many commercial sites are owned by wide reaching companies headquartered in other states, for example.

We have continued to see improvements in the number of responses received, remain in contact with those who have not yet replied, and are constantly providing information to owners and their consultants to assist them in gaining compliance.

Thank you,

Joe Cleveland
MS4 Stormwater Program Coordinator
Snr. Environmental Scientist Technician
Engineering Division | Department of Public Works
Town of Bethlehem, New York
445 Delaware Avenue
Delmar, New York 12054
Office: (518) 439-4955 x1139 | Fax: (518) 439-5808
www.townofbethlehem.org

 Please consider the environment before printing this e-mail.

From: Michael Hallisey <halliseym@spotlightnews.com>
Sent: Friday, March 7, 2025 10:12 AM
To: Joseph Cleveland <jcleveland@townofbethlehem.org>
Cc: Eric Johnson <ejohnson@townofbethlehem.org>
Subject: Re: MEDIA INQUIRY: Draft MS4 Annual Report

Perfect! Thank you for your time and thorough response. It helps me a lot. Please have a good weekend.

Sent from my iPhone

No other comments were received.

End of Appendix G.

Appendix H: Municipal Facility and Operations Best Management Practice (BMP) Summary Sheets

[This section is currently under development]

Highway Department Garage, Yard, and Administration Office (high priority facility): 78 Elm Ave. East

[Insert applicable BMP summary sheets]

DPW Field Operations (Water & Sewer Field Crews and Administration Office (high priority facility): 308 Kenwood Ave.

[Insert applicable BMP summary sheets]

DPW Sewer Garage: 114 Adams St. (No exposure cert.)

[Insert applicable BMP summary sheets]

Highway Equipment Storage Garage: 90 Adams St. (No exposure cert.)

[Insert applicable BMP summary sheets]

Clapper Water Treatment Plant (low priority facility): 217 Clapper Rd.

[Insert applicable BMP summary sheets]

Rockefeller Rd. Sanitary Pump Station (low priority facility): 142 Rockefeller Rd.

[Insert applicable BMP summary sheets]

Name of MS4 Operation

MCM 3: Illicit Discharge Detection and Elimination (IDDE) Program Procedures

Contents

Purpose	1
Guidance	1
IDDE Program Development	1
Program Procedures	2
Prohibition of Illicit Discharges	2
Identifying and Description of Priority Areas of Concern	2
Available Equipment, Staff, and Funding	11
Procedures for Identifying and Locating Illicit Discharges	11
Procedures for Eliminating / Remediating Illicit Discharges	15
Procedures for Documenting Actions Related to Illicit Discharges	17
Responsible Party	18

Purpose

As an MS4 community, the Town of Bethlehem (“the Town”) is tasked with developing, implementing, and enforcing an Illicit Discharge Detection and Elimination (IDDE) program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4. An illicit discharge is defined as any discharge to an MS4 that is not composed entirely of stormwater, except allowable discharges set forth in 40 CFR 122.26(b)(2) and 6 NYCRR 75—1.2(a)(27) and Town Code, Chapter 98: Stormwater Management.

The IDDE program is designed to minimize the contamination of surface and groundwater supplies through monitoring, inspection, and resolution of illegal non-stormwater discharges.

Guidance

IDDE Program Development

MS4 communities are referred to several documents when developing an IDDE program suitable to its community. The EPA’s Illicit Discharge Detection and Elimination, A Guidance for Program Development and Technical Assessment, along with Illicit Discharge Detection and Elimination Manual, A Handbook for Municipalities, provided by the New England Interstate Water Pollution Control Commission, are both widely recognized as some of the premier guidance documents for MS4 communities when designing an MS4 IDDE program. Links to those resources can be found here:

Illicit Discharge Detection and Elimination, A Guidance for Program Development and Technical Assessment
https://www3.epa.gov/npdes/pubs/idd_manualwithappendices.pdf

Illicit Discharge Detection and Elimination Manual, A Handbook for Municipalities
http://www.neiwpc.org/neiwpc_docs/iddmanual.pdf

The IDDE program must include: procedures for identifying priority areas of concern (geographic, audience, or otherwise); a description of priority areas of concern; available equipment, staff and funding; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions.

The Town has been a dues-paying member of the Stormwater Coalition of Albany County (“the Coalition”) since 2008. It serves as a clearinghouse for information concerning the MS4 Program and stormwater management by conducting Working Group Meetings, preparing and maintaining the Coalition's website, and facilitating the routine sharing of stormwater experience and expertise. Coalition staff prepare and Members participate in Working Group and Sub-Committee mtgs. Meeting content/discussions include: regulatory updates about the MS4 Permit; audit results; problems with Construction Activity Permit oversight; ORI issues; storm system mapping coordination; outfall clarifications; enforcement process and issues; etc.

The Town developed and put into law (Town Code Chapter 98: Stormwater Management), which prohibits illicit discharges and sets requirements and policies regarding Stormwater management. That chapter was adopted by the Town Board of the Town of Bethlehem on 11/14/2007, by Local Law No. 7-2007. Amendments have been noted where applicable within the chapter.

Program Procedures

Prohibition of Illicit Discharges

Town Code, Chapter 98: Stormwater Management, Parts (1) and (2) address all matters related to stormwater runoff and illicit discharges to the MS4 system. Chapter 98 can be found here: <https://ecode360.com/8992628>

The purpose of the Chapter is to provide for the health, safety, and general welfare of the citizens of the Town of Bethlehem through the regulation of non-stormwater discharges. The Town Code related to stormwater issues, including language specific to illicit discharges, has been created to follow the guidelines and recommendations outlined in the NYS DEC’s Model Local Law to Prohibit Discharges, Activities and Connections to Separate Storm Sewer System. A link to this document is hosted on the Coalition’s website, here:

<http://www.stormwateralbanycounty.org/wp-content/uploads/2011/07/sample-local-law-march06.pdf>.

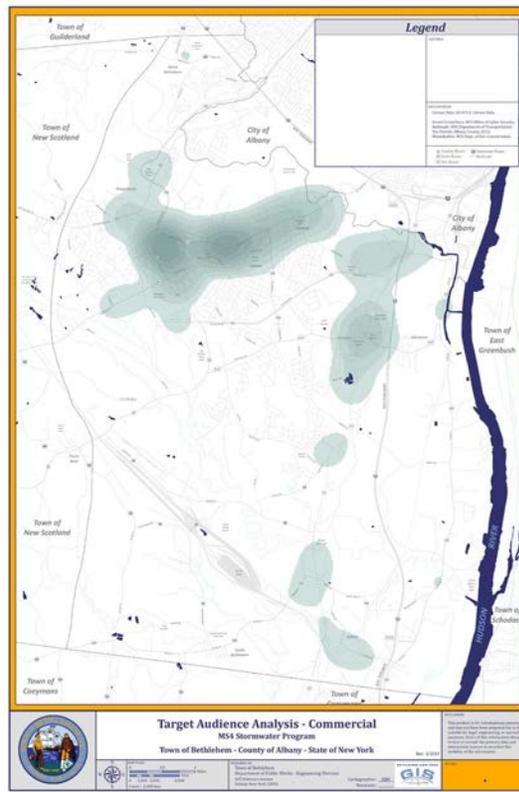
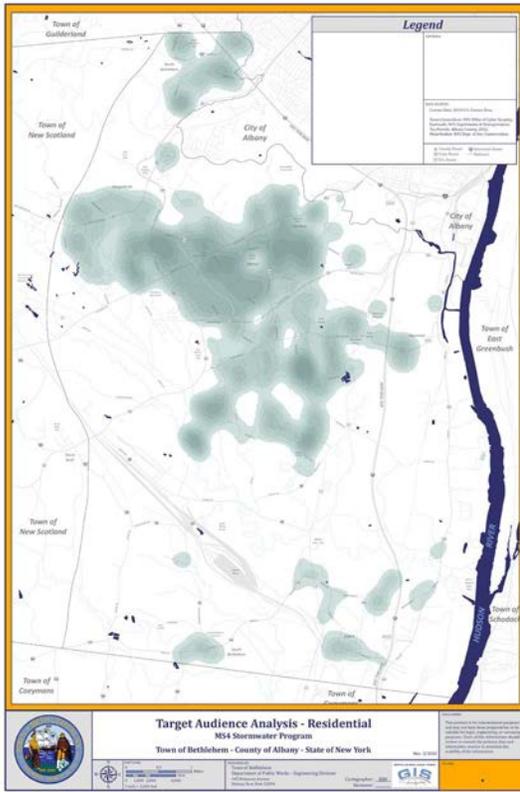
Attorneys representing the municipality have certified that the language in Chapter 98 of the Town Code is equivalent to the State's model illicit discharge detection law.

Identifying and Description of Priority Areas of Concern

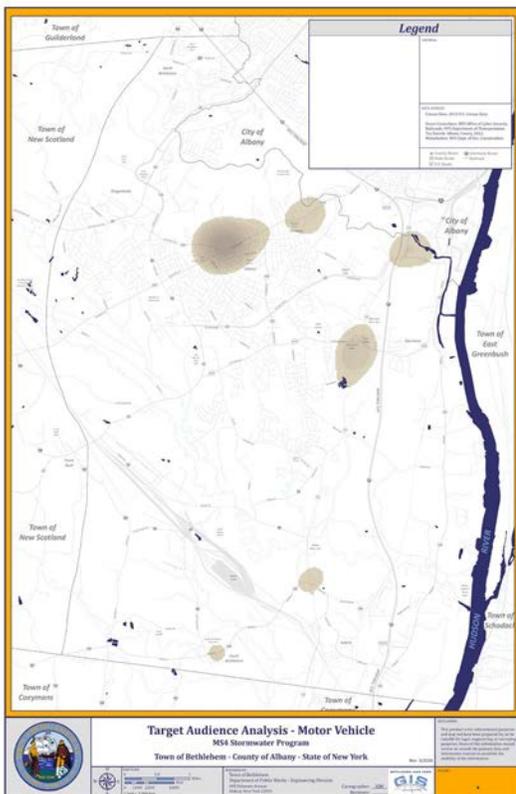
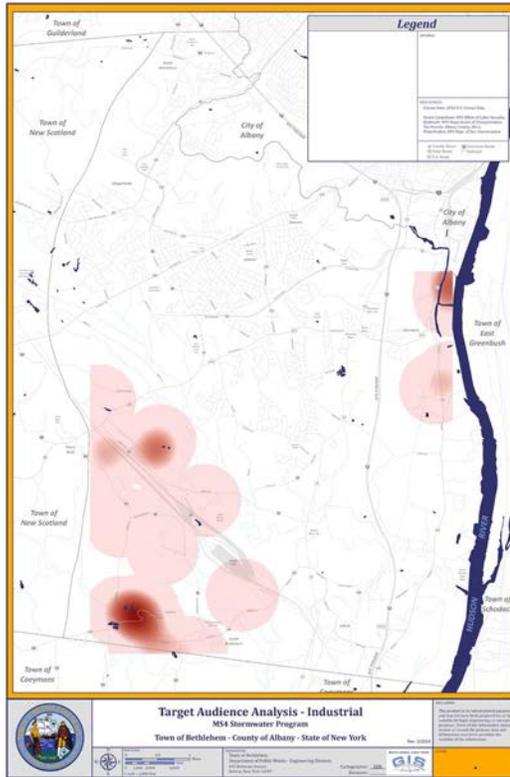
Target Audience Analysis Maps

The Town has created Target Audience Analysis GIS maps identifying different priority areas of concern: Medical, Industrial, Commercial, Septic Systems, Residential, and Motor Vehicle. These heat maps help understand those areas where certain pollutants of concern related to those land uses have the most potential to be present. Below are screenshots of each:

