

RESOLUTION NO. 475

APPROVING AND ADOPTING THE ALBANY COUNTY STORMWATER  
MANAGEMENT POLICY

Introduced: 11/12/19

By Public Works Committee:

WHEREAS, As a participant in the State Pollutant Discharge Elimination System (SPDES) Permit Program, Albany County is mandated by the New York State Department of Environmental Conservation to adopt a Stormwater Management Policy regarding the protection of local waterways from a number of key pollutants of concern in Albany County, and

WHEREAS, The Permit Program requires Albany County to follow Green Infrastructure Policy standards and procedures for all projects regarding the design and construction of new County-owned facilities and the renovation of existing County-owned facilities to reduce the discharge of stormwater pollutants to the maximum extent practicable and to consider the use of green infrastructure in drainage retrofits at existing facilities, and

WHEREAS, The Stormwater Management Policy for Albany County Facilities shall apply to all projects on County-owned facilities and roads while the Stormwater Program Technician of the Department of Public Works shall be responsible for the administration and oversight of the Albany County Stormwater Management Policy, now, therefore be it

RESOLVED, By the Albany County Legislature that the Stormwater Management Policy for Albany County, as filed with the Clerk of the Legislature, is hereby approved and adopted, and, be it further

RESOLVED, That the County Attorney is authorized to approve said approved policy as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote – 11/12/19*

## **ALBANY COUNTY STORMWATER MANAGEMENT POLICY**

### **Background and Purpose**

In the meaning of the Federal Clean Water Act and implementing regulations promulgated by the New York State Department of Environmental Conservation (NYSDEC), Albany County is municipal entity that owns and operates a Municipal Separate Storm Sewer System (MS4) within a U.S. Census-designated Urbanized Area. The County is permitted by NYSDEC to discharge stormwater into waters of the State of New York under the terms and conditions of State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-15-003. The permit designates the County as a Traditional Non-Land-Use Control MS4.

Albany County also regularly undertakes construction projects which, in the meaning of SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002), result in land disturbance of one acre or more. Such projects are subject to coverage under the aforementioned permit, and adherence to terms and procedures associated with GP-0-15-002 is also a condition of compliance with Minimum Control Measures 4 and 5 of GP-0-15-003.

Albany County adopted Local Law 7 of 2007 to prohibit any discharges of non-stormwater pollutants or contaminants to its MS4 and to local waters present on or adjacent to County properties or rights-of-way. Enforcement of this local law is administered as a means of maintaining compliance with Minimum Control Measures 3, 4, 5, and 6 of GP-0-15-003.

The purpose and intent of this policy is to outline the specific, explicit procedures and responsibilities of County Departments and staff in implementing the stormwater permit compliance program, given existing administrative arrangements unique to Albany County. The objective behind this effort is to protect local waterways from a number of key pollutants of concern, including but not limited to silt, sediment, chemical substances and debris from construction; and nutrients, oils and grease, metals, bacteria, sediment, trash/floatables, and organic matter from the County's municipal operations.

### **Administration**

The Stormwater Management Program of Albany County is administered primarily through the Department of Public Works, but entails additional efforts from multiple other Departments. The County's Stormwater Management Program Plan designates the following positions as having authority for stormwater program implementation:

- Commissioner of Public Works: Stormwater Program Coordinator and Stormwater Management Officer
- Stormwater Program Technician, Public Works: Annual Report Preparer and day-to-day permit compliance manager

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- Senior Planner, Office of Natural Resources: Stormwater Public Contact
- County Executive: Elected Official with signatory and executive authority

To facilitate regular open communication regarding all issues pertaining to stormwater permit compliance, and to further enable other departments within the County to be equipped with the knowledge and resources to perform their responsibilities relevant to the permits, a Stormwater Committee has been formed. The Committee meets a minimum of four times per calendar year, and includes representation from the following departments:

- General Services
- Law
- Sewer District
- Natural Resources and Economic Development
- Public Works
- Director of Operations

Committee functions shall include review of updates to stormwater issues, regulations and policies, discussion and planning of ongoing permit compliance efforts throughout the County, review of projects under the Albany County Green Infrastructure Policy adopted January 2015, and development and revision of needed policies, procedures, and best management practices. Full implementation of the Stormwater Management Program entails involvement by a number of individuals, positions and departments across County organizational structure. The Albany County Stormwater Program Organizational Flow Chart depicts and summarizes roles and relationships within the County for program implementation.

Albany County is also a dues-paying and voting member of the Stormwater Coalition of Albany County. As a shared services entity consisting of twelve regulated MS4s within the geographical boundaries of Albany County, the Stormwater Coalition assists the County with program implementation. Organizationally, the Coalition consists of a Board of Directors with representation by elected officials from each member MS4 (meeting quarterly), a Working Group with representation by stormwater program implementation staff (meeting monthly), and various committees for special tasks as periodically assigned.

