



STORMWATER POLLUTION PREVENTION PLAN

At

Uptown Apartments
2190 Wehrle Drive
Amherst, Erie County, NY

Prepared for

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101 SCOPE

- A. **PURPOSE:** Young Development Inc. (YD) has placed an emphasis on following the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity governing storm water discharges during construction, and in accordance with erosion control practices. The Contractor's participation in this program is mandatory and its non-compliance is subject to various remedies, including without limitation, monetary set-offs, withholding payments; reimbursement for costs, expenses (including reasonable attorney's fees), fines and civil penalties incurred by YD; and/or liquidated damages. This section provides a descriptive explanation of YD's Storm Water Pollution Prevention Program and required Contractor participation.

The Engineer of record for this project certifies that this SWPPP meets the requirements and is in compliance with the New York State Stormwater Management Design Manual and latest NYSDEC Phase II stormwater regulation requirements.

- B. **SPDES General Permit for Stormwater Discharges from Construction Activity:** Regulations promulgated by the NYSDEC to regulate the discharge of storm water from construction activities on sites where more than one (1) acre of soil is disturbed. One of the ways to comply with these regulations for affected sites is to request coverage under the General Permit for Construction Activities for New York State. In order to use the General Permit, a Notice of Intent (NOI) form must be completed and electronically submitted to the NYSDEC at least 5 business days prior to any earth-disturbing activities (this time frame may increase to 60 business days if a full review of the SWPPP is determined necessary by the NYSDEC) and a Storm Water Pollution Prevention Plan (SWPPP) for the site must be prepared and followed during the construction activities. Once a copy of the SPDES permit is received from NYSDEC, a copy will be included in Appendix E of this report.

Approval from a regulated, traditional land use control MS4:

1. An **owner or operator** of a construction activity that is not subject to the requirements of a regulated, traditional land use control MS4 must first develop a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the NYSDEC.
 2. An **owner or operator** of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 must first develop a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the MS4 prior to submitting the NOI to the NYSDEC. The **owner or operator** shall have the "MS4 SWPPP Acceptance" form signed by the principal executive officer or ranking elected official from the regulated, traditional land use control MS4, or by a duly authorized representative of that person, and then submit that form along with the NOI to the address referenced under "Notice of Intent (NOI) Submittal".
- C. **RESPONSIBILITIES OF THE CONTRACTOR:** The Contractor shall manage the discharge of storm water from the site in accordance with the NYSDEC General Permit for Construction Activities conditions and the following provisions of this section. The Operator shall be responsible for conducting the storm water management practices in accordance with the permit. The Contractor shall be responsible for providing **qualified inspectors** to conduct the inspections required by the SWPPP. The Contractor shall be responsible for any enforcement action taken or imposed by federal, state, or local agencies, including the cost of fines, construction delays, and remedial actions resulting from the Contractor's failure to comply with the permit provisions. It shall be the responsibility of the Contractor to make any changes to the SWPPP necessary when the Contractor or any of his subcontractors elects to use borrow or fill or material storage sites, either contiguous to or remote from the construction site, when such sites are used solely for this construction site. Such sites are considered to be part of the construction site covered by the permit and this SWPPP. Off-site borrow, fill, or material storage sites which are used for

multiple construction projects are not subject to this requirement, unless specifically required by state or local jurisdictional entity regulations. The Contractor should consider this requirement in negotiating with earthwork subcontractors, since the choice of an off-site borrow, fill, or material storage site may impact their duty to implement, make changes to, and perform inspections required by the SWPPP for the site.

- D. **NOTICE OF INTENT:** The Operator has petitioned the NYSDEC for coverage under the storm water discharges during construction at this site to be covered by the SPDES General Permit for Construction Activity for the State of New York. A Notice of Intent (NOI) for coverage under this permit has been filed by the Operator. The SWPPP must be prepared prior to submittal of the NOI form. The Operator will require the Contractor to be a co-permittee with the Operator. The Contractor will be required to post the NOI at the construction site along with any building permits.
- E. **CONTRACTOR CERTIFICATION & TRAINING:** Proof of Training/Certification of the Contractor's designated individual shall be kept on site at all times.
- F. **REQUIREMENTS FOR THE GENERAL CONTRACTOR AND SUBCONTRACTOR(S):** The General Contractor and Subcontractor(s) shall sign the "Contractor's Certification Statement" (located in the Appendix of this report) verifying they have been instructed on how to comply with and fully understand the requirements of the SPDES General Permit for Construction Activity for the State of New York and the SWPPP. These certifications must be signed, by a responsible corporate officer or other party meeting the "Signatory Requirements" of the SPDES General Permit, on behalf of each entity, prior to the beginning of any construction activities.
- G. **STORM WATER POLLUTION PREVENTION PROGRAM LOCATION REQUIREMENTS:** The SWPPP is meant to be a working document that shall be maintained at the site of the Construction Activities at all times throughout the project, shall be readily available upon request by the Operator's personnel or NYSDEC or any other agency with regulatory authority over storm water issues, and shall be kept on-site until the site complies with the Final Stabilization section of this document. A sign or other notice must be posted near the main entrance of the construction site which contains a completed NOI, the location of the SWPPP and the name and phone number of a contact person responsible for scheduling SWPPP viewing times, and any other state specific requirements. Disturbances greater than 5-acres requires MS4 (Town of Amherst) approval.
- H. **INSPECTIONS AND RECORD-KEEPING:**
 - A. **General Construction Site Inspection and Maintenance Requirements**
 - 1. The **owner or operator** must ensure that all erosion and sediment control practices and all post-construction stormwater management practices identified in the SWPPP are maintained in effective operating condition at all times.
 - 2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.
 - B. **Owner or operator Maintenance Inspection Requirements**
 - 1. The **owner or operator** shall inspect, in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, the erosion and sediment controls identified in the

SWPPP to ensure that they are being maintained in effective operating condition at all times.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the **owner or operator** can stop conducting the maintenance inspections. The **owner or operator** shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of the General Permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the **owner or operator** can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. **Qualified inspector Inspection Requirements**

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

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

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

1. A **qualified inspector** shall conduct site inspections for all construction activities identified in Tables 1 and 2 of Appendix B of the General Permit, with the exception of:
 - a. The construction of a single family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C of the General Permit and not directly discharging to one of the 303(d) segments listed in Appendix E of the General Permit;
 - b. The construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E of the General Permit;

- c. Construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
 - d. Construction activities located in the watersheds identified in Appendix D of the General Permit that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the **qualified inspector** shall conduct site inspections in accordance with the following timetable:
- a. For construction sites where soil disturbance activities are on-going, the **qualified inspector** shall conduct a site inspection at least once every seven (7) calendar days.
 - b. For construction sites where soil disturbance activities are on-going and the **owner or operator** has received authorization in accordance with Part II.C.3 of the General Permit to **disturb greater than five (5) acres** of soil at any one time, the **qualified inspector** shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days. Disturbances greater than 5-acres requires MS4 (Town of Amherst) approval.
 - c. For construction sites where soil disturbance activities have been **temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas**, the **qualified inspector** shall conduct a site inspection at least once every thirty (30) calendar days. The **owner or operator** shall notify the Regional Office stormwater contact person (see contact information in Appendix F of the General Permit) or, in areas under the jurisdiction of a regulated, traditional land use control MS4, the MS4 (provided the MS4 is not the **owner or operator** of the construction activity) in writing prior to reducing the frequency of inspections.
 - d. For construction sites where **soil disturbance activities have been shut down with partial project completion**, the **qualified inspector** can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The **owner or operator** shall notify the Regional Office stormwater contact person or, in areas under the jurisdiction of a regulated, traditional land use control MS4, the MS4 (provided the MS4 is not the **owner or operator** of the construction activity). in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the **owner or operator** shall have the **qualified inspector** perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice” certification statements on the NOT. The **owner or operator** shall then submit the completed NOT form to the address in Part II.A.1 of the General Permit.
3. At a minimum, the **qualified inspector** shall inspect all erosion and sediment control practices to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved final stabilization, all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.

4. The **qualified inspector** shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - a. Date and time of inspection;
 - b. Name and title of person(s) performing inspection;
 - c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
 - d. A description of the condition of the runoff at all points of discharge from the construction site. This shall include identification of any discharges of sediment from the construction site. Include discharges from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
 - e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any discharges of sediment to the surface waterbody;
 - f. Identification of all erosion and sediment control practices that need repair or maintenance;
 - g. Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - h. Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;
 - i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and
 - k. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The **qualified inspector** shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The **qualified inspector** shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The **qualified inspector** shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the **qualified inspector** shall notify the **owner or operator** and appropriate contractor or subcontractor identified in Part III.A.6. of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

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

Record Retention - The **owner or operator** shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the site achieves final stabilization. This period may be extended by the Department, in its sole discretion, at any time upon written notification.

- I. **SWPPP MODIFICATIONS:** The inspection report should also identify if any revisions to the SWPPP are warranted due to unexpected conditions. The SWPPP is meant to be a dynamic working guide that is to be kept current and amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants or when the plan proves to be ineffective in eliminating or significantly minimizing pollutant discharges. The Contractor's failure to modify or report deficiencies to the Operator will result in the Contractor being liable for fines and construction delays resulting from any federal, state, or local agency enforcement action. The MS4 (Town of Amherst) must be notified, and approval is required of changes to the SWPPP prior to applying said changes in the field.
- J. **FINAL STABILIZATION AND TERMINATION OF PERMIT COVERAGE:** A site can be considered finally stabilized when all soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of **85%** for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been established and the facility no longer discharges storm water associated with construction activities and a Notice of Termination (NOT) form filed by the Operator(s) with the NYSDEC. The Operator's Project Manager must complete the NOT. The NOT must be signed by the signatory (or equivalent position) on the NOI and subsequently submitted to the appropriate agency. The MS4 (Town of Amherst) must accept and sign the NOT prior to submission to NYSDEC. The Operator's Project Manager must provide a completed copy of the NOT to the Contractor for inclusion in the SWPPP, which will then be optically scanned into the final SWPPP document as required. This filing terminates coverage under the General Permit and terminates the Contractor's responsibility to implement the SWPPP, but the requirements of the SWPPP, including periodic inspections, must be continued until the NOT is filed. The **owner or operator** shall also have the **qualified inspector** perform a final site inspection prior to submitting the NOT to the Department. Final payment and/or the release of retainage will be withheld until all provisions of the SWPPP have been submitted, completed and accepted by the Operator.

102 PROJECT NAME AND LOCATION

Uptown Apartments

2190 Wehrle Drive

Town of Amherst, County of Erie, New York

Easting: 197233.677

Northing: 4762938.088

Estimated Area of Site = 24.91 acres

Estimated Area to be disturbed by Construction Activities = 22.50 acres.

A general location map is included as Appendix A.

103 OPERATOR'S NAME AND ADDRESS

Young Development Inc.

1120 Bullis Road

Elma, NY 14059

Contact Person: Bryan Young

Telephone: 716-675-8000

104 PROJECT DESCRIPTION

This project consists of the development of a 24.91-acre site located at 2190 Wehrle Drive in the Town of Amherst. The proposed apartment community will be constructed in two phases and, upon full build out, will consist of 270 apartment units housed within twenty-six 10-unit buildings and two 5-unit buildings.

Phase 1 will include 150 apartment units, consisting of 44 one-bedroom units, 90 two-bedroom units, and 16 three-bedroom units. This phase will also include construction of the clubhouse and associated recreational amenities, including a swimming pool, dog park, pickleball courts, and cornhole courts.

Phase 2 will include the remaining 120 apartment units, consisting of 36 one-bedroom units, 72 two-bedroom units, and 12 three-bedroom units.

At full build out, the development will contain 80 one-bedroom units, 162 two-bedroom units, and 28 three-bedroom units. In addition to the residential buildings, the project will include associated utility infrastructure, internal roadways, parking areas, site lighting, landscaping, and stormwater management facilities necessary to support the development. The project site is currently undeveloped. Construction of the proposed improvements will result in approximately 22.50 acres of land disturbance.

Soil disturbing activities will include:

- A. Construction of temporary construction exit points
- B. Clearing & grubbing of the site within disturbance limits
- C. Installation of the detention basin & bioretention areas including topsoil & seed
- D. Installation of storm sewer pipes and inlets
- E. Construction of utilities
- F. Construction of curb and parking lot
- G. Final grading & landscaping
- H. Construction of buildings

This project is owned by Young Development Inc. and will be developed by the same. The work area consists of approximately 22.50 acres for which erosion and sediment controls have been developed and fully addressed in this written plan and the Erosion and Sediment Control Plans. See the construction documents for additional details.

105 RUNOFF COEFFICIENT, SOILS, AND RAINFALL INFORMATION

The initial runoff curve number for the pre-construction site is "CN" = 88. The post-construction runoff curve number for the site will be "CN" = 91. The site is 24.91 acres of which approximately 22.50 acres will be disturbed by construction activities.

See soils information located in Appendix H.

The site is in Erie County, which receives an average of approximately 45 inches rainfall annually with the highest amounts of rainfall received in the months of May thru September. Annual snow for this area is approximately 120 inches.

106 WATERS

Existing site drainage generally flows to three discharge areas: a ditch northeast of the site, a ditch west of the site, and Wehrle Drive. Runoff from each drainage area ultimately enters the Town of Amherst storm sewer system before discharging to Ellicott Creek.

107 INDIAN COUNTRY LANDS

This project is not located on Indian Lands.

108 ENDANGERED AND THREATENED SPECIES

No endangered or threatened species have been determined to be on the site.

109 CRITICAL HABITAT

See section 108 above.

110 HISTORIC PLACES

The assessed property is not shown on the NYSHPO map as an archeologically sensitive area. A review by NYSHPO was conducted, a copy of their review and clearance letter is included in Appendix K of this report.

111 WETLANDS AND/OR OTHER SURFACE WATERS

There are no jurisdictional wetlands located on site. See Appendix L for Wetland Delineation Report

112 EROSION AND SEDIMENT CONTROLS

112.1 STABILIZATION PRACTICES

Stabilization practices for this site include:

- A. Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed.
- B. Use of stabilization method for all slopes having a slope greater than 1V:3H.
- C. Permanent seeding and planting of all unpaved areas using the hydromulching grass seeding technique.
- D. Mulching exposed areas.

- E. Vegetation preservation in undisturbed areas.
- F. Frequent watering to minimize wind erosion during construction.
 - a. **For sites where 5 acres or more are disturbed at any one time:** In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the New York Standards and Specifications for Erosion and Sediment Control.
 - b. The **owner or operator** shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - c. The **owner or operator** shall install any additional measures needed to protect water quality.

112.2 STRUCTURAL PRACTICES

Structural practices for this site include:

- A. Inlet protection using a method detailed in the Construction Documents.
- B. Perimeter protection using temporary silt fence/silt sock or silt sock.
- C. Outlet protection using rip-rap stone and end sections.
- D. Stabilized Construction Entrance.
- E. Temporary stone wash off areas.
- F. Storm sewer, curb/gutter.
- G. Sediment traps and basins.

112.3 SEQUENCE OF MAJOR ACTIVITIES

The Contractor will be responsible for implementing the following erosion control and storm water management control measures. The Contractor may designate these tasks to certain subcontractors as he sees fit, but the ultimate responsibility for implementing these controls and ensuring their proper functioning remains with the Contractor. The order of activities will be as follows:

- A. Construct temporary construction exits at locations shown on the Demolition & Erosion Control Plan Sheet.
- B. Install perimeter silt fence/silt socks/silt sock in the locations shown on the Demolition & Erosion Control Plan Sheet.
- C. Clear & Grub site.
- D. Installation of detention basin to act as sediment basins (do not install bioretention soil or underdrains until stabilized)
- E. Commence site grading.
- F. Disturbed areas of the site where construction activity has ceased for more than 14 days shall be temporarily seeded and watered.

- G. Construction of buildings
- H. Installation of proposed utilities
- I. Finalize pavement subgrade preparation.
- J. Construct all curb, drainage inlets, storm sewer pipes and storm sewer manholes, as shown on the plans. Install temporary inlet protection at the locations of all inlets.
- K. Dust control.
- L. Remove inlet protection around inlets and manholes no more than 48 hours prior to placing stabilized base course.
- M. Install base material as required for pavement.
- N. Carry out final grading and seeding and planting.
- O. Clean storm system following construction, clean detention basins of any silt and return to design grades.
- P. Remove silt fencing/silt sock only after all paving is complete and exposed surfaces are stabilized.
- Q. Remove temporary construction exits only prior to pavement construction in these areas.

Note: Sediment control storage during construction (traps & basins) during construction shall be 134 cy per acre of disturbance per NYSDEC requirements.

112.4 STORMWATER MANAGEMENT

Existing site drainage generally flows to three discharge areas: a ditch northeast of the site, a ditch west of the site, and Wehrle Drive. Runoff from each drainage area ultimately enters the Town of Amherst storm sewer system before discharging to Ellicott Creek.

Stormwater runoff generated by the proposed development will be collected and conveyed through a stormwater management system consisting of micro pool detention ponds, catch basins, yard drains, splash blocks with filter strips, manholes, and smooth interior HDPE storm sewer pipe.

The proposed rooftop disconnection system, consisting of splash blocks and dedicated filter strips, has been designed to provide 100 percent of the required Runoff Reduction Volume (RRv) for the development. Each disconnected rooftop drains to a dedicated splash block and filter strip system designed in accordance with NYSDEC requirements. These rooftop disconnection practices function as green infrastructure measures that reduce runoff volume and promote infiltration across the site.

The remaining Water Quality Volume (WQv) treatment requirements, along with peak flow attenuation, are provided by two proposed micro pool detention ponds. Discharge from each stormwater management practice is controlled through outlet structures designed to meet the stormwater management criteria of both the Town of Amherst and NYSDEC. The overall stormwater management system, including RRv treatment, WQv treatment, and peak flow control, has been designed in accordance with Chapter 4 of the NYSDEC Stormwater Management Design Manual.

The proposed development will create approximately 11.08 acres of impervious area, with 6.60 acres constructed during Phase 1 and the remaining 4.48 acres constructed during Phase 2. Although the project will be developed in two phases, both micro pool detention ponds will be constructed during Phase 1 to accommodate the ultimate build out of the site. Micro Pool Detention Pond #1 has been designed to provide all required water quality treatment and runoff attenuation for the Phase 1 development area

and will discharge to an existing catch basin within Wehrle Drive. Micro Pool Detention Pond #2 has been designed to provide all required water quality treatment and runoff attenuation for the Phase 2 development area and will discharge to an existing stormwater manhole within Bellingham Drive. Upon completion of both phases, the combined stormwater management system will provide the required water quality treatment, runoff reduction, and peak flow attenuation for the entire 11.08 acres of proposed impervious cover.

DA 1 Runoff Summary:

Event	Ex. Runoff (cfs)	Pro. Runoff (cfs)	Result (cfs)
1-year	8.36	2.89	-5.47
10-year	28.47	8.64	-19.83
25-year	38.98	11.79	-27.19
100-year	55.88	15.58	-40.30

Note: This portion of the site discharges from the wet pond through an outlet control structure and ultimately outfalls to an existing catch basin located along Wehrle Drive.

DA 2 Runoff Summary:

Event	Ex. Runoff (cfs)	Pro. Runoff (cfs)	Result (cfs)
1-year	2.02	1.45	-0.57
10-year	6.81	2.75	-4.06
25-year	9.30	3.19	-6.11
100-year	13.32	3.75	-9.57

Note: This portion of the site discharges from the extended micropool detention pond through an outlet control structure and ultimately outfalls to an existing storm sewer manhole located off Bellingham Drive.

DA 3 Runoff Summary:

Event	Ex. Runoff (cfs)	Pro. Runoff (cfs)	Result (cfs)
1-year	3.88	0.05	-3.83
10-year	13.10	0.15	-12.95
25-year	17.91	0.20	-17.71
100-year	25.66	0.29	-25.37

Note: This portion of the site continues to drain off site along the western property line under both existing and proposed conditions.

Water Quality & Runoff Reduction Volume:

Runoff reduction volume (RRv), water quality volume (WQv) and stormwater volume attenuation for the site is designed in accordance with Chapter 4 of the NYSDEC Stormwater design manual. The Disconnected rooftops & Micro pool Detention Ponds are provided as a “green infrastructure” practice to provide runoff reduction and water quality treatment to meet the Chapter 4 requirements for the currently undeveloped areas.

The NYSDEC Stormwater Management Design Manual requires a five-step process for Stormwater Management Planning as outlined in Chapter 3. The five steps include:

1. Site planning to preserve natural features and reduce impervious cover.
 - Existing vegetation to remain shall be protected from construction activities.

2. Calculation of Water Quality Volume (WQv=RRv) for site.
 - See Stormwater Drainage Calculations.
3. Incorporation of Green Infrastructure techniques and standard SMPs with Runoff Reduction Volume (RRv) capacity.
 - Disconnected rooftop practices were incorporated into the site design to provide the required Runoff Reduction Volume (RRv), while micropool detention ponds were incorporated to provide the remaining Water Quality Volume (WQv) treatment requirements for the development. See the Stormwater Drainage Calculations for additional information.
4. Use of standard SMPs where applicable, to treat the portion of water quality volume not addressed by green infrastructure techniques and standard SMPs with RRv capacity.
 - The disconnected rooftop practices provide the required Runoff Reduction Volume (RRv) for the site, while micropool detention ponds provide the remaining Water Quality Volume (WQv) treatment requirements.
5. Design of volume and peak rate control practices where required.
 - See Stormwater Drainage Calculations.

The NYSDEC Stormwater Management Design Manual requires (5) five different criteria be considered when designing a stormwater management system. Those criteria are Water Quality, Runoff Reduction Volume, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it is incorporated into this project.

The NYSDEC requires stormwater runoff from development sites to be treated through approved green infrastructure practices and stormwater management practices (SMPs) to improve water quality and better replicate predevelopment hydrology. The proposed rooftop disconnection system, consisting of splash blocks and dedicated filter strips, has been incorporated into the site design to provide the required Runoff Reduction Volume (RRv) for the development. The rooftop disconnection practices provide 6,984 cubic feet (0.160 ac-ft) of RRv, which exceeds the minimum required RRv of 6,882 cubic feet (0.158 ac-ft).

The total required Water Quality Volume (WQv) for the development is 36,494 cubic feet (0.838 ac-ft). In accordance with the NYSDEC Stormwater Management Design Manual, the RRv provided by the rooftop disconnection practices may be credited toward the overall WQv requirement. After applying this credit, the remaining WQv requiring treatment is 29,510 cubic feet (0.677 ac-ft), which is provided by the proposed micropool extended detention ponds.

The combined stormwater management system provides a total of 36,494 cubic feet (0.838 ac-ft) of water quality treatment and runoff reduction storage, consisting of 6,984 cubic feet (0.160 ac-ft) of RRv provided by rooftop disconnection and 29,510 cubic feet (0.677 ac-ft) of WQv treatment provided by the proposed micropool extended detention ponds. Therefore, the proposed stormwater management practices satisfy the NYSDEC water quality treatment and runoff reduction requirements for the development.

Channel Protection:

The NYSDEC requires that 24-Hour extended detention be provided for the proposed 1-year storm event. A volume of 23,33 cf is accommodated in the Micro Pool Detention Basin #1 at elevation 692.94. A volume of 16,806 cf is accommodated in the Micro Pool Detention Pond #2 at elevation 693.77. The existing runoff flow rate is 14.26 cfs. The proposed runoff is 5.28 cfs. The flow rate has decreased by 8.98 cfs.

Overbank Flooding:

The NYSDEC requires that the 10-year proposed storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event. A volume of 55,661 cf is accommodated in the Micro Pool Detention Basin #1 at elevation 693.95. A volume of 45,721 cf is accommodated in the Micro Pool Detention Basin #2 at elevation 694.89. The existing runoff flow rate is 48.38 cfs. The proposed runoff is 14.10 cfs. The flow rate has decreased by 34.28 cfs.

Extreme Storm Protection:

The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and that the outlet be restricted to the 100-year existing storm event. A volume of 95,648 cf is accommodated in the Micro Pool Detention Basin #1 at elevation 694.97. A volume of 85,291 cf is accommodated in the Micro Pool Detention Basin #2 at elevation 696.15. The existing runoff flow rate is 94.86 cfs. The proposed runoff is 24.38 cfs. The flow rate has decreased by 70.48 cfs.

Refer to the engineer's report for storm sewer design criteria, runoff summary tables and stormwater drainage calculations.

113 OTHER CONTROLS

113.1 OFF-SITE VEHICLE TRACKING

A stabilized construction exit will be provided to help reduce vehicle tracking of sediments. Existing paved areas will remain as long as possible and will be used for vehicle wash areas and to further aid in the reduction of vehicle tracking of sediments. The paved streets adjacent to the site entrance shall be inspected daily and swept as necessary to remove any excess mud, dirt, or rock tracked from the site. Dump trucks hauling material to/from the construction site will be covered with a tarpaulin. The job site superintendent will be responsible for seeing that these procedures are followed.

113.2 EXCAVATION SPOIL MATERIALS

Excavation spoil materials are generated during the excavation of the development's building and utilities installation. These materials must be properly managed to prevent them from contributing to storm water discharges. The materials generated from the development of this project will be hauled off-site or stockpiled for re-use in designated areas which will have temporary erosion & sediment control measures installed. Any removal from site will be done under the necessary permits required by the local governing agencies.

113.3 DUST CONTROL

Minimizing wind erosion and controlling dust will be accomplished by one or more of the following methods:

- A. Frequent watering of excavation and fill areas.
- B. Providing gravel or paving at entrance/exit drives, parking areas and transit paths.

113.4 WASTE DISPOSAL

If needed, all waste materials will be collected and stored in securely lidded metal dumpsters rented from an approved waste management company. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpsters. The dumpsters will be emptied when full and then hauled to a NYSDEC approved landfill for proper disposal. No construction waste will be buried on-site. All personnel will be instructed regarding the correct procedures for waste disposal.

113.5 SANITARY WASTE

If needed, portable toilet units or field offices with toilet facilities connected to the municipal sanitary sewer will be used for sanitary purposes. All portable toilet units will be emptied a minimum of once per week by a licensed portable facility provided in compliance with local and state regulations.

113.6 CONCRETE WASTE FROM CONCRETE TRUCKS

- A. Emptying of excess unhardened concrete and/or washout from concrete delivery trucks will be allowed on the job site, but in either (1) specifically designated diked areas which have been prepared to prevent contact between concrete and/or washout and storm water which will be discharged from the site or (2) in locations where waste concrete will be poured into forms to make rip-rap or other useful concrete products.
- B. Hardened waste concrete from the designated diked areas described above will be disposed of in accordance with applicable local and state regulations with regards to disposal of construction debris.

113.7 HAZARDOUS SUBSTANCES & HAZARDOUS WASTE

- A. All hazardous waste materials will be disposed of by the Contractor in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job superintendent, who will also be responsible for seeing these practices are followed. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such products are stored and/or used and another copy of each MSDS will be maintained in the SWPPP file at the job site construction office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.
- B. The contractor will implement the Spill Prevention Control and Countermeasures (SPCC) Plan found within this SWPPP and will train all personnel in the proper cleanup and handling of spilled materials. No spilled hazardous materials of hazardous wastes will be allowed to come in contact with storm water discharges. If such contact occurs, the storm water discharge shall be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the job superintendent to properly train all personnel in the use of the SPCC plan.
- C. Any spills of hazardous materials which are in excess of the Reportable Quantities as defined by the EPA regulations shall be immediately reported to the EPA National Response Center at 1-800-424-1102. From SWPPP-9 "Reportable Quantity Release Form" must be filled out.

- D. In order to minimize the potential for a spill of hazardous materials to come in contact with storm water, the following steps will be implemented:
1. All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, under cover, when not in use.
 2. The minimum practical quantity of all such materials will be kept on the job site.
 3. A spill control and containment kit (containing for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
 4. All of the product in a container will be used before the container is disposed of. All such containers will be triple rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with storm water discharges.
 5. All products will be stored in and used from the original container with the original product label.
 6. All products will be used in strict compliance with instructions on the product label.
 7. The disposal of excess or used products will be in strict compliance with instructions on the product label.

113.8 CONTAMINATED SOILS

- A. Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in the Spill Prevention Control and Countermeasures (SPCC) Plan and in accordance with applicable state and federal regulations.
- B. The job site superintendent will be responsible for seeing that these procedures are followed.

114 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS

The Contractor will obtain copies of any and all local and state regulations which are applicable to storm water management, erosion control, and pollution minimization at this job site and will comply fully with such regulations. The Contractor will submit written evidence of such compliance if requested by the Operator or any agent of a regulatory body. The Contractor will comply with all conditions of the SPDES General Permit for Construction Activity for the State of New York, including the conditions related to maintaining the SWPPP and evidence of compliance with the SWPPP at the job site and allowing regulatory personnel access to the job site and to records in order to determine compliance.

The SWPPP for this site development project requires regulated MS4 approval from the Town of Amherst. All changes to the SWPPP must be approved by the Town of Amherst prior to applying changes to the SWPPP in the field.

This project demonstrates consideration of the future physical risks due to climate change by reducing development below allowed zoning requirements to conserve, restore, or mimic natural processes that reduce risk from flooding and erosion in accordance with the Community Risk and Resiliency Act (CRRRA), 6 NYCRR 490 and associated guidance.

115 INSPECTION AND MAINTENANCE PROCEDURES

The following inspection and maintenance practices will be used to maintain erosion and sediment controls and stabilization measures.

1. All control measures will be inspected by the owner/operator at least weekly and shall continue until the site complies with the Final Stabilization section of this document (See Section 116).
2. All control measures will be inspected by a Qualified Professional at least weekly and shall continue until the site complies with the Final Stabilization section of this document (See Section 116).
3. All measures will be maintained in good working order; if repairs or other measures are found to be necessary, they will be initiated within 24 hours of report.
4. Built up sediment will be removed from silt fence/silt sock when it has reached one-third the height of the fence.
5. Silt fence/silt socks will be inspected for depth of sediment, tears, etc., to see if the fabric is securely attached to the fence posts, and to see that the fence posts are securely in the ground.
6. Temporary and permanent seeding and all other stabilization measures will be inspected for bare spots, washouts, and healthy growth.
7. A maintenance inspection report will be made after each inspection. Copies of the report forms to be completed by the inspector are included in this SWPPP.
8. The job site superintendent will be responsible for selecting and training the individuals who will be responsible for these inspections, maintenance and repair activities, and filling out inspection and maintenance reports.
9. Personnel selected for the inspection and maintenance responsibilities will receive training from the job site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls that are used onsite in good working order. They will also be trained in the completion of, initiation of actions required by, and the filing of the inspection forms. Documentation of this personnel training will be kept on site with the SWPPP.
10. Disturbed areas and materials storage areas will be inspected for evidence of or potential for pollutants entering stormwater systems.
11. Report to the NYSDEC within 24 hours any noncompliance with the SWPPP that will endanger public health or the environment. Follow up with a written report within 5 days of the noncompliance event. The following events require 24 hour reporting: a) any unanticipated bypass which exceeds any effluent limitation in the permit, b) any upset which exceeds any effluent limitation in the permit, and c) a violation of a maximum daily discharge limitation for any of the pollutants listed by the NYSDEC in the permit to be reported within 24 hours. The written submission must contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
12. Releases of hazardous substances or oil in excess of reportable quantities (as established under 40 CFR 110, 40 CFR 117 or 40 CFR 302) must be reported.

Upon completion of construction, the property owner is responsible for ensuring that the stormwater facilities are regularly inspected and maintained. Maintenance and inspection procedures are as follows.

1. On a quarterly basis and following significant rainfall events or snow-melts, perform the following:
 - Inspect catch basins, storm manholes, treatment structures, storm piping and stormwater pond for debris and accumulation of sediment.
 - Remove and properly dispose of any collected debris and sediment in accordance with applicable state, federal and local regulations.
 - Flush piping with water if necessary to remove accumulated sediment.
 - Bioretention areas shall be maintained per the NYSDEC Maintenance and Management Checklist included in this SWPPP.
 - Check all stone outfall structures for erosion and re-stone if necessary to prevent further erosion.
 - Inspect grassed/landscaped areas for un-vegetated areas or areas with less than 85% healthy stand of grass and reseed and mulch as necessary. Water daily if reseeded in July and August.
 - A record of all inspections should be kept.
2. Maintain all lawn areas by regular mowing, including the grassed slopes of the stormwater pond and any grass swales. Any eroded areas shall be regarded, seeded and mulched immediately.

116 INSPECTION AND MAINTENANCE REPORT FORMS

Once installation of any required or optional erosion control device or measure has been implemented, inspections shall be performed by a Qualified Professional at least once every seven (7) calendar days. For construction sites where soil disturbance activities are on-going and the **owner or operator** has received authorization in accordance with Part II.C.3 of the General Permit to disturb greater than five (5) acres of soil at any one time, the **qualified inspector** shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days. The owner and contractor shall obtain from the MS4 an approval for disturbing more than five-acres at any given time. For construction sites where active construction has been suspended, inspection frequency under the general permit can be reduced to once every 30 days, provided temporary stabilization measures have been applied to all disturbed areas. The forms found in this SWPPP shall be used by the inspectors to inventory and report the condition of each measure to assist in maintaining the erosion and sediment control measures in good working order.

These report forms shall become an integral part of the SWPPP and shall be made readily accessible to governmental inspection officials, the Operator's Engineer, and the Operator for review upon request during visits to the project site. In addition, copies of the reports shall be provided to any of these persons, upon request, via mail or facsimile transmission. Inspection and maintenance report forms are to be maintained by the permittee for five years following the final stabilization of the site.

117 OTHER RECORD-KEEPING REQUIREMENTS

The Contractor shall keep the following records related to construction activities at the site:

- Dates when major grading activities occur and the areas which were graded
- Dates and details concerning the installation of structural controls
- Dates when construction activities cease in an area
- Dates when an area is stabilized, either temporarily or permanently
- Dates of rainfall and the amount of rainfall
- Dates and descriptions of the character and amount of any spills of hazardous materials
- Records of reports filed with regulatory agencies if reportable quantities of hazardous materials spilled

118 SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLAN

118.1 MATERIALS COVERED

The following materials or substances are expected to be present onsite during construction:

- Concrete/Additives/Wastes
- Cleaning solvents
- Sanitary wastes
- Detergents
- Petroleum based products
- Paints/Solvents
- Pesticides
- Solid and construction wastes
- Acids
- Fertilizers
- Soil stabilization additives

118.2 MATERIAL MANAGEMENT PRACTICES

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff. The job site superintendent will be responsible for ensuring that these procedures are followed.

A. Good Housekeeping

The following good housekeeping practices will be followed onsite during the construction project.

1. An effort will be made to store only enough products required to do the job.
2. All materials stored onsite will be stored in a neat, orderly manner and, if possible, under a roof or in a containment area. At a minimum, all containers will be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.
3. Products will be kept in their original containers with the original manufacturer's label in legible condition.

4. Substances will not be mixed with one another unless recommended by the manufacturer.
5. Whenever possible, all of a product will be used up before disposing of the container.
6. Manufacturer's recommendations for proper use and disposal will be followed.
7. The job site superintendent will be responsible for daily inspections to ensure proper use and disposal of materials.

B. Hazardous Products

These practices will be used to reduce the risks associated with hazardous materials. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such product is stored and/or used and another copy of each MSDS will be maintained in the SWPPP file at the job site construction trailer office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.

1. Products will be kept in original containers with the original labels in legible condition.
2. Original labels and material safety data sheets (MSDS's) will be procured and used for each material.
3. If surplus product must be disposed of, manufacturer's or local/state/federal recommended methods for proper disposal will be followed.
4. A spill control and containment kit (containing for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
5. All of the product in a container will be used before the container is disposed of. All such containers will be triple rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with storm water discharges.

C. Hazardous Waste

All hazardous waste materials will be disposed of by the Contractor in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job site superintendent, who will also be responsible for seeing that these practices are followed.

D. Product Specific Practices

The following product specific practices will be followed on the job site.

1. Petroleum Products

All onsite vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any petroleum storage tanks stored

onsite will be located within a containment area that is designed with an impervious surface between the tank and the ground. The secondary containment must be designed to provide a containment volume that is equal to 110% of the volume of the largest tank. Drip pans shall be provided for all dispensers. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations. The location of any fuel tanks and/or equipment storage areas must be identified on a plan by the contractor once the locations have been determined.

2. Fertilizers

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked in the soil to limit exposure to stormwater. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

3. Paints, Paint Solvents, and Cleaning Solvents

All containers will be tightly sealed and stored when not in use. Excess paint and solvents will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and federal regulations.

4. Concrete Wastes

Concrete trucks will be allowed to wash out or discharge surplus concrete or drum wash water on the site, but only in either (1) specifically designated diked areas which have been prepared to prevent contact between the concrete and/or wash out and storm water which will be discharged from the site or (2) in locations where waste concrete can be poured into forms to make riprap or other useful concrete products.

The hardened residue from the concrete wash out diked areas will be disposed of in the same manner as other non-hazardous construction waste materials or may be broken up and used on site as deemed appropriate by the Contractor. The job site superintendent will be responsible for seeing that these procedures are followed.

All concrete wash out areas will be located in an area where the likelihood of the area contributing to storm water discharges is negligible. If required, additional BMPs must be implemented to prevent concrete wastes from contributing to storm water discharges. The location of concrete wash out area(s) must be identified on a plan by the contractor once the locations have been determined. In addition, a standard detail on the construction of the concrete wash out shall be included on this plan.

E. Solid and Construction Wastes

All waste materials will be collected and stored in an appropriately covered container and/or securely lidded metal dumpster rented from a local waste management company which must be a solid waste management company licensed to do business in New York and the Town of Amherst. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpster. The dumpster will be emptied a minimum of twice per week or more often if necessary, and the trash will be hauled to a landfill approved by the NYSDEC. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedures for waste disposal.

All waste dumpsters and roll-off containers will be located in an area where the likelihood of the containers contributing to storm water discharges is negligible. If required, additional BMPs must be implemented, such as sandbags around the base, to prevent wastes from contributing to storm water discharges. The location of waste dumpsters and roll-off containers must be identified on a plan by the contractor once the locations have been determined.

F. Sanitary Wastes

Portable toilet units or field offices with toilet facilities connected to the municipal sanitary sewer will be used for sanitary purposes. All portable toilet units will be emptied a minimum of once per week by a licensed portable facility provided in compliance with local and state regulations.

All sanitary waste units will be located in an area where the likelihood of the unit contributing to storm water discharges is negligible. If required, additional BMPs must be implemented, such as sandbags around the base, to prevent wastes from contributing to storm water discharges. The location of sanitary waste units must be identified on a plan by the contractor once the locations have been determined.

G. Contaminated Soils

Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in the Materials Management Plan and in accordance with applicable state and federal regulations.

118.3 SPILL PREVENTION AND RESPONSE PROCEDURES

The Contractor will train all personnel in the proper handling and cleanup of spilled materials. No spilled hazardous materials or hazardous wastes will be allowed to come in contact with storm water discharges. If such contact occurs, the storm water discharge will be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the job site superintendent to properly train all personnel in spill prevention and clean up procedures.

A. In order to minimize the potential for a spill of hazardous materials to come into contact with storm water, the following steps will be implemented:

1. All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, with their lids on, preferably under cover, when not in use.
2. The minimum practical quantity of all such materials will be kept on the job site.
3. A spill control and containment kit (containing, for example, absorbent materials, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
4. Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.

- B. In the event of a spill, the following procedures should be followed
1. All spills will be cleaned up immediately after discovery.
 2. The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with the hazardous substances.
 3. The project manager and the Engineer of Record will be notified immediately.
- Spills of toxic or hazardous materials will be reported to the appropriate federal, state, and/or local government agency, regardless of the size of the spill. Spills of amounts that exceed Reportable Quantities of certain substances specifically mentioned in federal regulations (40 CFR 110, 40 CFR 117, and 40 CFR 302) must be immediately reported to the EPA National Response Center, telephone 1-100-424-1102. From SWPPP-9 "Reportable Quantity Release Form" must be filled out.
4. If the spill exceeds a Reportable Quantity, the SWPPP must be modified within seven (7) calendar days of knowledge of the discharge to provide a description of the release, the circumstances leading to the release, and the date of the release. The plans must identify measures to prevent the recurrence of such releases and to respond to such releases.
- C. The job site superintendent will be the spill prevention and response coordinator. He will designate the individuals who will receive spill prevention and response training. These individuals will each become responsible for a particular phase of prevention and response. The names of these personnel will be posted in the material storage area and in the office trailer onsite.

119 CONTROL OF NON-STORM WATER DISCHARGES

Certain types of discharges are allowable under the NYSDEC SPDES General Permit for Construction Activity for the State of New York, and it is the intent of this SWPPP to allow such discharges. These types of discharges will be allowed under the conditions that no pollutants will be allowed to come in contact with the water prior to or after its discharge. The control measures which have been outlined previously in this SWPPP will be strictly followed to ensure that no contamination of these non-storm water discharges takes place. The following allowable non-storm water discharges which may occur at the job site include:

- A. Discharges from firefighting activities.
- B. Fire hydrant flushings (see note below)
- C. Waters used to wash vehicles or control dust in order to minimize offsite sediment tracking.
- D. Routine external building washdown which does not use detergents.
- E. Pavement wash waters where spills or leaks of hazardous materials have not occurred or detergents have not been used.
- F. Air conditioning condensate.
- G. Springs or other uncontaminated groundwater, including dewatering ground water infiltration.

- H. Foundation or footing drains where no contamination with process materials such as solvents is present.

Note: The Contractor shall discharge any super-chlorinated water from water distribution pipe disinfection activities into sanitary sewer system

120 STORM WATER CONTROL FACILITY MAINTENANCE

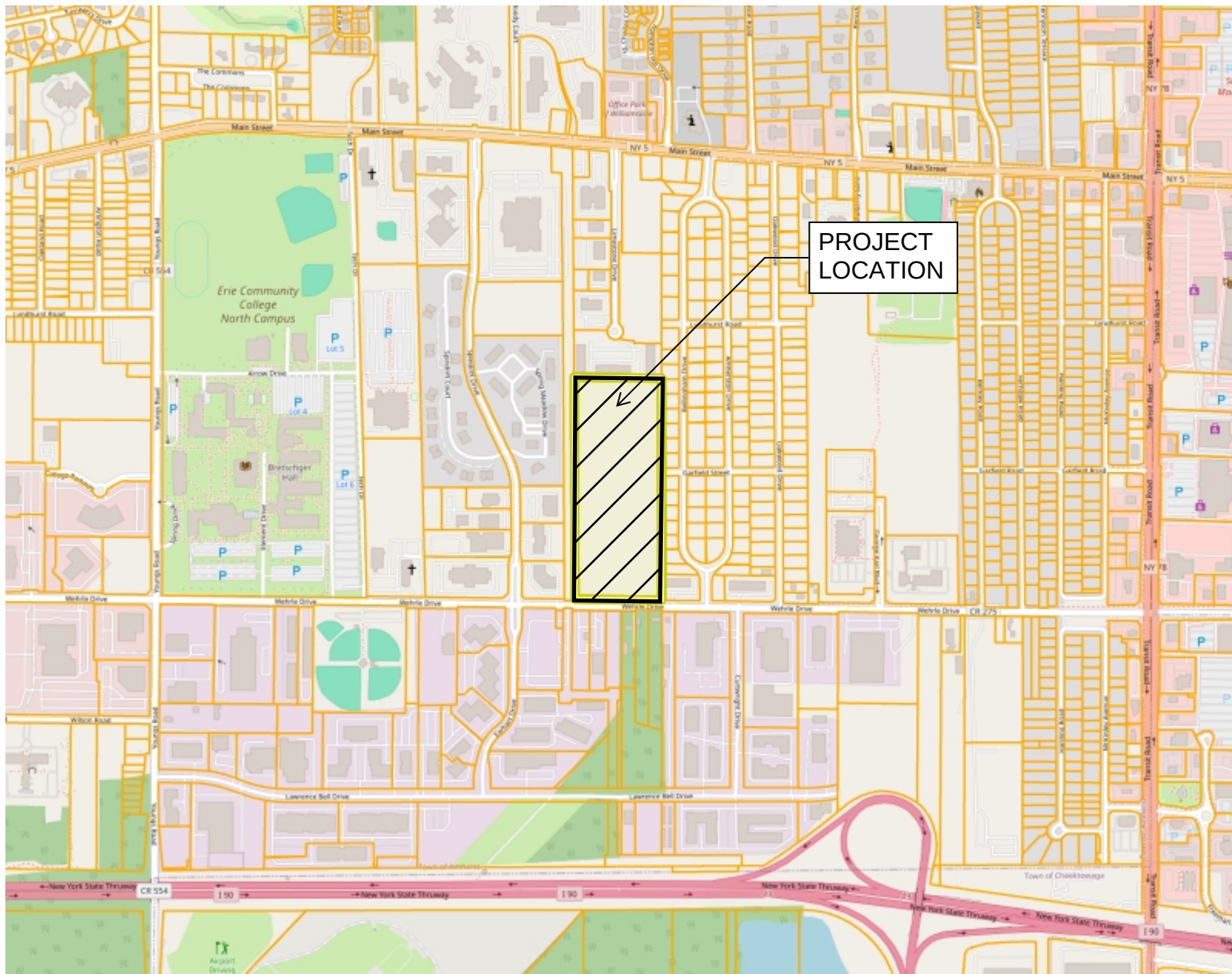
The frequency of inspections for the Wet Pond shall match the frequencies listed on the “Stormwater/Wetland Pond Construction Inspection Checklist” in Appendix J of the SWPPP.

The proposed catch basins, as per section 115, shall be inspected 4 times per year for removal of floatable debris. Any silt buildup over 6” in depth shall be removed and disposed of properly off-site.

Appendix A
Site Location Map



Erie County On-Line Mapping Application



Legend

 Parcels

0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 18,056



Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	Easting:	197233.67650947178	Northing:	4762938.088169838
Longitude/Latitude	Longitude:	-78.71188469434921	Latitude:	42.958900168456815

The approximate address of the point you clicked on is:
2220 Wehrle Dr, Buffalo, New York, 14221

County: Erie
Town: Amherst
USGS Quad: LANCASTER

National Wetands Inventory

Attribute: undefined
Type: undefined
Acres: undefined

For more information about the National Wetands Inventory wetlands visit <http://www.fws.gov/wetlands/>

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

Appendix B

NYSDEC Electronic Notice of Intent (eNOI)

Construction General Permit (CGP) Electronic Notice of Intent (eNOI) GP-0-25-001

version 1.18

(Submission #: HQP-35Z0-QPB2V, version 1)

Details

Originally Started By Eric Andrews

Alternate Identifier Uptown Apartments—Region 9

Submission ID HQP-35Z0-QPB2V

Status Draft

Form Input

Eligibility

Disturbance Threshold

1. Will the construction activity involve soil disturbances listed in Part I.A.1 of GP-0-25-001?

Yes

1.a. Will any runoff from the site enter a sewer system classified as a combined sewer?

No

1.b. Is this a remediation project being done under a Department approved work plan (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) with a SWPPP which meets the substantive requirements of GP-0-25-001?

No

1.c. Is the construction activity related to a stormwater discharge that does not require a permit as described in 40 CFR 122.3(e), e.g. non-point source agriculture or silviculture activities?

No

Other SPDES Permits

2. Will the discharge from the construction activity meet all conditions listed in Part I.A.2 of GP-0-25-001?

Yes

Threatened and Endangered Species

3. Will the construction activity potentially adversely affect a species that is endangered or threatened per Part I.A.3.?

No

State Historic Preservation Act (SHPA)

4. Is the construction activity designated by the Commissioner of the Office of Parks, Recreation and Historic Preservation (OPRHP), pursuant to 9 NYCRR §§428.12 or 428.13 as exempt from the SHPA review (see Attachment 2 of the Letter of Resolution between NYSDEC and OPRHP, dated January 9, 2015)?

Yes

State Environmental Quality Review (SEQR)

5. Is the construction activity subject to SEQR (Part I.A.5.), or the equivalent environmental review from another NYS or federal agency (Part I.A.6.)?

Yes

5.a. Has the owner/operator obtained documentation that the project review pursuant to SEQR, or the equivalent, has been satisfied per Part I.A.5. or I.A.6. of GP-0-25-001?