Town of Bethlehem, NY
NYR20A208
MS4 Permit Program Procedures



Town of Bethlehem, NY
NYR20A208
MS4 Permit Program Procedures



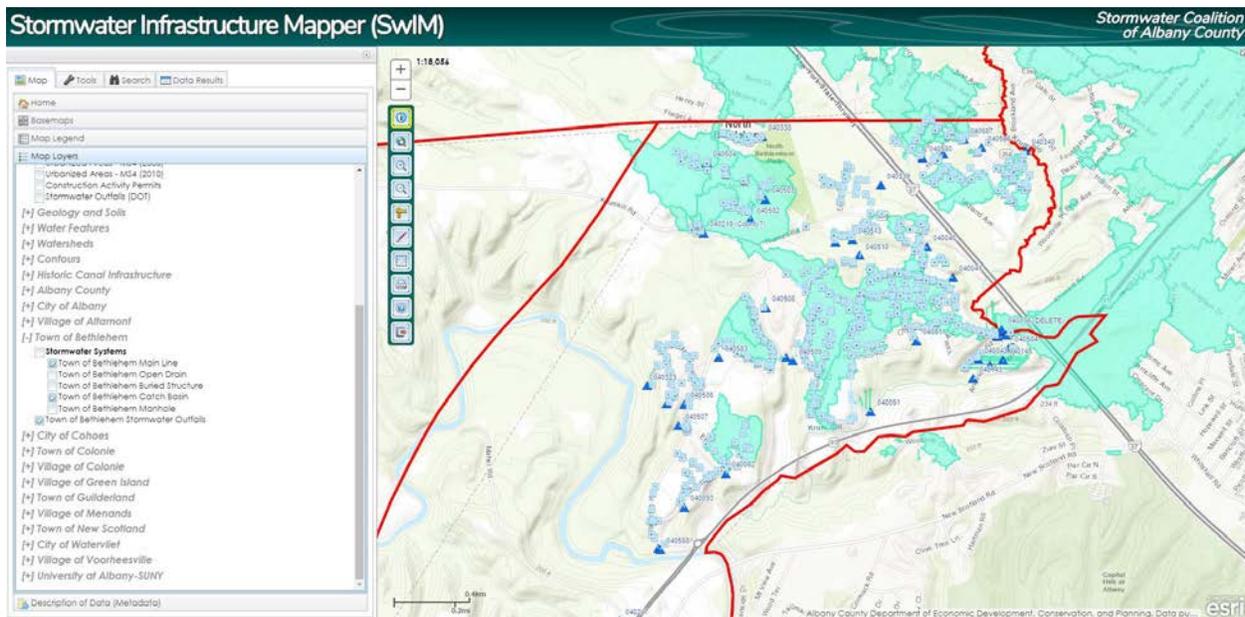
Town of Bethlehem, NY
NYR20A208
MS4 Permit Program Procedures

[Town GIS web mapper\(s\)](#)

The Town also has a GIS web mapper which includes land-uses for each parcel. The ability to query for commercial or industrial parcels, as well as homes not connected to the sanitary sewer system, allows staff to better understand areas with higher potential for causing illicit discharges to the MS4. The GIS web mapper also includes the entire MS4 system inventory. This provides staff with the location of every known storm drainage network and its associated outfall, which provides geographic context to the potential source locations of illicit discharges.

[Sewershed Delineations](#)

The Town is currently undergoing the process of delineating its storm sewersheds. Currently, the Coalition's Stormwater Interactive Mapper (SwIM) houses the Town's sewershed delineations for its MS4 drainages within the (lower) Krumkill watershed. The SwIM mapper is a password-protected web mapper which hosts storm system and other relevant stormwater GIS data for its Coalition members. Below is a screenshot of that data:



Sewershed delineations illustrate all areas that contribute to the individual MS4 system drainages and will help locate potential sources of illicit discharges. This is helpful in both predicting the potential location, and trackdown of, illicit discharges.

[NYSDEC Waterbody Inventory / Priority Waterbodies Inventory](#)

The NYSDEC Waterbody Inventory/Priority Waterbodies List (WI/PWL) is a statewide inventory of the waters of New York state that DEC uses to track support (or impairment) of water uses, overall assessment water quality, causes and sources of water quality impact/impairment, and the status of restoration, protection and other water quality activities and efforts. WI/PWL information is used to identify those water quality issues and specific waterbodies where efforts will have the greatest impact and benefit, objectively evaluate needs for project funding, monitor water quality improvement, and record and report changes over time.

The relevant WI/PWL categories for water quality are: (1) Impaired Segment; (2) Minor Impacts; (3) Needs Verification; (4) No Known Impacts; and (5) UnAssessed.

Town of Bethlehem, NY
NYR20A208
MS4 Permit Program Procedures

The definitions for each are as follows:

1. Impaired Segment: Occasional/periodic conditions prevent all aspects of a use, or Frequent/persistent conditions restrict/discourage use, or full use requires extra measures.
2. Minor Impacts: Waterbodies where less severe water quality impacts are apparent but uses are still considered fully supported.
3. Needs Verification: Segments that are thought to have water quality problems or impact but for which there is not sufficient or definitive documentation.
4. No Known Impacts: Segments where monitoring data and information indicate that there are no use restrictions or other water quality impacts/issues.
5. UnAssessed: Segments where there is no available water quality information to assess the support of designated uses.

Currently, the only receiving waters within the Town of Bethlehem with a WI/PWL assessment of Impaired is the Hudson River Estuary (1301-0002). Although it is listed as Impaired, it is not included in the Total Maximum Daily Load (TMDL) waters which have additional MS4 permit requirements (Part IX. Of MS4 permit). There are only five (5) MS4 Outfalls which directly discharge to the Hudson River. They are all located on Van Weiss Point Road in Glenmont. The Van Weiss Point Road neighborhood is comprised of existing residential development and is not considered to be a significant pollutant-generating area and is therefore not targeted as a priority area of concern.

There are two (2) stream segments with significant development in those drainage areas listed as having Minor Impacts: the lower Normanskill, Lower, and minor tribs (1311-0010); and Coeymans Creek and minor tribs (1301-0095). Those MS4 drainages which outfall to those segments should be considered higher priority areas for storm system maintenance and increased MS4 program oversight. Specifically, more frequent maintenance of the storm system infrastructure (ensuring the drainages are unobstructed and free of debris and/or litter), as well as implementing heightened scrutiny of potential construction activity in these areas constitute the measures addressing these priority areas. Following are the WI/PWL Fact Sheets for each of those segments:

Normans Kill, Lower, and minor tribs (1311-0010) MinorImpacts

Waterbody Location Information Revised: 11/05/2007

Water Index No:	H-221- 4 (portion 1)	Drain Basin:	Lower Hudson River
Hydro Unit Code:	02020006/030	Str Class:	C
Waterbody Type:	River	Reg/County:	4/Albany Co. (1)
Waterbody Size:	44.7 Miles	Quad Map:	ALBANY (K-25-2)
Seg Description:	stream and select tribs, from mouth to nr Voorheesville		

Water Quality Problem/Issue Information (CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

Use(s) Impacted	Severity	Problem Documentation
Aquatic Life	Stressed	Known
Aquatic Life	Stressed	Known

Type of Pollutant(s)
 Known: SILT/SEDIMENT
 Suspected: NUTRIENTS
 Possible: - - -

Source(s) of Pollutant(s)
 Known: STREAMBANK EROSION, URBAN/STORM RUNOFF
 Suspected: Construction (resid/comm development)
 Possible: Comb. Sewer Overflow

Resolution/Management Information

Issue Resolvability:	1 (Needs Verification/Study (see STATUS))	
Verification Status:	4 (Source Identified, Strategy Needed)	
Lead Agency/Office:	ext/WQCC	Resolution Potential: Medium
TMDL/303d Status:	n/a	

Further Details

Overview
 Aquatic life support in this portion of the Normans Kill is thought to experience minor impacts from silt/sediment and nutrient enrichment. A variety of nonpoint sources contribute to the impacts. Considerable residential and commercial development has occurred in the watershed. Urban runoff and streambank erosion are known, and lawn and golf course runoff are potential sources. The creek runs quite turbid at times.

Water Quality Sampling
 A biological (macroinvertebrate) assessment of Normans Kill in Delmar (at Delaware Avenue) was conducted in 2002. Sampling results indicated slightly impacted water quality conditions. Nonpoint source nutrient enrichment and siltation are the primary sources of the impacts. Similar results were found in 1997 and 1998 sampling. Although aquatic life is supported in the stream, nutrient biotic evaluation suggests the level of eutrophication is sufficient to threaten aquatic life support. (DEC/DOW, BWAM/SBU, June 2005)

Previous Assessment
 Results Biological (macroinvertebrate) sampling was conducted along the main stem of the Normans Kill and its larger tributaries in August 1993. Multiple locations exhibited some slight impacts, but the character of the stream (slow moving water, upstream reservoir influences) make rapid biological assessment less reliable. Nonetheless, no

significant water quality problems were noted. Several small municipal WWTPs discharge to the creek and its tribs, and various nonpoint sources may affect the creek. CSO discharges have also been reported by regional staff. The unknown toxic pollutants cited refer to inputs detected in some of the tributaries. (Normans Kill Biological Stream Assessment Report, Bode et al, January 1994)

Segment Description

This segment includes the portion of the stream and selected/smaller tribs from the mouth to Vly Creek (-7) near Voorheesville. The waters of this portion of the stream are Class C from the mouth to Route 43 and Class B for the remainder of the reach. Tribs to this reach/segment, including Lower Krum Kill (-3), are Class C,C(T). Upper Krum Kill (-3), Vly Creek (-7) and Middle/Upper Normans Kill are listed separately.

Coeymans Creek and minor tribs (1301-0095)

Minor Impact

Waterbody Location Information

Revised: 06/03/2008

Water Index No:	H-214	Drain Basin:	Lower Hudson River
Hydro Unit Code:	02020006/060	Str Class:	C(T)
Waterbody Type:	River	Reg/County:	4/Albany Co. (1)
Waterbody Size:	69.6 Miles	Quad Map:	RAVENA (L-25-2)
Seg Description:	entire stream and select tribs		

Water Quality Problem/Issue Information (CAPS indicate MAJOR Use Impacts/Pollutants/Sources)

Use(s) Impacted	Severity	Problem Documentation
Aquatic Life	Stressed	Known

Type of Pollutant(s)

Known: NUTRIENTS (phosphorus), SILT/SEDIMENT
Suspected: Metals
Possible: Unknown Toxicity

Source(s) of Pollutant(s)

Known: - - -
Suspected: AGRICULTURE, URBAN/STORM RUNOFF
Possible: Industrial, Municipal

Resolution/Management Information

Issue Resolvability:	1 (Needs Verification/Study (see STATUS))	Resolution Potential:	Medium
Verification Status:	1 (Waterbody Nominated, Problem Not Verified)		
Lead Agency/Office:	DOW/Reg4		
TMDL/303d Status:	n/a		

Further Details

Overview

Aquatic life support in Coeymans Creek is known to experience minor impacts due to nutrient enrichment, siltation and other pollutants from agricultural and other nonpoint sources. More complex municipal/industrial sources are indicated in the upper creek.