### **Stormwater Management Program Plan**

Beginning in 2012, the Stormwater Coalition of Albany County created a Stormwater Management Program (SWMP) Plan intended to comply with all relevant aspects of the SPDES permit program. The plan is organized around the six Minimum Control Measures detailed in SPDES GP-0-15-003. The SWMP Plan, most recently updated in April 2015, conforms to the requirements of GP-0-15-003 by including measurable goals for each Best Management Practice (BMP) that:

- a. Describe the BMP and Measurable Goal;
- b. Include timelines, schedules and milestones;
- c. Include quantifiable goals whose progress can be tracked;
- d. Describe how the covered entity will address Pollutants of Concern.

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While the Stormwater Coalition SWMP Plan is a collaborative document, the goals, tasks and BMPs listed therein are specific for each member. The SWMP Plan functions as the primary guidance document for Albany County's stormwater compliance program, and is on file with the Stormwater Program Technician in the Department of Public Works.

The following is a summary of the six Minimum Control Measures (MCM) outlined in the permit and an overview of how Albany County proceeds in achieving compliance. The Stormwater Coalition, in its SWMP Plan, also recognizes two additional areas of focus (Stormwater Program Management and Administration, and Training of Staff and Officials).

MCM 1: Public Education and Outreach. This MCM includes Best Management Practices (BMPs) that focus on describing to the public the impact of stormwater discharges on local water bodies; explaining what constitutes a stormwater discharge, and describing pollutants of concern and steps that can be taken to eliminate or control those pollutants. In accordance with guidance from NYSDEC, Albany County's "public" (and therefore its target audience) is primarily its own employees and staff, as well as third party contractors and vendors that perform services on behalf of the County. This MCM is implemented by the Stormwater Coalition, the Stormwater Program Technician within Public Works, and the Senior Planner within the Office of Natural Resources.

MCM 2: Public Participation and Involvement. This MCM includes BMPs that focus on involving County employees in the development and implementation of the stormwater management program. It also includes all requirements for public notice and review pertaining to the Annual Report and SWMP Plan, as well as offering the opportunity for any member of the general public to inquire about the County's Stormwater Program or submit a complaint pertaining to water quality and/or stormwater management.

MCM 3: Illicit Discharge Detection and Elimination. This MCM includes BMPs that focus on the detection and elimination of contaminated, non-stormwater discharges to the storm sewer conveyance system. The Department of Public Works is responsible for detecting illicit discharges in coordination with other departments such as Code Enforcement and Environmental Health, and implements a regular program of outfall inspections and testing of dry-weather flows. The County has the authority to issue violations pursuant to elimination of such discharges under County Local Law 7 of 2007. The County also maintains a map of its storm sewer conveyance system and associated drainage areas.

MCM 4: Construction Site Runoff Control. This MCM includes BMPs that lead to the reduction of pollutants in stormwater runoff from ongoing construction activities. County oversight of construction activity must provide equivalent protection to SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002 or as amended or revised). All County Stormwater Pollution Prevention Plans (SWPPPs) must include erosion and sediment control practices and planning in accordance with current NYS Standards and Specifications, as well as construction site waste material management, and inspections and maintenance of practices. Construction site runoff

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control is also considered in all County highway work permits as well as in GML239 reviews where the potential exists to impact County roadways or other assets.

MCM 5: Post-Construction Stormwater Management. This MCM includes BMPs focused on the minimization of water quality impacts from developed land and completed construction projects. County oversight of post-construction stormwater management must provide equivalent protection to SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002 or as amended or revised). County SWPPPs that include creation of new impervious surfaces must fully address post-construction stormwater management in accordance with the most current version of the NYS Stormwater Management Design Manual. Post-construction management practices are inventoried, inspected on a regular schedule, and maintained to ensure proper long-term functioning to protect water quality. The County also implements a Green Infrastructure Policy to ensure that its own projects take full advantage of runoff reduction opportunities to the extent practicable and appropriate. Post-construction stormwater management is also considered in all County highway work permits as well as in GML239 reviews where the potential exists to impact County roadways or other assets.

MCM 6: Pollution Prevention and Good Housekeeping for Municipal Operations. This MCM includes BMPs that minimize stormwater pollution resulting from all County operations, facilities and equipment use. To accomplish this, the County performs assessments of all of its facilities and operations at a minimum of once every three years, and develops site-specific or activity-specific recommendations to correct noted deficiencies and reduce identified sources of pollutants or pollution risks. Regular training of County employees responsible for facilities and operations is an important part of this MCM.

