

Exhibit 22

SWPPP Inspection and Enforcement Policy

1. Purpose

The purpose of this stormwater construction inspection document is to provide guidance to inspectors, staff, and contractors in the procedures and expectations for conducting Stormwater Pollution Prevention Plan (SWPPP) compliance inspections at construction sites within the Town of North Greenbush (Town). The guide focuses primarily on the Town's role in the inspection procedure, but does address other inspections performed by third-party entities.

2. Compliance Inspection Types

There are three types of inspections addressed within this Guide, as follows:

Comprehensive Inspections. Comprehensive Inspections are intended to be thorough and are designed to verify that the permittee is in compliance with applicable regulatory requirements, effluent controls, compliance schedules and other measures outlined in the project SWPPP. This type of inspection involves the review of records; visual observations; evaluations of management practices, effluents and receiving waters; the formal documentation of inspection findings; notification of permittee of any observed deficiencies; and the expectation of the timeframe in which deficiencies are to be addressed. The Comprehensive Inspection is typically conducted by a qualified Town or Town Designated Engineer (TDE) representative for compliance with the Town's MS4 program. A copy of the Town's SWPPP Inspection Form and associated cover letter is attached to this Exhibit.

Reconnaissance Inspections. Reconnaissance Inspections are less formal than Comprehensive Inspections and are typically conducted on a smaller scale. This type of inspection may be undertaken in response to known or suspected violations, public complaints, regulatory requirement violations, or as a follow-up to verify actions that were to be undertaken as part of previous inspections. As with Comprehensive Inspections, Reconnaissance Inspections are typically conducted by a Town or TDE representative.

Self-Inspections. When required by the State Discharge Elimination System (SPDES) Permit or otherwise specified by the Town, the site owner/operator shall contract a qualified professional, approved by the Town, to conduct Self-Inspections at the project site. For Self-Inspections, the qualified professional shall determine whether or not the site is being managed in accordance with the SWPPP and whether or not the SWPPP's recommended erosion and sediment control measures are effective. If items are out of compliance with the SWPPP, or SWPPP erosion and sediment controls are not effective, the qualified professional inspecting the site recommends corrections to the owner/operator and notifies the Town of these items.

The Town shall not conduct Self-Inspections on behalf of the owner/operator.

Inspections may be announced or unannounced, with unannounced inspections being preferred as long as it is safe to do so.

3. Inspector/Contractor Training and Documentation

Inspectors, whether working for the Town, a TDE representative, or a third party, are required to have the following training and documentation in order to be able to conduct site inspections:

- Training, such as the New York State Department of Environmental Conservation (NYSDEC) 8-Hour Erosion and Sediment Control Training or approved equal. The training shall be up-to-date and a copy of the Training Certificate shall be on file with the Town Building Department.
- A wallet card indicating proof of training, which must be carried on-person to the inspection site.
- A picture ID, which must be carried on-person to the inspection site.

4. Inspection Frequency and Prioritization

Inspections shall be conducted at the minimum following frequencies:

- Comprehensive Inspections shall be completed by the Town or the TDE representative at least once every 30 days for sites subject to Self-Inspections. For sites without Self-Inspections, Comprehensive Inspections shall be completed at least every 7 days for sites with under 5 acres of disturbance; twice every seven days for sites with over five acres of disturbance; and following a rainfall event of at least one-half inch.
- There is no frequency requirement for Reconnaissance Inspections.
- Self-Inspections shall be completed at least every 7 days for sites with under 5 acres of disturbance; twice every seven days for sites with over five acres of disturbance; and following a rainfall event of at least one-half inch.

Barring any readily evident or unique site conditions, inspections shall be prioritized and conducted in an order of precedence based upon the following general criteria:

- Sites where a rainfall event of at least one-half inch has occurred to verify the continued integrity of stormwater management components.
- New construction sites in which SWPPP measures are being initially installed and stabilized.
- Sites with a history of SWPPP violations.
- Sites in close proximity to a NYSDEC or ACOE wetland or adjacent to substantial waterbodies.
- Sites over 5 acres in area.

On the Town of North Greenbush Stormwater Management Project Spreadsheet, projects shall be identified as having one of the following Priorities:

- **High:** This category includes new construction sites in which SWPPP measures are being initially installed and stabilized; active sites with a history of SWPPP violations; sites in close proximity to a DEC or ACOE wetland or adjacent to substantial waterbodies; sites over 5 acres in area; and sites otherwise deemed as High Priority by the Town. Since the rainfall event criteria can be applied to any site, it is not in itself a reason to identify a particular site as High Priority.
- **Medium:** This category includes all other sites engaged in standard construction activities and not otherwise covered by one of the other Priority categories.
- **Low:** This category includes sites on which work is not currently occurring and the site is stabilized.