Yes

Uniform Procedures Act (UPA) Permits

6. Has the owner/operator obtained all necessary UPA permits from NYSDEC, or the equivalent from another NYS or federal agency per Part I.A.7.a. of GP-0-25-001? Select "Yes" if no UPA permits, or the equivalent, are required for this construction activity.

Yes

Steep Slope

7. Is the construction activity within the watershed of surface waters of the State classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website?

No

Owner/Operator Information

8. Owner/Operator Name

Young Development Inc.

9. Owner/Operator Contact Person Information

First and Last Name	Phone	E-mail
Bryan Young	716-675-8000	BYoung@youngdevelopmentinc.com

10. Owner/Operator Mailing Address

1120 Bullis Road

Elma, NY 14059

USA

11. Is the billing contact different from the Owner/Operator Contact?

No

12. What type of organization is the owner/operator?

Corporation

12.b. Is the owner/operator registered with the Department of State to do business in New York State?

Yes

12.b.i. Department of State ID #

2183922

The Department of State ID can be found using the following link:

[Department of State | Division of Corporations](#)

Site Information

13. Project/Site Name

Uptown Apartments

14. Site Address

2190 Wherle Drive

Amherst, NY 14221

Erie

DEC Region

9

15. Site Latitude & Longitude

42.958922,-78.71269000000001

Project Details**16. This eNOI submission is for:**

A construction activity not part of a common plan of development or sale in accordance with Part I.D.1.a.

17. Does the project type fall under Table 1 or Table 2 of Appendix B of GP-0-25-001? If any portion of the construction activity falls under Table 2, regardless of the size of the disturbance, select "Table 2".

Table 2

18. Consistent with Part III.B.1.c.i. of GP-0-25-001, provide a concise overview of the project. Describe existing and proposed conditions, and include any other relevant information.

This project consists of the development of a 24.91-acre site located at 2190 Wehrle Drive in the Town of Amherst. The proposed apartment community will be constructed in two phases and, upon full build out, will consist of 270 apartment units housed within twenty-six 10-unit buildings and two 5-unit buildings.

Phase 1 will include 140 apartment units, consisting of 41 one-bedroom units, 84 two-bedroom units, and 15 three-bedroom units. This phase will also include construction of the clubhouse and associated recreational amenities, including a swimming pool, dog park, pickleball courts, and cornhole courts. Phase 2 will include the remaining 130 apartment units, consisting of 39 one-bedroom units, 78 two-bedroom units, and 13 three-bedroom units.

At full build out, the development will contain 80 one-bedroom units, 162 two-bedroom units, and 28 three-bedroom units. In addition to the residential buildings, the project will include associated utility infrastructure, internal roadways, parking areas, site lighting, landscaping, and stormwater management facilities necessary to support the development. The project site is currently undeveloped. Construction of the proposed improvements will result in approximately 22.50 acres of land disturbance.

Enter the total project site acreage, the acreage to be disturbed, and the future impervious area (acreage) within the disturbed area, rounded to the nearest tenth of an acre.

19. Total Site Area (acres)

24.0

20. Total Area to be Disturbed (acres)

22.5

21. Existing Impervious Area to be Disturbed (acres)

0.0

22. Future Impervious Area Within Disturbed Area (acres)

11.1

Nature of the project:

New Construction

23. Do you plan to disturb more than 5 acres of soil at any one time?

Yes

The owner/operator must meet the requirements in Part I.E.6. before disturbing greater than five acres at any one time.

24. Indicate the percentage (%) of each Hydrologic Soil Group(HSG) at the site.

A (%)

0

B (%)

0

C (%)

0

D (%)

100

25. Enter the planned start and end dates of the disturbance activities.**Start Date**

06/09/2027

End Date

06/09/2028

26. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Ellicott Creek, Lower, and tribs - 0102-0018

27. Type of waterbody identified in question 26?

Stream/Creek Off Site

28. Has the surface waterbody in question 26 been identified as a 303(d) segment in Appendix D of GP-0-25-001?

No

29. Is this project located in one of the Watersheds identified in Appendix C of GP-0-25-001?

No

30. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?

No

31. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?

Yes

31.a. What is the name of the municipality/entity that owns the separate storm sewer system? If the separate sewer system is owned by an MS4 Operator, enter the MS4 Operator name.

Town of Amherst

32. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?

No

33. Is this property owned by a state authority, state agency, federal government or local government?

No

Required SWPPP Components

General SWPPP Requirements

34. Has a SWPPP been developed in conformance with the requirements in Part III. of GP-0-25-001?

Yes

35. Does the SWPPP demonstrate consideration of the future physical risks due to climate change pursuant to the CRRRA, 6 NYCRR Part 490, and associated guidance per Part III.A.2. of GP-0-25-001?

Yes

36. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?

Yes

37. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the NYS Stormwater Management Design Manual?

Yes

37.a. Which version of the NYS Stormwater Management Design Manual was used to develop the SWPPP?

2024

SWPPP Preparer

39. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:
Professional Engineer (P.E.)

40. Name of the person who prepared the SWPPP

Chris Wood

41. SWPPP Preparer Organization Name

Carmina Wood Design

42. SWPPP Preparer Contact Information

First and Last Name	Phone	E-mail
Christopher Wood	7165503342	cwood@carminawooddesign.com

43. SWPPP Preparer Address

80 Silo City Row
Suite 100
Buffalo, NY 14203

Download SWPPP Preparer Certification Form

Please take the following steps to prepare and upload your preparer certification form:

- 1) Click on the link below to download a blank certification form
- 2) The certified SWPPP preparer should sign this form
- 3) Upload the completed form

[Download SWPPP Preparer Certification Form](#)

44. Please upload the SWPPP Preparer Certification

NONE PROVIDED

Comment

NONE PROVIDED

44.a. Has the SWPPP Preparer Certification Form been signed by the SWPPP preparer in accordance with Part VII.J of GP-0-25-001?

Yes

Erosion & Sediment Control Criteria

45. Has a construction sequence schedule for the planned management practices been prepared?

Yes

Post-Construction Criteria

Site Planning and Soil Restoration

46. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

Preservation of Buffers

Preservation of Undisturbed Area

47. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6 ("Soil Restoration") of the Design Manual.

All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).

Water Quality Criteria

49. Water Quality Sizing Criteria

Total WQv required (acre-feet)	Total RRv provided (acre-feet)	Minimum RRv (acre-feet)	Total WQv provided (acre-feet)	Sum of RRv and WQv provided
0.837	0.160	0.158	0.677	0.837

49.a. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required.

Type 'D' Soils

Water Quantity Criteria

51. Does one of the waiver conditions apply to the channel protection for this construction activity?

No

51.b.i. CPv Required (acre-feet)

6

51.b.ii. CPv Provided (acre-feet)

6

52. Does one of the waiver conditions apply to the Qp and Qf for this construction activity?

No

Overbank Flood Control Criteria (Qp)**52.b.i. Pre-Development (CFS)**

35.28

52.b.ii. Post-Development (CFS)

10.93

Total Extreme Flood Control Criteria (Qf)**52.b.iii. Pre-Development (CFS)**

69.20

52.b.iv. Post-Development (CFS)

18.80

Operation and Maintenance

53. Has a long-term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?

Yes

53.a. Identify the entity responsible for the long-term Operation and Maintenance.

Young Development Inc.

Post-Construction SMP Identification

54. Post-Construction RR Techniques and Standard SMPs

RR Techniques and SMPs	Contributing Impervious Area (acres)	Total Contributing Area (acres)
Disconnection of Rooftop Runoff (RR-4)	2.25	23.45
Micropool Extended Detention Pond (P-1)	8.84	

55. Alternative SMPs

Type of Alternative SMP	Manufacturer of the Alternative SMP	Name of the Alternative SMP	Contributing Impervious Area (acres)
NONE PROVIDED	NONE PROVIDED	NONE PROVIDED	NONE PROVIDED

Other Permits

56. Identify other permits, existing and new, that are required for this project/facility.

None

57. Is this NOI for a change in owner/operator per Part I.G.?

No

MS4 SWPPP Acceptance

59. Will the construction activities be within the municipal boundary(ies) of Traditional Land Use Control MS4 Operator(s) and discharge to the MS4(s)?

Yes

59.a. Which form is required per Part I.D.2.b.ii.?

MS4 SWPPP Acceptance Form

MS4 SWPPP Acceptance Form Download

Download the MS4 SWPPP Acceptance Form from the link below.

[MS4 SWPPP Acceptance Form](#)

60. MS4 Acceptance or No Jurisdiction Form Upload

NONE PROVIDED

Comment

NONE PROVIDED

60.a. Has the form been signed by the principal executive officer or ranking elected official—or duly authorized representative of that person—in accordance with Part VII.J. and submitted along with this NOI?

NONE PROVIDED

Owner/Operator Certification

Owner/Operator Certification Form Download

Download the Owner/Operator Certification Form by clicking the link below.

[Owner/Operator Certification Form](#)

61. Upload Owner/Operator Certification Form

NONE PROVIDED

Comment

NONE PROVIDED

61.a. Has the Owner/Operator Certification Form from Appendix J been signed by the owner/operator, or a representative of the owner/operator in accordance with Part VII.J of GP-0-25-001 and uploaded to the eNOI?

Yes

Additional Project Information

62. Enter any additional pertinent project information in the text box below.

NONE PROVIDED

Appendix C

MS4 SWPPP Acceptance Form



Department of
Environmental
Conservation

MS4 SWPPP Acceptance Form

for construction activities seeking authorization under the

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC electronically.)

I. Project Owner/Operator Information

- | | |
|-------------------------|------------------------|
| 1. Owner/Operator Name: | YOUNG DEVELOPMENT INC. |
| 2. Contact Person: | BRYAN YOUNG |
| 3. Street Address: | 1120 BULLIS ROAD |
| 4. City/State/Zip: | ELMA NY, 14059 |

II. Project Site Information

- | | |
|-----------------------|-------------------------|
| 5. Project/Site Name: | UPTOWN APARTMENTS |
| 6. Street Address: | 2190 WHERLE DRIVE |
| 7. City/State/Zip: | Amherst, New York 14221 |

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

- | |
|---|
| 8. SWPPP Reviewed by: |
| 9. Title/Position: |
| 10. Date Final SWPPP Reviewed and Accepted: |

IV. Regulated MS4 Information

- | |
|--|
| 11. Name of MS4 Operator: |
| 12. MS4 SPDES Permit Identification Number: NYR20A |
| 13. Street Address: |
| 14. City/State/Zip: |
| 15. Telephone Number: |

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in section II. of this form has been reviewed and meets the substantive requirements in the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP). Note: The MS4 Operator, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 Operator does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name¹:

Title/Position:

Signature:

Date:

VI. Additional Information

¹ Printed name of the principal executive officer or ranking elected official for the MS4 Operator or their duly authorized representative in accordance with CGP Part VII.J.2.

Appendix D

**NYSDEC SPDES General Permit for Stormwater Discharges from Construction
Activity Permit No. GP-0-25-001**



Department of
Environmental
Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (NYSDEC)

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP-0-25-001

Construction General Permit (CGP)

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: January 29, 2025

Expiration Date: January 28, 2030

Scott E. Sheeley

Chief Permit Administrator

A handwritten signature in blue ink, reading "Scott E. Sheeley". The signature is written over a horizontal line.

Authorized Signature

A handwritten date in blue ink, reading "JAN. 29, 2025". The date is written over a horizontal line.

Date

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

PREFACE

Pursuant to Section 402 of the Clean Water Act (CWA), and 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), *stormwater discharges* from certain *construction activities* are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit or by a state permit program. New York State administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7 and 8, and Article 70, as well as 6 NYCRR Parts 621 and 750.

Construction activities constitute construction of a *point source* and, therefore, pursuant to ECL sections 17-0505, 17-0701, and 17-0803, the *owner or operator* must have coverage under a SPDES permit prior to *commencement of construction activities*. The *owner or operator* cannot wait until there is an actual *discharge* from the *construction site* to obtain permit coverage.

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

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES CONSTRUCTION GENERAL PERMIT (CGP) GP-0-25-001
FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

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Part I. How to Obtain Coverage and General Requirements

To be covered under this permit, the *owner or operator* must meet all eligibility requirements in Part I.A. and follow the requirements for obtaining permit coverage in Part I.D., F., or G.

A. Eligibility Requirements

For a *common plan of development or sale*, the *phase(s)* that meet the eligibility requirements in Part I.A. may obtain coverage under this permit even if other *phase(s)* of the same *common plan of development or sale* do not meet the eligibility requirements and require an individual SPDES permit.

1. The *owner's or operator's construction activities* involve soil disturbances of:
 - a. one or more acres; or
 - b. less than one acre which are part of a *common plan of development or sale* that will ultimately disturb one or more acres; or
 - c. less than one acre where NYSDEC has determined that a SPDES permit is required for *stormwater discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of pollutants to *surface waters of the State*.
 - i. 5,000 square feet or more, but less than one acre, and are in the New York City Watershed located east of the Hudson River, Appendix C Figure 1; or
 - ii. 20,000 square feet or more, but less than one acre, within the municipal boundaries of the City of New York (NYC); or
 - iii. less than 20,000 square feet which are part of a *common plan of development or sale* that will ultimately disturb 20,000 square feet or more, but less than one acre, within the municipal boundaries of NYC; or
 - iv. that creates 5,000 square feet or more of *impervious area* within the municipal boundaries of NYC.

2. *Discharges from the owner's or operator's construction activities* are/were not:

- a. already covered by a different SPDES permit; or
- b. covered under a different SPDES permit that was denied, terminated, or revoked; or
- c. identified in an expired individual SPDES permit that was not renewed; or
- d. required to obtain an individual SPDES permit or another general SPDES permit in accordance with Part VII.K.

3. If *construction activities* may adversely affect a species that is endangered or threatened, the *owner or operator* must obtain a:

- a. permit issued pursuant to 6 NYCRR Part 182 for the project; or
- b. letter issued by NYSDEC of non-jurisdiction pursuant to 6 NYCRR Part 182 for the project.

4. If *construction activities* have the potential to affect an *historic property*, the *owner or operator* must obtain one of the following:

- a. documentation that the *construction activity* is not within an archeological buffer area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant:
 - i. 1-5 acres of disturbance - 20 feet; or
 - ii. 5-20 acres of disturbance - 50 feet; or

- iii. 20+ acres of disturbance - 100 feet.
- b. NYSDEC consultation form sent to OPRHP,¹ and copied to NYSDEC's Agency Historic Preservation Officer (APO), and
 - i. the State Environmental Quality Review Act (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
 - ii. documentation from OPRHP that the *construction activity* will result in No Impact; or
 - iii. documentation from OPRHP providing a determination of No Adverse Impact; or
 - iv. a Letter of Resolution signed by the *owner or operator*, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA).
- c. documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:
 - i. No Affect; or
 - ii. No Adverse Affect; or
 - iii. Executed Memorandum of Agreement.
- d. documentation that SHPA Section 14.09 has been completed by NYSDEC or another state agency.
- 5. If *construction activities* are subject to SEQR, the *owner or operator* must obtain documentation that SEQR has been satisfied.
- 6. If *construction activities* are not subject to SEQR, but subject to the equivalent environmental review from another New York State or federal agency, the

¹ The consultation form can be submitted, along with other project information, through OPRHP's Cultural Resource Information System (CRIS) portal. If submitted through CRIS, paper copies of the consultation form need not be mailed.

Part I.A.6.

owner or operator must obtain documentation that project review, pursuant to a process equivalent to SEQR from another New York State or federal agency, has been satisfied.

7. If *construction activities* require Uniform Procedures Act (UPA) Permits (see 6 NYCRR Part 621) from NYSDEC, or the equivalent from another New York State or federal agency, the *owner or operator* must:
 - a. obtain all such necessary permits; or
 - b. receive notification from NYSDEC pursuant to 6 NYCRR 621.3(a)(4) excepting Part I.A.7.a.
8. *Construction activities* are not eligible if they meet the following criteria in Part I.A.8.a. or b.:
 - a. For linear transportation and linear utility project types, the *construction activities*:
 - i. are within the watershed of *surface waters of the State* classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website; and
 - ii. are undertaken on land with no existing *impervious cover*; and
 - iii. disturb two or more acres of *steep slope*.
 - b. For all other project types, the *construction activities*:
 - i. are within the watershed of *surface waters of the State* classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website; and
 - ii. are undertaken on land with no existing *impervious cover*; and
 - iii. disturb one or more acres of *steep slope*.

B. Types of *Discharges* Authorized

1. The following *stormwater discharges* are authorized under this permit:
 - a. *Stormwater discharges*, including *stormwater* runoff, snowmelt runoff, and surface runoff and drainage, associated with *construction activity*, are authorized under this permit provided that appropriate *stormwater* controls are designed, installed, and maintained in accordance with Part II. and Part III.
 - b. *Stormwater discharges* from construction support activities at the *construction site* (including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas) if the following requirements are met:
 - i. The support activity is directly related to the *construction site* required to have permit coverage for *stormwater discharges*; and
 - ii. The support activity is not a commercial operation, nor does it serve multiple unrelated *construction sites*; and
 - iii. The support activity does not continue to operate beyond the completion of the *construction activity* at the site it supports; and
 - iv. *Stormwater* controls are implemented in accordance with Part II. and Part III. for *discharges* from the support activity areas.
2. The following non-*stormwater discharges* associated with *construction activity* are authorized under this permit:
 - a. Non-*stormwater discharges* listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: “*Discharges* from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned”; and
 - b. Non-*stormwater discharges* of waters to which other components have not been added that are used in accordance with the *SWPPP* to control dust or irrigate vegetation in stabilized areas; and
 - c. Uncontaminated *discharges* from *dewatering* operations

3. Authorized *discharges of stormwater* or authorized *discharges* of non-*stormwater*, commingled with a *discharge* authorized by a different SPDES permit and/or a *discharge* that does not require SPDES permit authorization, are also authorized under this permit.

C. Prohibited *Discharges*

1. Non-*stormwater discharges* prohibited under this permit include but are not limited to:
 - a. Wastewater from washout of concrete; and
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; and
 - c. Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance; and
 - d. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
 - e. Toxic or hazardous substances from a spill or other release.

D. Electronic Notice of Intent (eNOI) Submittal

To receive authorization in accordance with Part I.D.3.b., the *owner or operator* must submit a complete eNOI in accordance with the requirements in Part I.D. The eNOI contains questions to: ensure eligibility requirements in Part I.A. have been met; obtain *owner or operator* contact information; obtain the total area to be disturbed and the existing/future *impervious areas* (rounded to the nearest tenth of an acre); confirm *Traditional Land Use Control MS4 Operator* jurisdiction over construction projects; satisfy the EPA eRule requirements; confirm that the Water Quality-Based Effluent Limitations in Part II. have been met; demonstrate consideration of the future risks due to climate change in accordance with Part III.A.2.; and confirm that the other *Stormwater Pollution Prevention Plan (SWPPP)* requirements in Part III. have been met.

1. An eNOI may be submitted for:
 - a. *construction activities* that are not part of a *common plan of development or sale*; or

- b. an entire *common plan of development or sale*; or
 - c. separate *phase(s)* of a *common plan of development or sale* if the following requirements are met:
 - i. the *common plan of development or sale* meets the eligibility requirements of Part I.A.5. or 6.; and
 - ii. the *phase(s)* meet(s) all other eligibility requirements of Part I.A.; and
 - iii. Part III.C. Required *SWPPP* Components by Project Type is based on the *common plan of development or sale*, not the *phase(s)*; or
 - d. *tree clearing* that is associated with, or will support, a *renewable energy* generation, transmission, or storage project that meets Part I.A.5. and 6., if the *tree clearing*:
 - i. meets all other eligibility requirements of Part I.A.; and
 - ii. will occur in NYSDEC's Regions 3-9; and
 - iii. is not within ¼ mile of a bat hibernaculum protected pursuant to 6 NYCRR Part 182; and
 - iv. will occur between November 1st and March 31st.
2. As prerequisites for submitting an eNOI, the *owner or operator* must:
- a. prepare a *SWPPP* for Part I.D.1.a., b., c., or d. in accordance with Part III.; and
 - b. based on the following criteria, upload the following signature forms signed in accordance with Part VII.J. to the eNOI prior to submission:
 - i. for all eNOIs:
 - 1. the *SWPPP* Preparer Certification Form, Appendix F, signed by the *SWPPP* preparer; and

2. the Owner/Operator Certification Form, Appendix J, signed by the *owner or operator*; and
- ii. if an eNOI includes *construction activities* within the municipal boundary(ies) of *Traditional Land Use Control MS4 Operator(s)* that will *discharge* to the *MS4(s)*:
 1. determine if the *Traditional Land Use Control MS4 Operator(s)* have review authority. A *Traditional Land Use Control MS4 Operator* does not have review authority where:
 - a. the *owner or operator* of the *construction activities* in Part I.D.2.b.ii. is the same entity as the *Traditional Land Use Control MS4 Operator* identified in Part I.D.2.b.ii.; or
 - b. there is a statute exempting the *owner or operator* from zoning review by the *Traditional Land Use Control MS4 Operator*; or
 - c. there is no such statute per Part I.D.2.b.ii.1.b., the *Traditional Land Use Control MS4 Operator* concludes, after public hearing, that it does not have zoning review authority in accordance with Legal Memorandum LU14 Updated January 2020 “Governmental Immunity from Zoning and Other Legislation”; and
 2. if the *Traditional Land Use Control MS4 Operator(s)* have review authority, submit the *SWPPP* to the *Traditional Land Use Control MS4 Operator(s)* for review and have:
 - a. if outside the municipal boundaries of NYC: the *MS4 SWPPP Acceptance Form*, Appendix G, signed by the principal executive officer or ranking elected official from the *Traditional Land Use Control MS4 Operator*, or by a duly authorized representative of that person in accordance with Part VII.J.2.; or

- b. if within the municipal boundaries of NYC: The City of New York Department of Environmental Protection (NYCDEP) SWPPP Acceptance/Approval Form, Appendix H, signed by the principal executive officer or ranking elected official from the Traditional Land Use Control MS4 Operator, or by a duly authorized representative of that person in accordance with Part VII.J.2.; and
 - 3. if the *Traditional Land Use Control MS4 Operator* does not have review authority, have the MS4 No Jurisdiction Form, Appendix I, signed by the principal executive officer or ranking elected official from the *Traditional Land Use Control MS4 Operator*, or by a duly authorized representative of that person in accordance with Part VII.J.2.
3. Submitting an eNOI:
- a. The *owner or operator* must submit a complete Notice of Intent electronically using a NYSDEC approved form.²
 - b. The *owner or operator* is authorized to *commence construction activity* as of the authorization date indicated in the Letter of Authorization (LOA), which is sent by NYSDEC after a complete eNOI is submitted.
 - i. If an eNOI is received for a *SWPPP* that deviates from one of the technical standards but demonstrates *equivalence* in accordance with Part III.B.1.a.ii. or Part III.B.2.b.ii., if the *SWPPP* includes *construction activities* that are not within the municipal boundary(ies) of *Traditional Land Use Control MS4 Operator(s)*, and/or if the *SWPPP* includes *construction activities* within the municipal boundary(ies) of *Traditional Land Use Control MS4 Operator(s)* that do not have review authority in accordance with Part I.D.2.b.ii.1., the authorization date indicated in the LOA will be 60 business days after the eNOI submission date.

² Unless NYSDEC grants a waiver in accordance with 40 CFR 127.15(c) or (d). All waiver requests must be submitted to Stormwater_info@dec.ny.gov or NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505.

- c. If *Traditional Land Use Control MS4 Operator(s)* have review authority in accordance with Part I.D.2.b.ii.2., the *owner or operator* must, within five business days of receipt of the LOA, send an electronic copy of the LOA to the *Traditional Land Use Control MS4 Operator(s)* with review authority.

E. General Requirements for Owners or Operators with Permit Coverage

1. As of the date the LOA is received, the *owner or operator* must make the eNOI, *SWPPP*, and LOA available for review and copying in accordance with the requirements in Part VII.H. When applicable, as of the date an updated LOA is received, the *owner or operator* must make the updated LOA available for review and copying in accordance with the requirements in Part VII.H.
2. The *owner or operator* must ensure compliance with all requirements of this permit and that the provisions of the *SWPPP*, including any changes made to the *SWPPP* in accordance with Part III.A.5., are properly implemented and maintained from the *commencement of construction activity* until:
 - a. all areas of disturbance have achieved *final stabilization*; and
 - b. the owner's or operator's coverage under this permit is terminated in accordance with Part V.A.5.a.
3. As of the date of the *commencement of construction activities* until Part I.E.2.a. and b. have been met, the *owner or operator* must maintain at the *construction site*, a copy of:
 - a. all documentation necessary to demonstrate eligibility with this permit; and
 - b. this permit; and
 - c. the *SWPPP*; and
 - d. the signed *SWPPP Preparer Certification Form*; and
 - e. the signed *MS4 SWPPP Acceptance Form* or signed *NYCDEP SWPPP Acceptance/Approval Form* or signed *MS4 No Jurisdiction Form* (when applicable); and
 - f. the signed *Owner/Operator Certification Form*; and

- g. the eNOI; and
 - h. the LOA; and
 - i. the LOA transmittal to the Traditional Land Use Control MS4 Operator in accordance with Part I.D.3.c. (when applicable).
4. The *owner or operator* must maintain at the *construction site*, until Part I.E.2.a. and b. have been met, as of the date the documents become final or are received, a copy of the:
- a. responsible contractor's or subcontractor's certification statement(s) in accordance with Part III.A.7.; and
 - b. inspection reports in accordance with Part IV.C.4. and 6.; and
 - c. Request to Disturb Greater Than Five Acres and the Authorization Letter to Disturb Greater Than Five Acres in accordance with Part I.E.6. (when applicable); and
 - d. Request to Continue Coverage and the Letter of Continued Coverage (LOCC) in accordance with Part I.F.2. and 4. (when applicable); and
 - e. The updated LOA(s) in accordance with Part I.E.9. (when applicable).
5. The *owner or operator* must maintain the documents in Part I.E.3. and 4. in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection. The documents must be paper documents unless electronic documents are accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be. If electronic documents are kept on site, the *owner or operator* must maintain functional equipment on site available to an inspector during normal hours of operation such that an inspector may view the electronic documents in a format that can be read in a similar manner as a paper record and in a legally dependable format with no less evidentiary value than their paper equivalent.
6. The *owner or operator* must meet the following requirements prior to disturbing greater than five acres of soil at any one time:
- a. The *owner or operator* must submit a written Request to Disturb Greater Than Five Acres to:

Part I.E.6.a.i.

- i. NYSDEC's Regional Office Division of Water staff based on the project location, Appendix E, if a *Traditional Land Use Control MS4 Operator* does not have review authority in accordance with Part I.D.2.b.ii.1.; or
 - ii. the *Traditional Land Use Control MS4 Operator*, if a *Traditional Land Use Control MS4 Operator* has review authority in accordance with Part I.D.2.b.ii.1.; or
 - iii. NYSDEC's Regional Office Division of Water staff based on the project location, Appendix E, and each involved *Traditional Land Use Control MS4 Operator*, if the project spans multiple municipalities with more than one *Traditional Land Use Control MS4 Operator* involved with review authority in accordance with Part I.D.2.b.ii.1.
- b. The written Request to Disturb Greater Than Five Acres must include:
- i. The SPDES permit identification number (Permit ID); and
 - ii. Full technical justification demonstrating why alternative methods of construction that would result in five acres of soil disturbance or less at any one time are not feasible; and
 - iii. The phasing plan for the project and sequencing plans for all *phases* from the *SWPPP* in accordance with Part III.B.1.d.; and
 - iv. Plans with locations and details of erosion and sediment control practices such that the heightened concern for erosion when disturbing greater than five acres at one time has been addressed; and
 - v. Acknowledgment that "the *owner or operator* will comply with the requirements in Part IV.C.2.b."; and
 - vi. Acknowledgment that "the *owner or operator* will comply with the requirements in Part II.B.1.b."
- c. The *owner or operator* must be in receipt of an Authorization Letter to Disturb Greater Than Five Acres, which will include when the

authorization begins and ends and indicate a maximum area (acres) of soil disturbance allowed at any one time, from:

- i. NYSDEC, if Part I.E.6.a.i. or iii. apply; or
 - ii. the *Traditional Land Use Control MS4 Operator*, if Part I.E.6.a.ii. applies.
7. Upon a finding of significant non-compliance with the practices described in the *SWPPP* or violation of this permit, NYSDEC may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order must be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
8. If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE).³ *Construction activity* shall not resume until written permission to do so has been received from the RWE.
9. To be authorized to implement modifications to the information previously submitted in the eNOI, the *owner or operator* must:
 - a. notify NYSDEC via email at Stormwater_info@dec.ny.gov requesting access to update the eNOI; and
 - b. update the eNOI to reflect the modifications and resubmit the eNOI in accordance with Part I.D.; and
 - c. receive an updated LOA.
10. The eNOI, *SWPPP*, LOA, updated LOAs (when applicable), and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

³ The Regional Water Manager where a DEC Region does not have a RWE.

F. Permit Coverage for *Discharges* Authorized Under GP-0-20-001

When applicable:

1. Upon the effective date of this permit, an *owner or operator* of a *construction activity*, with coverage under GP-0-20-001, will have interim coverage under GP-0-25-001 for 45 calendar days starting on the effective date of GP-0-25-001 so long as the *owner or operator* maintains compliance with all applicable requirements of this permit.
2. Within 30 calendar days of the effective date of this permit, the *owner or operator*, with coverage under GP-0-20-001, must submit a complete Request to Continue Coverage electronically using a NYSDEC approved form,⁴ which contains the information identified in Part I.F.3. below, if:
 - a. the *owner or operator* continues to implement the SMP component in conformance with the technical standards in place at the time of initial project authorization; and
 - b. the *owner or operator* will comply with all non-design requirements of GP-0-25-001.
3. The Request to Continue Coverage form contains questions to: ensure eligibility requirements in Part I.A. have been met; verify *owner or operator* contact information; verify the permit identification number; verify the original eNOI submission ID, if applicable; verify Part I.F.2.a. and b.; verify the version of the Design Manual that the technical/design components conform to; and receive an updated Owner/Operator Certification Form, Appendix I.
4. The *owner or operator* has obtained continued coverage under GP-0-25-001 as of the date indicated in the LOCC, which is sent by NYSDEC after a complete Request to Continue Coverage form is submitted.
5. If the owner or operator does not submit the Request to Continue Coverage form in accordance with Part I.F.2. and 3., coverage under this permit is automatically terminated after interim coverage expires.

⁴ Unless NYSDEC grants a waiver in accordance with 40 CFR 127.15(c) or (d). All waiver requests must be submitted to Stormwater_info@dec.ny.gov or NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505.

G. Change of *Owner or Operator*

When applicable:

1. When property ownership changes, or when there is a change in operational control over the construction plans and specifications, the following process applies:
 - a. The new *owner or operator* must meet the applicable prerequisites for submitting an eNOI in accordance with Part I.D.2.; and
 - b. The new *owner or operator* must submit an eNOI in accordance with Part I.D.3.; and
 - c. Permit coverage for the new *owner or operator* will be effective upon receipt of the LOA in accordance with Part I.D.3.b.; and
 - d. The new *owner or operator*, upon receipt of their LOA, must provide their Permit ID to the original *owner or operator*; and
 - e. If the original *owner or operator* will no longer be the *owner or operator* of the *construction activity* identified in the original *owner's or operator's* eNOI, the original *owner or operator*, upon receipt of the new *owner's or operator's* Permit ID in accordance with Part I.G.1.d., must submit to NYSDEC a completed eNOT in accordance with Part V. that includes the name and Permit ID of the new *owner or operator*; or
 - f. If the original *owner or operator* maintains ownership of a portion of the *construction activity*, the original *owner or operator* must maintain their coverage under the permit by modifying their eNOI; modifications to the eNOI must include:
 - i. the revised area of disturbance and/or *impervious area(s)*; and
 - ii. the revised SMP information, if applicable; and
 - iii. a narrative description of what has changed; and
 - iv. the new *owner's or operator's* Permit ID for the portion of the project removed from the eNOI.

Owners or operators must follow Part I.E.9. to modify the eNOI.

Part II. Water Quality-Based Effluent Limitations

A. Maintaining Water Quality

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

1. There must be no increase in turbidity that will cause a substantial visible contrast to natural conditions; and
2. There must be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There must be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

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

If, despite compliance with the requirements of this permit, it is demonstrated that the *stormwater discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or if NYSDEC determines that a modification of this permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit, and the *owner or operator* must obtain an individual SPDES permit prior to further *discharges* from the *construction site*.

B. Effluent Limitations Applicable to *Discharges* from *Construction Activities*

Discharges authorized by this permit must achieve, at a minimum, the effluent limitations in Part II.B.1.a., b., c., d., and e. These limitations represent the

degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement, and maintain control measures to *minimize* the *discharge of pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part II.B.1.a., b., c., d., and e. and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (BB), dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in *SWPPP* the reason(s) for the deviation, or alternative design, and provide information in the *SWPPP* demonstrating that the deviation or alternative design is *equivalent* to the technical standard.

- a. **Erosion and Sediment Controls.** At a minimum, erosion and sediment controls must be selected, designed, installed, implemented, and maintained to:
 - i. *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*; and
 - ii. Control *stormwater discharges*, including both peak flow rates and total *stormwater* volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points; and
 - iii. *Minimize* the amount of soil exposed during *construction activity*; and
 - iv. *Minimize* the disturbance of *steep slope*; and
 - v. *Minimize* sediment *discharges* from the site; and
 - vi. Provide and maintain *natural buffers* around surface waters, direct *stormwater* to vegetated areas and maximize *stormwater* infiltration to reduce *pollutant discharges*, unless *infeasible*; and
 - vii. *Minimize* soil compaction. *Minimizing* soil compaction is not required

where the intended function of a specific area of the site dictates that it be compacted; and

- viii. Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and
 - ix. *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of *pollutants* that could be discharged from the site.
- b. **Soil Stabilization.** In areas where soil disturbance activity has ceased, whether permanently or *temporarily ceased*, the application of soil stabilization measures must be initiated by the end of the next business day and completed within 14 calendar days from the date the current soil disturbance activity ceased. For *construction sites* that *directly discharge* to one of the 303(d) segments listed in Appendix D, or are located in one of the watersheds listed in Appendix C, or are authorized to disturb greater than five acres in accordance with Part I.E.5.a.viii., the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven calendar days from the date the soil disturbance activity ceased.
- c. **Dewatering.** *Discharges* from *dewatering* activities, including *discharges* from *dewatering* of trenches and excavations, must be managed by appropriate control measures.
- d. **Pollution Prevention Measures.** Select, design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge of pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be selected, designed, installed, implemented, and maintained to:
- i. *Minimize* the *discharge of pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. Soaps, detergents and solvents cannot be used; and
 - ii. *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation

and to *stormwater*. *Minimization* of exposure is not required in cases where the exposure to precipitation and to *stormwater* will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of *stormwater* contamination (such as final products and materials intended for outdoor use); and

- iii. Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.
- e. **Surface Outlets.** When discharging from basins and impoundments, the surface outlets must be designed, constructed, and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-Construction Stormwater Management Practice (SMP) Requirements

- 1. The *owner or operator* of a *construction activity* that requires post-construction SMPs, in accordance with Part III.C., must select, design, install, implement, and maintain the SMPs to meet the *performance criteria* in the New York State Stormwater Management Design Manual, dated July 31, 2024 (DM), using sound engineering judgment. Where SMPs are not designed in conformance with the *performance criteria* in the DM, the *owner or operator* must include in the *SWPPP* the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
- 2. The *owner or operator* of a *construction activity*, that requires SMPs in accordance with Part III.C., must design the practices to meet the applicable *sizing criteria* in Part II.C.2.a., b., c., or d.

a. Sizing Criteria for *New Development*

- i. Runoff Reduction Volume (RRv) and Water Quality Volume (WQv):
 - 1. Reduce the total WQv by application of RR techniques and standard SMPs with RRv capacity. The total WQv must be calculated in accordance with the criteria in Section 4.2 of the DM; or

2. Minimum RRV and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the requirements in Part II.C.2.a.i.1. due to *site limitations* must direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRV capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv must be documented in the *SWPPP*. For each *impervious area* that is not directed to a RR technique or standard SMP with RRV capacity, the *SWPPP* must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRV as calculated using the criteria in Section 4.4 of the DM. The remaining portion of the total WQv that cannot be reduced must be treated by application of standard SMPs.

- ii. Channel Protection Volume (CPv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event, remaining after runoff reduction. Where a CPv control orifice is provided, the minimum orifice size must be 3 inches, with acceptable external trash rack or orifice protection. The CPv requirement does not apply when:
 1. Reduction of the entire CPv is achieved by application of runoff reduction techniques or infiltration systems; or
 2. The 1-year post-development peak *discharge* is less than or equal to 2.0 cfs without detention or velocity controls; or
 3. The site *directly discharges* into a fifth order or larger water body (stream, river, or lake), or tidal waters, where the increase in smaller flows will not impact the stream bank or channel integrity. However, the point of *discharge* must be adequately protected against scour and erosion by the increased peak *discharge*.

- iii. **Overbank Flood Control Criteria (Qp):** Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - 1. the site *directly discharges* to tidal waters or fifth order or larger streams, or
 - 2. A downstream analysis reveals that *overbank* control is not required.
- iv. **Extreme Flood Control Criteria (Qf):** Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - 1. the site *directly discharges* to tidal waters or fifth order or larger streams, or
 - 2. A downstream analysis reveals that *overbank* control is not required.

b. Sizing Criteria for New Development in Enhanced Phosphorus Removal Watersheds

- i. Runoff Reduction Volume (RRv) and Water Quality Volume (WQv):
 - 1. Reduce the WQv by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24-hour design storm over the post-developed watershed and must be calculated in accordance with the criteria in Section 4.3 of the DM; or
 - 2. Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part II.C.2.b.i.1. due to *site limitations* must direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv must be documented in the *SWPPP*. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the *SWPPP* must include

documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 4.5 of the DM. The remaining portion of the total WQv that cannot be reduced must be treated by application of standard SMPs.

- ii. Channel Protection Volume (CPv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event, remaining after runoff reduction. Where a CPv control orifice is provided, the minimum orifice size must be 3 inches, with acceptable external trash rack or orifice protection. The CPv requirement does not apply when:
 - 1. Reduction of the entire CPv is achieved by application of runoff reduction techniques or infiltration systems; or
 - 2. The 1-year post-development peak *discharge* is less than or equal to 2.0 cfs; or
 - 3. The site *directly discharges* to tidal waters, or a fifth order or larger water body (stream, river, or lake) where the increase in smaller flows will not impact the stream bank or channel integrity. However, the point of *discharge* must be adequately protected against scour and erosion by the increased peak *discharge*.
- iii. *Overbank* Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - 1. the site *directly discharges* to tidal waters or fifth order or larger streams; or
 - 2. A downstream analysis reveals that *overbank* control is not required.

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

c. Sizing Criteria for Redevelopment Activity

- i. Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* must be addressed by one of the following options, as outlined in Section 9.2.1. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C) must calculate the WQv in accordance with Section 4.3 of the DM. All other *redevelopment activities* must calculate the WQv in accordance with Section 4.2 of the DM.
 - 1. Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the DM must be applied to all newly created pervious areas; or
 - 2. Capture and treat 100% of the required WQv, for a minimum of 25% of the disturbed redevelopment *impervious area*, by implementation of standard SMPs or reduced by application of runoff reduction techniques; or
 - 3. Capture and treat 100% of the required WQv, for a minimum of 75% of the disturbed redevelopment *impervious area*, by implementation of a volume-based alternative SMP, as defined in Section 9.4 of the DM; or
 - 4. Capture and treat 100% of the required WQv, for a minimum of 75% of the disturbed redevelopment *impervious area*, by implementation of a flow-through alternative SMP sized to treat the peak rate of runoff from the WQv design storm; or

5. Application of a combination of 1 through 4 above that provide a weighted average of at least two of the above methods. Application of this method must be in accordance with the criteria in Section 9.2.1(A)(V) of the DM; or
 6. If there is an existing SMP located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 through 5 above.
- ii. Channel Protection Volume (CPv) is not required if there is 0% change to hydrology that increases the *discharge* rate and volume from the project site.
 - iii. *Overbank* Flood Control (Qp) is not required if there is 0% change to hydrology that increases the *discharge* rate from the project site.
 - iv. Extreme Flood Control (Qf) is not required if there is 0% change to hydrology that increases the *discharge* rate from the project site.

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

Construction projects, that include both *new development* and *redevelopment activity*, must use SMPs that meet the *sizing criteria* calculated as an aggregate of the *sizing criteria* in Part II.C.2.a. or b. for the *new development* portion of the project and Part II.C.2.c. for the *redevelopment activity* portion of the project.

Part III. Stormwater Pollution Prevention Plan (SWPPP)

A. General SWPPP Requirements

1. A SWPPP must be prepared and implemented by the *owner or operator* of all *construction activity* covered by this permit. All authorized *discharges* must be identified in the SWPPP. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and

practices that will be used to meet the effluent limitations in Part II.B. and, where applicable, the SMP requirements in Part II.C.

2. The *SWPPP* must demonstrate consideration in narrative format of the future physical risks due to climate change pursuant to the Community Risk and Resiliency Act (CRRA), 6 NYCRR Part 490, and associated guidance.

- a. The owner or operator must consider:

- i. the following physical risks due to climate change:

- (i) increasing temperature; and
 - (ii) increasing precipitation; and
 - (iii) increasing variability in precipitation, including chance of drought; and
 - (iv) increasing frequency and severity of flooding; and
 - (v) rising sea level; and
 - (vi) increasing storm surge; and
 - (vii) shifting ecology.

- ii. for each of the following:

- (i) overall site planning; and
 - (ii) location, elevation, and sizing of:
 - a. control measures and practices; and
 - b. conveyance system(s); and
 - c. detention system(s).

3. The *SWPPP* must describe the erosion and sediment control practices and where required, SMPs that will be used and/or constructed to reduce the *pollutants* in *stormwater discharges* and to assure compliance with the

requirements of this permit. In addition, the *SWPPP* must identify potential sources of pollution which may reasonably be expected to affect the quality of *stormwater discharges*.

4. All *SWPPPs*, that require the SMP component in accordance with Part III.B.2., must be prepared by a *qualified professional*.
5. The *owner or operator* must keep the *SWPPP* current so that, at all times, it accurately documents the erosion and sediment control practices that are being used or will be used during construction, and all SMPs that will be constructed on the site. At a minimum, the *owner or operator* must modify the *SWPPP*, including construction drawings:
 - a. whenever the current provisions prove to be ineffective in *minimizing pollutants* in *stormwater discharges* from the site; and
 - b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge of pollutants*; and
 - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, NYSDEC, or other regulatory authority; and
 - d. to document the final construction conditions in an as-built drawing.
6. NYSDEC may notify the *owner or operator* at any time that the *SWPPP* does not meet one or more of the minimum requirements of this permit. The notification must be in writing and identify the provisions of the *SWPPP* that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by NYSDEC, the *owner or operator* must make the required changes to the *SWPPP* and submit written notification to NYSDEC that the changes have been made. If the *owner or operator* does not respond to NYSDEC's comments in the specified time frame, NYSDEC may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4.
7. 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 SMPs included in the *SWPPP*. The *owner or operator* must have each of the contractors and subcontractors identify at least one person from their company to be *trained contractor* that will be responsible for implementation of the *SWPPP*. The *owner or operator* must ensure that at least one *trained contractor* is on site daily when soil disturbance activities are being performed.

The *owner or operator* must have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before the *commencement of construction activities*:

"I hereby certify under penalty of law that I understand and agree to comply with the requirements of the *SWPPP* and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the requirements of the most current version of the New York State Pollutant Discharge Elimination System (SPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the *SWPPP* that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for *SWPPP* implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* must attach the certification statement(s) to the copy of the *SWPPP* that is maintained at the *construction site*. If new or additional contractors are hired to implement measures identified in the *SWPPP* after the *commencement of construction activities*, they must also sign the certification statement and provide the information listed above prior to performing *construction activities*.

B. Required *SWPPP* Contents

1. Erosion and sediment control component - The *owner or operator* must prepare a *SWPPP* that includes erosion and sediment control practices.
 - a. Erosion and sediment control practices must be designed:
 - i. in conformance with the BB; or
 - ii. *equivalent* to the BB if deviating from Part III.B.1.a.i.
 - b. If the erosion and sediment control practices are designed in conformance with Part III.B.1.a.ii., the *SWPPP* must include a demonstration of *equivalence* to the BB.
 - c. At a minimum, the erosion and sediment control component of the *SWPPP* must include the following:
 - i. Background information about the scope of the project, including the location, type and size of project; and
 - ii. A site map/construction drawing(s) with north arrows for the project, including a general location map. At a minimum, the site map must show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the *stormwater discharge(s)* and receiving surface water(s); and
 - iii. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG); and
 - iv. A phasing plan for the project and sequencing plans for all *phases*, both of which must address clearing and grubbing, excavation and grading, utility and infrastructure installation, *final stabilization*,

and any other *construction activity* at the site that will result in soil disturbance.

1. The phasing plan must include:
 - a. a map delineating and labeling the limits of soil disturbance for all *phases* of a project; and
 - b. a table identifying the order and intended schedule of when each *phase* will begin and end its sequencing plan. The table must identify the total disturbed area for each *phase* at any one time and the total disturbed area for the overall project at any one time all on one timeline showing all overlapping quantities of disturbed area at any one time; and
2. A sequencing plan for a specific *phase* must include:
 - a. a table indicating the order and intended schedule of *construction activities* within a *phase*, and corresponding construction drawings with a description of the work to be performed; and
 - b. all permanent and *temporary stabilization* measures; and
- v. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented; and
- vi. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice; and
- vii. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any

temporary sediment basins and structural practices that will be used to divert flows from exposed soils; and

- viii. A maintenance inspection schedule for the contractor(s) and subcontractor(s) identified in Part III.A.7. to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule must be in accordance with the requirements in the BB technical standard; and
 - ix. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the *stormwater discharges*; and
 - x. A description and location of any *stormwater discharges* associated with industrial activity other than construction at the site, including, but not limited to, *stormwater discharges* from asphalt plants and concrete plants located on the *construction site*; and
 - xi. Identification of any elements of the design that are not in conformance with the design criteria in the BB technical standard. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. SMP component – The *owner or operator of construction activity* identified in Table 2 of Appendix B must prepare a *SWPPP* that includes SMPs.
- a. SMPs must be designed in conformance with the applicable *sizing criteria* in Part II.C.2.a., c., or d.; and
 - b. SMPs must be designed in conformance with the *performance criteria*:
 - i. in the DM; or
 - ii. *equivalent* to the DM if deviating from Part III.B.2.b.i.; or
 - iii. in the New York State Stormwater Management Design Manual, dated January 2015 (2015 Design Manual), or *equivalent* to it, if the following criteria are met:

1. The eNOI is submitted in accordance with Part I.D. before January 29, 2027 for *construction activities* that are either:
 - a. subject to governmental review and approval:
 - i. where the *owner or operator* made any application to that governmental entity prior to the effective date of this permit; and
 - ii. such application included a *SWPPP* developed using the 2015 Design Manual or *equivalent* to it; or
 - b. not subject to governmental review and approval:
 - i. where a fiscal allocation for the *construction activities* has been developed and approved by a governmental entity; and
 - ii. the *SWPPP* was developed using the 2015 Design Manual or *equivalent* to it; and
 - c. If SMPs are designed in conformance with Part III.B.2.b.ii., the *SWPPP* must include the reason(s) for the deviation or alternative design and a demonstration of *equivalence* to the DM; and
 - d. If SMPs are designed in conformance with Part III.B.2.b.iii., the *SWPPP* must include supporting information or documentation demonstrating that Part III.B.2.b.iii.1.a. or b. apply; and
 - e. The SMP component of the *SWPPP* must include the following:
 - i. Identification of all SMPs to be constructed as part of the project, including which option the SMP designs conform to, either Part III.B.2.b.i., ii., or iii. Include the dimensions, material specifications and installation details for each SMP; and
 - ii. A site map/construction drawing(s) showing the specific location and size of each SMP; and

- iii. A Stormwater Modeling and Analysis Report that includes:
 - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points; and
 - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and SMPs; and
 - (iii) Results of *stormwater* modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre- and post-development runoff rates and volumes for the different storm events; and
 - (iv) Summary table, with supporting calculations, which demonstrates that each SMP has been designed in conformance with the *sizing criteria* included in the DM; and
 - (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part II.C.; and
 - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the DM. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the DM.
- iv. Soil testing results and locations (test pits, borings); and
- v. Infiltration test results, when required in accordance with Part III.B.2.a.; and
- vi. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each SMP. The plan must identify the entity

that will be responsible for the long-term operation and maintenance of each practice; and

3. Enhanced Phosphorus Removal Standards - The *owner or operator* of *construction activity* identified in Table 2 of Appendix B that is located in a watershed identified in Appendix C must prepare a *SWPPP* that includes SMPs designed in conformance with the applicable *sizing criteria* in Part II.C.2.b., c., or d. and the *performance criteria* Enhanced Phosphorus Removal Standards included in the DM. At a minimum, the SMP component of the *SWPPP* must meet the requirements of Part III.B.2.

