

# City of Canandaigua

## Stormwater Management Program Plan

SPDES # NYR20A545



City of Canandaigua  
Canandaigua Department of Public Works  
205 Saltonstall Street  
Canandaigua, NY 14424

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## **Background**

As part of the Clean Water Act, the United States Environmental Protection Agency (EPA) created a program to address stormwater discharges from large (Phase I) and small cities (Phase II). The smaller cities are regulated under the Municipal Separate Storm Sewer System, known as MS4. In New York State, the Department of Environmental Conservation (DEC) is the regulating authority of this program. The DEC has created the State Pollutant Discharge Elimination System (SPDES) system and written permit number GP-0-24-001 which covers stormwater discharges for MS4 operators.

The City of Canandaigua is considered to be a traditional land use, small MS4 community and is therefore required to comply with these regulations. These regulations require the City of Canandaigua to “*develop, implement and enforce a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practical (MEP) in order to protect water quality and to satisfy the requirements of the Clean Water Act*”.

Pursuant to 40 CFR 122.34(b)(2)(ii) and 122.34 (a)(2), the final GP-0-24-001 requires the MS4 operator, the City of Canandaigua, to develop, implement, and enforce a Stormwater Management Program (SWMP) to reduce the discharge of pollutants to the MEP, that may enter into, and be discharged from their MS4. The SWMP Plan is described in this document. This SWMP plan will be reviewed annually and revised regularly as necessary. The plan will be made readily available to the MS4's staff, to the public, and to regulating bodies, such as NYS DEC and US EPA staff as required.

## **History**

- The City of Canandaigua was notified of their automatic designation as an MS4 via a letter from the DEC in May 2013.
- The City of Canandaigua obtained permit coverage by submitting a Notice of Intent (NOI) to the DEC on October 9, 2013.
- The DEC acknowledged the NOI in a letter dated March 7, 2014.
- Following the March 7, 2014 letter, the City had to fully implement a Stormwater Management Program by March 10, 2017.
- The City of Canandaigua was audited by DEC on March 22, 2017. Significant deficiencies were noted.

# **Introduction**

Stormwater is water from rain or melting snow that doesn't soak into the ground but runs off into waterways. It flows from rooftops, over paved areas and bare soil, and through sloped lawns while picking up a variety of materials on its way. The quality of runoff is affected by a variety of factors and depends on the season, local meteorology, geography, and land use. As it flows, stormwater runoff collects and transports pollutants to surface waters. Although the amount of pollutants from a single residential, commercial, industrial, or construction site may seem unimportant, the combined concentrations of contaminants threaten our lakes, rivers, wetlands, and other waterbodies. Pollution conveyed by stormwater degrades the quality of drinking water, damages fisheries and habitat of plants and animals that depend on clean water for survival. Pollutants carried by stormwater can also affect recreational uses of waterbodies by making them unsafe for wading, swimming, boating and fishing. According to an inventory conducted by the United States Environmental Protection Agency (USEPA), half of the impaired waterways are affected by urban/suburban and construction sources of stormwater runoff. The City of Canandaigua is home to 10,576 people spread over 4.6 square miles per the 2020 US Census. This gives the City a population density of approximately 2,300 people per square mile. The City of Canandaigua is located in Ontario County. Land use is primarily low and high density residential with a commercial & industrial district.

## **Overview of the Minimum Control Measures (MCM)**

The MS4 General Permit (GP) requires development of a SWMP that includes the six required program components, or the six minimum control measures (MCMs).

### **1. Public Education and Outreach**

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

### **2. Public Participation/Involvement**

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

### **3. Illicit Discharge Detection and Elimination**

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

### **4. Construction Site Runoff Control**

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

### **5. Post-construction Runoff Control**

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

**6. Pollution Prevention/Good Housekeeping**

The MS4 Operator must develop and implement a pollution prevention and good housekeeping program for municipal facilities and municipal operations to minimize pollutant discharges. This MCM is designed to ensure the MS4 Operator's own activities do not contribute pollutants to surface waters of the State.

## **Definitions**

**Best Management Practices (BMPs):** BMPs may include practices which prevent or reduce the pollution, prohibitions of practices, mitigation of flooding, operating procedures and practices to control runoff, spillage or leaks, waste disposal or drainage from raw material storage

**Clearing:** Any activity that removes the vegetative surface cover

**Combined Sewer System:** A sewer system designed to convey both sanitary wastewater and stormwater

**Construction Site Operator:** The person, persons or legal entity that owns or leases the property on which the construction activity is occurring

**CWA / Clean Water Act:** Amendments made to the Federal Water Pollution Control Act in 1972 to establish water quality standards and to create the National Pollutant Discharge Elimination System to protect the waters of the U. S. by regulating the discharge of pollutants from point source discharges and municipal separate storm sewer systems

**Detention Pond:** Pond that stores a volume of water for a given period of time and then discharges the water downstream

**Discharge:** An outflow of water from a stream, pipe, ground water system or watershed

**Drainage Area (watershed):** All land and water area from which runoff may run to a common point

**Environmental Protection Agency (EPA):** Chief environmental regulating authority within the United States

**GP / General Permit:** GP-0-24-001a permit issued by to a category of permittees whose operations, activities, discharges, or facilities are the same or substantially similar

**Hazardous Waste:** Any waste material within the definition of hazardous waste listed in either 40 CFR Part 261, 40 CFR Part 302, 6 NYCRR Part 371 or 6 NYCRR Part 597, alone or in combination, including but not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH of less than or equal to two, alkalis with a pH greater than or equal to twelve point five (12.5), radioactive substances, pathological or infectious wastes or any material exhibiting the characteristics of ignitability, corrosivity, reactivity.

**Illicit Discharge:** The term refers to any discharge to a MS4 that is not composed entirely of stormwater unless authorized via an NPDES permit or otherwise excluded from regulation. Thus, not all illicit discharges are illegal or prohibited

**Impervious Surface:** Any man-made material, such as pavement used in parking lots or driveways, or any building or other structure on a lot, that does not allow precipitation and melted snow to penetrate into the soil

**Maintenance Agreement:** A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices

**Maximum Extent Practicable (MEP):** Is the statutory standard that establishes the level of pollutant reductions that an owner or operator of regulated MS4s must achieve. The USEPA has intentionally not provided a precise

definition of MEP to allow maximum flexibility in MS4 permitting. The pollutant reductions that represent MEP may be different for each small MS4, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each permittee will determine appropriate BMPs to satisfy each of the six minimum control measures through an evaluative process

**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) which allows stormwater to flow through a municipality. Owned or operated by a state, city, county or district, association, having jurisdiction over stormwater that discharges to waters of the United States

**Non-Point Source of Pollution:** A form of water pollution that generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. The term "nonpoint source" is defined to mean any source of water pollution that does not meet the legal definition of "point source" in section 502(14) of the Clean Water Act. Unlike pollution that comes from specific points such as from industrial and sewage treatment plants, nonpoint source (NPS) pollution comes from many sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters

**NOI / Notice of Intent:** An application to notify the permitting authority of a facility's intention to be covered by a general permit. This exempts a facility from having to submit an individual or group application

**NPDES / National Pollutant Discharge Elimination System:** the EPA's regulatory program to control the discharge of pollutants to waters of the United States

**NPS / Non-Point Source Pollutants:** Pollution coming from many diffuse sources whose origin is often difficult to identify. This pollution occurs as rain or snowmelt travels over the land surface and picks up pollutants such as fertilizer, pesticides, and chemicals from cars. This pollution is difficult to regulate due to its origin from many different sources. These pollutants enter waterways untreated and are a major threat to aquatic organisms and people who fish or use waterways for recreational purposes

**Nutrients:** The term typically refers to nitrogen and phosphorus or compounds containing free amounts of the two elements. These elements are essential for the growth of plant life, but can create problems in the form of algal blooms, depletion of dissolved oxygen and pH changes in streams and other water bodies when higher concentrations are allowed to enter drainage systems and lakes

**Ordinance:** A law based on state statutory authority developed and approved by a governmental agency to allow them to regulate the enforcement of criteria contained within the specific law and to invoke sanctions and other enforcement measures to ensure facilities comply with the criteria

**Outfall:** The point where a Municipal Separate Storm Sewer System discharges from a conduit, stream, pipe, ditch, or drain to receiving waters

**PWL / Priority Waterbodies List:** A statewide inventory (database) of NYS waterbodies which characterizes water quality, the degree to which water uses are supported, progress toward the identification of water quality problems and sources, and activities to restore and protect each individual waterbody

**Point Source of Pollution:** Any discernible, confined and discrete point, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding

operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural storm water discharges and return flows from irrigated agriculture

**Regulated Waterbodies:** Includes streams, rivers, tributaries, and lakes under regulation by New York State

**Retention Pond:** Pond that stores a volume of water without allowing it to discharge downstream while allowing sediment to fall out of suspension

**Runoff:** Any drainage that leaves an area as surface flow

**Sanitary Sewer:** An underground pipe system that carries sanitary waste and other wastewater to a treatment plant

**Sediment:** Material derived from the weathering of rock such as sand and soil. This material can be detrimental to aquatic life and habitats if too much is allowed to wash into rivers and ponds

**Site Plan:** A geographic representation of the layout of buildings and other important features on a tract of land

**SPDES / State Pollutant Discharge Elimination System:** The state's regulatory program to control the discharge of pollutants to waters of the United States modeled on the national NPDES program

**Solid Waste:** Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342, as amended (86 Stat. 880). Solid wastes can be solid, liquid, and semi-solid or containerized gaseous material

**Stormwater:** Stormwater is water from rain or melting snow that doesn't soak into the ground but runs off into waterways. It flows from rooftops, over paved areas and bare soil, and through sloped lawns while picking up a variety of materials on its way. The quality of runoff is affected by a variety of factors and depends on the season, local meteorology, geography, and land use

**Stormwater Discharge:** Any stormwater that adds any pollutant to waters of the State from a specific point source, or through an outlet. As stormwater runoff moves across surfaces, it picks up trash, debris, and pollutants such as nutrients, sediment, oil and grease, pesticides and other toxins. In most cases, polluted stormwater runs into storm sewers and ditches or directly into streams, rivers and lakes without treatment. Polluted stormwater runoff can have many adverse effects on plants, fish, animals and people.