The following is a list of local waters that due to drainage from County roads or facilities within the urbanized area have been identified as Waterbodies and Watersheds of Concern relative to the MS4 program. Asterisked items\* are considered the highest priority watersheds due to known water quality impairments and risks from urban runoff:

- Shaker Creek and Farm Brook
  - Ann Lee Pond\*
- Patroon Creek\*
  - Sand Creek\*
- Krum Kill\*
- Vly Creek
- Normans Kill
  - Kaikout Kill
  - Other tributaries to north
- Lisha Kill
- Black Creek
- Vloman Kill
  - Dowers Kill
- Hudson River direct drainage

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The attached map of County Roads and Facilities (November 2015, Office of Natural Resources) outlines the Geographic Areas of Concern relative to the Albany County MS4 General Permit. Note that MCM 4 and MCM 5 apply to all highlighted roads and facilities shown on the map. The remaining Minimum Control Measures (1, 2, 3, and 6) apply only to facilities and roads that fall within the shaded area, which represents the urbanized portions of the County according to the combined data from the 2000 and 2010 U.S. Censuses. It should be noted that per guidance from NYSDEC, areas designated as urbanized in 2000 that were no longer determined to meet the relevant population density criteria in 2010 are still considered “urbanized” for the purposes of administering the MS4 General Permit.

The remaining sections of this document outline required policies and procedures to be implemented by County officials and staff in order to ensure that work taking place under permits within County rights-of-way does not cause or contribute to stormwater pollution; to ensure that stormwater management issues are addressed in General Municipal Law 239 reviews conducted by the Albany County Planning Board; and to ensure that County capital projects fully address all stormwater management and runoff control issues and permit requirements.

The policy also references the following documents, which are hereby appended to this policy:

- Albany County Stormwater Program Organizational Flow Chart
- Albany County Green Infrastructure Policy (Adopted March 9, 2015; Resolution 15-081)
- Albany County Illicit Discharge Detection and Elimination Procedures

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## **Review/Inspection of Permits/Projects for NYSDEC General Permit compliance**

### **Stormwater Program Compliance Enforcement for Highway and County Property Work Permits (Associated with County ROW, Construction Activity, Drainage, Access, Maintenance and Protection of Traffic)**

#### **Staff involved:**

Commissioner of Public Works - duties include: Overall oversight and final approval or disapproval of all permits

Clerk, Public Works - duties include: Administrative support (logging in new applications, filing and mailing of approved permits)

Civil Engineer 1, Public Works - duties include: General oversight of Engineering Division

Traffic Engineer, Public Works - duties include: Primary permit engineering review, forwarding/assigning relevant applications to the Stormwater Program Technician for further review, recommendation of approval and/or policy to Commissioner

Senior Traffic Technician, Public Works - duties include: Survey, Design, Inspection

Stormwater Program Technician, Public Works - duties include: Drainage Erosion and Sediment Control, Environmental Issues (CPESC)

Principal Engineering Technician (or other Engineering Technician as available), Public Works: Permit construction inspection (4-hour ESC Contractor Trained)

Senior Code Enforcement Officer and Staff - Construction inspection for all County facilities projects for codes compliance

Director of Facilities Engineering and Staff – Construction inspection for all County facilities projects for engineering plans consistency

Director of Environmental Health and Staff – Investigation of public complaints regarding water quality issues

#### **Review Procedure:**

- 1) Permit application form on line or is sent to / picked up by applicant
- 2) Clerk receives permit application

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- 3) Clerk records on data base (Excel File Permits)- Assigned permit #, Date received, Location of proposed work, Name of Owner/Operator, Status, Date of Approval,/ Disapproval, Brief description of type of work, Fee, Remarks
- 4) Permit is sent by Clerk to Traffic Engineer for Review
- 5) Traffic Engineer determines the type of review needed and gives to appropriate staff for review. If review requires consideration of GP-0-15-002 (or current construction permit) and/or GP-0-15-003 (or current MS4 permit), it is flagged and recorded for permit requirements and reviewed by staff accordingly. Traffic Engineer reviews geometry, temporary and permanent traffic control, basic drainage, etc. Traffic Engineer or Traffic Engineering Technician reviews site conditions.
- 6) Stormwater Program Technician reviews SWPPP using County SWPPP review form as required. A full review of the SWPPP shall be completed by the DPW Stormwater Program Technician for projects exceeding one acre of land disturbance that present potential impacts to drainage systems of County roads, or to other County assets, by virtue of changes in hydrology or possible impacts to water quality. No net increase in discharge to County drainage systems above pre-project conditions, up to and including peak flow from the 25-year storm event, shall be permitted. Projects shall be reviewed to ensure compliance with the New York Standards and Specifications for Erosion and Sediment Control (2005 or current/updated version) and New York State Stormwater Management Design Manual (2015 or current/updated version). Albany County DPW shall provide comments concerning draft SWPPP submittals to both the designer and the reviewing municipality, and shall ensure that comments are adequately addressed in subsequent submittals before notifying municipal reviewers that the SWPPP is satisfactory relative to County interests. To the extent applicable, the SWPPP review form developed by the Albany County Stormwater Coalition shall be utilized.
- 7) If CAP or SWPPP is required, permit is recorded under GP-0-15-003 (or current MS4 permit) annual file. Owner/Operator is contacted and provided a copy of the permit requirements.
- 8) Staff review is submitted to Traffic Engineer. If changes will be required to approve the permit, Traffic Engineer discusses issues with permittee.
- 9) Once issues are resolved, Traffic Engineer recommends approval or disapproval to Commissioner. If permit is approved, Traffic Engineer writes cover letter stipulating permit conditions.
- 10) Commissioner approves or disapproves permit.
- 11) Clerk Submits fees to Office of Management and Budget.



