

# Meeting Notes

Rensselaer County MS4 Communities Meeting  
Schodack Town Hall  
January 21, 2020  
10:00 a.m.

The meeting opened at 10:05. As there were new faces at the table, introductions were made as the first item on the agenda.

The second item on the agenda was Local BMPs. The Town of Sand Lake has noticed a lot of materials coming into the town from the Regeneron site and other communities felt the same. The materials come from a clean site, but are heavy clay. The issue is that the use of the material as fill does not necessitate a SWPPP since most sites are under an acre in Sand Lake. Some may fall under a grading permit. The clay's imperviousness, compared to Sand Lake's loose soils and the possible change in hydrology are some of the concerns of the Town. The Town of Schodack calls all such fills landfills which fall under their landfill law. These landfills need the approval of the Town Board, which is getting quite a number of them lately. If the Town finds an unapproved landfill, they issue a stop work order. Schodack had one site which was large enough that it needed a stormwater practice as they were covering a large enough site with the pretty impervious clay. In Poestenkill, if a sufficient number of cubic yards are dumped, it requires a permit. If money is received by the landowner, there is DEC involvement, since that is part of state regulations.

The Town of East Greenbush has a Grading and Filling law that covers sites from ½ acre to 1 acre. Site plan approval is needed altering of hydrology is examined. In Troy, there have been occasions where landowners or where natural infill with leaves and debris have filled in drainage areas. The City comes in and cleans it out, then bills the landowner. They usually come in after complaints of flooding.

East Greenbush thinks that Regeneron's Tempel Lane site work is getting close to completion. Their last stormwater inspection spotted retaining wall next to a tributary of Mill Creek. Most of the earthwork is done, so the surplus dirt issue may be going away soon. The clay isn't actually a bad thing. It is good for covering of landfills and could have been used in the Dunn landfill site nearby. One community stated that they issue a stop work order on large fill until the landowner can prove that the fill area is under 1 acre. Poestenkill prefers when it falls under DEC's purview since DEC's fines are higher and no politics are involved.

The next topic was flood mapping. A discussion of the need for new flood mapping was raised. DEC has contacted the County and communities of the lower Hudson watershed several years ago, so some forward movement must be progressing. (Since the meeting, Troy has had contact with contractors of DEC about needing access to properties for flood mapping studies). There is also a need for FEMA training that has building inspector training credits attached. Mr. Barringer attended a 4-day FEMA training and recommended it to all the inspectors. The DEC Hudson

Valley Natural Resource Mapper training held in December was recommended. The DEC Hudson Valley Natural Resource Mapper provides a lot of information.

Ms. Barrie stated that the NOIs are significantly backed up due to loss of staff. Dave Gaspar has been pulled into reviewing them as the reviewer had to suddenly retire. Although folks have documentation stating that DEC has received their NOI, there is no permit coverage until the NOI is deemed complete. The acknowledgement letter and number is needed before any disturbance is allowed. The new draft MS4 permit may be coming out in late Spring/Summer. The new Construction permit should be coming out soon (notice received when typing these notes).

The discussion then went to fees for SWPPP review and filing. Schodack asks their consultant for an estimate of costs needed for SWPPP review and inspection. The funds are then placed in an escrow account. For SWPPP inspections, a certain amount of inspections are considered. If costs go over, the Town requests more funds to be put into escrow. Schodack's MS4 budget is \$48,000. The Schodack MS4 budget is allocated between general MS4 duties and consultant on call for various issues, annual reporting, measurable goal setting and tracking, documentation of meetings and MCM4 inspections, reports, and notices to operators. Also included is the preparation of Standard Operating Procedures (SOPs) which takes the written procedures for the SWMP and expands on these with a focus on Municipal Good House Keeping practices. For example how to manage catch basin replacement to minimize potential impacts to stormwater. No attendees had filing or application fees for SWPPPs. Poestenkill had their drainage district escrow. East Greenbush would like a filing fee. They need to visit all the BMPs every three years. They spend a lot of time on old project and practices. They are looking at including stormwater in their next GEIS update.

A discussion of the requirement of a specific budget line for MS4s ensued. The budget was in the original permit. Ms. Barrie was going to research the requirement (see below). There will be a need for 2 hour training for MS4 Coordinators under the new permit. North Greenbush's EPA Audit report is not out yet. Mr. Koziol stated that the review of North Greenbush's Local Law was generally found to be equivalent to the Model, but he recommended to them for inclusion of more of the Model Local Law language. Under the new permit, local laws are likely going to need to be updated.

The next meeting will be on March 17, 2020 at 10 AM in Conference Room C, Fifth Floor in the County Office Building.

**From Mary Barrie**

**January 22, 2020**

Hi Linda,

As a follow up to yesterday's meeting below is language from the current permit for SWMP plan inclusion.

**Budget Question**

*Covered entities* can create their *SWMP plan* individually, with a group of other individual *covered entities* or a coalition of *covered entities*, or through the work of a third party entity. Documents to include are: applicable local laws, inter-municipal agreements and other legal authorities; staffing and staff development programs and organization charts; **program budget**; policy, procedures, and materials for each minimum measure; outfall and small MS4 system maps; stormwater management practice selection and measurable goals; operation and maintenance schedules; documentation of public outreach efforts and public comments; submitted construction site SWPPPs and review letters and construction site inspection reports.

### **Notice of Intent issues:**

If a consultant asks you as the MS4 coordinator about the status of an NOI, tell the consultant to contact Mary Barrie or Bonnie Starr in Region 4 DEC. We will forward the inquiry to the Central Office in Albany. We need to provide the information below and we will get back to you.

- For paper NOIs
  - NOI submission date
  - Project owner
  - Project location
  - MS4 Acceptance form
- For eNOIs
  - NOI submission number
  - NOI submission date
  - Project owner
  - Project location
  - Generate a pdf of the eNOI submission from NForm system
  - MS4 Acceptance form

Here is the link to website for eNOI Q&A's:

[http://www.dec.ny.gov/docs/water\\_pdf/constnoiqa2014.pdf](http://www.dec.ny.gov/docs/water_pdf/constnoiqa2014.pdf)

This is an excerpt from the Q&A:

### **POST SUBMISSION PROCESS**

#### **Does the 5 day review period start as soon as it is submitted?**



No. The Construction General Permit sets the time frame for coverage from the date the Department receives a **complete** NOI. The Department will review the submission and either notify you that additional information is needed or deem it complete. NOIs that are deemed complete will be issued an NOI Acknowledgement letter that provides the permit number and date that coverage will begin. You cannot begin construction until you have received and complied with the conditions of your letter of acknowledgement.

**Mary O. Barrie**

Environmental Program Specialist

Region 4

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On the new Construction Permit from Phil Koziol:

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

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

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

Attendees:

Phil Koziol	Schodack/Laberge Group	<a href="tel:581-458-7112">581-458-7112</a> / <a href="mailto:pkoziol@Labergegroup.com">pkoziol@Labergegroup.com</a>
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Dan Fiacco	East Greenbush	
Adam Yagelski	East Greenbush	