Water Quality Sampling

NYSDEC Rotating Intensive Basin Studies (RIBS) Intensive Network monitoring of Coeymans Creek in Coeymans, Albany County, (at Route 144) was conducted in 2003. Intensive Network sampling typically includes macroinvertebrate community analysis, water column chemistry, sediment and invertebrate tissues analysis and toxicity evaluation. During this sampling the biological (macroinvertebrate) sampling results indicated slightly impacted water quality conditions. Water column sampling revealed nutrients (nitrate), total dissolved solids and iron to be parameters of concern. However, iron is considered to be naturally occurring and not a source of water quality impacts. Bottom sediment sampling results revealed several metals to be exceeding the Threshold Effects level - levels at which adverse impacts occasionally occur. Toxicity testing of the water column showed no significant mortality or reproductive impacts. Based on the consensus of these established assessment methods, overall water quality at this site has minor impacts, but is generally supportive of aquatic life support and recreational uses. (DEC/DOW, BWAM/RIBS, January 2005)

A biological (macroinvertebrate) assessment of Coeymans Creek at this site was also conducted in 2002 during the

Biological Screening effort in the basin. Sampling results at that time indicated moderately slightly impacted water quality conditions. Nonpoint source nutrient enrichment was indicated as the primary source of impacts to the stream. Although aquatic life is supported in the stream, nutrient biotic evaluation indicates the level of eutrophication is sufficient to stress aquatic life support. (DEC/DOW, BWAM/SBU, September 2005)

Previous Sampling

A biological (macroinvertebrate) survey of Coeymans and Onesquethaw Creeks conducted in 1998 also revealed slightly impacted water quality at most sites. Though slight impact is generally reflective of good water quality, the sampling sites along Coeymans Creek showed signs of nutrient enrichment from nonpoint source runoff, municipal/industrial inputs and siltation effects. Sites on Onesquethaw Creek, though slightly impacted, had invertebrate communities reflecting natural conditions. (Onesquethaw/Coeymans Creek Biological Assessment, Bode et al, DEC/DOW, BWAM, SBU, November 1998)

Segment Description

This segment includes the entire stream and selected/smaller tribs. The waters of the stream are Class C,C(TS). Tribs to this reach/segment, including Mosher Brook (-4) and Feuri Spruyt (-8), are Class C,C(T),C(TS). Onesquethaw Creek (-10) is listed separately. Lower tidal portions of these tribs are included with the Hudson Main Stem.

Available Equipment, Staff, and Funding

The Town has multiple staff persons directly or indirectly involved with stormwater management. Primarily, the Principal Executive Officer/Chief Elected Official (CEO), Stormwater Management Officer (SMO) and the Stormwater Program Coordinator (SWPC) are those tasked with managing and implementing the MS4 permit for the Town. For Bethlehem, the CEO related to the MS4 permit is the Highway Superintendent. The SMO is the Town Engineer and the SWPC is a member of the Engineering Division, appointed by the SMO. Various Highway Department, Department of Public works, and Code Enforcement staff may be called upon to assist with IDDE tasks, as required.

The Engineering division has work vehicles available for conducting site visits, performing IDDE trackdown, and other stormwater-related tasks. The SWPC utilizes multiple digital devices in the field to:

- complete ESRI Field Maps "ORI" and hard copy "Suspected Illicit Discharge" forms,
- access the Town's GIS web mapper(s), which contain the entire known MS4 drainage network,
- take photos and notes, and
- send e-mails as needed.

Currently the Town relies on available ORI test kits maintained by the Stormwater Coalition of Albany County (of which Bethlehem is a dues-paying member). The kit contains all of the necessary equipment for conducting quantitative and qualitative field sampling related to IDDEs called out in the EPA's Illicit Discharge Detection and Elimination, A Guidance for Program Development and Technical Assessment guidelines. Field samples are sent to the current contracted approved water quality laboratory for analysis. Results are then returned to the Engineering Division for follow-up.

The Highway Department and the Department of Public Works maintain all heavy equipment and other task-specific equipment that may be needed to investigate, prohibit, and remediate illicit discharges, including: backhoes, excavators, dump trucks, vacuum trucks, and manhole/storm system access & maintenance, etc.

Procedures for Identifying and Locating Illicit Discharges

The Town uses the Outfall Reconnaissance Inventory (ORI) as the primary means of detecting illicit discharges. This dry-weather outfall survey is the most reliable method to determine if illicit cross-connections are occurring. The Town relies on the EPA's Illicit Discharge Detection and Elimination, A Guidance for Program Development and Technical Assessment to perform ORIs. Additional trackdown methods utilized by the Town are detailed in Chapter 13 of the EPA's IDDE Guidance Manual.

Those procedures include:

1. Provisions for annual training
2. Trackdown methods described in Chapter 13 of IDDE Guidance Manual
3. Description of how progress with trackdown will be documented
4. Time frames for initiating trackdown

1. Provisions for annual training

The MS4/municipality and others assisting MS4s (ex. Bethlehem DPW and Highway, the Stormwater Coalition of Albany County, Albany County Soil and Water Conservation District, etc.) need to be trained in all aspects of IDDE program implementation. An outfall inspection may trigger trackdown activities and the process of eliminating the discharge could trigger legal action. If these individual steps are carried out by different individuals and there is minimal or poor communication between staff, it's likely the discharge will not be successfully remediated in a

timely and proper manner. An active familiarity with all steps helps to engage all involved, increasing the chances of removing the discharge.

The Stormwater Program Coordinator is the point of contact to address any potential/suspected illicit discharges. Historically, past illicit discharges have been quickly identified and communicated to other staff members within the Town. Often, several staff members may be brought in to assist with trackdown and elimination of illicit discharges. This includes members of the Department of Public Works, Highway Department, and Code Enforcement. Consequently, the benefits of training disperse to others within the Town relatively quickly. The Stormwater Coalition of Albany County also provides ongoing training informally at monthly meetings or intentionally by supporting others to attend courses elsewhere. As needed Coalition members will develop and/or participate in Coalition organized IDDE training events.

Currently, aside from free trainings, or online training developed by NYSDEC, there are few venues for hands-on IDDE training relevant to all MS4/municipal staff. Consequently provisions for annual training are likely to be met by the Coalition.

2. Trackdown methods described in Chapter 13 of EPA IDDE Guidance Manual

Chapter 13: Tracking Discharges to a Source is a well-written and clear description of trackdown methods. For this procedure, the first step is to read Chapter 13. Four investigation methods are described in Chapter 13. They are: Storm Drain Network Investigation; Drainage Area Investigation; On-Site Investigation; and Septic System Investigation.

Investigating the storm drain network by tracking the presence/absence of pollutants at various manhole junctures is a routine method utilized within the Town. Since Bethlehem's entire known storm network is mapped and available in GIS, this can prove to be an effective means at quickly tracking down illicit discharges. Field crews trained in illicit discharge identification and trackdown, coordinated by the Stormwater Program Coordinator, would strategically inspect manholes within the storm drain network to inspect for physical or chemical indicators that can isolate discharges to a specific segment of the network. Once the drainage segment has been identified, on-site investigations are used to find the specific discharge or improper connection.

On-site investigations typically involve a site visit to the outfall where an illicit discharge has been observed then walking up drainage to the possible source. If the discharge is attributed to surface runoff into a storm manhole or catch basin, the investigation would not start at the outfall but would begin at the entry point to the system. Typically, the SWPC then reaches out to the resident or business owner for help in identifying the discharge source, making arrangements as needed to dye test, or to further investigate behaviors possibly associated with the discharge. When access to a residence is required, Code Enforcement may provide assistance.

Discharge samples are collected and tested for various parameters using the Coalition provided and maintained Outfall Reconnaissance Inventory (ORI) Test Kits, or by the Town's contracted State-certified testing laboratory, as needed. This data may help to isolate the potential sources associated with the discharge. For example, if chlorine is found in the sample, residences with swimming pools within the drainage area would be investigated for illicit connections or discharges to the storm drain network.

Low-density residential areas of Bethlehem may require special investigations as they are not served by sanitary sewer and/or stormwater is conveyed through ditches and swales. The primary illicit discharges typically found in low-density development areas are caused by failing septic systems and illegal dumping. ORIs, homeowner surveys, surface inspections, and public observation & notification are the most common methods of locating illicit discharges in those areas.

One of the Town’s best sources of information regarding IDDE is the Town’s residents. They are very often first to witness potential illicit discharges. Residents can notify the Town of suspected illicit discharges through several means of communication: phone, e-mail, and the “**Report a Concern**” link on the left-hand side of the Town’s webpage.



Once a user selects the “**Report a Concern**” link, it will bring the user to the “**Request Tracker**” page, which hosts dozens of issue-specific forms to report an issue/file a complaint. The “**Storm Water Issue**” or “**Drainage Problems**” links provide residents with efficient means of notify the Town of drainage issues, suspected illicit discharges, or other stormwater related issues (see screenshot below). Any “Storm Water Issue” or “Drainage Problems” submissions are directed to the Highway Department. If the concern was specifically related to an illicit discharge, the Stormwater Program Coordinator would be immediately notified and trackdown and investigation procedures for the suspected illicit discharge would commence.

The screenshot shows the Town of Bethlehem website's 'Storm Water Issue' form. The page header includes navigation links: 'About Bethlehem', 'Town Government', 'Our Services', 'Doing Business', and 'How Do I?'. A search bar and 'Share'/'Site Tools' buttons are at the top left. A sidebar on the left lists various services like 'Public Notices', '2020 Town Budget', and 'Report a Concern'. The main content area contains the form with the following fields:

- Problem Location:**
 - Street Number and Name: *
 - Address Line 2:
 - Zip Code: *
 - Are you a resident of the Town of Bethlehem? Yes No
 - Is this the first time you have contacted the town regarding this issue? * Yes No
 - Nature of this issue: * (Dropdown menu: Erosion/Sediment from a construction site)
 - Brief Description: *
- Your Information:**
 - Name: * (Joe Cleveland)
 - Street Number and Name:
 - Address Line 2:
 - Zip Code:
 - Daytime Phone Number: * (518-)
 - Email Address: * (Joseph.Cleveland9@gmail.com)

Buttons for 'Submit', 'Reset', and 'Cancel' are at the bottom. A note states '* Indicates required fields.' The form also includes a 'Photograph' section with 'Choose File' and 'No file chosen' options.

In addition to ORI inspections and resident notification of suspected illicit discharges, select Town staff from the Highway department are trained to identify suspected illicit discharges based on physical indicators, as described in the EPA’s Illicit Discharge Detection and Elimination, A Guidance for Program Development and Technical Assessment guidance manual. Highway department staff are constantly visiting various parts of Town for maintenance and project work. They are often the first party to identify suspect illicit discharges, with the exception of the ORI dry-weather screenings. Any suspected illicit discharges noticed by Highway staff would be immediately brought to the Stormwater Program Coordinator’s attention for further investigation.

3. Description of how progress with trackdown will be documented

Trackdown and locating illicit discharges is performed systematically. First, initial contact is made with the person reporting the suspected illicit discharge to collect any required information about the incident/discharge. Next, Town staff utilizes our GIS web mapper to survey the related drainage network to identify all structures within the vicinity of the discharge. Town staff would then conduct the site visit and document information related to the

suspected illicit discharge. Observations, notes, and photos would be recorded. If required, chemical sampling would then occur and would be submitted to the Town's contracted Water Quality lab.

If there is any indication of a potential illicit discharge, quantitative characterization and water sampling of the suspected discharge would take place. Depending on the type of suspected pollutant, samples would be tested by the Town's Stormwater Program Coordinator using the Coalition's ORI test kit or the water samples would be sent to the Town-contracted water-testing laboratory for chemical analysis. Results from sampling reports, observations, e-mail or other conversations, notes and photos would all be maintained along with any other documentation related to that illicit discharge within its case file which is maintained on the Town's SharePoint section "MCM 3-09: Illicit Discharge Record Keeping".

4. Time frames for initiating trackdown:
 - a) Within twenty-four (24) hours of discovery, the MS4 Operator must initiate track down procedures for flowing MS4 monitoring locations with obvious illicit discharges
 - b) Within two (2) hours of discovery, the MS4 Operator must initiate track down procedures for obvious illicit discharges of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the Regional Water Engineer and local health department; and
 - c) Within five (5) days of discovery, the MS4 Operator must initiate track down procedures for suspect illicit discharges.