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12) Field check is completed by DPW Engineering staff.

**Permit Violation Procedure (includes Highway Work Permits as well as any work undertaken by an outside party on County properties):**

- 1) Report of violation is made to Engineering Department. Violations shall include, but not be limited to, failure to obtain coverage under GP-0-15-002 (or as amended) or to comply with an approved Stormwater Pollution Prevention Plan for work within an Albany County right-of-way or property; violations of water quality standards (such as muddy water contrasting with natural conditions, sheens of oil, globules of grease, or any introduction of toxic chemicals to water or drainage systems); failure to comply with terms of work permit to restore the site (i.e., stabilization with erosion and sediment control as well as re-establishment of permanent vegetation and return to pre-existing grade); and any violation of NYS Highway Law 136. Violations of Local Law 7 that are discovered outside of active construction activities shall be handled through Albany County's Illicit Discharge Detection and Elimination (IDDE) Program Procedures.
  - 1.1 Identified through formal inspection
  - 1.2 Report to the DPW Engineering Division by any County employee.
  - 1.3 Report by outside agency
  - 1.4 Identified through citizen complaint
- 2) Violation severity is assessed. Traffic Engineer, Stormwater Program Technician, Facilities Engineering Inspector, Code Enforcement Officer, and/or onsite inspector or Public Works Foreman will investigate violations and execute immediate action or request corrective measures unless consultation with the Commissioner of DPW is necessary, in which case this shall be done first. Examples of time-sensitive scenarios requiring immediate action to stop a violation include, but are not limited to, the following:
  - Spills of oil and chemicals (spill cleanup activities consistent with DPW employee training should commence immediately);
  - Ongoing discharges of turbid or visibly polluted water causing a visible contrast to natural conditions in the receiving water body;
  - Any violation of water quality standards pursuant to the New York State Environmental Conservation Law and/or the U.S. Clean Water Act;
  - Conditions in which an imminent threat to life or property exists.

In the above cases or comparable events, the Commissioner of DPW shall be notified as soon as possible and at the discretion of the inspector or County representative present onsite, appropriate enforcement authorities or emergency responders may be contacted as applicable, as described in sections 4, 5, 6, and 7 below. Also, where applicable, procedures outlined in Albany County Local Law

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7 of 2007 and the "Albany County Illicit Discharge Detection and Elimination Procedures" document shall be followed.

Examples of scenarios in which the violation is not severe enough to immediately involve intervention by the Commissioner of DPW include, but are not limited to:

- Situations where erosion and sediment control practices are in deteriorating condition that risks failure, or have not been installed in a manner consistent with SPDES GP-0-15-002 (or current General Permit for Stormwater Discharges from Construction Activity), the New York Standards and Specifications for Erosion and Sediment Control (2015 or current version), or (where applicable) an approved Stormwater Pollution Prevention Plan.
- Incorrect installation of permanent drainage structures or practices, where the contractor is present and working onsite at the time of discovery. This shall include, but not be limited to, failure to install stormwater management practices in a manner consistent with SPDES GP-0-15-002 (or current General Permit for Stormwater Discharges from Construction Activity), the New York State Stormwater Management Design Manual (2015 or current version), or (where applicable) an approved Stormwater Pollution Prevention Plan.

In these cases the inspector or other County representative may request corrective action and if compliance is not obtained within 24 hours, refer the matter to the Commissioner.