For sites in which NYSDEC lists the permit coverage as Terminated, no priority is assigned.

5. Pre-Inspection Preparation

The following items are to be completed prior to traveling to the construction site for an inspection:

- Notify the office of the time and location of the upcoming inspection.
- Coordinate the inspection with any other regulatory or oversight authorities they may be conducting inspections at the job site, as applicable.
- Verify that proof of credentials are on your person, including a photographic ID and any training certificates (wallet cards) associated with the tasks to be performed.
- Prepare the Field Inspection Form with static information such as the inspector's name, the project location, the permit number and other such details as can be entered prior to traveling to the site. A copy of the inspection form is included with this document.
- Review the SWPPP, past inspection reports, phasing plan, construction sequence, Consent Orders, site-specific issues and other pertinent project paperwork and drawings.
- Assemble any personal protective equipment, monitoring equipment, tape measures, cameras and other tools or apparatus as may be required to conduct the inspection or enter the job site.

6. On-Site Inspection Process

The following general procedure shall be used while conducting Comprehensive Inspections:

- Notify the Construction Manager or designated Person-in-Charge identified during the preconstruction kickoff meeting that an inspection is taking place.
- Complete the remainder of the Field Inspection Form header sections for specific site conditions at the time of the inspection such as times and conditions, including current weather as well as weather conditions since the last inspection, if noteworthy.
- Review on-site records. At a minimum, copies of the following items are to be kept in a known location at the project site and should be verified:
 - Construction stormwater permit.
 - Notice of Intent (NOI).
 - SWPPP.
 - Prior Town inspection reports.
 - Prior Self-Inspection reports.
- Conduct a site walk. At a minimum, the following items should be visually inspected and noted, with supporting digital photographs as required:
 - The location and characteristics of waters entering the site (receiving waters).
 - The location and characteristics of waters leaving the site and any descriptions or evidence of previous or ongoing discharges of sediment or other pollutants from the site.
 - Stabilized construction entrances and concrete washout areas.
 - Material storage or stockpiling areas.
 - Disturbed areas not currently being worked.
 - Dewatering operations.
 - Sloped areas, particularly those under construction and requiring stabilization.
 - The installation and maintenance of stormwater control measures or best management practices (BMPs) listed in the SWPPP such as silt fencing, storm drain inlet protection, swales, check dams and other measures.
 - Locations where BMPs are installed but are failing to operate as designed or intended.
 - Locations where additional BMPs are needed but do not currently exist.

7. Post-Inspection Exit Interview

When the inspection is complete, conduct a post-inspection exit interview with the site foreman or designee. The following items shall be discussed:

- Noted deficiencies for installed BMPs requiring maintenance, upkeep or restoration and the expected timeline to address the issues.
- The contractor's plan for addressing the noted deficiencies. It should be noted that, for deficiencies and design shortcomings, the Town does not want to dictate the action to

be taken. Rather, it is the job of the site manager or their design engineer to propose solutions to noted deficiencies.

- The schedule for initiating and completing work for the noted deficiencies. Work on deficient areas is to begin within 24 hours and be completed as quickly as possible, within reason.
- Shortcomings in the BMPs that require engineering design changes or additions to the SWPPP and the expected timeline to address the items.
- Consequences for not addressing items in a timely manner.

If possible, a copy of the inspection checklist should be signed by the site manager as an acknowledgement of the items discussed and intended path forward.

8. Post-Inspection Documentation

Following a Comprehensive Inspection or Reconnaissance Inspection, the inspector should take the following steps once returning to the office:

- Compile the inspection notes and photographs into a single, multi-page document and scan the document electronically.
- Use the Stormwater Compliance Inspection Cover Letter Template (included as part of this exhibit) to create a cover letter addressed to the Owner/Operator pertaining to the specific inspection performed.
- Send a copy of the cover letter and inspection report to the site manager or other Owner/Operator contact with a read receipt request. If the inspection is conducted on behalf of the Town by a TDE representative, the Town Building Department is to be copied on the e-mail. This should be done the day of the inspection, but no later than two days following the inspection.
- For Comprehensive Inspections in which a deficiency has been noted, the cover letter shall indicate such and should also note or request a response to the following:
 - The recipient is to indicate the manner in which the deficiency will be rectified, if not already addressed by the SWPPP.
 - The Town expects work associated with addressing the deficiency to begin within 24 hours of the notification of the deficiency, and for the contractor to indicate why this will not occur.
 - The contractor's estimated time of completion for work to address the deficiency.
 - The potential Town's next step(s) in the event that the deficiency is not addressed.