**Stormwater Management Officer:** An employee(s) or officer(s) designated by the municipality to accept and review stormwater pollution prevention plans and inspect stormwater management practices. This officer may also be referred to as the Stormwater Program Coordinator or Stormwater Officer. This position may be filled by several City staff members as conditions and responsibilities vary

**Stormwater Management Practices (SMPs):** Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies

**Storm Water Management Program (SWMP):** A compilation of BMPs to address measures and other provisions of the MS4 permit, that is designed and managed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable as appropriate to your community

**Storm Water Pollution Prevention Program (SWPPP):** A plan for controlling stormwater runoff and pollutants from a site during and after construction activities. SWPPPs are broken down into two categories (basic and full) based on site and watershed conditions. The basic SWPPP focuses on erosion and sediment control, and the full SWPPP includes all the components of the basic, along with postconstruction stormwater quality and quantity

**Surface Water:** Waterbodies such as streams, ponds, lakes, reservoirs, or wetlands

**Total Maximum Daily Load (TMDL):** A numerical limit on the amount of a particular contaminant that can be discharged to a waterbody from all sources. The City of Canandaigua's MS4 does not discharge to any TMDL bodies of water

**Turbidity:** Is a measure of the cloudiness of a water. Water that is opaque or muddy, and has sediments, silt, clays, or foreign particles stirred up or suspended in it is turbid. Turbidity is a good indicator of the water's sediment load

**Urbanized area:** An area is automatically designated as urbanized for purposes of Phase II coverage if the population is at least 50,000 people and there is an overall population density of at least 1,000 people per square mile, based on the 2010 US Census

**Vernal Pool:** A wetland in a small, shallow depression within an upland forest. Vernal pools have a physical isolation from navigable bodies of water, do not support fish, and provide essential breeding habitat for certain amphibians and invertebrates. Vernal pools are flooded in spring or after a heavy rainfall, but are usually dry during summer and fill again in autumn. In the winter vernal pools may be frozen over after having been filled with fall rains. In the spring, usually around mid-March through April, the pools melt and amphibians begin to lay their eggs there

## **Pollutants of Concern**

As it flows, stormwater runoff collects and transports pollutants to surface waters. Although the amount of pollutants from a single residential, commercial, industrial, or construction site may seem trivial, the combined concentrations of contaminants threaten our lakes, rivers, wetlands, and other waterbodies. Pollution conveyed by stormwater degrades the quality of drinking water, damages fisheries and habitat of plants and animals that depend on clean water for survival. Pollutants carried by stormwater can also affect recreational uses of waterbodies by making them unsafe for wading, swimming, boating and fishing. According to an inventory conducted by the United States Environmental Protection Agency (USEPA), half of the impaired waterways are affected by urban/suburban construction sources of stormwater runoff.

### **City of Canandaigua Pollutants of Concern:**

**Nutrients:** Phosphorus and nitrogen can cause algae overgrowth, which can harm aquatic life and deplete oxygen in waterways

**Bacteria or pathogens:** Bacteria from animal waste and connections to sewage system can make lakes and streams unsafe for swimming and wading

**Oil & Grease:** Spills from vehicle maintenance and accidents can create a sheen and odor, making it difficult for aquatic organisms to transfer oxygen

**Sediment:** Loose soil from farms, stream bank erosion, and construction activities can erode and be washed by stormwater into waterways where the increased turbidity can cloud waterways, limit light penetration, bury aquatic vegetation, and harm the habitats of aquatic life. Sediment and its associated nutrient load is the primary pollutant of concern for the City of Canandaigua

**Pesticides, herbicides, and fertilizers:** Careless or over-application can harm living organisms and cause ecosystem imbalances

**Trash and debris:** Can damage aquatic life, introduce chemical pollution, and diminish the beauty of waterways

**Hydrocarbons:** Volatile and semi-volatile compounds resulting from spills, vehicle accidents, or deliberate dumping can be washed by stormwater into waterways where they can be toxic to aquatic plants and animals

**Heavy metals:** Metals such as zinc, copper, lead, and mercury can be toxic to humans, animals and aquatic life

**Salt:** Rock salt is used as a deicer on City roads, sidewalks and parking areas. This is can be washed by stormwater into waterways where the increased sodium and chlorine ions can be toxic to aquatic plants and animals

## **Receiving Waterbodies**

**Mud Creek** – The drainage area of Mud Creek begins in northeast corner of the City of Canandaigua. Mud Creek eventually drains into the Erie Canal west of Palmyra. Water from the Erie Canal reaches Lake Ontario through the Oswego Canal or the Atlantic Ocea through the Hudson River.

**Sucker Brook** – Beginning from several sources in the Town of Canandaigua, this 6-mile-long stream flows through residential and agricultural areas as it flows down the west side of the City of Canandaigua, entering the north end of Canandaigua Lake. Sucker Brook drains a watershed of 6.9 square miles. Based on the 2014 Comprehensive Update of the Canandaigua Lake Watershed Management Plan, Sucker Brook ranks relatively high in concentrations of phosphorus, nitrates, suspended solids, and fecal coliform.

**Barlow Brook** – This stream begins on the east side of the City of Canandaigua and flows through residential areas. The majority of this stream flows in underground channels. Eventually this stream empties into Sucker Brook. Most of the runoff collected by this stream is residential runoff.

**Canandaigua Lake** – Water Index Number – Ont 66-12-52..P286, Classification AA(TS),. Canandaigua Lake is the third largest of the Finger Lakes, with an area of approximately 10500 acres and contains 430 billion gallons of water. The City of Canandaigua is located at the northern tip of the lake. The City of Canandaigua Water Treatment Plant withdraws an annual average of approximately 4.25 MG each day from Canandaigua Lake, producing drinking water for approximately 42,000 people. Canandaigua Lake in total provides water for over 70,000 people. In recent years, Canandaigua Lake has experienced water quality challenges, including harmful algal blooms (HABs) associated with the availability and transport of phosphorus, a key nutrient for plants and algae. Land use, climate change, and natural processes across the watershed can impact the lake's phosphorus levels.

**Canandaigua Lake Outlet** – This outlet leaves Canandaigua Lake in the northeast corner. The outlet eventually drains into the Erie Canal in Lyons, New York. Water from the Erie Canal reaches Lake Ontario through the Oswego Canal or the Atlantic Ocea through the Hudson River.

# **Minimum Control Measures**

## **MCM 1 – Public Education and Outreach**

As the MS4 Operator, the City of Canandaigua has developed and implemented an education and outreach program based on best management practices (BMPs) to increase public awareness of pollutant generating activities and behaviors among its staff and the general public. This MCM is designed to inform the public about the impacts of stormwater on water quality, the general sources of stormwater pollutants, and the steps the general public can take to reduce pollutants in stormwater runoff.

The City will take action to increase awareness of pollutant generating activities and behaviors as part of the public education and outreach program. The City will distribute educational materials to its community about the impacts of stormwater discharges on surface waters of the State and steps that the public can take to reduce pollutants in stormwater runoff.

### **Focus Areas of the City of Canandaigua’s SWMP are as follows:**

- Areas discharging into the waters of New York State
- Areas with construction activities
- Areas with on-site wastewater systems
- Residential, commercial and industrial areas
- Stormwater hotspots
- Areas with illicit discharges
- Pollutants of concern
- Waterbodies of concern
- Geographic areas of concerns

### **The City of Canandaigua has determined its target audiences and associated pollutant generating activities to focus education and outreach on to be:**

- Residents
- Commercial – Business owners and staff
- Institutions – Managers, staff, and students
- Constructions – Developers, contractors, and design professionals
- Industrial – Owners and staff
- City of Canandaigua municipal staff

### **The City of Canandaigua has identified several topics for public education and outreach which will reduce the potential for pollutants to be generated by the target audiences listed above. These topics may include:**

- Best management practices
- Pollutants of concern
- Waterbodies of concern
- Illicit discharges
- Stormwater construction practices, green design, erosion control
- Stormwater post-construction practices
- Regulatory Compliance & Reporting
- Others as necessary

**The City of Canandaigua will educate its target audiences using several methods. They methods may include:**

- Informational kiosks and signs
- City website or emails
- Printed materials - brochures, fliers, mail inserts
- Meetings and workshops
- Mass media – newspaper, television, PSA on radio
- Social media – Facebook
- City Vehicles with targeted messaging/graphics/logos

**The City of Canandaigua will educate its target audiences on the specific topic of illicit discharges. The City of Canandaigua has a specific Illicit Discharge Detection and Elimination (IDDE) plan which may be referred to for additional information. In brief, the City will educate its target audiences on:**

- What types of discharges are allowable
- What is an illicit discharge and why is it prohibited
- The environmental hazards associated with illicit discharges and improper disposal of waste
- Proper handling and disposal practices for the most common behaviors within the community (e.g. septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in illicit discharges)
- How to report illicit discharges that they may observe

The City of Canandaigua intends to provide and make public educational materials on a continuous basis. This will be done by having educational information on its website, brochures and fliers publicly available at the Canandaigua City Hall and at the Department of Public Works, Hurley Building. Building permit applicants will be provided with materials regarding minimum erosion control practices. The City has installed educational information (in the form of graphics) on its street sweeper and leaf vacuum truck – See Appendix C. These two vehicles are out in the public a great deal and simply observing them helps to educate the public on the need for clean streets and the importance of keeping organic matter out of the streams and lake. The City will, either independently, or via working with partner organizations (e.g. Canandaigua Lake Watershed Council) conduct annual educational events. The topics of these events will vary, but the focus will be on using BMPs for preventing pollution of stormwaters and be tailored to the needs and focuses of the individual audiences. The City will conduct educational staff trainings. Records of all trainings will be retained by the City and stored as part of the Annual Report.

## MCM 2 – Public Involvement & Participation

As the MS4 Operator, the City of Canandaigua provides opportunities for the public to be involved in the development, review, and implementation of the SWMP. This MCM is designed to give the public the opportunity to include their opinions in the implementation of this SPDES general permit. The City of Canandaigua desires input from individuals or group stakeholders and the general public. The City of Canandaigua's goal is to increase environmental awareness and stewardship among its population in order to minimize pollution. The City also desires to increase the public's participation in the programs of the City and likeminded groups.