Procedures for Eliminating / Remediating Illicit Discharges

Once an illicit discharge has been confirmed through observation or chemical analysis, actions to eliminate and remediate begin immediately.

Those procedures include:

1. Contacting other official agencies and/or neighboring MS4s that may be affected, as needed
2. Time Frames for elimination
3. Provisions for escalating enforcement
4. Tracking of enforcement escalation consistent with the Enforcement Response Plan
5. Provisions to confirm and verify that corrective action is completed
6. Annual evaluation of elimination procedures which:
 - a. Include time frames to eliminate illicit discharges
 - b. Identifies how efficiencies with elimination procedures may be improved
7. Contacting outside official agencies and/or neighboring MS4s that may be affected, as needed

The first step when eliminating/remediating illicit discharges involves contacting outside agencies/authorities should the need arise. It is imperative to approach each unique illicit discharge thoroughly and accordingly. The Stormwater Program Coordinator and/or Stormwater Management Officer respond(s) as quickly as possible and typically make(s) an effort to engage all of the relevant public entities who may have a legal role to play, resources to establish the significance of the threat, and/or the equipment to quickly eliminate the discharge. For example, if a major spill occurred, the DEC spill-response team would be contacted for support and direction regarding the proper elimination of the illicit discharge.

Likewise, any illicit discharge that may enter another MS4s drainage network or land area would be contacted immediately for notification and coordination purposes. If the discharge is completely contained within the Town's borders and has no threat of affecting neighboring communities or MS4s, the illicit discharge elimination/remediation would be conducted without notifying unnecessary parties.

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The contacted public entities may include staff from NYSDEC Region 4; the NYSDEC Spill Response Program; the Army Corps of Engineers, or the Albany County Department of Health, etc. The relevant communities and/or MS4 jurisdictions adjacent to (or within) the Town of Bethlehem include: City of Albany, Town of New Scotland, Town of Guilderland, and the Albany County Department of Public Works.

8. Time frames for elimination:
 - a) Within twenty-four (24) hours of identification of an illicit discharge that has a reasonable likelihood of adversely affecting human health or the environment, the MS4 Operator must eliminate the illicit discharge;
 - b) Within five (5) days of identification of an illicit discharge that does not have a reasonable likelihood of adversely affecting human health or the environment, the MS4 Operator must eliminate the illicit discharge; and
 - c) Where elimination of an illicit discharge within the specified timeframes (Part VI.C.3.a.iv.) is not possible, the MS4 Operator must notify the Regional Water Engineer

While elimination procedures can be initiated quickly, as in establishing the presence/absence of a discharge, the elimination time frame may involve any combination of action steps some more difficult to implement than others.

Actions which require rebuilding storm system infrastructure, sanitary/stormwater cross connections, for example, are expensive and it may take months, possibly years to eliminate. Actions which depend on changes in behavior are likely to be less expensive and easier to resolve.

For example, a business or resident notified that dumping kitchen grease or motor oil into a catch basin is illegal has options for dumping this waste elsewhere. They need to be taught that what used to be a common practice is now illegal. If clearly within the jurisdiction of the Town, these discharges can be eliminated within a few days.

9. Provision for escalation of enforcement

Provisions for escalation of enforcement regarding IDDEs are documented in Town Code, Chapter 98: Stormwater Management. It is Town standard operating procedure to contact further-reaching jurisdictions such as the NYS DEC or the Army Corps of Engineers, depending on the issue, to assist or mediate repeat offenders, or when attempts to address illicit discharges are met with antagonistic behavior or escalated resistance to compliance.

10. Tracking of enforcement escalation consistent with the Enforcement Response Plan (ERP)

At present, the Town's Enforcement Response Plan is to:

- a. notify the responsible party of the problem and attempt to have the responsible party voluntarily cease the illicit discharge activity, remediate any fallout caused by the discharge, and take all necessary actions to prevent future illicit discharges;
- b. issue a formal Notice of Violation (NOV) ordering compliance within a reasonable time frame, based on the severity of the illicit discharge (NOVs may require, without limitation: required abatement or remediation of pollution, payment of a fine, implementation of source control or treatment Best Management Practices);
- c. issue Stop Work Orders, withhold Plan Approvals, Certificate of Occupancies, or refuse acceptance of existing and/or future Town permits;
- d. prevent further discharges from the site from entering the Town's MS4 drainage network through suspension of access to the MS4
- e. additional Measures, supported in local legal authorities, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials to correct violations; and

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- f. contact outside agencies such as the NYS DEC, as needed to further escalate enforcement in the case of repeat noncompliance or aggravated refusal to obtain compliance

Efforts to obtain a voluntary correction of deficiencies through informal enforcement, such as verbal warnings or written notices, should not exceed 60 days in duration (from the time of the MS4 Operator's initial determination until a return to compliance).

The Town tracks the enforcement of non-compliance with case documentation, including:

- a. Name of owner/operator of the facility or site of the violation;
- b. Location of the stormwater source (residence, facility, business, illegal dumping site, etc.);
- c. Description of violation;
- d. Required schedule for returning to compliance;
- e. Description of enforcement response used including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.);
- g. Any referrals to different departments or agencies; and
- h. Date violation was resolved

All enforcement responses are catalogued and maintained with the Illicit Discharge case file within the SharePoint page used to track illicit discharge documentation, MCM 3-09: Illicit Discharge Record Keeping.

11. Provisions to confirm and verify that corrective action is completed

Corrective actions are verified by the SWPC based on an on-site visit with the owner and/or his or her representative. The SWPC reviews the list of corrective actions and confirms that all have been addressed adequately. Photos are taken as needed and dated to help document compliance. That information is then maintained with the associated Illicit Discharge case file within the SharePoint page used to track illicit discharge documentation, MCM 3-09: Illicit Discharge Record Keeping. A date is set for when the violation was resolved, usually at time of signature.

12. Annual evaluation of timeframes to eliminate illicit discharges and identify how efficiencies with elimination procedures may be improved

When preparing the MS4 Permit Annual Report, the SWPC routinely reviews the status of illicit discharges, past and present. To the extent possible, when preparing the Annual Report, issues related to enforcement action procedures are acknowledged. This is a good opportunity to identify strengths and weaknesses of Town's enforcement procedures and to initiate municipal-level changes with the appropriate staff.

Procedures for Documenting Actions Related to Illicit Discharges

The Engineering Division manages all pertinent documentation regarding illicit discharges to the MS4. When suspected illicit discharges are reported, the Stormwater Program Coordinator documents the relevant information observed during investigation. The inspection findings are then uploaded as a .pdf to the SharePoint page used to track illicit discharge documentation, MCM 3-09: Illicit Discharge Record Keeping. Any subsequent communication or follow-up documentation regarding investigation, chemical analysis, and/or remediation is also uploaded to the relevant case file.

Responsible Party

The Stormwater Management Officer is the responsible party regarding the procedures and actions related to IDDE. The Stormwater Program Coordinator manages all matters related to taking action against illicit discharges, and, with the assistance of available Highway staff, conducts illicit discharge trackdown, elimination, and documentation.

- MCM 4: Construction Site Stormwater Runoff Control**
- MCM 5: Post-Construction Stormwater Management**
- MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations**

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Purpose

As an MS4 permitted municipality, the Town of Bethlehem must develop, implement, and enforce program that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (“Construction Activity Permit”), as well as any more stringent requirements contained within the MS4 permit.

Guidance

Where other MS4 permit Minimum Control Measures (MCMs) are constrained to the MS4 regulated/urbanized areas, regulation of MCM 4: Construction Site Stormwater Runoff Control and MCM 5: Post-Construction Stormwater Management must extend to the entity’s full jurisdiction (and not to only within the MS4/Urbanized Area boundary).

Tables 1 & 2 in Appendix B of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (“the Construction Activity Permit”) detail which types of construction activity projects require the implementation of Stormwater Pollution Prevention Plans (SWPPPs). Table 1 describes those projects where SWPPPs only require erosion & sediment controls (E&SC) and Table 2 lists all projects which are required to additionally include and implement Post-Construction Stormwater Management Practices (PCSMPs) into the SWPPP.

Since both are connected and tend to have overlapping requirements, the procedures included within this document satisfy the MS4 permit procedure requirements related to both MCM4 and MCM5.

SWPPP Review Procedures

Depending on the nature of the construction project, there are slightly different SWPPP review procedures. The Town is required to review SWPPPs with consideration of potential water quality impacts and to ensure consistency with State and local sediment & erosion control requirements, as well as most current versions of the State’s technical standards.

The Town of Bethlehem SWPPP Review Flow Chart (attached) visually explains how and where SWPPP requirements and the SWPPP review process are included in the Town's development approval process.

The SWPPP review process begins with the implementation of Zoning, Planning, Building and Town codes. These chapters and sections of the code have been reviewed vetted and approved by the Town Board with the goal of creating smart, successful and environmentally sustainable development. The Town utilized and relied upon help and guidance from agencies such as New York State Department of Environmental Conservation, Environmental Protection Agency and other sources to develop the codes and regulations in regard to environmental procedures.

All SWPPP's, Hydraulic Calculations, Plans, and Grading are reviewed by qualified professionals or under the supervision of a qualified professional. These reviews are performed by the Engineering Division which is managed by the Town Engineer who is a New York State licensed Professional Engineer. The Town Engineering Division uses qualified full-time staff and private engineering consulting firms for Town Designated Engineering review services. All personnel performing reviews have been adequately trained and are capable of reviewing all aspects of the SWPPP including the post construction practices to ensure compliance with state and local requirements.

The Town of Bethlehem typically receives five types of project proposals that may require the need for a SWPPP to be produced by a developer/builder/applicant and reviewed by Town Engineering Division. These projects include:

1. **Commercial/Industrial Development projects with impervious surfaces,**
2. **Residential Subdivision projects with impervious surfaces,**
3. **Residential Development projects with over 1 acre of disturbance,**
4. **Commercial Project with over 1 acre of disturbance with no structures/impervious,**
5. **Residential Project over 1 acre of disturbance with no structure.**

Each one of these project types may have a slightly different review path at its initial step of review and/or requirements.

I. Commercial/Industrial Development projects and II. Residential Subdivision projects:

Commercial/Industrial Development projects with impervious surfaces will generally fall into 2 separate categories.

1. **Commercial/Industrial development projects showing a Limit of Disturbance (LOD) over 1 acre, and**
2. **Commercial/Industrial development projects with over 1 acre of impervious development since 2003 (greater common plan of development)**

Both categories shall require an Erosion and Sediment Control and Post Construction Stormwater Management Practice (Full) SWPPP.

Residential Subdivision projects with impervious surfaces will generally fall into 3 separate categories:

1. **Projects with over 5 acres of disturbance**
2. **Projects between 1 and 5 acres with over 25% impervious cover**
3. **Projects between 1 and 5 acres with under 25% impervious cover**

Categories 1 and 2 shall require Erosion and Sediment Control and Post Construction Stormwater Management Practice (Full) SWPPP, while category 3 requires an Erosion and Sediment Control (Basic) SWPPP only.

STEP 1: Meet with Planning Staff – The SWPPP review process begins with the Town of Bethlehem Planning Department. The developer(s) would begin discussing the conceptual development plan with a representative from the Planning Department. The developer and Town staff would go over all requirements to ensure the project meets

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the general intent and requirements of the Town Zoning Law and Subdivision Regulations. While not mandatory, it is recommended that the project be presented at the next available Development Planning Committee (DPC) meeting. If the applicant wishes to proceed they continue the process with the submittal of an application to the Planning Board.

