

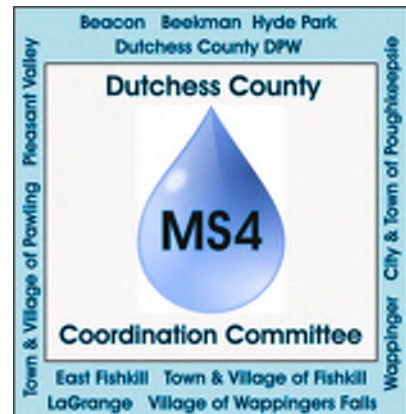
Stormwater Management Program

TOWN OF UNION VALE

SPDES ID: NYR20A552

For coverage under the New York State Department of Environmental Conservation's *SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-15-003)*(as amended)

Plan prepared by: Town of Union Vale and Dutchess County MS4 Coordination Committee



Last Revised: July 2019

Stormwater Management Program

Executive Summary

This Stormwater Management Program (SWMP) Plan describes the actions that the Town of Union Vale will take to reduce pollution discharged through storm sewers to waters of the State. Municipalities are regulated due to their location within a densely populated region. Town of Union Vale is a regulated traditional land use small MS4s located within Dutchess County, New York; a county bordered by the Hudson River to the West, Connecticut to the East, Putnam County to the South and Columbia County to the North. This regulated municipality is within the Poughkeepsie-Newburgh-Middletown urbanized area as of the year 2010 Census. Land use within the MS4 is primarily high-density residential, commercial and industrial zones, with small areas of forest and park.

In addition to the Town of Union Vale the regulated traditional land use MS4s within Dutchess County include the City of Beacon, Town of Beekman, Town of East Fishkill, Town of Fishkill, Village of Fishkill, Town of Hyde Park, Town of LaGrange, Town of Pawling, Town of Pawling, Town of Pleasant Valley, City of Poughkeepsie, Town of Poughkeepsie, Town of Wappinger, and Village of Wappinger Falls. All of these municipalities work collaboratively to comply with the MS4 General Permit through the Dutchess County MS4 Coordination Committee (Coordination Committee).

The Coordination Committee was formed in 2003 as a way to share personnel and material costs associated with implementing the small MS4 permit requirements. Participating municipalities send representatives to meet monthly to discuss common issues, establish goals, and review effectiveness of their programs. Although the municipalities work collaboratively to comply with certain minimum control measures (MCMs), each municipality has submitted, and will continue to submit, individually-prepared annual reports. A template for this SWMP has been developed by a subcommittee of the larger Coordination Committee.

The regulated municipalities are authorized to discharge stormwater by the New York State Department of Environmental Conservation's (DEC's) *SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)*(GP-0-15-003)(as amended) (copy included in *Appendix A*) as defined in 40 CFR 122.26(b)(16). This permit requires each MS4 to develop, implement, and enforce a SWMP Plan addressing the pollutants of concern and reducing the discharge of pollutants from the small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Environmental Conservation Law and Clean Water Act. As required, the MS4 submitted an NOI to DEC in 2003 and is included as *Appendix B* of this SWMP.

Pollution prevention and remediation activities are described in this SWMP as being part of one of the following minimum control measures (MCMs):

Stormwater Management Program

- 1) Public Education and Outreach
- 2) Public Involvement/Participation
- 3) Illicit Discharge Detection and Elimination
- 4) Construction Site Stormwater Runoff Control
- 5) Post-Construction Stormwater Management
- 6) Pollution Prevention/Good Housekeeping for Municipal Operations

The goal of this SWMP is to reduce the discharge of pollutants from small MS4s to the maximum extent practicable (MEP) in order to protect water quality and to satisfy the appropriate water quality requirements of the Environmental Conservation Law and the Clean Water Act. This SWMP was written in accordance with DEC's *SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems* (GP-0-15-003)(as amended).

This SWMP Plan details the best management practices (BMPs) that will or have been implemented to maintain compliance with the aforementioned permit and achieve pollutant reduction to the maximum extent practicable. A “Best Management Practices - SWMP Implementation Plan” table summarizing the MS4s plan for compliance is found on the following pages.

Best management practices are implemented by intra-municipal departments (for example, highway department, planning and zoning) and also in conjunction with the Dutchess County MS4 Coordination Committee (Coordination Committee) which works through an inter-municipal agreement to develop, implement, and enforce components of the Stormwater Management Program (see *Appendix C* for the Coordination Committee's Intermunicipal Agreement and Bylaws).

An organization chart of the intra-municipal structure that is responsible for the implementation of the SWMP plan and the MS4's Stormwater Program budget is found in *Appendix D*.

The Town of Union Vale has designated a Stormwater Management Officer (SMO) in conjunction with the Stormwater Management Program. The Code Enforcement Officer/Building Inspector has been designated as the SMO with the responsibility for MCM 4 (Construction Site Stormwater Runoff Control Best Management Practices) including requiring SWPPP submissions for development projects, performing municipal compliance inspections of active construction sites and enforcing SWPPP requirements for construction activities. The SMO, in conjunction with the Town Engineer is also responsible for MCM's 1, 2, 3, 5 and 6 (Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Post-Construction Stormwater Management Program and Good Housekeeping). The SMO works together with the Town Board, the Planning Board, the Town Attorney and the Town Engineer to implement the Stormwater Management Program for the Town of Union Vale.

**PUBLIC EDUCATION/OUTREACH BMP's (MCM 1)
 TOWN OF UNION VALE**

Best Management Practice (BMP)	Responsible Party(ies)/Department	Measurable Goals	Timeline
Regional stormwater education program.	Dutchess County MS4 Coordination Committee, SMO	Brochures developed and distributed for homeowners, businesses, site contractors, landscape contractors and general public. Copies of education materials are provided in Appendix E. A billboard campaign has also been developed and initiated in 2014.	Ongoing
Contractor Training	Dutchess County MS4 Coordination Committee in conjunction with the Dutchess County Soil and Water Conservation District	Trained contractors required to demonstrate certificate of training on active construction sites.	Training offered annually
Storm drain marking.	SMO, Highway Department	Storm drains marked to indicate that pipes drain to streams. Stencils purchased by MS4 Coalition for drain markings.	Ongoing

**PUBLIC INVOLVEMENT/PARTICIPATION BMP's (MCM 2)
TOWN OF UNION VALE**

Best Management Practice (BMP)	Responsible Party(ies)/Department	Measurable Goals	Timeline
Public Meetings/Public Notices/Public Hearings/Web Postings	Stormwater Management Program Plan Coordinator/Town Engineer	The Annual Report is posted on the Town website for public comment each year and a public notice is advertised in the official newspaper to inform the public of a hearing to receive comments on the Annual Report at a Town Board meeting each year.	Annual
Public Planning Board Meetings	Town Planning Board/Town Engineer	Public comments are received at public planning board meetings for each site development project.	Ongoing
Clean-up Events	Town Board	Town maintains bulk-drop off program for Town residents at Town Recycle Center. County sponsored hazardous material drop off events are advertised on the Town website; Fall clean-up drop off events are advertised on the Town website.	Annual
Community Hotline	Town Board	A telephone number is posted on the Town website for residents to report stormwater concerns.	Ongoing
Plantings	Dutchess County MS4 Coordination Committee in conjunction with the Dutchess County Soil and Water Conservation District (DCSWCD)	The DCSWCD holds an annual seedling sale which the MS4 Committee promotes to the individual municipalities.	Annual

**ILLCIT DISCHARGE DETECTION AND ELIMINATION BMP's (MCM 3)
TOWN OF UNION VALE**

Best Management Practice (BMP)	Responsible Party(ies)/Department	Measurable Goals	Timeline
Include illicit discharge education for Town employees.	SMO, Dutchess County MS4 Coordination Committee	Town Highway, Recreation and Recycle Center Employees trained.	Ongoing
Inspect stormwater outfalls within the Town's jurisdiction	SMO/Town Engineer	Inspect all stormwater outfalls once every five (5) years.	Annual Inspections
Delineate boundaries of the storm sewersheds to each stormwater outfall.	Town Engineer	Boundaries delineated for each outfall.	December 2016
Verify all outfall locations	SMO/Town Engineer	Outfall locations verified	December 2016
Certification of the local law adopted which prohibits illicit discharges into the small MS4.	Town Attorney	Local law certified	December 2016
Stormwater collection/conveyance system mapping	SMO/Town Engineer	GIS based mapping of all Town catch basins and outfalls was developed. An inventory of catch basins and outfalls within urbanized areas of the MS4 was developed and is maintained in order to track the condition and maintenance schedules for these structures.	Mapping completed in 2016. Structure inventory updates are ongoing.

**CONSTRUCTION SITE STORMWATER RUNOFF CONTROL BMP's (MCM 4)
TOWN OF UNION VALE**

Best Management Practice (BMP)	Responsible Party(ies)/Department	Measurable Goals	Timeline
Require preparation of SWPPP's for all construction activities (waivable by CEO for less than 1 acre of disturbance).	SMO/Planning Board	Each project submitted for approval and/or permit is required to submit a SWPPP	As needed.
Review SWPPPs	Town Engineer	Review all SWPPPs for sites where the disturbance is 1 acre or greater, or less than 1 acre and not waived by CEO.	As needed.
Inspect construction sites.	SMO, Town Engineer	Inspect all construction sites requiring a SWPPP	As needed.
Create and maintain inventory of active construction sites.	Stormwater Management Program Plan Coordinator/Town Engineer	Inventory of active construction sites created and updated.	Updated annually.
Certification of the local law adopted which requires a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State's most up-to-date technical standards.	Town Attorney	Local law (Town Code Chapter 190 – Stormwater Management & Erosion & Sediment Control) adopted by Town Board and certified.	December 2016

**POST-CONSTRUCTION STORMWATER MANAGEMENT PROGRAM BMP's (MCM 5)
TOWN OF UNION VALE**

Best Management Practice (BMP)	Responsible Party(ies)/Department	Measurable Goals	Timeline
Ensure long-term operation and maintenance of post-construction stormwater management practices.	Planning Board/Town Attorney/Town Engineer	Either dedication of a post-construction stormwater management practice to the Town, or a deeded covenant is required for all practices to ensure long-term operation and maintenance.	As needed.
Establish and maintain an inventory of post-construction stormwater management practices within the Town's jurisdiction.	SMO/Town Engineer	Inventory established and maintained.	Update annually.
Certification of the local law adopted which require post-construction runoff controls from new development and re-development projects to the extent allowable under State or local law that meet the State's most up-to-date technical standards.	Town Attorney	Local law (Town Code Chapter 190 – Stormwater Management & Erosion & Sediment Control) adopted by Town Board and certified.	December 2016
Require periodic reporting of all post-construction stormwater practices at least once in every five year period.	SMO/Town Engineer	A log of reporting for all post-construction practices is maintained.	Ongoing.

**POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS BMP's (MCM 6)
TOWN OF UNION VALE**

Best Management Practice (BMP)	Responsible Party(ies)/Department	Measurable Goals	Timeline
Street Maintenance	Town Board	Sweeping of Town streets within the urbanized area, and sediment removal is recorded.	Annual
Stormwater System Maintenance	SMO/Town Engineer	Town catch basins within the urbanized area are inspected and cleaned as necessary at least once in every five year period. An inventory of catch basins is maintained with a priority rating for needed repair.	Annual
Perform a self assessment of all municipal operations addressed by this SWMP Plan.	SMO/Town Engineer	Completed self assessments are included in the Annual Report for the following facilities: Highway Garage, Recycle Center, Recreation Facility.	Once every three (3) years.
Train employees on methods of Pollution Prevention/Good Housekeeping for Municipal Operations	SMO, Dutchess County MS4 Coordination Committee	Pollution Prevention and Good Housekeeping for Municipal Operations Handbook Reviewed. Training workshop completed.	Trained [annually/2 years]

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At End of Report

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- A.2. MS4 Municipal Compliance Certification
- A.3. Annual Report Form (as amended)

Appendix B – Notices of Intent

Appendix C – Supporting documentation for Dutchess County MS4 Coordination Committee

- C.1. Intermunicipal Agreement & Bylaws
- C.2. MS4 Coordination Committee Bylaws

Appendix D –

- D.1. Organizational Chart
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Appendix E – Supporting documentation for Public Education and Outreach MCM

- E.1. Educational brochures including “Construction Requirements and Your Development,” “Preventing Stormwater Pollution: Tips for Commercial and Industrial Businesses,” “Preventing Stormwater Pollution: Tips for Homeowners,” “Rain Gardens: Gardening with Water Quality in Mind,” “Solutions to Water Pollution for the Commercial Landscaping & Lawn Care Industry,” “Phosphorus Reduction,” “Only Rain Down the Drain”
- E.2. Educational Handout: “Managing your septic system” including “Septic system design and layout” form and “Preventative maintenance record”
- E.3. Training Records including, but not limited to, site inspector workshops and pollution prevention/good housekeeping trainings

Appendix F – Supporting documentation for Public Involvement/Participation MCM

Appendix G- Supporting documentation for Illicit Discharge Detection and Elimination MCM

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- I.1. Regulatory Mechanism and Attorney Certification
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Appendix J- Supporting documentation for Pollution Prevention/Good Housekeeping for Municipal Operations MCM

- J.1. Pollution Prevention and Good Housekeeping for Municipal Operations Handbook (DCSWCD)
- J.2. Quarterly Municipal Facility Site Compliance Inspection Checklist
- J.3. Map of Urbanized Areas with Roads and Catch Basins Identified
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Appendix K – Annual Reporting

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Appendix L – Submitted Construction Site SWPPPs & Review Letters

Appendix M – Construction Site Inspection Reports

1 Public Education and Outreach

All material related to the public education and outreach minimum control measure (MCM) is included in *Appendix E*.

1.1 Responsible Party(ies)

The Stormwater Management Officer (SMO) and the Town Engineer, in conjunction with the Coordination Committee and other area stakeholders (listed in *Section 2.2*), are responsible for the implementation of this MCM.

1.2 Pollutants, Waterbodies, and Areas of Concern

Major waterbodies of concern, pollutants of concern and pollutant sources have been identified by the DEC in the 303(d) list¹. These pollutants include silt/sediment and phosphorus.

The Town of Union Vale does not contribute runoff to an identified water body of concern, however pollutants of concern in the Town include silt/sediment, phosphorous and floatables that could potentially be discharged to the Jackson Creek, Sprout Creek, the Fishkill Creek and their tributaries.

Education and outreach efforts will be focused on the pollutants of concern. Sediment and floatables as pollutants of concern will be a focus of education efforts throughout the MS4.

1.3 Target Audiences

Target audiences selected to receive education on stormwater issues include developers, construction site operators, design engineers, homeowners, businesses, and municipal employees.

- Goals
 - To raise awareness that polluted stormwater runoff is a significant source of water quality problems
 - To motivate people to use Best Management Practices (BMPs) which reduce polluted stormwater runoff ; and

¹ The Draft New York State 2014 *Section 303(d) List of Impaired Waters Requiring a TMDL/ Other Strategy*, accessed March 4, 2014 at http://www.dec.ny.gov/docs/water_pdf/303dlistdraft2014.pdf

- To reduce polluted stormwater runoff as a result of increased awareness and utilization of BMPs.
- Developers, Construction Site Operators and Design Engineers

Construction activities are a major source of pollutants to area waterbodies thus it is imperative that developers, construction site operators and design engineers receive education relating to the proper use, installation, maintenance, and design of erosion control measures as well as the SWPPP submittal and review process.

- One-on-one Communications. Municipal personnel speaking with applicants as they come in to receive building permits. Stormwater Management Officer (SMO), Town Engineer or other knowledgeable municipal staff also educate contractors with regard to erosion control practices during meetings (e.g., pre-construction) or site compliance inspections.
 - Trainings. Construction site operator trainings given by staff at Dutchess County Soil and Water Conservation District (DCSWCD) or other DEC approved entity. Trainings are typically offered multiple times per year.
 - Events. Area presentations and/or workshops on topic such as better site design/low impact development.
 - Brochures and Handouts. The Coordination Committee maintains brochures and develops new ones as necessary regarding construction site erosion control. Brochures are available at municipal facilities and/or attached to permit applications.
 - Educational Websites (linked to MS4's website). Webpages of note include, but are not limited to, DCSWCD (www.dutchesswcd.org) and DEC (www.dec.ny.gov)
- Homeowners/residents

Homeowners/residents impact stormwater by habitual or seasonal practices such as car washing or piling lawn clippings on the curb. Some residents have a septic system at their property which may also contribute pollutants.

- Complaint-based communications. In response to complaints, an SMO or other municipal staff will respond and inform the resident of how to properly manage their pollution source/drainage issue.
 - Events. Regional groups (e.g., DCSWCD, Cornell Cooperative Extension Dutchess County (CCEDC), Cary Institute, Hudson River Sloop Clearwater), and others participate in local environmental events. These events include, but are not limited to: Adams Fairacre Farms Lawn and Garden Show and Harvest Fest, and the Dutchess County Fair.
 - Brochures. The Coordination Committee maintains a suite of brochures and develops new ones as necessary to address homeowners' impacts to stormwater. These brochures are provided at MS4 facilities, events, and online.
 - Educational websites (linked to MS4's website). Webpages of note include, but are not limited to, DCSWCD (www.dutchesswcd.org), Dutchess Watershed Coalition (dutchesswatersheds.org), and CCEDC (ccedutchess.org).
- General Public

- Events. As stated above, there are many groups that participate at local environmental events.
 - Storm drain markers. Municipal and local watershed groups use volunteer assistance to attach storm drain markers to storm drains. These markers say “No Dumping, Drains to Waterways.” The Coordination Committee has obtained markers in the past for member MS4s and will continue to purchase them as requested by the MS4s.
 - Billboards. The Coordination Committee has implemented a billboard campaign along County roadways to provide a targeted message about stormwater pollution such as littering and other illicit discharges. The Coordination Committee will continue to evaluate if a billboard(s) is an appropriate use of funds. The billboard’s audience will be estimated using County traffic counts.
 - Educational websites (linked to MS4’s website). See description above.
- Businesses
 - Brochures. The Coordination Committee has developed brochures for local businesses. These brochures are provided at municipal facilities, at local events, and online. The brochure has also been distributed through the area Chamber of Commerce publication.
- Municipal Employees
 - Trainings/Conferences. The municipality, in conjunction with the Coordination Committee, has a program to educate its employees whose responsibilities could potentially impact water quality (e.g., Highway, Parks and Recreation, Build Maintenance, SMOs, inspectors, SWPPP reviewers) on a regular basis. This education includes illicit detection and elimination, post-construction practices, pollution prevention, good housekeeping, and soil erosion and sediment control. Municipal employees (SMOs, public works employees, and/or consultants) may also attend the annual Southeast New York Stormwater Conference and Trade Show. This event presents timely information on stormwater/water quality issues in the Hudson Valley region.
 - Coordination Committee Meetings. Regulatory updates and other related information is discussed at Coordination Committee meetings keeping all MS4s up-to-date on the Phase II program and stormwater pollution prevention.
 - Municipal Meetings. The SMO or other municipal staff present updates to their governing board as needed

2 Public Involvement/Participation

All materials related to the public involvement/participation MCM are included in *Appendix F*. The MS4 will comply with the State Open Meetings Law and local public notice requirements.

2.1 Responsible Party(ies)

The SMO and Town Engineer in conjunction with the Coordination Committee and other area stakeholders (listed below) are responsible for the implementation of this MCM.

2.2 Stakeholders and Interested Parties

Those interested or involved in the SWMP include, but are not limited to the following (the list below may include stakeholders and/or interested parties that are not necessarily specific to the MS4, but are relevant to the Dutchess County MS4 Coalition as a whole):

- Dutchess County MS4 Coordination Committee (MCMs 1-6)
- Dutchess County Soil & Water Conservation District (MCMs 1-6)
- Cornell Cooperative Extension Dutchess County – Environment & Energy Program (MCM 1 & 2)
- Casperkill Watershed Alliance (CWA) (MCM 1 & 2)
- Fall Kill Watershed Committee (MCM 1 & 2)
- Fishkill Creek Watershed Association (MCM 1 & 2)
- Friends of the Great Swamp (FrOGS) (MCM 1 & 2)
- Housatonic Valley Association (MCM 1 & 2)
- Wappinger Creek Intermunicipal Council (WIC) (MCM 1 & 2)
- Hudson River Watershed Alliance (MCM 1 & 2)
- Dutchess Watershed Coalition (MCM 1 & 2)
- Lower Hudson Coalition of Conservation Districts (MCM 1 & 2)
- Hudson River Sloop Clearwater (MCM 1 & 2)
- NYS DEC Hudson River Estuary Program (MCM 1 & 2)
- Dutchess County Environmental Management Council (EMC) (MCM 1 & 2)
- Hudson River Environmental Society (MCM 1 & 2)
- The Nature Conservancy – Eastern New York (MCM 1 & 2)
- Local Colleges: Vassar, Bard, Marist, Dutchess Community College (MCM 1 & 2)
- Local Schools (MCM 1 & 2)
- Local Boys/Girls Scouting Troops (MCM 1 & 2)
- Local volunteering groups (e.g., Lions Club, Church groups) (MCM 1 & 2)

Key public involvement activities reported on by the MS4 include:

- The Coordination Committee supports the clean-up efforts of the local Trout Unlimited Chapter by providing monetary funding to purchase trash bags, gloves, reflective vests, and other necessary materials.

The MS4 will work with individuals and groups interested in participating in the SWMP and will provide assistance to those as available. The MS4 will collect information from those involved and report on the activities by the public in the annual report.

2.3 Local Stormwater Public Contact

The SMO is the local point of contact for public concerns regarding stormwater management and compliance with this SPDES general permit.

2.4 Annual Report Presentation

Prior to submitting the final annual report to DEC the draft annual report will be made available for public review and comment. The annual report will be presented at a public meeting and/or on the MS4's website (a public hearing must be held if requested by two or more persons, this hearing must be publically noticed). The MS4 will provide a public notice of a stormwater annual report meeting or presentation. This public notice will be on the MS4s website and/or in the local newspaper that includes the annual report's location (e.g. website, municipal facility), time of the meeting (as applicable), and notice of the public comment period. The MS4 will strive to send announcements directly to individuals (public and private) known to have a specific interest in the SWMP.

The MS4 will receive public comments and report on them in the final annual report. SWMP revisions will be made and implemented as necessary. Additional information regarding reporting and record keeping is found in *Section 9*.

3 Illicit Discharge Detection and Elimination

All materials related to the illicit discharge detection and elimination (IDDE) MCM are included in *Appendix G*.

3.1 Responsible Party(ies)

The SMO, with the support of the Highway Department and Town Engineer, is responsible for the implementation of this MCM.

3.2 IDDE Program

The MS4's program procedures to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the storm system is included in *Appendix G*. The MS4 uses the "Illicit Discharge Hotline Incident Tracking Sheet" found in *Appendix G* to document activities.

3.2.1 Priority Areas of Concern

At this time the MS4 does not have knowledge of any geographic area, audiences, or otherwise under its jurisdiction that should be considered a priority area of concern for the IDDE program.

3.2.2 Available Resources

The Highway Department, Town Engineer, and SMO are available to assist with the implementation of the program. Supplies available for the detection of illicit discharges include tracing dye, water sampling kit, area laboratory with water chemistry analysis capabilities.

3.3 MS4 Mapping

A map and associated documentation of the MS4 including outfalls and storm sewersheds is included in *Appendix G*. This GIS based map and data point information is available on the County's intranet GIS system for MS4 use. This map was completed by a grant awarded to DCSWCD on behalf of the Coordination Committee. During the mapping of the MS4, each outfall location was field verified (to MEP) and inspected. The map will be maintained by the MS4 and updated as needed by DCSWCD – initiated by the MS4 submission of an "Outfall Map Revision Request Form" (see copy of form in *Appendix G*).

3.3.1 Outfall Reconnaissance Inventory

The MS4 will conduct an outfall reconnaissance inventory of every outfall within the MS4's jurisdiction at least once every five years (inspecting $\geq 20\%$ per year) using the "Outfall Dry Weather Inspection Screening Field Sheet" (found in *Appendix G*). Completed field sheets will be maintained as part of this SWMP.

3.4 Illicit Discharge Regulation

A copy of the MS4's illicit discharge regulation and associated attorney certification is included in *Appendix G*. All notices of violation regarding this regulation will be maintained as part of this SWMP.

3.5 Non-Stormwater Discharges

The MS4 will consider the following non-stormwater discharges exempt from DEC's SPDES general permit coverage unless DEC has notified the MS4 that they are substantial contributors of pollutants and considered illicit. In the event of DEC notification, the MS4 will eliminate the discharges by following the illicit discharge MCM program noted above. As stated in Part 1.A.2 of DEC's *SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems* (GP-0-15-003) exempt non-stormwater discharges include:

- a) water line flushing
- b) landscape irrigation
- c) diverted stream flows
- d) rising ground waters
- e) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
- f) uncontaminated ground water
- g) discharges from potable water sources
- h) foundation drains
- i) air conditioning condensate
- j) irrigation water
- k) springs
- l) water from crawl space and basement sump pumps
- m) footing drains
- n) lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer's product label
- o) water from individual residential car washing
- p) flows from riparian habitats and wetlands
- q) dechlorinated swimming pool discharges
- r) residual street wash water
- s) discharges or flows from fire fighting activities
- t) dechlorinated water reservoir discharges
- u) any SPDES permitted discharge

Regardless of the exempt status of the above activities, the MS4 will continue to educate the public on reducing pollution from these discharges (examples, homeowner brochure including proper home car washing and lawn care and the commercial landscaping company brochure addressing proper use of fertilizer and pesticides). Furthermore, the MS4 will require individuals to obtain permitting from the CEO for certain discharges prior to considering them exempt. These discharges include: uncontaminated groundwater, foundation and footing drains, crawl space and basement sump pumps, and dechlorinated pool water.

3.5.1 Floatables

The MS4 has a regulation to prohibit the illegal dumping of materials on areas within the MS4s jurisdiction. All notices of violations regarding illegal dumping will be maintained as part of this SWMP.

3.6 Illicit Discharge Education

The MS4's education and training program for all target audiences including the general public and municipal employees is described in *Section 1* (educational materials pertaining specifically to this MCM are included in *Appendix E*).

4 Construction Site Runoff Control

All materials related to the Construction Site Runoff Control MCM are included in *Appendix H*.

4.1 Responsible Party(ies)

The SMO and Town Engineer are responsible for the implementation of this MCM.

4.2 Construction Site Runoff Control Regulation

The MS4 will maintain a program that provides at least the same protections as the DEC's *SPDES General Permit for Stormwater Discharges from Construction Activities* (GP-0-15-002) (as amended) and greater protections if required by the MS4 General Permit (example, Watershed Improvement Strategy Requirements placed on East of Hudson MS4s). A copy of the MS4's construction site runoff control regulation and associated attorney certification is included in *Appendix H*. This regulation requires construction site operators to implement erosion and sediment control management practices, allows for sanctions to ensure compliance to the extent allowable by State law, and requires construction site operators to control wastes (e.g., discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste) at the construction site that may cause adverse impacts to water quality.

All notices of violation regarding this regulation will be maintained as part of this SWMP.

4.3 Stormwater Pollution Prevention Plans

The MS4 will review all Stormwater Pollution Prevention Plans (SWPPPs) submitted by applicants as required by the construction site runoff control regulation and DEC's *SPDES General Permit for Stormwater Discharges from Construction Activities* (as amended) for all development and redevelopment projects disturbing one-half acre or more of land. These SWPPPs will be reviewed by the Town Engineer or other qualified designee using the "SWPPP Contents Checklist" found in *Appendix H*. All SWPPPs submitted to the MS4 and MS4 review checklists and other information will be maintained as part of this SWMP (see *Appendix L*). The MS4s SWPPP reviewer will receive regular training as described in *Section 1*.

After a SWPPP review has been completed and the plans are approved by the MS4 as meeting all the requirements of the regulation, DEC's *SPDES General Permit for Stormwater Discharges from Construction Activities* (as amended), and *New York Standards and Specifications for Erosion and Sediment Controls* (as amended), the MS4 will utilize the "MS4 SWPPP Acceptance Form" (see *Appendix H* for a copy) to notify the construction site owner/operators that their plans have been accepted.

4.4 Site Compliance Inspections and Enforcement

The MS4 will perform a site compliance inspection at all development and redevelopment projects which have obtained permit coverage under the MS4's construction site runoff control regulation. At a minimum the MS4 will inspect all sites once during the construction process using the "Construction Stormwater Compliance Inspection Report" form found in *Appendix H*. During an inspection (or pre-construction meeting), the MS4 will ask to see proof that the construction site operator(s) has received the erosion and sediment control training required by the DEC's *SPDES General Permit for Stormwater Discharges from Construction Activity*. The MS4 will direct the operator to the DCSWCD or other DEC approved entity for the training as necessary. The construction site operator will not be allowed to disturb land without the required training.

Additional inspections and/or a pre-construction meeting may be required by the MS4 for those projects that include high risk aspects such as more than 5 acres of disturbance at one time, steep slopes, fragile natural resources, and/or sensitive or impaired receiving waters. Additional inspections are at the MS4's discretion.

The site compliance inspection will be conducted by the SMO, Town Engineer, or a qualified designee that is adequately trained and understands the State and local sediment and erosion control requirements. The DEC defines "adequately trained" as receiving inspector training by a DEC sponsored or approved training.

At the end of the construction process the MS4 will either perform a final site inspection or accept the owner's Qualified Inspector's final inspection certification (required by the DEC's *SPDES General Permit for Stormwater Discharges from Construction Activity*) to determine that it is appropriate for the owner/operator of the project to submit the Notice of Termination (NOT) to the DEC. The Town Supervisor will document their determination by signing the "MS4 Acceptance" statement on the NOT (see *Appendix H* for a copy).

The MS4 will maintain an inventory of active construction sites, including the location of the site and owner/operator contact information as part of this SWMP (see *Appendix H*). The MS4 will also maintain records of all inspections and NOT acceptance certifications (see *Appendix M*).

4.5 Public Complaints

Public complaints received by the MS4 regarding construction site storm water runoff will be directed to the SMO for follow up. As warranted, the MS4 may respond to a complaint with a compliance inspection as described in *Section 4.4*.

4.6 Construction Site Runoff Education

The MS4's education and training program for all target audiences including site owners and operators, design engineers, and municipal employees is described in *Section 1* (educational materials pertaining specifically to this MCM are included in *Appendix E*).

5 Post-Construction Stormwater Management

All documents and forms related to the Post-Construction Stormwater Management MCM are included in *Appendix I*.

5.1 Responsible Party(ies)

The SMO and Town Engineer are responsible for the implementation of this MCM.

5.2 Post-Construction Stormwater Management Regulation

The MS4 will maintain a program that provides at least the same protections as the DEC's *SPDES General Permit for Stormwater Discharges from Construction Activities* (GP-0-15-003) (as amended) and greater protections if required by the MS4 General Permit. A copy of the MS4's post-construction stormwater management regulation and associated attorney certification is included in *Appendix I*.

This regulation addresses stormwater runoff from new development and redevelopment projects to the MS4 from projects that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if that project is part of a larger common plan of development or sale or if controlling such activities in a particular watershed is required by DEC.

All violations regarding this regulation will be maintained as part of this SWMP and included in *Appendix I*.

5.3 Post-Construction Management Practices

The MS4 will consider the use of all structural or non-structural management practices (according to standards defined in the most current version of the *NYS Stormwater Management Design Manual* [Design Manual]) that will reduce the discharge of pollutants to the MEP. The MS4 will consider the principles of Low Impact Development (LID), Better Site Design (BSD), and other Green Infrastructure practices to the MEP when developing any future watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations. The MS4 will also consider smart growth principles, natural resource protection, impervious area reduction, maintaining natural hydrologic conditions in developments, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils.

The MS4 will review development and redevelopment site plans according to the Green Infrastructure practices defined in the Design Manual. As stated by the DEC, if a stormwater management practice is designed and installed in accordance with the *New York State Stormwater Management Design Manual* (as

amended) or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for post-construction stormwater discharged by the practice. See *Section 4.3* for additional detail regarding the MS4's SWPPP review process.

On a broader level, during any future updates to the local codes and laws, the MS4 will review and revise as necessary and provisions that may preclude green infrastructure or construction techniques that minimize or reduce pollutant loadings.

The MS4 will maintain an inventory of post-construction stormwater management practices within the MS4's jurisdiction including those that were installed since March 10, 2003, all practices owned by the small MS4, and all practices found to cause or contribute to water quality standard violations (see inventory in *Appendix I*). The inventory includes: the ownership and location of the practice (street address or coordinates); type of practice; maintenance needed per the *NYS Stormwater Management Design Manual* (as amended), SWPPP, or other provided documentation; and dates and type of maintenance performed.

The MS4 will ensure adequate long-term operation and maintenance of management practices owned or operated by the MS4 through regular inspections of the practices by trained staff to ensure the practices are performing properly. The inspections will include items identified in the maintenance requirements (*NYS Stormwater Management Design Manual* (as amended), SWPPP, maintenance agreement, or other maintenance information) for the practice (see *Appendix I* for copies of DEC inspection forms for select practices). Management practices owned or operated by others will be required to inspect and maintain their practices in accordance with the approved SWPPP or other maintenance agreements or information. As per the post-construction stormwater management regulation, the MS4 has the right to request inspection and maintenance documentation from post-construction management practices owners/operators.

5.4 Post-Construction Stormwater Management Education

The MS4's education and training program for all target audiences including municipal employees (inspectors) is described in *Section 1* (educational materials pertaining specifically to this MCM are included in *Appendix E*).

6 Pollution Prevention/Good Housekeeping for Municipal Operations

All materials related to the Pollution Prevention/Good Housekeeping for Municipal Operations MCM are included in *Appendix J*.

6.1 Responsible Party(ies)

The SMO and the Highway Superintendent in conjunction with the Town Engineer are responsible for the implementation of this MCM.

6.2 Municipal Operations

The general pollution prevention/good housekeeping program that will be followed by the MS4 is outlined in the *Pollution Prevention and Good Housekeeping for Municipal Operations* handbook (DCSWCD, 2007) located in *Appendix J*. Below is a more detailed description of the individual operations at the Town of Union Vale.

6.2.1 Street and Bridge Maintenance

The MS4 sweeps all streets within the urbanized area of its jurisdiction at least once per year. This amounts to approximately 11.5 miles of roadway swept per year. Municipal parking lots are also swept annually. Regular sweeping of Town roads is performed as a means to minimize sedimentation of the Town-owned storm sewer and subsequent washout of sediment into downstream waterbodies. Street sweeping work is sub-contracted by the Town to private sweeping companies who are responsible for disposing of the accumulated sediment spoils in appropriate locations. The Town Highway Department is responsible for performing all other routine street maintenance, including but not limited to street repairs, resurfacing, street clearing, bridge repair/replacement, sign maintenance, etc. Appropriate containment and erosion control measures are utilized by the Highway Department during all street maintenance activities including but not limited to hay bales, silt fencing, seeding and mulching. The MS4 maintains a log of the streets and parking lots swept (included in *Appendix J* of this SWMP).

6.2.2 Winter Road Maintenance

Sand and salt are stockpiled at the Highway Garage Facility. Salt is stockpiled within enclosed salt sheds for containment. Any other material stockpile not within an enclosure is contained via perimeter containment in the form of concrete barriers or berms and are also covered with tarps to prevent migration of the stored materials and contamination of surrounding areas. Sediment basins with riprap outlets have also been installed downhill of stockpiles to provide

additional protection to downstream waterbodies. Streets are typically swept after winter maintenance activities have ceased for the season.

6.2.3 Stormwater System Maintenance

The MS4 maintains an inventory of all catch basin inlet and stormwater outfalls within Town limits designated as urbanized areas. Catch basins within the urbanized areas are inspected at least once every five years and outfalls are inspected annually. The inspection sheets/inventories for catch basins and outfalls are included in Appendix J of this SWPPP. During inspection, the condition of each facility observed is noted, indicating states of disrepair, sediment accumulation and whether any action is required (i.e. cleaning/repair). Catch basins observed to be experiencing significant accumulation of sedimentation are cleaned via vector truck in the year that they are inspected. Bulk catch basin cleaning via vector truck occurs approximately once per year. This work is sub-contracted to a private company who are responsible for disposal of all spoils collected during this process.