- 3) If a violation of SPDES GP-0-15-002 (or current general permit for stormwater discharges from construction activity), a violation of water quality standards or any aspect of the NYS Environmental Conservation Law occurs, notification to NYSDEC Regional Office shall be completed at (518) 357-2047, or at the violations hotline **1-844-332-3267**.
- 4) If a spill of oil, petroleum, or other chemical has occurred, notification shall be made to the NYSDEC Spill Reporting Hotline (800-457-7362) unless the spill is known to be less than 5 gallons, is contained and controlled, is cleaned up within 2 hours of discovery, and does not reach State waters or lands.
- 5) If a violation of Federal, State, County, or local law is involved, law enforcement officials including but not limited to the Albany County Sheriff's Department may be contacted.
- 6) If the violation takes place within a municipality that is designated as a regulated Municipal Separate Storm Sewer System covered under SPDES GP-0-15-003 (i.e. City of Albany, Village of Altamont, Town of Bethlehem, City of Cohoes, Town of Colonie, Village of Colonie, Town of Guilderland, Town of New Scotland,

Village of Menands, Village of Voorheesville, City of Watervliet), the Stormwater Management Officer designated by the municipality shall be contacted to take any enforcement action that may be appropriate.

- 7) Notice of Violation and Penalty Assessment (in escalating order):
  - 4.1 Verbal warning issued by Commissioner of DPW stating the nature of violation and required actions to be taken to correct it. This stage may be skipped depending on the seriousness of the violation.
  - 4.2 Written warning issued by Commissioner of DPW describing the nature of the violation and required actions to be taken to correct it. This stage may occur concurrent with a stop work order if warranted by the seriousness of the violation.
  - 4.3 Stop work order issued by Commissioner of DPW, to remain in effect until the violation is ceased and fully corrected, and any damage remediated as applicable.
  - 4.4 Permit revocation by Commissioner of DPW, if the previous steps do not result in compliance and correction of the violation and damages.
  - 4.5 Referral to Law Department under Highway Law 136 for fine.
  - 4.6 Withholding of future Highway Work Permits and/or non-return of bond monies (where applicable).

Failure of the violator to respond to initial warnings will result in escalation to more severe sanctions.

- 8) Follow-up and documentation
  - 5.1 Re-inspection at the end of the compliance period.
  - 5.2 File report of the action taken and results, including preventative actions as well as any repair actions undertaken to remedy any damage to natural resources that may have occurred.

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**Planning Reviews of Private Sector Projects for impacts to County (Issues Associated with –County Planning GML 239 review process, County ROW, Construction Activity, Drainage, Access, Maintenance and Protection of Traffic)**

**Staff Involved:**

County Planner, Public Works – duties include: project review for GML 239 compliance for Albany County Planning Board; coordination with DPW Engineering (as described below)

Civil Engineer 1, Public Works (PE) -duties include: oversees all aspects of review process, review of projects for any impact to county roads and drainage systems, and right-of-way issues; represents Commissioner of DPW on Albany County Planning Board

Traffic Engineer, Public Works (PE) - duties include: review of projects for traffic-related issues, including highway work permits

Stormwater Program Technician, Public Works (CPESC) – duties include: Review for drainage, erosion and sediment control, stormwater management, environmental permit issues

**Procedure:**

- 1) County Planner receives plan for proposed project for review from municipality.
- 2) County Planner maintains project database; there is a limited time window for review under NYS GML 239 (typically 2 to 3 weeks).
- 3) County Planner determines the type of review needed and gives to appropriate staff for review. In addition to internal referrals within DPW by the staff noted above, referrals may be made to Laura DeGaetano (Planning & Natural Resources) and/or Tom Brady (Department of Environmental Health).
- 4) Permit is reviewed by staff using the Albany County Stormwater Coalition's Stormwater Pollution Prevention Plan (SWPPP) Application Review Checklist (under development).
- 5) Owner/Operator is contacted at the discretion of the staff for additional notification and clarification of stormwater permit requirements and provisions.
- 6) Staff review, including letters and other correspondence, is submitted to County Planner as part of the review process.

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- 7) Staff may forward or field response from other municipalities concerning the project if the project will affect others within or around the project area.
- 8) County Planner submits proposals to County Planning Board for review and vote and returns the recommendation letters to the municipalities. The recommendation letter shall contain the following note: *"Albany County is designated as a regulated Municipal Separate Storm Sewer System (MS4) and must comply with the provisions of the NY SPDES General Permit for Stormwater Discharges from Small MS4s (GP-0-15-003 or as amended) in accordance with the Clean Water Act. The NY SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002 or as amended) is also required for activities with soil disturbances of one acre or more. The Clean Water Act requires Albany County to control point source discharges to ground water as well as surface water."*
- 9) If the project under review requires GP-0-15-002 (or current construction permit) coverage, it is incorporated into the recommendations from the ACPB back to the municipal board.
- 10) Final recommendations as voted on by the Albany County Planning Board are mailed to the municipality both in hard copy and electronically. As required by NYS GML 239, a "local action sheet" is sent with the hard copy and is intended to be completed and signed by the municipality recording their vote on the project, and returned to the County Planner to be filed with the original project file.
- 11) The project files for GML 239 reviews to the ACPB are kept by the County Planner. All files are kept by year and organized by month of review by the board. A summary folder for stormwater related projects is kept in the file cabinet for the planning year. The folder has a copy of the reviews that involved comments/review by AC DPW staff for stormwater impacts to the County to be counted in the annual report.
- 12) The Stormwater Program Technician records the permit under the MS4 Annual Report tracking file. The County Planner maintains a copy of the final ACPB recommendation letter in the planning file for the County's SW Annual Report. Also, a copy of the ACPB recommendation letter is emailed to Stormwater Program Technician, and if a work permit is required, then it is also sent to traffic engineer.