### 1. Public Involvement/Participation

- a. Annually, the City of Canandaigua will provide an opportunity for public involvement/participation in the development and implementation of the SWMP. This involvement will be documented and reported as necessary. Examples of opportunities for public involvement/participation are, but are not limited to, the following:
  - Citizen advisory group on stormwater management
  - Public hearings or meetings
  - Citizen volunteers to educate other individuals about the SWMP
  - Coordination with other pre-existing public involvement/participation opportunities
  - Reporting concerns about activities or behaviors observed
  - Stewardship activities
- b. Annually, the City of Canandaigua will inform the public of the opportunity for their involvement/participation in the development and implementation of the SWMP and how they can become involved. The City of Canandaigua will document the method for distribution of this information and report it as necessary. Some methods for distribution are, but not limited to, the following:
  - Public notice
  - Printed materials (e.g., mail inserts, brochures, posters, and newsletters)
  - Electronic materials (e.g., websites, email listservs)
  - Mass media (e.g., newspapers, public service announcements on radio or cable)
  - Workshops or focus groups
  - Displays in public areas (e.g., City halls, library, parks)
  - Social media (e.g., Facebook, City Website)
- c. The City of Canandaigua has designated the Coordinator of Public Works as the Stormwater Officer. Peter Virkler is currently the Coordinator of Public Works. The Stormwater Officer is the local point of contact to receive and respond to public concerns regarding stormwater management and compliance with permit requirements. The Stormwater Officer can be emailed at [stormwater@canandaiguanewyork.gov](mailto:stormwater@canandaiguanewyork.gov) or reached via telephone at 585-337-2149. This information is listed on the City of Canandaigua's website and is also published on public outreach and public participation materials and documented in the SWMP Plan.

### 2. Public Notice and Input Requirements for SWMP Plan

- a. The City of Canandaigua complies with New York State's Open Meeting laws and local public notice requirements. The City utilizes the City Council's Environmental Committee meetings as public venue for annually presenting the City's SWMP, answering questions, and receiving public comments on the plan. All public comments are recorded and retained. Any necessary and significant updates to this plan will be made at subsequent City Council Environmental Committee meetings. These meetings are advertised in compliance with open meeting laws. The City's SWMP plan is posted on the City's website.

This posting is updated as the plan is revised. Public comments or meeting requests can be made at any time during the year by emailing the Stormwater Officer. If a public meeting is requested by two or more persons, the City will hold such a meeting.

- b. Consideration of Public Input - Annually, the City of Canandaigua will include a summary of comments received on the SWMP Plan and draft an Annual Report in the SWMP Plan. Within thirty (30) days of when public input is received, the City of Canandaigua will update the SWMP Plan, where appropriate, based on the public input received.
- c. The City of Canandaigua will continue to support and work with other groups that seek to involve the general public and educate them on the importance of erosion control, pollution prevention, stormwater monitoring, and protecting Canandaigua Lake and surrounding waterways. The City will coordinate with and support various groups, such the Canandaigua Lake Watershed Council, the Canandaigua Lake Watershed Association, Canandaigua Lake Watershed Commission, Ontario County Soil & Water Conservation District, and the Ontario Wayne Stormwater Coalition, among others.

### **MCM 3 – Illicit Discharge Detection & Elimination**

The Illicit Discharge Detection and Elimination (IDDE) minimum control measure consists of best management practices (BMPs) and program elements that focus on finding and addressing non-stormwater discharges and/or non-permitted discharges that may be entering the municipal separate storm sewer system (MS4). The City of Canandaigua has created a written IDDE plan. The City of Canandaigua has located and mapped all outfalls from its stormwater sewer system. City staff from the Department of Public Works will annually inspect at least 20% of the City's outfalls during dry weather conditions. Illicit discharges detected will be eliminated where possible. Records of outfall inspections will be retained for a minimum of five years. Records of illicit discharges detected, along with any corrective actions will also be retained for a minimum of five years.

The City of Canandaigua has City Ordinance § 568 prohibiting illicit discharges to the stormwater system – please refer to Appendix A for this ordinance. This ordinance will be updated in the future as necessary to maintain compliance with state and federal regulations. Through MCM 1, the public, businesses and other interested parties are educated about the importance of preventing and correcting any illicit discharges. The public is able to contact the City of Canandaigua's Stormwater Manager through the City's website to report illicit discharges.

For additional information on the City of Canandaigua's Illicit Discharge Detection & Elimination program, please refer to the City's IDDE Plan.

## **MCM 4 – Construction Site Runoff Control**

This MCM is focused on the reduction or prevention of runoff associated with construction sites of greater than one acre entering the MS4 infrastructure of the City of Canandaigua. The City does not have separate requirements for construction areas smaller than one acre.

Program elements required as part of this minimum control measure include enforcement procedures and actions to ensure compliance; requirements for construction site operators to implement appropriate erosion and sediment control BMPs; requirements for construction site operators to control waste at the construction site such as discarded building materials, truck washout, chemicals, litter, and sanitary waste; procedures for plan review which incorporate the consideration of potential water quality impacts; and procedures for site inspection and enforcement of control measures.

In addition to the stormwater requirements that MS4s place on construction activities, the construction site operators must also apply for permit coverage directly from the State. A description of these requirements is included within the SPDES General Permit for Stormwater Discharges from Construction Activity.

### **Construction Site Permits & Approval**

Per City Ordinance §795-9(A), the Planning Commission of the City of Canandaigua shall have the authority to: review and approve, with modifications; approve conditionally; disapprove; or grant variances and waivers for all stormwater pollution prevention plans for any projects. The Planning Commission shall transmit copies of all proposed Stormwater pollution prevention plans to the City's Director of Public Works and to the Code Enforcement Officer for review and comment prior to making a decision/determination on such plans.

For more information on the City of Canandaigua's Stormwater Ordinance §795, please refer to Appendix B.

Per NYS DEC regulations, the City requires all land disturbing activities at construction sites that are greater in size than one acre of disturbance to apply for a development permit. As part of this permit application, it is necessary to submit to the City for approval a Stormwater Pollution Prevent Plant (SWPPP). The SWPPP's main goal is to reduce or eliminate the amount of erosion, sediment, and pollution that ends up in nearby bodies of water.

### **Technical standards**

For the purpose of this chapter, the following documents shall serve as the official standard and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual") including Chapter 10, Enhanced Phosphorus Removal Supplement.
2. New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, *most current version or its successor, hereafter referred to as the "Erosion Control Manual"*).
3. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in items 1 and 2 above, and the SWPPP shall be prepared by a licensed professional.

### **The SWPPP will include:**

SWPPPs are broken down into two levels (basic and full) based on the site and watershed conditions. Basic conditions are covered in Part A below. Conditions necessitating a full SWPPP are detailed in Part B below. All SWPPPs shall provide the following background information on erosion and sediment controls:

## Part A:

1. Background information about the scope of the project, including location, type and size of project
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should 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); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). The site map will be at a scale no smaller than one inch equals 50 feet
3. A description of the soil(s) present at the site
4. A construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than one acre shall be disturbed at any one time unless pursuant to an approved SWPPP
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals, and construction debris from becoming a pollutant source in stormwater runoff
6. Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout
8. A site map/construction drawing(s) specifying the location(s), size(s), and length(s) of each erosion and sediment control practice
9. Dimensions, material specifications, and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins
10. Temporary practices that will be converted to permanent control measures
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place
12. A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice
13. Name(s) of the receiving water(s)
14. Delineation of SWPPP implementation responsibilities for each part of the site
15. A description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable
16. Any existing data that describes the stormwater runoff at the site

## Part B:

Full SWPPP conditions: Land development activities such as construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance greater than one acre and meeting Condition A, B or C below shall complete a full SWPPP that also includes water quantity and water quality controls (postconstruction stormwater runoff controls) as applicable:

- **Condition A:** Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment. *There are no 303(d) or TMDL water bodies within the City of Canandaigua as of the adoption of this chapter, but this information may change in the future.*
- **Condition B:** Stormwater runoff from land development activities disturbing two or more acres

- **Condition C:** Stormwater runoff from land development activity disturbing between one and two acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties

**Full SWPPP requirements include all items from Part A of this chapter for Conditions A, B and C:**

1. Description of each postconstruction stormwater management practice
2. Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice
3. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
  - a. Descriptions, erodibility, limitations, capabilities, and hydrologic soil groups
  - b. Engineering properties of soils
  - c. Suitability of the soil as a resource material for topsoil, gravel, highway sand, dams and levees
  - d. Site suitability for buildings, roads, winter soil disturbance, foundations, septic tank disposal fields, sanitary landfills, vegetation, reservoirs, dams, artificial drainage, recreational areas and wildlife development
4. A comparison of post-development stormwater runoff conditions with predevelopment conditions
5. Demonstrate that the overall stormwater management practice meets the requirements of Chapter 10 of the New York State Stormwater Management Design Manual: Enhanced Phosphorus Removal Supplement
6. Dimensions, material specifications and installation details for each postconstruction stormwater management practice
7. Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice
8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property
9. An inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures described below in this chapter
10. Plan certification: Land development activities that require a full SWPPP shall have the SWPPP prepared by a landscape architect, professional engineer, or certified professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter
11. Other environmental permits: The applicant shall assure that all other applicable environmental permits have been, or will be acquired for the land development activity prior to approval of the final stormwater design plan

**Contractor certification**

- Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: *"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards"*
- The certification must include the name, and title of the person providing the signature, address and telephone number of the contracting firm; the address (*or other identifying description*) of the site; and the date the certification is made
- The certification statement(s) shall become part of the SWPPP for the land development activity

A copy of the SWPPP shall be retained at the site of the land development activity during construction from the **date of initiation of construction** activities to the **date of final stabilization**

### **SWPPP Submission**

The City of Canandaigua will receive copies of SWPPPs submitted to the Director of Development and Planning and/or the City Manager.

The City of Canandaigua may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the City of Canandaigua or performed by a third party for the City of Canandaigua.

### **SWPPP Review**

As part of a development permit, within the City of Canandaigua, the SWPPP is submitted electronically to the City Manager or the Office of Development and Planning at least two weeks prior to the date of any regularly scheduled Planning Commission meeting at which the plan is to be considered. The Planning Commission shall determine whether the plan is complete, or whether any additional information or data is required, within two weeks of the date of its regularly scheduled meeting following the submittal of the application. Within the Office of Development and Planning, the Code Enforcement Officers will review the building permits, SWPPP and other relevant materials. The Office of Development and Planning will share the SWPPP with the City's Department of Public Works (DPW) for departmental comments. At the DPW, the City's Stormwater Management Officer along with the Director of Public Works or their delegates, will review the SWPPP. The Office of Development and Planning will gather all relevant comments from the City's departments and then present this information to City Council's Planning Committee and the Environmental Committees as necessary.