6.2.4 Vehicle and Fleet Maintenance

All Town vehicles are maintained by the Town Highway Department, whose staff are continually receiving appropriate Pollution Prevention training. This maintenance work is typically performed at the Town Highway Garage. Vehicle washing is performed in the driveway outside of the Highway Garage. Vehicle servicing is performed inside the Garage on a concrete floor, and all spills are immediately cleaned using EnviroClean surfactants and oil absorption pads, which are maintained on-site.

6.2.5 Park and Open Space Maintenance

The Town recreation department currently maintains Tymor Park. Only phosphorus-free fertilizers are used and no pesticides or herbicides are used within the park. All fertilizer material, lawn care and other equipment are stored in a town-owned facility adjacent to the Park, which is also maintained by the Town Recreation Department. Additional information on maintenance procedures and policies for the Recreation Department Facilities are described in Section 6.2.6.3.

6.2.6 Municipal Building Maintenance

Town of Union Vale stores all chemicals used for municipal operations under cover within their respective department. All chemicals are properly and clearly labelled for ease of identification and safety.

6.2.6.1 Highway Facilities

The Town of Union Vale Highway Garage is maintained by the Town Highway Department to support current operations, which largely consist of Town street maintenance, winter road maintenance, stormwater system maintenance and vehicle maintenance. Additional information with regard to these operations are indicated in various sections within Section 6.2 of this report. All Highway Department operations are performed so as to minimize impacts natural waterbodies within their drainage area, which have been defined as Jackson Creek, Sprout Creek, Fishkill Creek and their tributaries. In addition to the measures outlined in the *Pollution Prevention and Good Housekeeping For Municipal Operations* manual (Appendix J), measures implemented by the Highway Department personnel to minimize risk of pollution include the following:

- Utilizing erosion control measures during routine maintenance operations, such as street repair, stormwater system/culvert repair, right-of-way maintenance, etc.
- Utilization of erosion control and containment measures on the Highway Garage site to prevent transport or washout of stored materials, including stockpiles and deicing materials. Stockpiles are stored outside at the Highway Garage Facility and are contained by concrete barriers around their perimeter and are also covered with tarps to prevent migration. Sediment basins with riprap outlets have also been installed downhill of stockpiles to provide additional protection to downstream waterbodies.
- Regular maintenance and washing of vehicles in areas that do not discharge directly to storm sewer system or water body.
- Regular calibration of deicing application vehicles.
- Secondary containment is provided for all stored oils on site. Waste oil is temporarily stored on site, but is eventually hauled away and disposed of off-site.
- Storage of hazardous materials in appropriate containers, or removal of those materials at the County Resource Recovery Agency.
- Hydrocarbon spills are cleaned immediately using EnviroClean surfactants and oil absorption pads, which are maintained on site.
- Recurring periodic training of highway department personnel in the areas of erosion control, stormwater pollution prevention and illicit discharge detection.

6.2.6.2 Recycle Center

The Town currently operates its own Recycling Facility that is available to all Town residents. Standard operations at the Recycling Facility are performed so as to minimize impacts to the Town storm sewer system and natural waterbodies downstream. The facility is permitted and registered to operate in NYS and is regulated by the NYSDEC. Operations meet the current standards for these types of facilities set forth in the NYS Code for Solid Waste Management Facilities. In addition to the measures outlined in the *Pollution Prevention and Good Housekeeping For Municipal Operations* manual (Appendix J), Facility personnel also receive recurring periodic training in the areas of stormwater pollution prevention and illicit discharge detection.

6.2.6.3 Recreation Facility

The Town of Union Vale Recreation Department currently maintains Tymor Park and the open space area around the park and on the Town Hall property. In addition to the measures outlined in the *Pollution Prevention and Good Housekeeping For Municipal Operations* manual (Appendix J), specific measures implemented by the Recreation Department personnel to minimize the risk of pollution include the following:

- As a general practice, application of fertilizers is kept to a minimum and is not performed during, immediately before or immediately after a rain event.
- Regular maintenance and washing of vehicles in areas that do not discharge directly to storm sewer system or water body.
- Secondary containment is provided for all stored oils on site. Waste oil is temporarily stored on site, but is eventually hauled away and disposed of off-site.
- Storage of hazardous materials in appropriate containers, or removal of those materials at the County Resource Recovery Agency.
- Recurring periodic training of highway department personnel in the areas of erosion control, stormwater pollution prevention and illicit discharge detection.

6.2.7 Solid Waste Management

The Town of Union Vale operates a recycling center that is available to Town residents. The Town also accepts bulk items at this facility from Town residents. All residents who purchase an annual recycle center permit are issued a punch card for free disposal of two bulk items per year. This is done in lieu of Town-wide bulk curb-side cleanup weekends. Additional bulk items after the allotted two are accepted by the Recycle Center for a fee. All waste accumulated on site is stored within steel refuse containers fitted with intact drain plugs until it is hauled to Dutchess County Resource Recover. Household hazardous waste for Town residents can also be disposed of directly through the Dutchess County Resource Recovery Agency. Additional information on maintenance procedures and policies for the Recycle Center Facility is described in Section 6.2.6.2.

6.2.8 New Construction and Land Disturbances

The MS4 will follow all appropriate stormwater regulations during any future new construction, redevelopment, and land disturbing projects. As necessary, the MS4 will apply for applicable permits including the DEC's *SPDES General Permit for Stormwater Discharges from Construction Activities* (GP-0-15-003) (as amended) and utilize the design standards included in the *New York Standards and Specifications for Erosion and Sediment Controls* (as amended) and *NYS Stormwater Management Design Manual* (as amended) as necessary.

6.2.9 Right-of-Way Maintenance

The Town of Union Vale Right-of-Way Maintenance operations currently consist of intermittent mowing of overgrown areas. No chemicals are used to control vegetation. In addition to the catch basin and outfall inspections mentioned above, the Town has also marked all storm sewer inlets with "No Dumping – Drains To Stream" signs to prevent pollutants from being dumped into the storm sewer system.

6.2.10 Marine Operations

There are no marine operations in the MS4.

6.2.11 Hydrologic Habitat Modification

EPA has grouped hydromodification activities into three categories: (1) channelization and channel modification, (2) dams, and (3) streambank and shoreline erosion. Examples include, but are not limited to, straightening, widening, deepening, and clearing channels of debris and sediment, construction in or along streams, construction and operation of dams and impoundments. Some indirect forms of hydromodification, such as erosion along streambanks or shorelines, are caused by the introduction or maintenance of structures in or adjacent to a waterbody and other activities, including many upland activities, that change the natural physical properties of the waterbody.

No hydrologic habitat modification is anticipated within the MS4. However, should these procedures be required, the SMO and the Highway Department, in conjunction with the Town Engineer will coordinate the associated design and permitting prior to undertaking any such activity.

6.3 Self-Assessment

The MS4 will perform and document a self-assessment of all municipal operations addressed by this SWMP once every three years (see *Appendix J* for assessment form, within *Pollution Prevention and Good Housekeeping for Municipal Operations Handbook*).

6.4 Pollution Prevention/Good Housekeeping for Municipal Operations Education

The MS4's education and training program for all target audiences including municipal employees is described in *Section 1* (educational materials pertaining specifically to this MCM are included in *Appendix E*).

6.5 Green Infrastructure

The MS4 will consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP.

6.6 Industrial Stormwater Discharges from Municipal Operations and Facilities

The MS4 is required to meet the requirements of the *NYS Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities* (MSGP, GP-0-06-002) for industrial stormwater discharges for municipal operations and facilities that would otherwise be subject to this general permit. There are currently no municipal facilities in the Town of Union Vale that are currently covered by the MSGP. Refer to Section 6.2 of this report for information regarding operation and maintenance of existing municipal facilities.

6.6.1 Stormwater Pollution Prevention Plan

There are currently no municipal facilities in the Town of Union Vale that are currently covered by the MSGP.

6.6.2 Monitoring

There are currently no municipal facilities in the Town of Union Vale that are currently covered by the MSGP.

7 Best Management Practices

The MS4 commits to the best management practices (BMPs) found following the Executive Summary to meet the general permit requirements (refer to Notice of Intent located in *Appendix B* for the BMPs submitted to the DEC prior to the existence of this SWMP).

8 Reliance on a Third Party

If the MS4 relies on a third party entity to develop or implement any portion of the SWMP, a signed certification, contract or agreement will be enacted that:

- provides adequate assurance that the third party will comply with permit requirements
- identifies the activities that the third party entity will be responsible for and include the name and title of the person providing the signature, the name, address and telephone number of the third party entity
- includes a description of the location of the work performed
- includes the date the certification statement, contract or other agreement is signed

At a minimum the MS4 will use the sample certification language provided by DEC in Part IV.G of GP-0-15-003 as the contract entity certification statement.

9 Record keeping and Reporting

The MS4 will conduct an annual evaluation of program compliance, the appropriateness of its identified BMPs, meeting new permit requirements, and progress towards achieving its identified measurable goals, including reducing the discharge of pollutants to the MEP in the form of an annual report, signed by the Supervisor and submitted to DEC, electronically or hardcopy, no later than June 1 of each year (annual reporting period end March 9 of each year). If it is found that the SWMP is not reducing discharges to the MEP, the SWMP will be revised within one year and revisions will be implemented within three years.

During the course of each permit year the MS4 will collect and maintain information related to each MCM for inclusion in the annual report. The “MS4 Municipal Compliance Certification and Annual Report Form” (as amended) (*Appendix A*) will be used as a guide to the data that must be collected and reported to DEC. The MS4 will also assess the effectiveness of BMP used to meet the requirements of each MCM.

The MS4 will maintain records required by the general permit, including, but not limited to, records that document the SWMP, records included in SWMP plan, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and DEC, for at least five (5) years after they are generated. These records are available to the public at the Town Hall during normal business hours.

Appendix A

New York State Department of Environmental Conservation's
*SPDES General Permit for Stormwater Discharges from Municipal Separate
Storm Sewer Systems (GP-0-15-003)*

Appendix A.1 GP-0-15-003

Appendix A.2 MS4 Municipal Compliance Certification

Appendix A.3 Annual Report Form

Appendix A.1
SPDES General Permit for Stormwater Discharges from Municipal
Separate Storm Sewer Systems (GP-0-15-003)



Department of
Environmental
Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Permit No. GP-0-15-003

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: May 1, 2015

Expiration Date: April 30, 2017

Modification Dates

July 15, 2015 - Correction of Table IX.C and Appendix 2 to reflect GP-0-10-002 October
2011 Modification

January 13, 2016 - Additional reporting for covered entities in the watersheds listed in
Part IX

Stu Fox
Deputy Chief Permit Administrator


Authorized Signature

1 / 12 / 16

Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-17

PREFACE

Pursuant to Section 402 of the Clean Water Act (“CWA”), operators of *small municipal separate storm sewer systems* (“small MS4s”), located in *urbanized areas* (“UA”) and those *additionally designated* by New York State are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System* (“NPDES”) permit or by a state permit program. New York’s *State Pollutant Discharge Elimination System* (“SPDES”) is an NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law* (“ECL”).

Only those *small MS4 operators* who *develop* and *implement* a *stormwater management program* (SWMP) and obtain permit coverage in accordance with Part II of this *SPDES general permit* are authorized to *discharge stormwater* from their *small MS4* under this *SPDES general permit*.

A *covered entity* authorized under GP-0-10-002 as of the effective date of GP-0-15-003, shall be permitted to discharge in accordance with the renewed permit, GP-0-15-003, upon the submission of their Annual Report, unless otherwise notified by the *Department*.

An *operator* not authorized under GP-0-15-003 may¹ obtain coverage under this *SPDES general permit* by submitting a Notice of Intent (NOI) to the address provided on the NOI form. For newly regulated MS4s, authorization under this *SPDES general permit* is effective upon written notification from the *Department* of the receipt of a complete NOI. Copies of this *SPDES general permit* and the NOI for New York are available by calling (518) 402 - 8109 or at any Department of Environmental Conservation (*Department*) regional office (Appendix A). They are also available on the *Department’s* website:

<http://www.dec.ny.gov/permits/6045.html>

Submitting an NOI is an affirmation that an initial *SWMP* has been *developed* and will be *implemented* in accordance with the terms of this *SPDES general permit*.

*** Note: all italicized words within this *SPDES general permit* are defined in Part X. Acronyms and Definitions.**

¹ The term “may” is used to recognize that there are circumstances under which the *operator* is ineligible for coverage under this *SPDES general permit* because of exclusionary provisions of this permit. *Operators* that are excluded from coverage under this *SPDES general permit* as provided for in Part I, for example, are not authorized to *discharge* under this permit. This clarification also applies to situations in which an NOI has been submitted; submission of an NOI by an entity excluded from *SPDES general permit* coverage does not authorize the *small MS4* to *discharge stormwater* runoff under the authority of this *SPDES general permit*.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SPDES GENERAL PERMIT FOR DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

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Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

1. This *SPDES general permit* authorizes *discharges* of stormwater from *small municipal separate storm sewer systems* (“MS4”s) as defined in 40 CFR 122.26(b)(16), provided all of the eligibility provisions of this *SPDES general permit* are met.
2. Exempt Non-Stormwater Discharges. The following non-stormwater *discharges* are exempt from the need for *SPDES general permit* coverage unless the *Department* has determined them to be substantial contributors of pollutants to a particular *small MS4* applying for coverage under this *SPDES general permit*. If the *Department* determines that one or more of the *discharges* listed below is a substantial contributor of pollutants to a *small MS4*, the identified *discharges* will be considered *illicit*. In that event, the *covered entity* must eliminate such discharges by following the *illicit discharge* minimum control measure (“MCM”) requirements (See Part VII.A.3 or VIII.A.3, and Part IX.A.3, B.3, C.3, and D.3 where applicable).
 - a. water line flushing
 - b. landscape irrigation
 - c. diverted stream flows
 - d. rising ground waters
 - e. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
 - f. uncontaminated ground water
 - g. discharges from potable water sources
 - h. foundation drains
 - i. air conditioning condensate
 - j. irrigation water
 - k. springs
 - l. water from crawl space and basement sump pumps
 - m. footing drains
 - n. lawn and landscape watering runoff provided that all pesticides and fertilizers have been applied in accordance with the manufacturer’s product label;
 - o. water from individual residential car washing
 - p. flows from riparian habitats and wetlands
 - q. dechlorinated swimming pool discharges
 - r. residual street wash water
 - s. discharges or flows from firefighting activities

(Part I.A.2.)

- t. dechlorinated water reservoir discharges
- u. any SPDES permitted discharge.

Even if the non-stormwater discharges are determined not to be substantial contributors of pollutants, the *Department* recommends that the *covered entity's stormwater management program* ("SWMP") include public education and outreach activities directed at reducing pollution from these discharges.

B. Limitations on Coverage

The following are not authorized by this *SPDES general permit*:

1. *Stormwater discharges* whose unmitigated, direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat;
2. *Stormwater discharges* or *implementation* of a *covered entity's SWMP*, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the covered entity is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Office any activities necessary to avoid or minimize impacts;
3. *Stormwater discharges* to territorial seas not of the State of New York, the contiguous zone, and the oceans unless such *discharges* are in compliance with the ocean *discharge* criteria of 40 CFR 125 subpart M;
4. *Stormwater discharges*, the permitting of which is prohibited under 40 CFR 122.4 and/ or the *ECL*;

C. Exemption Criteria

For *stormwater discharges* from a designated *small MS4* that are mixed with non-*stormwater* or *stormwater* associated with *industrial activity*, the *Department* may determine them to be exempt from the requirements of this *SPDES general permit* if the *discharges* are:

1. Effectively addressed by and in compliance with a different *SPDES general permit* or an *individual SPDES permit*; or
2. Identified by and in compliance with Part I.A.2 of this *SPDES general permit*.

Part II. OBTAINING PERMIT COVERAGE

A. Permit coverage is obtained by submission of a complete and accurate Notice of Intent.

B. Permit coverage is public noticed by the Department.

NOIs will be public noticed and an opportunity for public comment provided on the contents of submitted NOIs.

a. NOIs and the location of the SWMPs and Annual Reports for existing MS4s will be posted in the Environmental Notice Bulletin (ENB).

b. A deadline of 28 calendar days from the posting in the ENB will be provided for receiving comments.

c. After the public comment period has expired, the *Department* may extend the public comment period, require submission of an application for an individual SPDES permit or alternative *SPDES general permit*, or accept the NOI or SWMP as complete.

C. Continuance of Permit Coverage for Covered Entities Authorized by GP-0-10-002 (Continuing Covered Entities)

As of May 1, 2015, entities with coverage under GP-0-10-002 will continue to have authorization to discharge on an interim basis for up to 180 days from the effective date of this *SPDES general permit*. Covered entities may gain coverage under this *SPDES general permit* by submission of their 2014 Annual Report due in June 2015. For public participation purposes, the updated Annual Report will be considered equivalent to submission of an NOI.

When the operator changes, a new operator is added, or the individual responsible for the SWMP changes, these changes must be indicated on the MCC form submitted in accordance with Part V.D. It is not necessary to submit a revised Notice of Intent (NOI).

D. Permit Coverage for Covered Entities Newly Designated Under GP-0-15-003 (Small MS4s not Previously Authorized by GP-0-10-002)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-10-002 based on the designation criteria, but they are now within an *Additionally Designated Area*; or

(Part II.D.)

- were otherwise not permitted under GP-0-10-002.
- 1. In order for *stormwater discharges* from *small MS4s* to be newly authorized under this *SPDES general permit*, an operator must:
 - a. within 180 days of receiving written notification from the *Department* that a permit for discharges from MS4s is required, prepare an NOI using the form provided by the *Department* (or a photocopy thereof); and
 - b. submit the NOI, signed in accordance with Part VI.J of this *SPDES general permit*, to:

**NOTICE OF INTENT
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505**

- 2. *Operators* who submit a complete NOI in accordance with the requirements of this *SPDES general permit* are authorized to *discharge stormwater* from *small MS4s*, under the terms and conditions of this *SPDES general permit*, upon written notification from the Department that a complete NOI has been received.

E Small MS4s Not Required to Gain Coverage

Operators of unregulated *small MS4s* may apply for coverage under this *SPDES general permit* at any time, per Part II.B.

F. Extension of Permit Coverage to Covered Entity's Full Jurisdiction

Operators of traditional land use control MS4s must extend the implementation of minimum control measures (MCMs) 4 and 5 in accordance with *Criterion 3* of the Designation Criteria or apply for a waiver, if eligible.

Operators of all regulated *small MS4s* may also extend the implementation of any of the six MCMs to areas under their control, but outside of the existing area covered by this *SPDES general permit*. This may be done by describing the program components (MCMs) being extended and the geographic extent to which they are being extended in the annual report (Part V.C.) and indicating in the Municipal Compliance Certification (MCC) form (Part V.D.) that the program was extended to the *covered entity's* full jurisdiction.

(Part II.)

G. Single Entity to Cover the MS4

A single entity may gain coverage for, and on behalf of, one or more regulated MS4s to implement a part of an MCM, one, or all the MCMs. A single entity shall be defined by watershed, municipal boundaries, special district boundaries, or other specifically defined boundaries. The single entity must demonstrate to the *Department* that it was formed in accordance with applicable state and/or local legislation, and that it has the legal authority and capacity (financial, resources, etc.) to meet the requirements of this *SPDES general permit*. Depending on the MCM(s) implemented, the single entity shall demonstrate that it has the following capacities, as applicable for each MCM that the single entity is seeking coverage under this *SPDES general permit*:

1. Initiate and administer appropriate enforcement procedures,
2. Collect, finance, bond or otherwise borrow money for capital projects,
3. Control the management and operation of the storm sewer system,
4. Implement best management practices at all municipal facilities discharging to the MS4, and
5. Obtain access to property that may be necessary for siting stormwater management facilities and/or practices.

The single entity must submit a complete NOI form to the *Department*, detailing which of the regulated MS4s it will gain coverage for and which of the MCMs, or parts of MCMs, it will implement for each particular regulated MS4. A copy of the document forming the single entity, and detailing the legal authority and capacity of the single entity, must be attached to the NOI. Prior to the single entity gaining coverage under this *SPDES general permit*, each regulated MS4, for which the single entity will implement one or more MCM must submit a complete notice of termination (NOT). This notice shall specify which of the minimum control measures the single entity will implement for the MS4 and which of the minimum control measures the MS4 will implement.

Part III. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

Where a *discharge* is already authorized under this *SPDES general permit* and is later determined to directly or indirectly cause or have the reasonable potential to cause or contribute to the violation of an applicable *water quality standard*, the *Department* will notify the *covered entity* of such violation(s) and may take enforcement actions for such violations. The *covered entity* must take all necessary actions to ensure future *discharges* do not directly or indirectly cause or contribute to the violation of a *water quality standard*, and the *covered entity* must document these actions in the *SWMP*.

(Part III.A.)

Compliance with this requirement does not preclude, limit, or eliminate any enforcement activity as provided by the Federal and / or State law for the underlying violation. Additionally, if violations of applicable water quality standards occur, then coverage under this *SPDES general permit* may be terminated by the *Department* in accordance with 750-1.21(e), and the *Department* may require an application for an alternative *SPDES general permit* or *individual SPDES permit* may be issued.

B. Impaired Waters

1. Impaired Waters Without Watershed Improvement Strategies or Future TMDLs

If a *small MS4 discharges* a stormwater pollutant of concern (POC) to an *impaired* water listed in Appendix 2, the covered entity must ensure no net increase in its *discharge* of the listed *POC* to that water.

By January 8, 2013, *covered entities* must assess potential sources of discharge of stormwater *POC(s)*, identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the *POC(S)*. Newly authorized covered entities must perform the above tasks within 5 years after gaining coverage under this *SPDES general permit*. Covered entities must evaluate their *SWMP* with respect to the *MS4's* effectiveness in ensuring there is no net increase discharge of stormwater *POC(s)* to the impaired waters for *storm sewersheds* that have undergone non-negligible changes such as changes to land use and impervious cover greater than one acre, or stormwater management practices during the time the *MS4* has been covered by this *SPDES general permit*. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that *discharge* to the listed waters (see Appendix 2). The assessment shall be done using *Department* supported modeling of pollutant loading.

If the modeling shows increases in loading of the *POC*, the *SWMP* must be modified to reduce the loading to meet the no net increase requirement. The subsequent annual reports must contain an assessment of priority stormwater problems, potential management practices that are effective for reduction of stormwater *POC(s)*, and document a gross estimate of the extent and cost of the potential improvements.

2. Watershed Improvement Strategies

The *SWMPs* for *covered entities* in the watersheds listed below must be modified to comply with the following requirements and the watershed improvement strategies. *Covered entities* implementing the pollutant-specific *BMPs* in addition to the *BMPs* required of all *covered entities* will be taking satisfactory steps towards achieving compliance with *TMDL* requirements. *Covered entities* under the *MS4 SPDES general*

(Part III.B.2.)

permit are required to make best efforts to participate in locally based watershed planning efforts that involve the NYSDEC, other covered entities, stakeholders and other interested parties for implementation of load reduction BMPs. Covered entities may form a Regional Stormwater Entity (RSE) to implement stormwater retrofits collectively. The *covered entities* must ensure that discharges of the *POC* to the *TMDL* waterbody are reduced through these or additional changes to the *SWMP* so that the waste load allocation is met.

MS4s are required to meet the reduction of the POC defined by the TMDL program defined in Part IX of this *SPDES general permit*. By the deadlines defined in Part IX of the general permit, *covered entities* must assess their progress and evaluate their *SWMP* to determine the *MS4's* effectiveness in reducing their discharges of *TMDL POC(s)* to *TMDL* water bodies. Newly designated watershed improvement strategy areas must perform the assessment within 5 years from authorization under this *SPDES* general permit. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the *TMDL* watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*. The *covered entities* or an RSE must prepare and implement, participate in or utilize the results of existing or ongoing ambient water quality monitoring programs to validate the accuracy of models and evaluate the effectiveness of the additional *BMPs* for watershed improvement strategies.

If the modeling shows that loading of the POC is not being reduced to meet the waste load allocation, the *SWMP* must be modified to reduce the pollutant loading to meet the waste load allocation.

Each regulated MS4 is responsible for an individual load reduction, which is a fraction of the total required load reduction in the TMDL. If MS4s form an RSE and stormwater retrofits are approached collectively, the *Department* would allow compliance with this condition of the *SPDES* general permit to be achieved on a regional basis.

In this case the load reduction requirement for each participating MS4 will be aggregated, to create an RSE load reduction, to allow design and installation of retrofits where they are most feasible, without restricting MS4s to site retrofit projects within their municipal boundaries.

Each member of an RSE is in compliance if the aggregate reduction number associated with the retrofit plans is met. If the aggregate number is not met, each of the participating MS4s would be deemed non-compliant until such time as they had met their individual load reduction requirements.

(Part III.B.2.)

a. New York City Watershed East of the Hudson River

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.A to address phosphorus as the *POC* for the portion of their *storm sewershed* in the watershed. A map of the watershed is shown in Appendix 3.

b. Other Phosphorus Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.B to address phosphorus as the *POC* for the portion of their *storm sewershed* in the watershed. Maps of the watersheds are shown in Appendices 4, 5, and 10.

c. Pathogen Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.C to address pathogens as the *POC* for the portion of their *storm sewershed* in any of the watersheds. Maps of the watersheds are shown in Appendices 6, 7, and 9.

d. Nitrogen Watersheds

Covered entities shall modify their *SWMP* to meet the additional requirements as set forth in Part IX.D to address nitrogen as the *POC* for the portion of their *storm sewershed* in the watershed. Maps of the watersheds are shown in Appendix 8.

3. Future TMDL Areas

If a *TMDL* is approved in the future by EPA for any waterbody or watershed into which a *small MS4 discharges*, the *covered entity* must review the applicable *TMDL* to see if it includes requirements for control of *stormwater discharges*. If a *covered entity* is not meeting the *TMDL* wasteload allocations, it must, within 180 days of written notification from the *Department*, modify its *SWMP* to ensure that the reduction of the *POC* specified in the *TMDL* is achieved. It will be the *MS4's* obligation to meet the waste load allocations specified in the *TMDL* through modification of its *SWMP plan* according to the schedule of Part IX of this *SPDES general permit*.

Modifications must be considered for each of the six MCMs. Refer to assistance documents or enhanced requirements for specific pollutants in documents on the *Department's* website for modifications specific to the *TMDL*. Revised *SWMPs* must include updated schedules for implementation.

(Part III.B.3.)

Within three years of having modified its SWMP to ensure that reduction of the POC specified in the TMDL is achieved, covered entities in future TMDL areas must assess their progress and evaluate their *SWMP* to determine the *MS4's* effectiveness in reducing their discharges of *TMDL POC(s)* to *TMDL* water bodies. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the *TMDL* watershed. The assessment shall be done using *Department* supported modeling of pollutant loading from the *storm sewershed*.

Part IV. Stormwater Management Program (SWMP) Requirements

A. SWMP Background

Covered entities must develop (for newly authorized *MS4s*, implement), and enforce a *SWMP* designed to reduce the discharge of pollutants from *small MS4s* to the *maximum extent practicable* (“MEP”) in order to protect water quality and to satisfy the appropriate water quality requirements of the *ECL* and the *CWA*. The objective of the permit is for *MS4s* to assure achievement of the applicable water quality standards. *Covered entities* under GP-0-10-002 must have prepared a *SWMP plan* documenting modifications to their *SWMP*. See Part X.B. (Definitions) for more information about the *SWMP* and *SWMP plan*.

The *SWMP* and *SWMP plan* may be created by an individual *covered entity*, by a shared effort through a group or coalition of individual *covered entities*, or by a third party entity. The *SWMP plan* shall be made readily available to covered entity’s staff, to the public and to *Department* and EPA staff.

B. Cooperation Between Covered Entities Encouraged

The *Department* encourages *covered entities* to cooperate when *developing* and *implementing* their *SWMP*². However, each *covered entity* is responsible for obtaining its own permit coverage and for filing its own NOI. Irrespective of any agreements between *covered entities*, each individual *covered entity* remains legally responsible for satisfying all GP-0-15-003 requirements and for its own *discharges*. If one *covered entity* is relying on another *covered entity* to satisfy one or more of its permit obligations, that fact must be noted on the *covered entity's* MCC form. The other entity must, in fact,

² For example, villages are encouraged to cooperate with towns, towns with counties, and adjacent counties with each other. In addition, municipal governments are encouraged to coordinate and cooperate with non-traditional *MS4s* such as DOT, school and fire districts, Federal and State facilities located within and adjacent to their jurisdictions. Sewer boards, water boards, or other non-traditional entities are encouraged to partner with the municipality (municipalities) that they serve.

(Part IV.B.)

implement the MCM(s) and must agree to *implement* the MCM(s) on the first *covered entity's* behalf. This agreement between the two or more parties must be documented in writing and signed by both (all) parties. Part IV.G. below may apply if such an agreement is not already in place. The agreement must be included in the *SWMP plan*, and be retained by the *covered entity* for the duration of this *SPDES general permit*, including any administrative extensions of the permit term.

Covered entities that are working together to *develop (for newly authorized MS4s)* or *implement* their *SWMPs* are encouraged to complete shared annual reports. *Covered entities* may also hold a group meeting to present their annual reports to the public and to receive comments on their annual reports. These options are discussed in more detail in Part V.C.2.

C. SWMP Coverage Area

At a minimum, *covered entities* are required to *develop (for newly authorized MS4s)* and *implement SWMPs* in the automatically designated *urbanized areas* (“UA”) and *additionally designated* areas (40CFR Section 122.32(a)(1) or 122.32(a)(2)) under their jurisdiction³.

SWMP coverage shall include all UA or additionally designated areas within the *covered entity's* jurisdiction that drain into their *small MS4* and subsequently *discharge* to *surface waters of the State* directly or through other *small MS4s*.

Operators of *small MS4s* whose jurisdiction includes regulated and unregulated areas are encouraged to include their entire jurisdiction in their *SWMP* (refer to Part II.D).

D. SWMP Development and Implementation for Covered entities Authorized by GP-0-10-002(Continuing Covered entities)

Covered entities authorized under GP-0-10-002 shall continue to fully *implement* their *SWMP*, unless otherwise stated in this *SPDES general permit*. A *covered entity* may modify its *SWMP* if it determines changes are needed to improve *implementation* of its *SWMP*. Any changes to a *SWMP* shall be reported to the *Department* in the *MS4's*

³ The purpose of this section is to minimize conflicts between adjacent *small MS4s*. For the purposes of this *SPDES general permit*, areas under the *covered entity's* jurisdiction shall mean areas where the legal authority exists for the subject *covered entity* to *develop* and *implement* an *SWMP* including the six MCMs. It is not a permit requirement for *covered entities* to *implement* and enforce any portion of their *SWMP* in any area that is under the jurisdiction of another *covered entity*. For example, if a portion of a town drains directly into a stormwater system owned and operated by the State DOT, and this area of the town is regulated, the DOT will not be required to implement and enforce any portion of a *SWMP* in the area lying outside of its right of way. In this case, the town would be required to implement the program in the subject area in accordance with this *SPDES general permit*, this despite the fact that the subject drainage does not directly enter the town's system.

(Part IV.D)

annual report and Municipal Compliance Certification (MCC) form (See Part V.C and V.D).

E. SWMP Development and Implementation for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)

Certain *small MS4s* designated by 40CFR Section 122.32(a)(1) were not authorized by GP-0-10-002, but are now required to gain coverage under this *SPDES general permit*. The *small MS4s* were not previously authorized because they were either:

- required to gain coverage under GP-0-10-002, but were granted a waiver from that requirement;
- were not required to gain coverage under GP-0-10-002 based on the designation criteria, but they now meet the additional designation criteria in NYS DEC “Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems” ; or
- were otherwise not permitted under GP-0-10-002.

Operators of small MS4s newly regulated under this *SPDES general permit* must *develop* an initial *SWMP* and provide adequate resources to fully *implement* the *SWMP* no later than three years from the date of the individual MS4's authorization.

A newly regulated *covered entity* may modify its *SWMP* to comply with the terms and conditions of this *SPDES general permit* if it determines changes are needed to improve *implementation* of its *SWMP*. Any changes to a *SWMP* shall be documented in the *SWMP plan* and reported to the *Department* in the annual report (See Part V.C).

Covered entities are required to make steady progress toward full *implementation* in the first three years after the date of authorization. Full *implementation* of *SWMPs* for newly regulated *small MS4s* is expected no later than three years from the date of coverage under this *SPDES general permit*.

F. Minimum Control Measures

Each *covered entity* is required to develop (*for newly authorized MS4s*) and implement a *SWMP* that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs).

The MCMs for *traditional land use control MS4s* are listed in Part VII. The MCMs for *traditional non-land use control MS4s* and *non-traditional MS4s* are listed in Part VIII. Additional MCMs that *covered entities* in watersheds with improvement strategies must address, referred to in Part III.B.2, are described in Part IX.

(Part IV.)

G. Reliance Upon Third Parties

This section applies when a *covered entity* relies upon any third party entity to *develop* or *implement* any portion of its *SWMP*. Examples of such entities include, but are not

limited to a non-government, commercial entity that receives payment from the *covered entity* for services provided (for example businesses that create policies or procedures for *covered entities*, perform illicit discharge identification and track down, maintain roads, remove snow, clean storm sewer system, sweep streets, etc. as contracted by the covered entity).

The covered entity must, through a signed certification statement, contract or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party. The certification statement, contract or other agreement must:

- provide adequate assurance that the third party will comply with permit requirements;
- identify the activities that the third party entity will be responsible for and include the name and title of the person providing the signature;
- the name, address and telephone number of the third party entity;
- an identifying description of the location of the work performed; and
- the date the certification statement, contract or other agreement is signed.

Example certification language is provided below:

Contracted Entity Certification Statement:

“I certify under penalty of law that I understand and agree to comply with the terms and conditions of the (covered entity’s name) stormwater management program and agree to implement any corrective actions identified by the (covered entity’s name) or a representative. I also understand that the (covered entity’s name) must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (“SPDES”) general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems (“MS4s”) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by (covered entity’s name) will not diminish, eliminate, or lessen my own liability.”

Part V. PROGRAM ASSESSMENT, RECORD KEEPING, REPORTING AND CERTIFICATION REQUIREMENTS

A. Assessment

Covered entities are required to collect and report information about the *development* and *implementation* of their SWMPs. Specific information the *small MS4s* are required to collect is identified in Parts VII or VIII, depending on the type of *small MS4*. The *small MS4s* are encouraged to collect additional information that will help them evaluate their SWMP. Collection of information over time will facilitate the evaluation of the *covered entity's SWMP* by allowing the examination of trends in the information collected.

The *covered entity* must conduct an annual evaluation of its program compliance, the appropriateness of its identified *BMPs*, meeting new permit requirements, and progress towards achieving its identified *measurable goals*, which must include reducing the *discharge* of pollutants to the *MEP*.

Where the evaluation shows that the SWMP is not reducing discharges to the *MEP*, the SWMP shall be revised to reduce discharges to the *MEP*. Update to the SWMP and the SWMP plan must be completed within a year from the annual evaluation of their SWMP with an implementation schedule no later than 3 years from the annual evaluation.

B. Recordkeeping

The *covered entity* must keep records required by this *SPDES general permit* (records that document *SWMP*, records included in *SWMP plan*, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the *Department*, etc.) for at least five (5) years after they are generated. Records must be submitted to the *Department* within 5 business days of receipt of a *Department* request for such information. The *covered entity* shall keep duplicate records (either hard copy or electronic), to have one copy for public observation and a separate working copy where the *covered entity's* staff, other individuals responsible for the *SWMP* and regulators, such as *Department* and EPA staff can access them. Records, including the NOI and the *SWMP plan*, must be available to the public at reasonable times during regular business hours.