C. Required *SWPPP* Components by Project Type

Owners or operators of *construction activities*, identified in Table 1 of Appendix B, are required to prepare a *SWPPP* that only includes erosion and sediment control practices designed in accordance with Part III.B.1. *Owners or operators* of the *construction activities*, identified in Table 2 of Appendix B, must prepare a *SWPPP* that also includes SMPs designed in accordance with Part III.B.2 or 3.

For the entire area of disturbance, including the entire *common plan of development or sale* if applicable, the owner or operator must evaluate every bullet from Appendix B Table 1 and Table 2 separately. If bullets from both Table 1 and Table 2 apply, the *SWPPP* must include erosion and sediment control practices for all *construction activities* but SMPs for only those portions of the *construction activities* that fall under Table 2 bullet(s).

Part IV. Inspection and Maintenance Requirements

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures), and all SMPs identified in the *SWPPP*, are inspected and maintained in accordance with Part IV.B. and C.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity*, identified in Tables 1 and 2 of Appendix B, must have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being

implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor must:

- a. if the corrective action does not require engineering design:
 - i. begin implementing corrective actions within one business day; and
 - ii. complete the corrective actions within five business days; or
 - b. if the corrective action requires engineering design:
 - i. begin the engineering design process within five business days; and
 - ii. complete the corrective action in a reasonable time frame but no later than within 60 calendar days.
2. For *construction sites* where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections in accordance with Part IV.B.1. The *trained contractor* must begin conducting the maintenance inspections in accordance with Part IV.B.1. as soon as soil disturbance activities resume.
 3. For *construction sites* where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections in accordance with Part IV.B.1. if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational.

C. Qualified Inspector Inspection Requirements

1. With the exception of the following *construction activities* identified in Tables 1 and 2 of Appendix B, a *qualified inspector* must conduct site inspections for all other *construction activities* identified in Tables 1 and 2 of Appendix B:
 - a. the construction of a single-family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than or equal to five (5) acres and is

not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix D; and

- b. the construction of a single-family home that involves soil disturbances of one (1) or more acres but less than or equal to five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix D; and
 - c. construction on *agricultural property* that involves soil disturbances of one (1) or more acres but less than five (5) acres; and
 - d. *construction activities* located in the New York City Watershed located east of the Hudson River, see Appendix C Figure 1, that involve soil disturbances of 5,000 square feet or more, but less than one acre.
2. The *qualified inspector* must conduct site inspections in accordance with the following timetable:
- a. For *construction sites* where soil disturbance activities are on-going, the *qualified inspector* must conduct a site inspection at least once every seven (7) calendar days; or
 - b. For *construction sites* where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part I.E.6. to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* must conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections must be separated by a minimum of two (2) full calendar days; or
 - c. For *construction sites* where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* must conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* must notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix E) or, in areas under the jurisdiction of a *Traditional Land Use Control MS4 Operator*, the *Traditional Land Use Control MS4 Operator* (provided the *Traditional Land Use Control MS4 Operator* is not the *owner or operator* of the *construction activity*) by hard copy or email prior to reducing the inspections to this frequency and again by hard copy or email prior to re-commencing construction; or

- d. For *construction sites* where soil disturbance activities have been shut down with partial project completion, the requirement to have the *qualified inspector* conduct inspections ceases if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational. The *owner or operator* must notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix E) or, in areas subject to the review authority of *Traditional Land Use Control MS4 Operator(s)* in accordance with Part I.D.2.b.ii.1., the *Traditional Land Use Control MS4 Operator(s)* (provided the *Traditional Land Use Control MS4 Operator(s)* are not the *owners or operators* of the *construction activity*) in writing prior to the shutdown and again in writing prior to resuming *construction activity*. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* must terminate coverage by meeting the requirements of Part V; or
 - e. For *construction sites* involving soil disturbance of one (1) or more acres that *directly discharge* to one of the 303(d) segments listed in Appendix D or is located in one of the watersheds listed in Appendix C, the *qualified inspector* must conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections must be separated by a minimum of two (2) full calendar days.
3. At a minimum, the *qualified inspector* must inspect:
- a. all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness; and
 - b. all SMPs under construction to ensure that they are constructed in conformance with the *SWPPP*; and
 - c. all areas of disturbance that have not achieved *final stabilization*; and
 - d. all points of *discharge to surface waters of the State* located within, or immediately adjacent to, the property boundaries of the *construction site*; and
 - e. all points of *discharge* from the *construction site*.

4. The *qualified inspector* must prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report must include and/or address all of the following, for all *construction activities* except those listed in Part IV.C.1.:
 - a. Permit identification number; and
 - b. Date and time of inspection; and
 - c. Name and title of person(s) performing inspection; and
 - d. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection, including the temperature at the time of the inspection; and
 - e. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This must include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow; and
 - f. A description of the condition of all *surface waters of the State* located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This must include identification of any *discharges* of sediment to the *surface waters of the State*; and
 - g. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance; and
 - h. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced; and
 - i. Description and sketch (map) of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection; and
 - j. Estimates, in square feet or acres, of the following areas:

- i. Total area with active soil disturbance (not requiring either *temporary stabilization* or *final stabilization*); and
 - ii. Total area with inactive soil disturbance (requiring either *temporary stabilization* or *final stabilization*); and
 - iii. Total area that has achieved *temporary stabilization*; and
 - iv. Total area that has achieved *final stabilization*; and
- k. Current stage of construction of all SMPs and identification of all *construction activity* on site that is not in conformance with the *SWPPP* and technical standards; and
- l. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the SMP(s); and
- m. Identification and status of all corrective actions that were required by previous inspection; and
- n. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* must attach color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* must also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* must attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* must notify the *owner or operator*, and appropriate contractor or subcontractor identified in Part III.A.7., of any corrective actions that need to be taken. The contractor or subcontractor must:
- a. if the corrective action does not require engineering design:

- i. begin implementing corrective actions within one business day; and
 - ii. complete the corrective actions within five business days; or
 - b. if the corrective action requires engineering design:
 - i. begin the engineering design process within five business days; and
 - ii. complete the corrective action in a reasonable time frame but no later than within 60 calendar days.
6. All inspection reports must be signed by the *qualified inspector*. In accordance with Part I.E.3., the inspection reports must be maintained on site with the *SWPPP*.

Part V. How to Terminate CGP Coverage

A. Electronic Notice of Termination (eNOT) Submittal

The eNOT contains questions to ensure requirements in Part V.A. have been met.

1. An *owner or operator* must terminate coverage when one or more of the following requirements have been met:
 - a. Total project completion:
 - i. all *construction activity* identified in the *SWPPP* has been completed; and
 - ii. all areas of disturbance have achieved *final stabilization*; and
 - iii. all temporary, structural erosion and sediment control measures have been removed; and
 - iv. all SMPs have been constructed in conformance with the *SWPPP* and are operational; and
 - v. an as-built drawing has been prepared; or

- b. Planned shutdown with partial project completion:
 - i. all soil disturbance activities have ceased; and
 - ii. all areas disturbed as of the project shutdown date have achieved *final stabilization*; and
 - iii. all temporary, structural erosion and sediment control measures have been removed; and
 - iv. all SMPs required for the completed portion of the project have been constructed in conformance with the *SWPPP* and are operational; and
 - v. an as-built drawing has been prepared; or
 - c. In accordance with Part I.G. Change of Owner or Operator; or
 - d. The *owner or operator* has obtained coverage under an alternative general SPDES permit or an individual SPDES permit.
2. For *construction activities* that require *qualified inspector* inspections in accordance with Part IV.C.1. and have met Part V.A.1.a. or b., the *owner or operator* must have the *qualified inspector* perform a final site inspection prior to submitting the eNOT. The *qualified inspector* must, by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice(s)” certification statements on the eNOT, certify that all the requirements in Part V.A.1.a. or b. have been achieved.
3. For *construction activities* that are subject to the review authority of *Traditional Land Use Control MS4 Operator(s)* in accordance with Part I.D.2.b.ii.1. and meet Part V.A.1.a. or b., the *owner or operator* must have the *Traditional Land Use Control MS4 Operator(s)* sign the “MS4 Acceptance” statement on the eNOT in accordance with the requirements in Part VII.J. A *Traditional Land Use Control MS4 Operator* official, by signing this statement, determined that it is acceptable for the *owner or operator* to submit the eNOT in accordance with the requirements of this Part. A *Traditional Land Use Control MS4 Operator* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector’s* final site inspection certification(s) when required in Part V.A.2.

Part V.A.4.

4. For *construction activities* that require SMPs and meet Part V.A.1.a. or b., the *owner or operator* must, prior to submitting the eNOT, ensure one of the following:
 - a. for SMP(s) that were constructed by a private entity, but will be owned, operated, and maintained by a public entity, the SMP(s) and any right-of-way(s) needed to operate and maintain such practice(s) have been deeded to the municipality in which the practice(s) is located; or
 - b. for SMP(s) that are privately owned, but will be operated and maintained by a public entity, an executed operation and maintenance agreement is in place with the municipality that will operate and maintain the SMP(s); or
 - c. for SMP(s) that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record; or
 - d. for SMP(s) that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility, the *owner or operator* has policies and procedures in place that ensure operation and maintenance of the practices in accordance with the operation and maintenance plan.
5. An *owner or operator* that has met the requirements of Part V.A.1., 2., 3., and 4. must request termination of coverage under this permit by submitting a complete Notice of Termination form electronically using a NYSDEC approved form.⁵
 - a. The owner's or operator's coverage is terminated as of the termination date indicated in the Letter of Termination (LOT), which is sent by NYSDEC after a complete eNOT is submitted.

⁵ Unless NYSDEC grants a waiver in accordance with 40 CFR 127.15(c) or (d). All waiver requests must be submitted to Stormwater_info@dec.ny.gov or NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505.

Part VI. Record Retention and Reporting

A. Record Retention

The *owner or operator* must retain a copy of the documents listed in Part I.E.3. and a copy of the LOT for a period of at least five years from the date that NYSDEC accepts a complete NOT submitted in accordance with Part V.

B. Reporting

Except for the eNOI, the signature forms associated with the eNOI, and the eNOT, all other written correspondence requested by NYSDEC, including individual permit applications, must be sent to the address of the appropriate DOW (SPDES) Program contact at the Regional Office listed in Appendix E.

Part VII. Standard Permit Requirements

For the purposes of this permit, examples of contractors and subcontractors include: third-party maintenance and construction contractors.

A. Duty to Comply

The *owner or operator*, and all contractors or subcontractors, must comply with all requirements of this permit. Any non-compliance with the requirements of this permit constitutes a violation of the New York State Environmental Conservation Law (ECL), and its implementing regulations, and is grounds for enforcement action. Filing of a request for termination of coverage under this permit, or a notification of planned changes or anticipated non-compliance, does not limit, diminish or stay compliance with any requirements of this permit.

B. Need to Halt or Reduce Activity Not a Defense

The necessity to halt or reduce the *construction activity* regulated by this permit, in order to maintain compliance with the requirements of this permit, must not be a defense in an enforcement action.

C. Penalties

There are substantial criminal, civil, and administrative penalties associated with violating the requirements of this permit. Fines of up to \$37,500 per day for each

violation and imprisonment for up to 15 years may be assessed depending upon the nature and degree of the offense.

D. False Statements

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

E. Re-Opener Clause

Upon issuance of this permit, a determination has been made on the basis of a submitted Notice of Intent, plans, or other available information, that compliance with the specified permit requirements will reasonably protect classified water use and assure compliance with applicable *water quality standards*. Satisfaction of the requirements of this permit notwithstanding, if operation pursuant to this permit causes or contributes to a condition in contravention of State *water quality standards* or guidance values, or if NYSDEC determines that a modification is necessary to prevent impairment of the best use of the waters or to assure maintenance of *water quality standards* or compliance with other provisions of ECL Article 17 or the Clean Water Act (CWA), or any regulations adopted pursuant thereto, NYSDEC may require such modification and the Commissioner may require abatement action to be taken by the *owner or operator* and may also prohibit such operation until the modification has been implemented.

F. Duty to Mitigate

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

G. Requiring Another General Permit or Individual SPDES Permit

NYSDEC may require any *owner or operator* authorized to *discharge* in accordance with this permit to apply for and obtain an individual SPDES permit or apply for authorization to *discharge* in accordance with another general SPDES permit.

1. Cases where an individual SPDES permit or authorization to discharge in accordance with another general SPDES permit may be required include, but is not limited to the following:

Part VII.G.1.a.

- a. the *owner or operator* is not in compliance with the conditions of this permit or does not meet the requirements for coverage under this permit; and
 - b. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of *pollutants* applicable to the *point source*; and
 - c. new effluent limitation guidelines or new source performance standards are promulgated that are applicable to *point sources* authorized to *discharge* in accordance with this permit; and
 - d. existing effluent limitation guidelines or new source performance standards that are applicable to *point sources* authorized to *discharge* in accordance with this permit are modified; and
 - e. a water quality management plan containing requirements applicable to such *point sources* is approved by NYSDEC; and
 - f. circumstances have changed since the time of the request to be covered so that the *owner or operator* is no longer appropriately controlled under this permit, or either a temporary or permanent reduction or elimination of the authorized *discharge* is necessary; and
 - g. the *discharge* is in violation of section 17-0501 of the ECL; and
 - h. the *discharge(s)* is a significant contributor of *pollutants*. In making this determination, NYSDEC may consider the following factors:
 - i. the location of the *discharge(s)* with respect to *surface waters of the State*; and
 - ii. the size of the *discharge(s)*; and
 - iii. the quantity and nature of the *pollutants discharged* to *surface waters of the State*; and
 - iv. other relevant factors including compliance with other provisions of ECL Article 17, or the CWA.
2. When NYSDEC requires any *owner or operator* authorized by this permit to apply for an individual SPDES permit as provided for in this subdivision, it must notify the *owner or operator* in writing that a permit application is required. This notice must include a brief statement of the reasons for this decision, an application

form, a statement setting a time for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from the *owner's or operator's* receipt of the notification letter, whereby the authorization to *discharge* under this permit must be terminated. NYSDEC may grant additional time upon demonstration, to the satisfaction of the RWE,⁶ that additional time to apply for an alternative authorization is necessary or where NYSDEC has not provided a permit determination in accordance with 6 NYCRR Part 621.

3. When an individual SPDES permit is issued to an *owner or operator* authorized to *discharge* under this permit for the same *discharge(s)*, this permit authorization for *construction activities* authorized under the individual SPDES permit is automatically terminated on the effective date of the individual SPDES permit unless termination is earlier in accordance with 6 NYCRR Part 750.

H. Duty to Provide Information

The *owner or operator* must furnish to NYSDEC, within five business days, unless otherwise set forth by NYSDEC, any information that NYSDEC may request to determine whether cause exists to determine compliance with this permit or to determine whether cause exists for requiring an individual SPDES permit in accordance with 6 NYCRR 750-1.21(e) (see Part VII.G. Requiring Another General Permit or Individual Permit).

The *owner or operator* must make available to NYSDEC, for inspection and copying, or furnish to NYSDEC within 25 business days of receipt of a NYSDEC request for such information, any information retained in accordance with this permit.

Except for Part I.D.4. and 5. and Part I.G., the following applies: where the *owner or operator* becomes aware that it failed to submit any relevant facts on the Notice of Intent, or submitted incorrect information in a Notice of Intent or in any report to NYSDEC, the *owner or operator* must submit such facts or corrected information to NYSDEC within five business days.

I. Extension

In the event a new permit is not issued and effective prior to the expiration of this permit, and this permit is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, then the *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the requirements of this permit until a new permit is issued and effective.

⁶ The Regional Water Manager where a DEC Region does not have a RWE.

J. Signatories and Certification

The Notice of Intent, Notice of Termination, and reports required by this permit must be signed as provided in 40 CFR §122.22.

1. All Notices of Intent and Notices of Termination must be signed as follows:

a. For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- (ii) the manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Notice of Intent or Notice of Termination requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: NYSDEC does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR §122.22(a)(1)(i). NYSDEC will presume that these responsible corporate officers have the requisite authority to sign the Notice of Intent or Notice of Termination unless the corporation has notified NYSDEC to the contrary. Corporate procedures governing authority to sign a Notice of Intent or Notice of Termination may provide for assignment or delegation to applicable corporate positions under 40 CFR §122.22(a)(1)(ii) rather than to specific individuals.

b. For a partnership or sole proprietorship. By a general partner or the proprietor, respectively.

Part VII.J.1.c.

- c. For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 1. the chief executive officer of the agency; or
 2. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. All reports required by this permit, and other information requested by NYSDEC, must be signed by a person described in Part VII.J.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part VII.J.1. or using the Duly Authorized Form, found on the DEC website; and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - c. The written authorization is submitted to NYSDEC.
3. Changes to authorization. If an authorization under Part VII.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the *construction activity*, a new authorization satisfying the requirements of Part VII.J.2. must be submitted to NYSDEC prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under Part VII.J.1. or 2. must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

5. Electronic reporting. If documents described in Part VII.J.1. or 2. are submitted electronically by or on behalf of the *construction activity* with coverage under this permit, any person providing the electronic signature for such documents must meet all relevant requirements of this section, and must ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3) (Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

K. Inspection and Entry

The *owner or operator* must allow NYSDEC, the USEPA Regional Administrator, the applicable county health department, or any authorized representatives of those entities, or, in the case of a *construction site* which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the *discharge*, upon the presentation of credentials and other documents as may be required by law, to:

1. enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the requirements of this permit; and
2. have access to and copy at reasonable times, any records that must be kept under the requirements of this permit, including records required to be maintained for purposes of operation and maintenance; and
3. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. sample or monitor at reasonable times, for the purposes of assuring general SPDES permit compliance or as otherwise authorized by the CWA or ECL, any substances or parameters at any location; and
5. enter upon the property of any contributor to the regulated facility or activity under authority of the *owner or operator*.

L. Confidentiality of Information

The following must not be held confidential: this permit, the fact sheet for this permit, the name and address of any *owner or operator*, effluent data, the Notice of Intent, and information regarding the need to obtain an individual permit or an alternative general SPDES permit. This includes information submitted on forms themselves and any attachments used to supply information required by the forms (except information submitted on usage of substances). Upon the request of the *owner or operator*, NYSDEC must make determinations of confidentiality in accordance with 6 NYCRR Part 616, except as set forth in the previous sentence. Any information accorded confidential status must be disclosed to the Regional Administrator upon his or her written request. Prior to disclosing such information to the Regional Administrator, NYSDEC will notify the Regional Administrator of the confidential status of such information.

M. Other Permits May Be Required

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

N. NYSDEC Orders or Civil Decrees/Judgments

The issuance of this permit by the NYSDEC, and the coverage under this permit by the *owner or operator*, does not supersede, revoke, or rescind any existing order on consent or civil Decree/Judgment, or modification to any such documents or to any order issued by the Commissioner, or any of the terms, conditions, or requirements contained in such order or modification therefore, unless expressly noted.

O. Property Rights

Coverage under this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining the assent of any other jurisdiction as required by law for the *discharge* authorized.

P. Compliance with Interstate Standards

If the *construction activity* covered by this permit originates within the jurisdiction of an interstate water pollution control agency, then the *construction activity* must also comply with any applicable effluent standards or *water quality standards* promulgated by that interstate agency and as set forth in this permit for such *construction activities*.

Q. Oil and Hazardous Substance Liability

Coverage under this permit does not affect the imposition of responsibilities upon, or the institution of any legal action against, the *owner or operator* under section 311 of the CWA, which must be in conformance with regulations promulgated pursuant to section 311 governing the applicability of section 311 of the CWA to *discharges* from facilities with *NPDES* permits, nor must such issuance preclude the institution of any legal action or relieve the *owner or operator* from any responsibilities, liabilities, or penalties to which the *owner or operator* is or may be subject pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq. (CERCLA).

R. Severability

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

S. NYSDEC Approved Forms

The *owner or operator* must provide all relevant information that is requested by NYSDEC, and required by this permit, on all NYSDEC approved forms.

APPENDIX A – Abbreviations and Definitions

Abbreviations

APO – Agency Preservation Officer
BB – New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), dated November 2016
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
CPv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DM – New York State Stormwater Management Design Manual (Design Manual), dated July 31, 2024
DOW – Division of Water
EAF – Environmental Assessment Form
ECL – chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law
EPA – U.S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NYC – The City of New York
NYCDEP – The City of New York Department of Environmental Protection
NYSDEC – The New York State Department of Environmental Conservation
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RR – Runoff Reduction
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SMP – Post-Construction Stormwater Management Practice
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

Definitions

All definitions in this section are solely for the purposes of this permit. If a word is not italicized in the permit, use its common definition.

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

Agricultural Property – the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the “Agricultural Best Management Practice Systems Catalogue” (dated June 2023).

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

Combined Sewer System – a sewer system which conveys sewage and *stormwater* through a single pipe system to a publicly owned treatment works.

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

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

Common plan of development or sale does not include separate and distinct *construction activities* that are occurring, or may occur, under one plan that are at least 1/4 mile apart provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

Construction Activity(ies) – identified within 40 CFR 122.26(b)(14)(x), 122.26(b)(15)(i), and 122.26(b)(15)(ii), any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, mechanized logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal.

Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, which is excluded from the calculation of the soil disturbance for a project. Routine maintenance includes, but is not limited to:

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

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

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

Directly Discharge(s)(ing) (to a specific surface waterbody) – runoff flows from a *construction site* by overland flow and the first point of *discharge* is the specific surface waterbody, or runoff flows from a *construction site* to a separate storm sewer system and the first point of *discharge* from the separate storm sewer system is the specific surface waterbody.

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

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

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

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

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

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

Infeasible – not technologically possible, or not economically practicable and achievable considering best industry practices.

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

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

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

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

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

New York State Erosion and Sediment Control Certificate Program – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

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

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

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

Performance Criteria – the six performance criteria for each group of SMPs in Chapters 5 and 6 of the technical standard, New York State Stormwater Management Design Manual (DM), dated July 31, 2024. These include feasibility, conveyance, pretreatment, treatment, landscaping, and maintenance. It does not include the *Sizing Criteria* (i.e. WQv, RRV, CPv, Qp and Qf) in Part I.C.2. of the permit.

Phase – a defined area in which *construction activities* are occurring or will occur separate from other defined area(s).

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

Pollutant(s) – dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast *discharged* into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq.

Qualified Inspector – a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, *New York State Erosion and Sediment Control Certificate Program* holder or other NYSDEC 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 NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any SMPs that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional – a person that is knowledgeable in the principles and practices of *stormwater* management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other NYSDEC endorsed individual(s). Individuals preparing *SWPPPs* that require the SMP component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the *SWPPP* that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

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

Renewable Energy – electricity or thermal energy generated by renewable energy systems through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

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

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

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

Stormwater – that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the State.

Streambank – the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

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

Surface Waters of the State – shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

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

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

Total Maximum Daily Load (TMDL) – the sum of the allowable loads of a single *pollutant* from all contributing point and *nonpoint sources*. It is a calculation of the maximum amount of a *pollutant* that a waterbody can receive and still meet *water quality standards*, and an allocation of that amount to the *pollutant's* sources. A TMDL stipulates Waste Load Allocations (WLA) for *point source discharges*, Load Allocations (LA) for *nonpoint sources*, and a margin of safety (MOS).

Traditional Land Use Control MS4 Operator – a city, town, or village with land use control authority that is authorized to *discharge* under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

Trained Contractor – an employee from the contracting (construction) company, identified in Part III.A.7., that has received four (4) hours of NYSDEC endorsed training

in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.7., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, *New York State Erosion and Sediment Control Certificate Program* holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other NYSDEC endorsed entity).

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

Tree Clearing – *construction activities* limited to felling and removal of trees.

Tree clearing does not include hand felling and leaving the trees in place with no support from mechanized equipment, which is not considered *construction activity* requiring coverage under this permit.

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

APPENDIX B – Required SWPPP Components by Project Type

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

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

- Single-family home not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix D
- Single-family residential subdivisions with 25% or less *impervious cover* at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix D
- Construction of a barn or other *agricultural building*, silo, stock yard or pen.
- Structural agricultural conservation practices as identified in Table II in the “Agricultural Best Management Practice Systems Catalogue” (dated June 2023) that include construction or reconstruction of *impervious area* or *alter hydrology from pre- to post-development* conditions.

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

- All construction activities located in the New York City Watershed located east of the Hudson River, see Appendix C Figure 1, that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

Within the municipal boundaries of NYC:

- Stand-alone road reconstruction, where the total soil disturbance from only that road construction, is less than one (1) acre of land.

The following *construction activities*:

- Installation of underground linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains
- Environmental enhancement projects, such as wetland mitigation, *stormwater* retrofits, stream restoration, and resiliency projects that reconstruct shoreline areas to address sea level rise
- Pond construction
- Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an *impervious cover*
- Cross-country ski trails, walking/hiking trails, and mountain biking trails, including a de minimis parking lot (maximum 10 spaces total, sized for passenger cars) with 35 feet minimum preservation of undisturbed area downgradient from the parking lot
- Dam rehabilitation (the structure of the dam itself)
- Sidewalks, bike paths, or walking paths, surfaced with an *impervious cover*, that are not part of residential, commercial, or institutional development;
- Sidewalks, bike paths, or walking paths, surfaced with an *impervious cover*, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path, or walking path.

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

The following *construction activities*:

- Slope stabilization
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics
- Spoil areas that will be covered with vegetation
- Vegetated open space (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) that do not *alter hydrology from pre- to post-development* conditions
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre- to post-development* conditions
- Demolition where vegetation will be established, and no *redevelopment activity* is planned¹
- Installation or replacement of either an overhead electric transmission line or a ski lift tower that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*.
- Solar array field areas that have tables elevated off the ground, spaced one table width apart, do not *alter hydrology from pre- to post-development conditions*, and address water quality volume and runoff reduction volume by maintaining sheet flow on slopes less than 8%.
- Structural agricultural conservation practices as identified in Table II in the “Agricultural Best Management Practice Systems Catalogue” (dated June 2023) that do not include construction or reconstruction of *impervious area* and do not *alter hydrology from pre- to post-development* conditions.
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary *impervious areas* that will be restored to pre-construction conditions once the *construction activity* is complete (in this context, “temporary” means the *impervious area* will be in place for two years or less)
- Other *construction activities* that do not include the construction or reconstruction of *impervious area*, and do not *alter hydrology from pre- to post-development* conditions, and are not listed in Table 2.

1. If the site is redeveloped in the future, a new eNOI must be submitted.

Table 2

CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A *SWPPP* THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES (SMPs)

The following *construction activities*:

- Single-family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix D
- Single-family home that disturbs five (5) or more acres of land
- Single-family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix D
- Single-family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% *impervious cover* at total site build-out
- Single-family residential subdivisions that involve soil disturbances of between 20,000 square feet and one (1) acre of land within the municipal boundaries of NYC with greater than 25% *impervious cover* at total site build-out
- Single-family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single-family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a *common plan of development or sale* that will ultimately disturb five (5) or more acres of land
- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Creation of 5,000 square feet or more of *impervious area* in the municipal boundaries of NYC
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of *impervious area* (>5% of disturbed area) or *alter the hydrology from pre- to post-development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other *agricultural building* (e.g. silo) that involves soil disturbance greater than five acres.
- Structural agricultural conservation practices as identified in Table II in the “Agricultural Best Management Practice Systems Catalogue” (dated June 2023) that involves soil disturbance greater than five acres and include the construction or reconstruction of *impervious area* or *alter hydrology from pre- to post-development* conditions.
- Facility buildings, including ski lodges, restroom buildings, pumphouses, ski lift terminals, and maintenance and groomer garages
- Institutional development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills; including creation of landfills or capping landfills.
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTWs, water treatment plants, and water storage tanks
- Golf courses
- Office complexes

Table 2 (Continued)

CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A *SWPPP* THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES (SMPs)

The following *construction activities*:

- Permanent laydown yards and equipment storage lots
- Playgrounds that include the construction or reconstruction of *impervious area*
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surfaces
- Road construction or reconstruction, outside the municipal boundaries of NYC
- Road construction within the municipal boundaries of NYC
- Stand-alone road reconstruction, within the municipal boundaries of NYC where the total soil disturbance from that road reconstruction involves soil disturbance of one (1) acre or more of land
- Parking lot construction or reconstruction (as with all Table 2 bullets, this includes parking lots constructed as part of the *construction activities* listed in Table 1, unless a Table 1 bullet specifies otherwise)
- Athletic fields (natural grass) that include the construction or reconstruction of *impervious area* (>5% of disturbed area) or *alter the hydrology from pre- to post-development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations, and well drilling pads, surfaced with *impervious cover*, and constructed as part of an overhead electric transmission line, wind-power, cell tower, oil or gas well drilling, sewer or water main, ski lift, or other linear utility project
- Sidewalks, bike paths, or walking paths, surfaced with an *impervious cover*, that are part of a residential, commercial or institutional development
- Sidewalks, bike paths, or walking paths, surfaced with an *impervious cover*, that are part of highway construction or reconstruction
- Solar array field areas on slopes greater than 8% that cannot maintain sheet flow using management practices identified in the BB or the DM
- Solar array field areas on slopes less than 8% that will *alter the hydrology from pre- to post-development* conditions
- Solar array field areas with tables that are not elevated high enough to achieve *final stabilization* beneath the tables
- Traditional *impervious areas* associated with solar development (e.g. roads, buildings, transformers)
- Utility pads surfaced with *impervious cover*, including electric vehicle charging stations
- All other *construction activities* that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre- to post-development* conditions, and are not listed in Table 1

APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

Watersheds where *owners or operators of construction activities* identified in Table 2 of Appendix B must prepare a *SWPPP* that includes SMPs designed in conformance with the Enhanced Phosphorus Removal Standards included in the DM technical standard.

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

Figure 1 - New York City Watershed East of the Hudson

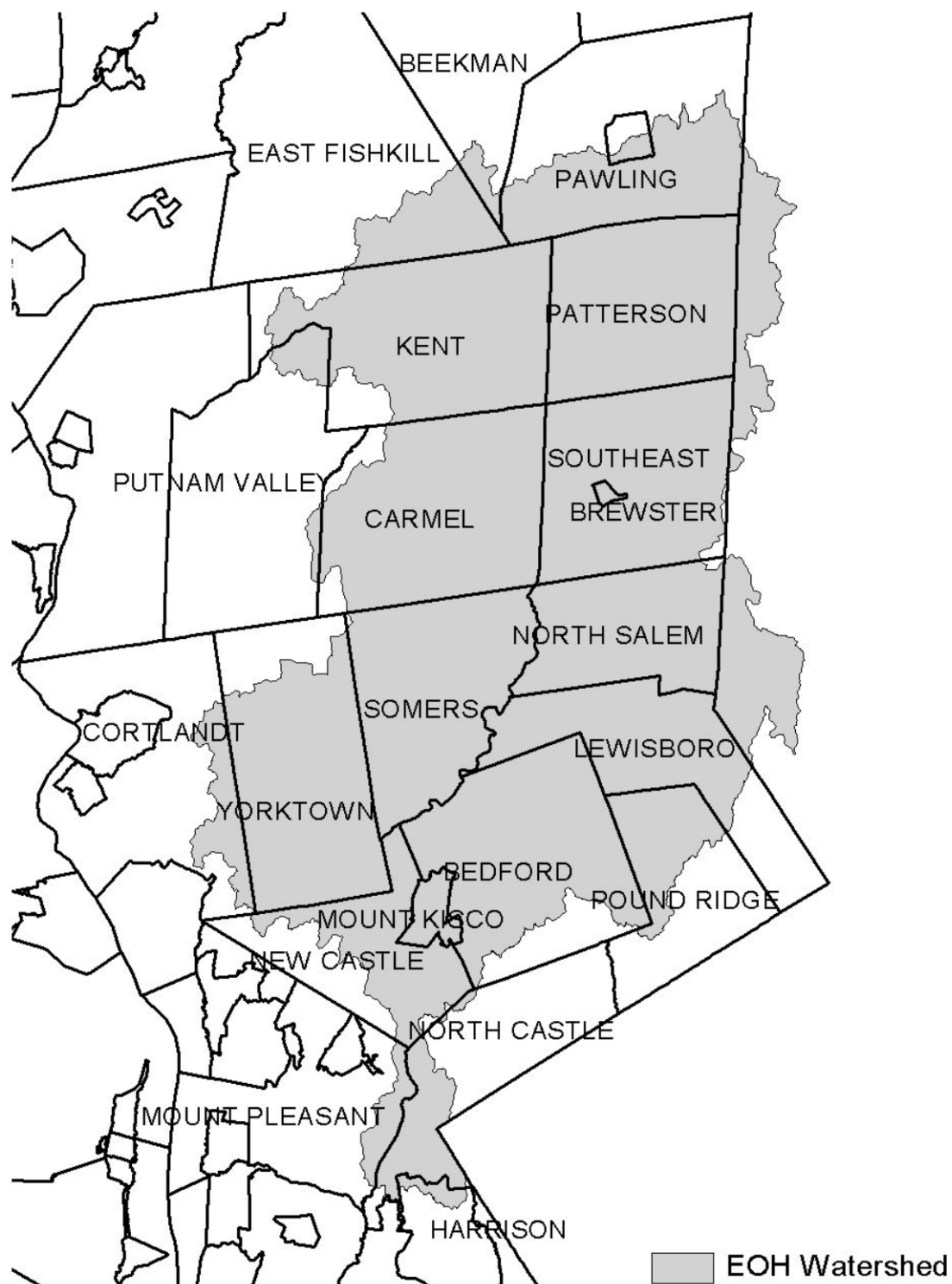


Figure 2 - Onondaga Lake Watershed



Figure 3 - Greenwood Lake Watershed

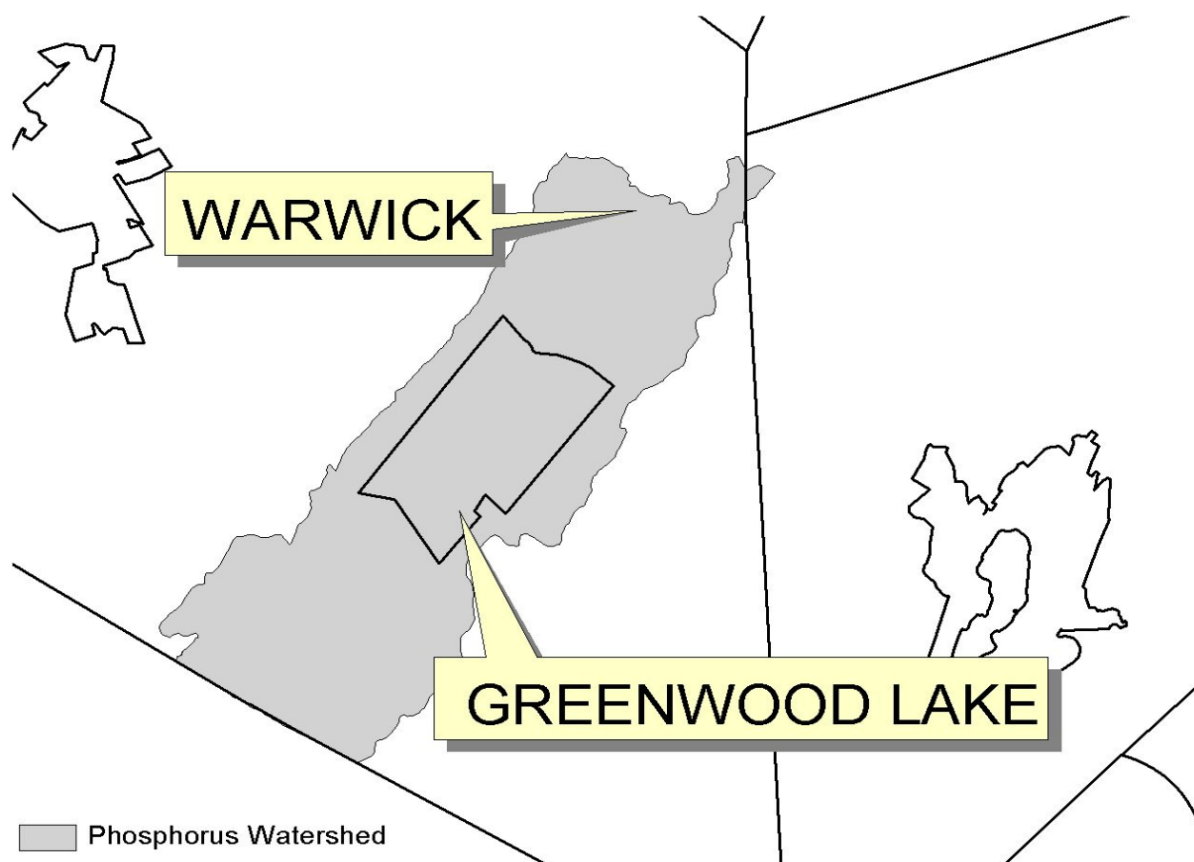


Figure 4 - Oscawana Lake Watershed

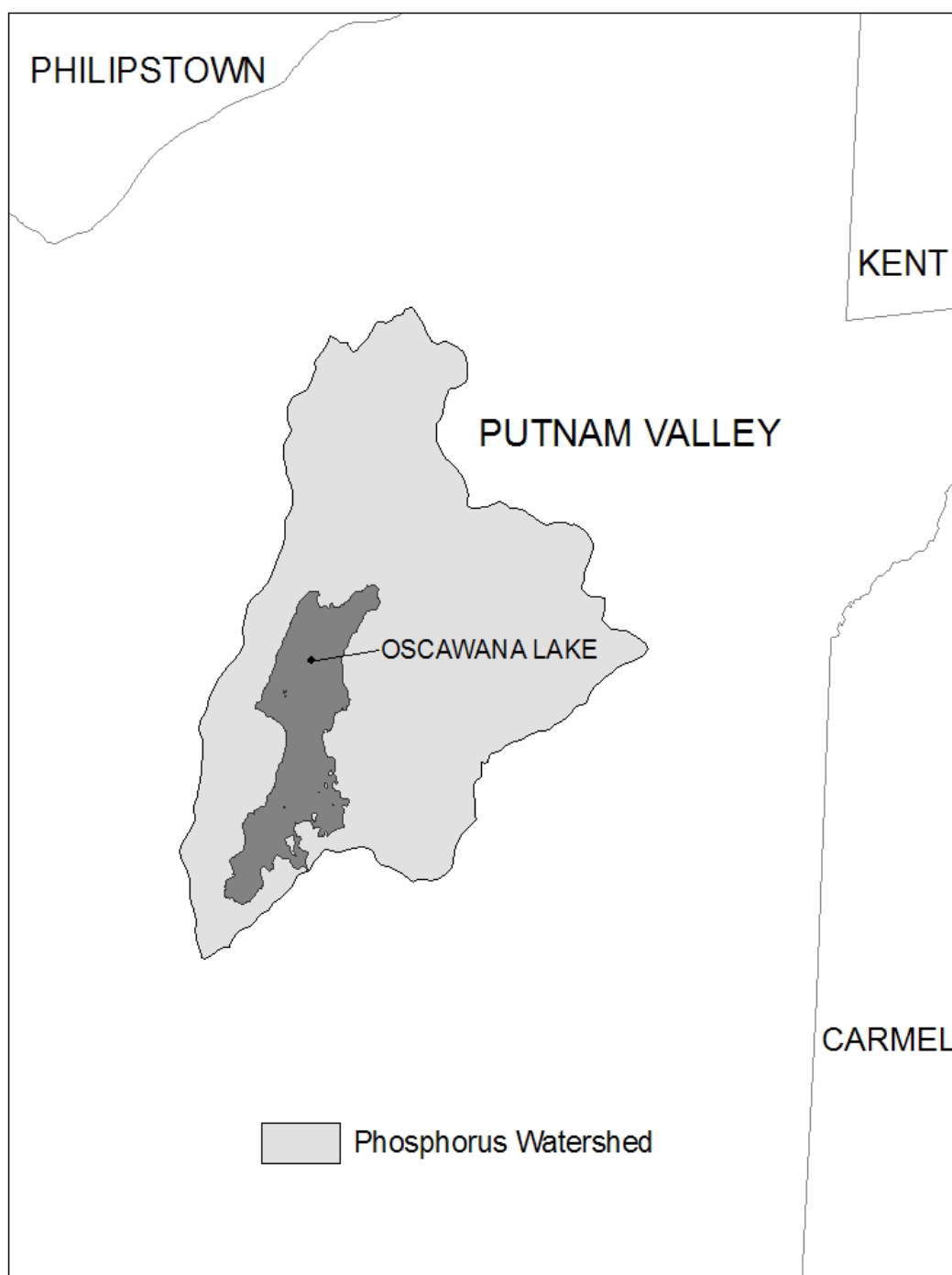
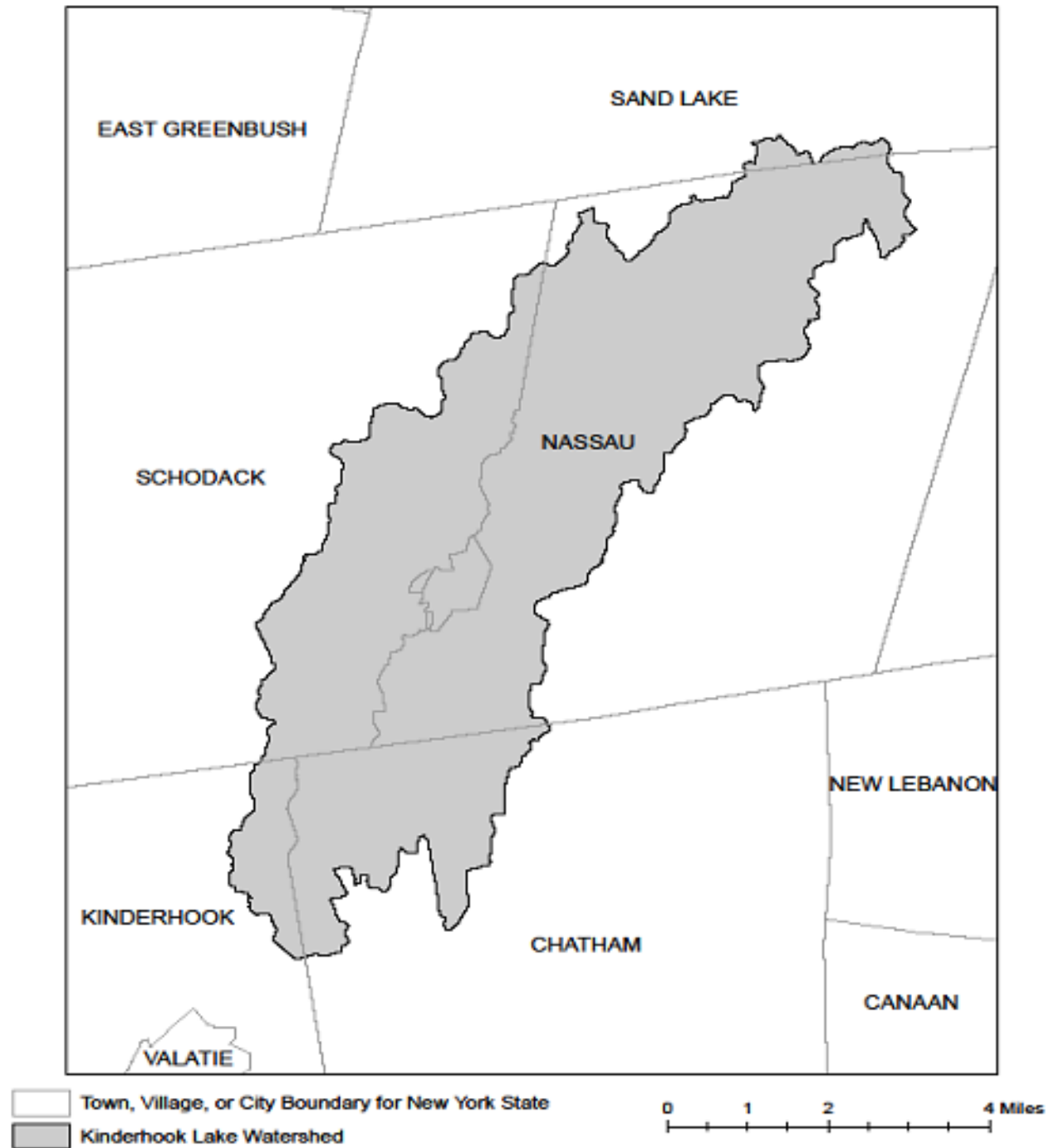


Figure 5 - Kinderhook Lake Watershed



APPENDIX D – Impaired Waterbodies (by Construction Related Pollutants)

List of waterbodies impaired by *pollutants* related to *construction activity*, including turbidity, silt/sediment, and nutrients (e.g. nitrogen, phosphorus). This list is a subset of “The Final New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL” dated June 2020.