It is understood that this may be redundant to items discussed in the Post-Inspection Exit Interview. However, this will reiterate the fact that the Town is looking to move to a policy that steps away from just verbal communication to a more formal, documented system, particularly for items requiring attention.

- Place a copy of the inspection report and photographs in the Town's Inspection Binder and update the Stormwater Management Project Spreadsheet.

Following a Self-Inspection, the inspector should take the following steps once returning to the office, as they relate to the Town, in addition to any internal procedures:

- Send an electronic copy of the inspection to the Building Department. This should be done the day of the inspection, but no later than the following morning.
- For Self-Inspections in which a deficiency has been noted, the e-mail header line and body of the e-mail should indicate such and should also note the following:
 - The manner in which the deficiency will be addressed.
 - The contractor's estimated time to start and complete work to address the deficiency. (Note that the Town expects work to rectify the deficiency to begin within 24 hours of the notification of the deficiency).
- Place a copy of the inspection report and photographs at the site's SWPPP box. For sites with deficiencies, this is to be done within 24 hours. If no deficiencies were noted, this report and photographs shall be placed in the site's SWPPP box within 72 hours.

9. Enforcement Escalation

The operator/landowner, applicant, site manager and any contractor/subcontractor (Contractor) working within the Town of North Greenbush (Town) must comply with all conditions of a SWPPP submitted pursuant to the Town's Local Law. In the event that the Town determines that a land development activity is not being carried out in accordance with the requirements of this Local Law, the Building Inspector, Zoning Officer, Town Engineer, or an appointed designee (Officer), shall take the following steps to address the violation:

- **Initial Notification:** The Contractor will be notified of the violation(s) and told that work for addressing the violation(s) is to begin within 24 hours and shall be completed as quickly as is practicable. This communication should be in writing, but may be verbal, and if so, is to be documented in the Officer's daily notes.
- **Second Notification/Notice of Violation:** If the Contractor fails to address the Initial Notification item(s), the Officer shall issue a written Notice of Violation to the Contractor subject to the provisions of this local law. The Notice of Violation shall contain:
 - The name and address of the operator/landowner, developer, or applicant;

- The address of the site or a description of the building, structure or land upon which the violation is occurring;
- A statement specifying the nature of the violation;
- A description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action; and
- A statement of the penalty or penalties that can be assessed against the person to whom the notice of violation is directed.

Within fifteen (15) days of notification of violation, or as otherwise provided by the Town, the violator shall take the remedial measures necessary to bring the land development activity into compliance with this local law.

- **Stop Work Order:** If the Contractor fails to respond to the Town's request to remedy violations, a Stop Work Order may be issued. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violation(s) identified in the stop work order. The Town reserves the right to keep the Stop Work Order in place for all work on the site other than items associated with addressing the violation or may lift the Stop Work Order entirely if work on the violation proceeds at an acceptable pace. It shall be conveyed to the Contractor that failure to address a Stop Work Order in a timely manner may result in civil, criminal, and/or monetary penalties in accordance with this Local Law.
- **Fines and Penalties:** The Town may issue a fine for the failure to address violations. Additionally, any person violating any of the provisions of this Local Law may be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Local Law is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation may be punished by a fine of not more than \$250 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Local Law shall be required to bear the expense of such restoration.
- **Regulatory Agency Involvement:** The Town may choose to involve the governing regulatory agency, such as NYSDEC or ACOE, in the enforcement procedure. To the extent that the noncompliance with this Local Law constitutes a violation of the New York State Environmental Conservation Law, there may be substantial criminal, civil, and administrative penalties depending upon the nature and degree of the offense. Any penalties levied by regulatory agencies will be independent of penalties levied by the Town.
- **Withholding Certificate of Occupancy:** If any building or land development activity is installed or conducted in violation of this Local Law, the Officer may prevent the occupancy of said building or land.

- Restoration of Lands: Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.



XXXX XX, 2021

Contractor Name
Address
Address
Address

Re: Notice of Town SWPPP Oversight Inspection
Project Name, NYR-Permit Number

Attn: Contact Name

Dear Mr. XXXX,

The Town of North Greenbush (Town) is a New York State Department of Environmental Conservation (NYSDEC) designated Municipal Separate Storm Sewer Systems (MS4) operator. As such, the Town is required to implement a Stormwater Management Program, which includes performing Stormwater Pollution Prevention Plan (SWPPP) construction activity oversight and enforcing the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Associated with Construction Activities regulations.