C. Annual Reporting

1. Annual Report Submittal

The annual reporting period ends March 9 of each year. The annual report must be received in the *Department's* Central Office, electronic or hard copy, no later than June 1 of each reporting year. If electronic, submit in accordance with procedures set forth by the *Department*. If mailed, send to the address below:

(Part V.C.1.)

**NYS DEC “MS4 Coordinator”
Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505**

Failure to submit a complete annual report and a complete MCC form (Part V.D) shall constitute a permit violation.

a. Annual Report Submittal for Newly Regulated Covered entities (Small MS4s not Previously Authorized by GP-0-10-002)

Newly regulated covered entities *developing* their *SWMP* are to submit their Annual Report in a format provided by the *Department*. They will provide, at a minimum, the information on the annual report form and the information required by Parts VII or VIII.

Newly regulated *covered entities* are required to submit their first annual report the year that authorization is granted if authorization is granted on or before December 31 of that reporting year.

b. Annual Report Submittal for Covered entities Authorized by GP-0-10-002 (Continuing Covered entities)

Beginning with annual reports due in 2010 *covered entities* implementing their *SWMP* shall submit, at a minimum, information specified by the *Department* in Part VII or VIII in a format provided by the *Department*.

2. Shared Annual Reporting and Submittal

Covered entities working together to *develop* (for newly authorized *MS4s*) and /or *implement* their *SWMPs* may complete a shared annual report. The shared annual report is an annual report that outlines and explains group activities, but also includes the tasks performed by individual *covered entities* (*BMPs*, *measurable goals*, schedules of planned activities, etc.). To facilitate the submission of one annual report for the entire group of *covered entities*, individual *covered entity*'s activities may be incorporated into the report by either:

- providing the details specific to their *small MS4(s)* to a person(s) who incorporates that information into the group report. That one group report is submitted to the *Department* for all participating *small MS4s*; or
- providing the details specific to their *small MS4(s)* on a separate sheet(s) that will be attached with the one group report.

(Part V.C.2.)

Regardless of the method chosen, each *covered entity* must, by June 1 of the annual reporting year:

- a. Provide their individual MCC form (see Part V.D) to be submitted with the shared annual report. Each *covered entity* must sign and submit an MCC form to take responsibility for all of the information in the annual report, which includes specific endorsement or acceptance of the shared annual report on behalf of the individual *covered entity*;
- b. Present their draft annual report at a meeting (see Part VII.A.2.d or Part VIII.A.2.d for more information). For completed shared annual reports, the report may be presented by each participating individual *covered entity* at an existing *municipal* meeting or may be made available for comments on the internet. Additionally, *covered entities* participating in shared annual reporting may combine meetings to have a group or regional meeting. While the group meeting is allowable, each *covered entity* shall ensure that local public officials and members of the public are informed about the program, activities and progress made; and
- c. Submit a summary of any comments received and (intended) responses on the individual *covered entity's* information or the shared annual report information, as applicable. This information should be included with the annual report submission. Changes made to the *SWMP* in response to comments should be described in the annual report.

3. Annual Report Content

The annual report shall summarize the activities performed throughout the reporting period (March 10 to March 9) and must include at a minimum:

- a. The status of compliance with permit conditions, including Watershed Improvement Strategy conditions;
- b. An assessment/evaluation of:
 - i. the appropriateness of the identified *BMPs*;
 - ii. progress towards achieving the statutory goal of reducing the *discharge* of pollutants to the *MEP*; and
 - iii. the identified *measurable goals* for each of the *MCMs*.
- c. Results of information collected and analyzed, monitoring data, and an assessment of the *small MS4's SWMP* progress toward the statutory goal of reducing the *discharge of pollutants* to the *MEP* during the reporting period. This could include results from required *SWMP* reporting, estimates of pollutant loading (from parameters such as identified illicit discharges, physically interconnected *small MS4s* that may contribute substantially to pollutant

loadings from the *small MS4*) and pollutant load reductions (such as illicit discharges removed). This assessment may be submitted as an attachment;

- d. When required to be completed, results of assessments of effectiveness in meeting no net increase requirements or TMDL loadings as required by III. B.1 and 2. These results must be submitted in evaluation forms and as an attachment;
- e. A summary of the stormwater activities planned to be undertaken during the next reporting cycle (including an implementation schedule);
- f. Any change in identified *BMPs* or *measurable goals* and justification for those changes;
- g. Notice that a *small MS4* is relying on another entity to satisfy some or all of its permit obligations (if applicable);
- h. A summary of the public comments received on this annual report at the public presentation required in Part VII.A.2. or VIII.A.2. And, as appropriate, how the *small MS4* will respond to comments and modify the program in response to the comments;
- i. A statement that the final report and, beginning in 2009, the SWMP plan are available for public review and the location where they are available; and
- j. The information specified under the reporting requirements for each MCM (Part VII or VIII).

D. Interim Progress Reporting

In accordance with 6 NYCRR Part 750-1.14, *covered entities* that own or operate MS4s within the watersheds listed in Part IX must submit to the Department interim progress reports no later than December 1 of each year. These interim progress reports will identify the activities that have been performed during the period of March 10 through September 9 of each year, which demonstrates that there is progress being made by the *covered entity* towards completion of the reduction requirements, prescribed in Part IX. Progress made during the period of September 10 through March 9 shall be reported with the annual report that is due no later than June 1 of each year.

E. Annual Report Certification

A signed original hard copy and a photocopy of the MCC form must be submitted to the *Department* no later than June 1 of each reporting year. If the annual report is mailed (Part V.C. above), the MCC form must be submitted with the annual report.

The MCC form, provided by the *Department*, certifies that all applicable conditions of Parts IV, VII, VIII and IX of this *SPDES general permit* are being *developed, implemented* and complied with. It must be signed by an individual as described in Part VI.J.2. The certification provided by the MCC form does not affect, replace or negate the certification required under Part VI.J.2 (d). If compliance with any requirement cannot be certified to on the MCC form, a complete explanation with a description of corrective measures must be included as requested on the MCC form.

Failure to submit a complete annual report (Part V.C.) and a complete MCC form shall constitute a permit violation.

Part VI. STANDARD PERMIT CONDITIONS

A. General Authority to Enforce

Three of the MCMs (illicit discharge detection and elimination, construction site *stormwater* runoff control and post-construction *stormwater* management) require local laws, ordinances or other regulatory mechanisms to ensure successful implementation of the MCMs. Some *covered entities*, however, are not enabled by state law to adopt local laws or ordinances. Those *covered entities* (typically non-traditional MS4s and traditional, non-land use control MS4s) are expected to utilize the authority they do possess to create or modify existing regulatory mechanisms, including but not limited to contracts, bid specifications, requests for proposals, etc. to ensure successful implementation.

B. Duty To Comply

A *covered entity* must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and the *ECL* and is grounds for enforcement action.

C. Enforcement

Failure of the *covered entity*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the *SPDES general permit* requirements contained herein shall constitute a permit violation. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Continuation of the Expired SPDES General Permit

This *SPDES general permit* expires five years from the effective date of this permit. However, an administratively extended *SPDES general permit* continues in force and effect until the *Department* issues a new permit, unless a *covered entity* receives written notice from the *Department* to the contrary. *Operators* of the *MS4s* authorized under the administratively extended expiring *SPDES general permit* seeking coverage under the new *SPDES general permit* must refer to the terms within the new *SPDES general permit* to continue coverage.

E. Technology Standards

Covered entities, in accordance with written notification by the *Department*, must comply with all applicable technology-based effluent standards or limitations promulgated by EPA pursuant to Sections 301 and 304 of the CWA. If an effluent standard or limitation more stringent than any effluent limitation in the *SPDES general permit* or controlling a pollutant not limited in the permit is promulgated or approved

(Part VI.E.)

after the permit is issued, the *SWMP plan* shall be promptly modified to include that effluent standard or limitation.

F. Need To Halt or Reduce Activity Not a Defense

It shall not be a defense for a *covered entity* in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this *SPDES general permit*.

G. Duty to Mitigate

The *covered entity* shall take all reasonable steps to minimize or prevent any *discharge* in violation of this *SPDES general permit* which has a reasonable likelihood of adversely affecting human health or the environment.

H. Duty to Provide Information

The *covered entity* shall, within five (5) business days, make available for inspection and copying or furnish to the *Department* or an authorized representative of the *Department* any information that is requested to determine compliance with this *SPDES general permit*. Failure to provide information requested shall be a violation of the terms of this *SPDES general permit* and applicable regulation.

I. Other Information

Covered entities who become aware of a failure to submit any relevant facts or have submitted incorrect information in the NOI or in any other report to the *Department* must promptly submit such facts or information.

J. Signatory Requirements

All NOIs, reports, certifications or information submitted to the *Department*, or that this *SPDES general permit* requires be maintained by the *covered entity*, shall be signed as follows:

1. Notices of Intent

All NOIs shall be signed by either a principal executive officer or ranking elected official. Principal executive officer includes (1) the chief executive officer of the municipal entity agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports Required and Other Information Requested

All reports required by this *SPDES general permit* and other information requested by the *Department*, including MCC forms (part V.D.), shall be signed by a person

(Part VI.J.2.)

described above or by a duly authorized representative of that person⁴. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in VI.J.1 above and submitted to the *Department*; and
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the *covered entity* (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the MCC form; and
- d. **Changes to authorization.** If an authorization to discharge is no longer accurate because a different *covered entity* has responsibility for the overall operation of another *covered entity's* program, these changes must be indicated on the MCC form submitted to the *Department* per Part V.D.
- e. **Initial signatory authorization or changes to signatory authorization.** The initial signatory authorization must be submitted to the *Department* with any reports to be signed by a signatory representative. If a signatory authorization under VI.J.2 is no longer accurate because a different individual, or position, has responsibility for the overall operation of the facility, a new signatory authorization satisfying the requirements of VI.J.2 must be submitted to the *Department* with any reports to be signed by an authorized representative.
- f. **Certification.** Any person signing documents under paragraph VI.H shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the

⁴Positions that must be duly authorized include, but are not limited to, Environmental Directors, Deputy Supervisors, Safety and Environmental Managers, Assistant Directors, and Chief Health and Safety Officers.

(Part VI.J.2.f.)

information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information."

Under Part VI.J. (Signatory Requirements), it shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, and/or reports.

K. Penalties for Falsification of Reports

Article 17 of the *ECL* provides a civil penalty of \$37,500 per day per violation of this permit. Articles 175 and 210 of the New York State Penal Law provide for a criminal penalty of a fine and / or imprisonment for falsifying reports required under this permit..

L. Oil and Hazardous Substance Liability

Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve the *covered entity* from any responsibilities, liabilities, or penalties to which it is or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

M. Property Rights

The issuance of this *SPDES general permit* does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it limit, diminish and / or stay compliance with any terms of this permit.

N. Severability

The provisions of this *SPDES general permit* are severable, and if any provision of this *SPDES general permit*, or the application of any provision of this *SPDES general permit* to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

O. Requiring an Individual Permit or an Alternative General Permit

1. In its sole discretion, the *Department* may require any person authorized by this *SPDES general permit* to apply for and/or obtain either an *individual SPDES permit* or an alternative *SPDES general permit*. Where the *Department* requires a *covered entity* to apply for an *individual SPDES permit*, the *Department* will notify such

(Part VI.O.1.)

person in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for filing the application, and a deadline not sooner than 180 days from covered entity's receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Regional Office. The *Department* may grant additional time to submit the application upon request of the applicant.

2. Any *covered entity* authorized by this *SPDES general permit* may request to be excluded from the coverage of this *SPDES general permit* by applying for an *individual SPDES permit* or an *alternative SPDES general permit*. In such cases, a *covered entity* must submit an individual application or an application for an alternative *SPDES general permit* in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the *Department* at the address for the appropriate Regional Office. The request may be granted by issuance of any *individual SPDES permit* or an *alternative SPDES general permit* if the reasons cited by the *covered entity* are adequate to support the request.
3. When an individual *SPDES permit* is issued to a discharger authorized to discharge under a *SPDES general permit* for the same discharge(s), the general permit authorization for outfalls authorized under the individual permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

P. Other State Environmental Laws

1. Nothing in this *SPDES general permit* shall be construed to preclude the institution of any legal action or relieve a *covered entity* from any responsibilities, liabilities, or penalties established pursuant to any applicable *State* law or regulation under authority preserved by section 510 of the CWA.
2. No condition of this *SPDES general permit* releases the *covered entity* from any responsibility or requirements under other environmental statutes or regulations.

Q. Proper Operation and Maintenance

A *covered entity* must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *covered entity* to achieve compliance with the conditions of this *SPDES general permit*. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems,

(Part VI.Q.)

installed by a *covered entity* only when necessary to achieve compliance with the conditions of the *SPDES general permit*.

R. Inspection and Entry

The *covered entity* shall allow the Commissioner of NYSDEC, the Regional Administrator of the USEPA, the applicable county health department, or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *covered entity's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this *SPDES general permit*;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including records required to be maintained for purposes of operation and maintenance; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit.

S. Permit Actions

At the *Department's* sole discretion, this *SPDES general permit* may be modified, revoked, suspended, or renewed for cause at any time.

T. Anticipated noncompliance

The *covered entity* shall give advance notice to the *Department* of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of planned changes or anticipated noncompliance does not limit, diminish and / or stay compliance with any terms of this permit.

U. Permit Transfers.

Coverage under this *SPDES general permit* is not transferable to any person except after notice to the *Department*. The *Department* may require modification or revocation and reissuance of this *SPDES general permit* to change the responsible party and incorporate such other requirements as may be necessary.

Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL

A. Traditional Land-Use Control MS4 Minimum Control Measures (MCMs)

These MCMs apply to *traditional land use control MS4s* (cities, towns, villages). The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the *State* and EPA.

Continuing covered entities were required to develop a SWMP with the MCM requirements below by January 8, 2008 (if authorized by GP-02-02) and within three years of gaining coverage (if authorized by GP-0-10-002). Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Notwithstanding any sooner deadlines contained elsewhere within this permit, newly regulated *covered entities* are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

The *covered entity* may *develop* (for newly authorized *MS4s*) and /or *implement* their *SWMP* within their jurisdiction on their own. The *covered entity* may also *develop* (for newly authorized *MS4s*) and / or *implement* part or all of their *SWMP* through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entities*.

1. Public Education and Outreach - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;
- b. *Develop* (for newly authorized *MS4s*) and *implement* an ongoing public education and outreach program designed to describe to the general public and target audiences:
 - i. the impacts of *stormwater discharges* on waterbodies;
 - ii. *POCs* and their sources;
 - iii. steps that contributors of these pollutants can take to reduce pollutants in *stormwater* runoff; and

(Part VII.A.1.b.)

- iv. steps that contributors of non-*stormwater discharges* can take to reduce pollutants (non-*stormwater discharges* are listed in Part I.A.2);
- c. *Develop (for newly authorized MS4s), record, periodically assess, and modify as needed, measurable goals; and*
- d. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- e. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. list education / outreach *activities* performed for the general public and target audiences and provide any results (for example, number of people attended, amount of materials distributed, etc.);
 - ii. *covered entities* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for public employees, businesses, and the general public, as required by Part VII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6; andTo facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by,
 - iii. report on effectiveness of program, *BMP* and *measurable goal* assessment; and
 - iv. maintain records of all training activities.
- f. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**

(Part VII.A.1.f.i.)

Complete in Year 1 (report changes in Year 2 and 3 as needed):

- list (and describe if necessary) *POCs*;
- *development* of education and outreach program and *activities* for the general public and target or priority audiences that address *POCs*, geographic areas of concern, and / or *discharges to 303(d) / TMDL* waterbodies;
- *covered entities* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for public employees, businesses, and the general public for IDDE, as required by Part VII.A.3;
 - Construction site stormwater control training planned or completed, as required by Part VII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6;

To facilitate shared annual reporting, if the education and outreach activities above are developed by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.

ii. **program implementation reporting** as set forth in Part VII.A.1(e) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

2. Public Involvement / Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*, when implementing a public involvement / participation program;
- b. *Develop (for newly authorized MS4s)* and *implement* a public involvement/participation program that:
 - i. identifies key individuals and groups, public and private, who are interested in or affected by the *SWMP* ;

(Part VII.A.2.b.)

- ii. identifies types of input the *covered entity* will seek from the key individuals and groups, public and private, to support *development* and *implementation* of the SWMP program and how the input will be used; and
 - iii. describes the public involvement / participation activities the *covered entity* will undertake to provide program access to those who want it and to gather the needed input. The activities included, but are not limited to a water quality hotline (report spills, dumping, construction sites of concern, etc.), stewardship activities like stream cleanups, storm drain marking, and volunteer water quality monitoring;
 - iv. provide the opportunity for the public to participate in the *development*, *implementation*, review, and revision of the *SWMP*.
- c. **Local stormwater public contact.**
Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;
- d. **Annual report presentation.**
Below are the requirements for the annual report presentation:
- i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:
 - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
 - on the internet by:
 - making the annual report available to the public on a website;
 - providing the public the opportunity to provide comments on the internet or otherwise; and

(Part VII.A.2.d.i.)

- making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the covered entity must hold such a meeting. However, the covered entity need only hold a public meeting once to satisfy this requirement.
- ii. provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the local public notice requirements:
 - the placement of the annual report on the agenda of this meeting or location on the internet;
 - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
 - the date and time of the meeting or the date the annual report becomes available on the internet; and
 - the availability of the draft report for prior review prior to the public meeting or duration of availability of annual report on the internet;
- iii. the *Department* recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the *covered entity's SWMP*;
- iv. include a summary of comments and (intended) responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report; and
- v. ensure that a copy of the final report and, beginning in 2009, the *SWMP* plan are available for public inspection;
- e. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*

(Part VII.A.2.)

- f. Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- g. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
 - ii. comments received and intended responses (as an attachment);
 - iii. public involvement / participation *activities* (for example stream cleanups including the number of people participating, the number of calls to a water quality hotline, the number and extent of storm drain stenciling); and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- h. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**
 - Complete for Year 1, 2 and 3:
 - annual report presentation information (date, time, attendees);
 - comments received and intended responses (as an attachment);
 - Complete by end of Year 2 (report changes by end of Year 3 as needed):
 - key stake holders identified;
 - *development* of public involvement / participation plan based on the *covered entity's* needs, *POCs*, target audiences, geographic areas of concern, *discharges* to *303(d)* / *TMDL* waterbodies; and
 - *development* of public involvement / participation *activities* (for example stream cleanups including the number of people participating, the number of calls to a dumping / water quality hotline, the number or percent of storm drains stenciled);
 - ii. **program *implementation* reporting**, as set forth in Part VII.A.2(g) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

(Part VII.A.)

3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;*
- b. *Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:*
 - i. *the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;*
 - ii. *by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the covered entity's jurisdiction; and*
 - iii. *when grant funds are made available or for sewer lines surveyed during an illicit discharge track down, the covered entity's storm sewer system in accordance with available State and EPA guidance;*
- c. *Field verify outfall locations;*
- d. *Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;*
- e. *Map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area;*
- f. *Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems". The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State's model illicit discharge local law. Laws adopted during the GP-02-02 permit cycle must also be attorney-certified as effectively assuring implementation of the State's model IDDE law;*

(Part VII.A.3.)

- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4* in accordance with current assistance and guidance documents from the State and EPA. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;
- h. Inform public employees, businesses, and the general public of the hazards associated with illegal *discharges* and improper disposal of waste, and maintain records of notifications;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary;
- j. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- l. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and percent of *outfalls* mapped;
 - ii. number of *illicit discharges* detected and eliminated;
 - iii. percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
 - iv. status of system mapping;
 - v. activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;
 - vi. regulatory mechanism status - certification that law is equivalent to the *State's* model IDDE law (if not already completed and submitted with an earlier annual report); and
 - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.

(Part VII.A.3.)

m. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

i. **program development deadlines and reporting:**

Complete in Year 1 (revise in Year 2 and 3 if changes are made):

- describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
 - describe priority areas of concern, available equipment, staff, funding, etc.;
- Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):

- describe procedures for identifying and locating *illicit discharges* (trackdown);
- describe procedures for eliminating *illicit discharges*;
- describe procedures for enforcing against illicit dischargers;
- describe procedures for documenting actions;
- describe the program being developed for informing public employees, businesses, and the general public of hazards associated with illegal *discharges* and improper disposal of waste;

Initiate by end of Year 1; complete by end of Year 3:

- regulatory mechanism status development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the *State's* model IDDE law (if not already completed and submitted with an earlier report);

Initiate by end of Year 2; complete by end of Year 3:

- number and percent of *outfalls* mapped; and

Complete by Year 3:

- *outfall* map.

ii. **program implementation reporting** as set forth in Part VIII.A.3(l) above.

Commence *implementation* reporting after three year *development* period.

Implementation reporting may begin earlier if *implementation* begins during development period.

4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop* (for newly authorized MS4s), *implement*, and enforce a program that:

(Part VII.A.4.a.)

- i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001 or GP-0-15-002), unless more stringent requirements are contained within this *SPDES general permit*;
- ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
 - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
 - if controlling such activities in a particular watershed is required by the *Department*;
- iii. includes a law, ordinance or other regulatory mechanism to require a *SWPPP* for each applicable land disturbing activity that includes erosion and sediment controls that meet the *State* 's most current technical standards:
 - this mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
 - equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or
 - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario, certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws.
- iv. contains requirements for construction site operators to implement erosion and sediment control management practices;
- v. allows for sanctions to ensure compliance to the extent allowable by State law;
- vi. contains requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, pursuant to the requirement of construction permit;
- vii. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with *State* and local sediment and erosion control requirements;

(Part VII.A.4.a.vii.)

- ensure that the individuals performing the reviews are adequately trained and understand the *State* and local sediment and erosion control requirements;
 - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater; and
 - after review of *SWPPPs*, the *covered entity* must utilize the "MS4 *SWPPP* Acceptance Form" created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity when notifying construction site owner / operators that their plans have been accepted by the *covered entity*;
- viii. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;
- ix. describes procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water;
- the *covered entity* must ensure that the individual(s) performing the inspections are adequately trained and understand the *State* and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a *Department* sponsored or approved training;
 - all sites must be inspected where the disturbance is one acre or greater;
 - *covered entities* must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the *Department* by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the SPDES General Permit for Stormwater Discharges from Construction Activity. The principal executive officer, ranking elected official, or duly authorized representative (see Part VI.J.) shall document their determination by signing the "MS4 Acceptance" statement on the NOT.
- x. educates construction site owner / operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the *municipality's* construction *stormwater* requirements, when construction *stormwater* requirements apply, to whom they apply, the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;

(Part VII.A.4.a.)

- xi. ensures that construction site operators have received erosion and sediment control training before they do work within the *covered entity's* jurisdiction and maintain records of that training. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the "New York Standards and Specifications for Erosion and Sediment Control") is exempt from the requirements below:
 - training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
 - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *covered entity* may ask for a certificate of completion or other such proof of training; and
 - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;
- xii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- xiii. *develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- xiv. select and appropriate construction *stormwater BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- b. **Program implementation reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number of *SWPPPs* reviewed;
 - ii. number and type of enforcement actions;
 - iii. percent of active construction sites inspected once;
 - iv. percent of active construction sites inspected more than once;
 - v. number of construction sites authorized for disturbances of one acre or more; and
 - vi. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- c. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

(Part VII.A.4.c.)

i. program *development* deadlines and reporting:

Initiate by end of Year 1:

- procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;

Complete in Year 1 (revise in Year 2 and 3 if changes are made):

- describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel;

Initiate by end of Year 1; complete by end of Year 3:

- regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);

Initiate by end of Year 2; complete by end of Year 3:

- describe procedures for SWPPP review that incorporate consideration of potential water quality impacts and ensure consistency with local sediment and erosion control requirements;
- describe procedures for construction site inspections; and
- describe procedures for enforcement of control measures and sanctions to ensure compliance.

ii. program *implementation* reporting as set forth in Part VII.A.4(b) above.

Commence *implementation* reporting after three year *development* period.

Implementation reporting may begin earlier if *implementation* begins during development period.

5. Post-Construction Stormwater Management - SWMP Development/Implementation

At a minimum, all *covered entities* must:

a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:

- provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-01, GP-0-08-001, or GP-0-15-002), unless more stringent requirements are contained within this *SPDES general permit*;
- addresses *stormwater* runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or

(Part VII.A.5.a.ii.)

equal to one acre. Control of *stormwater discharges* from projects of less than one acre must be included in the program if:

- that project is part of a *larger common plan of development or sale*; or
- if controlling such activities in a particular watershed is required by the *Department*;

iii. includes a law, ordinance or other regulatory mechanism to require post construction runoff controls from new development and re-development projects to the extent allowable under *State* law that meet the *State's* most current technical standards:

- the mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
- equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or
 - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario and certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws;

iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the *discharge* of pollutants to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider principles of *Low Impact Development* (LID), *Better Site Design* (BSD), and other *Green Infrastructure* practices to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider smart growth principles, natural resource protection, impervious area reduction, maintaining natural hydrologic conditions in developments, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils.

- *covered entities* are required to review according to the *Green Infrastructure* practices defined in the Design Manual at a site level, and are encouraged to review, and revise where appropriate, local codes and laws that include provisions that preclude green infrastructure or construction techniques that minimize or reduce pollutant loadings.

(Part VII.A.5.a.iv.)

- if a *stormwater* management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then *MEP* will be assumed to be met for post-construction *stormwater* discharged by the practice;
- v. describes procedures for *SWPPP* review with consideration of potential water quality impacts and review of individual *SWPPPs* to ensure consistency with state and local post-construction *stormwater* requirements;
 - ensure that the individuals performing the reviews are adequately trained and understand the *State* and local post construction *stormwater* requirements;
 - ensure that the individuals performing the reviews for *SWPPPs* that include post-construction stormwater management practices are *qualified professionals* or under the supervision of a *qualified professional*;
 - all *SWPPPs* must be reviewed for sites where the disturbance is one acre or greater;
 - after review of *SWPPPs*, the *covered entity* must utilize the “MS4 *SWPPP* Acceptance Form” created by the *Department* and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) when notifying construction site owner / operators that their plans have been accepted by the *covered entity*;
 - utilize available training from sources such as Soil and Water Conservation Districts, Planning Councils, The New York State Department of State, USEPA, and/or the *Department* to educate municipal boards and Planning and Zoning Boards on low impact development principles, better site design approach, and green infrastructure applications.
- vi. maintain an inventory of post-construction stormwater management practices within the *covered entities* jurisdiction. At a minimum, include practices discharging to the *small MS4* that have been installed since March 10, 2003, all practices owned by the *small MS4*, and those practices found to cause or contribute to water quality standard violations.
 - the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, *SWPPP*, or other provided documentation; and dates and type of maintenance performed; and

(Part VII.A.5.a.)

- vii. ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly.
 - The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, *SWPPP*, or other maintenance information) for the practice. *Covered entities* are not required to collect *stormwater* samples and perform specific chemical analysis;
- viii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:
 - Ensure that offset exceeds a standard reduction by factor of at least 2
 - Offset is implemented within the same watershed
 - Proposed offset addresses the POC of the watershed
 - Tracking system is established for the watershed
 - Mitigation is applied for retrofit or redevelopment
 - Offset project is completed prior to beginning of the proposed construction
 - A legal mechanism is established to implement the banking and credit system
- b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;*
- c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*
- d. Select and implement appropriate post-construction *stormwater BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

(Part VII.A.5.)

Required SWMP Reporting

- e. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number of *SWPPPs* reviewed;
 - ii. number and type of enforcement actions;
 - iii. number and type of post-construction stormwater management practices inventoried;
 - iv. number and type of post-construction stormwater management practices inspected;
 - v. number and type of post-construction stormwater management practices maintained;
 - vi. regulatory mechanism status - certification that regulatory mechanism is equivalent to one of the “NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control” (if not already done); and
 - vii. report on effectiveness of program, BMP and measurable goal assessment, and implementation of a banking and credit system, if applicable;

- f. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program *development* deadlines and reporting:**
 - Initiate by end of Year 1; complete by end of Year 3:
 - regulatory mechanism development and adoption status - by end of Year 3 certify that regulatory mechanism is equivalent to one of the NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control (if not already completed and submitted with an earlier report);

 - Initiate by end of Year 2; complete by end of Year 3:
 - procedures for *SWPPP* review to ensure that post-construction stormwater management practices meet the most current version of the state technical standards;
 - procedures for inspection and maintenance of post-construction management practices;
 - procedures for enforcement and penalization of violators; and

 - Complete by the end of year 3:

(Part VII.A.5.f.i.)

- provide resources for the program to inspect new and re-development sites and for the enforcement and penalization of violators.
- ii. **program *implementation* reporting** as set forth in Part VII.A.5(e) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

6. Pollution Prevention/Good Housekeeping For Municipal Operations - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s) and implement* a pollution prevention / good housekeeping program for *municipal* operations and facilities that:
 - i. addresses *municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other;
 - ii. at a minimum frequency of once every three years, perform and document a self assessment of all municipal operations addressed by the SWMP to:
 - determine the sources of pollutants potentially generated by the *covered entity's* operations and facilities; and
 - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
 - iii. determines *management practices*, policies, procedures, etc. that will be *developed* and *implemented* to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” and other guidance materials available from the EPA, *State*, or other organizations;
 - iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity's* capabilities;

(Part VII.A.6.a.)

- v. addresses pollution prevention and good housekeeping priorities;
 - vi. includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;
 - vii. requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc., to meet permit requirements as the requirements apply to the activity performed ; and
 - viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to the MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of existing islands in parking lots with rain gardens, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
 - c. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
 - d. Select and implement appropriate pollution prevention and good housekeeping *BMPs and measurable goals* to ensure the reduction of all *POCs in stormwater discharges* to the *MEP*.
 - e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

Required SWMP Reporting

- f. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). *Covered entities* are required to report on

(Part VII.A.6.f.)

all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

- i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
 - ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addressed during the reporting year:
 - acres of parking lot swept;
 - miles of street swept;
 - number of catch basins inspected and, where necessary, cleaned;
 - post-construction control stormwater management practices inspected and, where necessary, cleaned;
 - pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and
 - acres of pesticides / herbicides applied.
 - iii. staff training events and number of staff trained; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.
- g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:
- i. **program development deadlines and reporting** (first three years after authorization is granted):
Complete by end of Year 1:
 - identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
 - describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);

(Part VII.A.6.g.i.)

- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by end of Year 2; complete by end of Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained; and

Complete by end of Year 3:

- description of developed management practices.

- ii. **program *implementation reporting*** as set forth in Part VII.A.6.(d) above. Commence reporting after three year *development* permit. *Implementation* reporting may begin earlier if *implementation* begins during development period.

PART VIII. MINIMUM CONTROL MEASURES - TRADITIONAL NON-LAND USE CONTROL AND NON-TRADITIONAL MS4s

A. Traditional Non-Land Use Control and Non-traditional MS4 Minimum Control Measures (MCMs)

These MCMs apply to *traditional non-land use control MS4s* and *non-traditional MS4s*. The SWMP for these *small MS4s* must be comprised of the 6 MCMs below. It is recommended that covered entities refer to assistance and guidance documents available from the *State* and EPA.

Under this *SPDES general permit*, the continuing *covered entities* are required to implement their SWMP, including the MCM requirements below. Newly regulated covered entities are required to develop their SWMP, containing the MCM requirements below, within the first 3 years of coverage and then commence implementation.

The *covered entity* may *develop (for newly authorized MS4s)* and / or *implement* their SWMP within their jurisdiction on their own. The *covered entity* may also *develop (for newly authorized MS4s)* and / or *implement* part or all of their SWMP through an intermunicipal program with another *covered entity(s)* or through other cooperative or contractual agreements with third parties that provide services to the *covered entity(s)*.

For each of the elements of the SWMP plan, the *covered entity* must identify (i) the agencies and/or offices that would be responsible for implementing the SWMP plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element.

To comply with the requirements of this *SPDES general permit*, the *traditional non-land use control MS4s* and *non-traditional MS4s* should consider their public to be the employee / user population, visitors, or contractors / developers. Examples of the public include, but are not limited to:

- transportation *covered entities* - general public using or living along transportation systems, staff, contractors;
- educational *covered entities* - faculty, other staff, students, visitors;
- other government *covered entities* - staff, contractors, visitors.

1. Public Education and Outreach on Stormwater Impacts SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. Identify *POCs*, waterbodies of concern, geographic areas of concern, target audiences;

(Part VIII.A.1.)

- b. *Develop (for newly authorized MS4s) and implement* an ongoing public education and outreach program designed to describe:
 - i. the impacts of *stormwater discharges* on waterbodies;
 - ii. *POCs* and their sources;
 - iii. steps that contributors of these pollutants can take to reduce pollutants in *stormwater* runoff; and
 - iv. steps that contributors of non-*stormwater discharges* can take to reduce pollutants (non-*stormwater discharges* are listed in Part I.A.2);
- c. Educational materials may be made available at, locations including, but not limited to:
 - i. at service areas, lobbies, or other locations where information is made available;
 - ii. at staff training;
 - iii. on *covered entity's* website;
 - iv. with pay checks; and
 - v. in employee break rooms;
- d. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- e. Select and implement appropriate education and outreach *activities* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- f. At a minimum, the *covered entity* shall report on the items below:
 - i. list education / outreach *activities* performed and provide any results (number of people attended, amount of materials distributed, etc.);
 - ii. education of the public about the hazards associated with illegal *discharges* and improper disposal of waste as required by Part VIII.A.3, may be reported in this section;
 - iii. *covered entity's* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for the public, as required by Part VIII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6;
- To facilitate shared annual reporting, if the education and outreach activities

(Part VIII.A.1.f.iii.)

- above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by;
- iv. report on effectiveness of program, *BMP* and *measurable goal* assessment; and
 - v. maintain records of all training activities
- g. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. **program development deadlines and reporting:**
Complete in Year 1 (report changes in Year 2 and 3 as needed):
 - list (and describe if necessary) POCs;
 - *development* of education and outreach program and activities for the public that address *POCs*, geographic areas of concern, and / or *discharges to 303(d) / TMDL* waterbodies;
 - *covered entities* developing education and outreach programs required by other MCMs (listed below), may report on development (and implementation of those activities, if occurring during the three year development period) in MCM 1 and provide the following information applicable to their program:
 - IDDE education *activities* planned or completed for the public, as required by Part VIII.A.3;
 - construction site *stormwater* control training planned or completed, as required by Part VIII.A.4; and
 - employee pollution prevention / good housekeeping training planned or completed, as required by Part VIII.A.6.

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by.
 - ii. **Program implementation reporting** as set forth in Part VIII.A.1(f) above.
Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

2. Public Involvement/Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

(Part VIII.A.2.)

- a. Comply with *State* and local public notice requirements identified below when implementing a public involvement / participation program:
 - i. *traditional non-land use control MS4s* shall comply with the *State Open Meetings Law* and local public notice requirements, such as *Open Meetings Law*; and
 - ii. *traditional non-land use control MS4s* and *non-traditional MS4s* may comply with this requirement by determining who their public is (staff, visitors, contractors, etc.) and posting notifications (as needed) in areas viewable by the public. Such areas include common areas, bulletin boards, agency/office web pages, etc. For *small MS4s* whose public are in multiple locations, notifications shall be made available to the public in all locations within the urbanized or additionally designated areas;
- b. Provide the opportunity for the public to participate in the *development, implementation, review, and revision* of the *SWMP*;
- c. **Local stormwater public contact.**

Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form;
- d. **Annual report presentation.**

Below are the requirements for the annual report presentation:

 - i. prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions and make comments on the report. This can be done:
 - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2); or
 - on the internet by:
 - making the annual report available to the public on a website:
 - providing the public the opportunity to provide comments on the internet or otherwise; and

(Part VIII.A.2.d.i.)