County	Waterbody	Pollutant
Albany	Ann Lee (Shakers) Pond, Stump Pond (1201-0096)	Phosphorus
Albany	Lawsons Lake (1301-0235)	Phosphorus
Allegany	Amity Lake, Saunders Pond (0403-0054)	Phosphorus
Allegany	Andover Pond (0403-0056)	Phosphorus
Bronx	Reservoir No.1/Lake Isle (1702-0075)	Phosphorus
Bronx	Van Cortlandt Lake (1702-0008)	Phosphorus
Broome	Blueberry, Laurel Lakes (1404-0033)	Phosphorus
Broome	Fly Pond, Deer Lake (1404-0038)	Phosphorus
Broome	Minor Tribs to Lower Susquehanna (0603-0044)	Phosphorus
Broome	Whitney Point Lake/Reservoir (0602-0004)	Phosphorus
Cattaraugus	Allegheny River/Reservoir (0201-0023)	Phosphorus
Cattaraugus	Beaver Lake/Alma Pond (0201-0073)	Phosphorus
Cattaraugus	Case Lake (0201-0020)	Phosphorus
Cattaraugus	Linlyco/Club Pond (0201-0035)	Phosphorus
Cayuga	Duck Lake (0704-0025)	Phosphorus
Cayuga	Owasco Inlet, Upper, and tribs (0706-0014)	Nutrients
Chautauqua	Chadakoin River and tribs (0202-0018)	Phosphorus
Chautauqua	Hulburt/Clymer Pond (0202-0079)	Phosphorus
Chautauqua	Middle Cassadaga Lake (0202-0002)	Phosphorus
Clinton	Great Chazy River, Lower, Main Stem (1002-0001)	Silt/Sediment
Columbia	Robinson Pond (1308-0003)	Phosphorus
Cortland	Dean Pond (0602-0077)	Phosphorus
Dutchess	Fallkill Creek (1301-0087)	Phosphorus
Dutchess	Hillside Lake (1304-0001)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Silt/Sediment
Erie	Beeman Creek and tribs (0102-0030)	Phosphorus
Erie	Delaware Park Pond (0101-0026)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Silt/Sediment
Erie	Green Lake (0101-0038)	Phosphorus
Erie	Little Sister Creek, Lower, and tribs (0104-0045)	Phosphorus
Erie	Murder Creek, Lower, and tribs (0102-0031)	Phosphorus

Erie	Rush Creek and tribs (0104-0018)	Phosphorus
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Phosphorus
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Phosphorus
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Silt/Sediment
Genesee	Bigelow Creek and tribs (0402-0016)	Phosphorus
Genesee	Black Creek, Middle, and minor tribs (0402-0028)	Phosphorus
Genesee	Black Creek, Upper, and minor tribs (0402-0048)	Phosphorus
Genesee	Bowen Brook and tribs (0102-0036)	Phosphorus
Genesee	LeRoy Reservoir (0402-0003)	Phosphorus
Genesee	Mill Pond (0402-0050)	Phosphorus
Genesee	Oak Orchard Cr, Upper, and tribs (0301-0014)	Phosphorus
Genesee	Oatka Creek, Middle, and minor tribs (0402-0031)	Phosphorus
Genesee	Tonawanda Cr, Middle, Main Stem (0102-0002)	Phosphorus
Greene	Schoharie Reservoir (1202-0012)	Silt/Sediment
Greene	Sleepy Hollow Lake (1301-0059)	Silt/Sediment
Herkimer	Steele Creek tribs (1201-0197)	Phosphorus
Herkimer	Steele Creek tribs (1201-0197)	Silt/Sediment
Kings	Hendrix Creek (1701-0006) 18	Nitrogen
Kings	Prospect Park Lake (1701-0196)	Phosphorus
Lewis	Mill Creek/South Branch, and tribs (0801-0200)	Nutrients
Livingston	Christie Creek and tribs (0402-0060)	Phosphorus
Livingston	Conesus Lake (0402-0004)	Phosphorus
Livingston	Mill Creek and minor tribs (0404-0011)	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs (0402-0033)	Phosphorus
Monroe	Buck Pond (0301-0017)	Phosphorus
Monroe	Cranberry Pond (0301-0016)	Phosphorus
Monroe	Durand, Eastman Lakes (0302-0037)	Phosphorus
Monroe	Lake Ontario Shoreline, Western (0301-0069) 9	Phosphorus
Monroe	Long Pond (0301-0015)	Phosphorus
Monroe	Mill Creek and tribs (0302-0025)	Phosphorus 2
Monroe	Mill Creek/Blue Pond Outlet and tribs (0402-0049)	Phosphorus
Monroe	Minor Tribs to Irondequoit Bay (0302-0038)	Phosphorus
Monroe	Rochester Embayment - East (0302-0002) [9]	Phosphorus
Monroe	Rochester Embayment - West (0301-0068) 9	Phosphorus
Monroe	Shipbuilders Creek and tribs (0302-0026)	Phosphorus 2
Monroe	Thomas Creek/White Brook and tribs (0302-0023)	Phosphorus

Nassau	Bannister Creek/Bay (1701-0380)	Nitrogen
Nassau	Beaver Lake (1702-0152)	Phosphorus
Nassau	Browswere Bay (1701-0383)	Nitrogen
Nassau	Camaans Pond (1701-0052)	Phosphorus
Nassau	East Meadow Brook, Upper, and tribs (1701-0211)	Silt/Sediment
Nassau	East Rockaway Channel (1701-0381)	Nitrogen
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Silt/Sediment
Nassau	Grant Park Pond (1701-0054)	Phosphorus
Nassau	Hempstead Bay, Broad Channel (1701-0032)	Nitrogen
Nassau	Hempstead Lake (1701-0015)	Phosphorus
Nassau	Hewlett Bay (1701-0382)	Nitrogen
Nassau	Hog Island Channel (1701-0220)	Nitrogen
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Phosphorus
Nassau	Milburn/Parsonage Creeks, Upp, and tribs (1701-0212)	Phosphorus
Nassau	Reynolds Channel, East (1701-0215) [12]	Nitrogen
Nassau	Reynolds Channel, West (1701-0216) 12	Nitrogen
Nassau	Tidal Tribs to Hempstead Bay (1701-0218)	Nitrogen
Nassau	Tribs (fresh) to East Bay (1701-0204)	Silt/Sediment
Nassau	Tribs (fresh) to East Bay (1701-0204)	Phosphorus
Nassau	Tribs to Smith Pond/Halls Pond (1701-0221)	Phosphorus
Nassau	Woodmere Channel (1701-0219)	Nitrogen
New York	Harlem Meer (1702-0103)	Phosphorus
New York	The Lake in Central Park (1702-0105)	Phosphorus
Niagara	Bergholtz Creek and tribs (0101-0004)	Phosphorus
Niagara	Hyde Park Lake (0101-0030)	Phosphorus
Niagara	Lake Ontario Shoreline, Western (0301-0053) 9	Phosphorus
Niagara	Lake Ontario Shoreline, Western (0301-0072) 9	Phosphorus
Oneida	Ballou, Nail Creeks (1201-0203)	Phosphorus
Onondaga	Ley Creek and tribs (0702-0001) 10	Nutrients (phosphorus)
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nutrients (phosphorus)
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nitrogen (NH3, NO2)
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Nutrients (phosphorus)
Onondaga	Onondaga Creek, Lower, and tribs (0702-0023)	Turbidity
Onondaga	Onondaga Creek, Middle, and tribs (0702-0004)	Turbidity
Onondaga	Onondaga Creek, Upper, and tribs (0702-0024)	Turbidity
Ontario	Great Brook and minor tribs (0704-0034)	Phosphorus 2
Ontario	Great Brook and minor tribs (0704-0034)	Silt/Sediment

Ontario	Hemlock Lake Outlet and minor tribs (0402-0013)	Phosphorus
Ontario	Honeoye Lake (0402-0032)	Phosphorus
Orange	Brown Pond Reservoir (1303-0013)	Phosphorus
Orange	Lake Washington (1303-0012)	Phosphorus
Orange	Minor Tribs to Middle Wallkill (1306-0061)	Phosphorus
Orange	Monhagen Brook and tribs (1306-0074)	Phosphorus
Orange	Orange Lake (1301-0008) [16]	Phosphorus
Orange	Quaker Creek and tribs (1306-0025)	Phosphorus
Orange	Wallkill River, Middle, Main Stem (1306-0038)	Phosphorus
Orange	Wallkill River, Upper, and Minor tribs (1306-0017)	Phosphorus
Orleans	Glenwood Lake (0301-0041)	Phosphorus
Orleans	Lake Ontario Shoreline, Western (0301-0070) 9	Phosphorus
Orleans	Lake Ontario Shoreline, Western (0301-0071) 9	Phosphorus
Oswego	Lake Neatahwanta (0701-0018)	Nutrients (phosphorus)
Oswego	Pleasant Lake (0703-0047)	Phosphorus
Putnam	Lost Lake, Putnam Lake (1302-0053)	Phosphorus
Putnam	Minor Tribs to Croton Falls Reservoir (1302-0001)	Phosphorus
Queens	Bergen Basin (1701-0009) 18	Nitrogen
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Nitrogen
Queens	Kissena Lake (1702-0258)	Phosphorus
Queens	Meadow Lake (1702-0030)	Phosphorus
Queens	Shellbank Basin (1701-0001) 18	Nitrogen
Queens	Willow Lake (1702-0031)	Phosphorus
Rensselaer	Nassau Lake (1310-0001)	Phosphorus
Rensselaer	Snyders Lake (1301-0043)	Phosphorus
Richmond	Grassmere Lake/Bradys Pond (1701-0357)	Phosphorus
Rockland	Congers Lake, Swartout Lake (1501-0019)	Phosphorus
Rockland	Rockland Lake (1501-0021)	Phosphorus
Saratoga	Ballston Lake (1101-0036)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Silt/Sediment
Saratoga	Lake Lonely (1101-0034)	Phosphorus
Saratoga	Round Lake (1101-0060)	Phosphorus
Saratoga	Tribs to Lake Lonely (1101-0001)	Phosphorus
Schenectady	Collins Lake (1201-0077)	Phosphorus
Schenectady	Duane Lake (1311-0006)	Phosphorus
Schenectady Lake	Mariaville Lake (1201-0113)	Phosphorus
Schuyler	Cayuta Lake (0603-0005)	Phosphorus

Seneca	Reeder Creek and tribs (0705-0074)	Phosphorus
St.Lawrence	Black Lake Outlet, Black Lake (0906-0001)	Phosphorus
St.Lawrence	Fish Creek and minor tribs (0906-0026)	Phosphorus
Steuben	Smith Pond (0502-0012)	Phosphorus
Suffolk	Agawam Lake (1701-0117)	Phosphorus
Suffolk	Big/Little Fresh Ponds (1701-0125)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Silt/Sediment
Suffolk	Fresh Pond (1701-0241)	Phosphorus
Suffolk	Great South Bay, East (1701-0039)	Nitrogen
Suffolk	Great South Bay, Middle (1701-0040)	Nitrogen
Suffolk	Great South Bay, West (1701-0173)	Nitrogen
Suffolk	Lake Ronkonkoma (1701-0020)	Phosphorus
Suffolk	Mattituck/Marratooka Pond (1701-0129)	Phosphorus
Suffolk	Mill and Seven Ponds (1701-0113)	Phosphorus
Suffolk	Millers Pond (1702-0013)	Phosphorus
Suffolk	Moriches Bay, East (1701-0305)	Nitrogen
Suffolk	Moriches Bay, West (1701-0038)	Nitrogen
Suffolk	Quantuck Bay (1701-0042)	Nitrogen
Suffolk	Shinnecock Bay and Inlet (1701-0033)	Nitrogen
Suffolk	Tidal Tribs to West Moriches Bay (1701-0312)	Nitrogen
Sullivan	Bodine, Montgomery Lakes (1401-0091)	Phosphorus
Sullivan	Davies Lake (1402-0047)	Phosphorus
Sullivan	Evens Lake (1402-0004)	Phosphorus
Sullivan	Pleasure Lake (1402-0055)	Phosphorus
Sullivan	Swan Lake (1401-0063)	Phosphorus
Tompkins	Cayuga Lake, Southern End (0705-0040)	Phosphorus
Tompkins	Cayuga Lake, Southern End (0705-0040)	Silt/Sediment
Ulster	Ashokan Reservoir (1307-0004)	Silt/Sediment
Ulster	Esopus Creek, Lower, Main Stem (1307-0010) [17]	Turbidity
Ulster	Esopus Creek, Middle, Main Stem (1307-0003) 17	Turbidity
Ulster	Esopus Creek, Upper, and minor tribs (1307-0007)[3]	Silt/Sediment
Ulster	Wallkill River, Lower, Main Stem (1306-0027)	Phosphorus
Warren	Hague Brook and tribs (1006-0006)	Silt/Sediment
Warren	Huddle/Finkle Brooks and tribs (1006-0003)	Silt/Sediment
Warren	Indian Brook and tribs (1006-0002)	Silt/Sediment
Warren	Lake George (1006-0016) and tribs	Silt/Sediment
Warren	Tribs to Lake George, East Shore (1006-0020)	Silt/Sediment
Warren	Tribs to Lake George, Lk.George Village (1006-0008)	Silt/Sediment

Washington	Wood Cr/Champlain Canal and tribs (1005-0036)	Phosphorus
Westchester	Lake Katonah (1302-0136)	Phosphorus
Westchester	Lake Lincolndale (1302-0089)	Phosphorus
Westchester	Lake Meahagh (1301-0053)	Phosphorus
Westchester	Lake Mohegan (1301-0149)	Phosphorus
Westchester	Lake Shenorock (1302-0083)	Phosphorus
Westchester	Mamaroneck River, Lower (1702-0071)	Silt/Sediment
Westchester	Mamaroneck River, Upp, & minor tribs (1702-0123)	Silt/Sediment
Westchester	Saw Mill River (1301-0007)	Phosphorus
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Silt/Sediment
Westchester	Silver Lake (1702-0040)	Phosphorus
Westchester	Teatown Lake (1302-0150)	Phosphorus
Westchester	Truesdale Lake (1302-0054)	Phosphorus
Westchester	Wallace Pond (1301-0140)	Phosphorus

APPENDIX E – List of NYSDEC Regional Offices

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	220 WHITE PLAINS ROAD, SUITE 110 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, Po Box 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	5786 WIDEWATERS PARKWAY SYRACUSE, NY 13214-1867 TEL. (315) 426-7438	5786 WIDEWATERS PARKWAY SYRACUSE, NY 13214-1867 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROADAVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	700 DELAWARE AVENUE BUFFALO, NY 14209-2999 TEL. (716) 851-7165	700 DELAWARE AVENUE BUFFALO, NY 14209-2999 TEL. (716) 851-7070

Appendix E

Forms



SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b., the completed form must be attached to the eNOI and submitted to NYSDEC electronically.)

Project/Site Name:

Uptown Apartments

eNOI Submission ID:

HQP-35Z0-QPB2V

Owner/Operator Name:

Young Development Inc.

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with the requirements of GP-0-25-001. I certify under penalty of law that the SWPPP and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Chris

SWPPP Preparer First Name

MI

Wood

SWPPP Preparer Last Name

Signature

06/22/2026

Date



Department of
Environmental
Conservation

Owner/Operator Certification Form

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001 (CGP)

(In accordance with CGP Part I.D.2.b. or Part I.F.2. and 3., the completed form must be attached to the eNOI or the Request to Continue Coverage, and submitted to NYSDEC electronically.)

Project/Site Name: Uptown Apartments

eNOI Submission ID: HQP-35Z0-QPB2V

eNOI Submitted by: ☐ Owner/Operator ☒ SWPPP Preparer ☐ Other

Certification Statement - Owner/Operator

I hereby certify that I read, and will comply with, the GP-0-25-001 permit requirements. I understand that authorization to discharge under the permit for the project/site named above is dependent on receipt of a Letter of Authorization (LOA) or a Letter of Continued Coverage (LOCC) from the New York State Department of Environmental Conservation (NYSDEC) in accordance with CGP Part I.D.3.b. or Part I.F.4. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner/Operator First Name

MI

Owner/Operator Last Name

Bryan

Young

Signature

06/22/2026

Date

**STORM WATER POLLUTION PREVENTION PLAN
CONTRACTOR'S CERTIFICATION STATEMENT**

Uptown Apartments

CONTRACTOR'S CERTIFICATION:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge storm water. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for storm water discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Note: The contractor shall have at least one NYSDEC trained individual onsite at all times when earthwork and other SWPPP associated work is being performed from each contractor(s) and subcontractor(s). Each contractor(s) and subcontractor(s) shall provide copies of these individuals' certifications to the Town of Amherst.

Name: Bryan Young
(Print)

Signature: 
Title: Managing Member

Company Name: Young Development Inc.

Address: 1120 Bullis Road

Telephone Number: 716-675-8000

Date: June 22, 2026

Scope of Services: Construction Managment

Trained Individual(s) Responsible for Implementation: Robert Motz

This form must be signed by a responsible corporate officer or other party meeting the
"Signatory Requirements" of the NYSDEC SPDES General Permit

Appendix F

NYSDEC Notice of Termination (NOT)

**New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505**

(NOTE: Submit completed form to address above)

NOTICE OF TERMINATION for Storm Water Discharges Authorized
under the SPDES General Permit for Construction Activity

Please indicate your permit identification number: NYR ____ _

I. Owner or Operator Information

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person:

4a. Telephone:

4b. Contact Person E-Mail:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

III. Reason for Termination

9a. ☐ All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. ***Date final stabilization completed** (month/year): _____

9b. ☐ Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR ____ _
(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. ☐ Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? ☐ yes ☐ no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? ☐ yes ☐ no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued**

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? ☐ yes ☐ no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- ☐ Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- ☐ Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- ☐ For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.
- ☐ For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____
(acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? ☐ yes
☐ no
(If Yes, complete section VI - "MS4 Acceptance" statement)

V. Additional Information/Explanation:
(Use this section to answer questions 9c. and 10b., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:

Title/Position:

Signature:

Date:

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate 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.

Printed Name:

Title/Position:

Signature:

Date:

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate 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.

Printed Name:

Title/Position:

Signature:

Date:

(NYS DEC Notice of Termination - January 2015)

Appendix G
Construction Documents

Uptown Apartments

2190 Wehrle Drive

Amherst, New York

AGENCIES

ENGINEERING DEPARTMENT
NAME/TITLE: JEFFREY BURGDOUGHS, P.E. - TOWN ENGINEER
COMPANY/DEPT.: TOWN OF AMHERST ENGINEERING DEPARTMENT
ADDRESS: 1100 NORTH FOREST ROAD
WILLAMSVILLE, NEW YORK 14221
TELEPHONE: 716-631-7154

PLANNING & ZONING DEPARTMENT
NAME/TITLE: DANIEL HOWARD - PLANNING DIRECTOR
COMPANY/DEPT.: TOWN OF AMHERST PLANNING DEPARTMENT
ADDRESS: 5583 MAIN STREET
WILLAMSVILLE, NEW YORK 14221
TELEPHONE: 716-631-7051

BUILDING DEPT.
NAME/TITLE: BERNIE MARK S. - COMMISSIONER OF BUILDING
COMPANY/DEPT.: AMHERST BUILDING DEPT.
ADDRESS: 5583 MAIN STREET
AMHERST, NEW YORK 14221
TELEPHONE: 716-631-7080

ECODH
NAME/TITLE: ERIE COUNTY DEPARTMENT OF HEALTH
COMPANY/DEPT.: 503 KENSINGTON AVE
ADDRESS: BUFFALO, NEW YORK 14214
TELEPHONE: 716-961-6854

NRSDC
NAME/TITLE: NEW YORK STATE DEPT. OF ENVIRONMENTAL
COMPANY/DEPT.: CONSERVATION
ADDRESS: 700 DELAWARE AVE.
BUFFALO, NEW YORK 14209
TELEPHONE: 716-851-7070

UTILITIES

NATURAL GAS
NAME/TITLE: NATIONAL FUEL GAS CORP.
ADDRESS: 65 FRANKLIN STREET
WILLAMSVILLE, NEW YORK 14221
TELEPHONE: 716-857-7000

TELEPHONE COMPANY
NAME/TITLE: VERIZON
ADDRESS: 65 FRANKLIN STREET
BUFFALO, NEW YORK 14203
TELEPHONE: 716-840-8748

CABLE COMPANY
NAME/TITLE: TIME WARNER
ADDRESS: 789 CHURCH ROAD
WEST SENeca, NEW YORK
TELEPHONE: 716-558-8615

ELECTRIC COMPANY
NAME/TITLE: NATIONAL GRID
ADDRESS: 141 KENSINGTON AVENUE
BUFFALO, NEW YORK 14214
TELEPHONE: 716-236-2738

WATER
NAME/TITLE: ERIE COUNTY WATER AUTHORITY
ADDRESS: 3030 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227
TELEPHONE: 716-684-1510

DIG. SAFETY NEW YORK
NAME/TITLE: 1-800-962-7962
ADDRESS: 1-800-962-7962

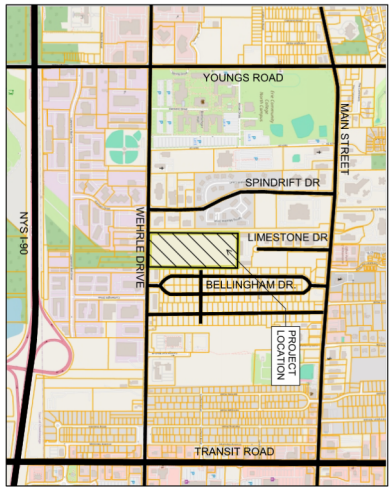
DESIGN CONSULTANTS

PROJECT SURVEYOR
NAME/TITLE: GPI ENGINEERING, LANDSCAPE,
COMPANY/DEPT.: ARCHITECTURE & SURVEYING, LLP
ADDRESS: 4950 GENESEE STREET, SUITE 100
BUFFALO, NEW YORK 14225
TELEPHONE: 716-633-4844

LANDSCAPE ARCHITECT
NAME/TITLE: DEAN W. GOWEN, RLA, ASLA
COMPANY/DEPT.: WENDEL
ADDRESS: 237 MAIN STREET, SUITE 500
BUFFALO, NEW YORK 14203
TELEPHONE: 716-688-0766

OWNER/DEVELOPER

NAME: YOUNG DEVELOPMENT INC.
ADDRESS: 1120 BULLS ROAD
ELMA NY, 14059
CONTACT: BRYAN YOUNG
TELEPHONE: (716) 675-8000



LOCATION MAP
NOT TO SCALE

CARMIN & WOOD

DESIGN

June 2026
Rev. August 2026
Rev. September 2026

DRAWING NO.	DRAWING TITLE
C-001	COVER SHEET (PREPARED BY GPI ENGINEERING)
C-002	LAND SURVEY (PREPARED BY GPI ENGINEERING)
C-003	EROSION CONTROL DETAILS
C-100	OVERALL SITE PLAN
C-101	SITE PLAN
C-102	SITE PLAN
C-103	SITE PLAN
C-104	SITE DETAILS
C-105	SITE DETAILS
C-106	SITE DETAILS
C-107	SITE DETAILS
C-108	OVERALL LANDSCAPE PLAN
C-200	OVERALL LANDSCAPE PLAN
C-201	OVERALL LANDSCAPE PLAN
C-202	OVERALL LANDSCAPE PLAN
C-203	OVERALL LANDSCAPE PLAN
C-204	OVERALL LANDSCAPE PLAN
C-300	OVERALL LANDSCAPE PLAN
C-301	OVERALL LANDSCAPE PLAN
C-302	OVERALL LANDSCAPE PLAN
C-303	OVERALL LANDSCAPE PLAN
C-304	OVERALL LANDSCAPE PLAN
C-305	OVERALL LANDSCAPE PLAN
C-306	OVERALL LANDSCAPE PLAN
C-307	OVERALL LANDSCAPE PLAN
C-308	OVERALL LANDSCAPE PLAN
C-400	OVERALL LANDSCAPE PLAN
C-401	OVERALL LANDSCAPE PLAN
C-402	OVERALL LANDSCAPE PLAN
C-403	OVERALL LANDSCAPE PLAN
C-404	OVERALL LANDSCAPE PLAN
C-405	OVERALL LANDSCAPE PLAN
C-406	OVERALL LANDSCAPE PLAN
C-407	OVERALL LANDSCAPE PLAN
C-408	OVERALL LANDSCAPE PLAN
C-409	OVERALL LANDSCAPE PLAN
C-410	OVERALL LANDSCAPE PLAN
L-100	OVERALL LANDSCAPE PLAN
L-101	OVERALL LANDSCAPE PLAN
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L-117	OVERALL LANDSCAPE PLAN
L-118	OVERALL LANDSCAPE PLAN
L-119	OVERALL LANDSCAPE PLAN
L-120	OVERALL LANDSCAPE PLAN

NO.	DESCRIPTION	DATE
1	Rev. Per TOWN COMMENTS	08/01/2026
2	Rev. Per TOWN COMMENTS	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York



4. ALL RIGHTS RESERVED

- [illegible]

INSTALL SLIT FENCE

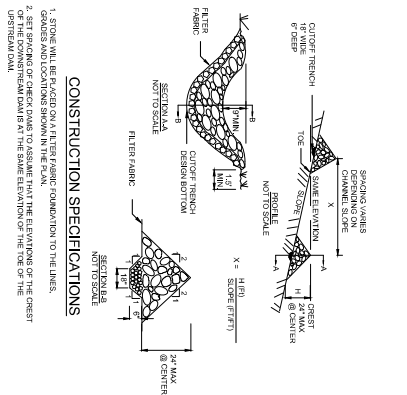


Project No: 25-4008

Uptown Apartments

2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMIN/WOOD
DESIGN
Buffalo | Utica | Greensboro



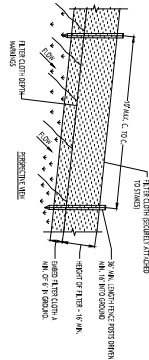
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2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
4. PROTECT THE DAMS, DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR.
5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.

MAXIMUM DRAINAGE AREA 3 ACRES.

STONE CHECK DAM DETAIL

NOT TO SCALE

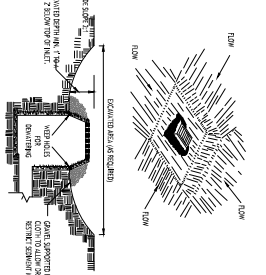


CONSTRUCTION SPECIFICATIONS

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2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
4. PROTECT THE DAMS, DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR.
5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.

SILT FENCE DETAIL

NOT TO SCALE

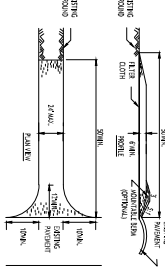


CONSTRUCTION SPECIFICATIONS

1. CLAD THE DAMS OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
4. PROTECT THE DAMS, DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR.
5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.

INLET PROTECTION DETAIL 1

NOT TO SCALE

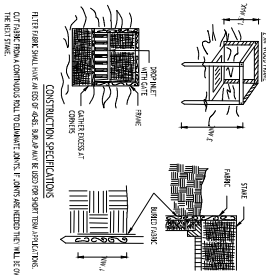


CONSTRUCTION SPECIFICATIONS

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2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
4. PROTECT THE DAMS, DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR.
5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.

STABILIZED CONSTRUCTION ENTRANCE DETAIL

NOT TO SCALE

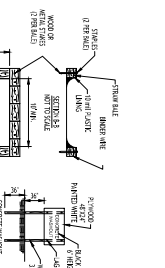


CONSTRUCTION SPECIFICATIONS

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2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
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5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.

INLET PROTECTION DETAIL 2

NOT TO SCALE

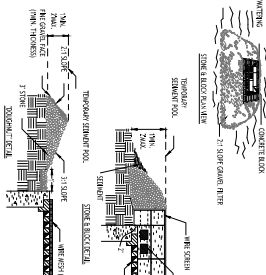


CONSTRUCTION SPECIFICATIONS

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2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
4. PROTECT THE DAMS, DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR.
5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.

CONCRETE WASHOUT DETAIL

NOT TO SCALE

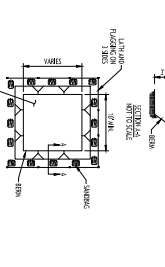


CONSTRUCTION SPECIFICATIONS

1. CLAD THE DAMS OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
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5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.

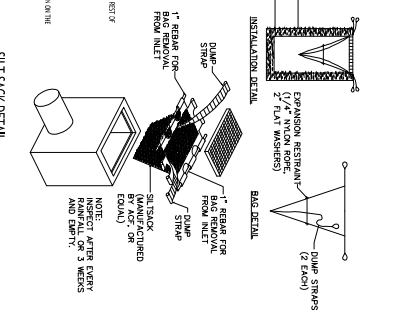
INLET PROTECTION DETAIL 3

NOT TO SCALE



CONSTRUCTION SPECIFICATIONS

1. STONE DAM, BE PLACED ON A FILTER FABRIC FOUNDATION TO THE LINES.
2. SET GRADES OR CHECK DAMS TO ASSURE THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. PREVENT OVERTOPPING.
4. PROTECT THE DAMS, DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR.
5. MAINTAIN THE DAMS ON A FILTER FABRIC FOUNDATION TO PREVENT OVERTOPPING.
6. CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM REPAVED STONE.



SILT SACK DETAIL

NOT TO SCALE

TOWN OF AMHERST APPROVAL BOX:



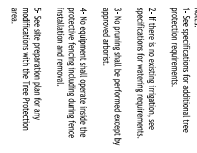
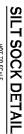
REVISIONS:	No.	Description	Date
1	1	Rev. Per Town Comments	08/10/2025
2	2	Rev. Per Town Comments	09/29/2025

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD DESIGN
Buffalo | Utica | Greensboro

C-002
Drawing No. 25-4008
Date: 06/23/2024
Drawn By: J. L. FRYER
Checked By: J. L. FRYER
Reviewed By: J. L. FRYER

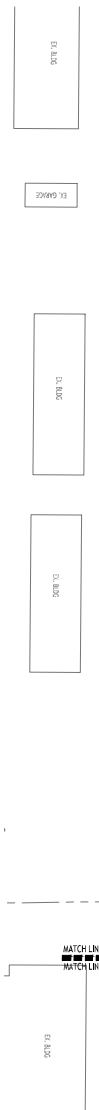
DRAWING NAME:
Demolition & Erosion Control Details



DRAWING NAME:
**Demolition &
Erosion Control
Details**

C-003
Project No: 25-4008

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro



N
SHEET LOCATION MAP
SCALE: N.T.S.

TOWN OF AMHERST APPROVAL BOX:

DRAWING NAME:
Site Plan
Overall

DRAWING NO.

Project No: 25-4008

Uptown Apartments

2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

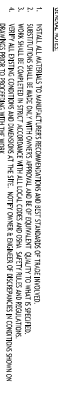
CARMINAWOOD
DESIGN
Buffalo | Utica | Greensboro



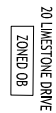
REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026



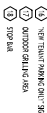
CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro



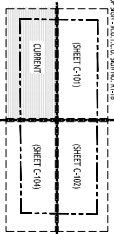
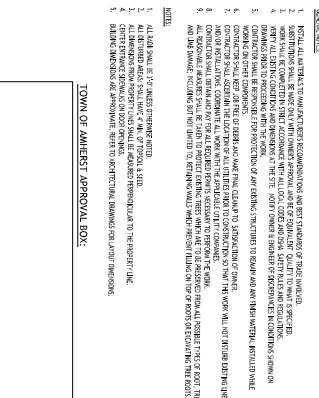
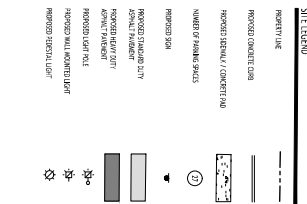
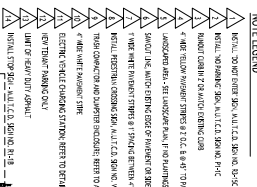
CARMIN/WOOD
DESIGN
Buffalo | Utica | Greensboro



SCALE: 1"=20'



SCALE: 1"=30'

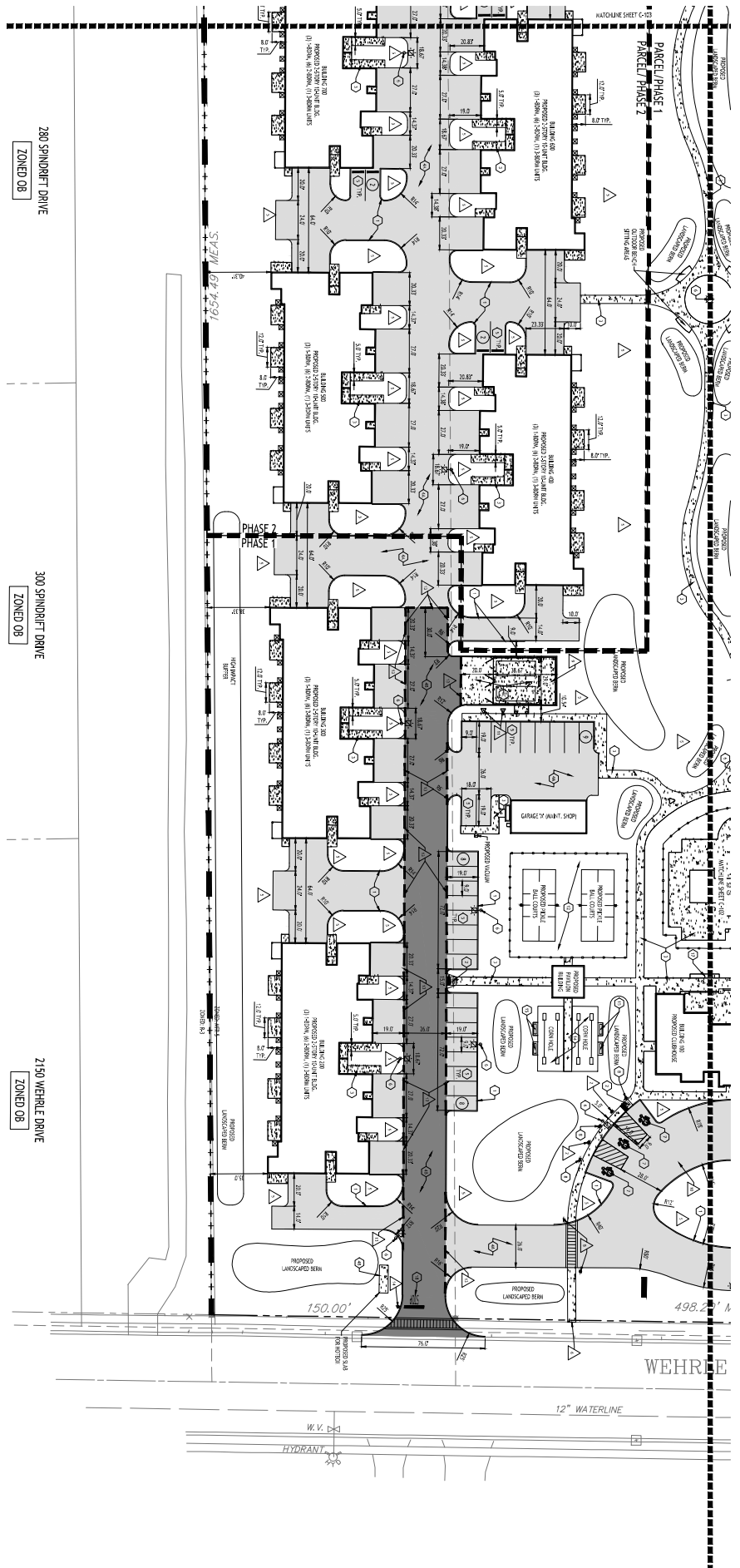


REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro





TYP. 10-UNIT BUILDING

NOTE: BUILDING AND TOWNSHIP INFORMATION PROVIDED BY OTHERS.
CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR THIS CONTENT.

SCALE: 1"=20'

20' 0' 20' 0' 40' 0'

20' 0' 20' 0' 40' 0'

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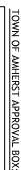
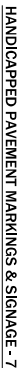
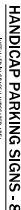
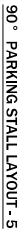
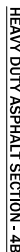
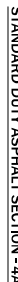
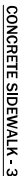
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Uptown Apartments

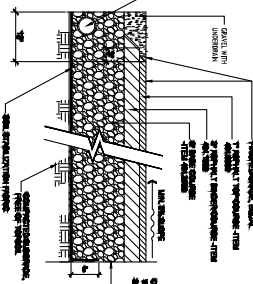
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

1. "The first step in the process of creating a new product is to identify a market need. This is often done through market research, which can involve surveys, focus groups, and other methods of gathering information from potential customers. Once a market need has been identified, the next step is to develop a concept for a product that meets that need. This is often done through brainstorming and prototyping. Once a concept has been developed, the next step is to create a business plan for the product. This plan should outline the costs of production, the pricing strategy, and the marketing strategy. Once a business plan has been created, the next step is to secure funding for the product. This can be done through a variety of methods, including venture capital, angel investors, and crowdfunding. Once funding has been secured, the next step is to manufacture the product. This is often done through a contract manufacturer. Once the product has been manufactured, the next step is to distribute it to customers. This can be done through a variety of methods, including direct sales, retail stores, and online sales. Finally, the last step in the process is to monitor the product's performance in the market. This is often done through sales data and customer feedback. If the product is not performing well, the company may need to make changes to the product or the marketing strategy. If the product is performing well, the company may need to consider expanding the product line or entering new markets.

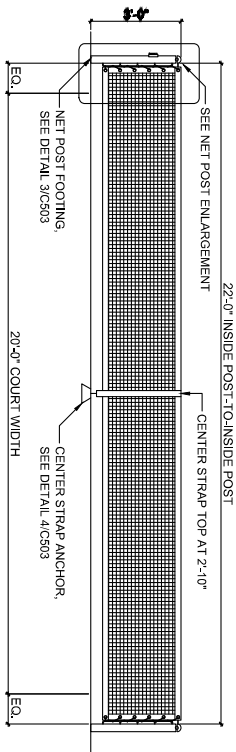
1. GAME COURT ASPHALT PAVEMENT
2. 4-FOOT HEIGHT VINYL COATED CHAIN LINK SHEDTOP FENCE
3. 4"ANCHOR MOD. 54-FOOT TALL GATE
4. PICKLEBALL NETS, PROVIDE SPORTSMANSTER PICKLEBALL NET, MODEL, TS465 INCLUDING CENTER STRAP MODEL, TS460 OR ACCEPTABLE EQUIVALENT
5. PROVIDE CENTER STRAP ANCHOR, MODEL, TS410 OR ACCEPTABLE EQUIVALENT
6. PROVIDE PICKLEBALL NETS AND FOOTINGS, SPORTSMANSTER PICKLEBALL, POSTS MODEL, TS460 AND STEEL TIES, MODEL, TS38 OR ACCEPTABLE EQUIVALENT

— NOTE: CREATING A 'GAP' BETWEEN THE NET AND COURT SURFACE IS OPTIONAL, AND DEPENDS ON PLAYER PREFERENCE

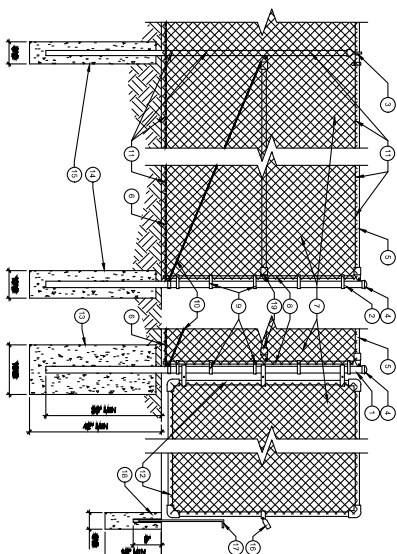
* Data were obtained from the TANDEN Program of Hospital Topography



4 SCALE: NTS



SCALE: NT



1. **DATE:** _____

2. **NAME:** _____

3. **ADDRESS:** _____

4. **CITY:** _____

5. **STATE:** _____

6. **ZIP:** _____

7. **PHONE:** _____

8. **EMAIL:** _____

9. **AGE:** _____

10. **SEX:** _____

11. **RELIGION:** _____

12. **EDUCATION:** _____

13. **OCCUPATION:** _____

14. **INCOME:** _____

15. **EXPERIENCE:** _____

16. **SKILLS:** _____

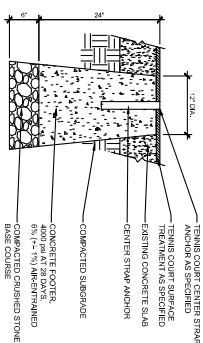
17. **REFERENCES:** _____

18. **COMMENTS:** _____

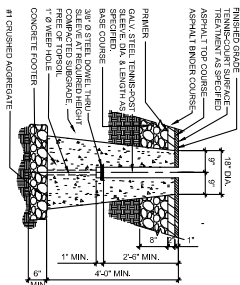
19. **SIGNATURE:** _____

20. **DATE:** _____

NTS



NTS



NOTES:

- PROVIDE THREADED PLUGS FOR EACH SLEEVE. THREAD SLEEVE TO RECEIVE PLUG. PLUG TO BE GALV. STEEL.
- INSTALL FOOTER SO THAT TOP COURSE IS CONTINUOUS OVER TOP OF FOOTER. TACK COAT CONC. BEFORE PLACING ASPHALT.
- TOP OF SLEEVE TO BE FLUSH WITH FINISHED GRADE OF TOPPING COURSE.

TOWN OF AMHERST APPROVAL BOX

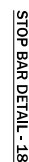
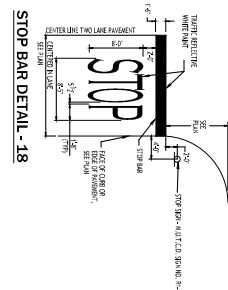
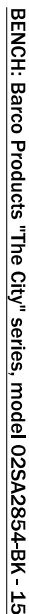
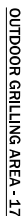
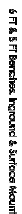
DRAWING NAME
Site Plan
Details



No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro



TOWN OF AMHERST APPROVAL BOX

DRAWING NAME:
Site Plan
Details

Date: 06/22/2026
 Drawn By: D. Feyers
 Scale: As Noted
DRAWING NO.

C-107
Project No: 25-4008

REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINAWOOD
DESIGN
Buffalo | Utica | Greensboro



CARMINAWOOD
DESIGN
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DRAWING NAME:
Grading Plan
Overall

06/22/2024
D. Feyerherm
As Noted

REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
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ABIGAIL WESOLOWSKI
REPUTED OWNER
165 BELLINGHAM DRIVE

ROBERT J. & ABIGAIL WESOLOWSKI
REPUTED OWNER
177 BELLINGHAM DRIVE

THOMAS J. MONKELBAAN
REPUTED OWNER
189 BELLINGHAM DRIVE

MARJORIE H. KELLER
REPUTED OWNER
199 BELLINGHAM DRIVE

MIKAH J. CURETON
REPUTED OWNER
209 BELLINGHAM DRIVE

SHARON KUEHN
REPUTED OWNER
221 BELLINGHAM DRIVE

SUSAN ROMAN
REPUTED OWNER
231 BELLINGHAM DRIVE

THERESA SHOEMAKER
REPUTED OWNER
251 BELLINGHAM DRIVE

NORTHBRIDGE
SUBDIVISION
MAP COVER 2059

231 BELLINGHAM DRIVE
1/150
EX. ST. M.H.
RIM 697.01
E. 10" INV. 692.75
N. 12" INV. 692.43
S. 18" INV. 692.43
EX. RCVR.
RIM 696.29
N. 10" INV. 693.04
E. 10" INV. 692.88
CONC. DRIVE
* 699.10 * 699.50 * 698.30
CONC. DRIVE
* 697.80 * 697.00 * 697.50
* 697.55 * 697.45 * 697.33
* 697.40 * 697.50 * 697.40
* 698.20 * 697.80
* 695.80 * 695.90 * 695.80

251 BELLINGHAM DRIVE
1/150
EX. ST. M.H.
RIM 697.01
E. 10" INV. 692.75
N. 12" INV. 692.43
S. 18" INV. 692.43
EX. RCVR.
RIM 696.29
N. 10" INV. 693.04
E. 10" INV. 692.88
CONC. DRIVE
* 699.10 * 699.50 * 698.30
CONC. DRIVE
* 697.80 * 697.00 * 697.50
* 697.55 * 697.45 * 697.33
* 697.40 * 697.50 * 697.40
* 698.20 * 697.80
* 695.80 * 695.90 * 695.80

GRADING PLAN
SCALE 1"=50'

SHEET LOCATION MAP
SCALE 1"=15'

TOWN OF AMHERST APPROVAL BOX:



REVISIONS:	No.	Description	Date
1	Rev. Per Town Comments	08/03/2026	
2	Rev. Per Town Comments	09/29/2026	

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL # 81.02-1-10.1

CARMINA WOOD DESIGN
Buffalo | Utica | Greensboro

C-201
Project No. 25-4008

DRAWING NAME:
Grading Plan

Drawing No. 06/23/2026
Scale: 1"=50'
Author: L. Evans
Checker: A. Wood

NOTE: SHOWN ARE PROPOSED GRADING ELEVATIONS BY STREET. CARMINA WOOD DESIGN IS NOT RESPONSIBLE FOR THE ACCURACY OF THESE ELEVATIONS.

SCALE 1"=15'

TOWN OF AMHERST APPROVAL BOX:



REVISIONS:	No.	Description	Date
1	Rev. Per Town Comments	08/03/2026	
2	Rev. Per Town Comments	09/29/2026	

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL # 81.02-1-10.1

CARMINA WOOD DESIGN
Buffalo | Utica | Greensboro

C-201
Project No. 25-4008

DRAWING NAME:
Grading Plan

Drawing No. 06/23/2026
Scale: 1"=50'
Author: L. Evans
Checker: A. Wood

NOTE: SHOWN ARE PROPOSED GRADING ELEVATIONS BY STREET. CARMINA WOOD DESIGN IS NOT RESPONSIBLE FOR THE ACCURACY OF THESE ELEVATIONS.

SCALE 1"=15'

TOWN OF AMHERST APPROVAL BOX:







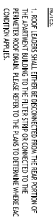
Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro



Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINAWOOD
DESIGN
Buffalo | Utica | Greensboro

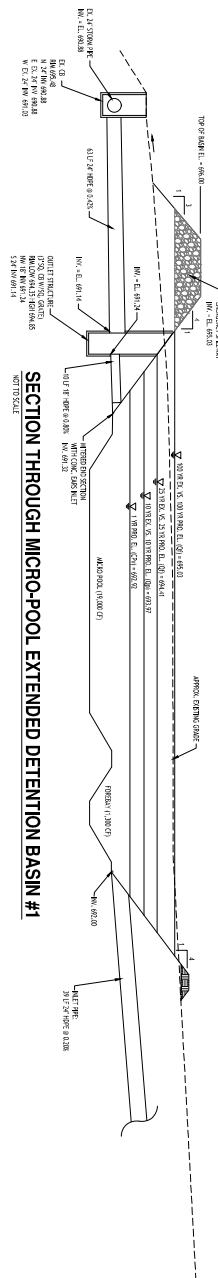


No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026

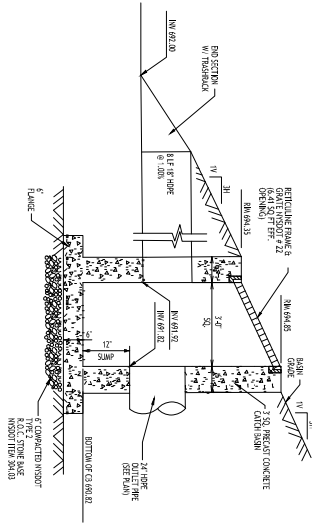
Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro





DETENTION BASIN SWM DI #1



NOTE: BOUNDRY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS. CARMA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

DRAWING NAME:
**Micro Pool Extended
Detention Basin #1
Plan & Detail**



REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro

Date: 06/22/2026
Drawn By: D. Feyss
Scale: As Noted
DRAWING NO.
C-305
Project No. 25-4008



DRAWING NAME:

Date: 06/22/2026
 Drawn By: D. Feyes
 Scale: As Noted

Project No: 25-4008

Uptown Apartments

2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro

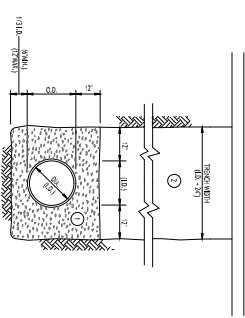




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Typical Building
Stormwater
Collection Details

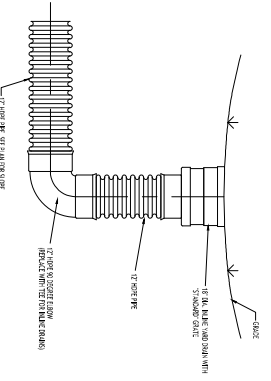
Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA/WOOD
DESIGN
Buffalo | Utica | Greensboro

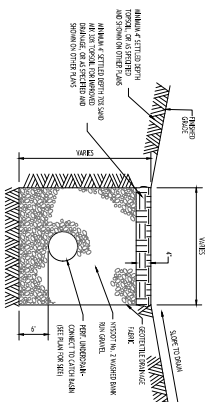


- NOTES:
1. THE STORM TRENCH SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
 - A. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - B. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - C. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - D. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - E. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - F. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - G. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - H. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - I. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - J. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - K. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - L. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - M. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
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 - O. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - P. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - Q. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - R. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - S. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - T. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
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 - V. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - W. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - X. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - Y. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - Z. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.

STORM SEWER TRENCH SECTION IN PAVED AREAS

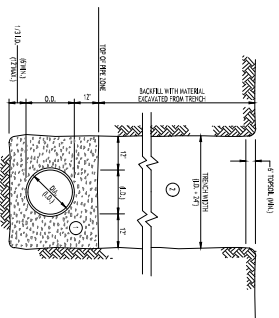


TYPICAL YARD INLET DETAIL



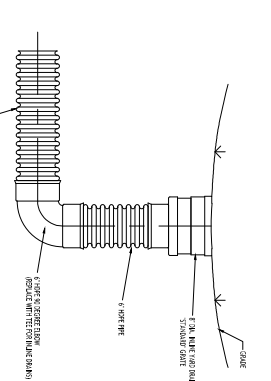
FRENCH DRAIN DETAIL IN LAWN/FIELD AREA

NOT TO SCALE

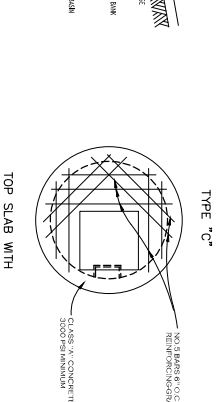


- NOTES:
1. THE STORM TRENCH SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
 - A. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - B. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - C. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
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 - X. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - Y. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.
 - Z. THE STORM TRENCH SHALL BE 12" IN WIDTH AND 12" IN DEPTH.

