

**New York State Department of Environmental Conservation
Division of Water, Region 8**

6274 East Avon-Lima Road, Avon, New York 14414-9519
Phone: (585) 226-2466 • FAX: (585) 226-9062
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

May 29, 2008

Mr. Paul M. Kimball
Supervisor, Town of Clarkson
3710 Lake Road, PO Box 858
Clarkson, NY 14430

Dear Mr. Kimball:

Re: Municipal Separate Stormwater System (MS4) Program
Town of Clarkson, Monroe County, Permit No. NYR20A058

Thank you for an informative fourth year annual report that responds to the requirements of the Municipal Separate Stormwater System (MS4) program. The report was well written, clear, concise, and easy to follow. The use of separate black and blue print made it readily apparent what was part of the Stormwater Coalition of Monroe County activities and what was undertaken directly by the Town of Clarkson. This letter serves as an evaluation of the Town's progress in this program based upon that report, review of postings on the Town's website and other associated websites, and attendance at monthly Stormwater Coalition meetings of Monroe County.

The Town has developed a viable stormwater management program as required by General Permit GP-02-02 that has now expired. General Permit GP-0-08-002 replaces GP-02-02 and became effective on May 1, 2008. Passage of local laws to regulate construction, post construction and detection and elimination of illicit discharges are the underpinnings of a good stormwater management program. These laws were adopted by the Town of Clarkson on December 11, 2007 and have been provided to the DEC. The Town is on schedule with mapping requirements. Highlights from and comments about significant components of this general stormwater permit are summarized below.

Minimum Measure 1: Public Education and Outreach

Information on the Town of Clarkson's website explains the Town's stormwater program in a clear, concise and effective manner. The Town's efforts in this regard are appreciated. In the future, please continue to ensure that all web links are updated and active on the Town website, as well as links to the Monroe County Stormwater Coalition and H2O Hero websites.

A good selection of printed materials to address local stormwater concerns have been chosen by the Coalition and have been distributed to your municipality for use. The annual report says that the Town uses these materials, and provides copies to the public by displaying the publications in the Town Hall.

The Coalition, of which the Town of Clarkson is a member, has stenciled storm drains and has built rain gardens in Penfield and Turning Point Park in the City of Rochester. Additionally, the Coalition has launched training efforts related to proper septic system maintenance, lawn care practices, pet waste disposal and car washing. Television, radio, and print advertisements featuring the "H2O Hero" were developed by the Ad Council of Rochester. This campaign defines stormwater and suggests ways to prevent pollutants from entering stormwater to a wide audience. This names only a few of the efforts which may have caught the attention of Clarkson residents.

Minimum Measure 2: Public Involvement/Participation

In accordance with general permit, Clarkson and other regulated MS4s are required to seek input and provide a report on its Phase II Stormwater program at an annual public meeting and to provide opportunity for public comment.

The Town of Clarkson's annual reports and public meetings are compliant with regulations and have not resulted in any comments from the public. The Year 5 annual report, gap analyses worksheets, public education events, and other related documents are posted on your website.

The Town has put forth considerable effort to ensure that planned cleanup activities receive adequate publicity well in advance of the events. Local statistics referenced in your annual report are evidence that a successful approach is being employed. The Town has actively supported local events such as Conservation Field Days and storm drain stenciling. Further efforts have been put forth to couple stormwater education and participation with the Clarkson Annual Good Neighbor Days. These are all excellent and visible means of conveying BMPs to the general public. They also present opportunities to inform local citizens of the Town's stormwater program.

Minimum Measure 3: Illicit Discharge Detection and Elimination

Two of the most important components of this program during development (the permit cycle beginning in 2003 and ending in 2008) are to adopt a local law to enforce against illicit discharges and to map the storm sewer shed. The local law is adopted, 100% of the outfalls are identified and mapped and 80% of the sewer sheds are mapped. Mechanisms are in place to include new development as it takes place.

The Monroe County Illicit Discharge Task Group has developed comprehensive projects and programs to assist all MS4s in obtaining permit compliance. Track down training sessions and presentations represent an effective IDDE program. Entries in your report advising that the Town will add information to its website about Monroe County's household hazardous waste collections to inform citizens is excellent. The Town itself holds numerous Town-wide collections and maintains two waste oil drop-off sites to promote recycling and reuse.