- making available the opportunity for the public to request an open public meeting to ask questions about and make comments on the report;
- ii. *traditional non-land use control MS4s* must comply with Part VIII.A.2.(d)(i) above. If they choose to present the draft annual report at a meeting, it may be presented at an existing meeting (e.g. a meeting of the Environmental Management Council , Water Quality Coordinating Committee, other agencies, or a meeting specifically for stormwater), or made available for review on the internet. The *covered entity* must make public the following information when noticing the presentation in accordance with *Open Meetings Law* or other local public notice requirements:
- the placement of the annual report on the agenda of this meeting or location on the internet;
 - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
 - the date and time of the meeting or date annual report becomes available on the internet; and
 - the availability of the draft report for review prior to the public meeting or duration of availability of the annual report on the internet;
- iii. *non-traditional MS4s* typically do not have regular meetings during which a presentation on the annual report can be made. Those *covered entities* may comply with this requirement by either:
- noticing the availability of the report for public comment by posting a sign, posting on web site, or other methods with information about the availability and location where the public can view it and contact information for those that read the report to submit comments; or
 - following the internet presentation as explained in Part VIII.A.2(d)(i) above;
- iv. the *Department* recommends that announcements be sent directly to individuals (public and private interested parties) known to have a specific interest in the covered entity's *SWMP*;

(Part VIII.A.2.d.)

- v. include a summary of comments and intended responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report; and
- vi. ensure that a copy of the final report and, beginning in 2009, the *SWMP* plan are available for public inspection;
- e. *Develop (for newly authorized MS4s), record, periodically assess and modify as needed measurable goals; and*
- f. Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of all of the *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- g. **Program *implementation* reporting for continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
 - ii. comments received and intended responses (as an attachment); and
 - iii. report on effectiveness of program, *BMP* and *measurable goal* assessment;
- h. Reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **program development deadlines and reporting:**
Complete for Year 1, 2, and 3:
 - annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment; and
 - comments received and intended responses (as an attachment).
 - ii. **program *implementation* reporting** as set forth in Part VIII.A.2.g above.
Commence *implementation* reporting after three year *development* period.
Implementation reporting may begin earlier if *implementation* begins during development period.

3. Illicit Discharge Detection and Elimination (IDDE) - SWMP Development / Implementation

At a minimum, all *covered entities* must:

(Part VIII.A.3.)

- a. *Develop (for newly authorized MS4s), implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;*
- b. *Develop (for newly authorized MS4s) and maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:*
 - i. *the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;*
 - ii. *by March 9, 2010, the preliminary boundaries of the covered entity's storm sewersheds determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate trackdown), and additionally designated area within the covered entity's jurisdiction; and*
 - iii. *when grant funds are made available or for sewer lines surveyed during an illicit discharge trackdown, the covered entity's storm sewer system in accordance with available State and EPA guidance;*
- c. *Field verify outfall locations;*
- d. *Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;*
- e. *Map new outfalls as they are constructed or discovered within the urbanized area or additionally designated area;*
- f. *Prohibit illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions below, as applicable:*
 - i. *for traditional non-land use control MS4s:*
 - *effectively prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions; and*
 - *the law, ordinance, or other regulatory mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems" developed by the State, as determined and certified to be equivalent by the attorney representing the small MS4 ; and*

(Part VIII.A.3.f.)

- ii. for *non-traditional MS4s*:
 - prohibit and enforce against *illicit discharges* through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for the *covered entity's IDDE* program; and
 - the mechanisms and directive must be equivalent to the *State's* model illicit discharge local law;
- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4*. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;
- h. Inform the public of the hazards associated with illegal *discharges* and the improper disposal of waste;
- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary and maintain records of notification;
- j. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and
- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*

Required SWMP Reporting

- i. **Program implementation reporting** for **continuing covered entities** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and percent of *outfalls* mapped;

(Part VIII.A.3.I.)

- ii. number of *illicit discharges* detected and eliminated;
 - iii. percent of outfalls for which an outfall reconnaissance inventory has been performed. ;
 - iv. status of system mapping;
 - v. activities to and results from informing the public of hazards associated with illegal *discharges* and improper disposal of waste;
 - vi. for traditional non-land use control MS4s, regulatory mechanism status - certification that law is equivalent to the *State's* model *IDDE* local law (if not already completed and submitted with a prior annual report); and
 - vii. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- m. Required reporting for **newly authorized covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. **program development deadlines and reporting:**
 - Initiate by end of Year 1; complete by end of Year 3:
 - regulatory mechanism development and adoption - by end of Year 3 certify that regulatory mechanism is equivalent to the *State's* model *IDDE* local law (traditional non-land use control MS4s) or certification of equivalence may be accomplished as set forth in Part VIII.A.3(f)(ii).
 - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
 - describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for *IDDE* program;
 - describe priority areas of concern, available equipment, staff, funding, etc.;
 - Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):
 - describe procedures for identifying and locating *illicit discharges* (trackdown);
 - describe procedures for eliminating *illicit discharges*;
 - describe procedures for enforcing against illicit dischargers;
 - describe procedures for documenting actions;
 - describe the program being developed for informing the public of hazards associated with illegal *discharges* and improper disposal of waste;
 - Initiate by end of Year 2; complete by end of Year 3:
 - number and percent of *outfalls* mapped;

(Part VIII.A.3.m.i.)

Complete by Year 3:

- *outfall* map; and

- ii. **program implementation reporting** as set forth in Part VIII.A.3(l) above. Commence *implementation* reporting after three year *development* period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

4. Construction Site Stormwater Runoff Control - SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:
 - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this *SPDES general permit*;
 - ii. addresses *stormwater* runoff to the *small MS4* from *construction activities* that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from *construction activity* disturbing less than one acre must be included in the program if:
 - that *construction activity* is part of a *larger common plan of development or sale* that would disturb one acre or more; or
 - if controlling such activities in a particular watershed is required by the *Department*;
 - iii. incorporates mechanisms for construction runoff requirements from new development and redevelopment projects to the extent allowable under *State* and local law that meet the *State's* most current technical standards:
 - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned, under easement to, within the

(Part VIII.A.4.a.iii.)

right-of-way of, or under the maintenance jurisdiction by the *covered entity* or within the maintenance jurisdiction of the MS4; and

- the mechanisms and directive must be equivalent to the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.
- iv. allows for sanctions to ensure compliance to the extent allowable by *State* law;
- v. describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff;
- vi. educates construction site operators, design engineers, *municipal* staff and other individuals to whom these regulations apply about the construction requirements in the *covered entity's* jurisdiction, including the procedures for submission of *SWPPPs*, construction site inspections, and other procedures associated with control of construction stormwater;
- vii. Ensures that construction site contractors have received erosion and sediment control training, including the *trained contractors* as defined in the SPDES general permit for construction, before they do work within the *covered entity's* jurisdiction:
- training may be provided by the *Department* or other qualified entities (such as Soil and Water Conservation Districts);
 - the *covered entity* is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the *covered entity* may ask for a certificate of completion or other such proof of training; and
 - the *covered entity* may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application.
- viii. establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- ix. develop (*for newly authorized MS4s*), record, periodically assess and modify as needed *measurable goals*; and

(Part VIII.A.4.a.)

- x. select and implement appropriate construction stormwater *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.

Required SWMP Reporting

- b. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and type of sanctions employed;
 - ii. status of regulatory mechanism - certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
 - iii. number of construction sites authorized for disturbances of one acre or more; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.

- c. Reporting for **newly regulated *covered entities*** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **Program *development* deadlines and reporting:**
 - Initiate by end of Year 1:
 - procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;

 - Initiate by the end of Year 1; complete by the end of Year 3:
 - status of mechanism for construction runoff requirements - by end of Year 3 certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities; and

 - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
 - describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel.

 - ii. Program implementation reporting as set forth in Part VIII.A.4(b) above. Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

(Part VIII.A.)

5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all *covered entities* must:

- a. *Develop (for newly authorized MS4s), implement, and enforce* a program that:
 - i. provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities, unless more stringent requirements are contained within this *SPDES general permit*;
 - ii. addresses *stormwater* runoff from new development and redevelopment projects to the *small MS4* from projects that result in a land disturbance of greater than or equal to one acre. Control of *stormwater discharges* from projects of less than one acre must be included in the program if:
 - that project is part of a *larger common plan of development or sale*;
 - if controlling such activities in a particular watershed is required by the *Department*;
 - iii. incorporates enforceable mechanisms for post-construction runoff control from new development and re-development projects to the extent allowable under *State* or local law that meet the *State's* most current technical standards:
 - through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for construction projects that occur on property owned by the *covered entity* or within the maintenance jurisdiction of the MS4; and
 - the mechanisms and directive must assure compliance with the requirements of the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
 - iv. includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the *discharge* of pollutants to the MEP. In the development of environmental plans such as watershed plans, open space preservation programs, local laws, and ordinances covered entities must incorporate principles of *Low Impact Development (LID)*, *Better Site Design (BSD)* and other *Green Infrastructure* practices to the MEP.

(Part VIII.A.5.a.iv.)

Covered entities must consider natural resource protection, impervious area reduction, maintaining natural hydrologic condition in developments, buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils in the development of environmental plans.

- if a *stormwater* management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then *MEP* will be assumed to be met for the post construction *stormwater* discharged by the practice;
- v. establish and maintain an inventory of post-construction stormwater management practices to include at a minimum practices discharging to the *small MS4* that have been installed since March 10, 2003, those owned by the small MS4, and those found to cause water quality standard violations.
 - the inventory shall include, at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, *SWPPP*, or other provided documentation; and dates and type of maintenance performed; and
- vi. ensures adequate long-term operation and maintenance of management practices by trained staff, including assessment to ensure that the practices are performing properly.
 - The assessment shall include the inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, *SWPPP*, or other maintenance information) for the practice. *Covered entities* are not required to collect *stormwater* samples and perform specific chemical analysis;
- vii. Covered entities may include in the SWMP Plan provisions for development of a banking and credit system. MS4s must have an existing watershed plan based on which offsite alternative stormwater management in lieu of or in addition to on-site stormwater management practices are evaluated. Redevelopment projects must be evaluated for pollutant reduction greater than required treatment by the state standards. The individual project must be reviewed and approved by the *Department*. Use of a banking and credit system for new development is only acceptable in the impaired watersheds to achieve the no net increase requirement and watershed improvement strategy areas to achieve pollutant reductions in accordance with watershed plan load reduction goals. A banking and credit system must at minimum include:

(Part VIII.A.5.a.vii.)

- Ensures offset exceeds standard reduction by factor of at least 2
 - Offset is implemented within the same watershed
 - Proposed offset addresses the POC of the watershed
 - Tracking system is established for the watershed
 - Mitigation is applied for retrofit or redevelopment
 - Offset project is completed prior to beginning the proposed construction
 - A legal mechanism is established to implement the banking and credit system
- b. *Develop (for newly authorized MS4s), implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and employ sanctions;*
- c. *Develop (for newly authorized MS4s), record, annually assess and modify as needed measurable goals; and*
- d. *Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.*

Required SWMP Reporting

- e. Program *implementation* reporting for continuing *covered entities* (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
- i. number and type of sanctions;
 - ii. number and type of post-construction stormwater management practices;
 - iii. number and type of post-construction stormwater management practices inspected;
 - iv. number and type of post-construction stormwater management practices maintained;
 - v. status of regulatory mechanism, equivalent mechanism, that regulatory mechanism is equivalent; and
 - vi. report on effectiveness of program, *BMP* and *measurable goal* assessment, and implementation of a banking and credit system, if applicable.
- f. Program reporting for **newly regulated covered entities** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:

(Part VIII.A.5.f.)

i. program *development* deadlines and reporting:

Initiate by end of Year 1; complete by end of Year 3:

- mechanism of post-construction stormwater management - by end of Year 3 certify that mechanisms will assure compliance with the NYS Construction General Permit (GP-0-15-002);

Initiate by end of Year 2; complete by end of Year 3:

- procedures for inspection and maintenance of post-construction management practices; and
- procedures for enforcement and penalization of violators;

ii. program *implementation* reporting as set forth in Part VIII.A.5(e). Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

**6. Pollution Prevention/Good Housekeeping For Municipal Operations
SWMP Development / Implementation**

At a minimum, all *covered entities* must:

- Develop (for newly authorized MS4s) and implement* a pollution prevention / good housekeeping program for *municipal* operations and facilities that:
 - addresses *municipal* operations and facilities that contribute or potentially contribute *POCs* to the *small MS4* system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification, or other;
 - includes the performance and documentation of a self assessment of all municipal operations to:
 - determine the sources of pollutants potentially generated by the *covered entity's* operations and facilities; and
 - identify the *municipal* operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
 - determines *management practices*, policies, procedures, etc. that will be *developed* and *implemented* to reduce or prevent the discharge of (potential)

(Part VIII.A.6.a.iii.)

- pollutants. Refer to *management practices* identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” or other guidance materials available from the EPA, the *State*, or other organizations;
- iv. prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and *covered entity's* capabilities;
 - v. addresses pollution prevention and good housekeeping priorities;
 - vi. includes an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training;
 - vii. requires third party entities performing contracted services, including but not limited to, street sweeping, snow removal, lawn / grounds care, etc., to make the necessary certification in Part IV.G; and
 - viii. requires *municipal* operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and *implement* provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. *Implementation* the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b. Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of the existing islands in parking lots with rain garden, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction.
 - c. *Develop (for newly authorized MS4s)*, record, periodically assess and modify as needed *measurable goals*; and

(Part VIII.A.6.)

- d. Select and implement appropriate pollution prevention and good housekeeping *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*.
- e. Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

Required SWMP Reporting

- f. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally designated area*) that their program is addressing. The *covered entity* shall report at a minimum on the items below:
 - i. indicate the *municipal* operations and facilities that the pollution prevention and good housekeeping program assessed;
 - ii. describe, if not done so already, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the *covered entity's* pollution prevention and good housekeeping program addresses during the reporting year:
 - acres of parking lot swept;
 - miles of street swept;
 - number of catch basins inspected and, where necessary, cleaned;
 - post-construction control stormwater management practices inspected and, where necessary, cleaned;
 - pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and
 - acres of pesticides / herbicides applied.
 - iii. staff training events and number of staff trained; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VIII.A.6.a(ii), the *covered entity* shall report on items that will demonstrate program effectiveness.
- g. Reporting for **newly regulated *covered entities*** (MS4s covered for less than 3 years on the *reporting date*). *Covered entities* are required to report on all *municipal* operations and facilities within their jurisdiction (*urbanized area* and *additionally*

(Part VIII.A.6.g.)

designated area) that their program is addressing. The *covered entity* shall report at a minimum on the items below:

i. program *development* deadlines and reporting:

Complete by end of Year 1:

- identify the municipal operations and facilities that will be considered for inclusion in the pollution prevention and good housekeeping program;
- describe the pollution prevention and good housekeeping program priorities (geographic area, potential to improve water quality; facilities or operations most in need of modification or improvement);
- describe management practices, policies, procedures, etc. that will be developed or modified;
- identify the staff and equipment available;

Initiate by Year 2; complete Year 3:

- describe employee pollution prevention and good housekeeping program training program and begin training, report on number of staff trained;

Complete by end of Year 3:

- description of developed management practices.

ii. program *implementation* reporting as set forth in Part VIII.A.6(d) above. Commence *implementation* reporting after three year *development* permit. *Implementation* reporting may begin earlier if *implementation* begins during *development* period.

Part IX. WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS

The covered entities in the watershed improvement strategy areas must develop or modify their SWMP to address the additional watershed specific requirements to achieve the pollutant load reduction by the deadlines specified in Tables IX.A through D. The requirements contained in this Part are in addition to the applicable requirements in Part VII or VIII, depending on the type of MS4. The Pollutant Load Reductions are the reductions necessary from the discharge loads associated with MS4s that, when combined with reductions in the discharge loads from non-MS4s to the waterbody, will meet water quality standards. The calculated reductions are based on TMDL models and may be recalculated according to 40CFR Part 130.

The MS4 portion of the pollutant load reduction shall be achieved by implementation of BMPs required of all MS4s, reductions from implementation of additional BMPS for watershed improvement strategy areas including any retrofits required by this permit. These reductions are intended to be targeted and credited using models, loading factors and load reductions predicted based on the best scientific information available. In accordance with NYCRR Part 750-1.14, all covered entities that own or operate MS4s in the watershed improvement strategy areas shall submit to the Department progress reports, described in Part V.D, identifying the activities that have been performed during the period of March 10 through September 9 of each year, and demonstrating that progress is being made towards completion of the reduction requirements, as required by this Part.

The Pollutant Load Reduction Deadlines are deadlines by which the MS4 portion of the pollutant load reduction must be met. Watershed Improvement Strategy Deadlines are the deadlines by which the watershed improvement strategy requirements for addressing the POC are to be completed and implemented. Retrofit Plan Submission Deadlines are the deadlines by which the retrofit plan component of the watershed improvement strategies are submitted to the *Department* for review and approval.

Ultimately, the effectiveness of the load reductions in meeting water quality standards will be verified by ambient monitoring of the affected waterbody. Where ambient monitoring demonstrates consistent compliance with water quality standards, the covered entity may request that the *Department* suspend the additional BMP requirements to install stormwater retrofits.

(Part IX.)

A. New York City East of Hudson Watershed MS4s - (Mapped in Appendix 3)

Table IX.A - Pollutant Load Reduction and Timetable for New York City East of Hudson Phosphorus Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Load Allocation)	Pollutant Load Reduction Deadline
New York City East of Hudson Watershed	05/01/2011	03/09/ 2009 (single) and 12/ 31/2009 (RSE)	In accordance with the TMDL Implementation Plan	03/09/2019 (single) 12/31/2019 (RSE)

By the deadlines specified in Table IX.A, covered entities that own or operate MS4s within the listed watershed shall develop and implement the following pollutant specific BMPs. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the *POC*) on waterbodies. The program must identify potential sources of phosphorus in *stormwater* runoff and describe steps that contributors can take to reduce the concentration of this *POC* in *stormwater* runoff. The program must also describe steps that contributors of non-*stormwater* discharges (Part I.A.2) can take to reduce phosphorus.
- b. Develop, or acquire if currently available, specific educational material dealing with sources of phosphorus in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the phosphorus issue;
 - ii. septic systems as a source of phosphorus;
 - iii. phosphorus concerns with fertilizer use;
 - iv. phosphorus concerns with grass clippings and leaves entering streets and storm sewers;
 - v. construction sites as a source of phosphorus; and

- vi. phosphorus concerns with detergent use.

2. Public Involvement/ Participation

No additional requirements proposed for this permit term.

3. Illicit Discharge Detection and Elimination

a. Mapping - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by January 8, 2013.

At a minimum, the map and/or supportive documentation for the conveyance system should include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24,000 or better.

b. On-site wastewater systems - applicable to *traditional land use control* and *traditional non-land use control MS4s*.

- *Develop, implement* and enforce a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Regular field investigations/inspections should be done in accordance with the most current

version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. Construction Site Stormwater Runoff Control- applicable to *traditional land use control MS4s*.

- a. *Develop, implement* and enforce a program to reduce pollutants in *stormwater runoff* to the *small MS4* from construction activities that result in a land disturbance of greater than or equal to five thousand (5000) square feet. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the development and implementation of:
 - i. by December 31, 2009, an ordinance or other regulatory mechanism that requires erosion and sediment controls designed in accordance with the most current version of the technical standard New York State Standards and Specifications for Erosion and Sediment Control for all construction activities that disturb between five thousand (5000) square feet and one acre of land. For construction activities that disturb between five thousand (5000) square feet and one (1) acre of land, one of the standard erosion and sediment control plans included in Appendix E (Erosion & Sediment Control Plan For Small Homesite Construction) of the New York Standards and Specifications for Erosion and Sediment Control may be used as the Stormwater Pollution Prevention Plan (SWPPP);
 - ii. policy and procedures for the *covered entity* to perform, or cause to be performed, compliance inspections at all sites with a disturbance of one (1) or more acres. By December 31, 2009, the *covered entity* shall have started performing, or cause to be performed, compliance inspections at all sites with a disturbance between five thousand (5000) square feet and one (1) acre of land;

5. Post-Construction Stormwater Management

- a. Construction stormwater program - applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*.

(Part IX.A.5.a.)

Develop, *implement* and enforce a program to address post-construction *stormwater* runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre. This includes projects of less than one acre that are part of a larger common plan of development or sale. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the *development* and *implementation* of:

- i. a law or other mechanism that requires post-construction stormwater management controls designed in accordance with the most current version of the technical standards the New York State Stormwater Management Design Manual including the Enhanced Phosphorus Removal Design Standards. An MS4 must ensure that their ordinance or other mechanism requires post-construction stormwater management controls to be designed in accordance with the final version of the Enhanced Phosphorus Removal Design Standards by September 30, 2008.
- b. Retrofit program - applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant phosphorus. At a minimum, the MS4 shall:

- i. establish procedures to identify sites with erosion and/or pollutant loading problems;
- ii. establish policy and procedures for project selection. Project selection should be based on the phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department, other covered entities, stakeholders* and other interested parties;
- iii. establish policy and procedures for project permitting, design, funding, construction and maintenance.

(Part IX.A.5.b.)

- iv. for covered entities that develop their own retrofit program, by March 9, 2009 develop and submit approvable plans with schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those schedules, the plans and schedules shall become enforceable requirements of this permit.
- v. pursuant to Part IV. B (Cooperation Between Covered entities Encouraged), retrofit projects can be completed in cooperation with other covered entities in the East of Hudson Watershed through the formation of a cooperative entity with other MS4s. Participating MS4s shall work with the Department and other members of the cooperative entity in implementing the requirements of i, ii and iii above. In addition, each covered entity that becomes a member of the cooperative entity shall work closely with the Department and other members of the cooperative entity to, by December 31, 2009, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. By December 31, 2009, develop and implement a Stormwater Conveyance System inspection and maintenance program. At a minimum, the program shall include the following:
 - i. policy and procedures for the inspection and maintenance of catch basin and manhole sumps. Catch basin and manhole sumps should be inspected in the early spring and late fall for sediment and debris build-up. If sediment and debris fills greater than 50% of the sump volume, the sump should be cleaned. All sediment and debris removed from the catch basins and manholes shall be properly disposed of;
 - ii. policy and procedures for the inspection, maintenance and repair of conveyance system *outfalls*. Beginning June 30, 2008, the MS4 must inspect 20% of their *outfalls* each year and make repairs as necessary. All outfall protection and/or bank stability problems identified during the inspection shall be corrected in accordance with the New York Standards and Specifications for Erosion and Sediment Control;

(Part IX.A.6.a.)

- iii. policy and procedures for the inspection, maintenance and repair of a *covered entity's* stormwater management practices. The inspection and maintenance schedule for all stormwater management practices shall assure continued operation of stormwater management practices; and
 - iv. develop a Corrective Action Plan for each Stormwater Conveyance System component that has been identified as needing repair. A file of all corrective actions implemented and *illicit discharges* detected and repaired should be maintained for a period of not less than five years.
- b. By December 31, 2010, develop and implement a turf management practices and procedures policy. The policy shall address the following:
- i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate;
 - ii. procedures for the proper disposal of grass clippings from municipally-owned lawns where grass clipping collection equipment is used. Grass clippings shall be disposed of in a compost pile or a proper containment device so that they cannot enter the *small MS4* or surface waters;
 - iii. procedures for the proper disposal of leaves from municipally-owned lands where leaves are collected. Leaves shall be disposed of in a compost pile or a proper containment device so that they cannot enter *small MS4s* or surface waters;
 - iv. for municipalities with lawn waste collection programs, the development of a curbside lawn waste management policy which ensures that lawn waste does not decay and release phosphorus to the storm sewer system; and
 - v. the planting of wildflowers and other native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

(Part IX.)

B. Other Phosphorus Watershed MS4s (Mapped in Appendices 4, 5, and 10)

Table IX.B - Pollutant Load Reduction and Timetable for Other Phosphorus Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %*)	Pollutant Load Reduction Deadline
Greenwood Lake	05/01/2011	03/09/2011	43* (load allocation)	03/09/2011
Onondaga Lake	TMDL approval + 3 years	TMDL approval + 3 years	TBD	TMDL approval + 13 years
Oscawana Lake	05/01/2013	Not Applicable	18	2020

By the deadlines specified in Table IX.B, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 sewersheds discharging to the listed waterbody. Covered entities that own or operate MS4s in these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of phosphorus (the POC) on waterbodies. The program must identify potential sources of Phosphorus in stormwater runoff and describe steps that contributors can take to reduce Phosphorus in stormwater runoff.
- b. develop, or acquire if currently available, specific educational material dealing with sources of Phosphorus in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the phosphorus issue;
 - ii. septic systems as a source of phosphorus; and
 - iii. phosphorus concerns with fertilizer use.

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination applicable to *traditional land use control and traditional non-land use control MS4s, except within the Onondaga Lake Watershed.*

- a. *Develop, implement and enforce* a program that ensures that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five

years and, where necessary, maintained or rehabilitated. Conduct of regular field investigations/inspections should be done in accordance with the most current version of the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant. Program development shall include the establishment of the necessary legal authority to implement the program.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management, - applicable to *traditional land use, traditional non-land use control and non-traditional MS4s*.

- a. The *covered entity* must require the use of the “Enhanced Phosphorus Removal Design Standards” in accordance with NYS Stormwater Design Manual;
- b. *Develop* and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Phosphorus. At a minimum, the MS4 shall:
 - i. establish procedures to identify sites with erosion and/or pollutant loading problems;
 - ii. establish policy and procedures for project selection. Project selection should be based on the Phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
 - iii. establish policy and procedures for project permitting, design, funding, construction and maintenance
 - iv. by the date specified for each watershed in the appropriate Watershed Improvement Strategy Requirement Table develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding

sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

- a. Develop a turf management practices and procedures policy. The policy should address the following:
 - i. procedures for proper fertilizer application on municipally-owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate; and
 - ii. the planting of native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

(Part IX.)

C. Pathogen Impaired Watershed MS4s (Mapped in Appendix 6, 7 and 9)

Table IX.C - Pollutant Load Reduction and Timetable for Pathogen Impaired Watershed Improvement Strategy Areas

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Load Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Budds Pond*	05/01/2013	09/30/2012	61	09/30/2022
Stirling Creek*	05/01/2013	09/30/2012	28	09/30/2022
Town & Jockey Creeks*	05/01/2013	09/30/2012	76	09/30/2022
Goose Creek*	05/01/2013	09/30/2012	70	09/30/2022
Hashamomuck Pond, Zone HP-1*	05/01/2013	09/30/2012	77	09/30/2022
Hashamomuck Pond , Zone HP-2*	05/01/2013	09/30/2012	43	09/30/2022
Richmond Creek*	05/01/2013	09/30/2012	71	09/30/2022
Deep Hole Creek*	05/01/2013	09/30/2012	29	09/30/2022
James Creek*	05/01/2013	09/30/2012	51	09/30/2022
Flanders Bay	05/01/2012	03/09/2012	98	03/09/2021
Reeves Bay	05/01/2012	03/09/2012	97	03/09/2021
Sebonac Creek	05/01/2012	03/09/2012	58	03/09/2021
North Sea Harbor, Zone NSH-1	05/01/2012	03/09/2012	97	03/09/2021
North Sea Harbor, Zone NSH-2	05/01/2012	03/09/2012	62	03/09/2021
North Sea Harbor, Zone NSH-3	05/01/2012	03/09/2012	99	03/09/2021
North Sea Harbor, Zone NSH-5	05/01/2012	03/09/2012	74	03/09/2021
Wooley Pond	05/01/2012	03/09/2012	97	03/09/2021
Noyac Creek, Zone NC-1	05/01/2012	03/09/2012	64	03/09/2021
Sag Harbor, Zone SH-2*	05/01/2013	09/30/2012	50	09/30/2022
Northwest Creek*	05/01/2013	09/30/2012	76	09/30/2022
Acabonac Harbor, Zone AH-2*	05/01/2013	09/30/2012	42	09/30/2022
Acabonac Harbor, Zone AH-3*	05/01/2013	09/30/2012	85	09/30/2022
Acabonac Harbor, Zone AH-4*	05/01/2013	09/30/2012	81	09/30/2022
Acabonac Harbor, Zone AH-5*	05/01/2013	09/30/2012	87	09/30/2022
Montauk Lake, Zone LM-1*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-2*	05/01/2013	09/30/2012	52	09/30/2022
Montauk Lake, Zone LM-3*	05/01/2013	09/30/2012	48	09/30/2022
Little Sebonac Creek	05/01/2012	03/09/2012	70	03/09/2021
Oyster Bay (Harbor 2)	05/01/2012	03/09/2012	20	03/09/2021
Oyster Bay (Harbor 3)	05/01/2012	03/09/2012	90	03/09/2021

*Additionally Designated Area

Watershed	Watershed Improvement Strategy Deadline	First Retrofit Plan Submission Deadline	Pollutant Reduction (Waste Load Allocation %)	Pollutant Load Reduction Deadline
Hempstead Harbor, north, and tidal tributaries	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, and tidal tributaries, Inner	05/01/2013	09/30/2012	95	09/30/2022
Cold Spring Harbor, Eel Creek	05/01/2013	09/30/2012	90	09/30/2022
Huntington Harbor	05/01/2013	09/30/2012	89	09/30/2022
Centerport Harbor	05/01/2013	09/30/2012	91	09/30/2022
Northport Harbor	05/01/2013	09/30/2012	92	09/30/2022
Stony Brook Harbor and West Meadow Creek	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Creek	05/01/2013	09/30/2012	99	09/30/2022
Stony Brook Yacht Club	05/01/2013	09/30/2012	48	09/30/2022
Port Jefferson Harbor, North and tribs	05/01/2013	09/30/2012	94	09/30/2022
Conscience Bay and tidal tribs	05/01/2013	09/30/2012	99	09/30/2022
Setauket Harbor, Little Bay	05/01/2013	09/30/2012	84	09/30/2022
Setauket Harbor, East Setauket	05/01/2013	09/30/2012	79	09/30/2022
Setauket Harbor, Poquot	05/01/2013	09/30/2012	100	09/30/2022
Mt. Sinai Harbor, Crystal Brook	05/01/2013	09/30/2012	88	09/30/2022
Mt. Sinai Harbor, Inner Harbor	05/01/2013	09/30/2012	96	09/30/2022
Mt. Sinai Harbor, Pipe Stave Hollow	05/01/2013	09/30/2012	93	09/30/2022
Mattituck Inlet/Creek, Low, and tidal tributaries	05/01/2013	09/30/2012	64	09/30/2022
Goldsmith Inlet	05/01/2013	09/30/2012	91	09/30/2022
West Harbor - Darby Cove	05/01/2013	09/30/2012	41	09/30/2022
Georgica Pond, Upper	05/01/2013	09/30/2012	93	09/30/2022

Georgica Pond, Lower	05/01/2013	09/30/2012	93	09/30/2022
Georgica Pond Cove	05/01/2013	09/30/2012	92	09/30/2022
Sagaponack Pond	05/01/2013	09/30/2012	88	09/30/2022
Mecox Bay and tributaries	05/01/2013	09/30/2012	89	09/30/2022
Heady Creek and tributaries	05/01/2013	09/30/2012	88	09/30/2022
Taylor Creek and tributaries	05/01/2013	09/30/2012	52	09/30/2022
Penny Pond	05/01/2013	09/30/2012	31	09/30/2022
Weesuck Creek and tidal tributaries	05/01/2013	09/30/2012	37	09/30/2022
Penniman Creek and tidal tributaries	05/01/2013	09/30/2012	32	09/30/2022
Ogden Pond	05/01/2013	09/30/2012	28	09/30/2022
Quantuck Bay-Quantuck Creek	05/01/2013	09/30/2012	91	09/30/2022
Quantuck Canal/Moneybogue Bay	05/01/2013	09/30/2012	62	09/30/2022
Seatuck Cove	05/01/2013	09/30/2012	94	09/30/2022
Harts Cove	05/01/2013	09/30/2012	12	09/30/2022
Narrow Bay	05/01/2013	09/30/2012	16	09/30/2022
Bellport Bay, Beaver Dam Creek	05/01/2013	09/30/2012	94	09/30/2022
Bellport Bay, West Cove	05/01/2013	09/30/2012	94	09/30/2022
Patchogue Bay, Swan River	05/01/2013	09/30/2012	90	09/30/2022
Patchogue Bay, Mud Creek	05/01/2013	09/30/2012	71	09/30/2022

By the deadlines specified in Table IX.C, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs in MS4 sewersheds discharging to the listed waters. Covered entities who own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

(Part IX.C)

1. Public Education and Outreach on Stormwater Impacts- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*

a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Pathogens (the *POC*) on waterbodies. The program must identify potential sources of Pathogens in *stormwater* runoff and describe steps that contributors can take to reduce the Pathogens in *stormwater* runoff. The program must also describe steps that contributors of non-*stormwater discharges* can take to reduce Pathogens.

b. *Develop*, or acquire if currently available, specific educational material dealing with sources of Pathogens in *stormwater* and pollutant reduction practices. At a minimum, the educational material should address the following topics:

i. where, why, and how Pathogens pose threats to the environment and to the community;

ii. septic systems, geese and pets as a source of pathogens;

iii. dissemination of educational materials / surveys to households/businesses in proximity to Pathogen *TMDL* waterbodies; and

iv. education for livestock / horse boarders regarding manure *BMPs*.

2. Public Involvement / Participation

No additional requirements proposed at this time.

3. Illicit Discharge Detection and Elimination, SWMP Development / Implementation- Mapping applicable to *traditional land use control and traditional non-land use control MS4s*.

a. Develop, implement, and enforce a program to detect and eliminate discharges to the municipal separate storm sewer system from on-site sanitary systems in areas where factors such as shallow groundwater, low infiltrative soils, historical on-site sanitary system failures, or proximity to pathogen-impaired waterbodies, indicate a reasonable likelihood of system discharge.

In such areas, ensure that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Conduct regular field investigations/inspections in accordance with the most current version of the EPA publication entitled Illicit Discharge

(Part IX.C.3.a)

Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant.

On-site sanitary system IDDE program development shall include the establishment of the necessary legal authority (such as new or revised local laws) for implementation and enforcement.

b. Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management- applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s.*

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce pollutant loading problems, with a particular emphasis placed on the pollutant Pathogens. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;

(Part IX.C.5.)

- b. establish policy and procedures for project selection. Project selection should be based on the Pathogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance
- d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects. Upon DEC approval of those plans and schedules and identification of funding sources, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations, - applicable to *traditional land use control* and traditional non-land use control MS4s.

- a. *Develop*, enact and enforce a local law prohibiting pet waste on municipal properties and prohibiting goose feeding.
- b. *Develop* and *implement* a pet waste bag program for collection and proper disposal of pet waste.
- c. *Develop* a program to manage goose populations.

(Part IX.)

D. Nitrogen Watershed MS4s (Mapped in Appendix 8)

Table IX.D - Pollutant Load Reduction and Timetable for Nitrogen Watershed Improvement Strategy Area

Watershed	Watershed Improvement Strategy Deadline	Retrofit Plan Submission Deadline	Pollutant Reduction (Load Allocation %)	Pollutant Load Reduction Deadline
Lower Peconic River & Tidal Tributaries	05/01/2011	03/09/2011	15	03/09/2021
Western Flanders Bay & Lower Sawmill Creek				
Meetinghouse Creek				
Terrys Creek & Tributaries				

By the deadlines specified in Table IX.D, covered entities that own or operate MS4s within the listed watersheds shall develop and implement the following pollutant specific BMPs for MS4 sewersheds discharging to the listed waterbodies. Covered entities that own or operate MS4s within these watersheds shall also submit to the Department, progress reports as specified in Part V.D.

1. Public Education and Outreach on Stormwater Impacts - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Nitrogen (the POC) on waterbodies. The program must identify potential sources of Nitrogen in stormwater runoff and describe steps that contributors can take to reduce the Nitrogen in stormwater runoff.

- b. develop, or acquire if currently available, specific educational material dealing with sources of Nitrogen in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. understanding the Nitrogen issue;
 - ii. septic systems as a source of Nitrogen; and

(Part IX.D.1.b)

- iii. Nitrogen concerns with fertilizer use.