STEP 2: Development Planning Committee – The Development Planning Committee (DPC) consists of representatives of the various Town departments that are involved in facilitating development projects in the Town. It functions under the direction of the Department of Economic Development and Planning. Typical attendees of the DPC meetings include Town Highway Superintendent, Commissioner of Public Works, Town Engineer, SWPPP/Plan Review engineer, Director of Planning and Building officials. The DPC holds regularly scheduled monthly meetings during which prospective developers can present development concepts and receive feedback from the Town on a host of development related issues. The DPC facilitates early communication between the Town and developers during the project concept phase with regard to a variety of issues, which will later be considered by the Planning Board.

The following typical topics may be included but not limited to:

- consistency with planning, zoning, building code and land use regulations
- environmental impacts
- stormwater regulations
- availability and adequacy of public facilities (water mains, storm drainage, sanitary sewer, and roads)
- potential for land conservation or parkland development
- economic and fiscal impacts
- traffic/transportation

Engineering staff typically comment on the type and location of stormwater practices, greater common plan of development, conservation of land and green space, etc.

STEP 3: Planning Department Completeness Review – Once an application for development (site plan or subdivision) is received by the Planning Board, Town Planning Department staff review the application for completeness. A complete application includes the completion of a State Environmental Quality Review Environmental Assessment Form, which identifies the total area of project disturbance.

STEP 4: Planning Board Review and Engineering Division Review – Should the application be deemed complete by the Planning Department, the application is placed on a Planning Board meeting agenda for discussion of the project, identification of any impacts and mitigation measures; and the application is forwarded to the Engineering Division for their review and determination of the need for a Basic/Full SWPPP or erosion and sediment control practices only.

Formal Plans and associated documents, such as drainage reports and SWPPP documents are submitted to the Planning Department. The Planning Department then distributes copies of the plans to the required Town departments and Town Designated Engineer (TDE) for review. The Town of Bethlehem can use TDE's to assist in the review of technical aspects of commercial and residential subdivision plans. All Planning Board meetings are open to the public. These meetings are the proper conduit for the public to comment on the project and SWPPP. The Planning Department is responsible for documenting and disseminating any relevant comments made from the public or Planning Board to the Engineering Division and TDE's for review

During this step, other Town departments will begin their respective reviews as well, including the Planning Department. The Planning Department's review can include the review of conservation of land, as well as site plan compliance. Aspects of these coordinated reviews can effect and tie into the SWPPP and stormwater management designs for the project. The Town's Engineering and Planning comments are coordinated and sent to the developer

for incorporation into the design documents. This iterative process will continue until all plans and documents are found to be accurate, complete and meeting all respective codes, regulations and requirements.

Depending upon the complexity and review timeframe for the project the Planning Department may bring the project to the Planning Board for project and status updates. Planning Board meetings are always open to the public for comments. Planning Board meeting dates and agendas, and application materials including SWPPPs are posted on the Town's Planning Board meeting website. All meetings are video recorded with a live feed, and archived for viewing after the meeting.

STEP 5: Engineering Division Approval of SWPPP – Once the Basic/Full SWPPP (including all stormwater management design components) is acceptable to the Town Engineering Division, a recommendation is provided to the Town Planning Board.

STEP 6: Planning Board Approval – The Planning Board approves the project with SWPPP related conditions identified in the SEQR Classification of Action/Determination of Significance Resolution and the approval document (Site Plan approval or Subdivision Final Plat approval). Conditions will require that appropriate SWPPP documents (MS4 Acceptance Form, Operations and Maintenance Agreement, Notice of Intent) are to be provided to the Town Engineering Division prior to final stamping of the plans by the Planning Board Chairman and/or prior to the scheduling of a pre-construction meeting.

STEP 6: MS4 Acceptance Form Completion – Once all aspects of the SWPPP have been reviewed and accepted, the MS4 SWPPP Acceptance Form is signed by the MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative. Applicant applies to NYSDEC for a SPDES Permit.

III. Residential building project with over 1 Acre of disturbance:

STEP 1: Meet with Building Division Staff – The SWPPP review process begins with the Town of Bethlehem Building Division. The builder/applicant would begin discussing the conceptual building/development plan with a Building Inspector from the Building Division. The builder and Town staff would review the Town's requirements to ensure the project meets the required area, yard, and bulk requirements related to the parcel's Zoning District designation. The Building Inspector reviews the Town of Bethlehem Building Permit application and grading plan checklist with the builder. The Building Permit application requires information related to the area of disturbance and percentage of impervious area to be identified on the plans. This calculation will determine if the project will require Erosion and Sediment Control only (Basic SWPPP) permit, or Erosion and Sediment Control and Post Construction Stormwater Management Practices (Full SWPPP) permit.

Once it is determined what type of SWPPP is required, the Building Division explains that before a Building Permit can be issued, the applicant must meet all requirements of the NYSDEC SPDES Construction Activity Permit. To receive permit coverage, the applicant first submits a Basic or Full SWPPP for review. The SWPPP is reviewed by the Town's Engineering Division.

STEP 2: Building Division Completeness Review – Once an application for Building Permit is received by the Building Division, a Building Inspector reviews the application for completeness. Depending on the project's area of disturbance a Basic SWPPP or Full SWPPP is to be submitted with the Building Permit application.

Formal Plans and associated documents, such as drainage reports and SWPPP documents are submitted to the Building Division for a completeness review. The Building Division then distributes the copies of the plans and documents to the Town Engineering Division for review. The Town of Bethlehem can use Town designated Engineers (TDE's) to assist in the review of technical aspects of residential site plans (if needed).

STEP 3: Engineering Division Review – Once submitted, the Engineering Division with support from the TDE's begin review of the SWPPP and grading plans. Other Town departments will begin or continue their respective reviews as well, including the Building Division. Aspects of these coordinated reviews can effect and tie into the SWPPP and stormwater management designs for the project. The Town's Engineering Division and Building Division comments are coordinated and sent to the builder/applicant for incorporation into the design documents. This iterative process will continue until all plans and documents are found to be accurate, complete and meeting all respective codes, regulations and requirements.

STEP 4: Engineering Division Approval of SWPPP – Upon completion of the project review phase the Engineering Division will recommend the project for issuance of a Building Permit. This approval includes all associated SWPPP and stormwater components and conditions of approval.

STEP 5: MS4 Acceptance Form Completion – Once all aspects of the SWPPP have been reviewed and accepted, the MS4 SWPPP Acceptance Form is signed by the MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative. Once NYSDEC issues a SPDES Permit No. the Building Department will issue the building permit.

IV: Commercial Project with over 1 acre of disturbance with no structures/impervious Areas and V: Residential Project over 1 acre of disturbance with no structure.

STEP 1: Meet with Engineering Division Staff – The SWPPP review process begins with the Town of Bethlehem Engineering Division. The developer/builder would begin discussing the conceptual development plan with a representative from Engineering if requested. The developer/builder and Town staff will meet to review Town requirements to ensure the project meets the general intent of Chapter 128-Zoning Law of Town Code. These projects showing over 1 acre of disturbance and lack of impervious cover shall require a Basic SWPPP- Erosion and Sediment Control permit only.

The applicant would receive a Town of Bethlehem Grading, Erosion and Sediment Control Permit application (attached) which requires information to be provided related to total area of disturbance. All commercial development projects with over 1 acre of disturbance with no structures or impervious areas shall require Erosion and Sediment Controls (Basic SWPPP) permit. All residential projects showing over 1 acre of disturbance with less than 25% impervious shall require a basic SWPPP only. Due to the percentage impervious cover (less than 25%) the project will require Erosion and Sediment Controls (Basic SWPPP) permit.

Once it is determined that a basic SWPPP is required the Engineering Division explains that before a Grading Erosion and Sediment Control permit can be issued, the applicant must have permit coverage (NYSDEC SPDES Construction Activity Permit) and that, to receive permit coverage, the applicant first submits a SWPPP for review. The SWPPP is reviewed by the Towns Engineering Division. The Town may utilize a TDE for supplemental review.

STEP 2: Engineering Division Completeness Review – Once a completed application is submitted, the Town’s Engineering Division with support from the TDE begin review of the SWPPP and grading plans. Formal Plans and associated documents, such as drainage reports and SWPPP documents, are submitted to the Engineering Division for a completeness review. Other Town departments will begin their respective reviews as well, if applicable. Aspects of these coordinated reviews can effect and tie into the SWPPP and stormwater designs for the project. The Town’s Engineering Divisions comments are coordinated and sent to the developer/builder for incorporation into the design documents. This iterative process will continue until all plans and documents are found to be accurate, complete and meeting all respective codes, regulations and requirements. Depending on the size of the project, there may additional concept or sketch plan meetings with various Town staff (formal or informal). The applicant is again informed of stormwater requirements.

STEP 3: Engineering Division Approval of SWPPP – Upon completion of the project review phase the Engineering Division will recommend the project for issuance of a Grading, Erosion, and Sediment Control permit. This approval includes all associated SWPPP and stormwater components.

STEP 4: MS4 Acceptance Form Completion – Once all aspects of the SWPPP have been reviewed and accepted, the MS4 SWPPP Acceptance Form is signed by the MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative. Once NYSDEC issues a SPDES Permit No. the Engineering Division will issue the Town of Bethlehem Grading, Erosion, and Sediment Control permit.

Pre-Construction Meeting Procedures

Pre-Construction meetings are a routine component of the project approval process and are mandatory. For all projects which have Construction Activity Permit coverage, the Owner/Operator contacts the Town to coordinate scheduling of a Pre-Construction meeting.

The Town does not schedule the meeting until the SWPPP and the plans have been reviewed and approved. The SWPC or other Engineering Division staff is responsible for coordinating the meeting. That delegated staff person contacts the Owner/Operator and begins compiling necessary documentation and contact information for all relevant parties (e.g., Owner/Operator certifications, proof of Erosion & Sediment Control training, etc.).

Once all items are obtained and the project is ready to begin construction, the meeting appointment is created and all relevant staff and project representatives are sent an e-mail appointment invitation. Pre-Construction meetings are always held in a meeting room at Town Hall.

For Town-conducted construction projects requiring SPDES-permit coverage, the pre-construction meeting may vary slightly in regards to who attends the pre-construction meeting and meeting document formatting. The projects are still reviewed, approved and overseen to meet all Construction Activity and/or MS4 permit requirements, however.

During the pre-construction meeting the Town ensures that at least one operator from each project contractor responsible for soil disturbance activity and/or implementation/maintenance of erosion & sediment controls has received the required education and training about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction. Typically, the Town receives proof of current 4-hour erosion & sediment control training at the pre-construction meeting. Construction will not be authorized to begin until all site work contractors have submitted the required documentation.

As a Town stormwater policy, the project representatives listed below must attend the Pre-Construction meeting. Sometimes one individual assumes multiple project roles. If not already defined, those roles are explained at the meeting.

