

7	No SWPPP prepared at time of inspection. (If no SWPPP, leave elements 8 - 21 blank)	NYSDEC CGP GP 0-20-001 Parts II.A and III.A.	Yes	1		\$6,000.00	\$6,000	NYSDEC CGP-0-20-001 Parts II.A and III.A. Part III.A requires development of a SWPPP. A SWPPP shall be prepared and implemented by the owner or operator of each construction activity covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the commencement of construction activity. A copy of the completed, final NOI shall be included in the SWPPP. The Facility conducted construction activities on greater than 1 acre and failed to develop and implement a SWPPP.
8	SWPPP prepared after construction start (# of months = # of violations with a maximum penalty of \$6,000). NOTE that elements 9 - 21 only apply to the months when the operator had a SWPPP. The maximum penalty for all SWPPP violations is \$6,000.	7.1			X	\$1,000.00	\$0	
9	A SWPPP does not list all operators for the project site and the areas of the site over which each operator has control.	7.2.1				\$600.00	\$0	
	B SWPPP does not identify stormwater team and respective responsibilities.	7.2.2				\$300.00	\$0	
10	SWPPP does not include:							
	A Description of the nature of construction activities.	7.2.3.a				\$120.00	\$0	
	B The size of the property; the total area expected to be disturbed by the construction activities; the maximum area expected to be disturbed at any one time including onsite and offsite construction support activity areas.	7.2.3 b, c, e				\$120.00	\$0	
	C A description of any onsite/offsite construction support activities.	7.2.3.d				\$600.00	\$0	
	D A description and projected schedule for each portion of the site that includes all elements/dates required by the Permit. (Count each omitted category as one violation.)	7.2.3.f			X	\$300.00	\$0	SWPPP must include a description and projected schedule for each portion of the site for the following: (i) commencement of construction activities including clearing/grubbing, mass grading, demolition activities, site preparation, final grading, and creation of soil and vegetation stockpiles requiring stabilization; (ii) temporary or permanent cessation of construction activities; (iii) temporary or final stabilization; (iv) removal of temporary stormwater controls, construction equipment, and vehicles, and cessation of construction-related pollutant-generating activities.
	E A list and description of all pollutant-generating activities.	7.2.3.g				\$300.00	\$0	
	F Public Emergencies: Required information for public emergency situations. NOTE that operator has 30 days to complete SWPPP after commencing construction.	7.2.3.i & 1.4				\$300.00	\$0	Required information for public emergency situations includes: cause of the public emergency, substantiating information, description of construction necessary to reestablish affected public services.
11	Site Map							
	A Site map not included in SWPPP.	7.2.4				\$600.00	\$0	
	B Site map does not include all elements required by the Permit. (Count each omission as one violation up to \$600.)	7.2.4.a-j			X	\$600.00	\$0	Site map must show (a) property boundaries; (b) locations of earth-disturbing activities; slopes before and after grading activities; locations of stockpiles; waters of U.S. crossings; designated vehicle exits onto paved roads; locations of structures & other impervious surfaces upon completion of construction; locations of onsite/off site construction support activities; (c) locations of all waters of U.S. and identification of any impaired or Tier 2, 2.5 or 3 waters; (d) areas of federally listed critical habitat; (e) type and extent of any construction cover; (f) before and after drainage patterns; (g)
12	SWPPP does not:							
	A Identify all authorized non-storm water discharges that will or may occur.	7.2.5				\$600.00	\$0	SWPPP must identify all authorized non-storm water discharges listed in Part 1.2.2 of the CGP that will or may occur.
	B Describe the specific controls to be implemented to meet the effluent limits for erosion and sediment controls. (Count one violation for each missing control measure up to a maximum of \$900.)	7.2.6., 2.2				\$300.00	\$0	SWPPP must describe the specific controls to be implemented to meet the effluent limits for erosion and sediment controls in Part 2.2 of the Permit.

		For each specific erosion and sediment control identified in the SWPPP, include all information required by the Permit. (Count 1 violation for each control with incomplete information.)	7.2.6			X	\$100.00	\$0	For each specific erosion and sediment control identified in the SWPPP, the SWPPP must include any applicable design specifications and routine maintenance specifications, the projected schedule for installation/implementation for each of the specific controls, and any other required information. Other required information may include, where applicable, information regarding: alternatives to a 50-foot Natural Buffer; situations where perimeter controls for a linear project are infeasible; information required for stabilization measures including specific practices that will be used.
