



851 Chemung Street
Horseheads, New York 14845

October 10, 2013

Mr. Robert Young, Stormwater Management Officer
Village of Horseheads
202 South Main Street
Horseheads, New York 14845

**Re: Parmenter Tire Storage Area
Village of Horseheads, New York
Acceptance of Stormwater Pollution Prevention Plan**

Mr. Young:

I have completed a review of the following submitted information regarding the above-referenced project.

- Site Plan Drawings for Parmenter Tire Storage, Prepared for Parmenter Inc., Prepared by Fagan Engineers, F. E. Project No. 2012.052, Stamped by a licensed professional engineer, Revision dated October 7, 2013, Received October 8, 2013
- Stormwater Pollution Prevention Plan for Parmenter Tire, Prepared for Parmenter Inc., Prepared by Fagan Engineers, F. E. Project No. 2012.052, Stamped by a licensed professional engineer, Dated July 2013, Received October 8, 2013
- Response letter to my August 20, 2013 drainage review letter, Prepared by Fagan Engineers, Dated September 20, 2013
- DRAFT Operation & Maintenance Agreement for the proposed Stormwater Management System, Prepared by Fagan Engineers, Received October 9, 2013

Based upon my review of the above information, I believe that the proposed stormwater management plan is consistent with the Village of Horseheads' Stormwater Management and Erosion and Sediment Control Ordinance. This acceptance is conditioned upon the following items.

1. The owner has indicated that Parmenter Inc. will be responsible for the long-term maintenance of the existing downstream storm sewer. That storm sewer will receive runoff from the developed site and it is important that this storm sewer perform properly in perpetuity. The responsibility for the maintenance of this storm sewer should be clearly outlined in the maintenance agreement.
2. Silt and/or sediment shall not be allowed to leave the project site, including tracking onto public streets. Erosion and sediment controls, outlined in the accepted Erosion & Sediment Control Plan, shall be implemented and maintained to ensure this purpose. If silt, sediment, and/or dust are found to be leaving the site, the Owner (or their contractor) shall take immediate actions to correct the situation.

3. Stormwater discharges that result in turbidity that causes a substantial visible contrast to natural conditions constitutes a violation, as per New York State's water quality standards. Given that the proposed drive/parking area may be gravel, a greater potential for turbidity violations exists. As such, appropriate maintenance and management measures will be needed to prevent such violations from occurring.
4. A formal, signed enforceable maintenance agreement for the stormwater management system shall be provided by the Applicant/Owner. This agreement shall be binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property.
 - o That agreement must be fully consistent with the Village's Stormwater Management and Erosion and Sediment Control Ordinance and accepted by the Village's lawyer.
 - o The maintenance agreement shall include a maintenance plan for the stormwater management system. This maintenance plan shall include specific provisions for the long-term maintenance of the stormwater management system and shall be reviewed by the Village and the Chemung County Stormwater Coalition.

A DRAFT maintenance agreement for the proposed stormwater management system has been prepared by the owner's engineer and is attached. My input is in bold. This DRAFT needs input and action from the Village, the Village's lawyer, the Chemung County Stormwater Coalition, and the owner, to finalize.

5. As per Fagan's September 20, 2013 response letter, the roof runoff from the proposed buildings (if/when constructed) shall be directed to drywells near the building foundations. No other surface runoff, besides roof runoff, would be allowed to be directed to these drywells.
6. On-site soils shall be restored in complete conformance with the New York State Department of Environmental Conservation's publication entitled "Deep-Ripping and Decompaction (April 2008)". The area of the site to have soil restoration is shown as a highlighted green color on Sheet C2 – Site Plan of the approved Site Plan Drawings. Furthermore, after soil restoration is completed for this area, this area shall be stabilized/vegetated. Refer to Appendix I of the approved SWPPP for a copy of the NYSDEC's Deep-Ripping and Decompaction publication.
7. It is important to note that the stormwater management system was not designed to accept runoff from hotspot land uses, as described/defined in the New York State Stormwater Management Design Manual. As such, hotspot land uses are prohibited for this site.
8. Upon completion of the proposed site construction, a licensed professional engineer shall provide a certification letter to the Village of Horseheads (copied to the Chemung County Stormwater Coalition), stating that the site work (including the installation of the proposed stormwater collection and management system) for the project was constructed in conformance with the approved plans and specifications.
9. One set of final accepted Site Plan Drawings and SWPPP, with the executed acceptance stamp of the Chemung County Stormwater Coalition, must be on-site at all times during construction and site stabilization.
10. A digital copy of the approved plans (in pdf format) is requested from the Applicant for our GIS record system.

11. This acceptance pertains only to the proposed stormwater management facilities. It is incumbent upon the Applicant to obtain all necessary approvals, including other permits required by the Village of Horseheads and those required by the Chemung County Sewer District.

If you have any questions or comments regarding this letter, please do not hesitate to contact me. Furthermore, I would be happy to meet to discuss this subject in greater detail.

Sincerely,

A handwritten signature in black ink that reads "Jimmie Joe Carl". The signature is written in a cursive style with a large, looped initial "J".

Jimmie Joe Carl, P.E.