In compliance with these regulations, the Town reviewed your construction site activities, record keeping, and the implementation of your SWPPP for the above referenced project site on XXXX XX, 2021. Based upon the attached Compliance Inspection Report, your site was found to be **un-satisfactory** with regards to implementing the project SWPPP. You are directed to cease earthwork activity except for corrective action and to:

- Review your project SWPPP with your Qualified Inspector;
- Implement Best Management Practices to effectively comply with your SWPPP;
- Review the Construction General Permit Requirements; and
- Implement the corrective actions indicated in the attached Compliance Inspection Report to comply with the SWPPP within one day of receipt of this letter and to complete these actions in a reasonable time.

If you are unable to implement corrective actions within one day of the receipt of this letter, or cannot implement them in a manner consistent with the SWPPP, you must notify the Town, immediately and in writing, why this is so and propose an alternate remediation plan for addressing the deficiencies as well as a revised schedule for their implementation.

Please note that the Construction General Permit requires that the owner or operator, its contractors, subcontractors, agents and/or assigns who obtained coverage under the Permit certify that they have read or been advised of the Permit conditions, understand them, and agree to comply with all terms and conditions of the Permit. Failure to implement the corrective actions outlined in the Compliance Inspection Report may result in the following actions:

- Issuance of a Stop Work Order;



- Denial of Building Permit and Certificate of Occupancy Requests; and
- Assessment of fines, regulatory agency notification and/or further legal action.

Please contact the Town when the deficiencies outlined in the Compliance Inspection Report have been corrected so that they can be re-inspected for compliance. If you have any questions or comments or would like further clarification on the items discussed within this letter, please do not hesitate to call the Building Department.

Thank you for your cooperation and prompt attention in this matter.

Regards,



Mike Miner, Building Inspector



Town of North Greenbush

2 Douglas Street
Wynantskill, NY 12198
Office: (518) 283-2714
Cell: (518) 912-1568

OR



Eric Westfall, PE



Town of North Greenbush

2 Douglas Street
Wynantskill, NY 12198
Office: (518) 283-2714 x14
Cell: (518) 491-6824

Attachments: Compliance Inspection Report

Cc: File
Building Department
XXXXXXXXXX



Town of North Greenbush Stormwater Compliance Inspection Report

Project Information

Project Name: _____

Name & Address of SPDES Permittee: _____

On-site Representative: _____

Contractor Name: _____

Inspection Date: _____

Permit #: _____

Weather Conditions: _____

SPDES Authority

-Is a copy of the NOI Posted at the construction site for public viewing?	YES	NO	N/A
-Is an up-to-date copy of the signed SWPPP retained at the construction site:	YES	NO	N/A
-Is a copy of the SPDES General Permit retained at the construction site?	YES	NO	N/A

SWPPP Content

-Does the SWPPP describe and identify erosion and sediment control measures to be employed?	YES	NO	N/A
-Does the SWPPP provide a maintenance schedule for the erosion and sediment control?	YES	NO	N/A
-Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?	YES	NO	N/A
-Does the SWPPP include all the necessary öCONTRACTOR CERTIFICATIONö statements?	YES	NO	N/A



Is the SWPPP signed/Certified by the Permittee? YES NO N/A

Recordkeeping

-Are the inspections performed as required by the permit (every 7 days and after ½" rain event)? YES NO N/A

-Are inspections performed by a qualified professional? YES NO N/A
 Name: _____

Are all required reports properly signed/certified? YES NO N/A

Visual Observations

-Are all erosion and sediment control measures installed/constructed? YES NO N/A

-Are all erosion and sediment control measures maintained properly? YES NO N/A

-Have all disturbances of 5 acres or more been approved prior to disturbance? YES NO N/A

-Are stabilization measures initiated in active areas? YES NO N/A

-Are permanent stormwater control measures implemented? YES NO N/A

-Evidence of turbidity, sedimentation or oil found offsite? YES NO N/A

-Was there a discharge into the receiving water on the day of the inspection? YES NO N/A

Water Quality Observations (Use Photo/Notes Section to Elaborate)

-Describe the discharge(s) [source(s), impact on Receiving water(s), etc] YES NO N/A

-Describe the quality of the receiving water(s) both upstream and downstream of the discharge YES NO N/A

-Describe any other water quality standards or Violations YES NO N/A

Water Quality Violations Notes YES NO N/A

Notes

Noted Deficiencies and Corrective Actions Summary

Noted Deficiency	Required Corrective Action

Photographs

Attach all reference photographs to the end of this report

Summary/Remarks

Overall Inspection Rating: _____

Name of Inspector: _____

Inspector's Signature: _____

Contractor's Acknowledgment: _____