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## **Stormwater Permit Compliance Procedures for County Capital Projects**

Stormwater issues and permit requirements need to be identified in association with the following activities and actions:

Request for Legislative Action (RLA) If the proposed project is over an acre in size of disturbed area, Legislators need to be notified that the proposed project must comply with the provisions of GP 0-15-002 (or current construction permit) and GP 0-15-003 (or current MS4 permit), and will be required to follow County MS4 program requirements.

Request for Proposals (RFP) If the proposed project is over an acre in size of disturbed area, Proposers need to be notified that the proposed project is subject to GP 0-15-002 and GP 0-15-003 (or current construction and MS4 permits). Proposers for design and construction will be required to follow County MS4 program requirements. RFP will contain Section 34, Part A and B language detailing stormwater permit requirements and referencing related certification statements.

Bonding - If the proposed project is over an acre in size of disturbed area, Proposers for design and construction need to be notified that the proposed project is subject to GP 0-15-002 and GP 0-15-003 (or current construction and MS4 permits). Proposers will be required to follow County MS4 program requirements.

Consolidated Local Street and Highway Improvement Program (CHIPS) - If the proposed project is over an acre in size of disturbed area, Proposers for design and construction need to be notified that the proposed project is subject to GP 0-15-002 and GP 0-15-003 (or current construction and MS4 permits). Proposers will be required to follow County MS4 program requirements.

In-House- If the proposed project is over an acre in size of disturbed area, County Department will need to be notified that the proposed project is subject to GP 0-15-002 and GP 0-15-003 (or current construction and MS4 permits). County Department will be required to follow County MS4 program requirements.

Environmental Review- If the proposed project is over an acre in size of disturbed area, State Environmental Quality Review must state that the proposed project is subject to GP 0-15-002 and GP 0-15-003 (or current construction and MS4 permits). Proposed project will be required to follow County MS4 program requirements. In addition, actions subject to New York State regulations concerning Historic Preservation, freshwater wetlands, and stream disturbance activity, as well as projects subject to regulation by the U.S. Army Corps of Engineers or U.S. Fish and Wildlife Service, all need to include erosion and sediment control procedures set forth by the respective agencies or departments.

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**Staff involved:**

Commissioner of Public Works - duties include: oversight and plan approval.

Civil Engineer 1, Public Works - duties include: Contract Documents, Design, Project Management

Purchasing Agent- duties include: Contract Documents

Clerk, Public Works - duties include: Contract Documents

Traffic Engineer, Public Works - duties include: Design, SWPPP, Project Management

Principal Engineering Technicians and Engineering Technicians, Public Works – duties include: Survey, Design, Inspection, SWPPP (4-hour ESC Contractor Trained)

Principal Drafting Technician, Public Works - duties include: Survey, Design

Senior Traffic Technician, Public Works - duties include: Survey, Design, Inspection

Stormwater Program Technician, Public Works - duties include: Drainage Erosion and Sediment Control, Environmental Issues, SWPPP preparation (CPESC)

Senior Natural Resource Planner – duties include: State Environmental Quality Review (SEQR) for County Capital projects

Senior Code Enforcement Officer and Staff – duties include: Codes and permit compliance for all County facilities

Director of Facilities Engineering and Staff – duties include: Project development and engineering for all County facility improvements and new construction

Commissioner of General Services – duties include: Oversight of project development and stormwater compliance activities for all County facilities

Commissioner of Management and Budget – duties include: Oversight of development and approval of Capital Projects List/Capital Plan

Senior Budget Analyst – duties include: Review of projects and estimates subject to approval for Capital Plan