STORM SEWER TRENCH SECTION IN UNPAVED AREAS

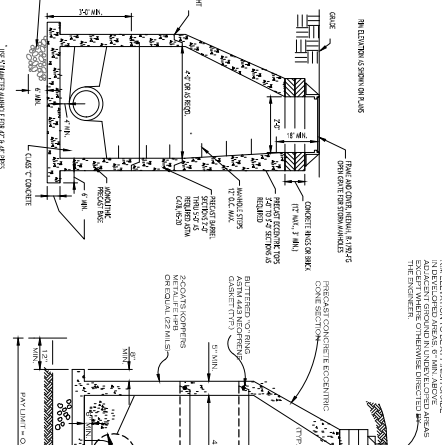


TYPICAL YARD DRAIN DETAIL

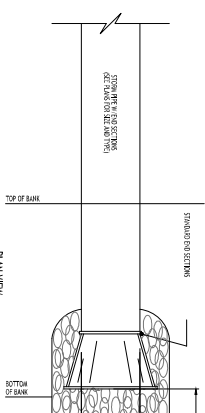


TOWN OF AMHERST TOP SLAB WITH SQUARE OPENING

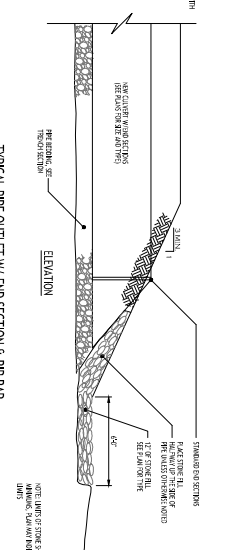
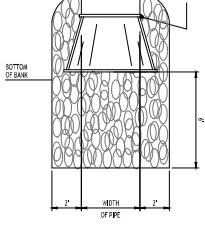
NOT TO SCALE



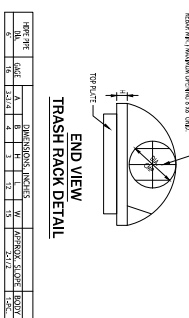
TYPICAL STORM MANHOLE DETAIL



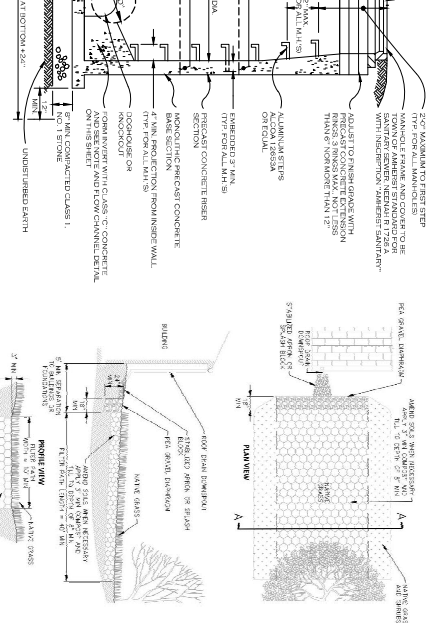
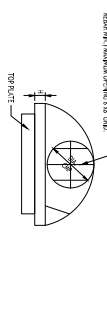
TOWN OF AMHERST STANDARD STORM MANHOLE



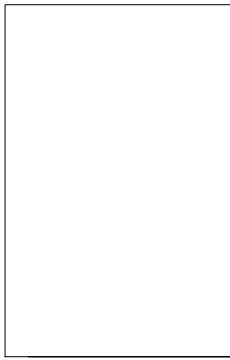
END SECTION DETAIL



TRASH RACK DETAIL



TOWN OF AMHERST APPROVAL BOX

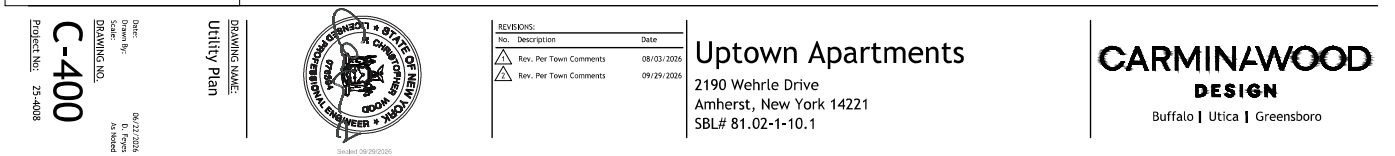


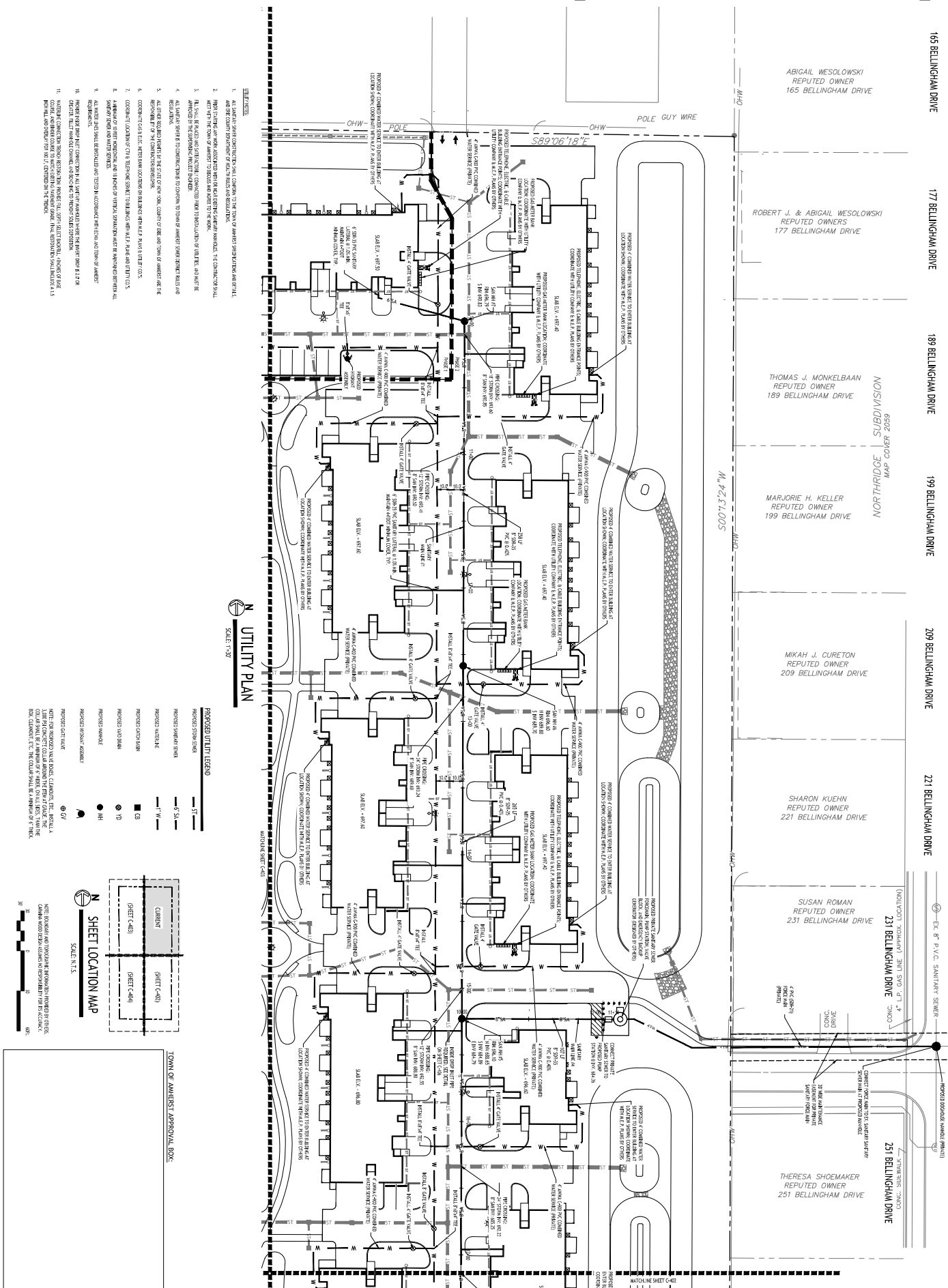
REVISIONS:	No.	Description	Date
1	1	Rev. Per Town Comments	08/03/2025
2	2	Rev. Per Town Comments	09/29/2026

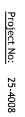
Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

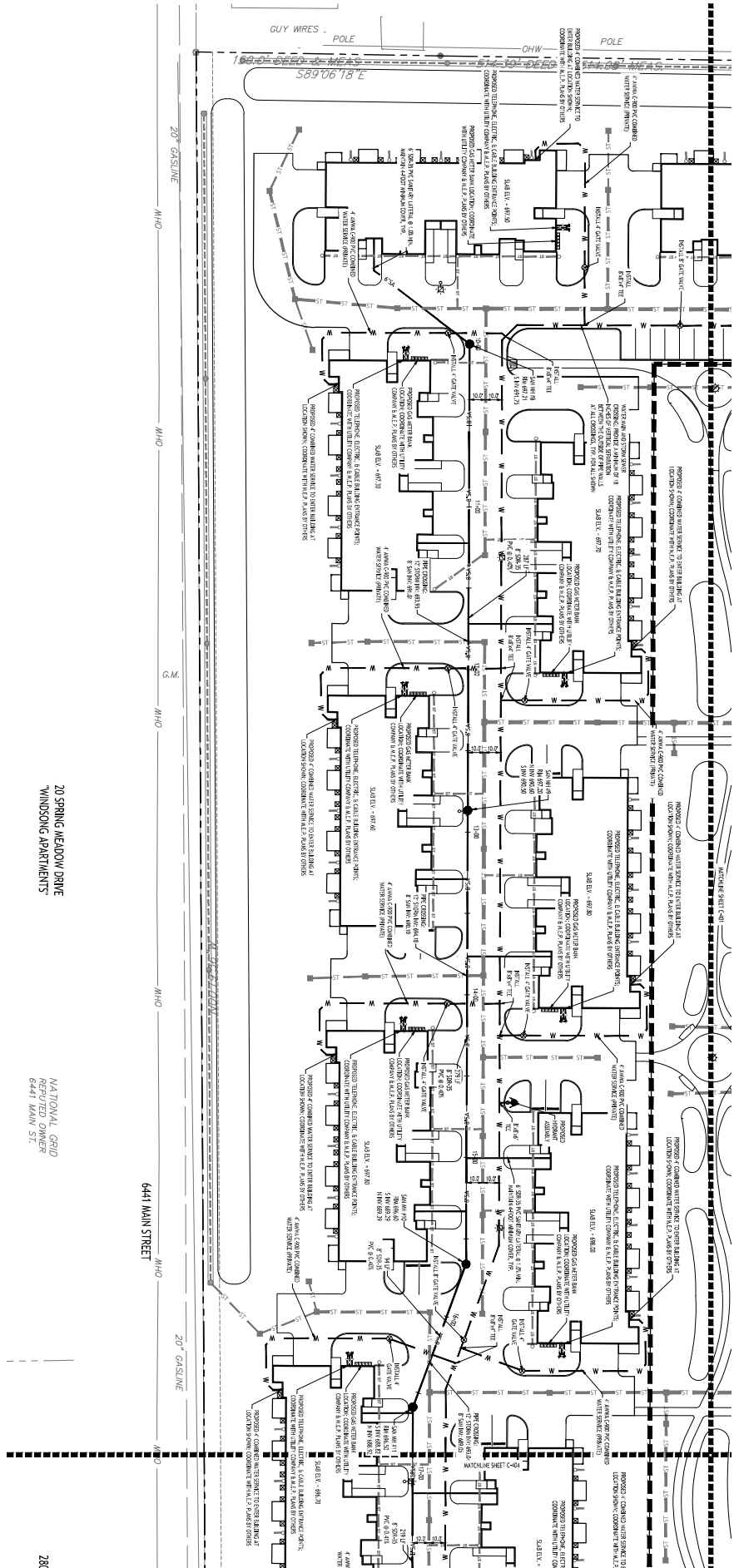
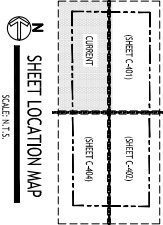
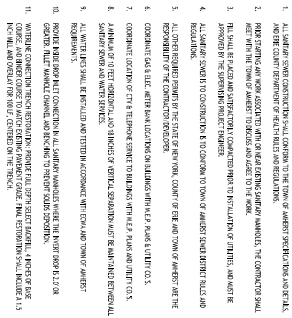
CARMINA WOOD DESIGN
Buffalo | Utica | Greensboro

C-308
Drawing No. 25-4008
Date: 08/22/2024
Drawn By: L. T. T. T.
Checked By: L. T. T. T.
Project No. 25-4008

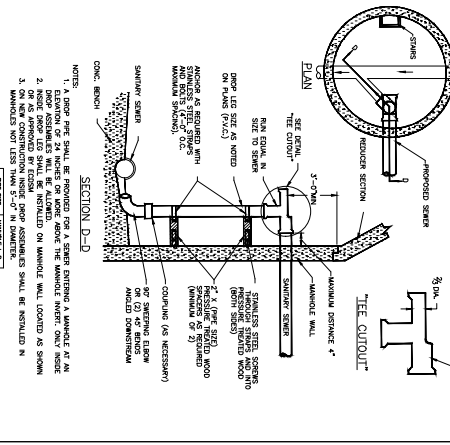
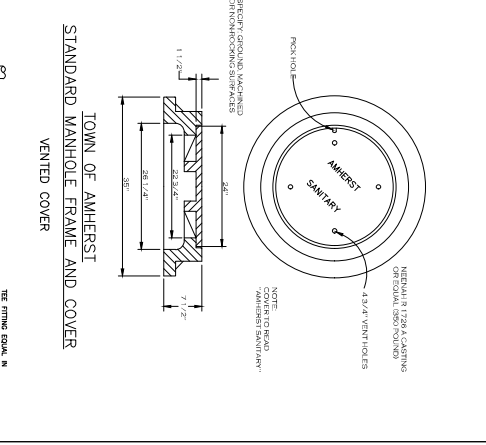
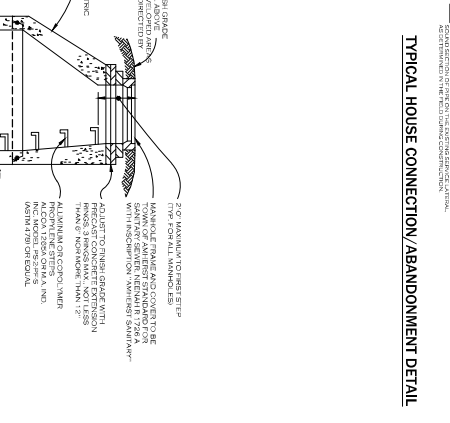
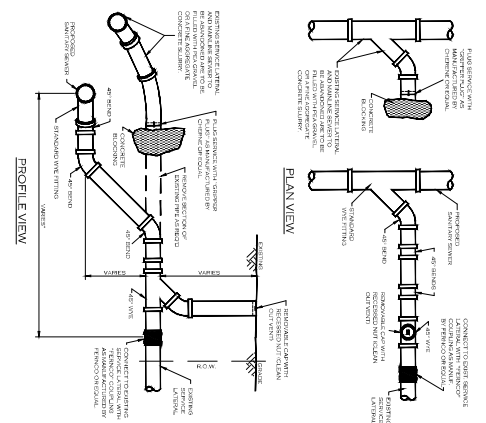
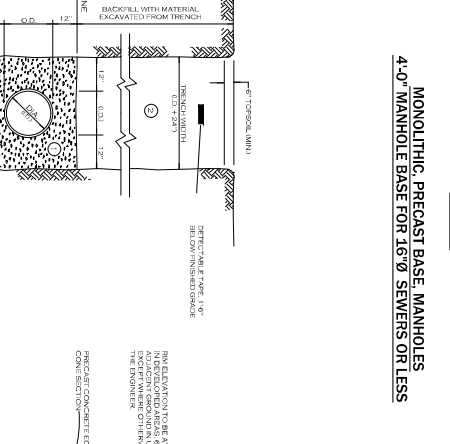
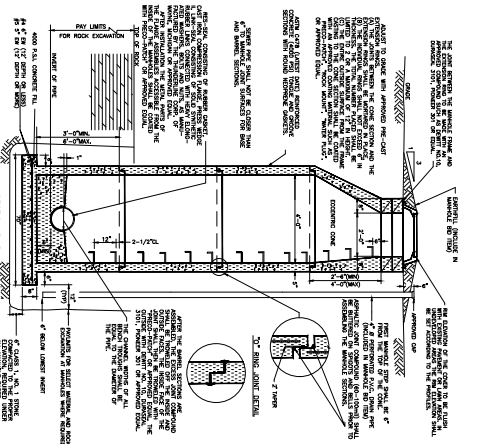
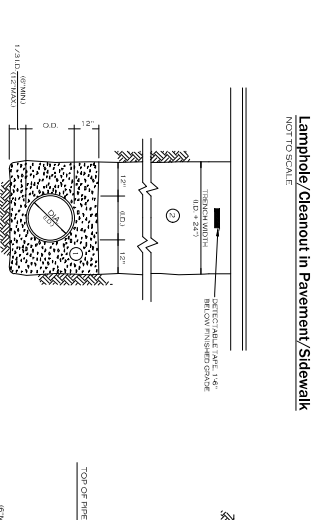
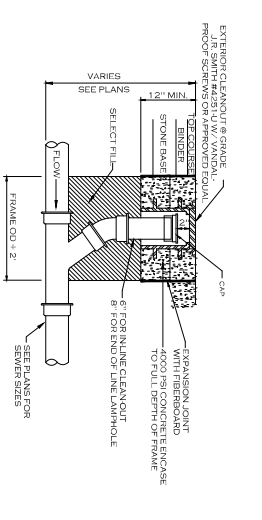
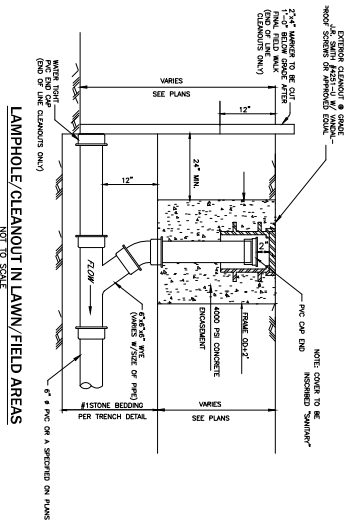












NOTES:

1. PRECAST CONCRETE SHALL BE IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS.
2. TRENCHING OPERATIONS SHALL INCLUDE ALL NECESSARY DETAILING, PLACING, AND REINFORCING.
3. TRENCHING OPERATIONS SHALL INCLUDE ALL NECESSARY DETAILING, PLACING, AND REINFORCING.
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MATERIALS:

PRECAST CONCRETE SHALL BE IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS.

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MATERIALS:

PRECAST CONCRETE SHALL BE IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS.

[illegible][illegible][illegible]

FOREMAN THERIST BLOCK DETAIL
(NOVEMBER 2002)

PLAN

PROFILE

TABLE 1: MATERIALS, DIMENSIONS, AND WEIGHTS

BLOCK TYPE	PIPE THROUGHTS (INCHES)		CUT OUT (INCHES)		PERF (INCHES)		G ¹
	1	2	1	2	1	2	
90° TEE	15.2	13.7	2.00	1.50	2.00	2.00	25.50
90° ELB	15.2	13.7	2.00	1.50	2.00	2.00	25.50
45°	15.2	13.7	1.75	1.00	1.75	1.75	23.00
22-1/2°	12.00	1.00	1.50	1.00	1.50	1.50	21.00
11-1/4°	12.00	1.00	1.25	1.00	1.25	1.25	21.00

* SEE 2ND EDITION

1. TYPICAL CONCRETE THERIST BLOCK WITH 12 1/2\"/>

[illegible]

FORCE MAIN MARKER

(COVERING 8023)

12\"/>

12\"/>

FIGURE 1-3

THIS MARKER SHALL BE MADE OF 1/2\"/>

DEPT. OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE & WASTEWATER
ENGINEERING SECTION 1-3

3791.001.001
51

DRAWING NAME:
Sanitary Sewer
Details

C-407
Project No: 25-4008

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro

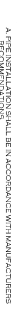


- ## MATERIALS

PPE BEDDING MATERIAL (NYS DOT LATEST EDITION)

-

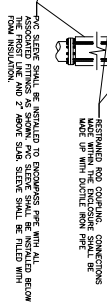
UTILITY TRENCH SECTION IN PAVED AREAS



- SERIAL (NOTED)

E WITH A GRADATION CONFORMING WITH NYSDOT SECTION 217.1. ALL GRADES SHALL BE GRADED WITH NO PARTICLES LARGER THAN 1" AND

- SECTION 304.2.2 TYPE 4 AND NYSDOT SECTION 703.02 (COMPACTED IN 6" LIFTS TO 90%
SMALL NOT BE ALLOWED FOR MATERIALS 1 AND 2



TRIPLET BLOCK SCHEDULE

TRIPLET BLOCK SCHEDULE

DOWN OF ANSWERS | APPROVAL BOX

DRAWING NAME:
Water Details

Date: 06/22/2026
 Drawn By: D. Fyres
 Scale: As Noted
DRAWING NO.

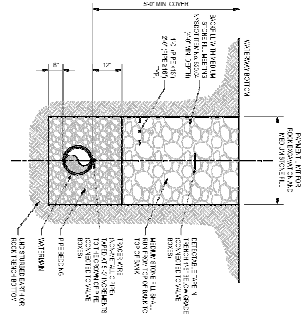
Project No: 25-4008

REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

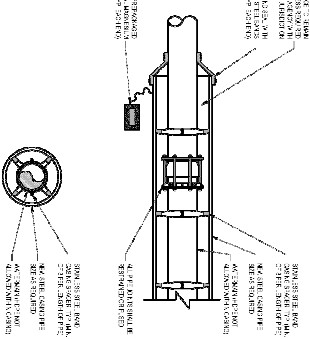
CARMIN/WOOD
DESIGN
Buffalo | Utica | Greensboro





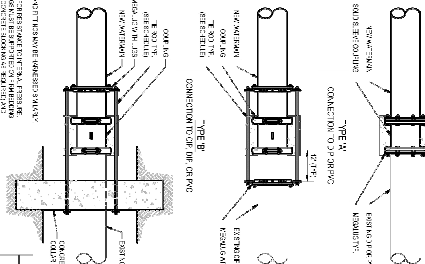
**WATERWAY CROSSING
TRENCH DETAIL**
SCALE: 1/8\"/>

SD-03



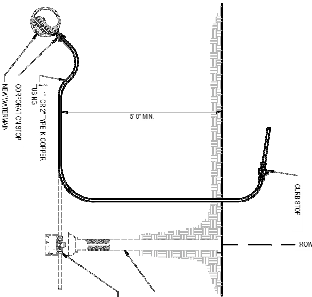
CASING PIPE DETAIL
SCALE: 1/8\"/>

SD-04



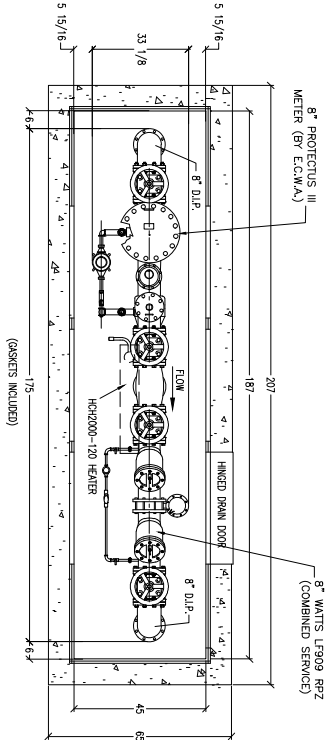
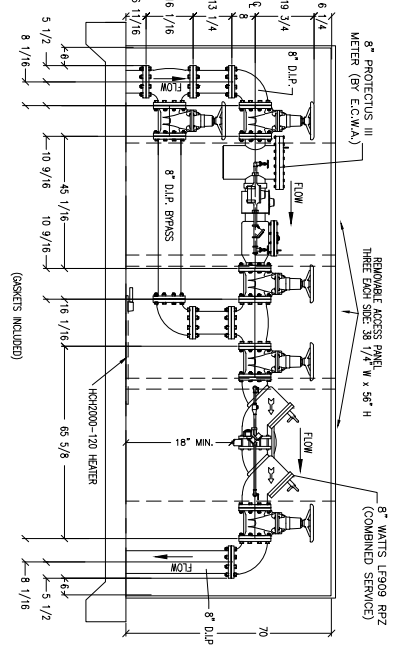
**TYPICAL CONNECTION TO
EXISTING WATERMAIN**
SCALE: 1/8\"/>

SD-08



**TEMPORARY BLOW-OFF /
SAMPLING POINT**
SCALE: 1/8\"/>

SD-30



8\"/>

N. T. S.

NOTES:

1. BACKFLOW PREVENTER DIMENSIONS FURNISHED BY WATTS.
2. ALL DIMENSIONS ARE IN INCHES.
3. WALL & INSULATION THICKNESS IS 1-1/2\"/>
4. ROOF & INSULATION THICKNESS IS 3\"/>
5. ENCLOSURE SHOWN IS SAFE-T-COVER MODEL 1000TS-ALC98-S.
6. EXTERIOR ENCLOSURE DIMENSIONS: 45\"/>
7. CONCRETE PAD IS 65\"/>
8. METER SHOWN: 8\"/>
9. RPZ SHOWN: 8\"/>
10. CONTRACTOR TO INSTALL ELECTRIC SERVICE TO ENCLOSURE.
11. INSTALL A 120V GFI OUTLET IN THE ENCLOSURE.
12. HEATERS TO HAVE THERMOSTAT CONTROL.

TOWN OF AMHERST APPROVAL BOX:



REVISIONS:	
No.	Description
1	Rev. Per Town Comments
2	Rev. Per Town Comments

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

**CARMINA WOOD
DESIGN**
Buffalo | Utica | Greensboro

C-409
Project No. 25-4008

Drawing No. 06/23/2024
Scale: 1/8\"/>

Drawing Name: Water Details

TREE SCHEDULE:

PLANT SCHEDULE

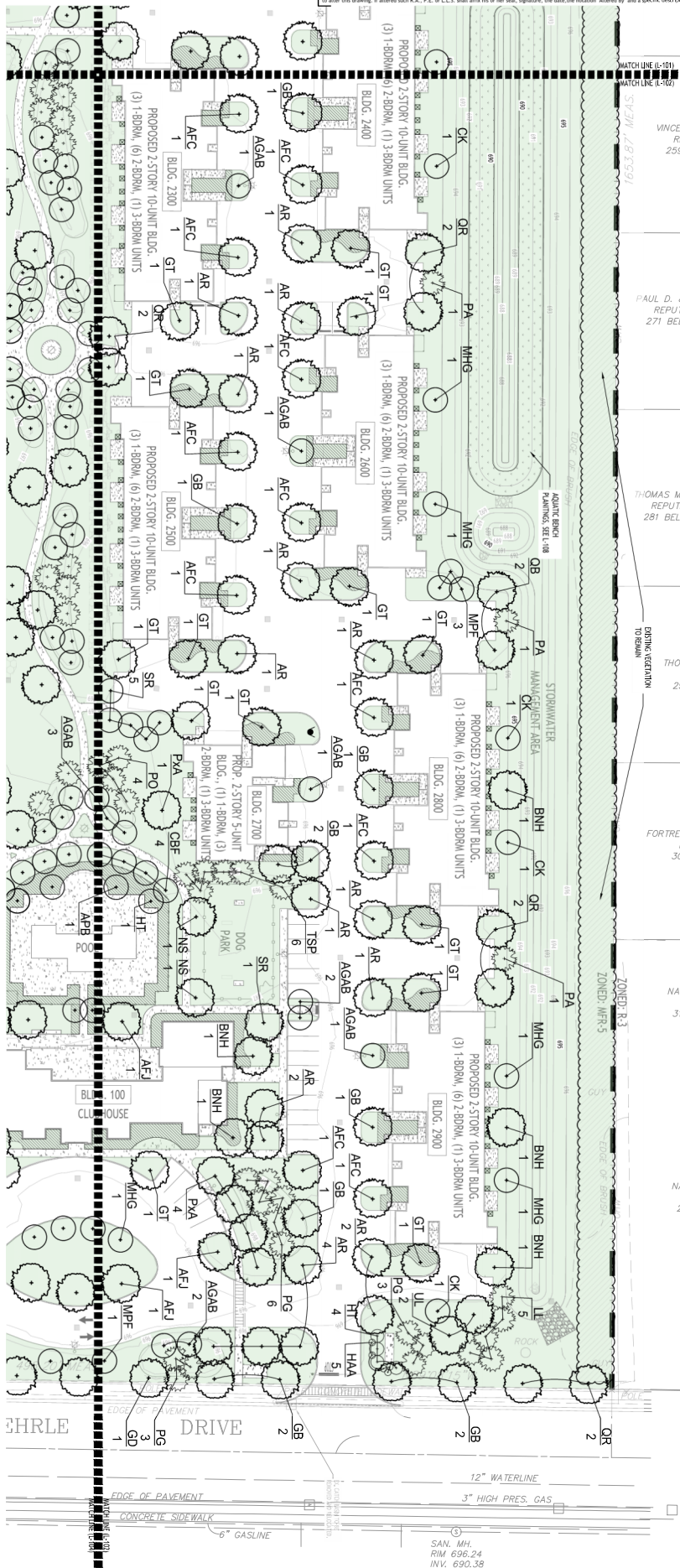
AQUATIC PLANT SCHEDULE:

Options
Per Ton
Per Ton



Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1





GENERAL LANDSCAPE NOTES:

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE TOWN OF AMHERST LANDSCAPE DESIGN MANUAL.
2. STORMWATER DETENTION BASINS TO BE DESIGNED WITH APPROPRIATE LANDSCAPING AND PLANTING.
3. REFER TO SHEET L-109 FOR LANDSCAPE DETAILS AND PLANTING NOTES.

LANDSCAPE LEGEND

- NEW DISCLOSURE CANDY TREE, RE: L-109
- NEW CONSPICUOUS TREE, RE: L-109
- NEW DISCLOSURE UNDERSTORY TREE, RE: L-109
- NEW BRUSHES, RE: L-109
- NEW PLANTING BED AREA, RE: L-109-L-107
- ADJACENT BENCH PLANTING AREA, RE: L-109
- EXISTING VEGETATION TO REMAIN

PERIMETER SCREENING NOTE:

1. WITHIN THE DESIGNATED PERIMETER ZONES, EXISTING TREES, SHRUBS, AND UNDERSTORY VEGETATION CURRENTLY PROVIDING VISUAL SCREENING SHALL REMAIN AND BE PROTECTED THROUGHOUT CONSTRUCTION EXCEPT WHERE REMOVAL IS SPECIFICALLY INDICATED ON THE PLANS. THE CONSTRUCTION SHALL INSTALL NON-REMOVABLE PROTECTIVE FENCING ALONG THE LIMITS OF PERIMETER VEGETATION TO REMAIN AS SHOWN ON THE PLANS. ANYTIME PERIMETER VEGETATION IS DAMAGED OR REMOVED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING OR REPLANTING THE SAME. ANYTIME STORAGE, STOCKPILING, EXCAVATION, OR GRADING SHALL OCCUR WITHIN PROTECTED PERIMETER AREAS, FOLLOWING INITIAL SITE CLEARING AND GRUBBING, THE PROJECT LANDSCAPE ARCHITECT SHALL EVALUATE THE REMAINING PERIMETER SCREENING IN COORDINATION WITH THE TOWN'S LANDSCAPE ARCHITECT. WHERE GAPS OR INSUFFICIENT SCREENING ARE IDENTIFIED, PROVIDE SUPPLEMENTAL PLANTINGS DURING CONSTRUCTION AND PRIOR TO PROJECT COMPLETION. ADDITIONAL PLANTINGS SHALL BE DETERMINED BY THE PROJECT LANDSCAPE ARCHITECT IN COORDINATION WITH THE TOWN'S LANDSCAPE ARCHITECT. VEGETATION DESIGNATED TO REMAIN THAT IS DAMAGED OR REMOVED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

LANDSCAPE PLAN SCALE: 1"=30'

SHEET LOCATION MAP SCALE: 1"=1/2"

NOTE: SHOWN ARE TYPICAL PERIMETER ZONES TO REMAIN. OTHER ZONES SHALL BE DETERMINED BY THE TOWN OF AMHERST.

TOWN OF AMHERST APPROVAL BOX:

DRAWING NAME:
Landscape Plan

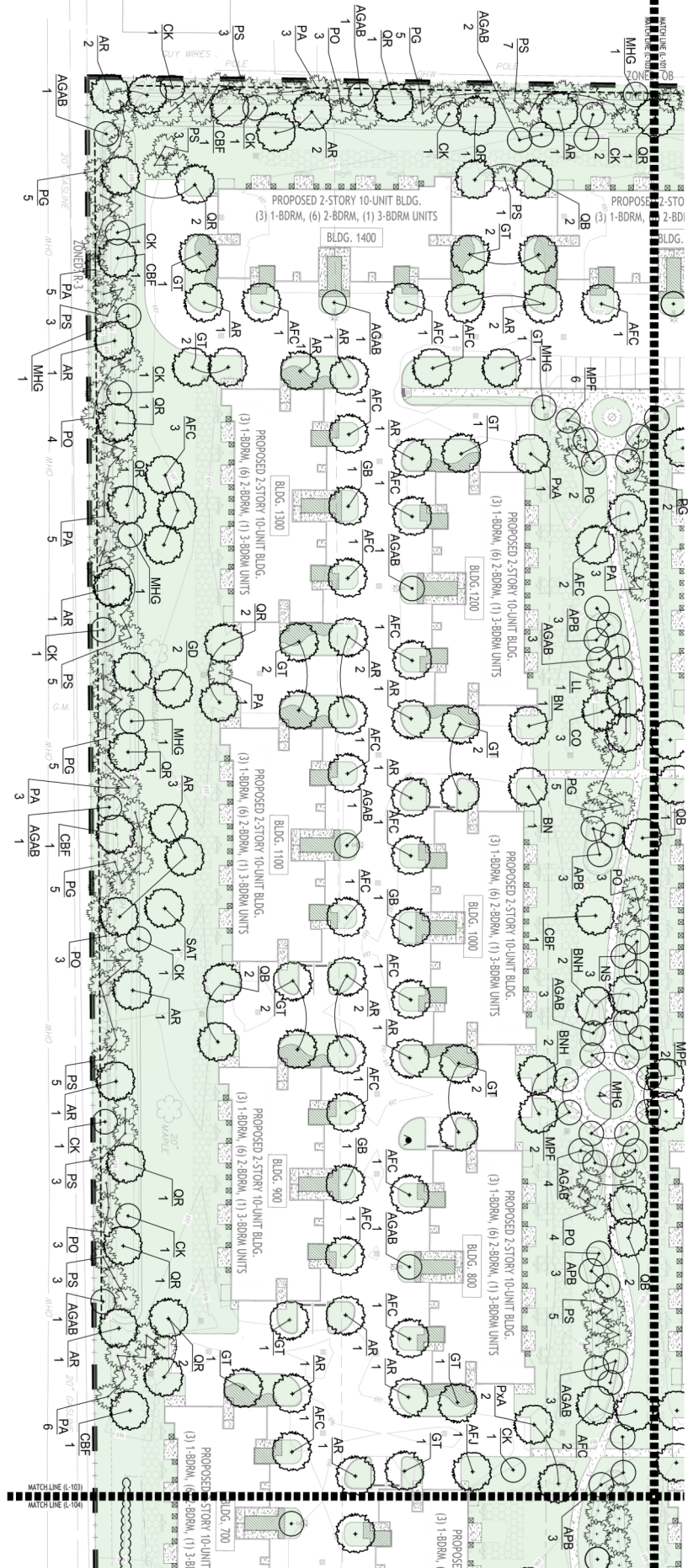
Date: 08/22/2026
Drawn By: D. Joyce
Checked By: D. Joyce
Project No: 25-4008

REVISIONS:	
No.	Description
1	Rev. Per Town Comments
2	Rev. Per Town Comments

Uptown Apartments

2190 Wehrle Drive
Amherst, New York 14221
SBL # 81.02-1-10.1





LANDSCAPE PLAN
SCALE: 1"=30'

GENERAL LANDSCAPE NOTES:

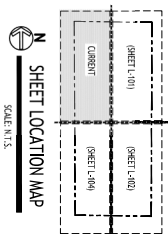
1. ALL DISTURBED AREAS AFTER PLANTING ARE COMPLETE SHALL RECEIVE MINIMUM 6" DEPTH TOSOL, BE FINE GRADED, AND SODED.
2. STORMWATER DETENTION BASINS TO BE SEEDED WITH APPROPRIATE NATIVE MEADOW GRASS MIX PER STATE / TOWN REQUIREMENTS.
3. REFER TO SHEET L109 FOR LANDSCAPE DETAILS AND PLANTING NOTES.

LANDSCAPE LEGEND

- | | |
|---|--|
|  | NEW DECIDUOUS CANOPY TREE, RE: L.109 |
|  | NEW CONIFEROUS TREE, RE: L.109 |
|  | NEW DECIDUOUS UNDERSTORY TREE, RE: L.109 |
|  | NEW SHRUBS, RE: L.109 |
|  | NEW PLANTING BED AREA, RE: L.105-L.107 |
|  | AQUATIC BEACH PLANTING AREA, RE: L.108 |
|  | EXISTING VEGETATION TO REMAIN |

PERIMETER SCREENING NOTE:

1. WITHIN THE DEFINED PERMITTER ZONE, EXISTING TREES, SHRUBS AND UNDERSTORY VEGETATION CURRENTLY PROVIDING SHADE SCENESHALL REMAIN AND BE PROTECTED THROUGHOUT CONSTRUCTION, EXCEPT WHERE REMOVAL IS SPECIFICALLY INDICATED ON THE PLAN. THE CONTRACTOR SHALL INSTALL WEAPSLIP PROTECTIVE FENCING ALONG THE LIMITS OF PERMITTED VEGETATION TO REMAIN AS SHOWN ON THE PLAN, MAINTAIN FENCING THROUGHOUT CONSTRUCTION, NO EQUIPMENT ACCESS, MATERIAL STORAGE, TRUCKING, EXCAVATION, OR GRADING SHALL OCCUR WITHIN PROTECTED PERMITTER AREAS FOLLOWING INITIAL SITE EVALUATE AND GRADING. THE PROJECT LANDSCAPE SHALL BE TENDANT AND THE REMAIND PERMITTER SHALL BE IN COORDINATION WITH THE TOWN'S LANDSCAPE ARCHITECT WHERE DATA IS INSUFFICIENT DETERMINE ARE IDENTIFIED, PROTECT SUPPLEMENTAL PLANTING DURING CONSTRUCTION AND PLANT TO PROTECT COMPLETION. ADDITIONAL PLANTING SHALL BE DETERMINED BY THE PROJECT LANDSCAPE ARCHITECT IN COORDINATION WITH THE TOWN'S LANDSCAPE ARCHITECT. VEGETATION DESIGNATED TO REMAIN THAT IS DAMAGED OR REMOVED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.



NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS.
CANNON WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

TOWN OF AMHERST APPROVAL BOX:

DRAWING NAME:
Landscape
Plan

Date: 06/22/2026
Drawn By: D. Feyes
Scale: As Noted
DRAWING NO.

L-103
Project No: 25-4008

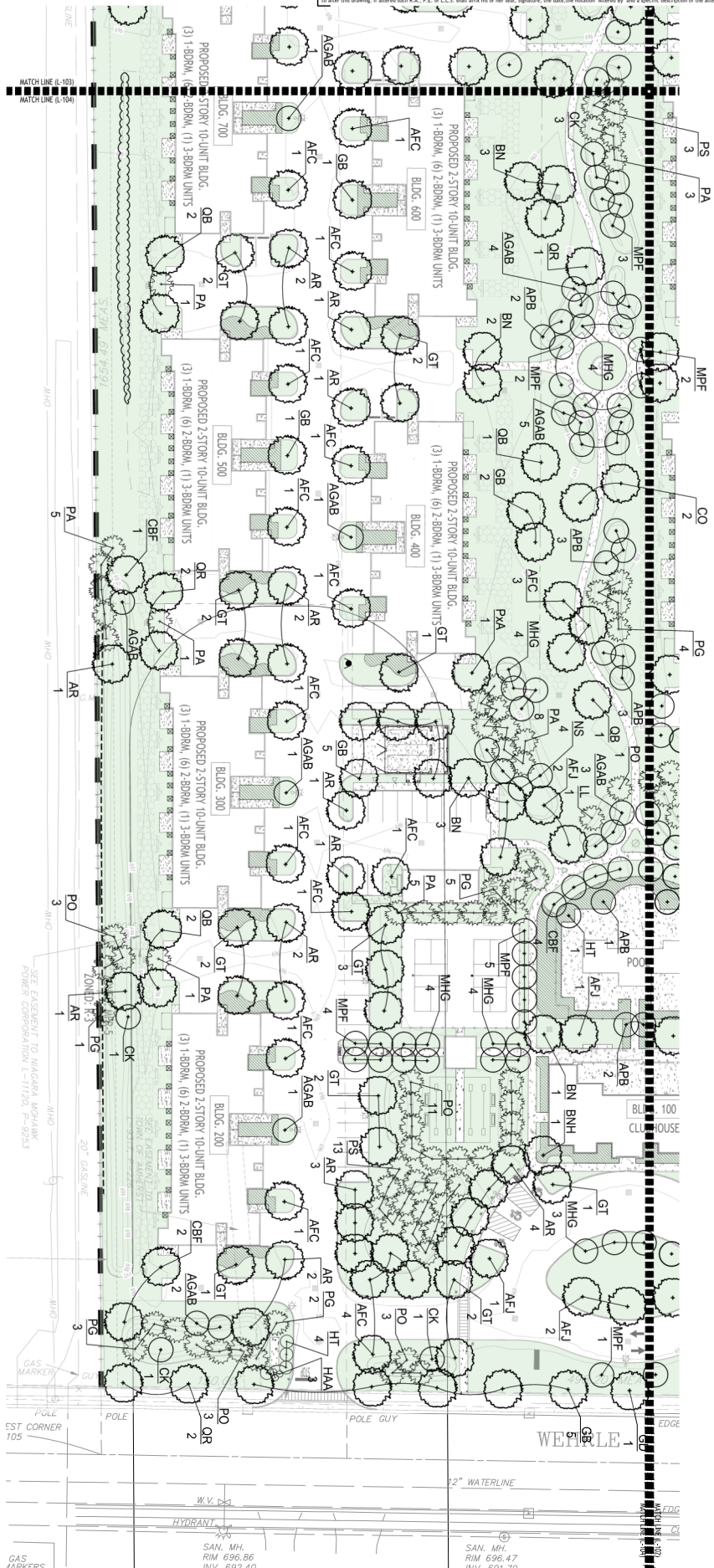
REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/30/2026

Uptown Apartments

2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1



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LANDSCAPE PLAN

SCALE: 1"=30'

GENERAL LANDSCAPE NOTES:

1. ALL PLANTINGS SHALL BE SPECIFIED BY COMMON NAME, HEIGHT, SPACING, AND SPACING.
2. STORMWATER DETENTION BASINS TO BE DESIGNED WITH APPROPRIATE NATIVE MEADOW GRASSES AND OTHER STATE TOWN REQUIREMENTS.
3. REFER TO SHEET L-109 FOR LANDSCAPE DETAILS AND PLANTING NOTES.

LANDSCAPE LEGEND

- NEW RHODODENDRUS GARDY TREE, REF. L-109
- NEW CONSPICUOUS TREE, REF. L-109
- NEW RHODODENDRUS UNDERSTORY TREE, REF. L-109
- NEW SHRUBS, REF. L-109
- NEW PLANTING BED AREA, REF. L-109-1-107
- ADJACENT BENCH PLANTING AREA, REF. L-109
- EXISTING VEGETATION TO REMAIN

PERIMETER SCREENING NOTE:

1. WITHIN THE DESIGNATED PERIMETER CORNER, EXISTING TREES, SHRUBS, AND UNDERSTORY VEGETATION CURRENTLY PROVIDING VISUAL SCREENING SHALL REMAIN AND BE PROTECTED THROUGHOUT CONSTRUCTION EXCEPT WHERE REMOVAL IS SPECIFICALLY INDICATED ON THE PLAN. THE CONTRACTOR SHALL INSTALL NEARLY IMPERMEABLE PROTECTIVE FENCING ALONG THE LIMITS OF PERIMETER SCREENING TO REMAIN. PLANTINGS SHOWN ON THE PLAN, WHETHER PLANTED PRIOR TO OR DURING CONSTRUCTION, SHALL BE PROTECTED BY THE FENCING. STORAGE, STOCKPILING, EXCAVATION, OR GRADING SHALL OCCUR WITHIN PROTECTED PERIMETER AREAS. FOLLOWING INITIAL SITE CLEARING AND GRADING, THE PROJECT LANDSCAPE ARCHITECT SHALL EVALUATE THE REMAINING PERIMETER SCREENING IN COORDINATION WITH THE TOWN'S LANDSCAPE ARCHITECT. ADDITIONAL PLANTINGS SHALL BE DETERMINED BY THE PROJECT LANDSCAPE ARCHITECT IN COORDINATION WITH THE TOWN'S LANDSCAPE ARCHITECT. VEGETATION DESIGNATED TO REMAIN THAT IS DAMAGED OR REMOVED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

SHEET LOCATION MAP

SCALE: 1"=1/2"

NOTE: SHOWN ARE TOPOGRAPHIC ELEVATIONS BASED ON THE TOWN OF AMHERST ADJUSTED TO CORRELATION WITH TOWN OF AMHERST. CARMINA WOOD DESIGN ADJUSTED TO CORRELATION WITH TOWN OF AMHERST.