The Town of Clarkson has developed an inspection program of the outfalls. A written inspection program should provide for dry weather inspections and standard operating procedures to follow should an illicit discharge be identified. Inspection reports need to be done for each inspection. This kind of documentation needs to be done to develop a sound Stormwater Management Program Plan and to be rated as satisfactory during a DEC or an EPA audit.

Minimum Measure 4: Construction

The Town, working in conjunction with the Stormwater Coalition of Monroe County, incorporated parts of the New York State model local law by amending existing code and added language that was developed by the Coalition. That language was demonstrated to be equivalent. The Town of Clarkson contracted with Harris Beach as an added measure of assurance that no existing codes conflict with this new language. The code is more restrictive than the State's model in some sections.

The Town reviewed projects in relation to stormwater prior to the development of Stormwater Phase II regulations. The Town's proactive involvement is noted. Chatfield Engineering assists the Town by providing inspection of subdivisions under construction and follow up with developers to ensure that corrective actions are taken to resolve deficiencies.

Ongoing training is given to developers, contractors, engineers, and staff by the Monroe County Soil & Water Conservation District on behalf of all Coalition members. The Town of Clarkson regularly takes advantage of these and other training opportunities and encourages staff members to attend. Training, brochures, field cards, and design manuals are all components that help build a comprehensive construction program and are used by the Town.

Minimum Measure 5: Post Construction

A post construction local law has been adopted.

Chatfield Engineering and the Highway Superintendent inspect completed subdivisions to insure that all stormwater management devices are properly constructed. A minimum of two annual inspections are made for all stormwater detention/retention ponds. Debris is cleared, unwanted vegetation is removed, and eroded areas are stabilized. All ponds are inspected after a major rain event.

The newly issued permit requires an inventory of post construction facilities that are owned by the Town, that have been installed since March 10, 2003, and those practices found to cause or contribute to water quality standard violations. The inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and types of maintenance performed.

The Town is incrementally increasing funding for drainage line items so inspections, maintenance, and remedial actions at post construction facilities can be done. This increased funding will help to ensure development of a long-term operation and maintenance program to ensure practices are performing properly.

The law, the certification by the Town's attorney that the law is equivalent to the State's model, the inventory and the operation and maintenance program all are part of the Stormwater Management Program Plan. Development of a flexible plan will help the Town receive a satisfactory rating during a DEC or an EPA audit.

Minimum Measure 6: Good Housekeeping

It appears that the Town regularly invests time and training to the benefit of the Town and its employees. Highway Department employees meet twice a year to review best management

practices, and also participate in formal training as it becomes available.

Town stormwater drainage facilities maintenance is a clear priority of the Highway Department, and has likely been so well in advance of the Phase II program. Drainage pipes and channels are cleaned and repaired; sewage lift stations are maintained to prevent backups and overflows; salt and sand are stored inside; sensible salting procedures are followed; and arrangements are in place for roadside debris and dead animal pickup. These are all good practices. Documentation of these activities is needed, if it is not already being done.

There is a floor drain at the highway department facility that is connected to an oil/grit separator. The report (please reference page 9 of the Year 4 report) does not disclose if that drain then discharges to a sanitary sewer or to a ditch or stream. Please provide additional information about that discharge.

General

The Town is regularly represented at Coalition meetings which is an important link to remain informed about the program.

Web links are regularly updated and active. Additional content is added to the Town's website as warranted.

The implementation permit phase commenced January 8, 2008. It appears the Town has developed a sound stormwater management program in response to those requirements. The Stormwater Management Program Plan that documents the program needs to be in place either by March 9, 2009, or at the time of a Department audit. My desktop review shows compliance with this general permit is achieved. Please let me know about the floor drain.

I can be reached at 585-226-5446, crdonova@gw.dec.state.ny.us or at the above address should you have questions.

Sincerely,



Colleen R. Donovan
Environmental Program Specialist 2
Region 8 Water Division

crd

cc: David J. Goodwin, Highway Superintendent
Richard D. Nurse, Assistant to the Highway Superintendent