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

3. Illicit Discharge Detection and Elimination - applicable to *traditional land use control* and *traditional non-land use control MS4s*

a. Develop and maintain a map showing the entire small MS4 conveyance system. The covered entity shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:

- i. type of conveyance system - closed pipe or open drainage;
- ii. for closed pipe systems - pipe material, shape, and size;
- iii. for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
- iv. drop inlet, catch basin, and manhole locations; and
- v. number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and Elimination. The scale shall be 1:24000 or better.

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

5. Post-Construction Stormwater Management - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant Nitrogen. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;

(Part IX.D.5)

- b. establish policy and procedures for project selection. Project selection should be based on the Nitrogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance; and
- d. by March 9, 2011, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

6. Pollution Prevention/Good Housekeeping For Municipal Operations - applicable to *traditional land use control, traditional non-land use control and non-traditional MS4s*.

- a. Develop a turf management practices and procedures policy. The policy should address the following:
 - i. procedures for proper fertilizer application on municipally-owned lands. The application of any Nitrogen-containing fertilizer shall only be allowed under the supervision of a Certified Crop Advisor or Certified Landscape Architect; and
 - ii. the planting of native plant material to lessen the frequency of mowing and reduce the use of chemicals to control vegetation.

Part X. ACRONYMS AND DEFINITIONS

A. Acronym List

BMP - Best Management Practice
CFR - Code of Federal Regulations
CWA - Clean Water Act
ECL - Environmental Conservation Law
MCC - Municipal Compliance Certification
MCM - Minimum Control Measure
MEP - Maximum Extent Practicable
MS4 - Municipal Separate Storm Sewer System
NPDES - National Pollutant Discharge Elimination System
POC - Pollutant of Concern
SPDES - State Pollutant Discharge Elimination System
SWMP - Stormwater Management Program
SWMP Plan - Stormwater Management Program Plan
SWPPP - Stormwater Pollution Prevention Plan
TMDL - Total Maximum Daily Load
UA - Urbanized Area

B. Definitions

Activities - See best management practice

Additionally Designated Areas - EPA required the Department to develop a set of criteria for designating additional MS4 areas as subject to these regulations. The following criteria have been adopted to designate additional MS4s in New York State:

Criteria 1: MS4s discharging to waters for which and EPA-approved TMDL required reduction of a pollutant associated with stormwater beyond what can be achieved with existing programs (and the area is not already covered under automatic designation as UA).

Criteria 2: MS4s contiguous to automatically designated urbanized areas (town lines) that discharge to sensitive waters classified as AA Special (fresh surface waters), AA (fresh surface waters) with filtration avoidance determination or SA (saline surface waters).

Criterion 3: Automatically designated MS4 areas are extended to Town, Village or City boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (5) Post Construction Stormwater Management in Development and Redevelopment. This additional designation may be waived, by written request to the Department, where the automatically designated area is a small portion of the total area of the Town, Village or City (less than 15 %) and where there is

little or no construction activity in the area outside of the automatically designated area (less than 5 disturbed acres per year).

Best Management Practice - means schedules activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements (if determined necessary by the covered entity), operating procedures, and practices to control runoff, spillage and leaks, sludge or waste disposal, or drainage from areas that could contribute pollutants to stormwater discharges. BMP is referred to in EPA's fact sheets and other materials. BMPs are also referred to as "activities" or "management practices" throughout this *SPDES general permit*.

Better Site Design (BSD) - Better Site Design incorporates non-structural and natural approaches to new and redevelopment projects to reduce impacts on watersheds by conserving natural areas, reducing impervious cover and better integrating stormwater treatment. Better site design is a form of Green Infrastructure and is similar to Low Impact Development (LID). See also Green Infrastructure and Low Impact Development.

Construction Activity(ies) - means any clearing, grading, excavation, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include but are not limited to logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Covered entity - means the holder of this *SPDES general permit* or an entity required to gain coverage under this *SPDES general permit*. The owner / operator of the small MS4.

Department - means the New York State Department of Environmental Conservation as well as meaning the Department 's designated agent.

Development - period after initial authorization under this *SPDES general permit* when the covered entity creates, designs or develops activities, BMPs, tasks or other measures to include in their SWMP

Discharge(s) - any addition of any pollutant to waters of the State through an outlet or point source.

Discharge Authorized by a SPDES Permit - means discharges of wastewater or stormwater from sources listed in the permit, that do not violate ECL Section 17-0501, that are through outfalls listed in the permit, and that are:

1. discharges within permit limitations of pollutants limited in the SPDES permit;

2. discharges within permit limitations of pollutants limited by an indicator limit in the SPDES permit;
3. discharges of pollutants subject to action level requirements in the SPDES permit;
4. discharges of pollutants not explicitly listed in the SPDES permit, but reported in the SPDES permit application record as detected in the discharge or as something the covered entity knows or has reason to believe to be present in the discharge, provided the special conditions section of the applicable SPDES permit does not otherwise forbid such a discharge and provided that such discharge does not exceed, by an amount in excess of normal effluent variability, the level of discharge that may reasonably be expected for that pollutant from information provided in the SPDES permit application record;
5. discharges of pollutants not required to be reported on the appropriate and current New York State SPDES permit application; provided the special conditions section of the permit does not otherwise forbid such a discharge. The Department may, in accordance with law and regulation, modify the permit to include limits for any pollutant even if that pollutant is not required to be reported on the SPDES permit application; or
6. discharges from fire fighting activities; fire hydrant flushings; testing of fire fighting equipment, provided that such equipment is for water only fire suppression; potable water sources including waterline flushings; irrigation drainage; lawn watering; uncontaminated infiltration and inflow; leakage from raw water conveyance systems; routine external building washdown and vehicle washing which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials, other than minor and routine releases from motor vehicles, have not occurred (unless such material has been removed) and where detergents are not used; air conditioning and steam condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents provided that the covered entity has implemented an effective plan for minimizing the discharge of pollutants from all of the sources listed in this subparagraph.

Environmental Conservation Law - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Green Infrastructure - Green infrastructure approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures . Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. See also Low Impact Development and Better Site Design.

Groundwater - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the

atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Illicit Discharges - discharges not entirely composed of stormwater into the small MS4, except those identified in Part I.A.2. Examples of illicit discharges are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an illicit discharge could be any other non-permitted discharge which the covered entity or Department has determined to be a substantial contributor of pollutants to the small MS4.

Impaired Water - a water is impaired if it does not meet its designated use(s). For purposes of this permit 'impaired' refers to impaired waters for which TMDLs have been established, for which existing controls such as permits are expected to resolve the impairment, and those needing a TMDL. Impaired waters compilations are also sometimes referred to as 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed. States will generally have associated, but separate lists of impaired waters for which TMDLs have already been established.

Implementation - period after development of SWMP, where the covered entity puts into effect the practices, tasks and other activities in their SWMP.

Individual SPDES Permit - means a SPDES permit issued to a single facility in one location in accordance with this Part (as distinguished from a *SPDES general permit*).

Industrial Activity - as defined by the SPDES Multi-Sector General Permit (GP-0-12-001).

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, State Environmental Quality Review Act Application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Low Impact Development - is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,

and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID principles are based on controlling stormwater at the source by the use of micro scale controls that are distributed throughout the site. This is unlike conventional approaches that typically convey and manage runoff in large facilities located at the base of drainage areas. See also Green Infrastructure and Better Site Design.

Management Practices - See best management practices

Maximum Extent Practicable - is a technology-based standard established by Congress in the Clean Water Act '402(p)(3)(B)(iii). Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop their programs. (40CFR 122.2 See also: Stormwater Phase II Compliance Assistance Guide EPA 833-R-00-002, March 2000). When trying to reduce pollutants to the MEP, there must be a serious attempt to comply, and practical solutions may not be lightly rejected. If a covered entity chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a covered entity employs all applicable BMPs except those where it can be shown that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. MEP required covered entities to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive.

Measurable Goals - are the goals of the SWMP that should reflect the needs and characteristics of the covered entity and the areas served by its small MS4. Furthermore, the goals should be chosen using an integrated approach that fully addresses the requirements and intent of the MCM. The assumption is that the program schedules would be created over a 5 year period and goals would be integrated into that time frame. For example, a larger MS4 could do an outfall reconnaissance inventory for 20% of the collection system every year so that every outfall is inspected once within the permit cycle

Municipal / Municipalities - referred to in the federal rule that describes the Phase II stormwater program includes not only the State's municipal governments (cities, towns, villages and counties), but any publicly funded entity that owns or operates a separate storm sewer system. Examples of other public entities that are included in this program include the State Department of Transportation, State University Campuses, federal and State prisons, State and federal hospitals, Thruway and Dormitory Authorities, public housing authorities, school and other special districts.

Municipal Separate Storm Sewer System - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. owned or operated by a State, city, town, village, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA, that discharges to surface waters of the State;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Non-traditional MS4s - state and federal prisons, office complexes, hospitals; state: transportation agencies; university campuses, public housing authorities, schools, other special districts.

Open Meetings Law - per Public Officers Law, Article 7, Open Meetings Law, Section 104, Public notice:

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Operator - the person, persons or legal entity that is responsible for the small MS4, as indicated by signing the NOI to gain coverage for the MS4 under this *SPDES general permit*.

Outfall - is defined as any point where a municipally owned and operated separate storm sewer system discharges to either surface waters of the State or to another MS4. Outfalls

include discharges from pipes, ditches, swales, and other points of concentrated flow. However, areas of non-concentrated (sheet) flow which drain to surface waters of the State or to another MS4's system are not considered outfalls and should not be identified as such on the system map.

Pollutants of Concern - there are POCs that are primary (comprise the majority) sources of stormwater pollutants and others that are secondary (less likely).

- The POCs that are primarily of concern are: nitrogen, phosphorus, silt and sediment, pathogens, flow, and floatables impacting impaired waterbodies listed on the Priority Waterbody List known to come in contact with stormwater that could be discharged to that water body.
- The POCs that are secondarily of concern include but are not limited to petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs), where stormwater or runoff is listed as the source of this impairment.
- The primary and secondary POCs can also impair waters not on the 303(d) list. Thus, it is important for the covered entity to assess known and potential POCs within the area served by their small MS4. This will allow the covered entity to address POCs appropriate to their MS4.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Reporting Date – means the end of the annual reporting period, March 9, as indicated in Part V.C.1.

Retrofit - means modifying or adding to existing infrastructure for the purpose of reducing pollutant loadings. Examples, some of which may not be effective for all pollutants, include:

Better site design approaches such as roof top disconnection, diversion of runoff to infiltration areas, soil de-compaction, riparian buffers, rain gardens, cisterns

Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices

Stabilize dirt roads (gravel, stone, water bar, check dam, diversion)

Conversion of dirt parking lots to pervious pavement, grassed or stone cover

Conversion of dry detention ponds to extended detention or wetland treatment systems

Retrofit by converting abandoned buildings to stormwater treatment systems

Retrofit of abandoned building to open space

Retrofit road ditches to enhance open channel design

Control the downstream effects of runoff from existing paved surfaces resulting in flooding and erosion in receiving waters

Control stream erosion by plunge pool, velocity dissipaters, and flow control devices for discharges from conveyance systems

Upgrade of an existing conveyance system to provide water quality and /or quantity control within the drainage structure

Section 303(d) Listed Waters - Section 303(d) is part of the federal CWA that requires the Department to periodically to prepare a list of all surface waters in the State for which beneficial uses of the water – such as for drinking, recreation, aquatic habitat, and industrial use – are impaired by pollutants. These are water quality-limited estuaries, lakes, and streams that fall short of state surface water quality standards, and are not expected to improve within the next two years. Refer to impaired waters for more information.

Single entity - An entity, formed in accordance with the applicable state and/or local legislation, with a legal authority and capacity (financial, resources, etc...) that gains coverage under the MS4 general permit to implement all or parts of the MS4 program within a jurisdiction on behalf of multiple MS4s in that geographic area.

Small MS4 - MS4 system within an urbanized area or other areas designated by the State.

SPDES general permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

Staff - actual employees of the covered entity or contracted entity.

State - means the State of New York.

State Pollutant Discharge Elimination System - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Stormwater - means that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the state.

Stormwater Management Program - the program implemented by the covered entity. Covered entities are required at a minimum to develop, implement and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the *ECL* and Clean Water Act. The SWMP must address the MCM described in Part VIII.

The *SWMP* needs to include *measurable goals* for each of the *BMPs*. The measurable goals will help the covered entities assess the status and progress of their program. The SWMP should:

1. describe the BMP / measureable goal;
2. identify time lines / schedules and milestones for development and implementation;
3. include quantifiable goals to assess progress over time; and
4. describe how the covered entity will address POCs.

Guidance on developing SWMPs is available from the Department on its website. Examples of successful SWMPs and suggested measurable goals are also provided in EPA's Menu of BMPs available from its website. Note that this information is for guidance purposes only. An MS4 may choose to develop or implement equivalent methods equivalent to those made available by the Department and EPA to demonstrate compliance with the MCMs.

When creating the *SWMP*, the *covered entities* should assess activities already being performed that could help meet, or be modified to meet, permit requirements and be included in the *SWMP*. *Covered entities* can create their *SWMP* individually, with a group of other individual *covered entities* or a coalition of *covered entities*, or through the work of a third party entity.

Stormwater Management Program Plan- used by the covered entity to document developed, planned and implemented SWMP elements. The *SWMP plan* must describe how pollutants in stormwater runoff will be controlled. For previously unauthorized *small MS4s* seeking coverage, information included in the NOI should be obtained from the *SWMP plan*.

The *SWMP plan* is a separate document from the NOI and should not be submitted with the NOI or any annual reports unless requested.

The *SWMP plan* should include a detailed written explanation of all management practices, activities and other techniques the covered entity has developed, planned and implemented for their SWMP to address POCs and reduce pollutant discharges from their small MS4 to the MEP. The *SWMP plan* shall be revised to incorporate any new or modified *BMPs* or *measurable goals*.

Covered entities can create their *SWMP plan* individually, with a group of other individual *covered entities* or a coalition of *covered entities*, or through the work of a third party entity.

Documents to include are: applicable local laws, inter-municipal agreements and other legal authorities; staffing and staff development programs and organization charts; program budget; policy, procedures, and materials for each minimum measure; outfall and small MS4 system maps; stormwater management practice selection and measurable goals; operation and maintenance schedules; documentation of public outreach efforts and public comments; submitted construction site SWPPPs and review letters and construction site inspection reports.

The *SWMP plan* shall be made readily available to the covered entity's staff and to the public and regulators, such as *Department* and EPA staff. Portions of the *SWMP plan*, primarily policies and procedures, must be available to the management and staff of a *covered entity* that will be called upon to use them. For example, the technical standards and associated technical assistance documents and manuals for stormwater controls should be available to code enforcement officers, review engineers and planning boards. The local laws should be readily available to the town board and planning board. An integrated pest management program would have to be available to the parks department and the stormwater outfall and available sewer system mapping and catch basin cleaning schedule would have to be available to the department of public works.

Storm sewershed - the catchment area that drains into the storm sewer system based on the surface topography in the area served by the stormsewer. Adjacent catchment areas that drain to adjacent outfalls are not separate storm sewersheds.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Storm sewers are not waters of the state unless they are classified in 6 NYCRR Parts 800 to 941. Nonetheless, a discharge to a storm sewer shall be regulated as a discharge at the point where the storm sewer discharges to waters of the state. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act and Environmental Conservation Law (other than cooling ponds as defined in 40 CFR 423.11(m)(see section 750 - 1.24) which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

SWPPP - as defined per the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity or NYS DEC SPDES Multi-Sector General Permit for Stormwater Associated with Industrial Activity .

Total Maximum Daily Load - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations for point source discharges, load allocations for nonpoint sources, and a margin of safety.

Traditional Land Use Control MS4s - means a city, town or village with land use control authority.

Traditional Non-land Use Control MS4s - means any county agency without land use control.

Urbanized Area - is a land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the US Bureau of Census. Outlines the extent of automatically regulated areas, often do not extend to the political boundaries of a city, town, or village. SWMPs are only required within the UA. However, the Department encourages covered entities to voluntarily extend their SWMP programs at least to the extent of the storm sewershed that flows into the UA or extend further to their entire jurisdiction. For ease of creation and administration of local laws, ordinances or other regulatory mechanisms, these should be created to apply to the full jurisdictional boundary of municipalities.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

Part XI. RE-OPENER CLAUSE

If there is evidence indicating that the stormwater discharges authorized by this permit cause or have the reasonable potential to cause or contribute to a violation of a water quality standard, the covered entity may be required at the Department's sole discretion to obtain an individual SPDES permit or an alternative *SPDES general permit* or the permit may be modified. In addition, coverage under this permit could terminate, meaning the discharge must cease.

APPENDICES

APPENDIX 1. LIST OF NYS DEC REGIONAL OFFICES

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD, PO BOX 220 WARRENSBURG, NY 12885-0220 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX 2. IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

**APPENDIX 2 (CONTINUED)
IMPAIRED SEGMENTS AND SECONDARY POLLUTANTS OF CONCERN**

COUNTY	WATERBODY NAME	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	phosphorus
Albany	Basic Creek Reservoir	phosphorus
Bronx	Van Cortlandt Lake	phosphorus
Bronx	Bronx River, Lower	pathogens
Bronx	Bronx River, Lower	floatables
Bronx	Bronx River, Middle, and tribs	pathogens
Bronx	Bronx River, Middle, and tribs	floatables
Bronx	Westchester Creek	floatables
Bronx	Hutchinson River, Lower, and tribs	Floatables
Broome	Susquehanna River, Lower, Main Stem	Pathogens
Broome	Whitney Point Lake/Reservoir	phosphorus
Broome	Park Creek and tribs	pathogens
Broome	Beaver Lake	phosphorus
Broome	White Birch Lake	phosphorus
Cayuga	Little Sodus Bay	phosphorus
Cayuga	Owasco Lake	pathogens
Cayuga, Tompkins	Owasco Inlet, Upper, and tribs	phosphorus
Chautauqua	Lake Erie (Dunkirk Harbor)	pathogens
Chautauqua	Chadakoin River and tribs	phosphorus
Chautauqua	Chautauqua Lake, South	phosphorus
Chautauqua	Chautauqua Lake, North	phosphorus
Chautauqua	Bear Lake	phosphorus
Chautauqua	Lower Cassadaga Lake	phosphorus
Chautauqua	Middle Cassadaga Lake	phosphorus
Chautauqua	Findley Lake	phosphorus
Chenango	Unadilla River, Lower, Main Stem	pathogens
Clinton	Lake Champlain, Main Lake, North	phosphorus
Clinton	Lake Champlain, Main Lake, Middle	phosphorus
Clinton	Great Chazy River, Lower, Main Stem	silt/sediment
Columbia	Robinson Pond	phosphorus
Columbia	Kinderhook Lake	phosphorus
Delaware	Cannonsville Reservoir	phosphorus
Dutchess	Hillside Lake	phosphorus
Dutchess	Wappinger Lakes	phosphorus
Dutchess	Wappinger Lakes	silt/sediment
Dutchess	Fall Kill and tribs	phosphorus
Dutchess	Rudd Pond	phosphorus

COUNTY	WATERBODY NAME	POLLUTANT
Erie	Ellicott Creek, Lower, and tribs	phosphorus
Erie	Ellicott Creek, Lower, and tribs	silt/sediment
Erie	Ransom Creek, Lower, and tribs	pathogens
Erie	Ransom Creek, Upper, and tribs	pathogens
Erie	Beeman Creek and tribs	phosphorus
Erie	Beeman Creek and tribs	pathogens
Erie	Murder Creek, Lower, and tribs	phosphorus
Erie	Murder Creek, Lower, and tribs	pathogens
Erie	Two Mile Creek and tribs	pathogens
Erie	Two Mile Creek and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	floatables
Erie	Scajaquada Creek, Lower, and tribs	pathogens
Erie	South Branch Smoke Cr, Lower, and tribs	phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs	silt/sediment
Erie	Rush Creek and tribs	pathogens
Erie	Rush Creek and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	phosphorus
Erie	Little Sister Creek, Lower, and tribs	pathogens
Essex	Lake Champlain, Main Lake, South	phosphorus
Essex	Lake Champlain, South Lake	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	phosphorus
Genesee	Tonawanda Creek, Middle, Main Stem	silt/sediment
Genesee	Tonawanda Creek, Upper, and minor tribs	silt/sediment
Genesee	Bowen Brook and tribs	phosphorus
Genesee	Little Tonawanda Creek, Lower, and tribs	silt/sediment
Genesee	Oak Orchard Cr, Upper, and tribs	phosphorus
Genesee	Black Creek, Upper, and minor tribs	phosphorus
Genesee	Bigelow Creek and tribs	phosphorus
Greene	Schoharie Reservoir	silt/sediment
Greene	Shingle Kill and tribs	pathogens
Greene	Sleepy Hollow Lake	silt/sediment
Herkimer	Unadilla River, Middle, and minor tribs	pathogens
Herkimer	Mohawk River, Main Stem	pathogens
Herkimer	Mohawk River, Main Stem	floatables
Herkimer	Steele Creek tribs	phosphorus
Herkimer	Steele Creek tribs	silt/sediment
Jefferson	Moon Lake	phosphorus
Kings	Coney Island Creek	pathogens
Kings	Coney Island Creek	floatables
Kings	Gowanus Canal	floatables
Kings	Hendrix Creek	nitrogen
Kings	Hendrix Creek	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Kings	Hendrix Creek	floatables
Kings	Paerdegat Basin	floatables
Kings	Mill Basin and tidal tribs	floatables
Lewis	Beaver River, Lower, and tribs	pathogens
Lewis	Beaver River, Lower, and tribs	floatables
Lewis	Mill Creek/South Branch, and tribs	phosphorus
Lewis	Mill Creek/South Branch, and tribs	pathogens
Livingston	Conesus Lake	phosphorus
Livingston	Jaycox Creek and tribs	phosphorus
Livingston	Jaycox Creek and tribs	silt/sediment
Livingston	Mill Creek and minor tribs	silt/sediment
Madison	Canastota Creek, Lower, and tribs	pathogens
Monroe	Rochester Embayment - West	pathogens
Monroe	Mill Creek and tribs	phosphorus
Monroe	Mill Creek and tribs	pathogens
Monroe	Shipbuilders Creek and tribs	phosphorus
Monroe	Shipbuilders Creek and tribs	pathogens
Monroe	Minor Tribs to Irondequoit Bay	phosphorus
Monroe	Minor Tribs to Irondequoit Bay	pathogens
Monroe	Thomas Creek/White Brook and tribs	phosphorus
Monroe	Buck Pond	phosphorus
Monroe	Long Pond	phosphorus
Monroe	Cranberry Pond	phosphorus
Monroe	Genesee River, Lower, Main Stem	phosphorus
Monroe	Genesee River, Lower, Main Stem	pathogens
Monroe	Genesee River, Lower, Main Stem	silt/sediment
Monroe	Genesee River, Middle, Main Stem	phosphorus
Monroe	Black Creek, Lower, and minor tribs	phosphorus
Nassau	Long Island Sound, Nassau County	pathogens
Nassau	Long Island Sound, Nassau County	nitrogen
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Manhasset Bay, and tidal tribs	pathogens
Nassau	Hempstead Harbor, south, and tidal tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	pathogens
Nassau	Glen Cove Creek, Lower, and tribs	silt/sediment
Nassau	Dosoris Pond	pathogens
Nassau	Mill Neck Creek and tidal tribs	pathogens
Nassau	South Oyster Bay	pathogens
Nassau	East Bay	pathogens
Nassau	LI Tribs (fresh) to East Bay	phosphorus
Nassau	LI Tribs (fresh) to East Bay	silt/sediment
Nassau	Middle Bay	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Nassau	East Rockaway Inlet	pathogens
Nassau	Reynolds Channel, east	pathogens
Nassau	East Meadow Brook, Upper, and tribs	silt/sediment
Nassau	Hempstead Bay	Nitrogen
Nassau	Hempstead Bay	Pathogens
Nassau	Hempstead Lake	Phosphorus
Nassau	Grant Park Pond	Phosphorus
Nassau	Woodmere Channel	Pathogens
New York	East River, Lower	Floatables
New York	Harlem River	Floatables
Niagara	Bergholtz Creek and tribs	Phosphorus
Niagara	Bergholtz Creek and tribs	Pathogens
Oneida	Utica Harbor	Pathogens
Oneida	Utica Harbor	Floatables
Oneida	Mohawk River, Main Stem	Pathogens
Oneida	Mohawk River, Main Stem	Floatables
Oneida	Mohawk River, Main Stem	Pathogens
Oneida	Mohawk River, Main Stem	Floatables
Oneida	Ballou, Nail Creeks and tribs	Phosphorus
Oneida	Ninemile Creek, Lower, and tribs	Pathogens
Onondaga	Limestone Creek, Lower, and minor tribs	Pathogens
Onondaga	Seneca River, Lower, Main Stem	Pathogens
Onondaga	Onondaga Lake, northern end	Phosphorus
Onondaga	Onondaga Lake, southern end	pathogens
Onondaga	Onondaga Lake, southern end	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	phosphorus
Onondaga	Minor Tribs to Onondaga Lake	pathogens
Onondaga	Bloody Brook and tribs	pathogens
Onondaga	Ley Creek and tribs	pathogens
Onondaga	Ley Creek and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	phosphorus
Onondaga	Onondaga Creek, Lower, and tribs	pathogens
Onondaga	Onondaga Creek, Middle, and tribs	silt/sediment
Onondaga	Onondaga Creek, Middle, and tribs	phosphorus
Onondaga	Onondaga Creek, Middle, and tribs	pathogens
Onondaga	Onondaga Creek, Upper, and minor tribs	silt/sediment
Onondaga	Harbor Brook, Lower, and tribs	phosphorus
Onondaga	Harbor Brook, Lower, and tribs	pathogens
Onondaga	Ninemile Creek, Lower, and tribs	phosphorus
Onondaga	Ninemile Creek, Lower, and tribs	pathogens
Ontario	Hemlock Lake Outlet and minor tribs	phosphorus
Ontario	Hemlock Lake Outlet and minor tribs	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Ontario	Honeoye Lake	phosphorus
Ontario	Great Brook and minor tribs	phosphorus
Ontario	Great Brook and minor tribs	silt/sediment
Orange	Greenwood Lake	phosphorus
Oswego	Lake Neatahwanta	phosphorus
Otsego	Susquehanna River, Main Stem	pathogens
Putnam	Croton Falls Reservoir	phosphorus
Putnam	West Branch Reservoir	phosphorus
Putnam	Boyd Corners Reservoir	phosphorus
Putnam	Middle Branch Reservoir	phosphorus
Putnam	Lake Carmel	phosphorus
Putnam	Diverting Reservoir	phosphorus
Putnam	East Branch Reservoir	phosphorus
Putnam	Bog Brook Reservoir	phosphorus
Putnam	Oscawana Lake	phosphorus
Queens	Newtown Creek and tidal tribs	floatables
Queens	East River, Upper	floatables
Queens	East River, Upper	floatables
Queens	Flushing Creek/Bay	nitrogen
Queens	Flushing Creek/Bay	floatables
Queens	Little Neck Bay	pathogens
Queens	Alley Creek/Little Neck Bay Trib	floatables
Queens	Jamaica Bay, Eastern, and tribs	nitrogen
Queens	Jamaica Bay, Eastern, and tribs	pathogens
Queens	Jamaica Bay, Eastern, and tribs	floatables
Queens	Thurston Basin	floatables
Queens	Bergen Basin	Nitrogen
Queens	Bergen Basin	pathogens
Queens	Bergen Basin	floatables
Queens	Shellbank Basin	nitrogen
Queens	Spring Creek and tribs	pathogens
Queens	Spring Creek and tribs	floatables
Rensselaer	Snyders Lake	phosphorus
Richmond	Raritan Bay (Class SA)	pathogens
Richmond	Arthur Kill (Class I) and minor tribs	floatables
Richmond	Newark Bay	floatables
Richmond	Kill Van Kull	floatables
Richmond	Grasmere, Arbutus and Wolfes Lakes	phosphorus
Saratoga	Dwaas Kill and tribs	Phosphorus
Saratoga	Dwaas Kill and tribs	silt/sediment
Saratoga	Schuyler Creek and tribs	phosphorus
Saratoga	Schuyler Creek and tribs	pathogens

COUNTY	WATERBODY NAME	POLLUTANT
Saratoga	Lake Lonely	phosphorus
Saratoga	Tribs to Lake Lonely	Phosphorus
Saratoga	Tribs to Lake Lonely	pathogens
Schenectady	Collins Lake	phosphorus
Schoharie	Cobleskill Creek, Lower, and tribs	pathogens
Schoharie	Engleville Pond	phosphorus
Schoharie	Summit Lake	phosphorus
St.Lawrence	Black Lake Outlet/Black Lake	phosphorus
Steuben	Lake Salubria	phosphorus
Steuben	Smith Pond	phosphorus
Suffolk	Millers Pond	phosphorus
Suffolk	Beach/Island Ponds, Fishers Island	pathogens
Suffolk	Dering Harbor	pathogens
Suffolk	Tidal Tribs to Gr Peconic Bay, Northshr	pathogens
Suffolk	Mattituck (Marratooka) Pond	phosphorus
Suffolk	Mattituck (Marratooka) Pond	pathogens
Suffolk	Flanders Bay, West/Lower Sawmill	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	nitrogen
Suffolk	Meetinghouse/Terrys Creeks and tribs	pathogens
Suffolk	Peconic River, Lower, and tidal tribs	nitrogen
Suffolk	Peconic River, Lower, and tidal tribs	pathogens
Suffolk	Scallop Pond	pathogens
Suffolk	Oyster Pond/Lake Munchogue	pathogens
Suffolk	Phillips Creek, Lower, and tidal tribs	pathogens
Suffolk	Quogue Canal	pathogens
Suffolk	Forge River, Lower and Cove	pathogens
Suffolk	Tidal tribs to West Moriches Bay	Nitrogen
Suffolk	Tidal tribs to West Moriches Bay	pathogens
Suffolk	Canaan Lake	silt/sediment
Suffolk	Canaan Lake	phosphorus
Suffolk	Nicoll Bay	pathogens
Suffolk	Lake Ronkonkoma	phosphorus
Suffolk	Lake Ronkonkoma	pathogens
Suffolk	Great Cove	pathogens
Tompkins	Cayuga Lake, Southern End	phosphorus
Tompkins	Cayuga Lake, Southern End	silt/sediment
Tompkins	Cayuga Lake, Southern End	pathogens
Ulster	Ashokan Reservoir	silt/sediment
Ulster	Esopus Creek, Upper, and minor tribs	silt/sediment
Warren	Lake George	silt/sediment
Warren	Tribs to L.George, Village of L George	silt/sediment
Warren	Huddle/Finkle Brooks and tribs	silt/sediment

COUNTY	WATERBODY NAME	POLLUTANT
Warren	Indian Brook and tribs	silt/sediment
Warren	Hague Brook and tribs	silt/sediment
Washington	Lake Champlain, South Bay	phosphorus
Washington	Tribs to L.George, East Shore	silt/sediment
Washington	Cossayuna Lake	phosphorus
Wayne	Blind Sodus Bay	phosphorus
Wayne	Port Bay	phosphorus
Westchester	Saw Mill River, Lower, and tribs	floatables
Westchester	New Croton Reservoir	phosphorus
Westchester	Upper New Croton/Muscoot Reservoir	phosphorus
Westchester	Amawalk Reservoir	phosphorus
Westchester	Lake Lincolndale	phosphorus
Westchester	Peach Lake	pathogens
Westchester	Peach Lake	phosphorus
Westchester	Titicus Reservoir	phosphorus
Westchester	Cross River Reservoir	phosphorus
Westchester	Lake Meahaugh	phosphorus
Westchester	Bronx River, Upper, and tribs	pathogens
Westchester	New Rochelle Harbor	pathogens
Westchester	New Rochelle Harbor	floatables
Westchester	Long Island Sound, Westchester Co	pathogens
Westchester	Long Island Sound, Westchester Co	nitrogen
Westchester	Larchmont Harbor	pathogens
Westchester	Larchmont Harbor	floatables
Westchester	Hutchinson River, Middle, and tribs	pathogens
Westchester	Mamaroneck Harbor	pathogens
Westchester	Mamaroneck Harbor	floatables
Westchester	Mamaroneck River, Lower	silt/sediment
Westchester	Mamaroneck River, Upper, and minor	silt/sediment
Westchester	Sheldrake River and tribs	phosphorus
Westchester	Sheldrake River and tribs	silt/sediment
Westchester	Milton Harbor	pathogens
Westchester	Milton Harbor	floatables
Westchester	Blind Brook, Lower	silt/sediment
Westchester	Blind Brook, Upper, and tribs	silt/sediment
Westchester	Port Chester Harbor	pathogens
Westchester	Port Chester Harbor	floatables
Westchester	Byram River, Lower	pathogens
Wyoming	Java Lake	phosphorus
Wyoming	Silver Lake	phosphorus
Oneida	Mohawk River, Main Stem	Copper
Westchester	Hutchinson River, Middle and tribs	Oil and Grease

**APPENDIX 3. NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER
WATERSHED MAP**

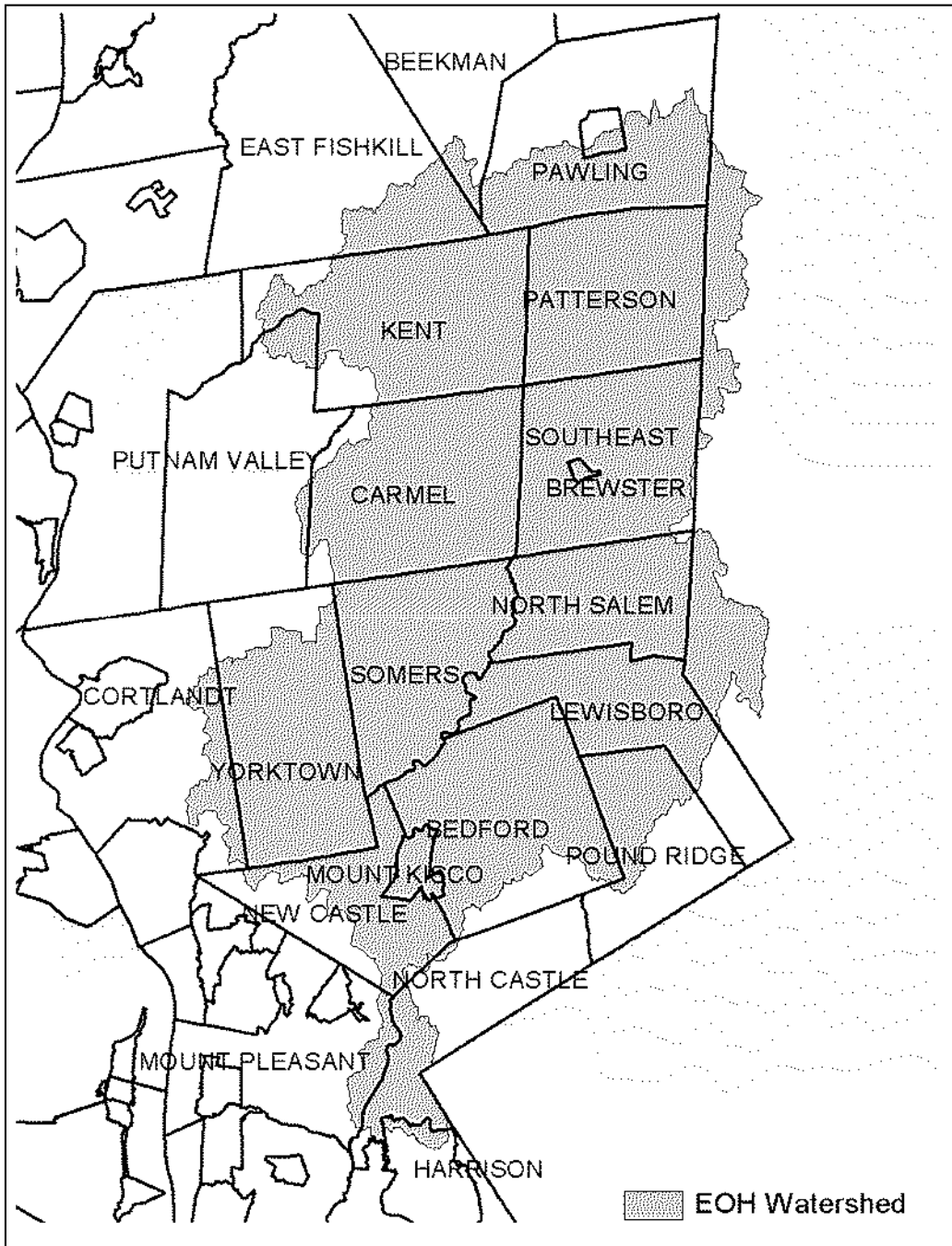


Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 4. ONONDAGA LAKE WATERSHED MAP