The Planning Commission shall act to approve or disapprove stormwater pollution prevention plans within the time frames set forth for the other approvals under its jurisdiction to which the development project is subject, or within 60 days of the date upon which the plan is determined to be complete. The City Council will deny, request modifications to, or approve applications. Once an application is approved, Code Enforcement has final authority to enforce compliance as well as issue fines as necessary. The staff from the DPW, including the City's Stormwater Officer will assist Code Enforcement with inspections, etc.

No SWPPP will be approved without certification by the owner or developer that all work will be accomplished pursuant to the plan and, acknowledges the right of the City to conduct on-site inspections before, during, and at the conclusion of construction activities.

### **The City of Canandaigua, when reviewing all submitted SWPPPs will consider:**

- Documentation of the contractor's completion of the NYS DEC Erosion and Sediment Control class or an approved equal by submission of an unexpired certificate
- Licensed engineering certification of plan
- City of Canandaigua staff reviewing SWPPP will also have a current certification from completing the NYS DEC Erosion and Sediment Control or approved equal training
- City staff will consult with licensed stormwater engineers or other consultants when reviewing SWPPPs as necessary
- Erosion and sediment controls must conform with NYS E&EC 2016, or equivalent
- The efficiency of all BMPs will be evaluated
- Any post-construction SMPs must be reviewed for conformance with the NYS Stormwater Management Design Manual (SWMDM) 2015 or equivalent. Sizing criteria must also be considered. Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent

- Ownership of post-construction stormwater infrastructure and maintenance requirements must be established in the SWPPP
- Other considerations as necessary
- The City of Canandaigua will notify the construction site owner/operator of any necessary changes to the SWPPP. The City will send acceptance of the SWPPP to the owner. See Appendix G for the NYS DEC SWPPP Acceptance Form

Approved plans shall remain valid for one year from the date of approval. This time period may be extended by the City at its discretion.

### **City of Canandaigua Training**

The City of Canandaigua has a construction oversight procedure. City staff is trained in construction oversight and stormwater management. The City's Stormwater Management Officer will be given the NYS DEC Erosion and Sediment Control training. This training will be repeated every three years, as required. Other members of the City's staff may take this class. Any construction site that meets the City's and NYS DEC's must have a current certificate of education in NYS DEC Erosion and Sediment Control class.

### **Construction Site Inventory & Inspection Tracking**

The City of Canandaigua will maintain an inventory of all applicable construction sites. This inventory will be updated as conditions allow, but at least annually. The following information is included in the inventory:

- Location of the construction site – street address along with GPS coordinates as necessary and practical
- Property owner with contact information
- Receiving waterbody
- SPDES number
- SWPPP approval date
- Prioritization and impact potential
- Inspection history, including dates and ratings (satisfactory, marginal or unsatisfactory, when available)
- Current status of the construction site/project (*i.e.* active, temporarily shut down, complete)

### **Construction Site Prioritization**

The City of Canandaigua will prioritize all construction sites which are included in the construction site inventory. Construction site prioritizations will be made at the beginning of construction. Prioritization will be changed if conditions merit it, and reviewed at least annually.

- High Priority Construction sites are sites with:
  - Sites with a direct conveyance (e.g. channel, ditch, storm sewer) to a surface water of that State
  - Greater than five acres of disturbed earth at any one time
  - With earth disturbance within one hundred feet of any lake or pond
  - Within fifty feet of any rivers or streams
- Low Priority – all over construction sites

### **Construction Site Complaints**

The public can contact the City of Canandaigua's Stormwater Manager regarding stormwater complaints associated with construction sites by emailing [stormwater@canandaiguanewyork.gov](mailto:stormwater@canandaiguanewyork.gov) or calling 585-396-5060. All complaints and comments will be documented and City staff will communicate with the person initiating the complaint. The City of Canandaigua will document reports of construction site complaints, with the following information:

- Date of the report

- Location of the construction site
- Nature of the complaint
- Follow up actions taken or needed
- Inspection outcomes and any enforcement taken

Additionally, the City will release information to public requests, concerning SWPPP approvals, inspections, complaints or other relevant information.

### **Pre-Construction Meeting**

Prior to commencement of construction activities, the City of Canandaigua will hold a pre-construction meeting. The date, time, attendees and content of the meeting will be recorded and the record of this retained. The property owner or their representative, the contractor responsible for implementing the SWPPP, and a City representative must all attend the meeting in order to:

- Confirm the approved project has received, or will receive, coverage under the construction general permit or an individual SPDES permit
- Verify contractors and subcontractors selected by the owner/operator of the construction activity have at least one individual that has received four hours of DEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by SPDES General Permit for Stormwater from Construction Activities
- Review the construction oversight program and SWPPP and the City's expectations for compliance

### **Construction Site Inspections**

The City of Canandaigua Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the City of Canandaigua enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer. The City of Canandaigua will:

- Ensure individuals(s), responsible for construction site inspections, receive:
  - Four hours of DEC endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other Department endorsed entity. This training must be complete, within three (3) years of the Effective Date of Coverage (EDC) and every three (3) years thereafter
  - Document the completion of this requirement in the SWMP Plan
- Annually inspect all site construction activities identified in the pre-construction meeting. Inspections may be more frequent, as conditions merit. The City will document any deficiencies and record any corrective actions implemented
- Inspections after large stormwater events to determine the efficacy of stormwater BMPs
- All inspections will be documented using the DEC's "Construction Site Inspection Report Form" or the City's equivalent. Please refer to Appendix D for this form
- If any violations are found, the applicant and developer shall be notified either in writing or verbally of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer

### **Contractors Maintenance Responsibilities during construction**

- The applicant or developer of the land development activity or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related

appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 33%

- The applicant or developer or his or her representative shall be on site at all times when construction or grading activities take place and shall inspect and document the effectiveness of all erosion and sediment control practices
- For land development activities requiring a SWPPP, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site logbook
- Maintenance easement(s): Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City of Canandaigua to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the City of Canandaigua
- Maintenance after construction: The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
  - A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter
  - Written procedures for operation and maintenance and training new maintenance personnel
  - Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations
- Maintenance agreements: The City of Canandaigua shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The City of Canandaigua, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance

### **Construction Site Close-outs**

The City of Canandaigua will ensure a final construction site inspection is conducted and documented. This documentation must be maintained as part of the Stormwater records. The final construction site inspection must be documented. All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

The Notice of Termination is signed by the City of Canandaigua Code Enforcement Officer when it is determined that the project is completed, and records will be retained.

## **MCM 5 – Post Construction Runoff Control**

The City of Canandaigua maintains an enforcement program to ensure proper operation and maintenance of post-construction SMPs for new or redeveloped sites. This MCM is designed to promote the long-term performance of post-construction SMPs in removing pollutants from stormwater runoff.

### **Performance Guarantees**

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the City of Canandaigua in its approval of the stormwater pollution prevention plan, the City of Canandaigua may require the applicant or developer to provide financial sureties prior to construction. These financial sureties may include, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City of Canandaigua as the beneficiary. The security shall be in an amount to be determined by the City of Canandaigua based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the City of Canandaigua, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the City of Canandaigua. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

### **Maintenance Guarantee**

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the City of Canandaigua with financial sureties. These financial sureties may include, an irrevocable letter of credit renewed annually from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Canandaigua may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

### **Recordkeeping**

The City of Canandaigua may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

### **Enforcement**

Any development activity that is commenced without prior approval of a SWPPP shall be deemed a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law. Any violator may be required to restore land to its undisturbed condition

Plan approval and/or a development permit or a building permit issued may be suspended or revoked by the City after written notice is given to the owner or developer for any of the following reasons:

- Violation(s) of the conditions of the SWPPP
- Construction not in accordance with approved plans
- Charges in any circumstances which were the basis for the granting of a waiver or variance
- Noncompliance with a correction notice in relation to the construction of control practices or management facilities

The City may withhold a certificate of occupancy on the basis of failure to meet any substantial component of this chapter or to submit as-built plans, when required, at the completion of the project.

If there is any damage due to a violation of this chapter or if any soil, liquid or other material is caused to be deposited upon or to roll, flow or wash upon any public property, private property, watercourse or right-of-way in violation of this chapter, the person, firm, partnership, corporation, or other party responsible shall be notified and shall cause the same to be removed from such property or way within 36 hours of notice. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means, and the violation shall be remedied immediately. In the event it is not so remedied, the City shall cause such remedy as necessary, and the cost of such by the City shall be paid to the City by the party who failed to remedy the situation and shall be a debt owed to the City above and beyond the approved performance guarantee.

The Code Enforcement Officer shall have the authority to issue appearance tickets when the provisions of this Code are deemed to be in violation.

### **Inventory**

The City maintains an inventory of all post-construction SMPs installed after March 10, 2003. Sites developed prior to 2003 may also be listed. Please see Appendix E of Post Construction Management Sites. As new sites are constructed or new SMPs discovered, they will be added to the City's inventory. This inventory will be reviewed and updated annually as necessary.

The inventory will include:

- Street address or tax parcel
- Type
- Receiving water body name and class
- Date of installation
- Ownership
- Responsible party for maintenance
- Contact information for party responsible for maintenance
- Location of documentation depicting O&M requirements and legal agreements for post-construction SMP
- Frequency for inspection of post-construction SMP, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.)
- Reason for installation (e.g., new development, redevelopment, retrofit, flood control), if known
- Date of last inspection
- Inspection results
- Any corrective actions identified and completed

### **Inspection of Post-Construction SMPs**

The City will inspect post-constructions SMPs within the City at least annually. Inspectors will be trained as necessary. Changes to the City's inspection protocol may result in additional staff training. The City will perform all necessary maintenance and/or repair work as necessary on all of the SMPs which it owns. The City post-constructions SMPs inspections will be documented using a post-construction SMP Inspection Checklist – See *NYS DEC Stormwater tool box for the appropriate inspection form*. Inspections will be Level 1 inspections from NYS DEC Maintenance Guidance 2017. Level 1 inspections may be performed by: the property owners, property managers, HOA representatives, or municipal maintenance staff, interns or volunteers. A more in-depth Level 2

inspections may be performed by trained municipal staff while Level 3 inspections are performed by qualified professionals.

**Provisions for follow-up actions**

Should inspections of post-construction SMPs identify issues that need correction, the City will notify the party responsible for the maintenance and repair of the post-construction SMP within 30 days. The City's Code Enforcement Officers will be responsible for enforcing all corrective actions within 60 days of notification of the site owner.