	C	Describe the specific controls to be implemented to meet the effluent limits for pollution prevention. (Count one violation for each missing control measure up to a maximum of \$900.)	7.2.6, 2.3			x	\$300.00	\$0	Describe the specific controls to be implemented to meet the effluent limits for pollution prevention in Part 2.3 of the Permit.
		For each specific pollution prevention control measure identified in the SWPPP, include all information required by the Permit. (Count each control with incomplete information as 1 violation.)	7.2.6			X	\$100.00	\$0	For each specific pollution prevention control measure identified in the SWPPP, the SWPPP must include any applicable design specifications and routine maintenance specifications, the projected schedule for installation/implementation for each of the specific controls, and any other required information.
	D	Describe the specific controls to be implemented to meet the effluent limits for construction dewatering.	7.2.6, 2.4			X	\$300.00	\$0	Describe the specific controls to be implemented to meet the effluent limits for construction dewatering in Part 2.4 of the Permit.
		For each specific dewatering control measure identified in the SWPPP, include all information required by the Permit. (Count each control with incomplete information as 1 violation.)	7.2.6						For each specific dewatering control measure identified in the SWPPP, the SWPPP must include any applicable design specifications and routine maintenance specifications, the projected schedule for installation/implementation for each of the specific controls, and any other required information.
	E	Document for sites affected by unforeseen circumstances that delay initiation and/or completion of Vegetative Stabilization: the circumstances and the schedule for initiating and completing stabilization.	7.2.6.b.vi (d); 2.2.14				\$300.00	\$0	
13	A	SWPPP does not describe the procedures for Inspection, Maintenance and Corrective Action.	7.2.7; 2.1.4; 4; 5				\$600.00	\$0	
	B	Description of Inspection, Maintenance and Corrective Action procedures does not include all information required by the Permit. (Count each applicable omission as one violation.)	7.2.7.a-d			X	\$120.00	\$0	Description of procedures for Inspection, Maintenance and Corrective Action must include (1) the inspection schedule; (2) where applicable, the location of rain gauge or weather station for rainfall data, and/or, (3) beginning and ending dates of seasonal arid period, valid drought period or frozen conditions for reduced inspections.
14		SWPPP does not include documentation that required personnel were, or will be, trained in accordance with Permit requirements.	7.2.8; 6				\$300.00	\$0	
15		Threatened and Endangered Species Act documentation is not included in SWPPP.	7.2.8.a				\$600.00	\$0	
16		Historic Properties documentation is not included in SWPPP.	7.2.8.b				\$600.00	\$0	
17		SWPPP does not document contacts, where applicable, with UIC regulatory authority regarding compliance with SDWA UIC Requirements for Certain Subsurface Stormwater Controls.	7.2.8.c				\$600.00	\$0	SWPPP must document contacts, where applicable, with UIC regulatory authority regarding compliance with SDWA UIC Requirements for Certain Subsurface Stormwater Controls (e.g., infiltration trenches; commercially manufactured subsurface detention vaults, chambers or other such devices; drywells, seepage pits or improved sinkholes).
18		SWPPP not signed/dated/certified.	7.2.9				\$600.00	\$0	
19		Copy of NOI and relevant correspondence, acknowledgement letter received from NeT, or Permit (can be electronic) not included as part of SWPPP. (Count each omission as one violation.)	7.2.10 a- c			X	\$300.00	\$0	
20		Copy of SWPPP is not retained on site or otherwise easily accessible.	7.3				\$600.00	\$0	
21	A	SWPPP (including site map) has not been updated/modified as required by the Permit. (Count each omission as one violation.)	7.4.1			X	\$60.00	\$0	SWPPP (including site map) must be updated/modified within 7 days to reflect the following: (a) new operators became active, or changes were made to construction plans, stormwater controls, or other activities; (b) changes to site map where operation control has been transferred; (c) EPA determines SWPPP modifications are necessary; (d) EPA determines installation/implementation of additional controls are necessary; (e) revisions to applicable federal state, tribal or local requirements that affect stormwater controls; or (f) changes in chemical treatment systems or chemically enhanced stormwater control.