30' 0" 15' 0" 0' 0" 15' 0" 30' 0"

TOWN OF AMHERST APPROVAL BOX:

DRAWING NAME:
Landscape Plan

Date: 06/22/2026
Drawn By: D. Joyce
Scale: As Shown
Project No: 25-0008

L-104

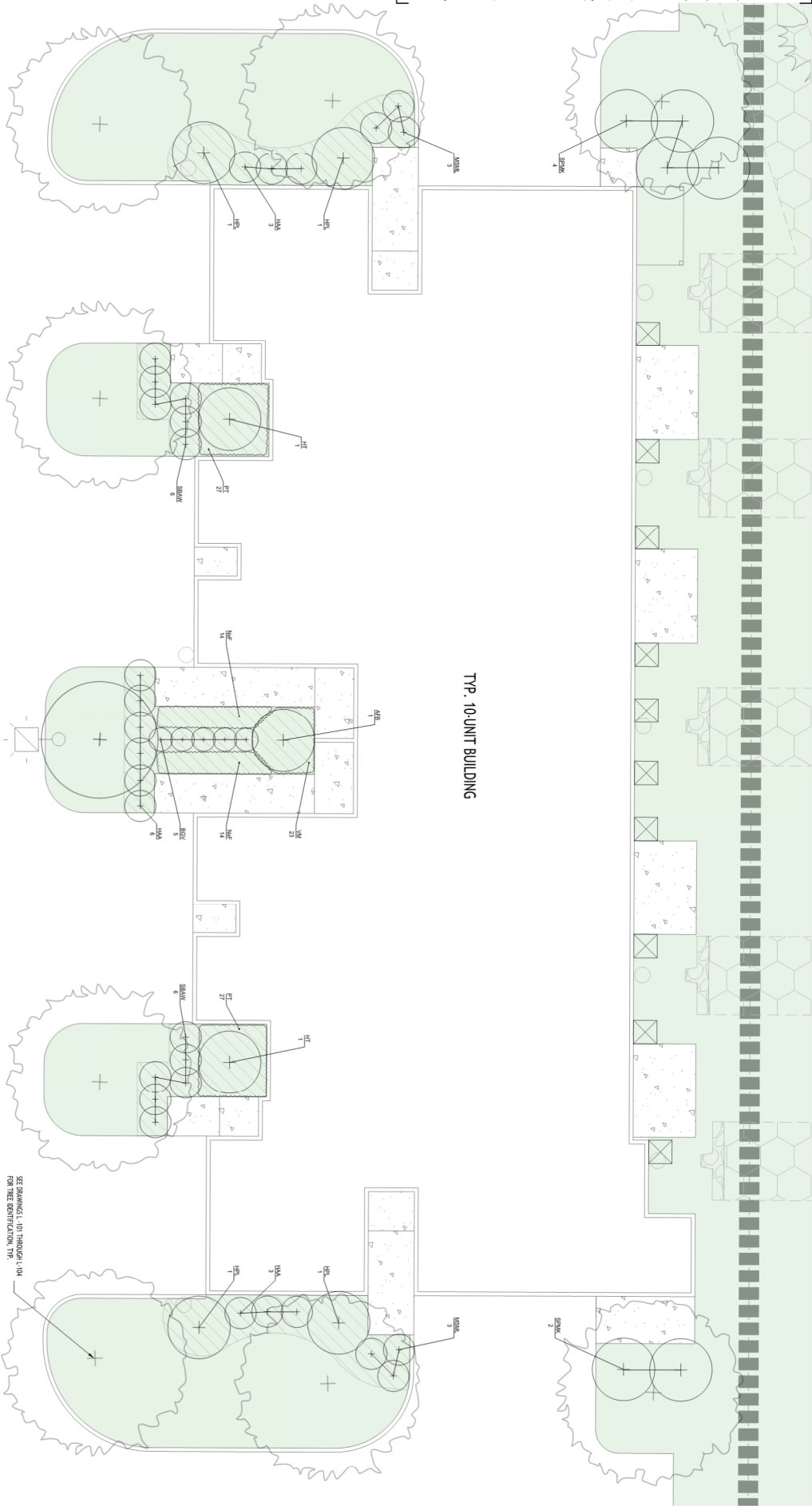
REVISIONS:	
No.	Description
1	Rev. Per Town Comments
2	Rev. Per Town Comments

Uptown Apartments

2190 Wehrle Drive
Amherst, New York 14221
SBL # 81.02-1-10.1



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LANDSCAPE LEGEND

- NEW DECIDUOUS CANOPY TREE, REF. L149
- NEW CONIFEROUS TREE, REF. L149
- NEW DECIDUOUS UNDERSTORY TREE, REF. L149
- NEW SHRUBS, REF. L149
- NEW PLANTING BED AREA, REF. L149, L147
- AQUATIC BED PLANTING AREA, REF. L149
- EXISTING VEGETATION TO REMAIN

LANDSCAPE ENLARGEMENT - TYPICAL 10-UNIT BLDG. FOUNDATION PLANTINGS

SCALE 1"=8'

TOWN OF AMHERST APPROVAL BOX:

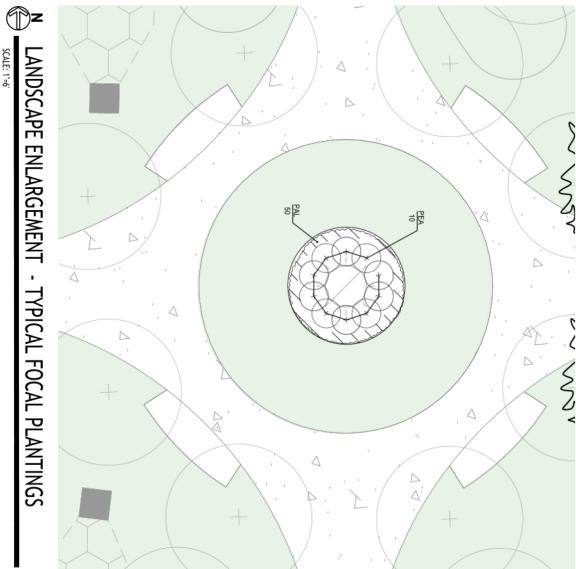
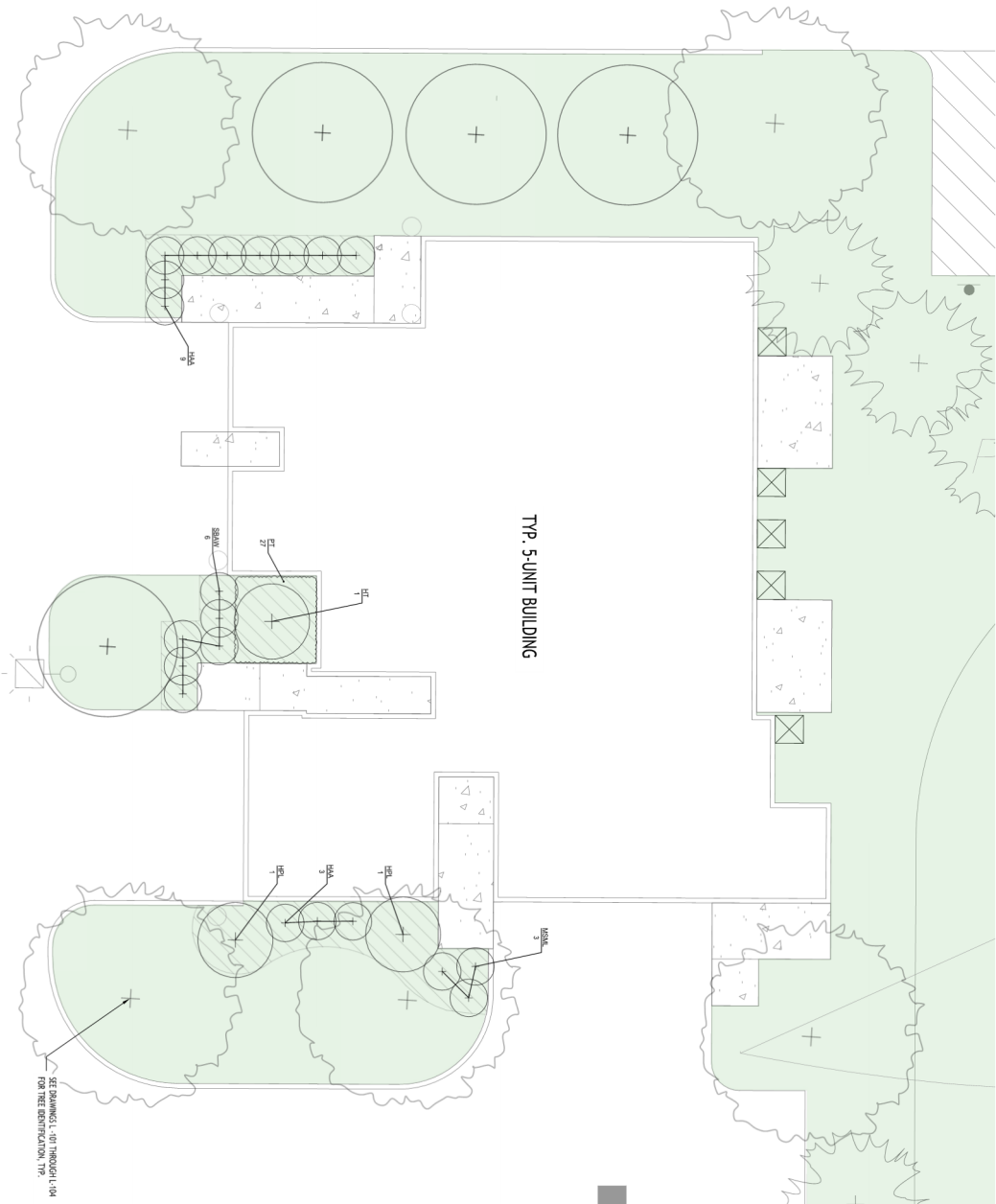


REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/30/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1



L-105
Drawing No.
Date: 08/22/2026
Drawn By: D. Payne
Checked By: S. Payne
Project No.: 75-4008



GENERAL LANDSCAPE NOTES

1. ALL PLANTING AREAS AFTER PLANTING ARE COMPLETE SHALL RECEIVE MINIMUM 6" DEPTH TOPSOIL, BE PAVE GRADED, AND SOODED.
2. STORMWATER DETENTION BASIN TO BE SITED WITH APPROPRIATE NATIVE PLANTING SPECIES AND SIZES.
3. REFER TO SHEET L-109 FOR LANDSCAPE DETAILS AND PLANTING NOTES.

LANDSCAPE LEGEND

- NEW DECIDUOUS CANOPY TREE, RE. L.109
- NEW CONIFEROUS TREE, RE. L.109
- NEW DECIDUOUS UNDERSTORY TREE, RE. L.109
- NEW SHRUBS, RE. L.109
- NEW PLANTING BED AREA, RE. L.105 - L.107
- ADJUTANT PLANTING AREA, RE. L.108
- EXISTING VEGETATION TO REMAIN

NOTE: REVISIONS ARE TO BE MADE BY THE ARCHITECT. CARMINA WOOD DESIGN IS NOT RESPONSIBLE FOR ANY CHANGES.

1" = 8'

DOWN OF AMHERST APPROVAL BOX:

DRAWING NAME:

Landscape Plan

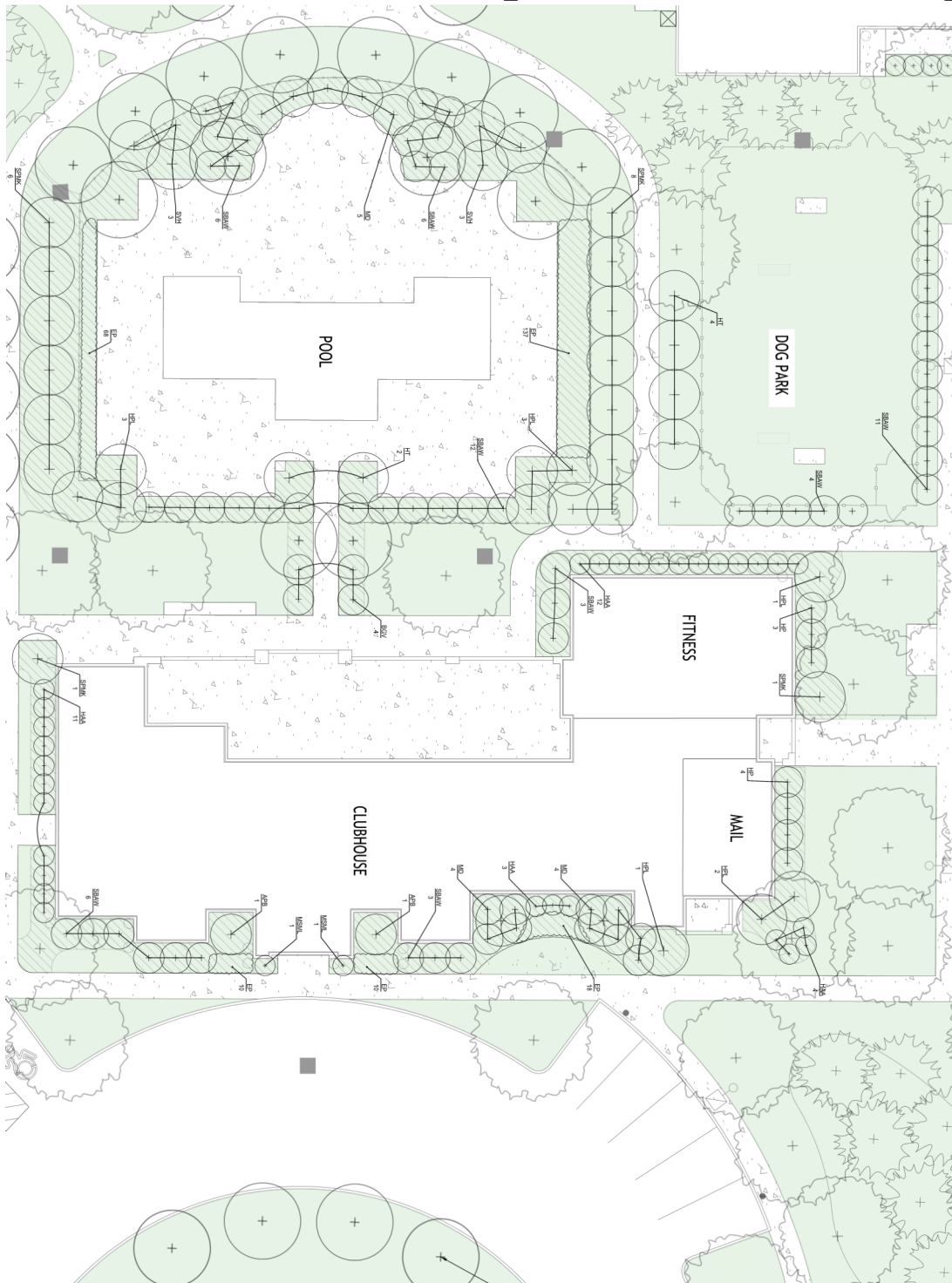
Date: 08/22/2026
Drawn By: D. Lopez
Checked By: S. Lopez
Drawing No. L-106

Project No. 25-4008

REVISIONS:	
No.	Description
1	Rev. Per Town Comments
2	Rev. Per Town Comments

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1





LANDSCAPE ENLARGEMENT - CLUBHOUSE FOUNDATION PLANTINGS

SCALE: 1"=10'

- GENERAL LANDSCAPE NOTES:
1. ALL DISTURBED AREAS AFTER PLANTING AND CONSTRUCTION SHALL RECEIVE MINIMUM 5" DEEP TOPSOIL, 10" DEEP GRASS, AND SOIL.
 2. MAINTAIN EXISTING TREES AND PLANTINGS TO REMAIN.
 3. REFER TO SHEET L-109 FOR LANDSCAPE DETAILS AND PLANTING NOTES.

LANDSCAPE LEGEND

- NEW DECIDUOUS CANOPY TREE, RE: L-109
- NEW CONIFEROUS TREE, RE: L-109
- NEW DECIDUOUS UNDERSTORY TREE, RE: L-109
- NEW SHRUBS, RE: L-109
- NEW PLANTING BED AREA, RE: L-108, L-107
- ADJACENT BENCH PLANTING AREA, RE: L-108
- EXISTING VEGETATION TO REMAIN

SEE DRAWINGS L-101 THROUGH L-104 FOR TREE IDENTIFICATION, TYP.

DATE: 08/22/2026
DRAWN BY: J. J. J.
CHECKED BY: J. J. J.
APPROVED BY: J. J. J.

TOWN OF AMHERST APPROVAL BOX:

DRAWING NAME:
Landscape
Plan

DATE: 08/22/2026
DRAWN BY: J. J. J.
CHECKED BY: J. J. J.
APPROVED BY: J. J. J.

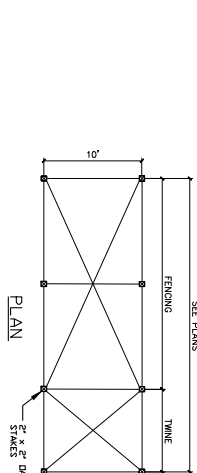
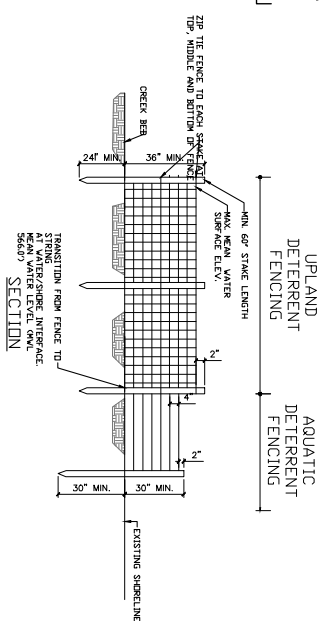
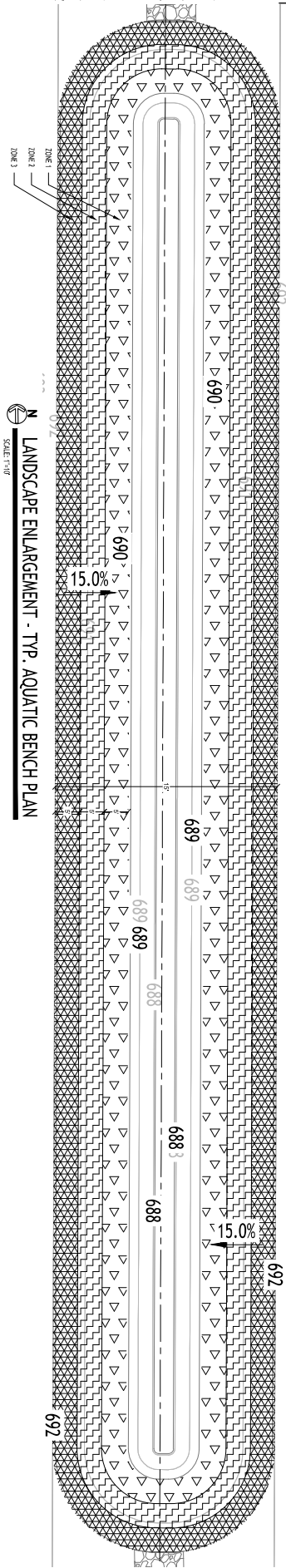
PROJECT NO.: 25-4008

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1



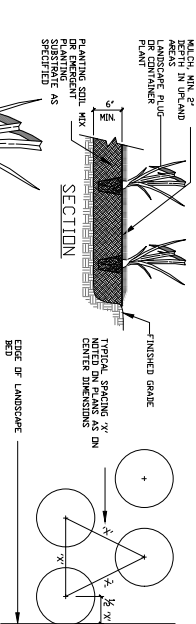
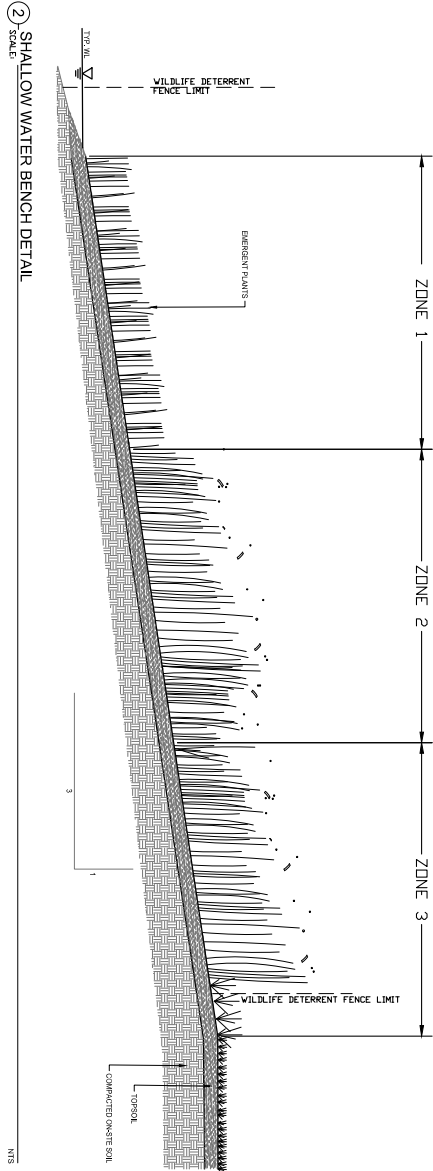
REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/30/2026





- CONSTRUCTION NOTES:**
1. WILDLIFE DETERRENT FENCE REQUIRED TYP. A PERIOD OF 1 YEAR.
 2. WILDLIFE DETERRENT FENCE TO BE REMOVED SEASONALLY TO AVOID DAMAGE FROM ICE.
 3. REGULAR MAINTENANCE & REPLACEMENT OF FENCE, TYNE AND STAKES MAY BE NECESSARY DURING THIS TIME.
 4. WILDLIFE DETERRENT FENCING SHALL ENCLOSE THE ENTIRETY OF THE AQUATIC PLANTING AREA.
 5. WILDLIFE DETERRENT FENCING SHALL BE PLACED FROM SUBSTRATE TO 2" FROM TIP OF STAKE.
 6. STAKES SHALL BE PLACED EVERY 4' FROM SUBSTRATE/SURFACE TO 2" FROM TIP OF STAKE.
 7. STAKES SHALL BE PLACED EVERY 4' FROM SUBSTRATE/SURFACE TO 2" FROM TIP OF STAKE.
 8. STAKES SHALL BE PLACED EVERY 4' FROM SUBSTRATE/SURFACE TO 2" FROM TIP OF STAKE.
 9. SECURE FENCE TO EACH END STAKE WITH 3 ZIP TIES PER STAKE, ONE AT THE TIP, MIDDLE AND BOTTOM OF STAKE.
 10. THE ENDS OF THE FENCE SHOULD BE SECURED TOGETHER AT A VERTICAL STAKE.
 11. SNOW FENCE WILL TRANSITION TO TYNE FENCE AT WATER/SURFACE INTERFACE. ANNUAL WATER LEVEL.
 12. FENCING/TYNE BARRIER ONLY, REQUIRED ON OUTER EDGE OF ENCLOSURE, NOT BETWEEN APPLICATIONS.
- MATERIALS:**
1. STAKES: 2" x 2" x 60" OAK.
 2. TYNE: BLACK PLASTIC/POLYURETHANE FENCING/TYNE/SNOW FENCE, 27" WIDE, 27" MESH SIZE, QTR. SUNK, 60" LENGTH REQUIRED PER ENCLOSURE, MAX. 36" HEIGHT.
 3. TYNE: STANDARD MULTIPURPOSE, TWISTED.
 4. ZIP TIES: 10-12" BLACK NYLON ZIP TIES.

1 WILDLIFE DETERRENT FENCING AND BARRIERS
SCALE: 1/8" = 1'-0"
NTS



- GENERAL LANDSCAPE NOTES:**
1. ALL DISTURBED AREAS AFTER PLANTING ARE COMPLETE SHALL RECEIVE MINIMUM 1" DEPTH TOPSOIL, BE FINE GRADED, AND SOOLED.
 2. FLOWING WATER DETERRENT BARRIERS TO BE BUILT WITH APPROPRIATE NATIVE PLANTING MATERIALS.
 3. REFER TO SHEET 109 FOR LANDSCAPE DETAILS AND PLANTING NOTES.
- NOTES:**
1. HERBACEOUS PLANTS WITHIN THE EMERGENT VEGETATION ZONE SHALL BE PLANTED WITHIN THE EMERGENT VEGETATION ZONE AND SHALL BE PLANTED WITHIN THE EMERGENT VEGETATION ZONE.
 2. SEE PLANT SCHEDULES FOR SPECIFIC SPECIES NOTES.

2 HERBACEOUS PLUG PLANTING
SCALE: 1/8" = 1'-0"
NTS

GENERAL LANDSCAPE NOTES:

1. ALL DISTURBED AREAS AFTER PLANTING ARE COMPLETE SHALL RECEIVE MINIMUM 1" DEPTH TOPSOIL, BE FINE GRADED, AND SOOLED.
2. FLOWING WATER DETERRENT BARRIERS TO BE BUILT WITH APPROPRIATE NATIVE PLANTING MATERIALS.
3. REFER TO SHEET 109 FOR LANDSCAPE DETAILS AND PLANTING NOTES.

NOTES: TO BE REVIEWED AND APPROVED BY THE TOWN OF AMHERST. APPROVAL BOX:

TOWN OF AMHERST APPROVAL BOX:

DATE: 08/03/2026
BY: [Signature]
FOR: [Signature]

REVISIONS:	No.	Description	Date
1	1	Rev. Per Town Comments	08/03/2026
2	2	Rev. Per Town Comments	09/10/2026

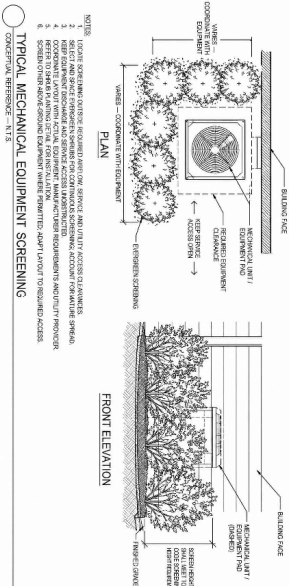
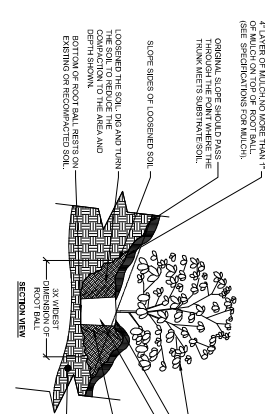
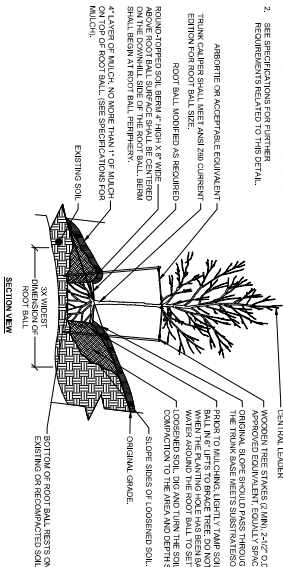
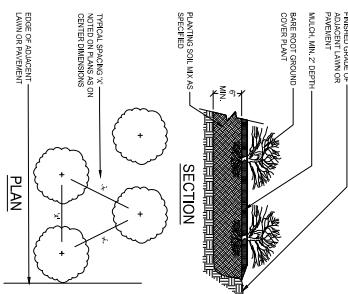
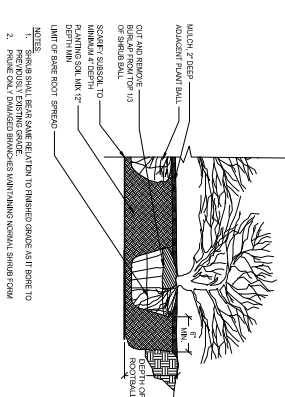
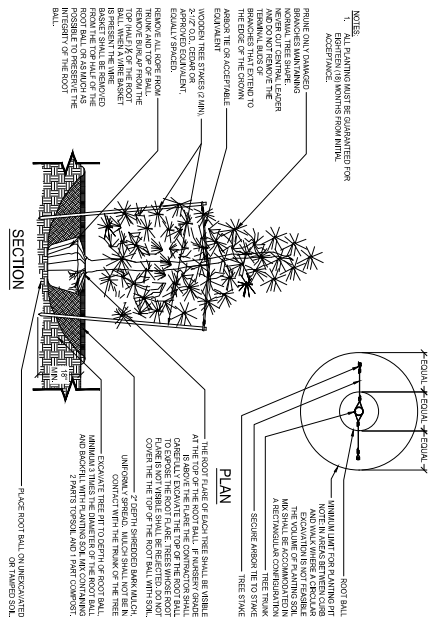
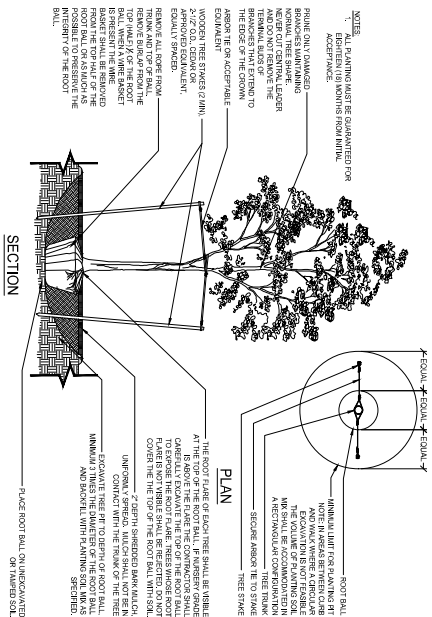
Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1



DRAWING NAME:
Landscape Plan

DATE: 08/22/2026
DRAWN BY: [Signature]
CHECKED BY: [Signature]
PROJECT NO.: 25-4008

L-108



GENERAL PLANTING NOTES:

1. INTERIOR LANDSCAPED AREAS, INCLUDING PARKING LOT ISLANDS AND DRIVEWAYS, SHALL HAVE A MINIMUM PLANTING SOIL DEPTH OF 3 FEET AND SHALL BE FREE OF CONSTRUCTION DEBRIS AND FOREIGN MATERIAL. IN ACCORDANCE WITH TOWN CODE §203.7.2.3A(1)(j).

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS
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TOWN OF AMHERST APPROVAL BOX

DRAWING NAME
Landscape
Details

Date: 06/22/2024
 Drawn By: D. Feyer
 Scale: As Noted
DRAWING NO.

Project No: 25-4008

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1



wendel

REVISIONS:		
No.	Description	Date
1	Rev. Per Town Comments	08/03/2026
2	Rev. Per Town Comments	09/30/2026

8.3.26

PRELIMINARY
NOT FOR CONSTRUCTION

LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	DESCRIPTION	BALLAST	MOUNTING	MODEL	FOOTS	NOTE 1	NOTE 2	NOTE 3	QUANTITY
P-1	⊙	Avenue Series Acrylic Acorn, 15' Optic	ELECTRONIC	POLE	Starberg Lighting B755RLED-24-40T5-40-014	120V 1P 2W	BUG Rating B3-U3-C2	Mounting Height: 12.0'		4
S-1	○ □	GALLEN AREA AND ROADWAY LIGHTS SOLAR-LED, 6 LEDS ACORN AND THE TV FORWARD THROW OPTICS WITH HOUSE SIDE SHIELD	ELECTRONIC	POLE	COOPER LIGHTING SOLUTIONS - EATON - EASON (FORMERLY GALN-S40C-740-U-14T-HSS	120V 1P 2W	BUG Rating B1-U0-C2	Mounting Height: 15.0'. Note: Proposed fixture height to be measured per Town Requirements	Note: Proposed fixture height to be measured per Town Requirements	26

OVERALL LIGHTING PLAN
SCALE: 1"=50'

N

SHEET LOCATION MAP
SCALE: 1"=15'

N



NOTE: SOLAR AND TOWNSHIP APPROVALS REQUIRED BY OTHERS. CARMINA WOOD DESIGN ASSUMES RESPONSIBILITY FOR ITS SCALING.

30' 20' 10' 0' 10' 20' 30'

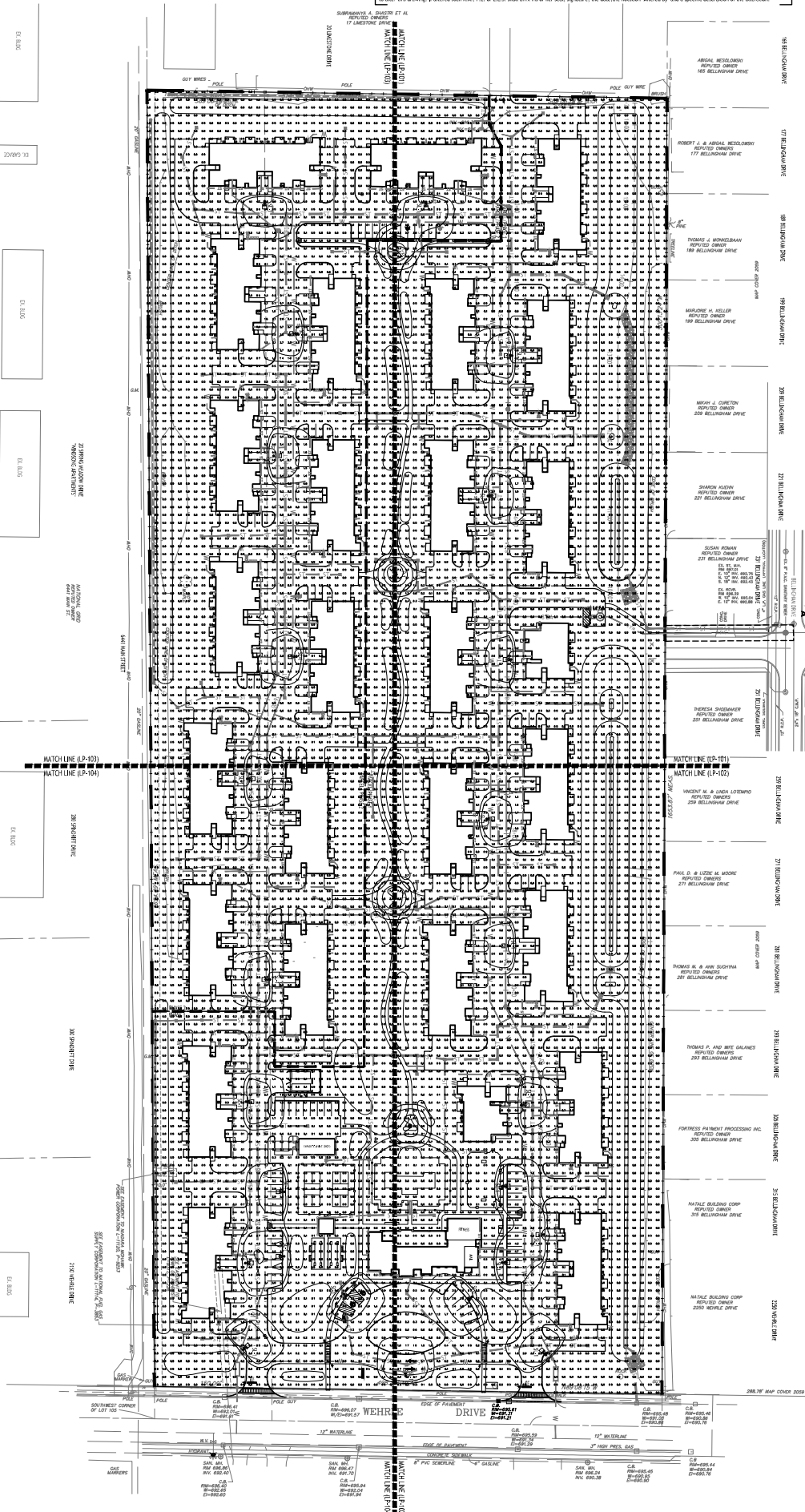
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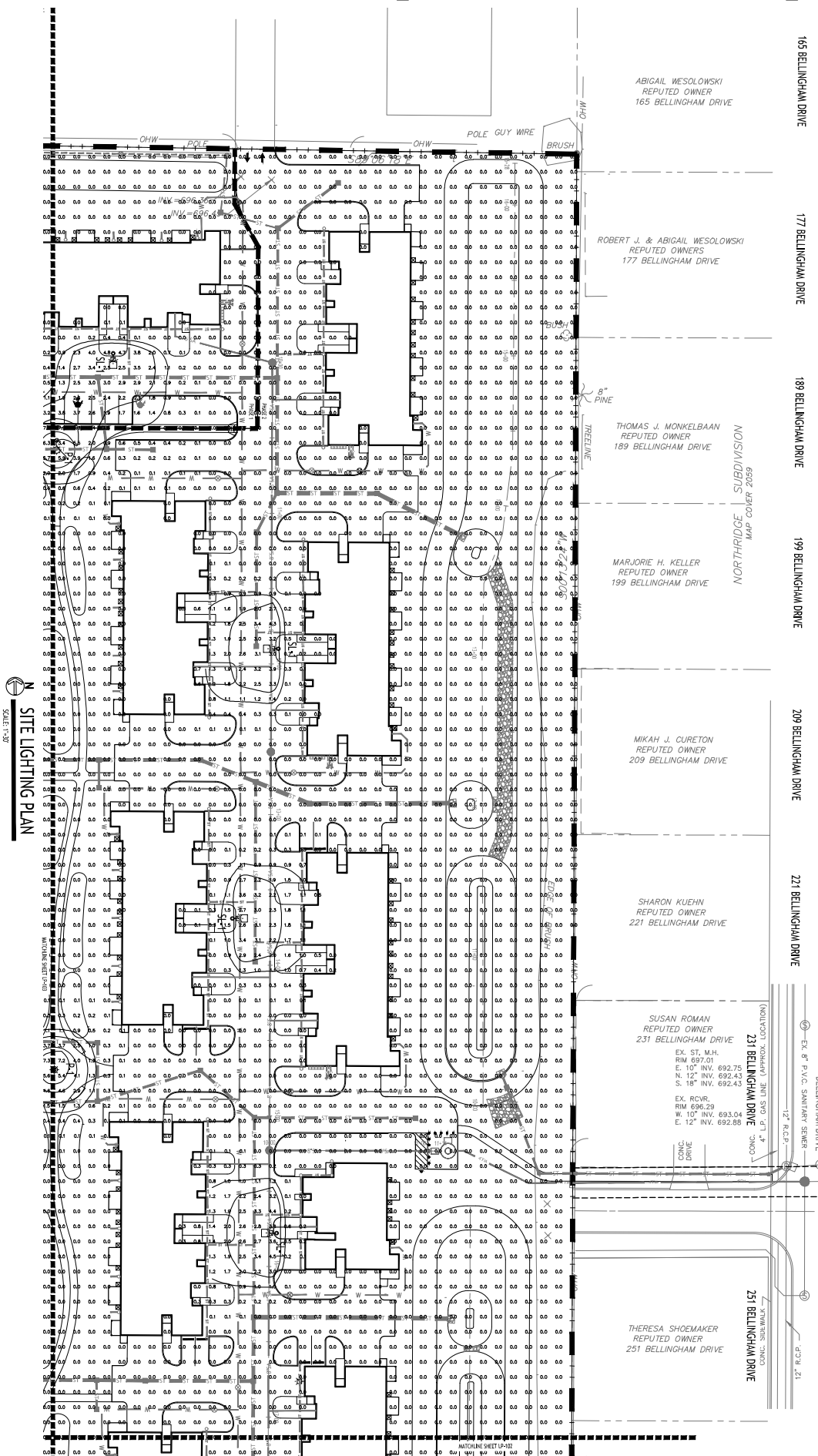


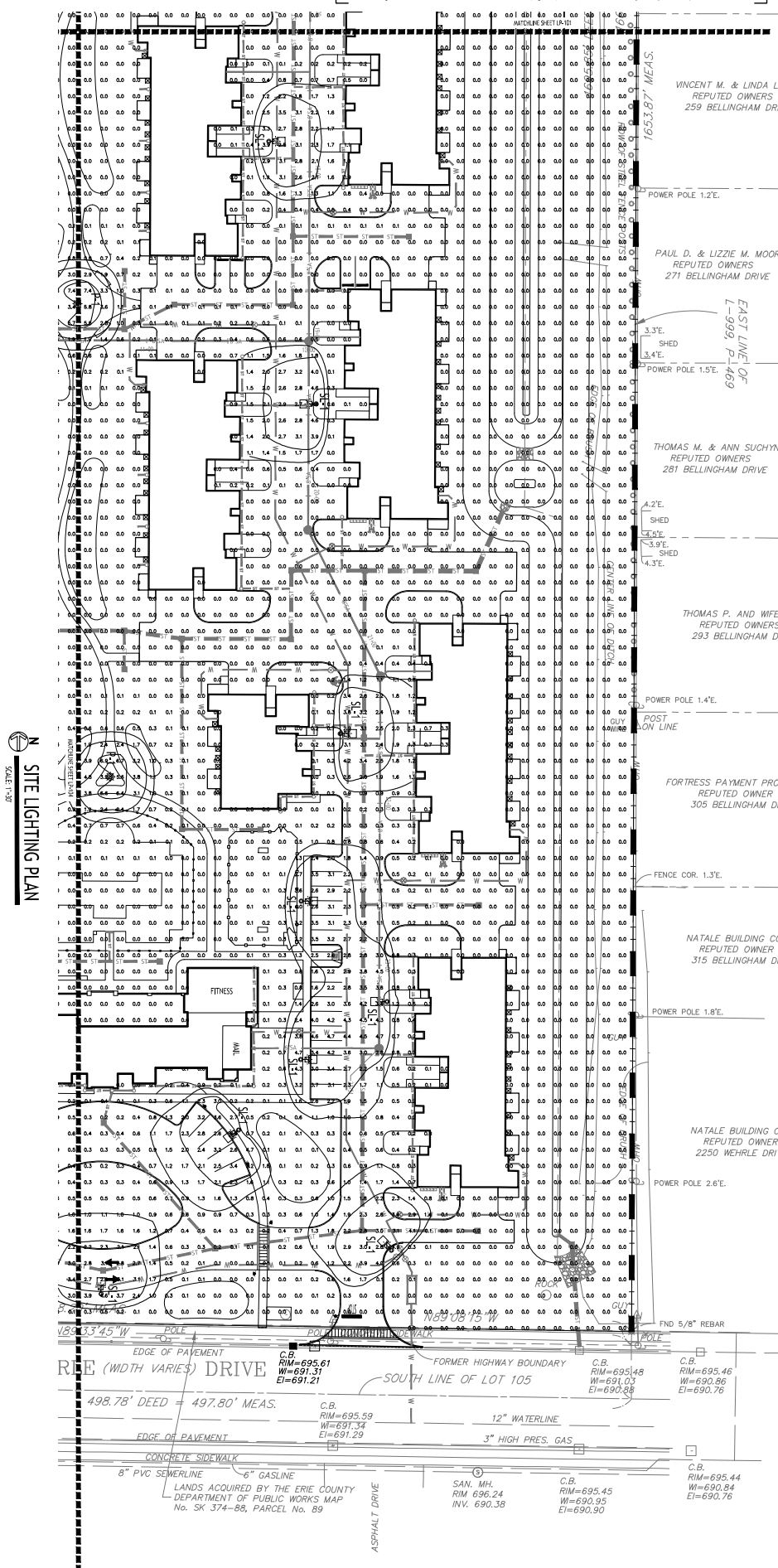
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△	1	Rev. Per Town Comments	08/03/2026
△	2	Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
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SITE LIGHTING PLAN
SCALE: 1/8" = 1'-0"

SHEET LOCATION MAP
SCALE: 1/8" = 1'-0"

NOTE: BORROW AND DONOR ARE APPROXIMATELY INDICATED BY OTHERS. CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR THIS SCALE MAP.

TOWN OF AMHERST APPROVAL BOX:

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Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
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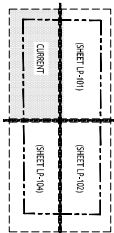
LP-102
Project No.: 25-008
Drawing No.:
Date: 06/22/2026
Drawn By: L. Evans
Checked By: M. Evans

SITE LIGHTING PLAN
SCALE: 1"=50'

20 SPRING MEADOW DRIVE
WINDSONG APARTMENTS

NATIONAL GRID
REFUTED OWNER
6441 MAIN ST.

SHEET LOCATION MAP
SCALE: 1"=15'



NOTE: SOLELY FOR INFORMATION AND APPROVAL. APPROVALS ARE THE PROPERTY OF THE CLIENT. CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

TOWN OF AMHERST APPROVAL BOX:



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Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
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LP-103
Project No.: 25-4008

Drawing No.:
Date: 06/22/2026
Drawn By: L. Evans
Checked By: M. Wood

Drawing Name:
Site Lighting Plan



NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHER SOURCES.

TOWN OF AMHERST APPROVAL BOX

DRAWING NAME:
Site Lighting Plan

Date: 06/22/2024
 Drawn By: D. Feyerherm
 Scale: As Noted
DRAWING NO.

LP-104
Project No: 25-4008

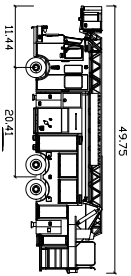
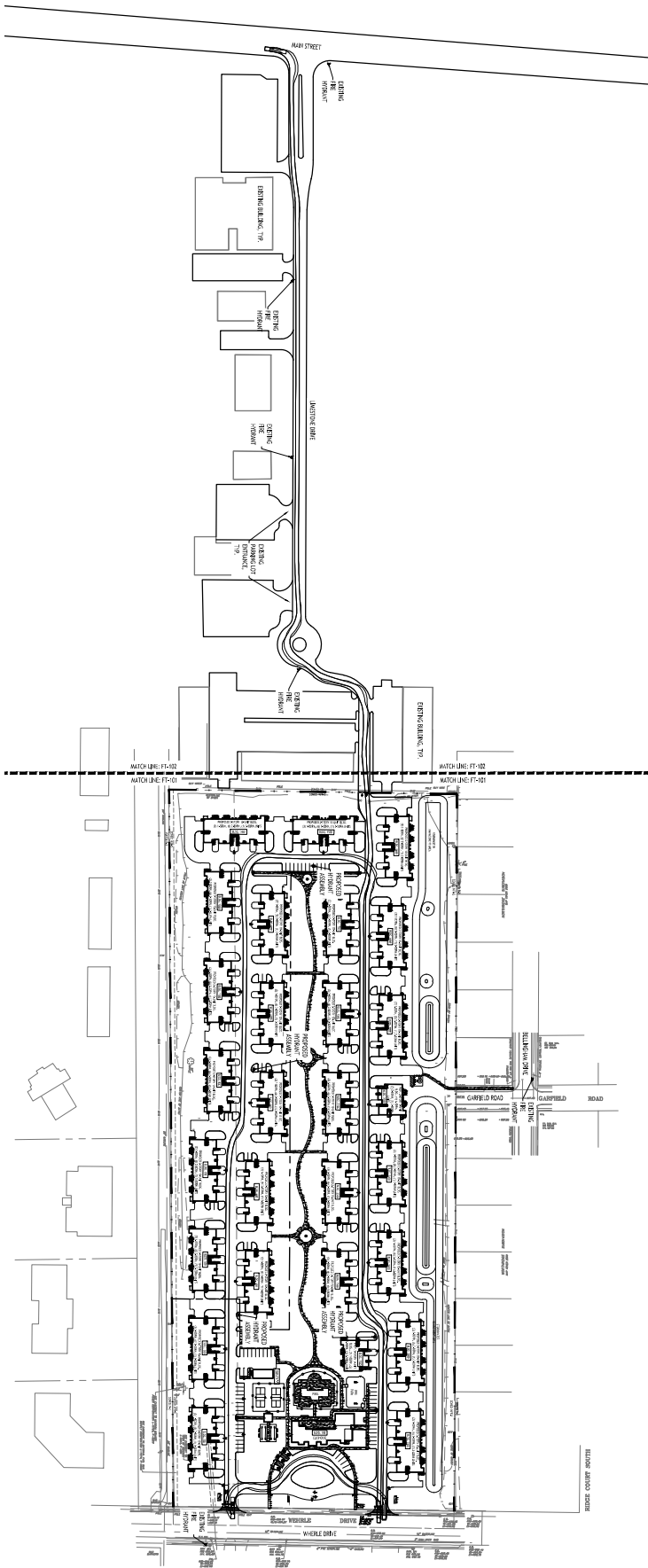
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Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro

[illegible][illegible][illegible]

DRAWING NAME:
Site Lighting Details



E-One Cyclone II
Feet
Width : 8.33
Track : 8.33
Wheelbase : 20.41
Steering Angle : 31.0

 FIRE TRUCK TURNING PLAN
SCALE: 1"=12'



TOWN OF AMHERST APPROVAL BOX:

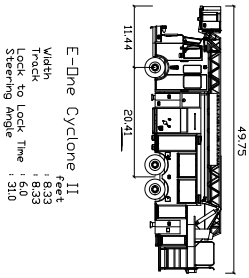


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CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro

FT-100
Project No: 25-008
Date: 06/22/2026
Drawn By: D. Evans
Checked By: A. Evans
Drawing No.: FT-100



E-One Cyclone II
Width : 8.33
Track : 8.33
Wheelbase : 31.0
Steering angle : 31.0

FIRE TRUCK TURNING PLAN

SCALE: 1"=40'

NOTE: SQUARE AND ROUNDING APPROVED BY TOWN OF AMHERST.
CITY OF AMHERST, NEW YORK, 10/1/2016.