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Typical attendees (Town):

- a. Town Engineer
- b. Stormwater Management Officer
- c. Stormwater Program Coordinator
- d. Building Department staff – different staff depending on nature of project (e.g., residential vs. commercial)
- e. Engineering Division staff – those responsible for project review
- f. DPW Field Operations staff – for those projects where public utilities will be installed or connected to
- g. Highway Superintendent – for those projects where Town infrastructure will be installed
- h. Planning Department staff – those responsible for project review
- i. GIS Coordinator
- j. Construction Compliance/Utility Inspector(s)
- k. Other Town staff, as applicable

Typical attendees (Project staff):

- a. Owner/Operator and/or an authorized representative
- b. Design Engineer / Engineer of Record
- c. Designated Qualified Inspector (responsible for weekly inspections)
- d. General Contractor / Project Manager and/or an authorized representative
- e. Contractor or subcontractors (those responsible for soil disturbance activities)

The Stormwater Program Coordinator, or other Engineering Division staff person in charge of the meeting that day, begins with introductions and distributing the sign-in sheet. All attendees initial the sign-in sheet and verify/add contact information including their office phone, e-mail address, and/or cell phone number. The Town uses a standard Pre-Construction meeting form. Its content varies slightly based on the specific project type (Grading Permit project, Commercial Site Plan Approval project, Residential Subdivision, etc.). Below is one example:

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MS4 COMPLIANCE INSPECTIONS

The Town conducts random compliance inspections on all regulated construction sites to assess compliance with Chapter 98, of the Town Code. Inspection fees are set by the Town Board and charged to the Developer/Owner. **Non-compliance with Chapter 98 is enforceable under §98-33, including stop work orders and monetary fines.**

For the New York State Department of Environmental Conservation (DEC) State Pollution Discharge Elimination System Permit for Stormwater Discharges from Construction Activity (SP-0-13-002)
As per Part 212.6 on page 19 of (SP-0-15-002) (effective January 29, 2015):

"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 contractor and subcontractor involved in soil disturbance sign a copy of the following certification statement before they commence any construction activity:

NYR	
Name of Construction Site	Municipality (MS4)
<p><i>"I hereby certify 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 do so understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollution Discharge Elimination System (SP-0-15-002) general permits for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, inaccurate or incomplete information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."</i></p>	
Responsible Corporate Officer/Partner Signature	Date
Name of above Signatory	Name of Company
Tit. of above Signatory	Mailing Address
Telephone of Company	City, State and Zip

Construction Schedule

The Developer/Contractor is required to submit a construction schedule including task name, and approximate start and end dates. Based on the submitted schedule, the Town will estimate the number of hours required for inspection. Based on the current Engineering Fee Schedule (below), the Town will estimate the anticipated inspection cost for the project.

Construction Stake out

Stake-out requirements are listed in the Town Standard Specifications. They are typically listed in the first paragraph of the sanitary sewer, storm drainage, water mains and highway sections.

Water from Fire Hydrants

Typically, water from Town owned fire hydrants is not to be used for construction. If water is needed, the Contractor must obtain a water permit from the Department of Public Works (439-4955 x 1132). The issuance of the permit allows Contractors to obtain water at 408 Kenwood Avenue, Delmar (Water and Sewer garage) and 74 Elm Avenue East, Sellers (Highway garage).

State and County Highway Permits

A NYS/DOT or Albany County highway permit is required for work within State or County rights-of-way.

Insurance

For Town sanitary sewer connections, the Contractor must submit a \$5,000 (five thousand) permit bond indemnifying the Town of Bethlehem and/or the Town of Bethlehem Sewer District. Any Contractor performing work in connection with the construction of a sewer main or lateral, must be approved by the Town (439-4955 x 1132) and have on file with the Town, an Owners and Contractors protective liability insurance policy, in the name of the Town of Bethlehem and/or the Town of Bethlehem Sewer District, in the following amounts:

Body injury - \$2,000,000 (two million) each accident
Property damage - \$500,000 (five hundred) each accident

Monumentation of Rights-of-way

For Town roads, right-of-way monument installation is required by a licensed land surveyor. Monuments must be installed after the majority of the building construction has been completed, before placement of final top course of asphalt. Proposed monument locations are to be reviewed with the Engineering Division before installation.

Identify the specific elements of the SWPPP the contractor or subcontractor is responsible for:	
'TRAINED CONTRACTOR' FOR THE CERTIFIED CONTRACTOR OR SUBCONTRACTOR	
Name of Trained Employee	Title of Trained Employee NYSDEC SWP #

Stormwater

Joe Cleveland, 439-4955, x 1139, jcleveland@townofbethlehem.org, Stormwater Program Coordinator, reviewed the following items:

- 1.) All of the erosion and sediment control devices shown on the approved plan are to be installed prior to the commencement of any construction.
- 2.) The approved grading plan must be complied with. Final grading for commercial buildings and residential homes will be checked before the issuance of a certificate of occupancy.
- 3.) Unanticipated groundwater conditions within the stormwater management practices must be brought to the Town's attention.
- 4.) Trees and various plantings within stormwater practices must be installed according to the approved plans.
- 5.) MS4 SWPPP Compliance Field Inspections will be conducted monthly. Monthly inspections will be billed at \$200.00 per inspection. Additional "informal" site inspections may be conducted. Any non-compliant conditions identified during inspections must be addressed in a reasonable amount of time. Failure to comply may result in the issuance of a Notice of Violation and/or a Stop Work Order.
- 6.) Contractor Maintenance Inspections must be performed every 7 calendar day by a qualified inspector (as described in the Construction Activity Permit). Those reports should be forwarded to SWPPPinspections@townofbethlehem.org. The qualified inspector shall notify the owner or operator and appropriate contractor 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 amount of time.
- 7.) MS4 Stormwater Management Program form (attached).
- 8.) Contractor and Subcontractor Certification Statement (attached).

Record Drawings

Record Mapping/Data shall be supplied according to the Town Specifications. After installation, a map, with locations and tie-distances, must be submitted to the Town. Record data submissions must meet the requirements indicated in the Town of Bethlehem Final Digital Submission Standards (attached) for:

- a.) Sanitary sewer system
- b.) Storm drainage system
- c.) Water mains
- d.) Stormwater management practices.

Record data submissions must meet the requirements indicated in the Town of Bethlehem Final Digital Submission Standards. There is no need to create an entirely new drawing/map for these final elevations. Using the approved plan as a base, the finished elevations must be clearly identified alongside the proposed elevations. The title of the revised map must clearly indicate that it contains record data. Vertical elevations should be accurate to within 0.01'. Horizontal distances should be accurate to within 0.10'. Engineers/Surveyors must use separate plan or plan/profile sheets for each utility.

Record data consists of measured ties and final elevations of installed utilities. The project subdivision owner shall have their Engineer or Surveyor submit:

- a.) final elevations of sanitary manhole rims and inverts, the locations of, and measured ties to, all sanitary sewer building laterals, gate valves, curb boxes, sanitary sewer wyes and tees, measured from the nearest downstream sanitary manhole. If applicable, use the stations of the wyes shown in the CCTV inspection, and;
- b.) final elevations of storm structure rims and inverts, locations of, and measured ties to, all storm sewer building laterals, and;
- c.) final elevations of newly installed hydrants (Not at Point Of Arrow, NPOA), locations of, and measured ties to, all gate valves and curb boxes, water main tees, bends and reducers, and;
- d.) Critical elevations of the stormwater pond. The critical elevations include, but are not limited to spillway elevations, outlet structure elevations, top of berm elevations, bottom of pond elevation, and forebay spillway channel elevation. A licensed Engineer must confirm the pond was built in accordance with the approved plans.

The record data must be electronically submitted (.pdf and .dwg) to the Town within 30 days of completion of the utility work.

Building Permits

Failure to submit record mapping/data may result in the Town not accepting ownership of a public road and utilities, not issuing water and sewer connection permits, and not issuing building permits.

Related to stormwater, the following items are discussed during the pre-construction meeting:

- Any outstanding paperwork submittals or other pre-construction requirements which must be completed prior to commencement of construction (e.g., obtaining SPDES coverage and providing to the Town the DEC Letter of Acknowledgement, Town permits, any other outstanding outside agency requirements; etc.)
- Pre-construction site assessment requirement. The Town requires a mandatory pre-disturbance site inspection be conducted to ensure all required erosion & sediment controls, sensitive area demarcations, limit of disturbance orange construction fencing requirements, etc. are properly installed. When special delineation(s) fenceings are required to be installed the Town requires a certification from a Licensed Surveyor or Engineer of Record that the placement is in accordance with the approved plans.
- Anticipated start date of construction/soil disturbance
- Town construction stormwater compliance inspection procedures/policies
- Procedure for owner/operator weekly inspection report submissions to the Town
- Construction Stormwater structural BMP maintenance expectations from the Town
- Notice of Violation and other enforcement procedures (potential fees, Stop Work Orders, potential halting of Building Department inspections/issuances of permits or Certificates of Occupancy/Use, etc.)
- When applicable, post-construction stormwater as-built certification and maintenance requirements
- Project site constraints including wetlands, wetland buffers and conserved lands
- Project phasing

Construction Site Compliance Inspection Procedures

Identifying Priority Sites for Inspection

The Stormwater Program Coordinator (SWPC) or other trained staff member conduct compliance inspections for the Town. The current MS4 permit (GP-0-24-001) requires that all SPDES-permitted sites must be inspected at least once annually during active construction.

Construction activity is considered to be one of the largest potential contributors of stormwater pollution in Bethlehem. With an extensive network of streams and connected unnamed tributaries, and rapid development most areas within the Town are susceptible, if left unchecked, to construction stormwater runoff pollution. Bethlehem's population grew over 4.2% between 2010 and 2017 for example – nearly five times the statewide average for that period¹. As such, it has become a policy of the Town to consider all SPDES-permitted construction projects as high-priority. The Town typically inspects all SPDES-permitted construction sites at a frequency of once every month (and not less than quarterly, unless there are extenuating circumstances).

¹https://www.census.gov/quickfacts/fact/table/NY_bethlehemtownalbanycountynewyork/BPS030218

Construction Inspection Details

Construction compliance inspections focus on determining whether:

- the project is causing water quality standard violations;
- the required Stormwater Pollution Prevention Plan (SWPPP) includes appropriate erosion and sediment controls and, to some extent, post-construction controls;
- the owner/operator is complying with the SWPPP;
- where required, owner/operator self-inspections are being properly performed;
- where self-inspections are required, the owner/operator responds appropriately to the self-inspector's reports; and
- the required erosion and sediment controls are properly installed, adequately maintained, and effective.

An inspection may be triggered by application submittal; complaint; a violation noticed when reviewing the owner-operator inspection report; a violation noticed while conducting an informal construction inspection; as requested by applicant or owner of site; inspection request prior to signing the Construction Activity Permit Notice of Termination; or random.

Non-SPDES Construction Activity

For projects not required to obtain Construction Activity Permit coverage (i.e., < 1 acre of soil disturbance), the Building Department is responsible for ensuring there are no violations of Town Code caused by the construction activity. The Town Engineering Division reviews all Building Permits, associated grading and erosion & sediment control plans, and issues a grading memo with stipulations to ensure adequate erosion & sediment control protections are in place throughout construction. While the Town Building Inspectors/Code Enforcement Officers take the lead on these non-SPDES projects, the SWPC or other Engineering Division staff provide technical assistance to the Building Department when issues with erosion & sediment controls arise or enforcement actions are necessary.

Preparing for Site Inspection

Before the inspection is conducted, the MS4 Inspector reviews the project's SWPPP, ES&C plan, and the last few 3rd party inspection reports to familiarize themselves with project. The inspector uses the ESRI Field Maps form application installed on an iPad tablet device to conduct the actual inspection on site, so it is imperative to ensure the iPad is charged before leaving the office.

Any paperwork necessary to assist in conducting the inspection should be printed and brought along as needed. It is recommended that a copy of the NYS Standards and Specifications for Erosion & Sediment Control ("Blue Book II"), the Construction Activity Permit, and Chapters 98 (stormwater management) and 128-49 (Grading, erosion and sediment control) of the Code of the Town of Bethlehem accompany the inspector on all site visits. All of those documents are readily available for access via iPad as well. This can be very helpful when clarifying corrective actions, especially if there is resistance from contactor(s) or owners/operators.