	B	SWPPP modifications do not meet record keeping, approval or notification requirements. (Count each omission as 1 violation.)	7.4.2; 7.4.3; 7.4.4			X	\$60.00	\$0	Records showing dates of SWPPP modifications must be maintained and include name of appropriate person authorizing each change; changes must be authorized by appropriate person; and must provide notification where required to any operators who may be impacted by the change.
22		INSPECTIONS							

	A	Number of inspections required if performed every 7 days:			2				
	B	Number of inspections required if performed every 14 days:							
	C	If known, and if applicable, number of days of rainfall of > 0.25" :							
	D	Number of inspections required under a reduced frequency							
	E	TOTAL number of required inspections			2				
	F	TOTAL number of inspections conducted/documented							
23	A	All required inspections were not conducted and timely documented. (If NO inspections were conducted and documented, then leave elements 24-28 blank)						True or False	
	B	Inspections not performed and timely documented. (Count each failure to inspect and document as one violation.)	NYSDEC CGP IV.A, IV.B, IV.C	Yes	2	X	\$300.00	\$600	NYSDEC CGP GP-0-20-001 Parts IV.A, B, and C specifies that the owner or operator must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit. At a minimum, the qualified inspector shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved final stabilization, all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site. For the purposes of this non compliance item, based on the condition of the Site there were at least 2 weeks of missed site inspections (2 weeks in June 2023) were assessed.
24		Inspections not conducted by qualified personnel. (Count each inspection conducted without qualified personnel as one violation.)	4.1			X	\$60.00	\$0	
25		Areas to be inspected: Failed to inspect all required areas as identified in the Permit. (Count each omission as one violation.)	4.5; 4.6.1			X	\$60.00	\$0	Must inspect all required areas as identified in the permit (e.g., all stormwater controls including pollution prevention controls; storage and maintenance areas; all areas where stormwater typically flows within the site including drainageways designed to divert, convey and/or treat stormwater; discharge points; areas that have been cleared, graded, or excavated and not yet stabilized; locations where stabilization measures have been implemented, etc.)
26		Site inspection report does not include all information required by the Permit. (Count each omission as one violation.)	4.7.1.a - e			X	\$60.00	\$0	Site inspection report must include: (a) date, (b) name and title of inspector, (c) summary of inspection findings in accordance with Part 4.6 and any necessary maintenance or corrective actions, (d) rainfall data (where required), and (e) if unsafe to inspect a portion of the site, a description of the reason. Must also document the visual quality of any observed discharge.
27	A	Inspection reports not properly signed/certified. (Count each failure to sign/certify as one violation.)	4.7.2			X	\$60.00	\$0	
	B	Copies of inspection reports have not been retained onsite or at easily accessible location.	4.7.3; 4.7.4				\$600.00	\$0	
		BEST MANAGEMENT PRACTICES							
28		General Maintenance Requirements:							
	A	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance-and corrective actions are performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.)	NYSDEC CGP IV.A, III.A.1	Yes	1	X	\$300.00	\$300	Parts III.A.1 and IV.A of the NYSDEC CGP requires that prior to the commencement of construction activity, the owner or operator must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The owner or operator shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the trained contractor. The owner or operator shall ensure that at least one trained contractor is on site on a daily basis when soil disturbance activities are being performed. 1 violation was assessed for failure to maintain silt fencing since it was not dug in properly.
	B	Failure to complete a Corrective Action report when required in accordance with Permit requirements. (Count each missing/deficient report as 1 violation.)	5.4.1, 5.4.2, 5.4.4			X	\$300.00	\$0	Must complete a Corrective Action report when required that: (1) documents, within 24 hours of identification, the specific condition and date/time it was identified; (2) documents, within 24 hours of completing the action, the action taken to address the condition; (3) is kept at the site or at an easily accessible location.

	C	Corrective Action Reports not properly signed. (Count each failure to sign as one violation.)	5.4.3			X	\$60.00	\$0	
		Control measures are not properly selected, installed or maintained:							
29		Failure to provide a 50-ft undisturbed natural buffer or equivalent erosion and sediment control when a water of the US is located within 50 feet of the site's earth disturbances. (Count each failure as one violation.)	2.2.1			X	\$600.00	\$0	
30		Failure to direct stormwater to vegetated areas to maximize infiltration and filtering (unless infeasible). (Count each failure as one violation.)	2.2.2			X	\$600.00	\$0	
31		Failure to install sediment controls along all perimeter areas of the site that will receive pollutant discharges (or, for linear construction sites where such controls are infeasible, to implement other appropriate practices). (Count each failure as one violation.)							