## **MCM 6 – Pollution Prevention/Good Housekeeping**

The City of Canandaigua has developed and implemented a pollution prevention and good housekeeping program for municipal facilities and municipal operations to minimize pollutant discharges from its activities and facilities. This MCM is designed to ensure the City of Canandaigua's own activities do not contribute pollutants to surface waters of the State.

The City of Canandaigua has six stand-alone facilities, one dump lot, and fourteen parks, some of which have buildings. All parks and facilities are located within the City of Canandaigua, with the exception of the Water Treatment Plant and the dump lot which reside in the Town of Canandaigua. All of these facilities and parks are maintained by staff from the City's Department of Public Works, along with staff assigned to these buildings.

### **City of Canandaigua Facilities**

1. City Hall, 2 North Main Street
2. Department of Public Works, Hurley Building 205 Saltonstall Street
3. Fire Department, 335 South Main Street
4. Police Department, 21 Ontario Street
5. Water Resource Recovery Facility, 183 Saltonstall Street
6. Water Treatment Plant, 3772 West Lake Road
7. City Transfer Station, 4620 County Rd 46

### **City Parks**

1. Baker Park, Buffalo Street
2. Dog Park, Buffalo Street
3. Telyea Tot Lot, Telyea Street
4. Northeast Park, Chapel Street
5. Jefferson Park, Jefferson Street
6. Kershaw Park, Lakeshore Drive
7. Lagoon Park, Lakeshore Drive
8. Lake Front Park, Lakeshore Drive
9. Atwater Meadows, West Lake Drive
10. Gibson Street Park, Gibson Street
11. The Commons, South Main Street
12. Triangle Park, South Main Street
13. City Pier, Lakeshore Drive
14. Sonnenberg Park, Howell Street

With the exception of Northeast Park, which drains to Mud Creek, all other City parks and facilities drain directly to Canandaigua Lake or its tributaries. Some Parks are located directly on Canandaigua Lake, these parks are: Kershaw, Atwater Meadows, City Pier, Lake Front Park, and Lagoon Park. High priority City facilities are the Water Treatment Plant and the Water Resource Recovery Facility due to their chemical storage. The City's DPW is also a high priority facility due to its fueling stations, vehicle repair area, chemical storage (pesticides, fertilizer, batteries), tires, dumpsters, and salt storage. All other facilities and parks are low priority. As conditions change, this prioritization may be adjusted.

### **Facility Assessment**

1. High priority facilities will have a site specific SWPPP. This SWPPP will have:
  - a. A Stormwater Pollution Prevention Team
  - b. A General Site Description

- c. Summary of potential pollutant sources
  - d. Records of Spills and Releases
  - e. A site map
  - f. Documentation of BMPs
  - g. Site assessment records
  - h. Wet Weather Visual Monitoring Records
2. Low priority sites do not need a site specific SWPPP or wet weather monitoring
- a. Every five years these sites need a comprehensive site assessment

### **Best Management Practices for Municipal Facilities and Operations**

1. Training
  - a. Trainings will be completed for all staff as necessary
  - b. Trainings will be updated annually or as required
  - c. Records of all trainings will be retained
2. Minimize Exposures
 

Exposure of materials to rain, snow, snowmelt, and runoff must be minimized wherever possible, unless not technologically possible or not economically practicable and achievable in light of best industry practices. This also pertains to areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following BMPs:

  - a. Locate materials and activities inside or protect them with storm resistant coverings
  - b. Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas
  - c. Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems
  - d. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants
  - e. Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents
  - f. Use spill/overflow protection equipment
  - g. Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and also captures any overspray
  - h. Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks
  - i. Minimize exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners)
  - j. All City vehicles are washed inside where the waste water will be collected into the City stormwater catch basin
3. Follow a Preventative Maintenance Program
  - a. Implement a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and equipment and systems to prevent leaks, spills and other releases
  - b. Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems
  - c. Maintaining non-structural BMPs (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas)
  - d. Ensure vehicle wash water is not discharged to the surface waters of the State. Wash equipment/vehicles in a designated and/or covered area where wash water is collected to be recycled or discharged to the sanitary sewer

#### 4. Spill Prevention and Response Procedures

Minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, the City of Canandaigua must:

- a. Store materials in appropriate containers
- b. Label containers that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”)
- c. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas
- d. Develop procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible
- e. Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made
- f. Develop procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. Any spills must be reported in accordance with 6 NYCRR 750-2.7
- g. Following any spill or release, the City of Canandaigua must evaluate the adequacy of the BMPs identified in the municipal facility specific SWPPP. If the BMPs are inadequate, the SWPPP must be updated to identify new BMPs that will prevent reoccurrence and improve the emergency response to such releases

#### 5. Erosion and Sediment Controls

Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation. The City will consider if structural, vegetative or other BMPs are needed to limit erosion

#### 6. Manage Vegetated Areas and Open Spaces on Municipal Property

The City of Canandaigua will maintain vegetated areas on City property and right of ways

- a. Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer’s instruction
- b. Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting)
- c. Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted
- d. Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the MS4

#### 7. Salt Storage Piles

The City of Canandaigua uses salt for deicing surfaces. This pile is stored in a barn and action is taken when building this pile to minimize exposure time to reduce erosion.

#### 8. Waste, Garbage, and Floatable Debris

The City will keep all dumpster lids closed when not in use. The City will keep all City properties free of waste, garbage and debris. The City of Canandaigua has trucks which collect residential trash and recycling within the City of Canandaigua. These trucks are emptied each day at the Ontario County Landfill (operated by Casella Waste Systems). Residential brush, leaves, lawn clippings, and other biodegradable materials are dumped at the City’s transfer station. This material is eventually ground into mulch.

## **Municipal Operations & Maintenance**

City of Canandaigua municipal operations are: street and bridge maintenance; winter road maintenance; stormwater infrastructure maintenance; catch basins, open space maintenance; solid waste management; new construction and land disturbances; street sweeping; leaf collection; right-of-way maintenance; drinking water and waste water treatment; marine operations; or hydrologic habitat modification.

### **1. Training**

- a. All new hires in the Department of Public Works will be trained in municipal operations at the time of their hiring. All other staff will be trained at a minimum of every five years, or more frequently if necessary. Failure to follow municipal procedures may result in remedial or corrective action training. Changes to municipal procedures may trigger additional training. All training records will be documented and retained.

### **2. Corrective Action**

- a. The Department of Public Works will implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this SPDES general permit:
  - i. Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment
  - ii. Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment
  - iii. For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time

### **3. Catch Basin Inspection and Maintenance**

#### **a. Inspections**

- i. Inspection will be conducted at a frequency of 25% per year. Inspection information collected will include the date, locations, catch basin size, approximate level of trash, sediment, and/or debris captured at the time of clean-out
- ii. Areas near construction activities should be inspected more frequently
- iii. Catch basins within residential, commercial and industrial areas should be inspected frequently
- iv. Catch basins with recurring or history of issues should be inspected frequently
- v. Catch basins with confirmed citizen complaints on three or more separate occasions within the past twelve months

#### **b. Cleaning**

- i. Cleaning and inspections may occur at the same time
- ii. Within six (6) months after the catch basin inspection, catch basins which had trash, sediment, and/or debris exceeding 50% of the depth of the sump as a result of a catch basin inspection must be cleaned out
- iii. Within one (1) year after the catch basin inspection, catch basins which had trash, sediment, and/or debris at less than 50% of the depth of the sump as a result of a catch basin inspection must be cleaned out
- iv. City staff is not required to clean out catch basins if the catch basins are operating properly, if there is no trash, sediment, and/or debris in the catch basin
- v. Solids, trash or other debris must be removed
- vi. The most crucial part of cleaning a catch basin is cleaning or “jetting” the connections to other catch basins. These connections are part of the stormwater drainage system. Catch basins may have anywhere from one to four connections. Some of these connections may be a “cross over” which

crosses over to the other side of the street. When “jetting” a stormwater sewer line, sediment and water will be collected by the City’s vacuum truck

- vii. Properly manage (handling and disposal) materials removed from catch basins during clean out so that: water removed during the catch basin cleaning process will not reenter the MS4 or surface waters of the State. Material removed from catch basins is disposed of in accordance with any applicable environmental laws and regulations; and material removed during the catch basin cleaning process will not reenter the MS4 or surface waters of the State
- c. Maintenance and repair
  - i. Catch basins or drain inserts found to be collapsing or in need up repair will be replaced or repaired as soon as practical
- 4. Roads, Bridges, Parking Lots, and Right of Way Maintenance
  - a. Sweeping
    - i. The City of Canandaigua has a street sweeping program to ensure that all roads, bridges, parking lots and right of ways owned by the City are swept. All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as salting). This requirement is not applicable to uncurbed roads with no catch basins. Annually, from April 1 through October 31, roads in business and commercial areas must be swept. The City will prioritize sweeping areas of active construction or other areas likely to have sediment eroding. The City will also prioritize sweeping in the commercial district as well as along the City’s waterways. Areas in which the catch basins are collecting a significant amount of materials will also be swept more frequently
  - b. The City must stage road operations and maintenance activity (e.g. patching potholes) to reduce the potential discharge of pollutants to the MS4 or surface waters of the State. The City will routinely calibrate equipment to control salt/sand application rates
  - c. Restrict the use of herbicides/pesticide application to roadside vegetation as well as at City facilities and parks
  - d. Contain pollutants associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris) and ensure they don’t enter the surface waters of the State.

## **City Review & Corrective Actions**

GP-0-24-001 requires that the City's SWMP be reviewed and updated if necessary, by April 1 of each year. City staff within the Department of Public Works, specifically the Stormwater Officer, will be the primary reviewers of the City's SWMP. Deficiencies with the City's SWMP will be corrected as soon as practical.