Figure 2. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 5. GREENWOOD LAKE WATERSHED MAP

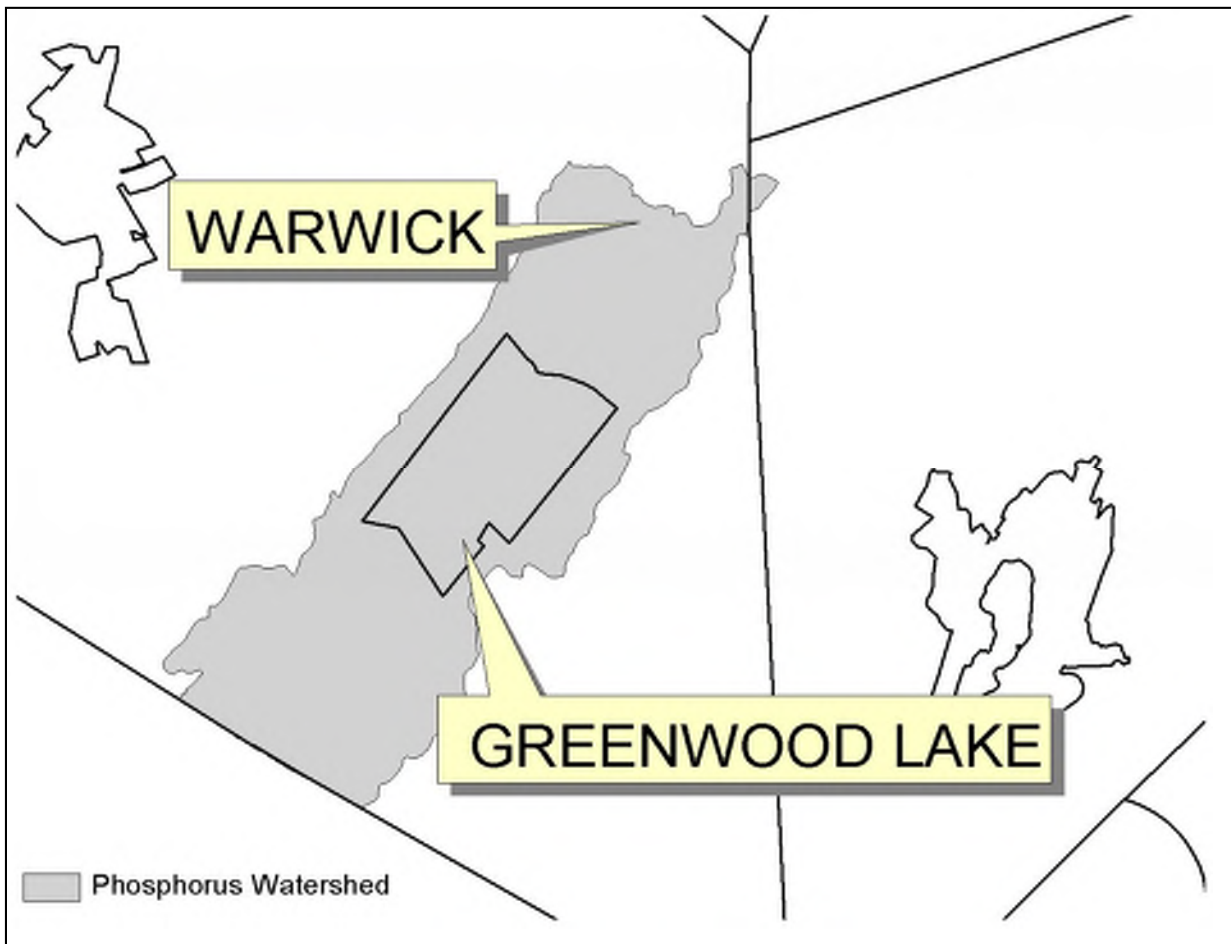


Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 6. OYSTER BAY WATERSHED MAP

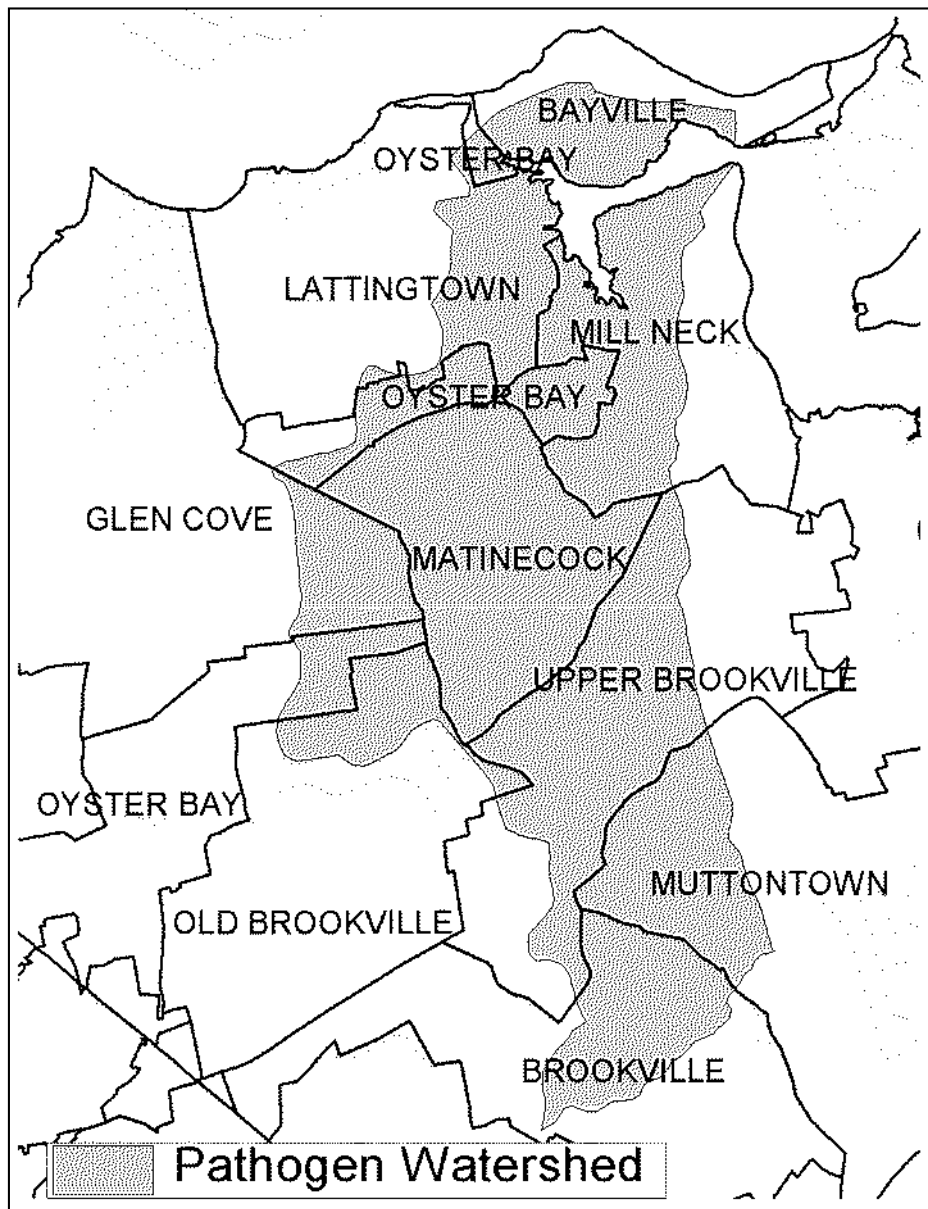


Figure 4. The requirements of watershed improvement strategies apply to the sewer sheds within the shaded areas.

APPENDIX 7. PECONIC ESTUARY PATHOGEN WATERSHED MAP

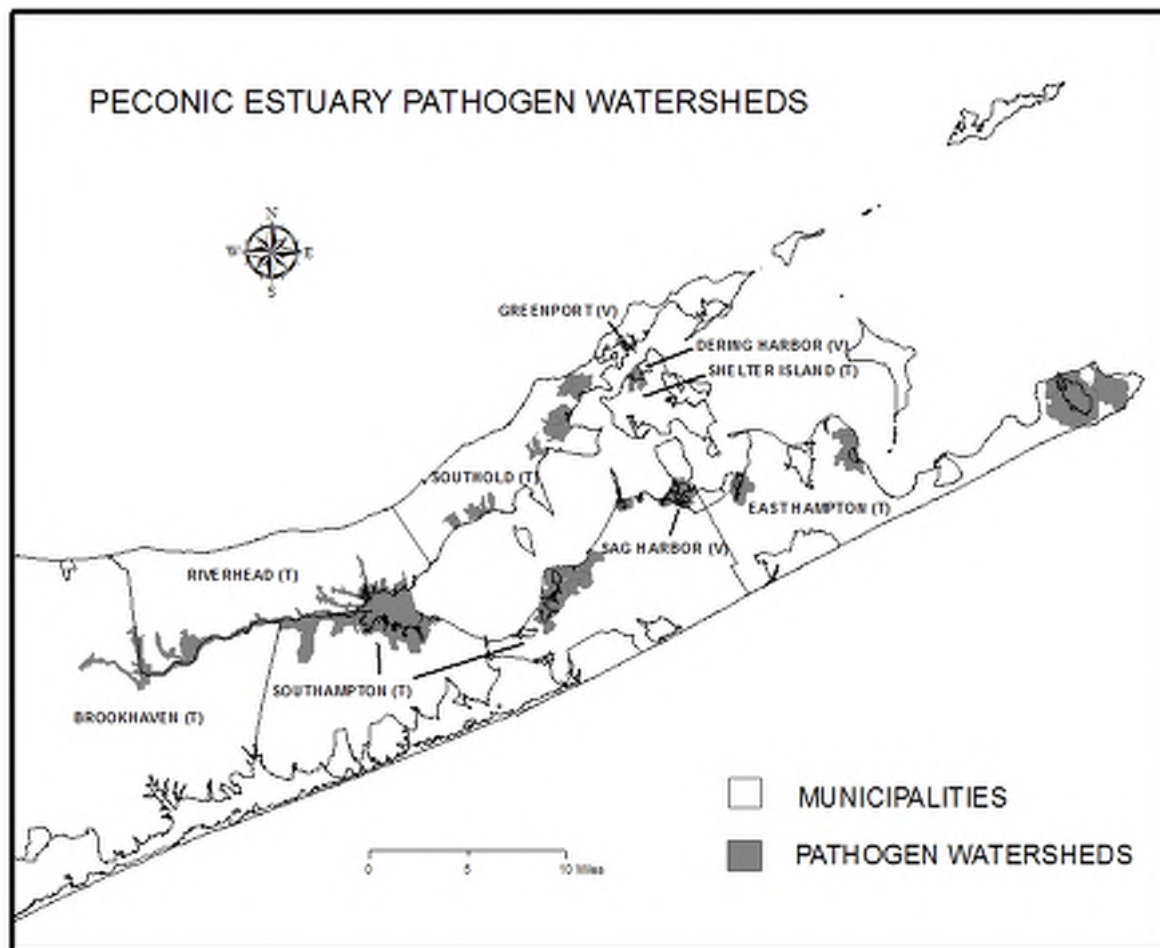


Figure 5. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 8. PECONIC ESTUARY NITROGEN WATERSHED MAP

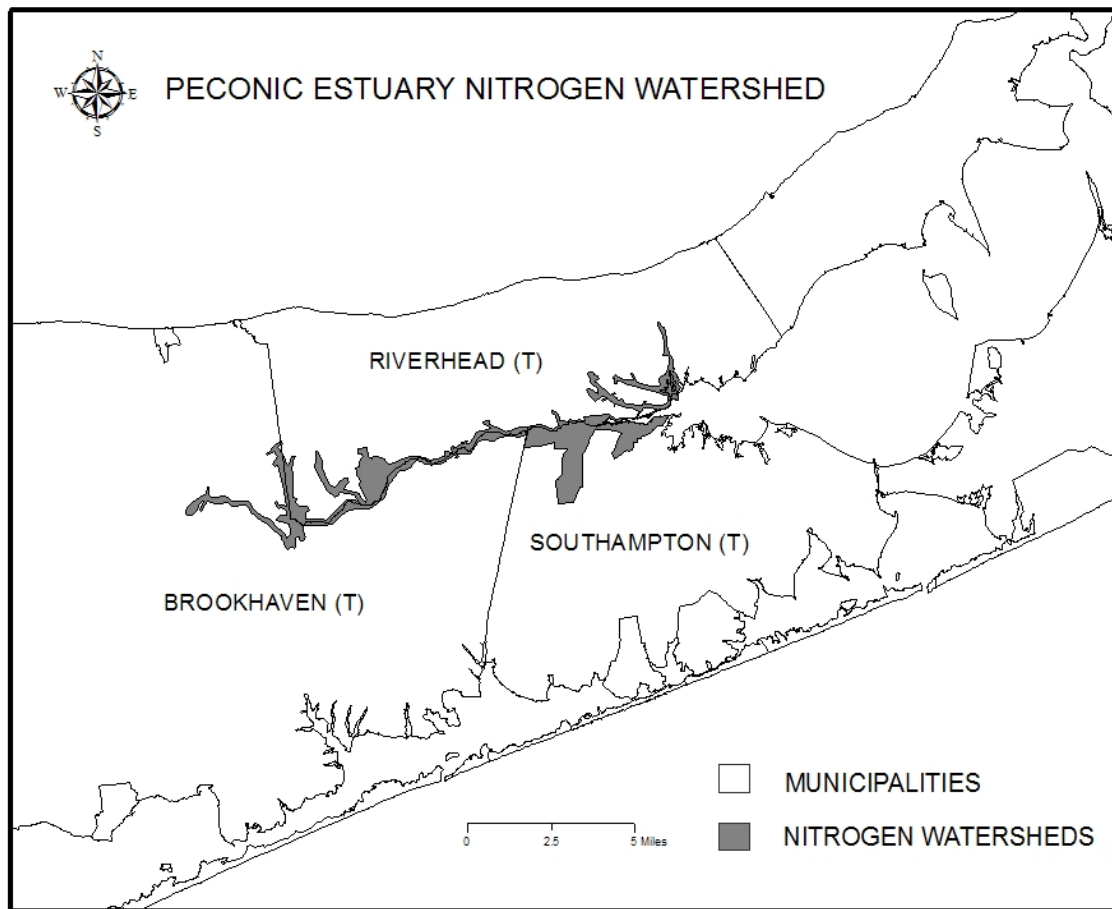


Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 9. THE 27 LONG ISLAND SHELLFISHING IMPAIRED EMBAYMENT MAP

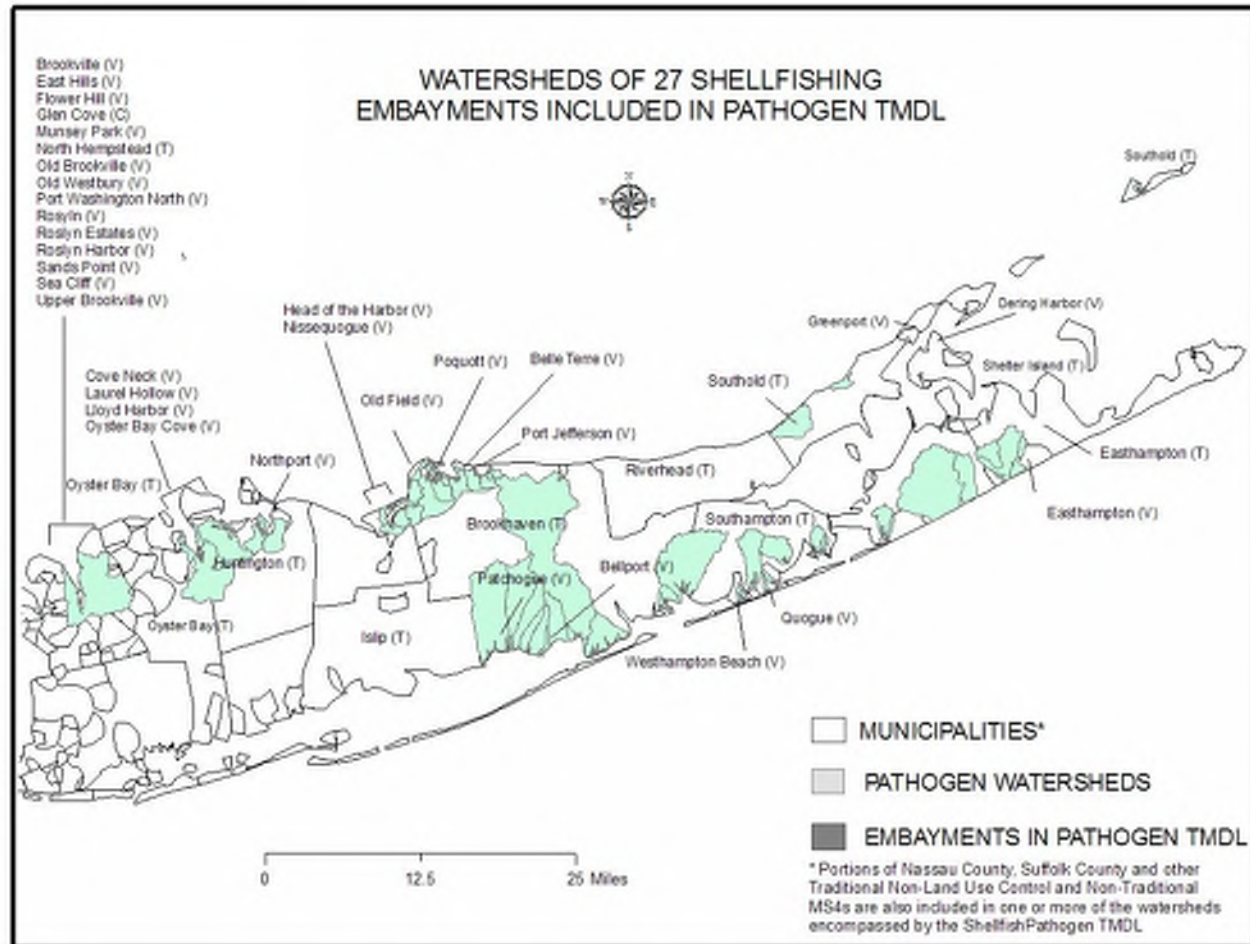


Figure 7. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 10. LAKE OSCAWANA WATERSHED MAP

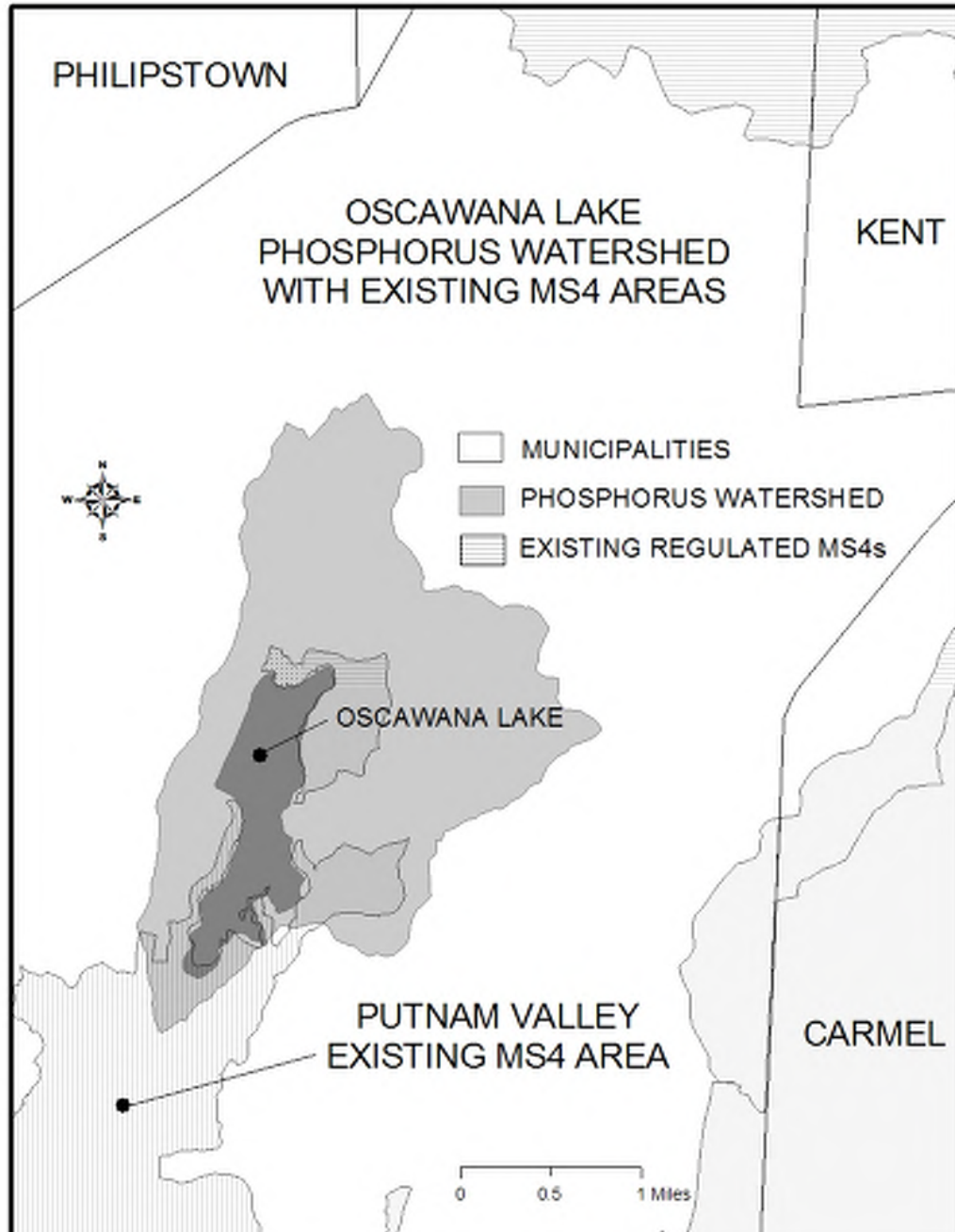


Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

Appendix A.2

MS4 Municipal Compliance Certification

MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9,

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Name of MS4

Town of Union Vale

SPDES ID

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Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for ***each*** of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- Principal Executive Officer/Chief Elected Official
- Duly Authorized Representative
- Local Stormwater Public Contact
- Stormwater Management Program (SWMP) Coordinator
- Report Preparer

First Name

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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2019

Name of MS4

SPDES ID
N Y R 2 0 A 5 5 2


Section 4 - Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name MI Last Name

Title (Clearly print title of individual signing report)

Signature


Date

Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator
Division of Water
4th Floor
625 Broadway
Albany, New York 12233-3505

Appendix A.3
Annual Report Form

MS4 Annual Report Cover Page

MCC form for period ending March 9,

Provide SPDES ID of each permitted MS4 included in this report.

SPDES ID <input type="text"/>	SPDES ID <input type="text"/>	SPDES ID <input type="text"/>
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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9,

Name of MS4

SPDES ID

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Each MS4 must submit an MCC form.

Section 1 - MCC Identification Page

Indicate whether this MCC form is being submitted to certify endorsement or acceptance of:

- An Annual Report for a single MS4
- A Single Entity (Per Part II.E of GP-0-10-002)
- A Joint Report

Joint reports may be submitted by permittees with legally binding agreements.

If Joint Report, enter coalition name:

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9,

Name of MS4

SPDES ID

Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for ***each*** of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- Principal Executive Officer/Chief Elected Official
- Duly Authorized Representative
- Local Stormwater Public Contact
- Stormwater Management Program (SWMP) Coordinator
- Report Preparer

First Name MI Last Name

Title

Address

City State Zip -

eMail

Phone () - County

MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9,

Name of MS4

SPDES ID

Section 3 - Partner Information

Did your MS4 work with partners/coalition to complete some or all permit requirements during this reporting period? Yes No

If Yes, complete information below.

Submit a separate sheet for each partner. Information provided in other formats will not be accepted. If your MS4 cooperated with a coalition, submit one sheet with the name of the coalition. It is not necessary to include a separate sheet for each MS4 in the coalition.

If No, proceed to Section 4 - Certification Statement.

Partner/Coalition Name

Partner/Coalition Name (con't.) SPDES Partner ID - If applicable

Address

City State Zip -

eMail

Phone
() -

Legally Binding Agreement in accordance with GP-0-08-002 Part IV.G.? Yes No

What tasks/responsibilities are shared with this partner (e.g. MM1 School Programs or Multiple Tasks)?

- MM1
- MM2
- MM3
- MM4
- MM5
- MM6

Additional tasks/responsibilities

- Watershed Improvement Strategy Best Management Practices* required for MS4s in impaired watersheds included in GP-0-08-002 Part IX.

MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9,

Name of MS4

SPDES ID

Section 4 - Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name MI Last Name

Title (Clearly print title of individual signing report)

Signature

Date / /

Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator
 Division of Water
 4th Floor
 625 Broadway
 Albany, New York 12233-3505

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Water Quality Trends

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s are contributed to this report?

1. Has this MS4/Coalition produced any reports documenting water quality trends related to stormwater? If not, answer No and proceed to Minimum Control Measure One.

- Yes
- No

If Yes, choose one of the following

- Report(s) attached to the annual report
- Web Page(s) where report(s) is/are provided below

Please provide specific address of page where report(s) can be accessed - not home page.

URL

URL

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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3. What strategies did your MS4/Coalition use to achieve education and outreach goals during this reporting period? Check all that apply:

- Construction Site Operators Trained # Trained

--	--	--	--	--
- Direct Mailings # Mailings

--	--	--	--	--
- Kiosks or Other Displays # Locations

--	--	--	--	--
- List-Serves # In List

--	--	--	--	--
- Mailing List # In List

--	--	--	--	--
- Newspaper Ads or Articles # Days Run

--	--	--	--	--
- Public Events/Presentations # Attendees

--	--	--	--	--
- School Program # Attendees

--	--	--	--	--
- TV Spot/Program # Days Run

--	--	--	--	--
- Printed Materials: Total # Distributed

--	--	--	--	--

Locations (e.g. libraries, town offices, kiosks)

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Other:

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Web Page: Provide specific web addresses - not home page. Continue on next page if additional space is needed.

URL

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Minimum Control Measure 2. Public Involvement/Participation

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

1. What opportunities were provided for public participation in implementation, development, evaluation and improvement of the Stormwater Management Program (SWMP) Plan during this reporting period? Check all that apply:

- Cleanup Events # Events
- Comments on SWMP Received # Comments
- Community Hotlines Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- Community Meetings # Attendees
- Plantings Sq. Ft.
- Storm Drain Markings # Drains
- Stakeholder Meetings # Attendees
- Volunteer Monitoring # Events
- Other:

2. Was public notice of availability of this annual report and Stormwater Management Program (SWMP) Plan provided? Yes No

- List-Serve # In List
- Newspaper Advertising # Days Run
- TV/Radio Notices # Days Run
- Other:
- Web Page URL: Enter URL(s) on the following two pages.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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2. URL(s) con't.:

Please provide specific address(es) where notices can be accessed - not home page.

URL

URL

URL

URL

URL

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition SPDES ID

3. Where can the public access copies of this annual report, Stormwater Management Program SWMP) Plan and submit comments on those documents?

Enter address/contact info and select radio button to indicate which document is available and whether comments may be submitted at that location. Submit additional pages as needed.

- MS4/Coalition Office Annual Report SWMP Plan Comments

Department

Address

City Zip
 -

Phone
 () -

- Library Annual Report SWMP Plan Comments

Address

City Zip
 -

Phone
 () -

- Other Annual Report SWMP Plan Comments

Address

City Zip
 -

Phone
 () -

- Web Page URL: Annual Report SWMP Plan Comments

Please provide specific address of page where report can be accessed - not home page.

- eMail Comments

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition SPDES ID

4.a. If this report was made available on the internet, what date was it posted?

Leave blank if this report was not posted on the internet.

/ /

4.b. For how many days was/will this report be posted?

If submitting a report for single MS4, answer 5.a.. If submitting a joint report, answer 5.b..

5.a. Was an Annual Report public meeting held in this reporting period?

Yes No

If Yes, what was the date of the meeting?

/ /

If No, is one planned?

Yes No

5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period?

Yes No

If No, is one planned for each?

Yes No

6. Were comments received during this reporting period?

Yes No

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Minimum Control Measure 3. Illicit Discharge Detection and Elimination

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

1. Enter the number and approx. percent of outfalls mapped: # %

2. How many of these outfalls have been screened for dry weather discharges during this reporting period (outfall reconnaissance inventory)?

3.a. What types of generating sites/sewersheds were targeted for inspection during this reporting period?

- Auto Recyclers
- Building Maintenance
- Churches
- Commercial Carwashes
- Commercial Laundry/Dry Cleaners
- Construction Vehicle Washouts
- Cross-Connections
- Distribution Centers
- Food Processing Facilities
- Garbage Truck Washouts
- Hospitals
- Improper RV Waste Disposal
- Industrial Process Water
- Other:
- Landscaping (Irrigation)
- Marinas
- Metal Plateing Operations
- Outdoor Fluid Storage
- Parking Lot Maintenance
- Printing
- Residential Carwashing
- Restaurants
- Schools and Universities
- Septic Maintenance
- Swimming Pools
- Vehicle Fueling
- Vehicle Maint./Repair Shops
- None

Sewersheds:

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

C. How many times was this observation measured or evaluated in this reporting period?

--	--	--	--	--

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Minimum Control Measures 4 and 5.
Construction Site and Post-Construction Control

The information in this section is being reported (check one):

- On behalf of an individual MS4
 On behalf of a coalition

How many MS4s contributed to this report?

1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities?

Yes No

1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook?

Yes No NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

09/2004 03/2006 NT

2. Does your MS4/Coalition have a SWPPP review procedure in place?

Yes No

3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?

4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs?

Yes No NT

If Yes, how many public comments were received during this reporting period?

5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process?

Yes No

6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

- Notices of Violation #

--	--	--	--	--	--

 No Authority
- Stop Work Orders #

--	--	--	--	--	--

 No Authority
- Criminal Actions #

--	--	--	--	--	--

 No Authority
- Termination of Contracts #

--	--	--	--	--	--

 No Authority
- Administrative Fines #

--	--	--	--	--	--

 No Authority
- Civil Penalties #

--	--	--	--	--	--

 No Authority
- Administrative Orders #

--	--	--	--	--	--

 No Authority
- Enforcement Actions or Sanctions #

--	--	--	--	--	--

 No Authority
- Other #

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 No Authority

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Minimum Control Measure 4. Construction Site Stormwater Runoff Control

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period?

2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period?

3. What percent of active construction sites were inspected during this reporting period? NT %

4. What percent of active construction sites were inspected more than once? NT %

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual? Yes No NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval? Yes No NT

If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review? Yes No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

6. con't.:

Submit additional pages as needed.

MS4/Coalition Office

Department

Address

City

Zip

 -

Phone

() -

Library

Address

City

Zip

 -

Phone

() -

Other

Address

City

Zip

 -

Phone

() -

Web Page URL(s): Please provide specific address where SWPPPs can be accessed - not home page.

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

--	--	--	--	--

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Minimum Control Measure 5. Post-Construction Stormwater Management

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

1. How many and what type of post-construction stormwater management practices has your MS4/Coalition inventoried, inspected and maintained in this reporting period?

	# Inventoried	# Inspections	# Times Maintained
<input type="radio"/> Alternative Practices	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Filter Systems	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Infiltration Basins	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Open Channels	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Ponds	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Wetlands	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="radio"/> Other	<input type="text"/>	<input type="text"/>	<input type="text"/>

2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance?

Yes No

3. What types of non-structural practices have been used to implement Low Impact Development/Better Site Design/Green Infrastructure principles?

- Building Codes Municipal Comprehensive Plans
- Overlay Districts Open Space Preservation Program
- Zoning Local Law or Ordinance
- None Land Use Regulation/Zoning
- Watershed Plans Other Comprehensive Plan

Other:

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?

Yes No

4b. Does the MS4 have a banking and credit system for stormwater management practices?

Yes No

4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?

Yes No

4d. How many stormwater management practices have been implemented as part of this system in this reporting period?

5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impace Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?

%

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

--

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

--

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Minimum Control Measure 6. Stormwater Management for Municipal Operations

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program(SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.

<u>Operation/Activity/Facility</u>	<u>Addressed in SWMP?</u>		<u>Self-Assessment Operation/Activity/Facility performed within the past 3 years?</u>	
	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No
Street Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bridge Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Winter Road Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Salt Storage.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Solid Waste Management.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New Municipal Construction and Land Disturbance..	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Right of Way Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marine Operations.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hydrologic Habitat Modification.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parks and Open Space.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Municipal Building.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stormwater System Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle and Fleet Maintenance.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

2. Provide the following information about municipal operations good housekeeping programs:

- Parking Lots Swept (Number of acres X Number of times swept) # Acres
 - Streets Swept (Number of miles X Number of times swept) # Miles
 - Catch Basins Inspected and Cleaned Where Necessary #
 - Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary #
 - Phosphorus Applied In Chemical Fertilizer # Lbs.
 - Nitrogen Applied In Chemical Fertilizer # Lbs.
 - Pesticide/Herbicide Applied # Acres .
- (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.)

3. How many stormwater management trainings have been provided to municipal employees during this reporting period?

4. What was the date of the last training? / /

5. How many municipal employees have been trained in this reporting period?

6. What percent of municipal employees in relevant positions and departments receive stormwater management training? %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.****C. How many times was this observation measured or evaluated in this reporting period?**

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

Additional Watershed Improvement Strategy Best Management Practices

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

MS4s must answer the questions or check NA as indicated in the table below.

MS4 Description	Answer	Check NA	(POC)
NYC EOH Watershed			
Traditional Land Use	1,2,3,4,5,6,7a-d,8a,8b,9	10,11,12	Phosphorus
Traditional Non-Land Use	1,2,3,4,7a-d,8a,8b,9	5,10,11,12	Phosphorus
Non-Traditional	1,2,77a-d,8a,8b,9	3,4,5,10,11,12	Phosphorus
Onondaga Lake Watershed			
Traditional Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Non-Traditional	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Greenwood Lake Watershed			
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Oyster Bay			
Traditional Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Non-Traditional	1,4,7a-d,9	2,3,4,5,8a,8b,10,11,12	Pathogens
Peconic Estuary			
Traditional Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Traditional Non-Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Non-Traditional	1,4,7a-d,8a,9	2,3,4,5,8b,10,11,12	Pathogens and Nitrogen
Oscawana Lake Watershed			
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
LI 27 Embayments			
Traditional Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Non-Traditional	1,2,3,4,7a-d,9	5,6,8a,8b,10,11,12	Pathogens

1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies? Yes No N/A

2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS? Yes No N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far. %

Estimate what percentage was mapped in this reporting period. %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program? Yes No N/A

4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period? %

5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more? Yes No N/A

6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards? Yes No N/A

7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading? Yes No N/A

7b. How many projects have been sited in this reporting period?