	A	If Common Drainage is 10+ acres	2.2.3			X	\$1,200.00	\$0	
	B	If Common Drainage is less than 10 acres	NYSDEC CGP Part I.B.	Yes		X	\$600.00	\$0	
32		Failure to minimize sediment trackout in accordance with Permit requirements. (Count each failure as one violation.)	2.2.4.a-d			X	\$600.00	\$0	
33		Failure to properly manage stockpiles or land clearing debris piles composed of sediment and/or soil. (Count each failure as one violation.)	NYSDEC CGP Part I.B.1.a.(i), (iii), (v).	Yes		X	\$600.00	\$0	Part I.B.1.a.(i) of the NYSDEC CGP requires that the soil erosion be minimized through application of runoff control and soil stabilization control measures to minimize pollutant discharges. Part I.B.1.a.(iii) requires that the amount of soil exposed during construction activity be minimized. Part I.B.1.a.(v) requires the minimization of sediment discharges from the Site. There was large amount of fill brought into the site that was not stabilized and was running off the site.
34		Failure to minimize dust through appropriate application of water or other dust suppression techniques. (Count each failure as one violation.)	2.2.6			X	\$600.00	\$0	
35		Failure to minimize disturbances of "steep slopes". (Count each failure as one violation.)	NYSDEC CGP I.B.1.a.(iv)	Yes		X	\$600.00	\$0	Part I.B.1.a.(iv) requires minimization of disturbance of steep slopes.
36		Failure to preserve native topsoil (unless infeasible). (Count each failure as one violation.)	2.2.8			X	\$600.00	\$0	
37		Failure to minimize soil compaction in areas where final vegetative stabilization will occur or where infiltration practices will be installed. (Count each failure as one violation.)	2.2.9			X	\$600.00	\$0	Permittee must restrict vehicle and equipment use in these locations to avoid soil compaction, and use techniques that rehabilitate and condition soils as necessary before seeding or planting areas of compacted soil.
38		Failure to protect storm drain inlets by installing inlet protection measures that remove sediment from discharges prior to entry into a storm drain inlet. (Count each failure as one violation.)	2.2.10.a			X	\$600.00	\$0	
39		Failure to use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion. (Count each failure as one violation.)	NYSDEC CGP I.B.1.a.(ii)	Yes		X	\$600.00	\$0	NYSDEC CGP Part I.B.1.a.(ii) specifies Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants and prevent a violation of the water quality standards. At a minimum, such controls must be designed, installed and maintained to: Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of the discharge points;

40	Failure to properly design or locate sediment basin or similar impoundment in accordance with Permit requirements. (Count each failure as one violation.)	2.2.12.a-e			X	\$1,200.00	\$0	If a sediment basin or similar impoundment is installed, it must comply with the following: (a) must be located outside a water of the U.S. or natural buffers; (b) must be designed to avoid collecting water from wetlands; (c) must provide storage for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained; (d) must utilize outlet structures that withdraw water from the surface; and (e) must use erosion controls and velocity dissipation to prevent erosion of inlets and outlets.
41	Failure to comply with Permit requirements for use of treatment chemicals. (Count each failure as one violation.)	2.2.13.a-f			X	\$200.00	\$0	If using treatment chemicals, you must comply with the following: (a) use conventional erosion and sediment controls before and after the application of treatment chemicals; (b) select appropriate treatment chemicals; (c) minimize discharge risk from stored chemicals; (d) comply with state/local requirements; (e) use good engineering practices
42	Failure to initiate and complete stabilization measures within the deadlines required by the Permit. (Count each failure as one violation.)	2.2.14.a			X	\$600.00	\$0	Permittee must initiate installation of stabilization measures immediately where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days, and complete installation of stabilization measures as soon as practicable but no later than 14 calendar days (where five acres or less) or 7 calendar days (where more than five acres) after stabilization has been initiated, or (where applicable) stabilization must be in compliance with appropriate timeframes for the following exceptions: *Exceptions: (a) Arid, semi-arid areas and drought-stricken
43	Final Stabilization Criteria not achieved as required.	2.2.14.c				\$1,200.00	\$0	Permittee must establish uniform, perennial vegetation that provides 70% or more of the cover that is provided by vegetation native to local undisturbed areas, or otherwise comply with the Exceptions requirements.