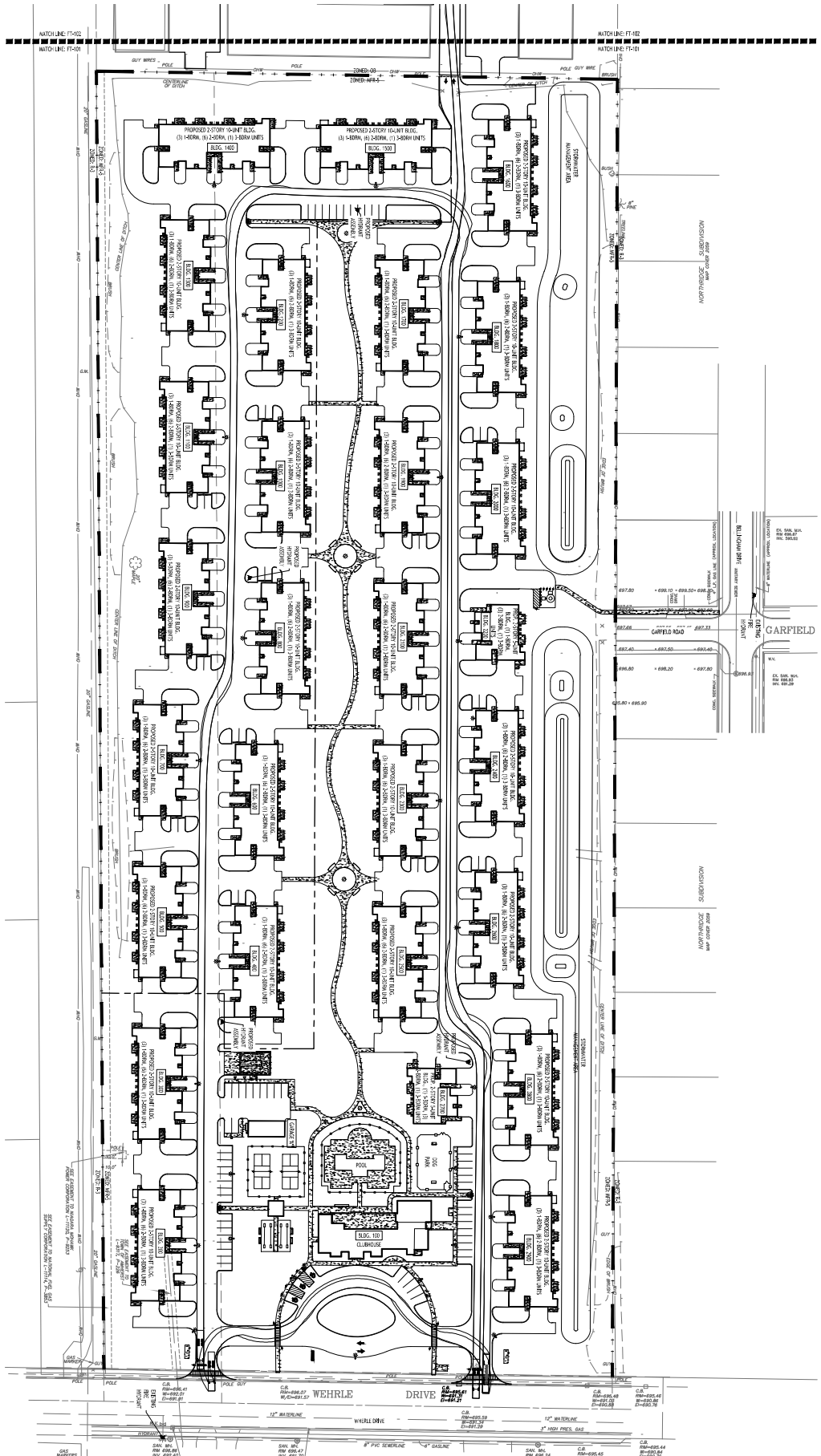
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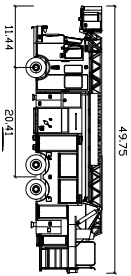
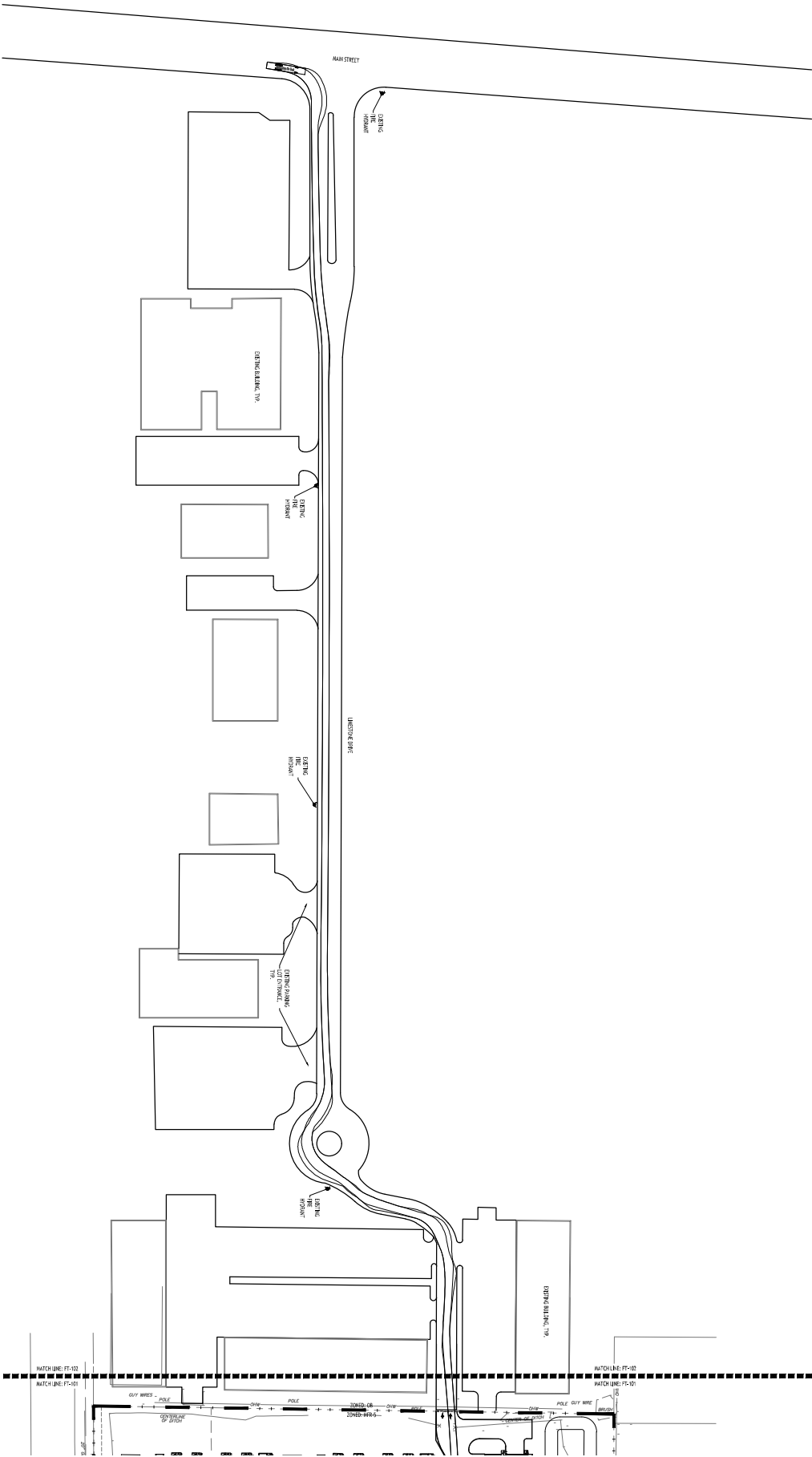


REVISIONS:	
No. Description	Date
1 Rev. Per Town Comments	08/03/2026
2 Rev. Per Town Comments	09/29/2026

Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro





E-One Cyclone II
Width : 8.33 feet
Track : 8.33 feet
Wheelbase : 10.0 feet
Steering angle : 31.0 degrees

FIRE TRUCK TURNING PLAN

SCALE: 1"=40'

NOTE: DIMENSIONS AND TOLERANCES ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.

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TOWN OF AMHERST APPROVAL BOX:



REVISIONS:	
No.	Description
1	Rev. Per Town Comments
2	Rev. Per Town Comments

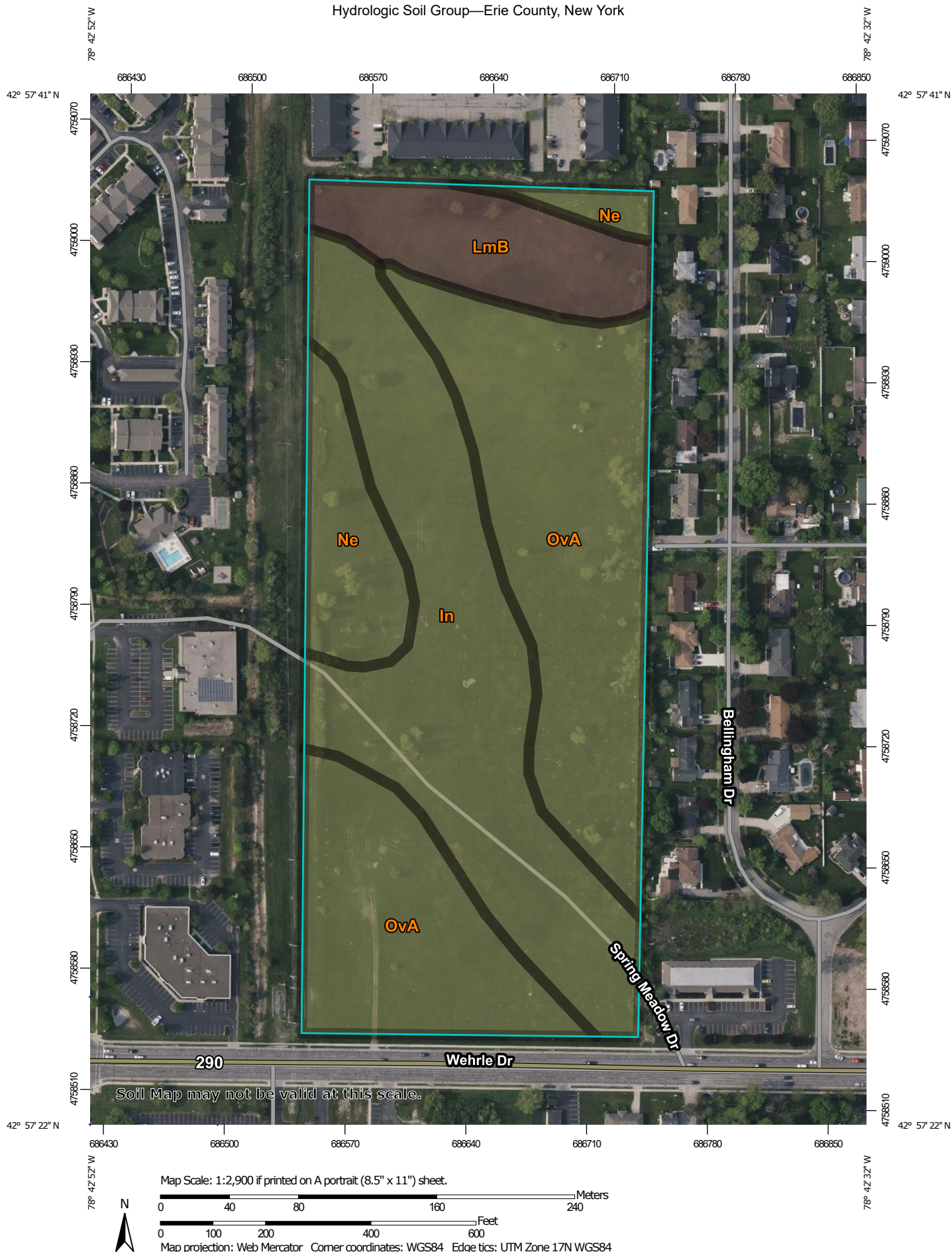
Uptown Apartments
2190 Wehrle Drive
Amherst, New York 14221
SBL# 81.02-1-10.1

CARMINA WOOD
DESIGN
Buffalo | Utica | Greensboro

FT-102
Project No: 25-4008
Date: 06/22/2026
Drawn By: D. Evans
Checked By: D. Evans
Drawing No: FT-102

Appendix H
Soils Information

Hydrologic Soil Group—Erie County, New York



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Lines

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Points

 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Erie County, New York
 Survey Area Data: Version 24, Aug 25, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 13, 2023—May 27, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
In	Ilion silt loam	C/D	8.2	34.2%
LmB	Lima loam, 3 to 8 percent slopes	B/D	2.6	10.7%
Ne	Newstead loam	C/D	2.3	9.5%
OvA	Ovid silt loam, 0 to 3 percent slopes	C/D	11.0	45.7%
Totals for Area of Interest			24.0	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

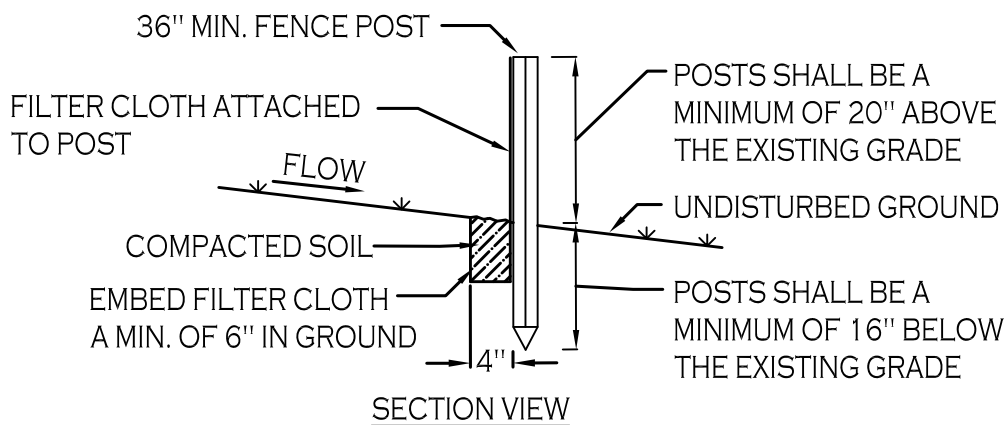
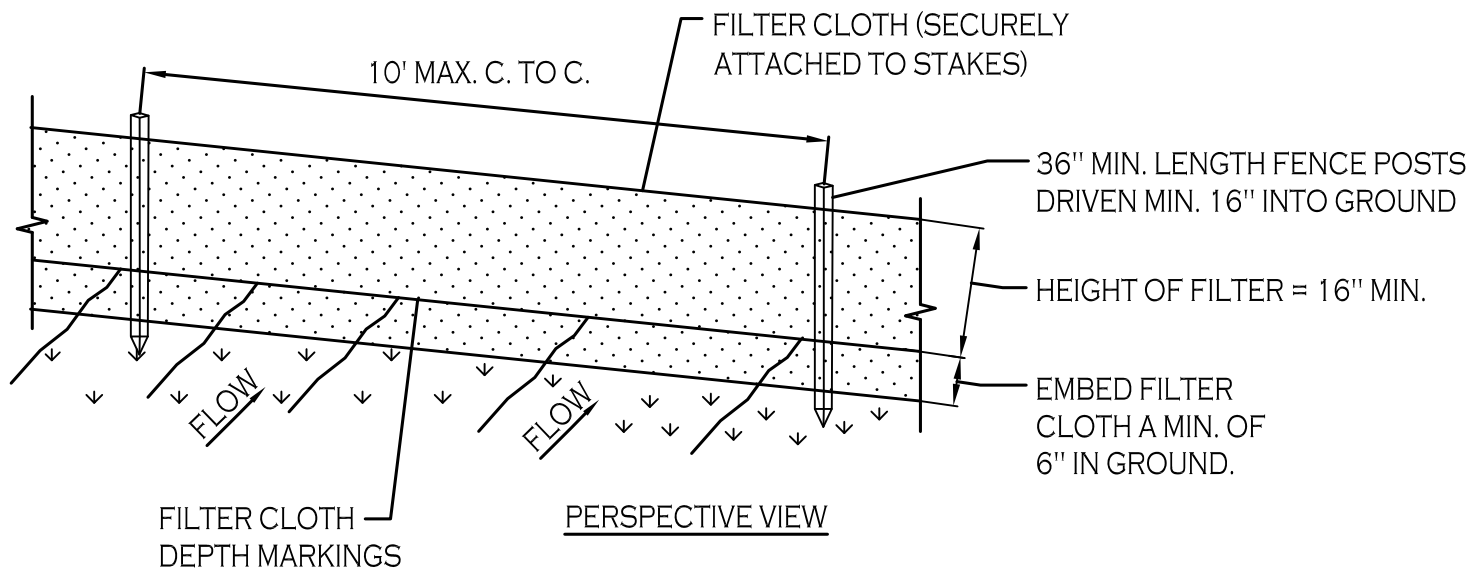
Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Appendix I

Standard Erosion Control Details

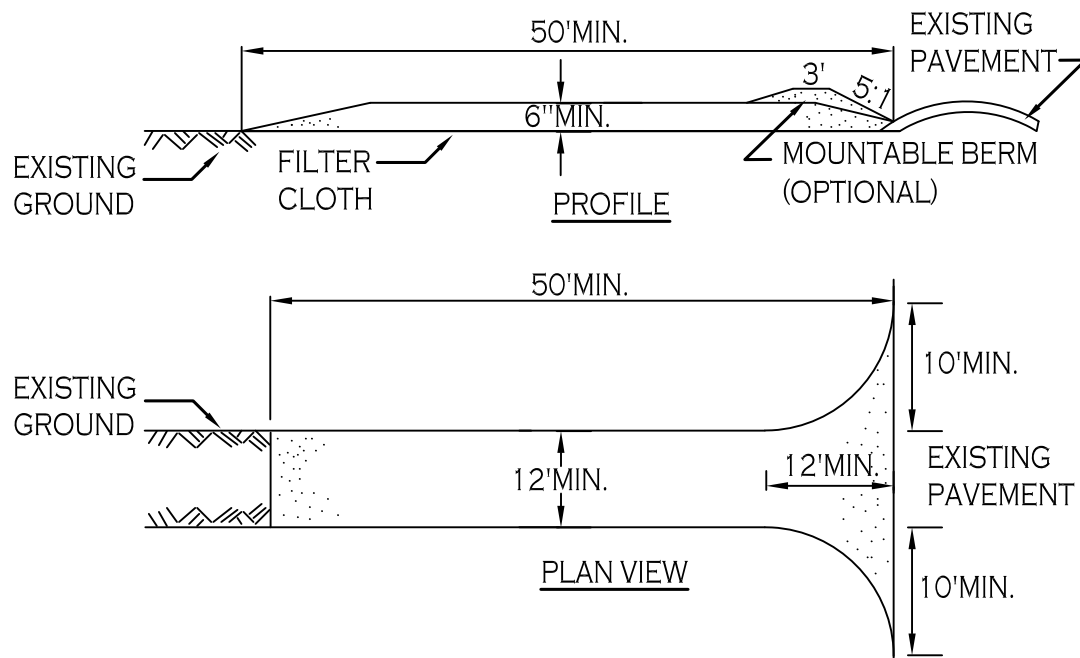


CONSTRUCTION SPECIFICATIONS

1. WOVEN FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFL 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE DETAIL

NOT TO SCALE

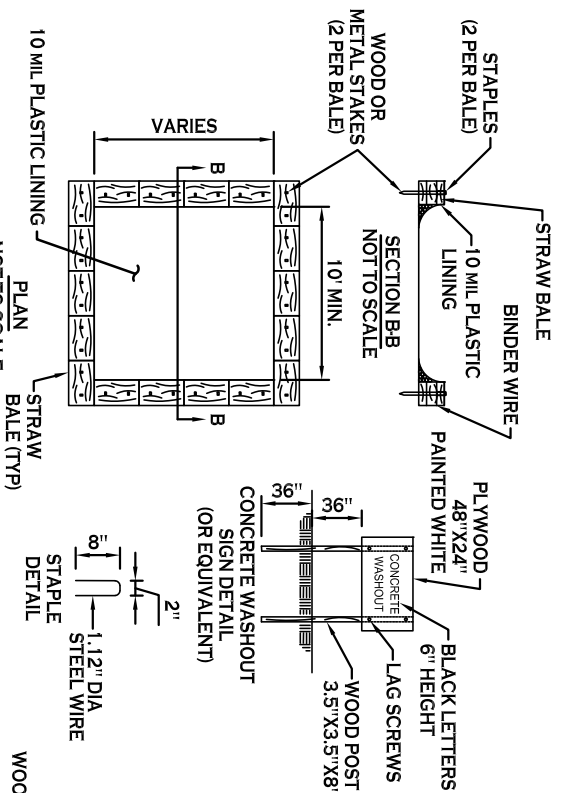


CONSTRUCTION SPECIFICATIONS

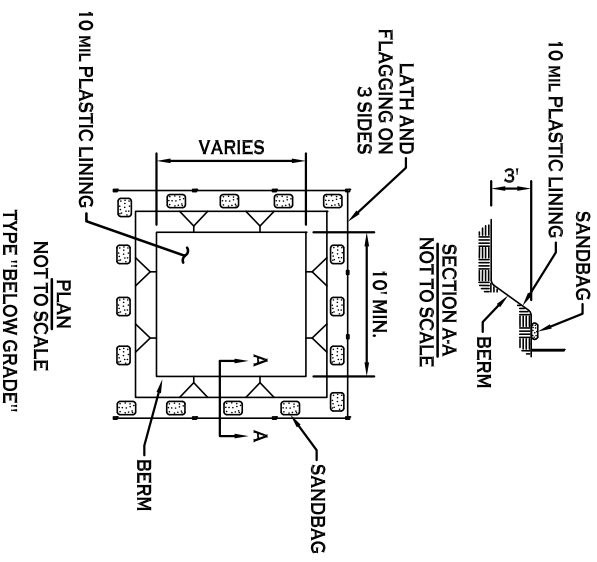
1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH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

STABILIZED CONSTRUCTION ENTRANCE DETAIL

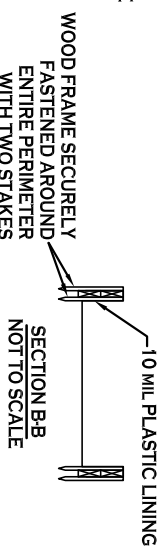
NOT TO SCALE



TYPE "ABOVE GRADE" WITH STRAW BALES



TYPE "BELOW GRADE"

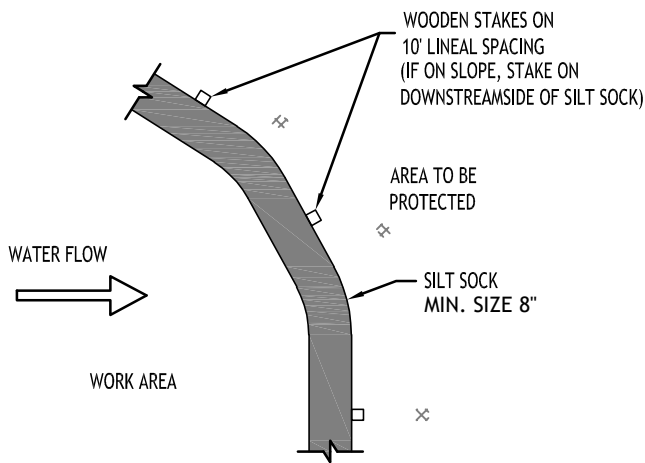


NOTES

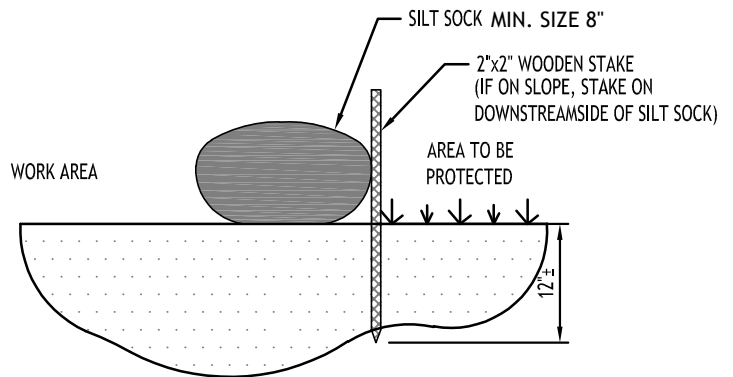
1. ACTUAL LAYOUT TO BE DETERMINED IN THE FIELD.
2. A CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30' OF THE TEMPORARY CONCRETE WASHOUT FACILITY.
3. MATERIALS USED TO CONSTRUCT TEMPORARY CONCRETE WASHOUT FACILITIES SHALL BE REMOVED FROM THE SITE OF THE WORK AND DISPOSED OF OR RECYCLED.
4. HOLES, DEPRESSIONS OR OTHER GROUND DISTURBANCE CAUSED BY THE REMOVAL OF THE TEMPORARY CONCRETE WASHOUT FACILITIES SHALL BE BACKFILLED, REPAIRED, AND STABILIZED TO PREVENT EROSION.

CONCRETE WASHOUT DETAIL

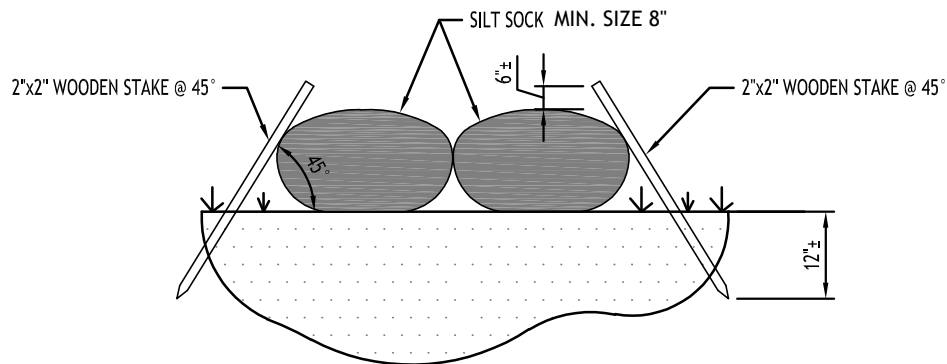
NOT TO SCALE



PLAN VIEW



SECTION VIEW



SECTION VIEW @ JOINT OVERLAP

NOTES:

CONTRACTOR SHALL INSPECT AND MAINTAIN SILT SOCK AS NEEDED DURING THE DURATION OF CONSTRUCTION PROJECT.

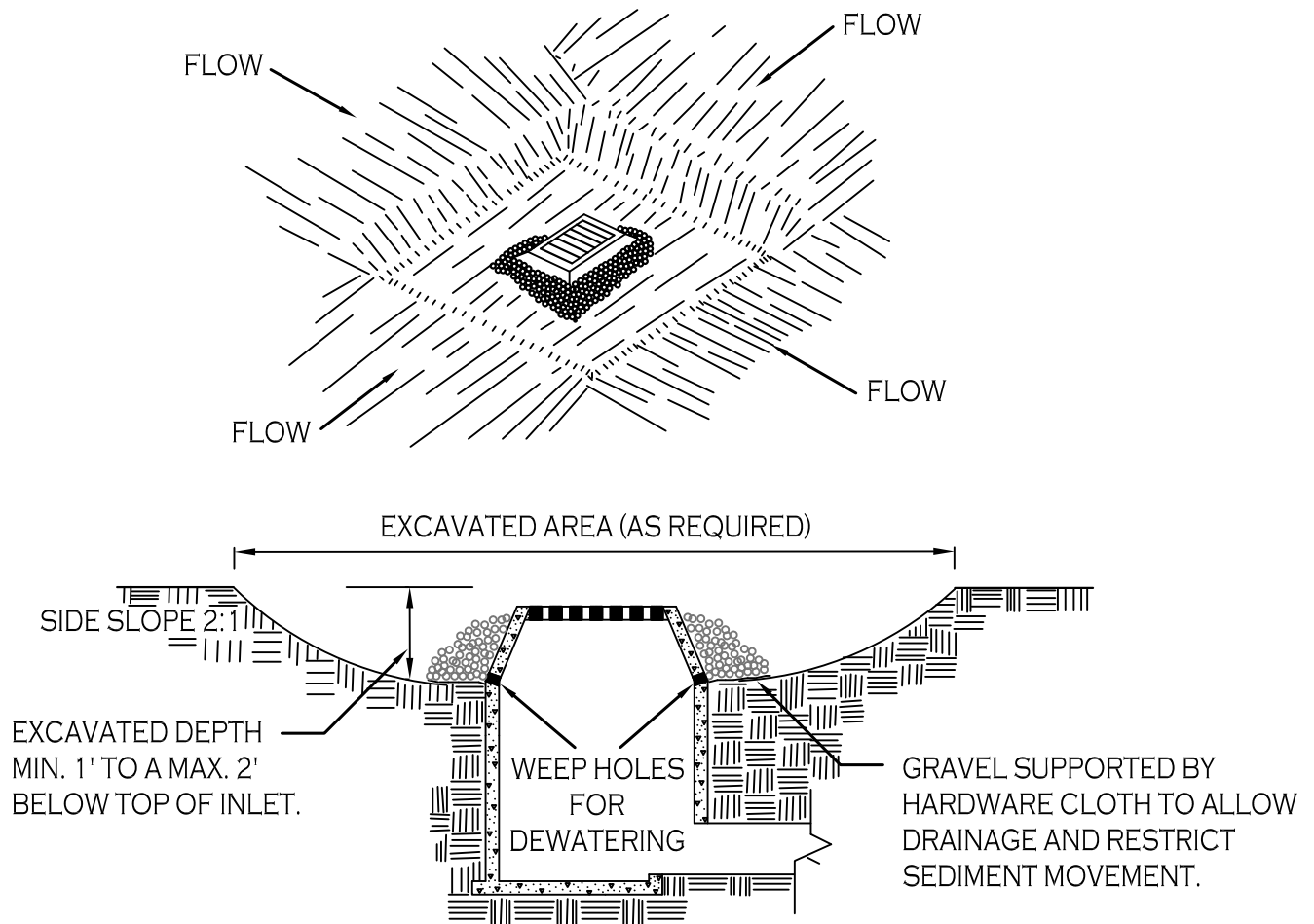
CONTRACTOR SHALL REMOVE SEDIMENT COLLECTED AT THE BASE OF THE SILT SOCK WHEN IT HAS REACHED $\frac{1}{2}$ OF THE EXPOSED HEIGHT OF THE SILT SOCK. ALTERNATIVELY, RATHER THAN CREATE A SOIL DISTURBING ACTIVITY, THE ENGINEER MAY CALL FOR ADDITIONAL SILT SOCK TO BE ADDED AT AREAS OF HIGH SEDIMENTATION, PLACED IMMEDIATELY ON TOP OF THE EXISTING SEDIMENT LADEN SILT SOCK.

SILT SOCK SHALL BE OVERLAPPED 12" AT JOINTS AND STAKED ON EACH SIDE OF THE SOCK AT A 45° ANGLE

THE MINIMUM SIZE OF THE SILT SOCK SHALL BE 8".

SILT SOCK DETAIL

NOT TO SCALE



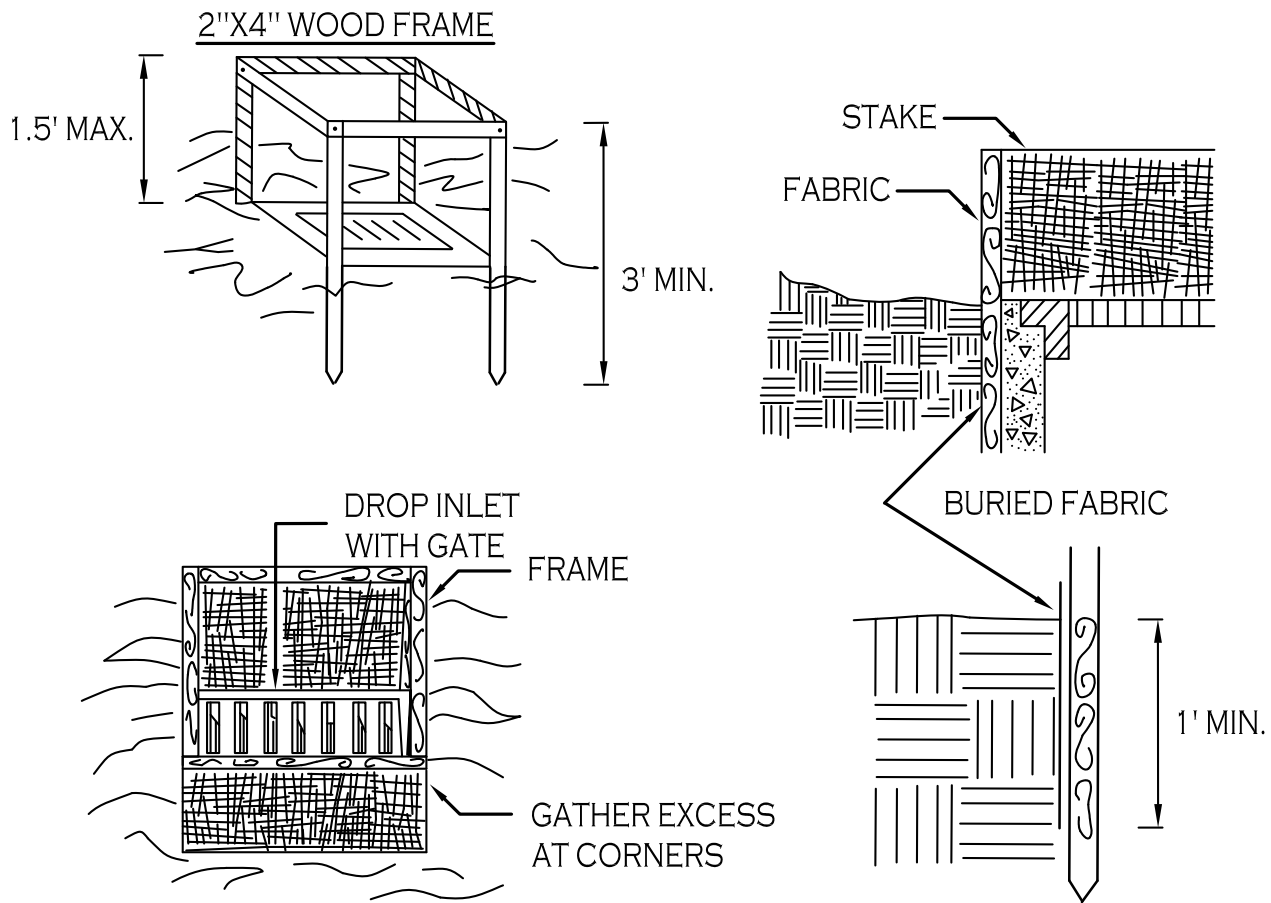
CONSTRUCTION SPECIFICATIONS

1. CLEAR THE AREA OF ALL DEBRIS THAT WILL HINDER EXCAVATION.
2. GRADE APPROACH TO THE INLET UNIFORMLY AROUND THE BASIN.
3. WEEP HOLES SHALL BE PROTECTED BY GRAVEL.
4. UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA, SEAL WEEP HOLES, FILL BASIN WITH STABLE SOIL TO FINAL GRADE, COMPACT IT PROPERLY AND STABILIZE WITH PERMANENT SEEDING.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 1

NOT TO SCALE



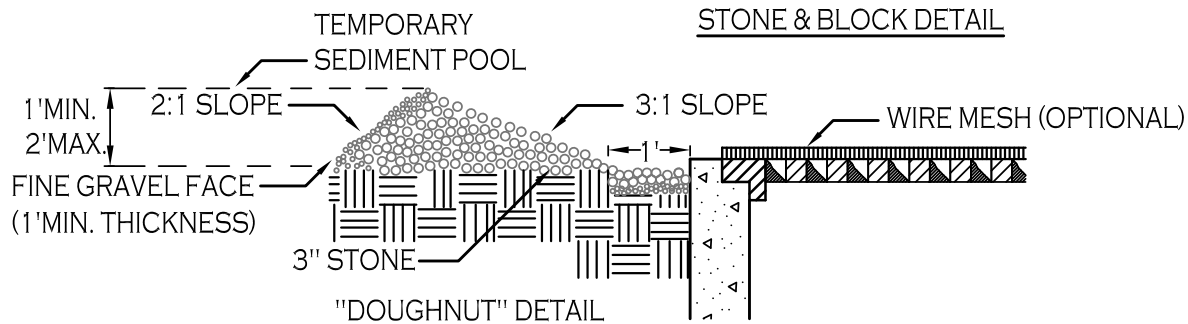
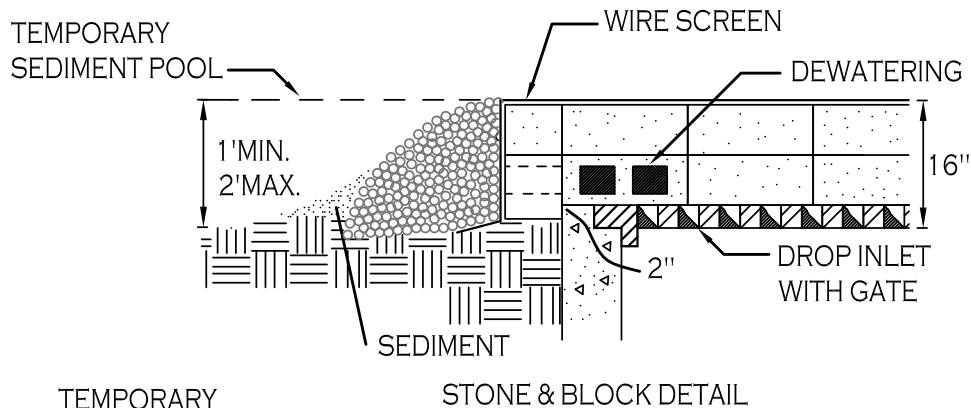
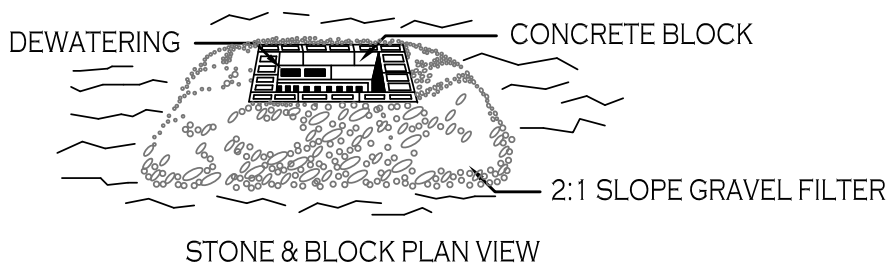
CONSTRUCTION SPECIFICATIONS

1. FILTER FABRIC SHALL HAVE AN EOS OF 40-85. BURLAP MAY BE USED FOR SHORT TERM APPLICATIONS.
2. CUT FABRIC FROM A CONTINUOUS ROLL TO ELIMINATE JOINTS. IF JOINTS ARE NEEDED THEY WILL BE OVERLAPPED TO THE NEXT STAKE.
3. STAKE MATERIALS WILL BE STANDARD 2" x 4" WOOD OR EQUIVALENT. METAL WITH A MINIMUM LENGTH OF 3 FEET.
4. SPACE STAKES EVENLY AROUND INLET 3 FEET APART AND DRIVE A MINIMUM 18 INCHES DEEP. SPANS GREATER THAN 3 FEET MAY BE BRIDGED WITH THE USE OF WIRE MESH BEHIND THE FILTER FABRIC FOR SUPPORT.
5. FABRIC SHALL BE EMBEDDED 1 FOOT MINIMUM BELOW GROUND AND BACKFILLED. IT SHALL BE SECURELY FASTENED TO THE STAKES AND FRAME.
6. A 2" x 4" WOOD FRAME SHALL BE COMPLETED AROUND THE CREST OF THE FABRIC FOR OVER FLOW STABILITY.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 2

NOT TO SCALE



CONSTRUCTION SPECIFICATIONS

1. LAY ONE BLOCK ON EACH SIDE OF THE STRUCTURE ON ITS SIDE FOR DEWATERING. FOUNDATION SHALL BE 2 INCHES MINIMUM BELOW REST OF INLET AND BLOCKS SHALL BE PLACED AGAINST INLET FOR SUPPORT.
2. HARDWARE CLOTH OR 1/2" WIRE MESH SHALL BE PLACED OVER BLOCK OPENINGS TO SUPPORT STONE.
3. USE CLEAN STONE OR GRAVEL 1/2-3/4 INCH IN DIAMETER PLACED 2 INCHES BELOW TOP OF THE BLOCK ON A 2:1 SLOPE OR FLATTER.
4. FOR STONE STRUCTURES ONLY, A 1 FOOT THICK LAYER OF THE FILTER STONE WILL BE PLACED AGAINST THE 3 INCH STONE AS SHOWN ON THE DRAWINGS.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 3

NOT TO SCALE

EXISTING TREE PROTECTION FENCE

MATERIALS

MATERIALS FOR TEMPORARY PLASTIC BARRIER FENCES SHALL MEET THE FOLLOWING REQUIREMENTS:

- FENCE: HIGH-DENSITY POLYETHYLENE MESH, ULTRAVIOLET-STABILIZED MIN. 2 YEARS; MINIMUM HEIGHT 4.0 FEET. COLOR: HIGH-VISIBILITY ORANGE OR GREEN. WHEN USED TO PROTECT TREES OR OTHER VEGETATION, COLOR SHALL BE HIGH-VISIBILITY ORANGE.
- POSTS: RIGID METAL OR WOOD POSTS, MINIMUM LENGTH 6.0 FEET.
- TIES: STEEL WIRE, #14 GAUGE OR NYLON CABLE TIES.
- WARNING SIGNS: SHEET METAL, PLASTIC OR OTHER RIGID, WATERPROOF MATERIAL, 1.5 FEET BY 2.0 FEET WITH 4 INCH BLACK LETTERS ON A WHITE BACKGROUND. TEXT SHALL BE: "PROTECTED SITE - KEEP OUT" UNLESS OTHERWISE SPECIFIED.

DETAILS

FENCES SHALL BE ERECTED PRIOR TO MOVING CONSTRUCTION EQUIPMENT ONTO ANY AREA DESIGNATED FOR PROTECTION.

THE LINE OF FENCES SHALL BE STAKED OR MARKED OUT ON THE GROUND BY THE CONTRACTOR AND APPROVED BY THE ENGINEER/OWNER BEFORE ANY FENCE IS INSTALLED. WHERE USED FOR PROTECTION OF INDIVIDUAL TREES, FENCE SHALL BE PLACED AT THE DRIP LINE (EXTENT OF CANOPY). IF NOT POSSIBLE, PLACEMENT SHALL BE AS CLOSE TO THE DRIP LINE AS POSSIBLE AND IN NO CASE LESS THAN 5.0 FEET AWAY FROM THE TREE TRUNK.

ON APPROVAL OF THE STAKEOUT, POSTS SHALL BE SECURELY DRIVEN ON 6.0 FOOT-MAXIMUM CENTERS, NORMAL TO THE GROUND, TO A DEPTH 1/3 OF THE TOTAL POST LENGTH. PLASTIC BARRIER FENCE SHALL BE PLACED ALONG THE SIDE OF ALL POSTS. ENDS OF FENCING SEGMENTS SHALL OVERLAP A DISTANCE OF AT LEAST ONE HALF THE FENCE HEIGHT.

FENCING SHALL BE SECURED TO POSTS WITH WIRE OR CABLE TIES AT TOP, MIDDLE AND BOTTOM OF POST. FASTENER SHALL BE TIGHT ENOUGH TO PREVENT THE FENCING FROM SLIPPING DOWN. OVERLAPS SHALL ALSO BE SECURELY FASTENED.

BARRIER FENCE WHICH IS NOT ORANGE IN COLOR SHALL BE FLAGGED AT 6.0 FOOT INTERVALS WITH RED OR ORANGE FLORESCENT TAPE. WARNING SIGNS SHALL BE MOUNTED ON THE FENCE AT NO MORE THAN 100 FOOT INTERVALS.

MAINTENANCE SHALL COMMENCE IMMEDIATELY AFTER ERECTION OF THE FENCE AND CONTINUE UNTIL ONE WEEK PRIOR TO ACCEPTANCE OF THE CONTRACT, AND SHALL CONSIST OF: REPLACING DAMAGED POST(S) AND FENCING; RE-FASTENING AND TIGHTENING FENCING; AND RESTORING FENCE TO ITS INTENDED HEIGHT.

FENCING USED FOR TREE OR OTHER VEGETATION PROTECTION SHALL NOT BE TEMPORARILY REMOVED TO ALLOW EQUIPMENT ACCESS OVER A PROTECTED AREA, EXCEPT AS REQUIRED FOR ITEMS OF WORK SPECIFICALLY SHOWN ON THE PLANS AND APPROVED BY THE ENGINEER IN WRITING.

Appendix J

NYSDEC Stormwater Management Inspection Lists

2.10. Ponds and Wetlands

Areas of Ponds and Wetlands

Key areas to inspect for ponds and wetlands include the following:

- PO 1. Drainage area
- PO 2. Inlet pipes and swales
- PO 3. Pond area and embankments
- PO 4. Pond outlet

Note: This category includes the following practices:

- *Wet ponds* – have a permanent pool of water and may be divided into various “cells”
- *Stormwater wetlands* – have a variety of depth zones ranging from deep pools to shallow wetlands and are characterized by wetland vegetation

It is recommended strongly to have as-built drawings and copies of previous inspections at hand, if available. Aerial photos may be needed to help direct the inspector to the pond or wetland location if it is obscured by vegetation.

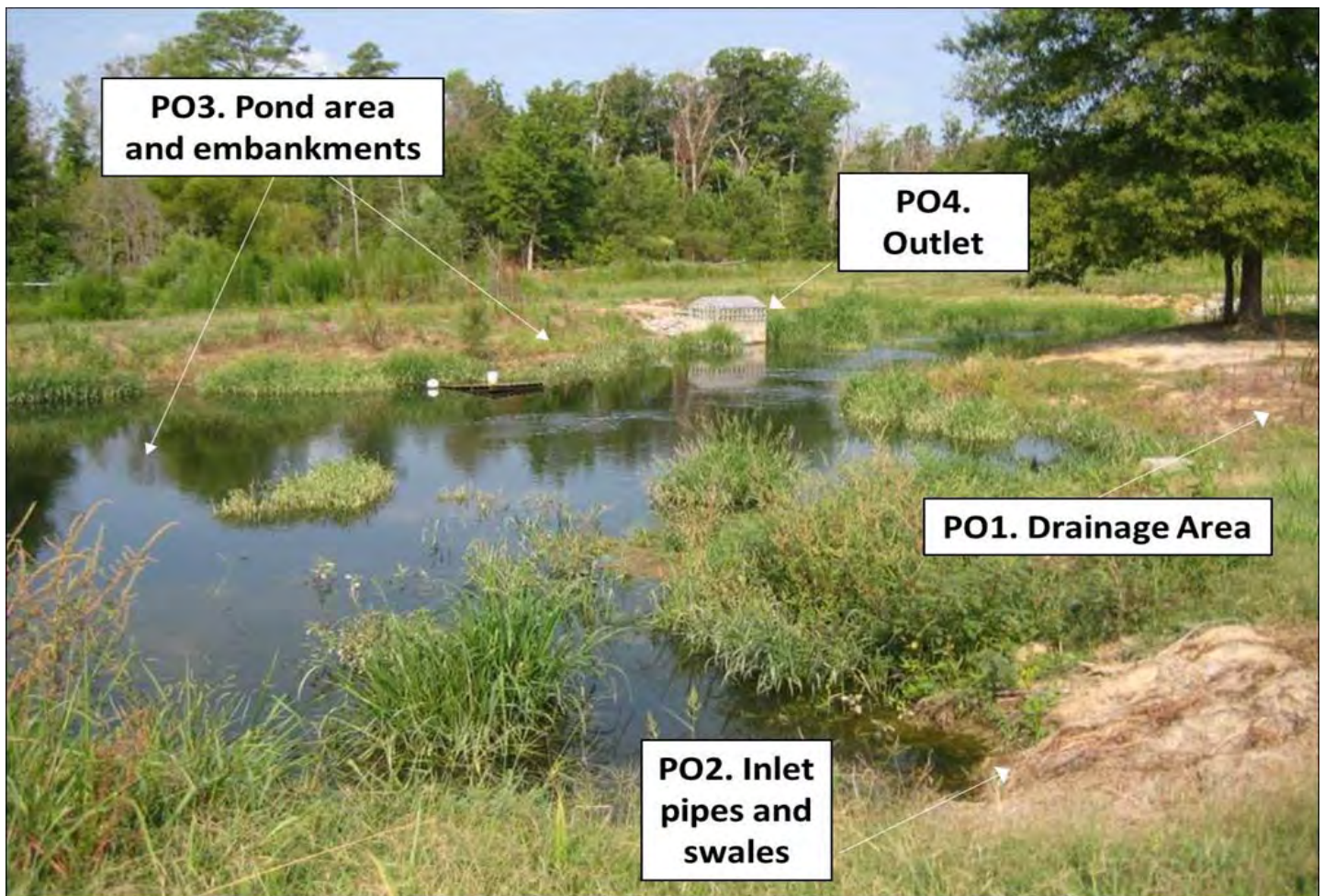


Figure 2.10.1. Key Areas for Level 1 Inspection of a Pond/Wetland

Pond and Wetland Level 1 Inspection

The Level 1 Inspection focuses on the drainage area (PW 1), inlet pipes or swales (PW 2), pond area and embankments (PW 3) and pond outlet structures and outfall (PW 4). This inspection should be conducted on a regular basis to ensure that a buildup of trash, vegetation, or sediment does not interfere with the pre-treatment, pond or wetland, and the outfall's normal flow or function. Pond embankments and dams should be regularly inspected for evidence of erosion, burrowing or tunneling animals, and large woody vegetation growing on the dam.