**Procedure – SWPPP Development and Review:**

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1) Project Selection – Consider stormwater management feasibility, issues, and opportunities (including green infrastructure and runoff reduction) when selecting projects; this shall be completed at the concept development phase by engineering divisions within Public Works and General Services. The Office of Management and Budget shall review all preliminary estimates and calculations submitted by each Department to verify that appropriate allocations have been made in order to meet stormwater permit requirements. Where applicable, estimates and calculations shall also be submitted for additional verification to the Stormwater Program Technician in Albany County DPW. Opportunity may also exist to identify projects with stormwater program implications during State Environmental Quality Review by the Senior Natural Resources Planner within the Office of Economic Development, Conservation and Planning. This information shall be passed along to the Stormwater Program Technician for evaluation. The Stormwater Program Technician (DPW) shall determine whether the project will result in one acre or greater of land disturbance (i.e. require development of a SWPPP and coverage under SPDES GP-0-15-002). This shall apply to all County projects. The Stormwater Program Technician shall report all stormwater requirements to the Commissioner of Public Works, who is designated as the County's Stormwater Program Coordinator. Where a project affects County Departments other than Public Works, the Stormwater Program Technician shall also advise the Commissioner of General Services, who shall pass knowledge of relevant requirements on to the responsible department(s).

2) Green Infrastructure Policy Review – Where an action is identified as Type I during State Environmental Quality Review, assessment of the project for green infrastructure opportunities by the Senior Natural Resources Planner within the Office of Economic Development, Conservation and Planning shall occur prior to the design concept phase. Otherwise, green infrastructure opportunities shall be identified during project concept development by DPW Engineering and/or Facilities Engineering. All capital project concepts shall be forwarded by the Office of Management and Budget to the Stormwater Program Technician for preliminary green infrastructure applicability review. Upon identification by the Stormwater Program Technician (DPW) that the policy applies to any given project, it shall undergo review by the Green Infrastructure Committee (represented by Public Works (Stormwater Program Technician), Economic Development, Conservation and Planning (Senior Natural Resources Planner), General Services (Senior Code Enforcement Officer), Operations (Director of Operations), and Sewer District (Executive Director)) for compliance with the Albany County Green Infrastructure Policy, and efforts shall be made to incorporate green infrastructure and runoff reduction measures to the maximum extent practicable. The Office of Management and Budget shall review relevant projects to ensure that funding is appropriately provided for design efforts to attempt to identify opportunities for green infrastructure implementation. The Stormwater Management Program Coordinator (Commissioner of Public Works), at the recommendation of the members of the Committee above, shall have the authority to approve projects pursuant to the Green Infrastructure Policy.



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- 3) Survey – Engineering divisions within County departments shall collect data needed for design and permitting, including information on elevation, grades, drainage structure inverts, limits of vegetation and natural resource boundaries as well as size and construction of all existing stormwater management and drainage structures.
- 4) Preliminary Engineering – If a SWPPP is required, the responsible County department shall ensure that the designer delineates drainage areas subject to water quality and quantity control; determine the impervious area that requires treatment; identifies potential stormwater management practice types and locations; completes and documents all calculations relative to stormwater quality and quantity. Review of this information by the Stormwater Program Technician should be requested.
- 5) Detail Design and SWPPP Preparation – If a SWPPP is required, drainage system components and management practices shall be designed, and SWPPP narrative and detailed specifications shall be prepared. The responsible Department shall obtain wetland and stream disturbance permits, prepare the Notice of Intent with assistance from the Stormwater Program Technician as necessary; and ensure that all contract plans and documents contain sufficient guidance to the Contractor on how to comply with all aspects of the SWPPP and GP-0-15-002 (or current construction permit).
- 6) If a project shall be contracted to a third party for SWPPP development, the contractor's work shall be subject to review and approval by the Stormwater Program Technician, who shall advise the Commissioner of Public Works or Commissioner of General Services, as applicable, of the status of review and approval. Bid and contract language shall contain the appropriate paragraphs (Section 34 Parts A and B) and certification statements.
- 7) If it is determined that at any point in the project construction that it will be necessary to disturb greater than five acres of land surface simultaneously, explicit written approval must be obtained from NYSDEC as described in GP-0-15-002.
- 8) Project Letting and Contract Issuance - Include proper notices (Section 34 [Parts A and B]) and documents (including bidder certification statements) in PS&E package, and brief the selected contractor on requirements. The following Certification Forms shall be completed as applicable: Part A. SWPPP Preparation; Part B. Inspections During Construction; Part C. Final Stabilization; Part D. Installed Stormwater Management Practices. In addition, all projects requiring a SWPPP shall include Articles SC-20 and SC-21 stating the County's policy to comply with the terms and conditions of SPDES GP-0-15-002.

**Procedure - Construction SWPPP Implementation and SPDES Compliance:**

- 1) The Stormwater Program Technician (DPW) and/or an Engineer familiar with the Stormwater Pollution Prevention Plan (SWPPP) shall attend the pre-construction meeting as well as scheduled construction meetings where stormwater issues are discussed. At the time of the pre-construction meeting, it shall be stressed that erosion and sediment

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control practices shall be in place before any other work commences at the site unless an exception has been explicitly made in the SWPPP due to project sequencing factors.