44	Other needed control measures not properly selected or installed. (Each omission is 1 violation.)	I.B.1 of the NYSDEC CGP				\$600.00	\$0	The owner or operator must select, design, install, implement and maintain control measures to minimize the discharge of pollutants and prevent a violation of the water quality standards. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the owner or operator must include in the Stormwater Pollution Prevention Plan ("SWPPP") the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standard.
	Pollution Prevention Requirements				X		\$0	
45	Failure to provide effective controls for equipment and vehicle fueling and maintenance activities. (Count each failure as one violation.)	2.3.1.a-f			X	\$600.00	\$0	comply with SPCC requirements if applicable; ensure adequate supplies are available for spills, leaks and disposal of used liquids; use drip pans and absorbents; dispose of or recycle oil and oily wastes as appropriate; clean up spills or contaminated surfaces
46	Failure to effectively minimize the discharge of pollutants from equipment and vehicle washing. (Count each failure as one violation.) NOTE that discharges of soaps, solvents or detergents to a storm drain or receiving water are not eligible for an ESA.	1.2.2; 2.3.2.a-c			X	\$600.00	\$0	Permittee must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water and other types of wash waters; ensure wash water is not routed to areas of exposed soil; and provide proper storage of soaps, detergents or solvents.
47	Failure to implement appropriate controls to prevent/minimize the discharge of pollutants from any of the following: building materials/products; landscaping chemicals and materials; petroleum products and other chemicals; hazardous and toxic waste; construction and domestic wastes; and/or sanitary wastes. (Count each failure as one violation.) NOTE that any nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.	2.3.3.a-f			X	\$600.00	\$0	
48	Failure to provide effective controls for concrete washout. NOTE that nonallowable, non-stormwater discharges to a storm drain or water are not eligible for an ESA.	2.3.4.a-c				\$1,000.00		Direct wash water into a leak-proof container or leak-proof and lined pit designed so overflows cannot occur; remove and dispose of hardened concrete waste consistent with your handling of other construction wastes; locate any washout or cleanout activities as far away as possible from waters of the US, stormwater inlets or conveyances; to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

49	Failure to provide effective controls for washing applicators/containers for stucco, paint, form release oils, curing compounds or other materials. (Count each failure as one violation.) NOTE that nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.	2.3.4.a-c			X	\$600.00	\$0	Direct wash water into a leak-proof container or leak-proof and lined pit designed so overflows cannot occur; dispose of liquid waste in accordance with applicable requirements in Part 2.3.3; locate any washout or cleanout activities as far away as possible from waters of the US, stormwater inlets or conveyances; to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.
50	Failure to comply with requirements for application of fertilizers.	2.3.5.a-f				\$600.00	\$0	For application of fertilizers, you must: apply at a rate and in amounts consistent with manufacturer's specifications, or document in SWPPP departures from manufacturer specifications where appropriate in accordance with Part 7.2.6.b.ix; apply at the appropriate time of year; avoid applying before heavy rains; never apply to frozen ground.
51	Failure to comply with Permit requirements for construction dewatering in order to minimize the discharge of pollutants. (Count each failure as 1 violation.) Use of waters of the US as part of the treatment area is not eligible for an ESA.	2.4			X	\$600.00	\$0	For construction dewatering, you must comply with the following requirements to minimize the discharge of pollutants: provide appropriate treatment to minimize discharges of pollutants; prevent discharge of visible floating solids or foam; use oil-water separator or suitable filtration device when required; use vegetated upland areas for infiltration to the extent feasible; comply with velocity dissipation requirements (Part 2.2.14); haul away or return backwash water to the beginning of the treatment process.
SMALL BUSINESS EVALUATION								
52	Is the Owner/Operator a Small Business?					Yes or No		
	A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.							
							\$8,100	
53	ADJUSTMENT FOR A REPEAT VIOLATOR:							
	Repeat Violator: To adjust the settlement amount for Repeat Violators, multiple the Total Expedited Settlement Amount by the appropriate Escalation Factor. To do that, enter either 0.25 or 0.5 into Column G, as appropriate. If this is not a Repeat Violator, leave this row blank.				X	\$8,100.00	\$0	
							\$8,100	
	*RCA: Requires Corrective Action							