Safety gear such as rain gear, bug-spray, hi-visibility safety vests, safety glasses, and hard-hats should be brought along and used as mandated by Town or construction site policies. Be aware that ticks are abundant in the Town of Bethlehem and proper precautions should be taken to limit one's exposure. A thorough tick check should be completed at the end of your field visit to prevent unwanted passengers and potential tick bites.

Qualifications for Construction Site Inspectors

All inspections must be trained by properly trained individuals. Currently, it is required that SPDES-permitted sites are inspected by a Qualified Inspector, as defined in the Construction Activity Permit. From the Construction Activity Permit glossary:

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, 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.

Conducting an MS4 Compliance Inspection

The Town uses the “Construction Site Inspection” form in ESRI Field Maps to complete inspections. Open the form and complete the required fields. Ensure notes and photos of any required corrective actions are detailed within the report. The form is compliant and equivalent with the DEC’s own form included within GP-0-24-001.

When the MS4 Inspector arrives on site they should locate the project or site manager, or lead site contractor. If no one is on site at the time of inspection and there corrective actions have been identified during the inspection, the inspector should attempt to contact the responsible party via phone at the end of the inspection for follow-up. Make a note in the inspection report identifying who was spoken to on site during the inspection, if anyone was contacted via phone at the end of the inspection, or if no one was available or spoken to. If present and not already occupied with other tasks, invite the project or site manager or site contractor to accompany the inspector during the walkthrough. This provides a more clear understanding of any issues that require attention and assists in effective communication of Town expectations.

Inspect the project SWPPP box and make sure all of the paper work is included and up to date (weekly reports, NOI, SPDES Letter of Acknowledgement, SWPPP, Site Plans, signed Contractor Certification statements, copies of trained contractors’ 4-hour Erosion & Sediment control training card, etc.). Make notes in the inspection report of any missing documentation, ensure the need to obtain and place in the SWPPP box is identified in the report are conveyed to the owner/operator.

Next, perform the actual walkthrough of the construction site. Visually inspect the site, and report any issues with, all:

- construction entrances;
- any actively disturbed, or temporarily stabilized, areas;
- erosion and sediment control management practices identified in SWPPP and being utilized;
- concrete washouts including adequate installation, maintenance, and accessibility
- inlet protection around catch basins within or adjacent to any areas that are not permanently stabilized;
- site is clean of trash/debris and any pollutants;
- construction equipment (leaks);
- discharge points – noting flow amounts, any turbidity or other issues;
- roadways (clean/free of dirt or mud tracking, ensure there is a means to clean it daily)
- post-construction stormwater practices – verify they are being installed to plan
- keep track of areas that have been disturbed and not worked for more than 14 days, so they can be stabilized;
- make sure there is no more than five acres of active (unstabilized) soil disturbance at one time without written approval. If a waiver is granted, approval letter must be on site with the SWPPP documents.

Take pictures on site of the erosion & sediment control practices that are in need of maintenance, are missing or are not working. Within the inspection report, itemize notes to match the corresponding photo. The form only allows ten (10) photos to be uploaded. Take additional photos and notes when needed and send them along with the inspection follow-up e-mail.

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Verify that the 3rd parties' weekly inspection reports accurately reflect what is found on site and that any items identified in those reports have been addressed. Make notes of items that remain unaddressed, or where those reports are lacking an accurate description.

Upon completion of the walkthrough the inspector should meet with the project or site manager or site contractor to discuss any problems identified during the inspection. A plan and timeframe for corrective action should be created. If there is no one on site to discuss these items a phone call should be made to the appropriate project staff. Make a note in the inspection report if issues were conveyed to the responsible parties while on site.

In the Summary/Remarks section of the inspection form, provide an Overall Inspection Rating (Satisfactory/Marginal/Unsatisfactory). These are somewhat subjective, but a good rule of thumb is to use those ratings as follows:

- Satisfactory = all required erosion & sediment controls are installed, are effective, and are not in need of repair/maintenance. Documentation is up-to-date and is provided in the SWPPP box. No corrective actions are required.
- Marginal = some non-compliant conditions or deficiencies were identified, but are minor and not grossly negligent, and are not causing or have serious potential to cause water quality violations. These items will be conveyed to owner/operator, project manager, site contractor, etc. and a reasonable amount of time will be allowed to conduct the necessary maintenance or corrective actions. Generally, a Notice of Violation would not be issued.
- Unsatisfactory = many non-compliant conditions exist, are evident of being neglected or are grossly negligent. May also reflect sites where previously identified corrective actions have gone unaddressed. Either water quality violations, or other serious violations (unreported spills, etc.), were observed during the inspection, or the status of the site's erosion or sediment controls are in such disrepair that an immediate threat to water quality exists. A Notice of Violation and/or Stop Work Order would be issued, and escalation to other agencies (NYSDEC, US Army Corps of Engineers, etc.) may be necessary or required by law.

Once the inspection is complete, submit the inspection form by selecting "Send" at the top of the form. When the construction inspection form is submitted it is automatically converted to a .pdf document and sent to the MS4 construction inspector's e-mail address (and can be set up to be sent to multiple staff email addresses, as needed).

That inspection report should then be attached to an e-mail sent to the Owner/Operator, site contractor(s), 3rd party SWPPP weekly inspector and any other Town staff involved in construction oversight and enforcement. That e-mail should briefly itemize the issue(s) identified in the report. Provide a reminder that the items must be addressed in a timely manner and failure to do so may result in Notices of Violation, Stop Work Orders, and other escalations of enforcement, including notification of other agencies (NYSDEC, US Army Corps of Engineers, etc.)

If the site is marked as "Unsatisfactory", corrective actions are not taking place in a timely manner and/ or problems persist proceed to "Construction Site Runoff Enforcement Procedures".

Notice of Termination (NOT) Inspections and Certification

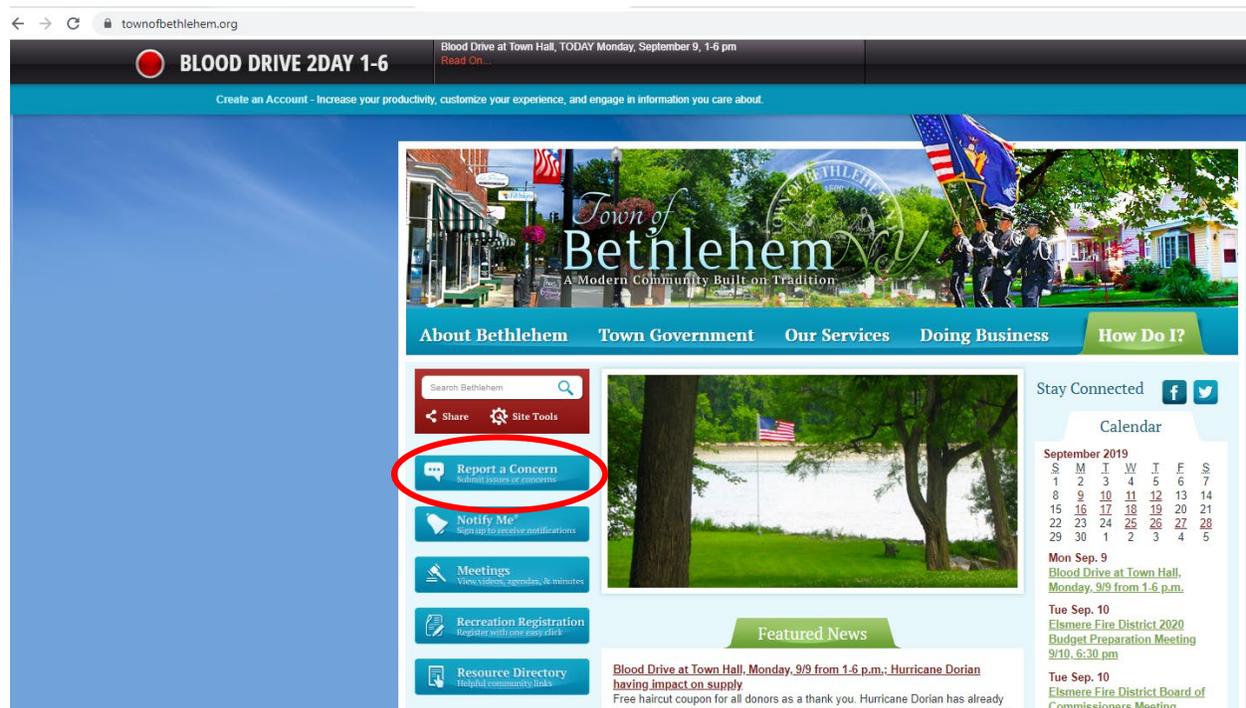
The Town must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the Department by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the SPDES.

The Town's policy is to always conduct its own final inspection to ensure it is appropriate to sign-off on the MS4 Acceptance portion (section VI.) of the NOT form. Any deficiencies such as removal of temporary erosion & sediment controls, inadequate final stabilization, or lacking documentation such as engineer certifications, as-built drawing submissions, etc. are identified and conveyed to the owner/operator. Those corrective actions or document submissions must be received prior to MS4 Acceptance of the NOT.

Procedures for Complaints Received by the Public Regarding Construction Site Runoff

Most commonly the Town receives complaints concerning construction activity from its residents and the general public via e-mails or phone calls. Contact information for all departments is included on the Town's website. Those calls usually are directed to the Town the Engineering Division. The receiving staff member would document the location of the activity in question, contact info for complainant if relevant and the time and date when the complaint was received. The complaint is received and forwarded to the appropriate department.

There is also the "Report a Concern" feature on the Town's webpage where the public can complete a complaint request using the RequestTracker utility. A more detailed description of that process is outlined in the MCM 3 IDDE procedures document.



If the concern is directly related to the complainant (or directly affecting their property), the Town will maintain communication throughout the process and follow-up once the issue has been resolved.

Non-SPDES Permitted Sites (Sites with < 1 Acre of Disturbance)

If the complaint pertains to a non-SPDES permitted project, (from an individual residential home construction, for example), the Building Department would take the lead on the response. The Stormwater Program Coordinator and Engineering Division staff would provide technical assistance as needed.

SPDES-permitted Sites

If the complaint pertains to a SPDES-permitted construction activity, the Stormwater Program Coordinator takes on the follow-up responsibility. The Stormwater Program Coordinator would first review both the recent owner/operator inspection reports as well as MS4 inspection reports. Following the review, a site visit is conducted. Observations are recorded, including photos (as needed). If there are violations, the Stormwater Program Coordinator would contact the owner/operator and explain the violation(s) and asks that the problems are fixed. If they are unavailable, a phone call and/or e-mail is sent. Depending on the site conditions related to a complaint, a Notice of Violation or Stop Work Order may be issued. Construction site enforcement procedures would be followed.

Construction Site Runoff Enforcement Procedures

It is inevitable that, from time-to-time, construction sites will stray from permit and SWPPP requirements. Heavy rains can completely undermine erosion & sediment controls. Delivery trucks and sub-contractors (not involved in site work) can damage practices such as temporary perimeter protections or temporary stabilization efforts.

When the required erosion & sediment controls are not in place, in need of maintenance, ineffective, or poorly implemented, there exists a potential for Construction Activity permit or Water Quality violations. The following measures detail the procedures for enforcing non-compliant construction site activity:

Whenever a valid public complaint is received, or an MS4 construction inspection report deems a site as “Marginal” or “Unsatisfactory”, the Town must implement enforcement actions.

For a site listed as “Marginal” generally no Notice of Violation issued, but corrective actions must be identified, conveyed to the construction project management, and those repairs must be completed in a timely manner. If those items are not addressed, the Town would then issue a Notice of Violation.

For a site listed as “Unsatisfactory” at a minimum, a Notice of Violation is issued. The Town also notifies the Building Department to halt any: Building Inspections, Issuances of New Permits, or Issuances of Certificates of Occupancy/Use. If there are water quality violations identified during the inspection NYSDEC Region 4 Enforcement and/or the US Army Corps of Engineers would be notified.