PW 1. Drainage Area

Description: The drainage area conveys runoff to and is uphill from the pond inlet. When it rains, water runs off through roof drains, yard drains, parking lots, roadways and underdrains to the ponds. Flow is through underground piping systems, overland via swales, or across the ground as sheetflow. Sometimes, the runoff will contain dirt, grit, grass clippings, leaves and woody debris that can collect in the drainage system. If left alone, blockages can occur and increase the chance of shallow flooding or standing water. Standing water in drainage systems foster mosquitos, pipe corrosion, and possible nuisance and odor conditions.

Instruction: Look for areas that are uphill from the pond. Consult **Table 2.10.1** below:

Table 2.10.1 PW Drainage Area		
Problem (Check if Present)	Follow-Up Actions	
☐ Bare soil, erosion of the ground (rills washing out the dirt)	☐ Seed and straw areas of bare soil to establish vegetation. ☐ Fill in eroded areas with soil, compact, seed and mulch with straw to establish vegetation. ☐ Other:	
	☐ Kick-Out to Level 2 Inspection: If a rill or small channel is forming, try to redirect water flowing to this area by creating a small berm or adding topsoil to areas that are heavily compacted. ☐ If large areas of soil have been eroded or larger channels are forming, this may require rerouting of flow paths or use of an erosion-control seed mat or blanket to reestablish acceptable ground cover or anchor sod where it is practical.	
 ☐ Piles of grass clippings, mulch, dirt, salt, or other materials	☐ Remove or cover piles of grass clippings, mulch, dirt, etc. ☐ Remove excessive vegetation or woody debris that can block drainage systems. ☐ Other:	
 ☐ Open containers of oil, grease, paint, or other substances exposed to rain in the drainage area	☐ Cover or properly dispose of materials; consult your local solid waste authority for guidance on materials that may be toxic or hazardous. ☐ Other:	

PW 2. Pond Inlets

Description: Free, unobstructed flow from the drainage area to stormwater ponds is necessary to prevent shallow flooding and even structural damage from flooding. Pond inlets can consist of pipes, ditches, swales, or other means to convey stormwater to the pond or wetland.

Instruction: Look for all areas where water flows into the pond during storms. Note that there may be multiple points of inflow and types of structures (e.g., pipes, open ditches, etc.). Consult **Table 2.10.2** below:

Table 2.10.2 Pond Inlets

Problem (Check if Present)	Follow-Up Actions
  ☐ Inlets are buried, covered or filled with silt, debris, or trash, or blocked by excessive vegetation.	☐ If the problem can be remedied with hand tools and done in a safe manner, remove vegetation, trash, woody debris, etc. from blocking inlet structures. ☐ Other: ☐ Kick-Out to Level 2 or 3 Inspection: If the amount of material is too large to handle OR there are ANY safety concerns about working in standing water, soft sediment, etc., the work will likely have to be performed by a qualified contractor.
 ☐ Inlets are broken, and, with pieces of pipe or concrete falling into the pond, there is erosion around the inlet, there is open space under the pipe, or there is erosion where the inlet meets the pond	☐ Kick-Out to Level 2 Inspection: These types of structural or erosion problems are more serious and will require a qualified contractor to repair.

PW 3. Pond Area and Embankments

Description: The pond area and embankment can consist of the following elements:

- Pre-treatment cell or small holding area where water first flows into the pond from the various inlets. These are commonly referred to as “forebays” and will be demarcated from the main pond area by small dams made of earth or rock. The purpose of forebays is to capture some of the sediment and pollutants before they reach the deep pool, making maintenance easier over time. Not all ponds will have forebays.
- The pond surface can be open water or a combination of open water and areas with wetland vegetation. Sometimes there is a shallow bench around the perimeter of a pond, known as an “aquatic bench.”
- The “side slopes” are areas around the perimeter of the pond where the surrounding land slopes down to the pond surface.
- Most ponds will have a “riser structure,” where the water exits a pond during storms. This can be a concrete or metal pipe that is open at the top, often with some type of trash rack. Some ponds also have an “emergency spillway,” which is an open, rock-lined channel that carries water from large storms safely across the embankment.
- The dam or embankment holds water in the pond and is constructed of compacted soil, such as clay. There is often a pipe through the embankment that carries water from the riser structure safely through the embankment to the downstream channel.

The pond’s pre-treatment areas or forebays should not be choked with vegetation or full of sediment. Removal of excessive vegetation and sediment and selective replanting are often annual maintenance activities.

Likewise, the pond’s deep pool should not to be choked with vegetation or filled with sediment. Vegetation and sediment bars can restrict flow and cause short circuiting that reduces capture of sediment. Pond volume is to be maintained at the original design capacity and free of sediment bars or debris piles. Sometimes ponds are over-maintained and have no vegetation. Algae and turbidity (muddy water) are common problems in many ponds.

Instruction: Examine both interior and exterior pond banks as well as the pond body. Observe from the inlet pipes to the outfall structure and emergency overflow.

Table 2.10.3 PW Pond Area and Embankments

Problem (Check if Present)		Follow-Up Actions
	☐ The pretreatment area(s) or forebay(s) are filled with sediment, trash, vegetation, or other debris.	☐ If the problem can be remedied with hand tools and done in a safe manner, use a flat shovel or other equipment to remove small amounts of sediment. ☐ Remove trash and excessive vegetation from forebays if this can be done in a safe manner. ☐ Other: ☐ Kick-Out to Level 2 Inspection: Large amounts of sediment or debris will have to be removed by a qualified contractor. ANY condition that poses a safety concern for working in standing water or soft sediments should be referred to a Level 2 Inspection or qualified contractor.

Table 2.10.3 PW Pond Area and Embankments

Problem (Check if Present)		Follow-Up Actions
	☐ The pond area itself has accumulated sediment, trash, debris, or excessive vegetation that is choking the flow of the water, OR the pond area is covered with algae or aquatic plants.	☐ Level 1 includes handling only small amounts of material that can be removed by hand, or with rakes or other hand tools. Do not attempt any repair that poses a safety issue. ☐ Other: ☐ Kick-Out to Level 2 Inspection: Most cases will call for a Level 2 Inspection and/or a qualified contractor. ☐ You are not sure what type and amount of vegetation is supposed to be in the pond. ☐ The algae or aquatic plants should be identified so that proper control techniques can be applied.
	☐ The side slopes of the pond are unstable, eroding, and have areas of bare dirt.	☐ If there are only minor areas, try filling in small rills or gullies with topsoil, compacting, and seeding and mulching all bare dirt areas with an appropriate seed. Alternatively, try using herbaceous plugs to get vegetation established in tricky areas, such as steep slopes. ☐ Other: ☐ Kick-Out to Level 2 Inspection: Erosion and many bare dirt areas on steep side slopes will require a Level 2 Inspection and repair by a qualified contractor.
	☐ The riser structure is clogged with trash, debris, sediment, vegetation, etc., OR is open, unlocked, or has a steep drop and poses a safety concern. The pond level may have dropped below its "normal" level.	☐ If you can safely access the riser on foot or with a small boat, clear minor amounts of debris and remove it from the pond area for safe disposal. ☐ Other: ☐ Kick-Out to Level 2 Inspection: The riser cannot be accessed safely, the amount of debris is substantial, or the riser seems to be completely clogged and the water level has risen too high. ☐ There are safety issues with the riser and concern about access to pipes, drops, or any other life safety concern. ☐ The riser is leaning, broken, settling or slumping, corroded, eroded or any other structural problem.

Table 2.10.3 PW Pond Area and Embankments

Problem (Check if Present)		Follow-Up Actions
	☐ The dam/embankment is slumping, sinking, settling, eroding, or has medium or large trees growing on it.	☐ If there are small isolated areas, try to fix them by adding clean material (clay and topsoil) and seeding and mulching. ☐ Periodically mow embankments to enable inspection of the banks and to minimize establishment of woody vegetation. ☐ Remove any woody vegetation that has already established on embankments. ☐ Other: ☐ Kick-Out to Level 2 Inspection: Most of these situations will require a Level 2 Inspection or evaluation and repair by a qualified contractor. Seepage through the dam or problems with the pipe through the dam can be a serious issue that should be addressed to avoid possible dam failure.
	☐ The emergency spillway or outfall (if it exists) has ☐ erosion, settlement, or loss of material. Rock-lined spillways have excessive debris or vegetation.	☐ Clear light debris and vegetation. ☐ Other: ☐ Kick-Out to Level 2 Inspection: Displacement of rock lining, excessive vegetation and erosion/settlement may warrant review and decision by Level 2 Inspector to check against original plan. ☐ Any uncertainty about the integrity of the emergency spillway should be referred to a Level 2 Inspector. ☐ Erosion or settlement such that design has been compromised should be reviewed by an engineer.

PW 4. Pond Outlet

Description: The pond's outlet enables the ponded water to discharge to downstream drainage systems or stream channels. The outlet is often at the base of the dam/embankment on the downstream side. Inspection of this point can help prevent flooding of the pond and upstream drainage systems and prevent pond failure at a weak point of a pond's containment system.

Instruction: Examine the outlet of the pipe on the downstream side of the dam/embankment where it empties into a stream, channel, or drainage system. Consult the table below for possible problems.

Table 2.10.4 PW Pond Outlet

Problem (Check if Present)	Follow-Up Actions
 ☐ The pond outlet is clogged with sediment, trash, debris, vegetation, or is eroding, caving in, slumping, or falling apart.	☐ If there is a minor blockage, remove the debris or vegetation to allow free flow of water. ☐ Remove any accumulated trash at the outlet. ☐ Outlet:
	☐ Kick-Out to Level 2 Inspection: ☐ If the area at the outlet cannot be easily accessed or if the blockage is substantial, a Level 2 Inspection is warranted. ☐ Erosion at and downstream of the outfall should be evaluated by a qualified professional. ☐ Any structural problems, such as broken pipes, structures falling into the stream, or holes or tunnels around the outfall pipe, should be evaluated by a Level 2 Inspector and will require repair by a qualified contractor. ☐ The pool of water at the outlet pipe is discolored, has an odor, or has excessive algae or vegetative growth.

2.11. Infiltration

Areas of Infiltration

Key areas to inspect for Infiltration include the following:

- IN 1. Drainage Area
- IN 2. Inlets
- IN 3. Infiltration Area
- IN 4. Outlets

Note: The category of Infiltration includes:

- Infiltration Trench – Long, narrow infiltration practice, usually with small gravel at the surface and a reservoir of larger gravel or stone beneath
- Infiltration Basin – Larger practice, usually covered with grass and highly permeable soil beneath
- Dry Well – Small pit filled with stone or gravel, or precast concrete chamber surrounded by stone that receives and stores runoff to enable it to infiltrate into the underlying ground.



Figure 2.11.1 Key Areas for Level 1 Inspection of Infiltration Practice

RWH 3. Outlets

Description: An above-ground rainwater harvesting tank usually has at least two outlets—one at the top of the tank where water overflows when the tank is full, and one near the bottom of the tank for delivering the stored water by gravity feed. Many filters also have an outlet pipe to divert the first flush of roof runoff away from the tank. Any overflow outlet that spills onto the ground should have sufficient erosion control (e.g., rock or stone pad) to prevent erosion of the ground.

Instruction: Examine the outlet pipe(s) and the point at which it overflows onto the ground. Consult **Table 2.3.3** below.

Table 2.3.3 RWH Outlets

Problem (Check if Present)	Follow-Up Actions
☐ Slow flow from outlet caused by faulty or clogged valve	☐ If clogging seems to be the problem, ream out sediment from valve if this can be done from exterior. ☐ Other:
	☐ Kick-Out to Level 2 Inspection: Valve needs to be replaced or cannot be cleaned out from outside of tank.
☐ Flow from outlet is backing up toward building foundation.	☐ Add flexible pipe to end of outlet pipe to divert flow further away and downhill from building.
☐ Erosion or drainage issues at outlet	☐ Add a gravel and/or stone pad to reduce the impact from the water flowing out of the outlet pipe during storms. ☐ Other:
	☐ Kick-Out to Level 2 Inspection: Rills have formed, erosion or drainage problems are more severe or cannot be resolved, or there is discoloration or other unusual conditions around the outlet.

2.4. Disconnection and Sheetflow

Components of Disconnection and Sheetflow

The intent of disconnection and sheetflow is for runoff from small areas of impervious cover to spread out evenly and dissipate in a grassy or vegetated area. It is a low-technology practice intended to reduce runoff at its source. Key components to inspect for Disconnection and Sheetflow include the following:

- D&S 1. Drainage Area
- D&S 2. Level Spreader/Energy Dissipator
- D&S 3. Treatment Area

Note: The category of Disconnection and Sheetflow includes:



Figure 2.4.1 Key Areas for Level 1 Inspection of Disconnection and Sheetflow with filter strip shown.

R. Winston, NCSU

- Rooftop Disconnection – Runoff from a small rooftop is directed to a relatively flat pervious area.
- Sheetflow to Filter Strip – Runoff from a small parking lot, sidewalk, or other small impervious surface is directed to a relatively flat, uniformly graded grassy area.
- Sheetflow to Riparian Buffers – Runoff from a small parking lot, sidewalk, or other small impervious surface is directed to a relatively flat, well-vegetated riparian area.

Disconnection and Sheetflow Level 1 Inspection

The Level 1 Inspection focuses on the Drainage Area (D&S 1), Level Spreader/Energy Dissipater (D&S 2), and Treatment Area (D&S 3). This inspection should be conducted twice per year, preferably in the spring and fall. If possible, inspect the practice during a storm in order to better see any active blockages, bypassing, or other problems.

D&S 1. Drainage Area

Description: The drainage area consists of rooftops and/or impervious surfaces such as parking lots, driveways, or sidewalks. Pervious areas such as lawns or forests may also be part of the drainage area.

Instruction: Visually inspect any surfaces in the drainage area. Consult **Table 2.4.1** below.

Table 2.4.1 D&S Drainage Area

Problem (Check if Present)	Follow-Up Actions
 ☐ Changes in flow; more runoff; runoff bypassing the practice	☐ For rooftop areas, make sure downspouts are still disconnected and conveying water into the treatment area. ☐ Look for and remove any “dams” of sediment and grass clippings that prevent water from entering the treatment area as sheet flow. ☐ Other:
 ☐ For parking lots in the drainage area—sediment, grass clippings, or other debris has accumulated at pavement edge.	☐ For small, isolated amounts of debris, sweep up by hand and dispose properly so that it will not be exposed to runoff. ☐ Other:
 ☐ For parking lots in the drainage area—dips or damage at pavement edge caused flow to concentrate.	☐ Kick-Out to Level 2 Inspection: Sediment is widespread and cannot be removed by manual sweeping.
	☐ Kick-Out to Level 2 Inspection: This will likely require special expertise to diagnose and fix pavement edge.

D&S 2. Level Spreader/Energy Dissipator

Description: Some disconnection and sheetflow practices have a structure in place to dissipate any concentrated runoff and turn it into sheet flow. This may consist of a stone or gravel spreader a concrete or wood level spreader, or other level and stable surface.

Instruction: Inspect the energy dissipator closely, during a rain event if possible. Consult the **Table 2.4.2** below.

Table 2.4.2 D&S Level Spreader/Energy Dissipator

Problem (Check if Present)	Follow-Up Actions
 ☐ Debris and/or sediment accumulated behind or around the level spreader.	☐ Remove debris and sediment by hand and ensure that the area behind the level spreader is relatively flat. Too much debris and sediment can cause runoff to bypass the level spreader structure. ☐ Other:
 ☐ Sinking, cracking, sloughing, or other structural problem makes the energy dissipator no longer level.	☐ For stone/gravel spreaders, add new material or rake out as needed to make it even. ☐ Other: ☐ Kick-Out to Level 2 Inspection: Structural issues that cannot be easily fixed by hand

D&S 3. Treatment Area

Description: After runoff is dissipated as sheet flow, it enters the treatment area—a relatively flat grassy or vegetated area.

Instruction: Examine where flow enters the treatment area as well as the whole flow path. Look for signs of concentrated flow. Consult the table below.

Table 2.4.3 D&S Treatment Area

Problem (Check if Present)	Follow-Up Actions
☐ Trash and/or debris in the treatment area	☐ Collect trash/debris and dispose of properly.
 ☐ Grass filter strip has grown very tall, to the point that runoff cannot easily enter or is getting concentrated.	☐ Mow filter strip twice a year or more frequently in a residential yard.
☐ Sparse vegetation or bare spots	☐ For grassy areas, add topsoil (as needed), grass seed mulch, and water during the growing season to re-establish consistent vegetation cover. ☐ Other:
 ☐ Rills or gullies are forming in treatment area where flow has become concentrated	☐ For minor rills, fill in with soil, compact, and add seed and straw to establish vegetation. ☐ Other: ☐ Kick-Out to Level 2 Inspection: Rills are more than 2" to 3" deep and require more than just hand raking and re-seeding.

Appendix K

SHPO Clearance Letter

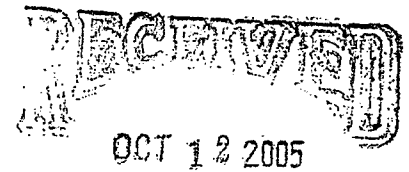


New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

October 4, 2005

Steven Doleski
Regional Permit Administrator
NYSDEC
270 Michigan Avenue
Buffalo, NY 14203-2999



Dear Mr. Doleski:

PROJECT MANAGEMENT

Re: DEC. CORPS 2000-00680 (1)
Proposed Acquest Office Park Development
2190 & 2220 Wehrle Drive/
2459 Hopkins Road Wetland Mitigation Site
Town of Amherst, Erie County
05PR3845

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). The SHPO has reviewed this project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.

A review of SHPO records indicates that No Impact determinations were issued for 2190 Wehrle Drive in 2001, for 2220 Wehrle Drive in 1993 and for 2459 Hopkins Road in 2001. Therefore, it is the SHPO's opinion that project 05PR3845 will have No Effect upon historic properties in or eligible for inclusion in the State and National Registers of Historic Places.

The SHPO appreciates the opportunity to comment on this information. It should be noted that further consultation with the SHPO will be necessary if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have. Please also refer to the PR# above in any future correspondences for this project.

Sincerely,

Historic Preservation Program
Analyst, Archaeology

cc. Steven Metivier, CORPS
Gail Thompson, Seneca Nation THPO
Ashok Kapoor, Acquest Development (*faxed this day to 716-856-2288*)

Appendix L

NYSDEC & USACE Negative Wetland Jurisdictional Determination



June 9, 2026

Bryan Young
Young Development
1120 Bullis Road
Elma, New York 14059

Dear Bryan Young:

**DEC Freshwater Wetlands
Parcel Jurisdictional Determination
2190-2220 Wehrle Drive
Town of Amherst, Erie County**

The New York State Department of Environmental Conservation (DEC) has reviewed the 2190-2220 Wehrle Drive property, parcel 81.02-1-10.1, to make a Parcel Jurisdictional Determination (JD) based on recent changes in the Freshwater Wetlands law and regulations.

The DEC has determined that there are currently no DEC regulated freshwater wetlands or regulated adjacent areas within the boundaries of this parcel. Please note that wetlands or wetland adjacent areas within the parcel boundaries that are not currently jurisdictional may become jurisdictional in the future consistent with ECL Article 24. Pursuant to ECL section 24-0703, this determination shall be a complete defense to the enforcement of ECL Article 24 as to this parcel for a period of five years (through 6/8/2031).

This determination pertains only to state-regulated freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits>.

Please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

Bryan Young
June 9, 2026
Page 2

Finally, be advised that the U.S. Army Corps of Engineers (Corps) may have wetland jurisdiction irrespective of the DEC. For more information, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch
478 Main Street
Buffalo, NY 14202
Telephone: (716) 879-4330

If you have any questions about this determination, please feel free to call me at (716) 851-7024 or contact me by email at Charles.Rosenburg@dec.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Charles P. Rosenberg". The signature is fluid and cursive, with a large, stylized "R" at the end.

Charles P. Rosenberg
Region 9 BEH Habitat Protection Manager

CPR: ef

CC: Mandi Ohar, Ecologist NYSDEC Bureau of Ecosystem Health
Chelsea Boechel, NYSDEC Division of Environmental Permits
Scott Livingstone, SJL Wetlands, LLC
Wetlands File Uptown Apartments



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NEW YORK 14202-3278

July 8, 2026

Regulatory Division

SUBJECT: Approved Jurisdictional Determination and Delineation Verification for
Department of the Army No. LRB-2000-00680

Young Development, Inc.
Attn: Bryan Young
1120 Bullis Road
Elma, New York 14059
Email: byoung@youngdevelopmentinc.com

Dear Mr. Young:

I have reviewed your submittal and request for an approved jurisdictional determination (JD) for a 24.59-acre review area located 2601 Wehrle Drive, in the Town of Amherst, Erie County, New York (Latitude 42.959130 and Longitude -78.711570) (Sheet 1-4 of 4).

This office has determined that the location and extent of all aquatic resources shown on the attached maps (Sheet 3-4 of 4) accurately represents the review area conditions.

Enclosed is an approved JD which verifies the limits of waters of the U.S. within the review area as depicted on Sheet 3-4 of 4. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation will be required to support any request for a new JD.

This office has determined that the following aquatic resources are not waters of the U.S. as noted on the attached Memorandum for Record: LRB-2000-00680 Wetlands 1, 2, 3, 4, 5. Therefore, these aquatic resources are not regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Department of the Army authorization is not required if you propose work, installation of structures, or a discharge of dredged or fill material in, over, or under these aquatic resource(s).

Further, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic

resources for purposes of the Clean Water Act for the review area identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you object to this determination, you may request an administrative appeal under U.S. Army Corps of Engineers (USACE) regulations at 33 CFR Part 331. Enclosed you will find a dated ENG Form 6287 ("Notification of Administrative Appeal Options and Process and Request for Appeal"). If you request to appeal the above JD, you must submit a completed ENG Form 6287 within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Suzanne Chubb
Regulatory Program Manager
USACE, Great Lakes and Ohio River Division
550 Main Street, Room 10-780, CELRD-PD-O
Cincinnati, Ohio 45202-3222
Phone: (513) 218-1243
e-mail: suzanne.l.chubb@usace.army.mil

In order for an administrative appeal to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the attached ENG Form 6287. Should you decide to submit an RFA form, it must be received at the above address by **September 7, 2026**.

It is not necessary to submit ENG Form 6287 to the Division Office if you do not object to the approved jurisdiction determination in this letter.

A copy of this letter has been sent to New York State Department of Environmental Conservation and your agent, Mr. Scott Livingstone from SJL Wetlands, LLC.

Questions pertaining to this matter should be directed to me at 716-879-4240, by writing to the following address: U.S. Army Corps of Engineers Regulatory Branch, 478 Main Street, Buffalo, New York, 14202 or by e-mail at: shaina.r.souder@usace.army.mil.

Sincerely,



Shaina Souder
Biologist

Enclosures



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NEW YORK 14202-3278

CELRB-ORR

July 8, 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the “Revised Definition of ‘Waters of the United States’”; (88 FR 3004 (January 18, 2023) as amended by the “Revised Definition of ‘Waters of the United States’; Conforming” (8 September 2023) ,¹ LRB-2000-00680 (MFR 1 of 1)²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army (“the agencies”) published the “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”). On September 8, 2023, the agencies published the “Revised Definition of ‘Waters of the United States’; Conforming”, which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) (“*Sackett*”).

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended,

¹ While the Revised Definition of “Waters of the United States”; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

CELRB-ORR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), LRB-2000-00680

as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Name of Aquatic Resource	Jurisdictional or Non-Jurisdictional	Section 404/Section 10
LRB-2000-00680 Wetland 1	Non-Jurisdictional	None
LRB-2000-00680 Wetland 2	Non-Jurisdictional	None
LRB-2000-00680 Wetland 3	Non-Jurisdictional	None
LRB-2000-00680 Wetland 4	Non-Jurisdictional	None
LRB-2000-00680 Wetland 5	Non-Jurisdictional	None

2. REFERENCES.

- a. “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”)
- b. “Revised Definition of ‘Waters of the United States’; Conforming” 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- d. “Memorandum to the field between the Department of the Army, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency Concerning the Proper Implementation of “Continuous Surface Connection” Under the Definition of “Waters of the United States” Under the Clean Water Act,” dated March 12, 2025.

3. REVIEW AREA. A 24.59-acre review area located 2601 Wehrle Drive, in the Town of Amherst, Erie County, New York (Latitude 42.959130 and Longitude -78.711570). The area consists of successional old filled area and old field that is maintained through mowing. Commercial development surrounds the review area to the north, east and west, and Wehrle Drive borders its southern extent. See attached map sheets 1-4 of 4).

An aquatic resource delineation was conducted by SJL Wetlands, LLC on August 26, 2025. An U.S. Army Corps of Engineers (USACE) site visit did not occur because information provided in association with an in-office resource review is sufficient to make a Jurisdictional Determination(JD).

A search of the administrative record shows that other actions existed for this parcel:

- An unauthorized activity occurred during 2006.
- An approved JD was finalized on January 22, 2021 under the Navigable Waters Protection Rule.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. *N/A* – none of the aquatic resources documented on this AJD MFR were determined to connect to a TNW, Interstate Water, or the Territorial Seas.
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. *N/A* – none of the aquatic resources have a flow path to a TNW, Interstate Water, or the Territorial Seas.
6. SECTION 10 JURISDICTIONAL WATERS⁶: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ *N/A*.
- 7.
8. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court’s decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of “waters of the United States” in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as “navigable in law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): *N/A*— none of the aquatic resources (ARs) documented on this MFR meet the definition of a paragraph (a)(1)(i) water.
Wetlands 1-5 do not meet the definition of a paragraph (a)(1)(i) Traditional Navigable Water (i.e., are not currently used, was not used in the past, and is not susceptible to use in interstate or foreign commerce; and is not subject to the ebb and flow of the tide).
- b. The Territorial Seas (a)(1)(ii): *N/A* - none of the ARs documented on this MFR meet the definition of a paragraph (a)(1)(ii) water. Wetlands 1-5 are not a paragraph (a)(1)(ii) territorial sea (i.e., is not part of the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters and extending seaward a distance of three miles).
- c. Interstate Waters (a)(1)(iii): *N/A* – none of the ARs documented on this MFR meet the definition of a paragraph (a)(1)(iii) water. Wetlands 1-5 are not a paragraph (a)(1)(iii) interstate water. The wetlands/waters do not cross or serve as a state line and as per Sackett, paragraph (a)(2) interstate waters do not include wetlands.
- d. Impoundments (a)(2): *N/A*— none of the ARs documented on this MFR meet the definition of a paragraph (a)(2) water. Wetlands 1-5 are not paragraph (a)(2) impoundments (are not an impoundment created by impounding one of the “waters of United States” that was jurisdictional under the Amended 2023 Rule’s definition at the time the impoundment was created; are not an impoundment of a water that at the time of assessment met the definition of “waters of the United States” under paragraph (a)(1), (a)(3), or (a)(4) of the Amended 2023 Rule, regardless of the water’s jurisdictional status at the time the impoundment was created).
- e. Tributaries (a)(3): *N/A* – none of the ARs documented on this MFR meet the definition of a paragraph (a)(3) water. Wetlands 1-5 because they are wetlands (i.e., is not a natural, man-altered, or man-made water body that flows directly or indirectly into (a)(1) water or (a)(2) impoundment). Wetlands 1-5 are not a paragraph (a)(3) tributary because they do not meet the relative permanent standard.

- f. Adjacent Wetlands (a)(4): *N/A*— none of the ARs documented on this MFR meet the definition of a paragraph (a)(4) water. Wetlands 1-5 do not abut another water of the U.S. (i.e. TNW, interstate water, jurisdictional impoundment, jurisdictional tributary, or the territorial seas).
- g. Additional Waters (a)(5): *N/A* – none of the ARs documented on this MFR meet the definition of a paragraph (a)(5) water. Wetlands 1-5 are not paragraph (a)(5) waters as it is not a relatively permanent intrastate lake or a pond with abutting a paragraph (a)(1) water or tributary that is relatively permanent. Wetlands 1-5 do not have a continuous surface connection to another water of the U.S. (i.e., do not abut another water of the U.S.).

9. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁸ *N/A*.
- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).
 - i. LRB-2000-00680 Wetlands 1, 2, 3, 4, and 5 are wetlands located within the review area that were determined to be wetlands that are non-adjacent, with no Continuous Surface Connection (CSC) to a TNW, the territorial seas, interstate water, jurisdictional relatively permanent impoundment, or jurisdictional tributary and do not meet the definition of a paragraph (a)(4) adjacent wetland or any of the other waters listed under Item 7 on this MFR. Therefore, Wetlands 1, 2, 3, 4, and 5 are not waters of the U.S. as supported by the following:
 - A review of the wetland delineation report submitted by SJL Wetlands, LLC confirms that Wetlands 1, 2, 3, 4, and 5 meet the definition of a wetland as described in 33CFR328.3. Wetlands 1, 2, 3, 4, and 5 were delineated in accordance with the 1987 Corps of Engineers Wetlands

⁸ 88 FR 3004 (January 18, 2023)

Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0).

- The wetlands were described in the submitted wetland delineation report as follows:
 - Wetland 1 is a shallow emergent marsh (Palustrine emergent [PEM]) community type dominated by common reed (*Phragmites australis*), measuring 0.049-acre in size.
 - Wetland 2 is a shallow emergent marsh (PEM) community type dominated by woolgrass (*Scirpus cyperinus*), soft rush (*Juncus effusus*), purple loosestrife (*Lythrum salicaria*), and dock-leaved smartweed (*Persicaria lapathifolia*), measuring 0.094-acre in size.
 - Wetland 3 is a scrub-shrub swamp (Palustrine scrub-shrub [PSS]) community type dominated by crack willow (*Salix fragilis*), clasp dogbane (*Apocynum sibiricum*), common reed (*Phragmites australis*), and fowl bluegrass (*Poa palustris*), measuring 0.178-acre in size.
 - Wetland 4 is a scrub-shrub swamp (PSS) community type dominated by crack willow (*Salix fragilis*), measuring 0.503-acre in size.
 - Wetland 5 is a scrub-shrub swamp (PSS) community type dominated by bebb's willow (*Salix bebbiana*), reed canarygrass (*Phalaris arundinacea*), and wrinkleleaf goldenrod (*Solidago rugosa*), measuring 0.050-acre in size.
- A review of the administrative record found previous JDs for this parcel:
 - An unauthorized activity occurred during 2006. A letter from USACE dated December 20, 2018 indicated the action had been closed and a new delineation and JD would be required prior to applying for a permit or proceeding with proposed work.
 - An approved JD was finalized on January 22, 2021 under the Navigable Waters Protection Rule, identifying Wetlands 1-5, and Ditches 1 and 2. The ditches and wetlands were considered excluded features at this time due to lack of connection to downstream waters.
- U.S. Geological Survey (USGS) Topographic maps show wetland symbols throughout the review area. The nearest mapped stream is a dotted solid-dotted blue-line, indicating intermittent flow, located approximately 300 linear feet to the southwest of the review area and south of Wehrle Drive. Compared to aerial imagery, it is not clear if this stream still exists amongst the commercial and industrial developments. The nearest relatively permanent tributary visible on the USGS map and

compared to aerial imagery is Ellicott Creek located approximately 5000 linear feet to the southwest of the review area.

- USGS National Hydrological Dataset indicates no drainages or streams within the review area with the nearest located south of Wehrle Road at the location of industrial and commercial developments, located south of the review area.
- USGS Streamstats indicates that the main drainage of the review area is through the northern portion of the review area to the west and then off-site to the northwest. However, compared to aerial imagery, there are no drainage features at this location draining outside the review area and commercial development to the west inhibits drainage in that direction. from the northwest corner of the review area to the north. Other drainage is suggested draining to the south, starting just south of Wehrle road outside of the review area. However, when compared to aerial imagery, the location of the drainage line is developed with commercial and industrial developments.
- Aerial imagery shows saturation and inundation at the locations of Wetlands 1, 2, 3, 4, and 5 in early spring aerial imagery (March and April images) and no evidence of water in summer aerial imagery (June and July images), and minimal saturation in one fall aerial (October image). No potential continuous surface connections for Wetlands 1, 2, 3, 4, and 5 were observed in aerial imagery. The areas where ditches were previously mapped on the 2021 JD appear to have turned into wetlands. One stormwater catch basin can be seen in aerial imagery in the southeast corner of the review area, but there is no relatively permanent tributary on-site that drains to that location and therefore, cannot serve as a continuous surface connection. The agent provided a survey of the review area to help confirm this.
- A review of the USFWS NWI maps shows PEM wetland at the location of Wetland 1 and the nearest Riverine feature as Ellicott Creek located to the east approximately 2500 linear feet.
- The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM) shows no wetlands or streams within the review area.

CELRB-ORR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), LRB-2000-00680

10. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

- a. In-Office Resource Evaluation: April, May & June 2026; final June 30, 2026.
- b. Aquatic resources delineation submitted by, or on behalf, of the requestor: "Wetland and Stream Delineation Report for 716 Sports Fieldhouse Complex, 330 Maple Road, Amherst, NY 14221," dated September 2025; prepared for Arc Building Partners; Prepared by LaBella Associates, D.P.C.
- c. Aerial Imagery: Google Earth aerial imagery dated March 2005, June 2006, July 2014, July 2021, May 2022, May 2023, June 2024, and June 2023; Connect Explorer - <https://explorer.eagleview.com/index.php#-oblique> imagery dated March 27, 2026 and April 25, 2020.
- d. Photographs included in the delineation report, dated September 3, 2025.
- e. USDA NRCS Soil Survey: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> – as provided in the delineation report.
- f. U.S. Fish & Wildlife Service National Wetland Inventory Maps: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>, accessed May 12, 2026 and as provided in the submitted delineation report.
- g. U.S. Geological Survey map(s). NY-Buffalo NE, 2023, scale 1-24000: <https://ngmdb.usgs.gov/topoview/viewer/#15/42.9983/-78.7763>; accessed April & May 2026 and as provided in the submitted delineation report.
- h. USGS Streamstats - <https://streamstats.usgs.gov/ss/> - accessed May and June 2026.
- i. USGS National Hydrological Dataset – accessed May and June 2026.
- j. New York State Department of Environmental Conservation Environmental Resource Mapper - <https://gisservices.dec.ny.gov/gis/erm/> - as supplied in the submitted delineation report.

CELRB-ORR

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), LRB-2000-00680

11. OTHER SUPPORTING INFORMATION.

- a. Antecedent Precipitation Tool (APT) results for coordinates, Latitude: 42.95658 N, Longitude: -78.71278 W:

Date	Explanation of Date	PDSI Value	PDSI Class	Season	Antecedent Precip Score	Antecedent Precip Condition
3/29/2026	Connect Explorer oblique aerial image	1.95	Mild wetness	Wet Season	13	Normal Conditions
8/26/2025	Date of Delineation	-1.1	Mild drought	Dry Season	6	Drier than Normal
4/25/2020	Connect Explorer oblique aerial image	-0.17	Normal	Wet Season	13	Normal Conditions

*PDSI: stands for Palmer Drought Severity Index.

The APT results support that the delineation is representative of the review area. Specifically, for the oblique imagery dates normal conditions for climatic conditions were the result of the score. However, the March 29, 2026 oblique imagery was during a period of mild wetness with significant after a large amount of precipitation in the preceding 10 days. The April 25, 2020 oblique imagery was normal climatic conditions with normal PDSI with saturation and inundation only in the location of where wetlands were delineated. The delineation date of August 26, 2025 was during a period of drier than normal times, but when compared to the two oblique images only saturation/inundation was present in the wetland areas identified in the delineation.

12. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



Figure 1: USGS Topographical Map Source: apps.nationalmap.gov/viewer		PROJECT CODE 25-067	2190 Wehrle Drive	
		Map Date: 08/29/2025		
			TOWN OF AMHERST	ERIE COUNTY, NY
			SJL Wetlands, LLC	
			PO Box 47 Warsaw, NY 14569	



Figure 4: NYSDEC Environmental Resource Mapper
 Source: <https://giservices.dec.ny.gov/gis/emr/>



PROJECT CODE:25-067	2190 Wehrle Drive	
Map Date: 08/29/2025		
	TOWN OF AMHERST	ERIE COUNTY, NY
	SJL Wetlands, LLC	
	PO Box 47	
	Warsaw, NY 14569	

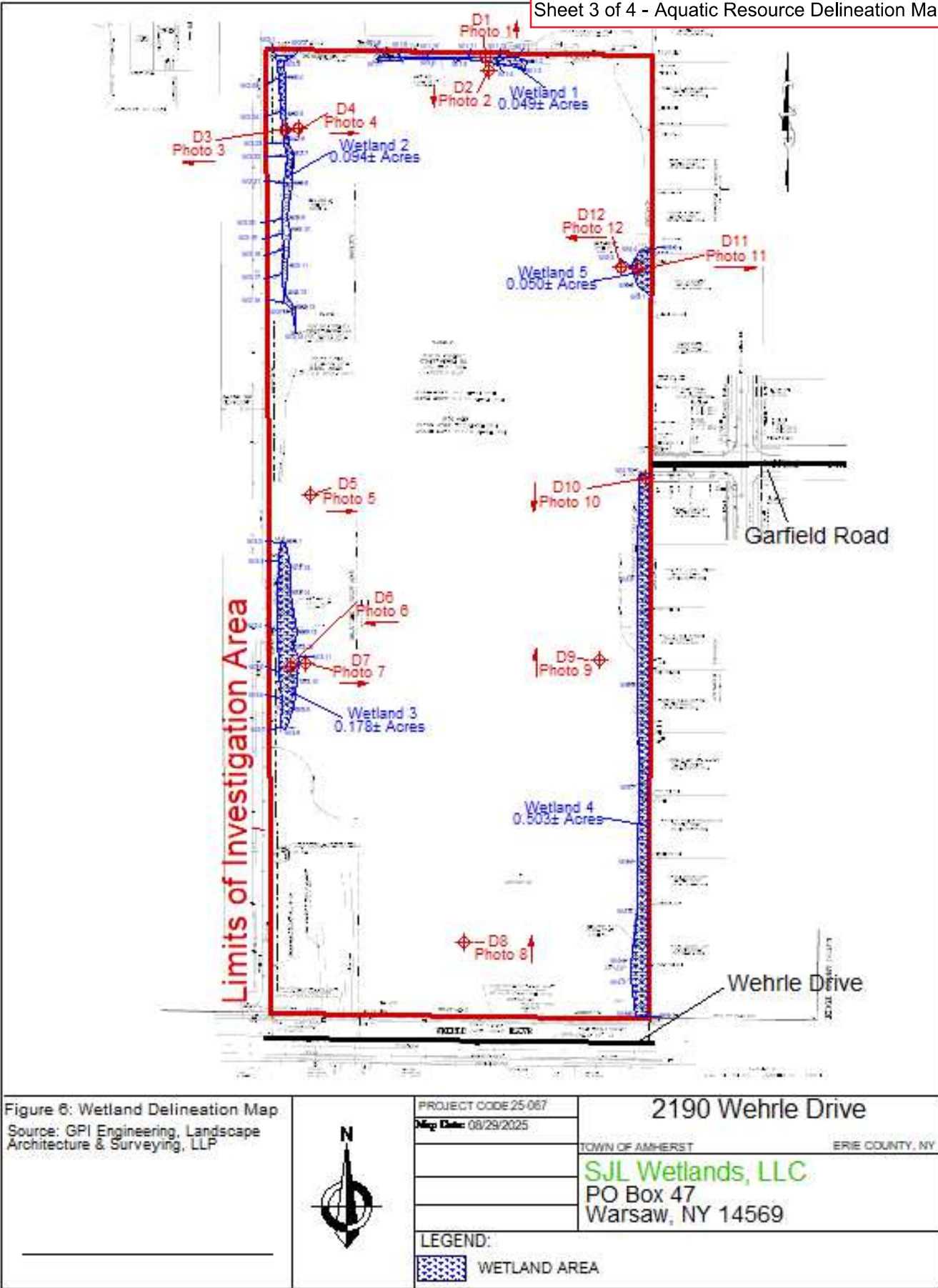


Figure 6: Wetland Delineation Map
Source: GPI Engineering, Landscape
Architecture & Surveying, LLP



PROJECT CODE 25-067
Map Date: 08/29/2025

2190 Wehrle Drive

TOWN OF AMHERST
ERIE COUNTY, NY
SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

LEGEND:
WETLAND AREA

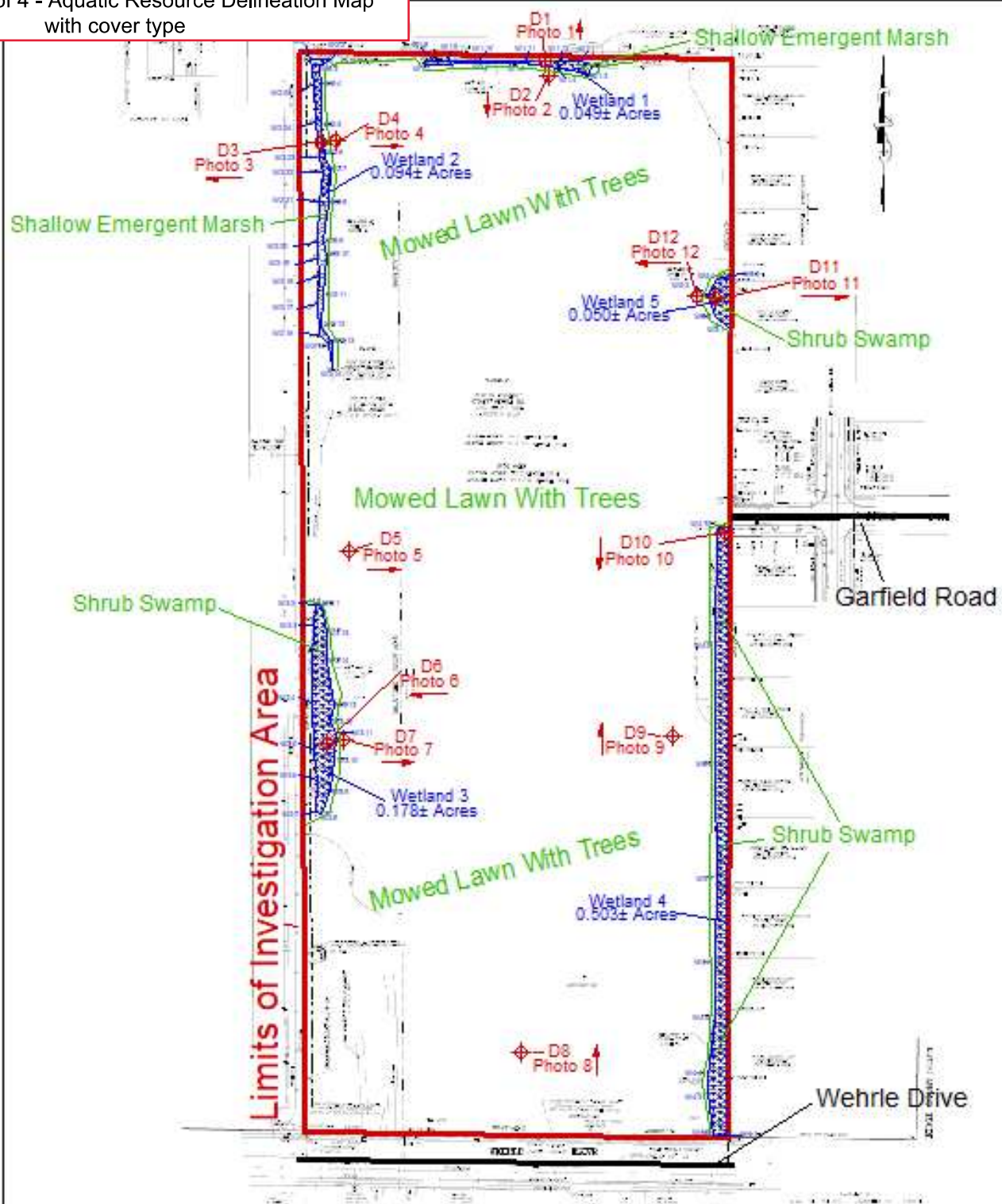


Figure 5: Ecological Communities Map



PROJECT CODE 25-067

Map Date: 08/29/2025

2190 Wehrle Drive

TOWN OF AMHERST

ERIE COUNTY, NY

SJL Wetlands, LLC

PO Box 47
 Warsaw, NY 14569

LEGEND:

WETLAND AREA

U.S. Army Corps of Engineers (USACE) NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.		<i>Form Approved –</i> OMB No. 0710-0003 Expires 2027-10-31
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
Authority	The authorities for requesting this information are Sections 9, 10, 13, and 14, Rivers and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103 Marine Protection Research and Sanctuaries Act of 1972.	
Principal Purpose	This information serves as notification to affected parties regarding the USACE administrative appeal options and process, as well as to facilitate requests for appeal of USACE decisions with which they disagree.	
Routine Uses	Routine uses will include: (a) To serve as notification to affected parties of the Corps administrative appeal options and process and to facilitate requests for appeal of Corps decisions with which they disagree. (b) Records may be referred to the Department of Justice for possible criminal prosecution. (c) Records may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes.	
Disclosure	Disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a Department of the Army permit matter.	
The Agency Disclosure Notice (ADN)		
The Public reporting burden for this collection of information, 0710-0003, is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
PURPOSE: This form is used to facilitate the initiation of the administrative appeals process. The appeals process allows an affected party to pursue an administrative appeal of certain Corps of Engineers decisions with which they disagree.		
Upon release, this form will also be available on the Corps website https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/		
Applicant: Acquest Wehrle, LLC	File Number: LRB-2000-00680	Date: 7/8/2026
Documents Attached (<i>select all that apply</i>):		Form Reference Section:
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL WITHOUT PREJUDICE	C
☐	PERMIT DENIAL WITH PREJUDICE	D
☒	APPROVED JURISDICTIONAL DETERMINATION	E
☐	PRELIMINARY JURISDICTIONAL DETERMINATION	F
SECTION I		
The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ or Corps regulations at 33 CFR Part 331.		
A: INITIAL PROFFERED PERMIT: You may accept or object to the permit		
• ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. • OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.		

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

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

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

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

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:	If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
Name: Shaina Souder	Name: Suzanne Chubb, Regulatory Appeals Review Officer
Street Address, City, State: 478 Main Street Buffalo, NY 14202	Street Address, City, State: 550 Main Street, Room 10-780, CELRD-PD-O Cincinnati, Ohio 45202-3222
Phone: 716-879-4240	Phone: (513) 218-1243
Email: shaina.r.souder@usace.army.mil	Email: suzanne.l.chubb@usace.army.mil

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

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

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

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

Email address of appellant and/or agent

Telephone number

Signature of appellant or agent

Date