## **References:**

- Final Permit for NYS DEC SPDES General Permit for Stormwater Discharges from MS4, Permit No. GP-2-24-001. Effective Date January 3, 2024.
- 2024 MS4 General Permit Fact Sheet
- Final Permit for NYS DEC Construction General Permit, Permit No. GP-0-25-001.
- NYS Stormwater Management Design Manual, July 31, 2024.
- NYS Standards and Specification for Erosion and Sediment Control (Blue Book), November 2016.
- Cicacenter.org
- NYS DEC website, various articles

# Appendix A

**City of Canandaigua Code can be accessed at [ecode360.com](http://ecode360.com)**

## **City's IDDE Ordinance**

### **ORDINANCE #2025-002**

#### **AN ORDINANCE ADOPTING CHAPTER 568 OF THE MUNICIPAL CODE TO PROHIBIT ILLICIT DICHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEM**

**WHEREAS**, the City of Canandaigua is committed to protecting the general health, safety, and welfare of its residents and visitors; and

**WHEREAS**, the City may adopt restrictions regarding pollutants to the municipal separate storm sewer system that are no designed to accept, process or discharge non-stormwater wastes; and

**THEREFORE, BE IT ENACTED** by the City Council of the City of Canandaigua, that:

**Section 1** A new Chapter 568 entitled Illicit Discharges, Activities and Connections to the Separate Storm Sewer System is hereby adopted as follows (*new language shown in italics, omitted language shown with strikethrough*):

#### ***Chapter 568***

#### ***Illicit Discharges, Activities and Connections to the Separate Storm Sewer System***

#### ***Chapter 568-1: Legislative Intent and Purpose***

*The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the City of Canandaigua through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:*

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;*
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;*
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;*
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and*
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.*

#### ***Chapter 568-2: Definitions and Word Usage***

*Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:*

*Best Management Practices (BMPs)*

*Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.*

#### *Clean Water Act*

*The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.*

#### *Construction Activity*

*Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.*

#### *Department*

*The New York State Department of Environmental Conservation.*

#### *Design professional*

*New York State licensed professional engineer or licensed architect.*

#### *Hazardous Materials*

*Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.*

#### *Illicit Connections*

*Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:*

- 1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or*
- 2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.*

#### *Illicit Discharge*

*Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.*

#### *Individual Sewage Treatment System*

*A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of*

*New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.*

*Industrial Activity*

*Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.*

*MS4*

*Municipal Separate Storm Sewer System.*

*Municipal Separate Storm Sewer System*

*A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):*

- i. Owned or operated by the City of Canandaigua);*
- ii. Designed or used for collecting or conveying stormwater;*
- iii. Which is not a combined sewer; and*
- iv. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2*

*Municipality*

*The City of Canandaigua*

*Non-Stormwater Discharge*

*Any discharge to the MS4 that is not composed entirely of stormwater.*

*Person*

*Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.*

*Pollutant*

*Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated 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.*

*Premises*

*Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.*

*Special Conditions*

- i. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.*
- ii. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program*

- must ensure no increase of the listed pollutant of concern to the 303(d) listed water.*
- iii. *Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.*
  - iv. *The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.*

*State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit*

*A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.*

*Stormwater*

*Rainwater, surface runoff, snowmelt and drainage.*

*Stormwater Management Officer (SMO)*

*An employee, the municipal engineer or other public official(s) designated by the City Manager to enforce this ordinance. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.*

*303(d) List*

*A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.*

*TMDL*

*Total Maximum Daily Load.*

*Total Maximum Daily Load*

*The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.*

*Wastewater*

*Water that is not stormwater, is contaminated with pollutants and is or will be discarded.*

**Chapter 568-3: Applicability**

*This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.*

**Chapter 568-4: Responsibility for Administration**

*The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this ordinance. Such powers granted or duties imposed upon the authorized enforcement*

official may be delegated in writing by the SMO as may be authorized by the City Manager.

#### **Chapter 568-5: Severability**

*The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.*

#### **Chapter 568-6: Discharge Prohibitions**

##### *A. Prohibition of Illegal Discharges.*

*No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in this ordinance. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:*

- i. The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the City has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from firefighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.*
- ii. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.*
- iii. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.*
- iv. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.*

##### *B. Prohibition of Illicit Connections.*

- i. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.*
- ii. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.*
- iii. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the City's MS4, or allows such a connection to continue.*

#### **Chapter 568-7: Prohibition Against Failing Individual Sewage Treatment Systems**

*No persons shall operate a failing individual sewage treatment system in areas tributary to the City's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:*

- i. *The backup of sewage into a structure.*
- ii. *Discharges of treated or untreated sewage onto the ground surface.*
- iii. *A connection or connections to a separate stormwater sewer system.*
- iv. *Liquid level in the septic tank above the outlet invert.*
- v. *Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.*
- vi. *Contamination of off-site groundwater.*

**Chapter 568-8: Prohibition Against Activities Contaminating Stormwater**

- A. *Activities that are subject to the requirements of this section are those types of activities that:
 
  - i. *Cause or contribute to a violation of the City’s MS4 SPDES permit.*
  - ii. *Cause or contribute to the City being subject to the Special Conditions as defined in of this ordinance.**
- B. *Such activities include failing individual sewage treatment systems as defined in Section 568-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality’s MS4 SPDES permit authorization.*
- C. *Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the City’s MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the City’s MS4 SPDES permit authorization.*

**Chapter 568-9: Requirement to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices**

- A. *Best Management Practices*  
*Where the SMO has identified illicit discharges as defined in Section 568-2 or activities contaminating stormwater as defined in Section 568-8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.*
  - i. *The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.*
  - ii. *Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 568-2 or an activity contaminating stormwater as defined in Section 568-8, may be required to implement, at said person’s expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.*
  - iii. *Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section at the completion of construction of the repair or replacement system.*

**Chapter 568-10: Suspension of Access to MS4 – Illicit Discharges in Emergency Situations**

- A. *The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.*
- B. *Suspension due to the detection of illicit discharge. Any person discharging to the municipality’s MS4 in violation of this law may have their MS4 access terminated if such termination would abate*

*or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.*

**Chapter 568-11: Industrial or Construction Activity Discharges**

*Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.*

**Chapter 568-12: Access and Monitoring of Discharges**

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- B. Access to Facilities.
  - i. The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
  - ii. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
  - iii. The City shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
  - iv. The City has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
  - v. Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
  - vi. If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

**Chapter 568-13: Notification of Spills**

*Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the*

*MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or email no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.*

#### **Chapter 568-14: Enforcement**

##### *A. Notice of Violation.*

*When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:*

- i. The elimination of illicit connections or discharges;*
- ii. That violating discharges, practices, or operations shall cease and desist;*
- iii. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;*
- iv. The performance of monitoring, analyses, and reporting;*
- v. Payment of a fine; and*
- vi. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.*

##### *B. Penalties*

*In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.*

#### **Chapter 568-15: Appeal of Notice of Violation**

*Any person receiving a Notice of Violation may appeal the determination of the SMO to the City Manager within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.*

#### **Chapter 568-16: Corrective Measures After Appeal**

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for*

access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

- B. *If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.*

**Chapter 568-17: Injunctive Relief**

*It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.*

**Chapter 568-18: Alternative Remedies**

- A. *Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:*

- i. The violation was unintentional*
- ii. The violator has no history of pervious violations of this Law.*
- iii. Environmental damage was minimal.*
- iv. Violator acted quickly to remedy violation.*
- v. Violator cooperated in investigation and resolution.*

- B. *Alternative remedies may consist of one or more of the following:*

- i. Attendance at compliance workshops*
- ii. Storm drain stenciling or storm drain marking*
- iii. River, stream or creek cleanup activities*

**Chapter 568-19: Violations Deemed A Public Nuisance**

*In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.*

**Chapter 568-20: Remedies Not Exclusive**

*The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.*

**Section 2** This ordinance shall be effective thirty (30) days following its enactment. All prior laws and parts of law in conflict with this law are hereby repealed.

# **Appendix B**

**City of Canandaigua Code can be accessed at [ecode360.com](http://ecode360.com)**

## **City of Canandaigua § 795 Stormwater Ordinance**

**A.** Upon approval of this chapter by the City Council of the City of Canandaigua, all site preparation and construction activities requiring approval under the chapter shall be in conformance with the provisions set forth herein.

**B.** No person, corporation, organization, or public agency may, on or after the effective date of this chapter, 1) initiate any land clearing, land grading, filling or earth moving, or other land-disturbing activities; 2) initiate a development project or construction activity; 3) pave an area with impervious surface; or 4) alter any drainage system without first preparing and submitting a stormwater pollution prevention plan and obtaining approval of said plan as required by this chapter, or obtaining a variance or waiver from this chapter, unless such activity is exempted by § **795-10** of this chapter.

### **§ 795-8 Development permits.**

**A.** A development permit shall be required for any land-disturbing activity which is subject to this chapter and which is undertaken independently of any development activity which is otherwise subject to City review and approval. No separate development permit shall be required for any land-disturbing activity which is subject to review and approval through the City Subdivision Regulations,<sup>[1]</sup> site plan review, special use permit, or building permit processes, nor for any City-sponsored land-disturbing or development activity.

**[1]** *Editor's Note: See Ch. **802**, Subdivision of Land.*

**B.** No development permit shall be issued until a stormwater pollution prevention plan has been submitted to and approved by the City, unless the land-disturbing activity which is the subject of the application is specifically exempted by this chapter.

**C.** The Code Enforcement Officer shall have authority to issue development permits for land-disturbing activities, upon his determination that the issuance of such development permit is in compliance with the provisions of this chapter.

### **§ 795-9 Authority to approve.**

**A.** The Planning Commission of the City of Canandaigua shall have the authority to review and approve, with modifications, approve conditionally, disapprove, or grant variances and waivers for all stormwater pollution prevention plans for any projects which are otherwise subject to Planning Commission approval.

**(1)** The Planning Commission shall transmit copies of all proposed Stormwater pollution prevention plans to the City Director of Public Works and to the Code Enforcement Officer for review and comment prior to acting to approve or disapprove such plans.

**(2)** The Planning Commission may, upon its discretion, refer any proposed Stormwater pollution prevention plans to other agencies and officials, including outside consultants and experts, for review and comment thereon, prior to acting to approve or disapprove such plans.

**(3)** Prior to approving such plan, the Planning Commission shall determine that the plan is in compliance with the performance standards and design criteria set forth in this chapter.

**B.** The City Director of Public Works shall review all stormwater pollution prevention plans for construction activities to be directly undertaken by the labor force of the City of Canandaigua and shall determine that said

plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to the commencement of any land-disturbing construction activity. The Director of Public Works may, at his discretion, refer such plans to other agencies and officials, including outside consultants and experts, for review and comment thereon.

**C.** The City Code Enforcement Officer shall review all Stormwater pollution prevention plans for all construction activities which are not subject to Planning Commission or City Council review and approval but for which a building permit is required.

**(1)** The Code Enforcement Officer may, at his discretion, refer copies of such plans to the Director of Public Works or other agencies and officials, including outside consultants and experts, for review and comment prior to the issuance of said building permit.

**(2)** The Code Enforcement Officer shall determine that said plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to the issuance of said building permit.