7c. What percent of the projects included in 7b have been completed in this reporting period? %

7d. What percent of projects planned in previous years have been completed? %
 No Projects Planned

8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands? Yes No N/A

8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands? Yes No N/A

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

--	--	--	--

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

--

SPDES ID

--	--	--	--	--	--	--	--	--	--

- 9. **Has your MS4/Coalition developed and implemented a program of native planting?**
 Yes No N/A

- 10. **Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?**
 Yes No N/A

- 11. **Does your MS4/Coalition have a pet waste bag program?**
 Yes No N/A

- 12. **Does your MS4/Coalition have a program to manage goose populations?**
 Yes No N/A

Appendix B

Notices of Intent



New York State Department of Environmental Conservation

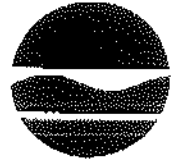
Division of Water,

Bureau of Water Permits, 4th Floor

625 Broadway, Albany, New York 12233-3505

Phone: (518) 402-8111 • Fax: (518) 402-9029

Website: www.dec.ny.gov



Joe Martens
Commissioner

RECEIVED

MAR 11 2014

**UNION VALE
SUPERVISOR**

March 7, 2014

*etc - George
Larry*

TOWN OF UNION VALE

249 DUNCAN ROAD

LAGRANGEVILLE, NY, 12540-

Attn: LISETTE HITSMAN, SUPERVISOR

****MS4 PERMIT AUTHORIZATION****

**Re: ACKNOWLEDGEMENT of NOTICE of INTENT for Coverage under General
SPDES Permit No. GP-0-10-002**

Dear LISETTE HITSMAN,

This letter is to acknowledge receipt of the completed Notice of Intent (NOI) application for the Municipal Separate Stormwater Sewer System (MS4) located at:

MS4 NAME: TOWN OF UNION VALE

MS4 COUNTY: DUTCHESS

NYSDEC REGION: 3

MS4 SPDES No: NYR20A552

Pursuant to Environmental Conservation Law (ECL) Article 17, Titles 7 and 8 and ECL Article 70, the MS4 NOI identified above is now authorized and covered under State Pollutant Discharge Elimination Systems General Permit GP-0-10-002.

As an authorized MS4, you are obligated to comply with limits, conditions, and all requirements contained in GP-0-10-002. In accordance with GP-0-10-002, please note the following for your records and all future correspondence.

- MS4 SPDES Registration Number: **NYR20A552**
- Your Storm Water Management Program (SWMP) must be fully implemented by: **March 10, 2017**
- Your first Municipal Compliance Certificate (MCC) and SWMP Annual Report (SWMPAR) must be submitted by: **June 1, 2015.**
- Thereafter, subsequent MCCs and SWMPARs must be submitted by: **June 1st of each year.**

Failure to comply with these submittal dates are violations of GP-0-10-002 which may result in

enforcement or penalties.

Additionally, as a regulated MS4 you are required to prepare a Stormwater Management Program Plan (SWMP Plan) that documents the practices, procedures and policies that are in place and those that are being implemented to protect water quality. Your NOI serves as the documentation of your initial SWMP plan. As your program progresses any changes, modifications, or improvements that are made to your SWMP must be documented in your SWMP plan and reported to the Department in the annual report for that reporting year. You may, at any time, be contacted by the Department's Regional Water Engineer regarding the content of the SWMP plan.

For all future correspondence and/or communications with the Department, be sure to include or reference the MS4 SPDES Registration Number, as this number is unique to the MS4 identified above.

Should you have any questions regarding any aspect of the requirements specified in General Permit GP-0-10-002, please contact David Follansbee at (518) 402-8116.

Sincerely,



Carol Lamb-LaFay, Chief
Stormwater Permits Section
Bureau of Water Permits

cc: RWE - w/copy NOI
File - w/original NOI



New York State Department of Environmental Conservation
 Phase II SPDES General Permit for Storm Water Discharges from
 Municipal Separate Storm Sewer Systems (MS4s)
 Notice of Intent (NOI)



Submission of this Notice of Intent (NOI) constitutes notice that the entity identified in Section A of this form intends to be authorized by the NYS DEC SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s). Submission of the NOI also constitutes notice that the party identified in Section A of this form has read, understands, and meets the eligibility conditions; agrees to comply with all applicable terms and conditions; and understands that continued authorization under the SPDES MS4 General Permit is contingent on maintaining eligibility for coverage. In order to be granted coverage, all information required on this form must be completed. Please read the NYS DEC SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s) and make sure you comply with all permit requirements including the requirement to develop, document, and implement a Storm Water Management Program Plan.

SECTION A. MS4 INFORMATION

1. Municipality (MS4)

Town of Union Vale Phone 845 - 724 - 5600

Mailing Address

249 Duncan Road

City

Lagrangeville State NY Zip 12540 -

2. MS4 Type

- | | <u>Traditional Land Use Control</u> | <u>Traditional Non-Land Use Control</u> | <u>Non-Traditional</u> |
|--|---------------------------------------|---|---------------------------------------|
| <input checked="" type="radio"/> Single Entity | <input checked="" type="radio"/> Town | <input type="radio"/> County | <input type="radio"/> Federal |
| | <input type="radio"/> Village | | <input type="radio"/> State |
| | <input type="radio"/> City | | <input type="radio"/> School District |
| | | | <input type="radio"/> Fire District |
| | | | <input type="radio"/> Other |

3. Principal Executive Officer or Ranking Elected Official:

First Name Lisette Last Name Hitsman

Title Supervisor Phone 845 - 724 - 5600

eMail supervisor@unionvaleny.us

4. Stormwater Program Coordinator:

First Name George Last Name Kolb

Title Building Inspector / COE Phone 845 - 724 - 5953

eMail building2@unionvaleny.us

5. NOI Preparer:

First Name: L a w r e n c e
Last Name: P a g g i

Title: E n g i n e e r i n g C o n s u l t a n t
Phone: 8 4 5 - 8 9 7 - 2 3 7 5

Department: T o w n E n g i n e e r

eMail: l j p a g g i @ o p t o n l i n e . n e t

6. Cooperating Partners Including Regional Stormwater Entity

Identify contractors/partners that will be assisting with and/or implementing any aspect of your Stormwater Management Program:

Contractor/Partner Name: D u t c h e s s C o u n t y M S F o u r C o o r d . C o m m .

Contact First Name: E d
Contact Last Name: H o x s i e

Address: C / O D C S W C D 2 7 1 5 R O U T E 4 4 S U I T E 3

City: M I L L B R O O K
State: N Y
Zip: 1 2 5 4 5 -

Phone: 8 4 5 - 6 7 7 - 8 0 1 1

eMail: E D . H O X S I E @ N Y . N A C D N E T . N E T

Contractor/Partner Name:

Contact First Name:
Contact Last Name:

Address:

City:
State:
Zip:

Phone:

eMail:

6. Cooperating Partners (continued):

Contractor/Partner Name

[Grid for Contractor/Partner Name]

Contact First Name

[Grid for Contact First Name]

Contact Last Name

[Grid for Contact Last Name]

Address

[Grid for Address]

City

[Grid for City]

State

[Grid for State]

Zip

[Grid for Zip]

[Grid for Zip separator]

Phone

[Grid for Phone]

eMail

[Grid for eMail]

Contractor/Partner Name

[Grid for Contractor/Partner Name]

Contact First Name

[Grid for Contact First Name]

Contact Last Name

[Grid for Contact Last Name]

Address

[Grid for Address]

City

[Grid for City]

State

[Grid for State]

Zip

[Grid for Zip]

[Grid for Zip separator]

Phone

[Grid for Phone]

eMail

[Grid for eMail]

Contractor/Partner Name

[Grid for Contractor/Partner Name]

Contact First Name

[Grid for Contact First Name]

Contact Last Name

[Grid for Contact Last Name]

Address

[Grid for Address]

City

[Grid for City]

State

[Grid for State]

Zip

[Grid for Zip]

[Grid for Zip separator]

Phone

[Grid for Phone]

eMail

[Grid for eMail]

7. Regulated MS4s on whose behalf one or more minimum control measures will be implemented.

This section must be completed if the NOI is being submitted to gain coverage for a Single Entity All others leave blank.

Contractor/Partner Name

Dutchess County MS Four Coord. Comm.

Contact First Name

Ed

Contact Last Name

Hoxsie

Address

C/O DC SW CD 2715 ROUTE 44 SUITE 3

City

Milbrook

State

NY

Zip

12545

Phone

845-677-8011

eMail

ED.HOXSIE@NY.NACDNET.NET

Check all minimum control measures that will be implemented on behalf of this MS4.

- MCM 1 MCM 2 MCM 3 MCM 4 MCM 5 MCM 6

Contractor/Partner Name

Contact First Name

Contact Last Name

Address

City

State

Zip

Phone

eMail

Check all minimum control measures that will be implemented on behalf of this MS4.

- MCM 1 MCM 2 MCM 3 MCM 4 MCM 5 MCM 6

Contractor/Partner Name

Contact First Name

Contact Last Name

Address

City

State

Zip

Phone

eMail

Check all minimum control measures that will be implemented on behalf of this MS4.

- MCM 1 MCM 2 MCM 3 MCM 4 MCM 5 MCM 6

7. Regulated MS4s on whose behalf one or more minimum control measures will be implemented.

This section must be completed if the NOI is being submitted to gain coverage for a Single Entity. All others leave blank

Contractor/Partner Name
[Grid]
Contact First Name [Grid] Contact Last Name [Grid]
Address [Grid]
City [Grid] State [Grid] Zip [Grid] - [Grid]
Phone [Grid] - [Grid] - [Grid]
eMail [Grid]

Check all minimum control measures that will be implemented on behalf of this MS4.
 MCM 1 MCM 2 MCM 3 MCM 4 MCM 5 MCM 6

Contractor/Partner Name
[Grid]
Contact First Name [Grid] Contact Last Name [Grid]
Address [Grid]
City [Grid] State [Grid] Zip [Grid] - [Grid]
Phone [Grid] - [Grid] - [Grid]
eMail [Grid]

Check all minimum control measures that will be implemented on behalf of this MS4.
 MCM 1 MCM 2 MCM 3 MCM 4 MCM 5 MCM 6

Contractor/Partner Name
[Grid]
Contact First Name [Grid] Contact Last Name [Grid]
Address [Grid]
City [Grid] State [Grid] Zip [Grid] - [Grid]
Phone [Grid] - [Grid] - [Grid]
eMail [Grid]

Check all minimum control measures that will be implemented on behalf of this MS4.
 MCM 1 MCM 2 MCM 3 MCM 4 MCM 5 MCM 6

SECTION C. INITIAL IDENTIFICATION OF STORMWATER MANAGEMENT PROGRAM COMPONENTS

Provide the planned development and implementation schedule for completing the required program components by indicating which programs or activities have already been adequately* developed and are effectively being implemented and what programs or activities are either to be developed or expanded upon and the expected completion date.

* For required elements adequate is defined as meeting permit requirements. For non-required elements adequate is defined as addressing the reduction of POCs in stormwater discharges.

1. MCM I: Public Education and Outreach on Storm Water

	Compliance Schedule		
	Adequately* developed and implemented	To be developed or expanded upon	Expected completion date (mm/yyyy).
<u>Education and Outreach Program Requirements</u>			
Identify POCs, waterbodies of concern, geographic areas of concern, target audiences (required) -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Develop and implement an on going public education and outreach program (required) -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016

Identify from the list below the appropriate Education and Outreach programs or activities that are or will be developed to ensure the reduction of all POCs in stormwater discharges

Educational Programs or Activities

Events and Programs -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Outreach to commercial entities -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Media campaign -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Presentations to community groups -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Economic incentives -----	<input type="radio"/>	or <input type="radio"/>	and 12 / 2016
Webpage -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Printed material -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Displays -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Posters and signs of varying sizes (magnets to billboards) -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Classroom education/school programs -----	<input type="radio"/>	or <input type="radio"/>	and /
Library of educational materials -----	<input type="radio"/>	or <input type="radio"/>	and /
Promotional giveaways -----	<input type="radio"/>	or <input type="radio"/>	and /
<input type="checkbox"/> -----	<input type="radio"/>	or <input type="radio"/>	and /

Residential Programs or Activities

Proper lawn and garden care (fertilizer and pesticide use, sweeping, etc) -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Residential car washing and auto maintenance control measures -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Off-pavement automobile parking -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Proper disposal of household hazardous waste -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Snow removal activities -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Trash management -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Water conservation practices -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Pet waste management -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
<input type="checkbox"/> -----	<input type="radio"/>	or <input type="radio"/>	and /

Industrial/Commercial Programs or Activities

Automobile repair and maintenance control measures -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Pollution prevention for businesses -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Equipment and vehicle maintenance and repair -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Proper disposal of vacuum truck and sweeping equipment waste -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Snow removal activities -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Illicit discharge detection and elimination observations -----	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2016
Low impact development -----	<input type="radio"/>	or <input type="radio"/>	and /
<input type="checkbox"/> -----	<input type="radio"/>	or <input type="radio"/>	and /

SECTION C. INITIAL IDENTIFICATION OF STORMWATER MANAGEMENT PROGRAM COMPONENTS

Provide the planned development and implementation schedule for completing the required program components by indicating which programs or activities have already been adequately* developed and are effectively being implemented and what programs or activities are either to be developed or expanded upon and the expected completion date.

* For required elements adequate is defined as meeting permit requirements. For non-required elements adequate is defined as addressing the reduction of POCs in stormwater discharges

2. MCM 2: Public Involvement and Participation

	Compliance Schedule		
	Adequately* developed and implemented	To be developed or expanded upon	Expected completion date (mm/yyyy).
<u>Public Involvement and Participation Requirements</u>			
Comply with State Open Meetings law and local public notice requirements (required) -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2014
Develop and implement a public involvement/participation program (required) -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2016
Present annual report publicly and provide public notice (required) -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 08 / 2015
Provide responses to comments and include with annual report to NYS DEC (required) -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 06 / 2015
Ensure that annual report and SWMP Plan are available for public inspection (required) -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 06 / 2015

Identify from the list below the appropriate Public Involvement and Participation programs or activities that are or will be developed to ensure the reduction of all POCs in stormwater discharges

Public Involvement Programs and Activities

Advisory/partner committees -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2016
Watershed organizations -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2016
Attitude surveys -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /
Community hot lines -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2016
Stakeholder meetings -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2016
Mailing list development and use -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /
<input type="checkbox"/> -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /

Participation Activities

Adopt-a-stream -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /
Reforestation program -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /
Storm drain stenciling -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2016
Stream, beach, roadway cleanup -----	<input type="radio"/>	or ----- <input checked="" type="radio"/>	and ----- 12 / 2016
Volunteer Monitoring -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /
Wetland plantings -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /
<input type="checkbox"/> -----	<input type="radio"/>	or ----- <input type="radio"/>	and ----- / /

SECTION C. INITIAL IDENTIFICATION OF STORMWATER MANAGEMENT PROGRAM COMPONENTS

Provide the planned development and implementation schedule for completing the required program components by indicating which programs or activities have already been adequately* developed and are effectively being implemented and what programs or activities are either to be developed or expanded upon and the expected completion date.

* For required elements adequate is defined as meeting permit requirements. For non-required elements adequate is defined as addressing the reduction of POCs in stormwater discharges

4. MCM 4: Construction Site Runoff Control

<u>Construction Program Requirements</u>	<u>Compliance Schedule</u>		
	<u>Adequately* developed and implemented</u>	<u>To be developed or expanded upon</u>	<u>Expected completion date (mm/yyyy).</u>
Develop, implement, and enforce a program that provides protection equivalent to the General Permit for Stormwater Discharges for Construction Activity. (required) -----○----- or -----●----- and 12 / 2016			
Procedures for receipt/follow-up on information submitted by the public regarding construction site runoff (required) -----○----- or -----●----- and 12 / 2016			
Program to educate construction site owner/operators about the MS4s construction stormwater requirements (required) -----○----- or -----●----- and 12 / 2016			
Procedures to ensure construction site operators receive erosion and sediment control training (required) -----○----- or -----●----- and 12 / 2016			
Establish and implement procedures to track and inventory of active construction sites (required) -----○----- or -----●----- and 12 / 2016			
<input type="checkbox"/> -----○----- or -----○----- and ____ / ____			
Development of a local law or other regulatory mechanism to require a SWPPP for applicable construction activities (required for traditional land use control MS4s) -----○----- or -----●----- and 12 / 2016			

This local law or other regulatory mechanism must include (but is not limited to):

Requirements for SWPPPs to meet the most current NYS DEC erosion and sediment control technical standards (required for traditional land use control MS4s) -----○----- or -----●----- and 12 / 2016			
Requirements for construction site operators to implement erosion and sediment controls as per up-to-date NYS DEC technical standards i.e. New York State Standards and Specifications for Erosion and Sediment Control (required for traditional land use control MS4s) -----○----- or -----●----- and 12 / 2016			
Procedures for SWPPP review and issuance of SWPPP Acceptance Form (required for traditional land use control MS4s) -----○----- or -----●----- and 12 / 2016			
Procedures for site inspections and enforcement of erosion and sediment controls, including steps to identify priority sites for inspection (required for traditional land use control MS4s) -----○----- or -----●----- and 12 / 2016			
Requirements for overall construction site waste management traditional land use control MS4s) -----○----- or -----●----- and 12 / 2016			
Process for documenting/certifying equivalence of local law (required for traditional land use control MS4s) -----○----- or -----●----- and 12 / 2016			
<input type="checkbox"/> -----○----- or -----○----- and ____ / ____			

SECTION C. INITIAL IDENTIFICATION OF STORMWATER MANAGEMENT PROGRAM COMPONENTS

Provide the planned development and implementation schedule for completing the required program components by indicating which programs or activities have already been adequately* developed and are effectively being implemented and what programs or activities are either to be developed or expanded upon and the expected completion date.

* For required elements adequate is defined as meeting permit requirements. For non-required elements adequate is defined as addressing the reduction of POCs in stormwater discharges.

5. MCM 5: Post-Construction Stormwater Management

	Compliance Schedule		
	Adequately* developed and implemented	To be developed or expanded upon	Expected completion date (mm/yyyy).
<u>Post-Construction Program Requirements</u>			
Develop, implement and enforce a program that addresses stormwater runoff from development and redevelopment projects equivalent to the General Permit for Stormwater Discharges for Construction Activity. (required)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018
Procedures to ensure long-term operation and maintenance of post-construction stormwater management practices (required)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018
Establish and implement procedures to track and inventory of post-construction stormwater management practices (required)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018
Develop and implement a program to inspect development and redevelopment sites. Includes providing adequate resources with proper training for inspection. Program shall include provisions for enforcement of violations (required for traditional land use control MS4s)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018
Development of a local law or other regulatory mechanism to require post-construction runoff controls from new development and redevelopment projects (required for traditional land use control MS4s)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018

This local law or other regulatory mechanism must include (but is not limited to):

Requirements for SWPPPs to meet current NYS Stormwater Design Manual (required)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018
Procedures for SWPPP review and issuance of SWPPP Acceptance Form (required for traditional land use control MS4s)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018
Process for documenting/certifying equivalence of local law (required for traditional land use control MS4s)	<input type="radio"/>	or <input checked="" type="radio"/>	and 12 / 2018

Identify from the list below additional Post-Construction Stormwater Management programs or activities that are or will be developed to ensure the reduction of all POCs in stormwater discharges.

Encouraged Additional Local Law Inclusions

Open space preservation	<input type="radio"/>	or <input type="radio"/>	and / /
Watershed plans	<input type="radio"/>	or <input type="radio"/>	and / /
Municipal comprehensive plan	<input type="radio"/>	or <input type="radio"/>	and / /
Land use regulations	<input type="radio"/>	or <input type="radio"/>	and / /
Natural resource protection	<input type="radio"/>	or <input type="radio"/>	and / /
Impervious area reduction	<input type="radio"/>	or <input type="radio"/>	and / /
Riparian buffers	<input type="radio"/>	or <input type="radio"/>	and / /
Setbacks	<input type="radio"/>	or <input type="radio"/>	and / /

Encouraged Additional Components

Green Infrastructure, Low Impact Development and better site design	<input type="radio"/>	or <input type="radio"/>	and / /
Deep ripping and decompaction	<input type="radio"/>	or <input type="radio"/>	and / /
Development of banking and credits system	<input type="radio"/>	or <input type="radio"/>	and / /

SECTION D. INITIAL IDENTIFICATION OF ADDITIONAL WATERSHED IMPROVEMENT STRATEGY BEST MANAGEMENT PRACTICES (BMPs)

(Refer to the General Permit for Stormwater Discharges Associated with MS4s for list of Watershed Improvement Strategy Areas)

NEW YORK CITY EAST OF HUDSON WATERSHED MS4s

- Educational program concerning the impacts of phosphorus on waterbodies (required)
- Develop and maintain a map showing the entire small MS4 conveyance system (required)
- Program to ensure that on-site wastewater treatment systems are inspected and maintained once every five years (required for traditional MS4s)
- Develop, implement, and enforce a program, equivalent to the General Permit for Stormwater Discharges Associated with Construction Activity, to reduce pollutants in stormwater runoff to the MS4 from construction activities that result in a land disturbance of five thousand square feet (required for traditional land use control MS4s)
- Ensure, through local law or other regulatory mechanism, that post-construction stormwater management controls are in accordance with the New York State Stormwater Design Manual and the Enhanced Phosphorus Removal Design Standards (required for traditional land use control MS4s)
- Retrofit Program to correct or reduce existing erosion and/or pollutant loading problems, with emphasis on phosphorus (required)
- Stormwater Conveyance System Inspection and Maintenance Program (required)
- Turf management practices and procedures policy (required)

OTHER PHOSPHORUS WATERSHED MS4s

- Educational program concerning the impacts of phosphorus on waterbodies (required)
- Program to ensure that on-site wastewater treatment systems are inspected and maintained once every five years (required for traditional MS4s)
- Require the use of the Enhanced Phosphorus Removal Design Standards in accordance with the New York State Stormwater Design Manual (required for traditional land use control MS4s)
- Retrofit Program to correct or reduce existing erosion and/or pollutant loading problems, with emphasis on phosphorus (required)
- Turf management practices and procedures policy (required)

PATHOGEN IMPAIRED WATERSHED MS4s

- Educational program concerning the impacts of pathogens on waterbodies (required)
- Program to ensure that on-site wastewater treatment systems are inspected and maintained once every five years (required for traditional MS4s)
- Develop and maintain a map showing the entire small MS4 conveyance system (required)
- Retrofit Program to correct or reduce pollutant loading problems, with emphasis on pathogens (required)
- Local law prohibiting pet waste on municipal properties and prohibiting goose feeding (required)
- Pet waste bag program (required)
- Program to manage goose populations (required)

NITROGEN IMPAIRED WATERSHED MS4s

- Educational program concerning the impacts of nitrogen on waterbodies (required)
- Program to ensure that on-site wastewater treatment systems are inspected and maintained once every five years (required for traditional MS4s)
- Develop and maintain a map showing the entire small MS4 conveyance system (required)
- Retrofit Program to correct or reduce existing erosion and/or pollutant loading problems, with emphasis on nitrogen (required)
- Turf management practices and procedures policy (required)

SECTION E. INITIAL IDENTIFICATION OF MEASURABLE GOALS

1. MCM 1 Public Education and Outreach measurable goals. List and describe all essential tasks that will need to be complete in order to demonstrate that progress is being made to meet all program deadlines (Part VII.A.1.f or Part VIII.A.1.g). Where applicable include start and end dates and work to be done by partners.

Identify POC's, water bodies of concern, geographic areas of concern and target audiences starting in January 2014, and complete by December 2016.

Town of Union Vale to join Dutchess County MS4 Coordination Committee by January 2014, which will initiate an ongoing education and outreach program in conjunction with the Dutchess County Soil and Water Conservation District and fourteen other MS4 communities in Dutchess County. These MS4 Committee activities have generally included educating the general public, developers, and contractors through the distribution of brochures, providing training seminars and cooperation with the Dutchess County Watershed Coalition during Watershed Awareness Month.

2. MCM 1 Public Involvement/Participation measurable goals. List and describe all essential tasks that will need to be complete in order to demonstrate that progress is being made to meet all program deadlines (Part VII.A.2.h or Part VIII.A.2.h). In addition, describe how the annual report will be presented to the public and how comments will be received. Where applicable include start and end dates and work to be done by partners.

Current recycling practices, clean-up events and other currently on going public involvement practices will be documented for inclusion in the Town's first annual report which will be due June 2015.

Additional public involvement practices will be implemented in conjunction with the Dutchess County MS4 Coordination Committee beginning January 2014.

The first Annual Report will be presented to the Town at a public Town Board meeting. The meeting will be advertised with a legal notice in the official newspaper as well as being posted on the Town website. The Annual Report will be available on the website and a hard copy will be available at Town Hall for review. Public comment will be received at the Town Board meeting.

SECTION E. INITIAL IDENTIFICATION OF MEASURABLE GOALS

3. MCM 3 Illicit Discharge Detection and Elimination measurable goals. List and describe all essential tasks that will need to be complete in order to demonstrate that progress is being made to meet all program deadlines (Part VII.A.3.m or Part VIII.A.3.m). Describe how outfall and sewershed mapping will be performed. Where applicable include start and end dates and work to be done by partners.

An IDDE local law will be developed starting in January 2014, including mechanisms to prohibit illicit discharges. The law will include mechanisms to prohibit discharges and will address exempt non-stormwater discharges. The law is intended to finalized and in place by December 2016.

Beginning in January 2014 a program will be developed to locate and map outfalls. Once outfalls are mapped, a storm sewershed map will be prepared. This mapping is to be completed by December 2016.

Prior to December 2016 a program will be developed to inspect outfalls on an annual basis.

Beginning in January 2014 an IDDE training program will be implemented for municipal employees and a program to inform both the general public and businesses of the hazards associated with illicit discharges. These programs will be implemented in conjunction with the Dutchess County MS4 Coordination Committee.

4. MCM 4 Construction Site Runoff Control measurable goals. List and describe all essential tasks that will need to be complete in order to demonstrate that progress is being made to meet all program deadlines (Part VII.A.4.c or Part VIII.A.4.c). Where applicable include start and end dates and work to be done by partners.

- Union Vale currently requires a SWPPP for any land disturbance activity in excess of one-half acre. Projects requiring planning board approval submit a SWPPP in conjunction with that application. Projects not requiring board approval must submit a SWPPP to the Building Department in conjunction with application for a permit. Beginning January 2014, revision to the local law will be undertaken to include full review and approval of the SWPPP by the municipality to facilitate issuance of an MS4 acceptance form, with the intention of fully implementing this revised process by 12/2016.
- Public comment is received at public hearings for those projects subject to planning board approval. Public comment regarding active construction sites will be received by the Building Department.
- Beginning in January 2014, Union Vale will join with the Dutchess County MS4 Coordination Committee in its efforts to educate construction site owners & operators including erosion & sediment training.

SECTION E. INITIAL IDENTIFICATION OF MEASURABLE GOALS

5. MCM 5 Post-Construction Stormwater Management measurable goals. List and describe all essential tasks that will need to be complete in order to demonstrate that progress is being made to meet all program deadlines (Part VII.A.5.f and Part VIII.A.5.f). Where applicable include start and end dates and work to be done by partners.

- Union Vale currently requires a SWPPP with post-construction stormwater management practices conforming to the current SPDES General Permit and the NYS Stormwater Design Manual. Beginning January 2014, revision to the local law will be undertaken to include the mechanisms to inspect, track and inventory post-construction practices, and to enforce violations by 12/2016. The local law revisions will include full review and approval of the SWPPP by the municipality to facilitate issuance of an MS4 acceptance form.
- The local law will be certified as equivalent to the SPDES General Permit by 12/2016.
- Union Vale currently ensures long-term maintenance of post-construction practices via stormwater management districts and/or stormwater maintenance agreements with easements.

6. MCM 6 Pollution Prevention/Good Housekeeping measurable goals. List and describe all essential tasks that will need to be complete in order to demonstrate that progress is being made to meet all program deadlines (Part VII.A.6.g and Part VIII.A.6.g). Where applicable include start and end dates and work to be done by partners.

- Beginning in January 2014, current procedures for street and bridge maintenance, winter road maintenance, salt storage, park maintenance, municipal building maintenance and vehicle and fleet maintenance will be evaluated and amended as necessary by December 2016
- The Town recycling center will be evaluated for potential stormwater runoff concerns.
- Street sweeping catch basin cleaning and maintenance will be evaluated and amended as necessary.
- The successful implementation of the procedures described above, and their effectiveness in addressing POC's will be evaluated at a minimum of once every three years.
- Beginning in January 2014, Union Vale will join with the Dutchess County MS4 Coordination Committee in its efforts to educate staff in pollution prevention and good housekeeping measures.
- Beginning in 2014, Union Vale will require 3rd party certification of conformance to the GP.
- Facilities requiring an NYSMSGP will be identified & evaluated for conformance to the GP.

SECTION F. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

First Name
L I S E T T E **MI**

Last Name
W I T S M A N **Title**
S U P E R V I S O R

Signature
Lisette Hitsman

Date
11 / 14 / 2013

**Instructions for Completing the Notice of Intent (NOI) for coverage under the NYS DEC
SPDES General Permit for Storm Water Discharges from Municipal Separate Storm
Sewer Systems (MS4s), GP-0-10-002**

Who Must File a Notice of Intent?

Under the provisions of §402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122, Federal law prohibits "point source" discharges of storm water from municipal separate storm sewer systems (MS4s) to waters of the U.S. without a State Pollutant Discharge Elimination System (SPDES) permit. If you are an operator of a regulated small MS4 designated under §122.32(a)(1) or §122.32(a)(2), you must apply for coverage under GP-0-10-002, a new individual permit or apply for a modification of an existing individual SPDES permit.

When to File the NOI Form

DO NOT FILE THE NOI UNTIL YOU HAVE READ AND UNDERSTAND THE NYS DEC SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s). You will need to determine your eligibility, prepare your storm water management plan, and correctly answer all questions on the NOI form, all of which must be done before you can sign the certification statement on the NOI in good faith (and without risk of committing perjury). The NOI must be submitted in accordance with the deadlines established in the NYS DEC SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s)

Where to File the NOI Form

Submit the NOI, signed in accordance with the NYS DEC SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s), Part VI.J.1, to:

Notice of Intent
NYSDEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, NY 12233-3505

Completing the NOI Form

To complete this form, type or print, in the appropriate areas only. Please make sure you have completely filled out every section of this form and have retained a copy for your records before sending the completed form to the address above.

Section A. MS4 Owner/Operator Information

1. Provide the legal name of the governmental entity, or other legal entity that operates the MS4 described in this application.
2. Provide the mailing address of the MS4 operator. Include the street address or PO Box, city, state, and zip code. All correspondence regarding the permit will be sent to this address.
3. Identify the Principal Executive Officer or Ranking Elected Official. The principal executive officer includes (1) the chief executive officer of the municipal entity, or (2) a senior executive having responsibility for the overall operations of a principal geographic unit of the agency.
4. Identify the Stormwater Management Program (SWMP) Coordinator. The Stormwater Management Program (SWMP) Coordinator is the person responsible for the implementation/coordination of the SWMP within the MS4.
5. List the contractors or partners such as Regional Stormwater Entities that will be assisting you with and/or implementing any aspect of your SWMP. Describe the service, activity, or work to be performed. Indicate the schedule for implementation.

6. Single Entities seeking coverage under the MS4 permit must identify all regulated MS4s on whose behalf one or more minimum control measures will be implemented.

Section B. Local Water Quality Information

1. Identify any waters listed in Appendix 2 to which the MS4 discharges.
2. Identify the Improvement Strategy Watershed to/within which the MS4 discharges, if any.

Section C. Initial Identification of Best Management Practices (BMPs)

1. Check the management practices that you have selected to meet the requirements for each Minimum Control Measure. Management practices listed in BOLD type are required and MUST be checked. FOR COMPLETE DESCRIPTION OF REQUIREMENTS, PLEASE REFER TO THE NYS DEC SPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s). Attach additional pages as necessary.

Section D. Initial Identification of Additional Improvement Strategy Watershed Best Management Practices

1. MS4 permittees within Improvement Strategy Watersheds shall modify their SWMPs to meet the additional requirements as set forth in Part IX of the NYS DEC SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s). The best management practices for each improvement strategy watershed listed in Section D of the NOI are required of MS4s that discharge to/within those watersheds.

Section E. Initial Identification of Measurable Goals

1. Provide a narrative description of the measurable goals, with start and end dates, that will be used for each best management practice for each of the minimum control measures. Indicate the month and year in which you will start and fully implement each of the minimum control measures, or indicate the frequency of the action in the description. Attach additional pages as necessary.

Section F. Certification

1. Certification statement and signature. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed by either a principal executive or ranking elected official as described in Part VI.J. of the NYS DEC SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s).

Appendix C

Supporting Documentation for Dutchess County MS4 Coordination committee

Appendix C.1 Intermunicipal Agreement & Bylaws

Appendix C.2 MS4 Coordination Committee Bylaws

Appendix C.1

Intermunicipal Agreement & Bylaws

The Town of Union Vale is currently a member of the Dutchess County MS4 Committee - records attached

Dutchess County Soil & Water Conservation District

Invoice

2715 Rte 44 Suite 3
Millbrook NY 12545

Telephone (845) 677-8011 Ext. 3
Fax (845) 677-8354
www.dutchessswcd.org

BILL TO

Town of Union Vale
Betsy Mass, Supervisor
249 Duncan Road
LaGrangeville NY 12540

DATE	INVOICE #
2/5/2018	709

DESCRIPTION	QTY	AMOUNT
<p>Membership Contribution - Dutchess County MS4 Coordination Committee</p> <p>Contributions will be used to further the goals of the Dutchess County MS4 Coordination Committee ("the Committee"). The purpose of the Committee is to foster the cooperation and exchange of information among the participating jurisdictions in addressing issues of mutual concern related to compliance with the Phase II Stormwater regulations; to promote a discussion of issues relating to the Phase II Stormwater program facing the Dutchess County regulated MS4 communities; to propose recommendations and make reports that identify mutually beneficial solutions to the concerns facing the participating communities; to seek funding sources that may help to accomplish the goals of the Committee and the participating municipalities, and to disburse funds as may be required.</p> <p>Contributions may be spent on activities including, but not limited to, educational campaigns, media production and distribution, stormwater trainings, and stormwater resources for municipal employees and board members.</p>		250.00
Total		\$250.00

Dutchess County MS4 Coordination Committee Meeting
Meeting Minutes
Farm and Home Center (Route 44; Millbrook, NY)
September 11, 2013

Present:

See attached sign in sheet

Absent:

Representatives from the City of Beacon
Representatives from the Town of Beekman
Representatives from the Town of East Fishkill
Representatives from the Town of Fishkill
Representatives from the Town of LaGrange
Representatives from the Town of Pawling
Representatives from the Town of Pleasant Valley
Representatives from the Town of Wappinger
Representatives from the Dutchess Co. DPW
Representatives from the NYSDOT

J.Karge called the meeting to order at 9:15AM.

1. MS4 Committee members introduced themselves to L.Hitsman (Unionvale)
2. A motion was made to approve the minutes from the 9/11/13 meeting. The minutes were unanimously approved by the Committee without changes.
3. E.Sommerville stated that she was waiting for links to annual reports from Beacon, City of Poughkeepsie, Town of Fishkill, and Town of Pawling.

Action Item: Beacon, City of Poughkeepsie, Town of Fishkill, and Town of Pawling to submit links to annual reports to E.Sommerville.

E.Hoxsie stated that DCSWCD has a newly designed website.

J.Karge asked that DCSWCD send a message to supervisors of those who have not sent them.

Action Item: E.Sommerville to send a message to the supervisors of the MS4 who have not sent links to their annual reports

4. The Committee's current balance is \$13,744.86. Since the last meeting there were deductions to purchase the HazComm DVD, format the billboard graphic, and brochure design. E.Sommerville stated that East Fishkill, City of Poughkeepsie, Town of Pawling, and Town of Wappinger have not made their contribution yet. Three of these noncontributing MS4s sent representatives to the SENY Stormwater Conference without paying. The Committee decided that the MS4s should be invoiced for the cost of the conference fee and the fee would be waived if the contribution was made soon.