In general, there’s a strong interest in avoiding court proceedings as it is time-consuming and expensive for all parties. Therefore, administrative actions are preferred over court actions, as the various administrative tools provide flexibility to accommodate the enforcement strategy and interests of the Town.

The Town’s construction activity enforcement procedures are enforced as follows:

- a. Verbal Warnings;
- b. Written Notices;
- c. Notices of Violation
- d. Full Stop Work Orders
- e. Court appearance Tickets/Summons

The Town documents reports of construction site complaints in the SWMP Plan with the following information:

- i. Date of the report;

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

These complaints are catalogued and maintained within a spreadsheet, in the “MCM4 Construction Stormwater Complaints Received” folder, located on the Town’s network drive (H:\) and are available upon request.

Verbal Warning

The Stormwater Management Officer identifies staff empowered to make decisions about the recognized issues. This includes the Stormwater Program Coordinator, Code Enforcement officers, or adequately trained individuals such as a utility and construction site inspectors.

The responsible party is contacted by phone or in person with a description of the issue(s). The non-compliant condition(s) are explained along with a description of the legal consequences and an expected timeline for implementing the required corrective action(s). This informal notification is ideal for less serious violations.

Written Notice

If it is determined by a site visit or compliance inspection that there exist several non-compliant conditions, but none directly threaten water quality, the first method of enforcement escalation comes in the form of a written notice. The Stormwater Program Coordinator, or other authorized staff, sends an email describing the conditions of noncompliance to the owner/operator and all other relevant project personnel (3rd party inspectors, design engineers, project managers, etc.), along with a description of the legal consequences and an expected timeline for implementing the required corrective action(s).

Notice of Violation

A Notice of Violation (NOV) is the Town’s most effective enforcement method when mediation or lesser enforcement actions alone do not result in compliance. NOV’s are issued and signed by the Town Engineer/Stormwater Management Officer and Stormwater Program Coordinator. The Town provides an MS4 Compliance Inspection report to accompany the NOV to provide evidence and reference to assist owners/operators in regaining compliance for their construction activity project.

The Town typically allows five business days to perform corrective actions, unless the severity of the noncompliant conditions dictate otherwise. The violator is sent the signed, written NOV as soon as possible to expedite the required work. The NOV includes the following:

1. The name and address of the party or parties responsible for the violation (most commonly the owner/operator or a designated representative, landowner, etc.);
2. The address of the property where the violation(s) are occurring;
3. The date of the observed or reported violation;
4. A statement specifying the nature of the non-compliant conditions resulting in the violation, which references local law(s);
5. A description of the required corrective actions and allotted time to obtain compliance before potential escalation of enforcement would be initiated;
6. A notification that a formal Notice of Violation follow-up-inspection will be conducted following the deadline for compliance with the required corrective actions;
7. Contact information for follow-up with the appropriate Town staff;

8. A statement of the penalty or penalties that may or shall be assessed against the party or parties to whom the violation is directed;
9. A statement encouraging compliance and a shared interest in avoiding escalation of enforcement

If the problem cannot be corrected within five business days, the violator must acknowledge the problem and develop, and provide in writing to the Stormwater Management Officer, an action plan within five days of receipt of the violation.

If no response is received after five business days, the violator is requested in writing to meet at Town Hall with the appropriate Town staff to resolve the issue. This is an administrative decision and the Stormwater Management Officer serves as mediator.

NOV follow-up inspections provide the Town with the opportunity to determine if compliance has been achieved or if further escalation of enforcement is required. Failure to comply with the requirements of the NOV may result in an NOV follow-up inspection fee of \$350. The NOV follow-up inspection provides an opportunity to owner/operators of construction activity: if the required corrective actions have been adequately completed by the time of the follow-up inspection there is no charge for the inspection.

Full Stop Work Order

The Town may issue a stop-work order for violations of Part 2 of Chapter 98, Stormwater Management and Erosion and Sediment Control, of the Code of the Town of Bethlehem, NY ([link](#)). Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Bethlehem confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized of that Part 2.

Court Appearance Tickets/Summons

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of Part 2 of Chapter 98 of Town Code shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of that Part 2 shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.

Construction Site Enforcement Documentation Procedures

Throughout the enforcement process, the Town tracks and documents the relevant information pertaining to the case. These documents may include, as applicable:

- o e-mail correspondence;
- o written letters;
- o notes from phone calls or meetings;
- o notices of violation;
- o photographs or videos;

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- inspection reports,
- referrals to different departments or agencies,
- location of project,
- etc.

The Town tracks the enforcement of construction non-compliance with case documentation, including:

- a. Name of owner/operator of the facility or site of the violation;
- b. Location of the stormwater source (residence, facility, business, illegal dumping site, etc.);
- c. Description of violation;
- d. Required schedule for returning to compliance;
- e. Description of enforcement response used including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.);
- g. Any referrals to different departments or agencies; and
- h. Date violation was resolved

All enforcement responses are catalogued and maintained within the MCM4 Notices of Violation folders, which are organized by MS4 permit reporting year, located in the Town's network drive (H:\) and are available upon request.

Post-Construction Stormwater Management Practice (PCSMP) Inspection Procedures

Town-Owned PCSMP Inspection Procedures

The Town inspects all Town-owned PCSMPs annually following guidance from the NYSDEC Maintenance Guidance for Stormwater Management Practices as well as EPA reference documents and other available resources. Similar to the Construction Compliance Inspection report, the Town uses the DEC's Post-Construction SMP Inspection Checklist provided in GP 0-24-001 or the various types of PCSMPs located in Town. Formal inspections are conducted by the Stormwater Program Coordinator or other trained and qualified personnel. Those inspections usually occur throughout the summer and fall months. Additional informal inspections may occur as needed.

Privately-Owned PCSMP Inspection Procedures

The Town sends annual notification letters to owners of private PCSMPs requesting copies of inspection records for the previous 12-month period. Typically, those notices are issued in late summer through fall and require inspection documentation be provided by the end of the year. When inspections are not received by a requested date effort is made by the Town to contact the owner/operators to remind them of this requirement. If there is no response by the owner/operator future Project Approvals or Permits may be denied. The Town is not currently equipped to take on the additional staffing, equipment, or monetary requirements to conduct work on undermaintained private PCSMPs. The Town is currently in development of an appropriate enforcement escalation plan for private PCSMP inspection and maintenance.

Post-Construction Stormwater Management Practice (PCSMP) Maintenance Procedures

Town-Owned PCSMP Maintenance Procedures

The Town manages nearly 50 PCSMPs. The inventory of Town-owned PCSMPs includes a variety of practices, all of which require different maintenance needs. The inspection reports are used to determine the level of

maintenance required. The Town relies heavily on the NYS [Stormwater Management Design Manual](#), the NYS [Maintenance Guidance for Stormwater Management Practices](#), and the EPA Stormwater [Wet Pond and Wetland Management Guidebook](#) to conduct PCSMP maintenance activities.

The Town's Highway Department is responsible for the maintenance and operation of all MS4 infrastructure. The Engineering Division provides technical assistance, notification of training opportunities, and the PCSMP inspection reports to the Highway Department annually, and as needed, to ensure in the proper prioritization of maintenance activities and the optimal performance of the Town-owned PCSMPs.

Privately-Owned PCSMP Maintenance Procedures

The Town sends annual notification letters to owners of private PCSMPs requesting copies of maintenance records for the previous 12-month period. Typically, those notices are issued in late summer through fall and require inspection documentation be provided by the end of the year. When maintenance records are not received by a requested date effort is made by the Town to contact the owner/operators to remind them of this requirement. If there is no response by the owner/operator future Project Approvals or Permits may be denied. The Town is not currently equipped to take on the additional staffing, equipment, or monetary requirements to conduct work on undermaintained private PCSMPs.

PCSMP Inspection & Maintenance Program Enforcement Provisions

For Town-owned PCSMPs the SWPC forwards the practice inspections to the Highway Department and notifies them of any that require follow-up actions within thirty (30) days of post-construction SMP inspection. This is conducted through Town email and records of those communications are retained within the SWMP's Town emails.

When follow-up actions are not completed within 45 days a follow-up email is provide to the Highway Department to remind them of these maintenance needs. At 60 days the Engineering Division formally documents the failure to conduct the maintenance via an email with all relevant Town staff, including but not limited to the SMO, Town Supervisor, members of the Town Board, etc. as our enforcement measure, in an effort to ensure compliance.

For privately-owned PCSMPs the Town requires documentation be provided by December 1 of each permit year. By December 30, we notify the owner(s) of their failure to provide documentation (or their failure to perform required maintenance as outlined in inspection reports) and notify them that, if proof of maintenance is not provided by February 1 of the following year (i.e. 60 days from receipt of inspection, or sooner, if reports were provided before the due-date) a Notice of Violation would be issued ordering them to complete the work or be subject to enforcement as outlined in Chapter 98 of the Code of the Town of Bethlehem.

The Town tracks the enforcement of post-construction non-compliance with case documentation, including:

- a. Name of owner/operator of the facility or site of the violation;
- b. Location of the stormwater source (residence, facility, business, illegal dumping site, etc.);
- c. Description of violation;
- d. Required schedule for returning to compliance;
- e. Description of enforcement response used including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.);
- g. Any referrals to different departments or agencies; and
- h. Date violation was resolved

All enforcement responses are catalogued and maintained within the MCM5 “PCSMP Enforcement Tracking) folder, organized by MS4 permit reporting year, located in the Town’s network drive (H:\) and are available upon request.

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

Procedures for Reducing/Preventing Discharge of (Potential) Pollutants from Municipal Facilities and Operations

MS4 Facility Self-Audits

The Town utilizes tri-annual MS4 facility self-audits as the foundation for overseeing MCM6 permit requirements. By conducting thorough walkthroughs of facilities and observing and learning about municipal operations the Stormwater Management Officer and Stormwater Program Coordinator assist facility and operations managers in implementing best management practices (BMPs) and procedures that reduce or prevent the discharge of potential pollutants in the Town’s MS4 system, streams or other protected areas.

Currently the Town utilizes the Stormwater Coalition hard-copy MS4 facility self-audit form, which includes adaptations from many other facility audit resources. The Town is currently working on developing its own GIS-capable digital MS4 facility-self audit form.

Typically, the Stormwater Program Coordinator or other adequately trained personnel conduct facility self-audits with facility managers or lead operators. For physical locations, the SWPC conducts a thorough walkthrough visually observing potential permit violations and to identify pollutant generating areas or activities that can be addressed, using BMPs and procedures to lessen potential environmental impacts.

Each individual facility or operation is responsible for the control of its own (potential) pollutant generating activities. The Stormwater Program Coordinator assists facility managers in the generation of physical and procedural BMPs to be implemented.

MS4 facility self-audits are conducted for all facilities within the MS4 regulated /urbanized area to ensure compliance at the MS4 permit required 3-year interval. As time permits, the self-audit process is expanded to other Town facilities outside of the MS4 regulated/urbanized areas.

Training of Municipal Facility and Operations Staff

Training is a crucial element to a successful pollution prevention and good housekeeping program. The goal of the Stormwater Management Program is to ensure all relevant staff are adequately trained in spill prevention, response and cleanup (if applicable), illicit discharge detection and elimination, as well as other measure to implement pollution prevention and good housekeeping.

Trainings are held for all Highway Department and Department of Public Works field employees annually, at a minimum. Foreman provide “tailgate” talks routinely throughout the year to keep junior staff from becoming complacent and to remind them of best management practices. Trainings are documented with dated sign-in sheets and are reported in the Town’s Annual Ms4 reporting requirements.