Cc: Jessica Verrigni, Chemung County Stormwater
Galen Salisbury, Chemung County Sewer District

Schedule A

PARMENTER TIRE FACILITY

MAINTENANCE AGREEMENT FOR STORMWATER CONTROL MEASURES

Whereas, the Village of Horseheads ("Municipality") and Parmenter Inc. ("facility owner") want to enter into an agreement to provide for the long-term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project ("**the Project**").

Project: Parmenter Tire Storage Area
 Southwest Corner of "E" Street and 5th Street
 Tax Map # _____
 Village of Horseheads, NY

Approved Plans:

Site Plan Drawings for Parmenter Tire Storage, Prepared for Parmenter Inc., Prepared by Fagan Engineers, F. E. Project No. 2012.052, Stamped by a licensed professional engineer, Revision dated October 7, 2013

Approved Stormwater Pollution Prevention Plan (SWPPP):

Stormwater Pollution Prevention Plan for Parmenter Tire, Prepared for Parmenter Inc., Prepared by Fagan Engineers, F. E. Project No. 2012.052, Stamped by a licensed professional engineer, Dated July 2013

And, whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved Storm Water Pollution Prevention Plan and project plans which are **noted above. Maintenance tasks are outlined and attached in Schedule A** of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures including downstream stormwater controls from the project site to the wetland depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall included, but shall not be limited to, the following: drainage ditches, swales, infiltration dry wells, drop inlets, pipes, culverts, stormwater management basin, and rain garden. **Furthermore, the facility owner shall be responsible for the maintenance and repair of the existing storm sewer that shall receive developed runoff from the stormwater management basin for the Project.**
3. The facility owner shall only store clean materials on site. Materials with pollutant-generating potential are prohibited from storage on the site. All materials stored on site must be approved beforehand in writing by the Municipality. The Municipality can enter and inspect the property at anytime to ensure only approved materials are stored on site. If pollutant-generating or unapproved materials are found on the site the facility owner is responsible for the prompt removal of the material and to remediate the site as needed. **The Project is in the proximity of a water supply well of the Municipality and the associated protection of the aquifer is paramount.**

4. The facility owner shall control dust from the developed site. Gravel and/or stone storage/drive areas will be maintained to control dust utilizing site watering or other New York State Department of Environmental Conservation (NYSDEC) approved measures during periods of extended dry weather. Gravel and/or stone storage/drive areas have the **potential to increase turbidity in the stormwater directed to the stormwater management basin, which (in turn) has the potential to increase turbidity to unacceptable levels exiting the stormwater exiting this basin.** The facility owner shall ensure that stormwater exiting the stormwater management basin has low turbidity that fully complies with NYSDEC water quality regulations.
5. **The stormwater control measures are not designed to accommodate stormwater runoff from "hotspot" land uses, as defined/described in the New York State Stormwater Management Design Manual. As such, "hotspot" land uses are prohibited at this site, unless appropriate improvements and modifications to the stormwater control measures are designed, accepted by the Municipality, and constructed.**
6. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
7. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspections shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
8. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
9. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures **(including the existing storm sewer)** at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer. **The Municipality shall be allowed to enter the property to inspect the stormwater control measures.**
10. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
11. This agreement shall be recorded in the Office of the County Clerk, County of Chemung together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
12. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspection engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
13. This agreement is effective _____.

PARMENTER TIRE
STORMWATER POLLUTION PREVENTION PLAN

Operation and Maintenance of Permanent Structures

- Maintenance responsibility for the basins and its buffer shall be vested with a responsible authority (Project Owner) by means of a legally binding and enforceable maintenance agreement that is executed as a condition of plan approval.
- Periodically inspect subsurface stormwater facilities, but not less than twice a year for build up of sediment, liter and or debris.
- Remove all liter and debris. Dispose of removed vegetation at an approved upland location.
- Clean catch basins, check dams and all other drainage structures from silt regularly, but not less than twice a year.
- A sediment marker shall be placed in all cells of the basin. Sediment removal in the forebay shall occur every five to six years or after 50% of the forebay capacity has been lost. A typical vacuum truck will be sufficient to remove sediment.
- In accordance with the New York State Stormwater Management Design Manual, to protect groundwater from contamination, runoff from hotspot activities must not be directed to infiltration facilities. A stormwater hotspot is defined as a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical runoff. Accordingly, the facility operator shall not conduct activities that can be deemed as hotspot activities.
- Sediments excavated from stormwater basins that do not receive runoff from designated hotspots are generally not considered toxic or hazardous material, and can be safely disposed by either land application or land filling. Sediment testing may be required prior to sediment disposal when a hotspot land use is present.
- Sediment removed from stormwater basins should be disposed of according to an approved comprehensive operation and maintenance plan.
- Inlet and outlet structures, and standpipe or riser structures shall be replaced as necessary.

Inspection shall be performed at least twice a year. Inspect for:

- Erosion or failures in the basin floor.
- Erosion, cracking or tree growth in the stormwater system.
- Condition of the emergency spillway/outlet.
- Adequacy of upstream and downstream channel erosion control measures.
- Sources of erosion in the contributory drainage area.