**D.** The City Council of the City of Canandaigua shall have the authority to review and approve, approve with modifications, disapprove, or grant variances and waivers for all Stormwater pollution prevention plans for any development projects submitted under the Planned Unit Development Ordinance, according to the procedures set forth therein, and shall determine that said plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to granting approval for the commencement of any land-disturbing activity. The City Council may, at its discretion, refer copies of such plans to the Director of Public Works or other agencies and officials, including outside consultants and experts, for review and comment prior to acting to approve or disapprove such plans.

**E.** Land-disturbing activities and construction activities undertaken for projects which are not otherwise subject to City review and approval, and for which no building permit is otherwise required, shall not be commenced until a development permit has been issued by the Code Enforcement Officer.

**(1)** The Code Enforcement Officer may, at his discretion, refer copies of such plans to the Director of Public Works or other agencies and officials, including outside consultants and experts, for review and comment prior to the issuance of said development permit.

**(2)** The Code Enforcement Officer shall determine that said plan is in compliance with the performance standards and design criteria set forth in this chapter, prior to the issuance of said development permit.

#### **§ 795-10 Exemptions.**

The following activities are exempt from the Stormwater pollution prevention plan requirement:

**A.** Agricultural activities, including household gardening and household landscape maintenance on existing developed lots.

**B.** Any maintenance, alteration, use or improvements to an existing structure not changing the quality, rate, volume or location of surface water discharge or the area of impervious surface.

**C.** Resurfacing or repair of an existing paved surface which does not decrease the permeability of the paved surface nor expand the area of pavement.

**D.** Construction of minor accessory structures not requiring excavation or grading and are not in a concentrated flow path.

**E.** Projects which are emergency in nature that are necessary to protect life or property, such as bridge, culvert, or pipe repairs and electrical service, gas line, or public utility restoration. The City Department of Public Works shall be notified within 48 hours of the initiation of such emergency activity. The Director of Public Works shall determine and approve of the emergency nature of such a project.

#### **§ 795-11 Waivers.**

**A.** A waiver of the stormwater pollution prevention plan requirement may be obtained by submitting an application. The application for a waiver shall contain:

- (1)** The name, address and telephone number of the developer and owner.
- (2)** A description and drawing of the proposed development.
- (3)** The location of the development.
- (4)** The reason for, and/or justification of, the waiver.
- (5)** Any other information requested by the City that is reasonable and necessary to evaluate the proposed development and potential runoff impacts.

**B.** The City may grant a waiver if it determines that the development is not likely to:

- (1)** Increase or decrease the rate or volume of surface water runoff.
- (2)** Have any adverse impact on a wetland, watercourse or water body.
- (3)** Contribute to the degradation of water quality.
- (4)** Adversely impact neighboring properties.

**C.** The following types of development shall not be eligible to receive a full waiver, but the Code Enforcement Officer may waive certain requirements of the basic stormwater pollution prevention plan:

- (1)** Land-clearing or earthmoving and land-grading projects involving:
  - (a)** An area of 5,000 square feet or greater.
  - (b)** Site preparation, construction activity, or other land-disturbing activity 500 square feet or greater within 100 feet of a wetland, an open watercourse, or Canandaigua Lake.
  - (c)** Site preparation on slopes which exceed 1 1/2 feet of vertical rise to 10 feet of horizontal distance (or site preparation in the areas of severe erosion potential where such areas have been mapped).
  - (d)** Site preparation within the one-hundred-year floodplain of any watercourse delineated on the U.S. Department of Housing and Urban Development (HUD) Flood Hazard Maps.
  - (e)** Excavating or filling which exceeds a total of 100 yards of material within any parcel or contiguous parcel.
- (2)** The installation of impervious surfaces 2,000 square feet or greater in area.
- (3)** Any new paving within two feet of a property line.

#### **§ 795-12 Variances.**

The Zoning Board of Appeals may grant a written variance from any requirement of these regulations in those cases wherein the Planning Commission or the Code Enforcement Officer has the authority under § 795-9 if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of these regulations. A written request for variance shall be provided to the Zoning Board of Appeals and shall state the specific variances sought and the reasons for their granting. The Zoning Board of Appeals shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the applicant.

#### **§ 795-13 City-sponsored construction activity.**

All construction activities and/or other land-disturbing activities undertaken by or on behalf of the City of Canandaigua shall comply with the performance standards and design criteria set forth in this chapter but shall not require the issuance of a development permit. Such projects which are to be undertaken by a private contractor on behalf of the City of Canandaigua shall include a Stormwater pollution prevention plan as part of the project design documents.

#### **§ 795-14 Application procedures.**

Stormwater pollution prevention plan application forms and supporting information shall be submitted to the City agency having authority to approve such plan under § [795-9](#) of this chapter, according to the following timetables and procedures:

**A. Planning Commission.**

**(1)** Plans shall be submitted to the Director of Development and Planning at least two weeks prior to the date of any regularly scheduled Planning Commission meeting at which the plan is to be considered.

**(2)** The Planning Commission shall determine whether the plan is complete, or whether any additional information or data is required, within two weeks of the date of its regularly scheduled meeting following the submittal of the application.

**(3)** The Planning Commission shall act to approve or disapprove stormwater pollution prevention plans within the time frames set forth for the other approvals under its jurisdiction to which the development project is subject or within 60 days of the date upon which the plan is determined to be complete.

**B. City Council.**

**(1)** Stormwater pollution prevention plans submitted for a planned unit development project shall be submitted to the City Manager, who shall coordinate staff review and schedule review by City Council or a committee thereof according to the timetables set forth in the PUD Ordinance.

**(2)** Stormwater pollution prevention plans for a City-sponsored construction activity which is being undertaken by a private contractor on behalf of the City shall be submitted to the Director of Public Works, who will conduct a staff review and transmit the plan, if deemed complete, to the City Manager, who will schedule a review by the City Council or a committee thereof.

**C. Code Enforcement Officer.**

**(1)** Stormwater pollution prevention plans submitted pursuant to the issuance of a building permit or a development permit for a land-disturbing activity other than a City-sponsored construction activity shall be submitted to the Code Enforcement Officer, who shall determine whether the plan is complete or whether any additional data or information is required within two weeks of the date of submittal.

**(2)** The Code Enforcement Officer shall issue any development permit within two working days of his own determination that the plan meets the performance standards and design criteria of this chapter or of the approval of the plan by the City Council when the City Council has such authority under § [795-9D](#).

**§ 795-15 Contents of stormwater pollution prevention plan.**

**A.** SWPPPs are broken down into two levels (basic and full) based on the site and watershed conditions.

Conditions necessitating a full SWPPP can be seen in § [795-15B](#). All SWPPPs shall provide the following background information on erosion and sediment controls:

**(1)** Background information about the scope of the project, including location, type and size of project;

**(2)** Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should 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); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). The site map will be at a scale no smaller than one inch equals 50 feet;

**(3)** A description of the soil(s) present at the site;

**(4)** A construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and

Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;

(5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(6) Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;

(8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(10) Temporary practices that will be converted to permanent control measures;

(11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place;

(12) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(13) Name(s) of the receiving water(s);

(14) Delineation of SWPPP implementation responsibilities for each part of the site;

(15) A description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

(16) Any existing data that describes the stormwater runoff at the site.

**B.** Full SWPPP conditions. Land development activities as defined in § 795-6 and meeting Condition A, B or C below shall complete a full SWPPP that also includes water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in § 795-15C below as applicable:

(1) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment. There are no 303(d) or TMDL water bodies within the City of Canandaigua as of the adoption of this chapter, but this information may change in the future.

(2) Condition B: Stormwater runoff from land development activities disturbing two or more acres.

(3) Condition C: Stormwater runoff from land development activity disturbing between one and two acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

**C.** SWPPP requirements for Conditions A, B and C:

(1) All information in § 795-15A . of this chapter.

(2) Description of each postconstruction stormwater management practice.

(3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice.

(4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.

(5) A comparison of postdevelopment stormwater runoff conditions with predevelopment conditions.

**(6)** Demonstrate that the overall stormwater management practice meets the requirements of Chapter 10 of the New York State Stormwater Management Design Manual: Enhanced Phosphorus Removal Supplement.

**(7)** Dimensions, material specifications and installation details for each postconstruction stormwater management practice.

**(8)** Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.

**(9)** Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

**(10)** An inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § **795-20** of this chapter.

**D.** Plan certification. Land development activities that meet Conditions A, B or C of § **795-15B** shall have the SWPPP prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

**E.** Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

**F.** Contractor certification.

**(1)** Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

**(2)** The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

**(3)** The certification statement(s) shall become part of the SWPPP for the land development activity.

**G.** A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

#### **§ 795-16 Plan review and approval process.**

**A.** The SWPPP shall be reviewed by the following process:

**(1)** During the SEQR process, preceding or coterminous with the preliminary review phase, information to the standards and design criteria as set forth in § **795-18** of this chapter will be set forth during the submission of the overall plan.

**(2)** The City will review the information as submitted, and because it is preliminary action and not final, City action shall be given as conceptual approval, with modification, or disapproval.

**(3)** If preliminary approval or approval with modification is given, the next step can be submission of a final application wherein requested modifications shall be satisfied.

**(4)** Preliminary approval may be waived by the City if the project is small in scope and all required information is provided and deemed adequate.

**B.** The SWPPP shall be consistent with the purposes and objectives of this chapter.

**C.** No SWPPP will be approved without certification by the owner or developer that all work will be accomplished pursuant to the plan and of the right of the City to conduct on-site inspections before, during and at the conclusion of construction activities.

**D.** The City may attach to its approval of any SWPPP any conditions which it deems necessary to assure compliance with the terms of this chapter, to prevent the creation of a nuisance to public health and safety or a dangerous condition, or to avoid unwarranted sediment accumulation or water pollution.

**E.** Approved plans shall remain valid for one year from the date of approval. This time period may be extended by the City at its discretion.

**F.** Major modifications of the terms and conditions of approved plans shall follow the same application, review, and approval procedures set forth in this section for the original approval.

#### **§ 795-17 SWPPP inspections.**

**A.** Erosion and sediment control inspections.

**(1)** The City of Canandaigua Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the City of Canandaigua enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

**(a)** An initial inspection prior to final approval of the plan.

**(b)** Installation of sediment and erosion control measures.

**(c)** Start of construction.

**(d)** Completion of site clearing.

**(e)** Completion of rough grading.

**(f)** Inspections of an underground drainage or stormwater conveyance prior to backfilling.

**(g)** Completion of final grading.

**(h)** Close of the construction season.

**(i)** Completion of final landscaping.

**(j)** Successful establishment of landscaping in public areas.

**(k)** A final inspection of all sediment and stormwater management structures and facilities when work on these facilities has been completed.

