



Exhibit VIII.C.17.e. – Storm Water Management

Submit as Exhibit VIII.C.17.e. a description of plans for management, detention and discharge of storm water on and from the Project Site to include (i) the estimated cost of the improvements; (ii) the estimated date of completion; (iii) the names of the parties, whether public or private, initiating the improvements; (iv) the names of the parties responsible for the costs of the improvements; and (v) if more than one party is responsible for the costs, the proportionate distribution of the costs among the parties.

Section 402 of the Clean Water Act (CWA) requires construction activities that disturb one (1) or more acres of land to obtain a permit for stormwater discharges issued under the National Pollution Discharge Elimination System [NPDES]. The New York State Department of Environmental Conservation [NYSDEC] is delegated by the United States Environmental Protection Agency [EPA] to administer its State Pollution Discharge Elimination System [SPDES] program in lieu of the EPA NPDES program. To implement the CWA, the NYSDEC issued the General Permit GP-0-10-001 for stormwater discharges from construction activities. The discharging Owner/Operator needs to obtain coverage under the SPDES General Permit by submitting a Notice of Intent [NOI] to the regional permit facilitator of the NYSDEC.

Prior to submission of an NOI, the Owner/Operator must have completed a Stormwater Pollution Prevention Plan [SWPPP] that complies with all requirements of the SPDES General Permit for stormwater discharges. A SWPPP is a plan for controlling runoff and pollutants from a site during and after construction activities. Submitting an NOI is a confirmation that the SWPPP has been prepared and will be implemented at the project site.

The project is currently covered under a SPDES (NYR 10W306) and an associated SWPPP. The active SWPPP includes and is consistent with practices implemented in the New York Standards and Specifications for Erosion and Sediment Control as well as comply with the New York State Stormwater Management Design Manual to address post-construction stormwater discharges.

The stormwater management system currently designed and approved for original project Phases of the Project Proposal implement green infrastructure practices to maintain and restore stormwater's natural flow pattern by allowing water to slowly permeate into the ground and be used by plants. The primary practice being employed at the Project Site is vegetated swales. Another significant stormwater management practice being utilized is groundwater recharge.



Three (3) underground infiltration basins are designed and planned to handle all stormwater management from the different project proposals. Each underground infiltration basin is provided with an emergency overflow for surface discharge and ultimate release into the Susquehanna River Drainage Basin.

The existing SWPPP will require a modification include additions to the over project development. It is anticipated the amended stormwater management processes will be consistent with the original design.

- (i) Refer to applicable Exhibit for projected project costs
- (ii) The stormwater management system will be installed as determined by the SWPPP in an effort to maintain soil erosion and sediment control on the construction site.
- (iii) Tioga Downs Racetrack, LLC, a private organization, owns and will maintain the stormwater management systems after installation. Therefore, Tioga Downs Racetrack, LLC with assistance from their professional design team are initiating the required improvements for compliance with the Clean Water Act.
- (iv) Tioga Downs Racetrack, LLC is responsible for the costs of the stormwater management systems required for the Tioga Downs Casino Resort.
- (v) n/a

Subpart (i) The Town of Nichols does not maintain or operate a separate municipal stormwater sewer system in the vicinity of the Project Site and therefore does not require a review and approval of the privately owned stormwater management system. The Town of Nichols does require through the State Environmental Quality Review process and Building Permit processed that all Federal and State permits be obtained, in this case a SPDES permit for construction activity.

Subpart (ii) Local government holds the Project Owner responsible for obtaining any Federal and State permits for the stormwater management system.

Subpart (iii) As noted in the above Section, Local Government extends the responsibility of the Project Owner to obtain any Federal or State permits and approvals. The Town of Nichols does not require a Site Plan review requirement but did act as



Lead Agency for the SEQR process. As Lead Agency, The Town of Nichols approves the Project Proposal with the condition and expectation Tioga Downs Racetrack, LLC will obtain all stormwater management permits and approvals. An approved SWPPP is currently in place.

Subpart (iv) The original stormwater design has State approval. It is anticipated a design submission to NYSDEC to request the amendments be covered under the existing SWPPP, after modification, will occur by January 1, 2016.