

Exhibit 23

SWPPP Post-Construction Inspection and Project Closure Policy

When construction activities associated with the SWPPP have been completed, the contractor may request a Notice of Termination (NOT) to end coverage of under the environmental permit. It should be noted that the Town generally does **not** accept NOT requests between November and March due to the fact that permanent soil stabilization measures have often not had a chance to take hold and become stable. This is a general guideline, however, and not a strict policy, and it is acceptable for the Town to honor NOT requests during those months based upon the specifics of a particular construction site. The Town's procedure for issuing a signed NOT is as follows:

- The permittee's qualified professional will conduct a Self-Inspection of the project site for compliance with the SWPPP and the permittee will send a copy of the SWPPP NOT form to the Town's Stormwater Management Officer for signature. All other fields in the NOT form are to be complete prior to submitting the NOT document to the Town.
- The Town will conduct a Comprehensive Inspection of the project site, following the same general on-site inspection procedures outlined in Exhibit 22, paying particular attention to the following items:
 - Construction debris and trash have been removed.
 - Temporary BMPs have been removed.
 - Disturbed surfaces have been stabilized, with no signs of erosion, and that stabilizing measures are firmly in place and vegetated areas are at least 80% established (reseeding or the installation of additional vegetation or mulch may be required).
 - Post-construction BMPs are in place and operational (verified with SWPPP).
 - Drainage inlets are installed correctly, stabilized, operational, and clear of debris.
 - Banks, ditch bottoms, and drainage conveyances are stabilized and vegetation is established.
 - Drainage outlets are installed correctly, stabilized, operational, and clear of debris.
 - Areas where runoff flows may converge or high-velocity flows are expected are stabilized.
- The Town Stormwater Management Officer will sign the NOT form and return to the Owner/Operator for submission to the permit issuer.
- The Owner/Operator will notify the Town when the NOT form has been submitted and when permit coverage has been terminated.
- In instances where an NOT is required to transfer operational control to another party, the existing permit holder and the potential new permit recipient will meet with the Town Stormwater Management Officer to discuss this transition.
- The Town will keep copies of the SWPPP, site Comprehensive Inspections, and other critical stormwater management documents related to a project for at least three years from the date of the NOT.

A copy of a blank NOT form is included with this Exhibit

**New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505
*(NOTE: Submit completed form to address above)***

**NOTICE OF TERMINATION for Storm Water Discharges Authorized
under the SPDES General Permit for Construction Activity**

Please indicate your permit identification number: NYR _____

I. Owner or Operator Information

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person:

4a. Telephone:

4b. Contact Person E-Mail:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

III. Reason for Termination

9a. All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. ***Date final stabilization completed** (month/year): _____

9b. Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR _____

(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? yes no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? yes no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued**

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? yes no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.
- For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____
(acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? yes
 no
(If Yes, complete section VI - "MS4 Acceptance" statement)

V. Additional Information/Explanation:
(Use this section to answer questions 9c. and 10b., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:

Title/Position:

Signature:

Date:

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

(NYS DEC Notice of Termination - January 2015)