2) The Stormwater Program Technician (DPW) and/or a County Engineer familiar with the SWPPP and knowledgeable in Erosion and Sediment Control and Stormwater Management shall inspect and document construction and maintenance of temporary and permanent practices, or shall review the inspection documents if a contractor is performing this work on the County's behalf. For projects requiring GP-0-15-002 coverage, documented inspections shall be completed by Qualified Inspector (P.E., CPESC, or R.L.A.). Completed reports documenting these inspections shall be submitted within 24 hours to the Stormwater Program Technician (DPW). Also, routine maintenance inspections shall be completed by an individual employed by Contractor who has completed the required 4-hour Erosion and Sediment Control Certification Training endorsed by NYSDEC within the past three years. Inspections by the Qualified Inspector shall be completed at least once every seven calendar days and shall be subject to the documentation requirements described in GP-0-15-002. Where soil disturbances have been temporarily suspended and stabilization measures have been applied to all disturbed areas, inspections can be conducted once every thirty calendar days. Routine maintenance inspections by the Contractor shall be completed on a daily basis while the site is active.

3) All contractors that create site disturbance are required to sign the Contractor Certification Statement contained in the SWPPP (pursuant to GP-0-15-002) prior to commencing any construction activity. If deficiencies are discovered in installed practices, the Qualified Inspector shall notify the Contractor in writing of the nature of the problem and recommended actions to resolve it, as well as a timeframe for correction taking into account the seriousness of the issue as well as current or forecasted weather conditions. If a water quality violation, or immediate threat of a water quality violation, exists, the Qualified Inspector shall order that all work cease and desist immediately except activities necessary to remedy or prevent the violation. In the latter case, if the problem is not corrected within 24 hours, the Commissioner of DPW (Stormwater Program Coordinator) shall be notified.

4) A copy of the General Permit, Notice of Intent, SWPPP and all inspection reports completed throughout the duration of the project are to be maintained at a readily accessible location on the construction site. A copy of the Notice of Intent Acknowledgement Letter sent by NYSDEC shall be posted in a visible location on the project site. Any requests by any member of the public to view the Stormwater Pollution Prevention Plan and associated documents shall be granted within a reasonable timeframe from the request, provided that no documents may be removed from the project site.

5) Amendment of the SWPPP shall take place only when the existing SWPPP proves to be ineffective at minimizing pollutants in stormwater discharges from the site, or there is a change in design, construction or operation at the project site that could have an effect on the discharge of pollutants, or to address deficiencies or issues identified by the Qualified Inspector, NYSDEC, EPA, or any other authorized regulatory agency. The

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SWPPP is to be updated promptly whenever there is a change in the erosion and sediment control measures or procedures, and significant changes in the location or application of practices shall be documented immediately in site plans and inspection reports. If it should be determined that a change in the design of post-construction stormwater management or runoff reduction practices is necessary, an amended Notice of Intent must be submitted to NYSDEC and reflected in all documentation pertaining to the SWPPP and construction reports. Erosion and sediment control measures shall remain in place throughout the duration of construction unless final stabilization in a part of a sequenced project is achieved and practice removal is explicitly authorized by the Qualified Inspector. Upon final stabilization as defined in GP-0-15-002, and prior to submittal of a Notice of Termination, all temporary erosion and sediment control practices shall be removed and any necessary restoration completed to the satisfaction of the Qualified Inspector and Stormwater Program Technician.

6) Final payment of contractor responsible for installation of erosion and sediment control and/or post-construction stormwater management practices shall be contingent on the condition of the site being such that a Notice of Termination (NOT) for coverage under SPDES GP-0-15-002 can be filed at the conclusion of the project. In addition to the Qualified Inspector, the Stormwater Program Technician (if not one and the same) shall inspect the site for project acceptance prior to submittal of a NOT. The Qualified Inspector and Stormwater Program Coordinator (Commissioner of Public Works) shall sign off on the NOT after such inspection is made and the site is in condition satisfactory to both.

7) If applicable, the DPW foreman responsible for the geographic location of the project shall be given specific post-construction stormwater management practice inspection and maintenance instructions at this time and if possible, shall be present during the final site inspection. All post-construction stormwater management practices shall be inspected at least once per year by either a Professional Engineer with training in stormwater management and erosion and sediment control, or a Certified Professional in Erosion and Sediment Control working under the supervision of a Professional Engineer. Recommendations for maintenance shall be forwarded to the Commissioner and Deputy Commissioner of Public Works, who shall schedule and coordinate required maintenance work with the responsible foreman for each facility.