



September 25, 2020

Ethan Sullivan
MS4 Permit Coordinator
New York State Department of Environmental Conservation
Division of Water
4th Floor
625 Broadway
Albany, New York 12233-3505

RE:Town of Colonie Annual Report 2019-2020

Dear Mr. Sullivan:

SAVE Colonie a Partnership for Planning and its members have been actively engaged in participating and monitoring the land use development review process in the Town of Colonie for the past several years. SAVE and its members regularly attend Town meetings including the Town Board, Planning Board and Zoning Board of Appeals. SAVE was also an active participant in the Town's 2019 Comprehensive Plan update process. For more information regarding SAVE and our efforts, please go to our webpage at <https://www.savecolonie.com>.

On May 15, 2020 and again on June 19, 2020, SAVE provided public comments related to the Town of Colonie's draft MS4 Annual Report for the reporting period ending March 9, 2020. We do not believe that SAVE's and other public comments have been forwarded to your office.

The Albany County Stormwater Coalition posted two public comment periods on its website and invited members of the public to submit their comments directly to the Albany County Stormwater Coalition. The first comment period acknowledged that the Town of Colonie did not timely provide a draft MS4 permit for public review due to the Covid pandemic and a Town Computer hacking incident. A second comment period was later scheduled after the Town completed its draft MS4 Annual report. The Town of Colonie also posted a notice regarding the completion of a draft MS4 Annual report on its homepage with a link to the Albany County Stormwater Coalition's website. The Town homepage invited members of the public to submit comments regarding the draft report. Accordingly, SAVE timely submitted comments following the direction and deadlines provided by the Albany County Stormwater Coalition's website and the Town of Colonie website. Each time, the Albany County Stormwater Coalition acknowledged receipt of our written comments. In addition, we also provided a copy of our two comment letters to the Town of Colonie Supervisor and Region 4 NYSDEC Regional Director. To date, we have not received any written acknowledgement from the Town of Colonie or Region 4 NYSDEC.

After the Town's final annual report was posted on the Stormwater Coalition's website, we were very surprised to see that the Town Supervisor's certified annual report indicated that there were no public

comments received (see response entered on MCM2 page 5 of 6). We believed that all public comments would be acknowledged and responses provided to the NYSDEC when the final MS4 Annual permit was submitted by the Town of Colonie on June 29, 2020.

On August 5, 2020, the Albany County Stormwater Coalition Director Nancy Heintzen advised a member of SAVE that the Town Supervisor's certification was accurate because it is the Albany County Stormwater Coalition's interpretation that SAVE and all other public comments received did not need to be acknowledged in the Town's June 29, 2020 MS4 Annual Report Form because they were submitted after the end of the MS4 reporting period. On August 24, 2020, Ms. Heintzen further advised that she contacted Town of Colonie Stormwater Staff regarding the status of SAVE's public comments and Town staff confirmed they were aware of SAVE's submissions. Ms. Heintzen further advised that the Stormwater Coalition staff and Town of Colonie would provide responses. She did not provide any time frame or confirmation that SAVE's comments and any responses would be provided to NYSDEC. The Town of Colonie has still not contacted SAVE or acknowledged receipt of our Stormwater Annual report comments.

The Town of Colonie stormwater management program continues to have MS4 General Permit responsibilities and it is involved with continued stormwater project reviews during this 2020-2021 reporting period. If it is determined by NYSDEC that any of the concerns cited by the public warrant further investigation and outreach a further administrative delay to address those comments and concerns will not serve the best interests of the Town of Colonie residents. It is for this reason that we are officially notifying the NYSDEC of our comments and concerns and advising the NYSDEC that all public comments received have purposefully not been forwarded to the NYSDEC based upon an interpretation of the MS4 annual reporting requirements. We hope that NYSDEC will require the Albany County Stormwater Coalition and the Town of Colonie to expedite their responses before the end of the current reporting period.

Thank you for your time and attention to these matters. We look forward to hearing from your office.

Sincerely,

SAVE Colonie, A Partnership for Planning

Cc: Albany County Stormwater Coalition
Supervisor Paula Mahan
NYSDEC Region 4 Director