**(2)** If any violations are found, the applicant and developer shall be notified either in writing or verbally of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

**B.** Stormwater management practice inspections. The City of Canandaigua Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

**C.** Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair

records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

**D.** In addition to the required inspections, designated inspectors may inspect sites as frequently as necessary to assure compliance with the provisions of this chapter and any conditions attached to plan approval.

**E.** The inspections specified by Subsections **A** through **D** may be performed by any of the following, at the City's discretion, on a case-by-case basis:

**(1)** Designated City Department of Public Works personnel.

**(2)** Designated City Code Enforcement Department personnel.

**(3)** Engineering firms or other outside consultants under contract to the City of Canandaigua to perform such inspections.

**(4)** Engineering firms or other outside consultants under contract to a contractor employed by the City of Canandaigua for the City-sponsored construction activity.

**(5)** Engineering firms or other outside consultants employed by a developer.

**F.** Engineering firms performing the inspections required by § **795-17A** shall certify to the City by the submission of reproducible (Mylar) as-built plans that construction of stormwater management facilities and structures conforms to the approved plan.

**G.** Submission of reports. The City of Canandaigua Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

**H.** Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the City of Canandaigua the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection **C**.

## **Appendix C**

City of Canandaigua Street Sweeper, Vehicle S-26, 2024 Bucher City Cat 5006, 7.3 yard capacity

Vehicle operates from March to December typically, if the roads are free of snow

Vehicle targets sweeping each road twice a month. Prioritizes commercial district & parade routes. Typically sweeps 7-10 miles per day.



**City of Canandaigua Leak Vacuum Truck, Vehicle T-56, 2025 Peterbilt with Titan Leaf Body. 23 yard capacity.**

Vehicle operates from the last week in October to December if the leaves are snow free.



## **Appendix D**

### **NYS DEC's SWPPP Inspection Checklist**

This document can be found at: [Cicacenter.org/pdf/nyinspectionreport.pdf](http://Cicacenter.org/pdf/nyinspectionreport.pdf)



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER**



Construction Stormwater Inspection Report (for SPDES General Permit GP-02-01)

Project Name and Location: Municipality: County:	Date:	Page 1 of _____
	Permit # (if any): <b>NYR</b>	
	Entry Time:(ex. 1:10 am)	Exit Time:
On-site Representative(s): Phone Number:	Weather Conditions:	
Name and Address of SPDES Permittee/Title/Phone/Fax Numbers:      Contacted Yes      No		

**INSPECTION CHECKLIST**

**SPDES Authority**

Yes	No	N/A	<u>Citation</u>
1.			Is a copy of the NOI posted at the construction site for public viewing?      GP-02-01: I.D.5.
2.			Is an up-to-date copy of the signed SWPPP retained at the construction site?      GP-02-01: III.B.1. & IV.C.
3.			Is a copy of the SPDES General Permit retained at the construction site?      6 NYCRR 750-2.1(a)

**SWPPP Content**

Yes	No	N/A	<u>Citation</u>
4.			Does the SWPPP describe and identify the erosion & sediment control measures to be employed?      GP-02-01: III.D.2.a.(7) & (8)
5.			Does the SWPPP provide a maintenance schedule for the erosion & sediment control measures?      GP-02-01: III.D.2.a.(12)
6.			Does the SWPPP describe and identify the post-construction SW control measures to be employed?      GP-02-01: III.D.2.b.(2) & (3) 7.
			identify the contractor(s) and subcontractor(s) responsible for each measure?      GP-02-01: III.E.1.      Does the SWPPP
8.			Does the SWPPP include all the necessary contractor certification statements?      GP-02-01: III.E.2.
9.			Is the SWPPP signed/certified by the permittee?      GP-02-01: V.H.2.

**Recordkeeping**

Yes	No	N/A	<u>Citation</u>
10.			Are inspections being performed as required by the permit (every 7 days and after ½" rain event)?      GP-02-01: III.D.3.b.
11.			Are the site inspections being performed by a qualified professional?      GP-02-01: III.D.3.a.
12.			Are all required reports signed/certified by the permittee?      GP-02-01: V.H.2.
13.			Does the SWPPP include copies of the monthly/quarterly written summaries of compliance status?      GP-02-01: IV.D.

**Visual Observations**

Yes	No	N/A	<u>Citation</u>
14.			All erosion and sediment control measures have been installed/constructed?      GP-02-01: III.A.2.
15.			All erosion and sediment control measures are being maintained properly?      GP-02-01: V.L.
16.			Are there currently more than 5 acres of disturbed soil at the site without prior approval?      GP-02-01: III.D.2.a.(4)
17.			Have stabilization measures been initiated in inactive areas?      GP-02-01: III.D.4.
18.			Are permanent stormwater control measures being implemented?      GP-02-01: III.A.2.

19. Was there a discharge into the receiving water on the day of inspection?

20. Is there evidence of turbidity, sedimentation, or oil in the receiving waters? (If yes, complete Page 2) ECL 17-0501,

6 NYCRR 703.2

<b>Overall Inspection Rating:</b> Satisfactory      Marginal      Unsatisfactory	
<b>Name/Agency of Lead Inspector:</b>	<b>Signature of Lead Inspector:</b>
<b>Names/Agencies of Other Inspectors:</b>	

Rev. 05-18-04

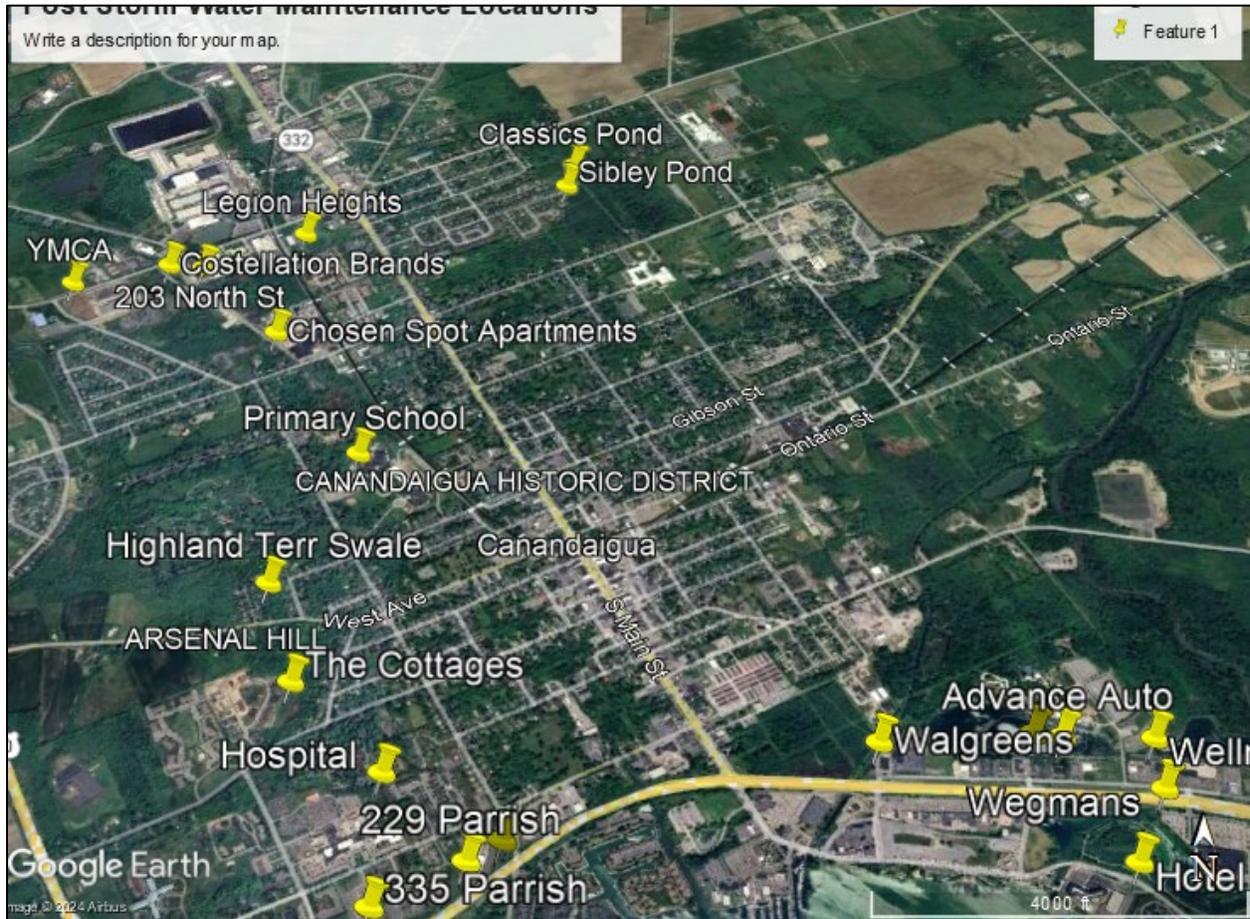
Describe the discharge(s) [source(s), impact on receiving water(s), etc.]  
Describe the quality of the receiving water(s) both upstream and downstream of the discharge

Describe any other water quality standards or permit violations

.....  
Additional Comments:

# Appendix E

## Post-Construction Inspection Areas



## **Appendix F**

### **NYS DEC's SWPPP Acceptance Form**

Can be found at: [https://dec.ny.gov/sites/default/files/2025-01/appg\\_swpppacceptanceform.pdf](https://dec.ny.gov/sites/default/files/2025-01/appg_swpppacceptanceform.pdf)

NYS Department of Environmental Conservation



Department of  
Environmental  
Conservation

Division of Water  
625 Broadway, 4th Floor  
Albany, New York 12233-3505

**MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance  
Form for**

**Construction Activities Seeking Authorization Under SPDES General Permit**

\*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

**I. Project Owner/Operator Information**

1. Owner/Operator Name:

2. Contact Person:

3. Street Address:

4. City/State/Zip:

**II. Project Site Information**

5. Project/Site Name:

6. Street Address:

7. City/State/Zip:

**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:

12. MS4 SPDES Permit Identification Number: NYR20A

13. Contact Person:

14. Street Address:

15. City/State/Zip:

16. 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 question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). Note: The MS4, 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 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

**VI. Additional Information**