Action Item: DCSWCD to send the Committee the Committee's balance sheet ("bridge the balance")

5. E.Hoxsie discussed EOH matters. He stated that DCSWCD has still not been paid for the retrofit project (DOS grant held by the Town of Pawling). He stated that the Village of Pawling and Dutchess County were also waiting for payments (~\$34,000 in total).
6. The Committee discussed the new brochure. E.Hoxsie stated that he was not impressed with the brochure. He felt that it was lacking content – it doesn't tell people what they can and can't do to prevent water pollution. The attending Committee members decided to table this topic until more Committee members and the members of the Brochure Subcommittee were available to discuss. E.Hoxsie stated that he would be able to get more examples at the Soil & Water national event in January/February.

Action Items: E.Sommerville will re-email the brochure and add other examples of available brochures.

7. E.Sommerville stated that DCSWCD received a quote from the County print shop to print the brochure. They stated that color copies on thicker, non-glossy paper would be \$0.36/page. If the Committee wanted to "press" the brochures it would cost \$240 to set up the press plus the cost of the printing (County is currently revising the cost). K.Moss stated that costs were going up all over but Committee members, in general, felt that this cost was high. DCSWCD agreed to research other options.

Action Item: DCSWCD to obtain additional brochure printing estimates.

8. The Committee decided to table the discussion on the revised Construction General Permit NOI form when more Committee members were in attendance. L.Paggi thought it was necessary to discuss the green infrastructure requirements and how to certify that they are being implemented to the maximum extent practicable. He stated that on a recent plan submission he struggled to get the minimum requirement on a redevelopment project.
9. Committee members thought that the recent field trip to Wappinger Falls was great. J.Karge invited the Committee back to the Village in the Fall of 2014 to see the finished wetland BMP. L.Paggi thought that the Committee could add a trip to a dealership project that he is working on that includes permeable pavement.
10. The Committee discussed how the Village of Wappinger Falls might find out the quantity of material being removed from the Vortech units installed along Route 9. E.Hoxsie suggested that J.Karge talk to Dave Graves.
11. The Committee discussed the SENY Stormwater Conference. They thought that some of the speakers/sessions were better than others. L.Paggi would like DEC to report on what they are seeing proposed in projects and how applicants are dealing with the green infrastructure requirements. He would also like to see actual cost numbers. L.Paggi would like another speaker on green roofs. K.Moss commented that the CIA is installing a green roof to be used to grow strawberries. She thought that a field trip to see it would be possible if the Committee was interested. L.Hitsman stated that there is home in

Unionvale installing a green roof. S.Crimmons reminded the group that there is green roof on the Marist campus.

12. J.Cavanaugh read a message sent by T.Corrao regarding the billboard campaign. He stated that the Committee could save money by ordering more than 1 billboard print at a time. Each billboard reportedly lasts 2 months in the weather. Billboards cost \$100 each or \$60 each if you purchase more than one at a time. The billboard rental for a nonprofit entity is \$100 per month. The Committee questioned whether the costs stated included installation.

J.Karge made a motion to allocate up to \$2,200 for a full year of billboard coverage (contingent on installation costs) and the purchase of 6 billboard prints. The motion was seconded by D.Morrison. There were not enough voting members in attendance to vote on the motion. J.Cavanaugh will send out the motion for email voting.

13. J.Cavanaugh stated that she would contact W.Artus regarding his plans to hold a “Back to Basics” stormwater training in East Fishkill. *{Update: W.Artus stated that he would like to educate all of the new Board members at this training so will wait until the early part of 2014 to hold the training.}*

14. E.Sommerville reminded the Committee of the various stormwater training DVDs (general stormwater, IDDE, and HazComm) that are available to be borrowed by members. K.Moss borrowed the HazComm DVD.

E.Hoxsie stated that DCSWCD would hold an in-person training session for Unionvale staff including a walk-through of the DPW facility and Transfer Station. L.Hitsman stated that the EPA recently visited the highway garage and didn't have many suggestions for improvement (no formal report has been received yet). E.Hoxsie stated that the inspection probably has less to do with Unionvale and more to do with EPA trying to make sure that the DEC is doing their job. He stated that the EPA is not happy with the DEC.

15. The Committee then discussed the newly designated MS4 in Dutchess County – Unionvale. **D.Morrison made a motion to allow the Town of Unionvale to join the MS4 Coordination Committee if they meet all of the requirements and benefits of membership. The motion was seconded by K.Moss.** There were not enough voting members in attendance to vote on the motion. J.Cavanaugh will send out the motion for email voting.

E.Sommerville stated that she would need a letter from Unionvale stating the voting and alternate voting member. She will look to find the MOU language so that it can be approved by the Town.

16. E.Hoxsie announced that WQIP grants were available and the application deadline is December 13th. The grants are 50/50 or 75/25 matching grants (in-kind match counts). He stated that he will be submitting an application for Unionvale under the section set

aside for newly designated MS4s. He stated that DCSWCD is willing to submit an application for anyone else but they will not work on another grant that is held by a community. DCSWCD will have to hold and administer all future grants. DCSWCD is working at the State level to be able to hold DOS grants.

17. E.Hoxsie stated that DCSWCD now has a hydroseeder that is available for use by municipalities and private landowners to reduce sediment transport. The hydroseeder was obtained using grant money that covered the equipment and some of the material and seed costs. He stated that there is a fee for the service to cover equipment maintenance and future replacement costs. DCSWCD provides staff to run the seeder. E.Hoxsie stated that it does a good job of stabilizing an area and getting fast grass growth. He discussed how the seed and tactifier could be applied over netting or directly on the soil depending on slope and erosivity. DCSWCD will send out a letter to all highway departments about the hydroseeder and the costs associated.
18. J.Cavanaugh reviewed the goals from the 2012-2013 permit year and stated that new goals will need to be set for the upcoming 2013-2014 permit year. D.Morrison stated that Trout Unlimited planned on continuing their stream clean-up campaign. E.Hoxsie stated that DCSWCD will be completing some stream bank planting within the next year.

J.Cavanaugh stated that Committee members should come to the December meeting ready to discuss the stakeholder letter that was prepared by E.Sommerville and proposed to be sent out after the December meeting. She was particularly interested in getting names of stakeholders that the Committee wanted to approach for information as a group—regional entities.

19. E.Sommerville stated that she is still waiting for letters designated voting members and alternate voting members from the Town of Pawling, Village of Pawling, Wappinger, and Beekman

Action Item: Town of Pawling, Village of Pawling, Wappinger, and Beekman to send a letter to DCSWCD stating their designated voting and alternate voting members.

20. D.Warren announced that this was W.Osborn's final MS4 Committee meeting. The Committee members thanked W.Osborn for his efforts and dedication to the Committee over the years.
21. J.Cavanaugh announced the next MS4 meeting would be on 12/11/13. 2014 meeting dates will be reserved by DCSWCD.
22. A motion was made to adjourn the meeting at 1055.

Dutchess County MS4 Coordination Committee Meeting
Meeting Minutes
Farm and Home Center (Route 44; Millbrook, NY)
December 11, 2013

Present:

See attached sign in sheet

Absent:

Representatives from the City of Beacon

Representatives from the Town of Hyde Park

Representatives from the City of Poughkeepsie

Representatives from the Town of Poughkeepsie

Representatives from the NYSDOT

W.Livigni called the meeting to order at 9:11AM.

1. MS4 Committee members introduced themselves.
2. A motion was made to approve the minutes from the 11/13/13 meeting. The minutes were unanimously approved by the Committee without changes.
3. E.Hoxsie stated that DCSWCD would be applying for grant money for Unionvale and would like to offer some of the project items to all Committee MS4s. These items include pollution prevention trainings (4 regional events), reprinting the pollution prevention handbook, and creating fillable pdf forms from the forms in the back of the pollution prevention manual. DCSWCD stated that they planned on using contractor trainings and other items as match but are asking the Committee to contribute \$1,000 to the project.

J.Daley made a motion to provide DCSWCD with \$1,000 for match against the EPF grant and authorized W.Livigni to sign the grant application. The motion was seconded by D.Morrison and approved by the Committee.

4. E.Hoxsie stated he was at a meeting with Dave Gasper who said that the new MS4 General Permit would be out at the end of '14. He also indicated that the soil erosion and sediment control 'Blue Book' is being rewritten by Don Lake and a draft is due out in January.
5. E.Sommerville stated that all MS4s but Beacon have submitted links to their latest Annual Report
6. E.Sommerville stated that she would be sending out a balance sheet to the group (see attached).
7. E.Sommerville offered that the final draft of the stormwater brochure was sent out by B.Clark.

8. E.Sommerville announced that she has not received any additional letters designated voting and alternate voting members. No letters have been received from Pawling(T), Pawling(V), Wappinger, or Beekman. She stated that a letter or copy of resolution would be sufficient.
9. E.Sommerville stated that the Committee's balance is \$12,844.86. Since the last meeting \$900 has been deducted from the account for the stormwater conference.
10. E.Sommerville stated that a letter went out to the non-paying MS4s (Wappinger, East Fishkill, Town of Pawling, City of Poughkeepsie). The letter stated that the MS4s would either have to contribute or pay the cost for those that they sent to the stormwater conference.
11. It was stated that a letter was received from Bob Kapowski, NYSDEC, stating that the East of Hudson retrofit annual report is due by January 31st. W.Artus was approached to put it together. E.Hoxsie stated that engineering certification is now required on construction projects. J.Akins stated that he can certify County projects.

W.Livigni made a motion to have W.Artus draft the retrofit annual report for the East of Hudson Subcommittee with a budget not-to-exceed \$500. The motion was seconded by D.Morrison and approved by the Committee.

12. E.Sommerville stated that on behalf of the Brochure Subcommittee, DCSWCD obtained additional printing estimates. She stated that Copyshack charges \$.98 for color copies and to print on glossy paper is 1,000 for \$200 and 2500 for \$300 (no set up fee). Prime printing on glossy paper is 1,000 for \$220 and 2500 for \$350 (no set up fee). Minuteman printing on glossy paper 1,000 for \$339 and 2,500 for \$467 (no set up fee). The County print shop was more for glossy prints (cheaper for color copies). L.Paggi stated that copies are very expensive and not as good.

A motion was made by D.Warren to purchase 2,500 gloss prints of the brochure for \$300 from Copyshack printing. J.Karge seconded the motion and the Committee approved the motion.

13. L.Paggi led a discussion of the revised NOI form for the Construction General Permit. He stated that the requirements change for soil type (minimum required) but are required to design for the maximum stormwater infiltration. In many cases to meet the maximum infiltration the designer would have to make development smaller. W.Artus stated that the "maximum extent practicable" is ultimately up to the MS4.

E.Hoxsie stated that D.Gasper indicated that an applicant must demonstrate why they can't meet the maximum and there needs to be good reasons.

The Committee discussed that they thought some "good reasons" would be: areas with little separation to rock and infiltration close to water supplies. E.Hoxsie indicated that applicants just can't say "can't meet the requirements," they must have reasons. Economic pressures may be a good reason but don't know what DEC stance will be.

14. The Committee discussed the regional stakeholder groups that should be sent a letter from the Committee asking for information about their activities and offering assistance from the Committee. The Committee discussed sending a letter to: Trout Unlimited, WIC, Fallkill Watershed Committee, FROGS, Redwing (pass out trees), Oblong Land Conservancy, Dutchess Land Trust, Winiki Land Trust, Scenic Hudson, Cary Institute, Beacon Institute, and Clearwater. E.Sommerville will be sending out the letter on behalf of the Committee.

Action Item: E.Sommerville to send out Stakeholder letters to the regional stakeholders mentioned at the meeting.

15. The Committee discussed the pending Billboard motion to purchase billboard graphics and rent space. The Committee decided to wait for installation costs.

16. W.Artus stated that his "Back to Basics" stormwater training for board members will be in February in East Fishkill (evening training).

17. E.Sommerville announced that she continues to have training DVDs available to be borrowed by MS4s. She stated that K.Moss currently has the Haz Comm DVD but all others are available.

18. The pending motion to allow Unionvale join the MS4 Committee was passed by the Committee.

19. The Committee discussed new business including the 13/14 permit year goals including Pollution Prevention training (4 regional – possible locations include Town of Pawling, Unionvale), possibly a SMO/MS4 engineer training (SMO, MS4 engineer reviewers, DEC in attendance), electronic forms from pollution prevention manual, develop a new brochure (possible topics Wappinger watershed, maintenance on GI [that it's required and tips]), green infrastructure training (may be able to add the topic to the SMO/MS4 engineer training).

J.Daley suggested that the Committee make a template letter to send out to BMP maintainers to remind them to do their maintenance and then report to the MS4. The Committee suggested that S.Crimmons, Town of Poughkeepsie, to be approached to share the letter that Poughkeepsie uses.

The Committee discussed spending the January meeting developing a universal letter and form, update bylaws, and sending voting member letter & contribution letter.

20. J.Cavanaugh announced the future MS4 meeting would be on 1/8/14, 2/12, 3/12, 4/9, 5/14, 6/11, 7/9, 8/13, 9/10, 10/8, 11/12, 12/10

21. A motion was made to adjourn the meeting at 10:30.

Appendix C.2

MS4 Coordination Committee Bylaws

Dutchess County MS4 Coordination Committee

Bylaws adopted DATE: May 11, 2016

Article I. Title and Purpose.

1.1 Title

The Organization shall be known as the Dutchess County MS4 Coordination Committee (hereafter the Committee).

1.2 Purpose

The purpose of the Committee is to foster the cooperation and exchange of information among the participating jurisdictions in addressing issues of mutual concern related to compliance with the Phase II Stormwater regulations; to promote a discussion of issues relating to the Phase II Stormwater program facing the aforementioned jurisdictions; to propose recommendations and make reports that identify mutually beneficial solutions to the concerns facing the participating communities; to seek funding sources that may help to accomplish the goals of the Committee and the participating municipalities, and to disburse funds as may be required.

Article II. Membership.

2.1 Participating Members

- A. Upon the adoption of a resolution acknowledging their desire to participate in the Committee, the following municipalities shall be considered as participating members in the intermunicipal cooperative.
1. City of Beacon
 2. City of Poughkeepsie
 3. County of Dutchess
 4. Town of Beekman
 5. Town of East Fishkill
 6. Town of Fishkill
 7. Town of Hyde Park
 8. Town of LaGrange
 9. Town of Pawling
 10. Town of Pleasant Valley
 11. Town of Poughkeepsie
 12. Town of Wappinger
 13. Town of Union Vale
 14. Village of Fishkill
 15. Village of Pawling
 16. Village of Wappingers Falls
- B. Each resolution acknowledging participation in the Committee shall name a representative, who shall represent the municipality on the Committee and shall have all rights and privileges of each and every member thereon. Each municipality may rename their representative on the Committee as needed.

- C. Membership in the Dutchess County MS4 Coordination Committee (DCMS4CC) requires a participating municipality to annually (re-)appoint an elected official or appointee (and one alternate) who will be the voting representative at DCMS4CC meetings AND timely payment of annual membership dues. Failure to (re-)appoint voting representation or timely payment of annual dues may result in the DCMS4CC not extending information or other benefits to the municipality.

2.2. Ex Officio Members

- A. The Committee shall include as Ex-Officio members the nine Town Supervisors, five Mayors, Dutchess County Soil and Water Conservation District, Dutchess County Department of Public Works, New York State Department of Transportation, and New York State Department of Environmental Conservation-Division of Water. Such Ex-Officio members of the Committee shall be non-voting members, excepting where a Town Supervisor or Mayor has been appointed to the Committee as a voting member.
- B. The Committee may also designate other Ex-Officio members as may be deemed appropriate.

2.3 New Members

Subsequent to the third meeting of the Committee, any municipality or institutional MS4 wishing to participate as an Ex Officio or participating member in the cooperative must be approved for membership by a majority of the voting members of the committee.

2.4 Termination

A municipality may terminate its membership upon adoption of a resolution by the legislative body of that municipality.

Article III. Procedures.

3.1 Quorum

At all meetings of the Committee, the presence of a majority of the whole number of the Committee shall constitute a quorum for the transaction of business.

3.2 Regular Meetings

The Committee shall set the time and place of the meetings, excepting as provided under Section 3.3.

3.3 Special Meetings

Special meetings of the Committee may be called by the Chairman on seven (7) days notice to each Committee member, either personally or by mail. Special meetings may also be called, in a like manner and on like notice, at the request of three (3) or more members of the Committee.

3.4 Voting

- A. Each participating member shall be entitled to one vote which shall only be exercised by the individual appointed to serve on the Committee by the Legislative Body of their respective municipality. All issues shall be decided by a simple majority of the quorum at the meeting in which the vote takes place.
- B. Each Municipality will be able to appoint a new voting member if the Municipality finds it necessary to do so. This can be done through a resolution or letter submitted to the Committee. The new appointee will then become the municipality's voting member and be allowed to cast a vote on Committee issues. The prior voting member can still attend meetings if permitted by the Municipality, but will no longer be able to cast a vote.
- C. Each Municipality will be allowed 1 (one) alternate to their voting member in the case that their voting member is not able to attend a Committee meeting. The alternate must be appointed by the municipality and a resolution or letter submitted to the Committee. Each municipality will still only be entitled to 1 (one) vote on each issue. If both the voting member and the alternate are in attendance at the same meeting, the voting member will cast the vote.
- D. The voting member must be a municipal employee, but the alternate voting member can be a consultant.

3.5 Powers

The Committee shall have the following powers:

- A. To seek, receive, disburse and distribute funding to accomplish the goals of the Organization including grants and donations.
 - 1. All disbursement of funds shall be approved by a vote as defined in Section 3.4.
 - 2. Either the Chairman or Secretary shall be authorized to endorse checks on behalf of the Committee.
- B. To prepare such reports, studies, publications, recommendations, and other works as may be necessary to accomplish the goals of the Committee.
- D. To retain and employ consultants and staff within the limitations of any funding received by the organization.
- E. To appoint additional sub-committees as may be advantageous to furthering the goals of the Committee.

3.6 Limitations

The Committee shall not have the power or authority to place any special duty or requirement or financial obligation on any one or more of the participating members.

Article IV. Officers.

4.1 Officers

- A. The Committee shall elect by a majority, from amongst its members a Chairman, a Vice-Chairman, and a Secretary.
 - 1. The Chairman shall preside at each meeting.
 - 2. The Vice-Chairman shall preside in the absence of the Chairman. The Vice-Chairman shall also have primary responsibility for the finances of the Committee. The Vice-Chairman shall ensure that an adequate balance is maintained, and that accurate records are kept. The Vice-Chairman shall be responsible for balancing accounting reports against all monies allocated.
 - 3. The Secretary shall be responsible for recording the minutes of all meetings and maintaining a file of the Committee's records.
- B. All Officers shall be elected or re-elected annually by the Committee during the March meeting with Nominations occurring at the February meeting. The committee leadership term will be changed to April through March.
- C. The Committee may nominate participating members for each leadership position.

Article V. Sub-committees.

The Committee may create such sub-committees as may be needed, whose members shall be appointed by the Committee. The sub-committees shall report directly to the Committee.

Article VI. Amendments.

These bylaws may be amended upon an affirmative recommendation of the Dutchess County MS4 Coordination Committee and upon approval of two-thirds of the Committee as constituted. Proposed amendments to the bylaws shall not be proposed and adopted during the same Committee meeting.

Appendix D

Organizational Chart and Program Budget

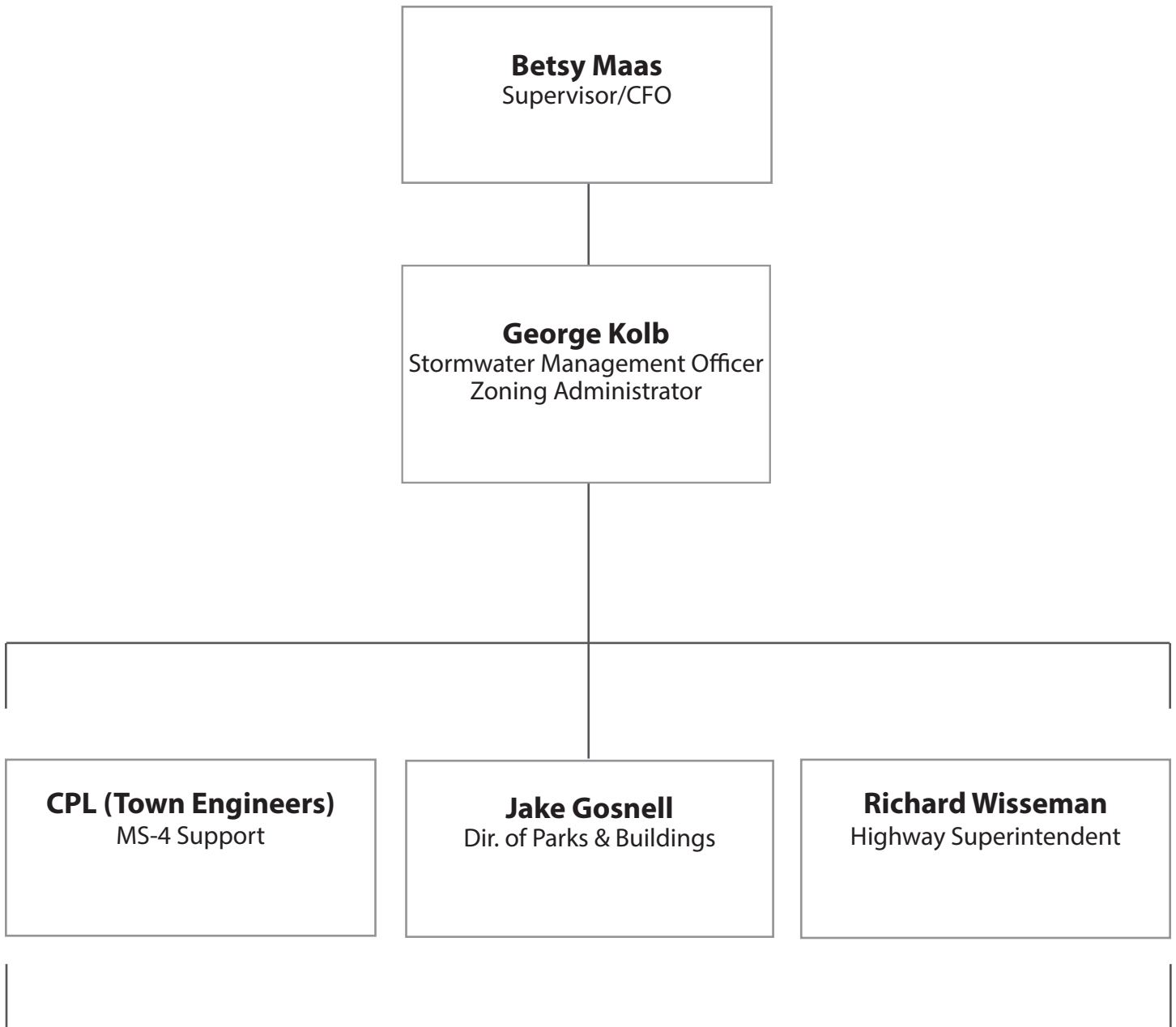
Appendix D.1 Organizational Chart

Appendix D.2 Program Budget

Appendix D.1
Organizational Chart



Town of Union Vale MS-4 Organizational Structure



Appendix D.2
Program Budget



Town of Union Vale 2019 Safety Inspections Budget Estimates of Expenditures

Rates of Exp.

3620	Safety Inspections	75,576	70,539	74,525	48,277	81,730	81,730	81,730	81,730
.1	78,250 Personnel	2016 Actual Total	2017 Actual Total	2018 Amended Budget	2018 Year to Date Actual	2019 Department Budget	2019 Tentative Budget	2019 Preliminary Budget	2019 Adopted Budget
.2	2,400 Equipment								
.4	1,080 Contractual								

.1 Personnel Services		Rate	Hours	2016 Actual	2017 Actual	2018 Amended	2018 YTD	2019 Dept.	2019 Tent.	2019 Prelim.	2019 Adopted
	Building Inspector / CEO			68,027	68,906	68,080	45,504	73,500	73,500	73,500	73,500
	Building Clerk			6,760	0	3,250	1,609	3,250	3,250	3,250	3,250
	→ MS4 Coordinator			0	0	1,515	0	1,500	1,500	1,500	1,500
Total .1 Personnel Services				74,787	68,906	72,845	47,113	78,250	78,250	78,250	78,250

.2 Equipment and Capital Outlay		2016 Actual	2017 Actual	2018 Amended	2018 YTD	2019 Dept.	2019 Tent.	2019 Prelim.	2019 Adopted
	Portable Printer	0	0	600	0	600	600	600	600
	4 Draw Fireproof File Cabinet	0	0	0	0	1,000	1,000	1,000	1,000
	iPhone					800	800	800	800
Total .2 Equipment and Capital Outlay		0	0	600	0	2,400	2,400	2,400	2,400

.4 Contractual Expenditures		2016 Actual	2017 Actual	2018 Amended	2018 YTD	2019 Dept.	2019 Tent.	2019 Prelim.	2019 Adopted
	Contractual	789	0	0	250	0	0	0	0
	NYSBOC Membership & Monthly Meetings	0	335	305	225	305	305	305	305
	NYSBOC Meetings Mileage	0	289	300	135	300	300	300	300
	NYSBOC Conferences (2)	0	385	375	535	375	375	375	375
	Building Department Uniforms	0	242	100	0	100	100	100	100
	Erosion and Sediment Control Training / Certification	0	0	0	0	0	0	0	0
	Violation Notice / Building Permit Paper	0	382	0	19	0	0	0	0
Total .4 Contractual Expenditures		789	1,633	1,080	1,164	1,080	1,080	1,080	1,080

Appendix E

Supporting Documentation for Public Education and Outreach MCM

- Appendix E.1 Educational brochures including “Construction Requirements and Your Development,” “Preventing Stormwater Pollution: Tips for Commercial and Industrial Businesses,” “Preventing Stormwater Pollution: Tips for Homeowners,” “Rain Gardens: Gardening with Water Quality in Mind,” “Solutions to Water Pollution for the Commercial Landscaping & Lawn Care Industry,” “Healthy Lawn Tips,” “Make a difference at the water’s edge”
- Appendix E.2 Educational Handout: “Managing your septic system” including “Septic system design and layout” form and “Preventative maintenance record”
- Appendix E.3 Training Records including

Appendix E.1
Educational Brochures

CONSTRUCTION REQUIREMENTS AND YOUR DEVELOPMENT

*Courtesy of the Dutchess
County Soil and Water
Conservation District*



**How to get stormwater
permit coverage on your
project**

September 2014

Moving Dirt in Dutchess

Polluted Runoff: A Dirty Secret

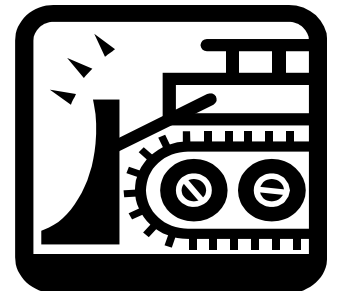
Stormwater flows from rooftops, over paved areas, bare soil and sloped lawns, while collecting and transporting a variety of materials on the way, including soil, fertilizer, oil, debris and other potential pollutants. Polluted runoff degrades our lakes, streams, wetlands and Hudson River.

It's Sedimentary, My Dear Watson

Construction sites contribute sediment to local waterbodies. In order to reduce the sediment load, owners and operators are required to develop and implement a Stormwater Pollution Prevention Plan that fits the activities of the construction site and is successful at reducing polluted runoff.

All projects that disturb one acre or more require coverage under NYS DEC's permit.

ADDITIONAL LOCAL REQUIREMENT MAY VARY*



What Do I Need To Do?

If your construction project will disturb more than an acre of soil, and it involves:

- Building a single-family home on a single lot, or
- A residential subdivision of less than 5 acres soil disturbance,

The site operator must:

1. Develop a Basic Stormwater Pollution Prevention Plan (SWPPP) in accordance with the New York Standards and Specifications for Erosion and Sediment Control.
2. Submit a Notice of Intent, based on the plan, to the DEC or to the municipality*.
3. Begin construction after a 5 business day DEC review period.

In addition, if the project involves:

- Disturbance of 5 acres or more of soil, or
- Construction of anything other than single-family homes, such as apartment complexes, condos, offices, or commercial or industrial buildings,

The site operator must:

- Develop a Full SWPPP with water quality treatment and quantity control as well as erosion and sediment control.
 - If it conforms to the New York State Stormwater Management Design Manual, submit a NOI, based on the SWPPP, to the DEC or to the municipality* and begin construction after a 5 business day DEC review period.
 - If it does not conform to the New York Stormwater Management Design Manual:
 1. Have the Full SWPPP certified by a licensed professional.
 2. Submit the NOI to the DEC.
 3. Begin construction after the 60 business day DEC review period.



Definitions

Who is considered a licensed professional?

A licensed engineer, Certified Professional in Erosion and Sediment Control (CPESC), or licensed landscape architect are considered licensed professionals qualified to develop and/or certify a SWPPP.

Who is the owner/operator?

The operator is the person, persons, or legal entity which owns or leases the property where the construction occurs.

Forms and document referenced in this brochure may be obtained through the DCSWCD office, or at DEC's stormwater webpage
<http://www.dec.ny.gov/chemical/43133.html#s> subject

If you have any questions about construction stormwater regulations , please call the Dutchess County Soil and Water Conservation District office at (845) 677-8011 ext. 3.

This brochure was made possible though funding from the Dutchess County MS4 Coordination Committee.



What if I'm working in...

Municipalities: The municipalities listed below require the owner or operator to obtain a separate permit before construction begins. Other municipalities may have different requirements or acreage thresholds so be sure to check with the municipality.

- Beacon
- Beekman
- East Fishkill
- Fishkill (Town and Village)
- Hyde Park
- La Grange
- Pawling (Town and Village)
- Pleasant Valley
- Poughkeepsie (Town and City)
- Wappinger
- Wappingers Falls

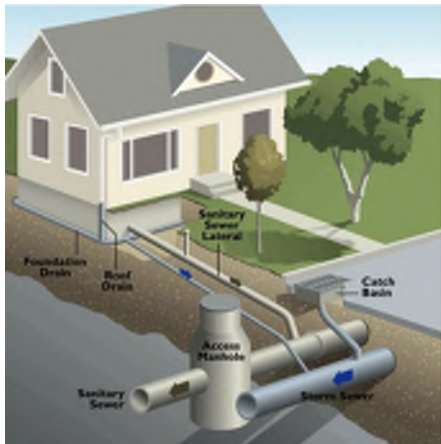
What's the difference? Sanitary Sewer vs. Storm Drain

The water that drains down a sink or toilet in a home or business flows to the sanitary sewer and associated wastewater treatment plant or individual septic disposal system for treatment.

A storm drain system, on the other hand, is designated to carry rainwater from streets and driveways to prevent flooding. **The stormwater may not receive any treatment.** It flows directly into area streams, rivers, and lakes.

Unfortunately, as rainfall flows over the ground it picks up debris and pollutants and deposit them into our water bodies. Some of the pollutants that are commonly transported in the storm drain system include:

- Sediments
- Road Salt
- Fertilizers and Pesticides
- Metals
- Detergents
- Trash and Debris
- Oil and Grease
- Bacteria and Viruses



To Report Illegal Dumping or Discharges:

Call your local Highway Department

For Spill Emergencies:

Call your local Fire Department

For Soil Testing Prior to Applying Fertilizers:

Contact Cornell Cooperative Extension-Dutchess County:
845-677-8223 x115

For Stormwater Pollution Prevention Employee Training:

Call Dutchess County Soil and Water Conservation District

For more information, check out these websites:

Dutchess County Soil and Water Conservation District:
www.dutchessswcd.org

NYS Department of Environmental Conservation: Division of Water
Stormwater page: www.dec.ny.gov/chemical/8468.html

US Environmental Protection Agency: National Pollutant Discharge
Elimination System: www.epa.gov/npdes/stormwater
Polluted Runoff – Nonpoint Source Pollution: www.epa.gov/nps

US Department of Agriculture - Natural Resources Conservation
Service: Backyard Conservation:
www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/features/?&cid=nrcs143_023574

Center for Watershed Protection: www.cwp.org



Dutchess County Soil and Water
Conservation District
2715 Route 44, Suite 3
Millbrook, New York 12545

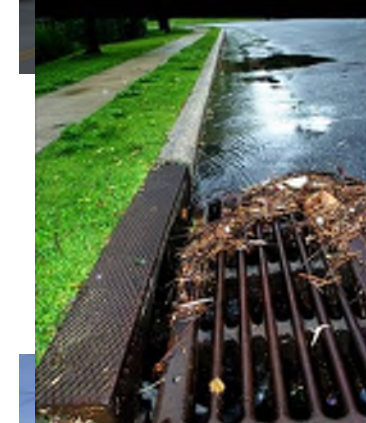
Phone: 845-677-8011 x3
Fax: 845-677-8354

This brochure was printed with funding
provided by the Dutchess County MS4
Coordination Committee



This brochure was prepared with funding provided by the New York State
Department of Environmental Conservation - Hudson River Estuary Program.

Preventing Stormwater Pollution



*How you
can help
protect
water
quality*



Tips for Commercial and Industrial Businesses

If your business is in one of the Dutchess County municipalities listed below, the community you work in has been designated a **regulated MS4** (Municipal Separate Storm Sewer System) under the Phase II Stormwater Regulations.

City of Beacon	Village of Pawling
Town of Beekman	Town of Pleasant
Town of East Fishkill	Valley
Town of Fishkill	City of Poughkeepsie
Village of Fishkill	Town of Poughkeepsie
Town of Hyde Park	Town of Wappinger
Town of LaGrange	Village of Wappingers
Town of Pawling	Falls

This means that the municipality in which you work needs a permit under the State-wide Pollutant Discharge Elimination System (SPDES) in order to discharge stormwater. Each MS4 community needs help from each resident and business to minimize the impacts on stormwater runoff and thus your area streams, lakes, and rivers.

HOW YOU CAN HELP

The following are simple, but effective, things you can do at your workplace to protect and improve the water quality of our streams, lakes, and rivers through stormwater pollution prevention.

GENERAL

- ⇒ Regularly sweep and collect debris around your site, **do not hose down sidewalks or parking lots**
- ⇒ Train employees to recognize the impact they have on water quality
- ⇒ **NEVER** dump anything down a storm drain
- ⇒ Report any illegal dumping to a storm drain—call your local Highway Department

LANDSCAPING

- ⇒ Only irrigate during early morning to avoid evaporation (it's also better for your plants)
- ⇒ Aim sprinklers to avoid watering non-target areas
- ⇒ Time sprinklers to avoid over watering and causing runoff onto paved areas
- ⇒ Get your soil tested prior to applying fertilizers
- ⇒ **Save money by using only what's needed**
- ⇒ Minimize pesticide, herbicide, and fertilizer use. Always follow the manufacturer's instructions

OUTDOOR MATERIAL STORAGE

- ⇒ Store all potential pollutants indoors or under a covered area or secure tarp
- ⇒ **Clean up all spills immediately!** Use dry absorbents as necessary and dispose of waste materials properly. Protect the storm drains closest to the spill
- ⇒ Keep lids on all storage containers
- ⇒ Label all material storage containers
- ⇒ Regularly sweep and clean all outdoor storage areas to remove dirt and debris

WASTE MANAGEMENT

- ⇒ Keep the ground around all outdoor garbage and dumpster areas free of trash, sediment, and debris
- ⇒ **Close the lids on dumpsters and trash cans after every use**
- ⇒ Do not use dumpsters for liquid wastes. They are rarely leak-proof
- ⇒ Clean up all spills immediately!

WINTER ROAD/LOT MAINTENANCE

- ⇒ Properly calibrate equipment to prevent excessive sand/salt use
- ⇒ Salt storage facilities should be covered and rainproof. Take precautions to prevent sand/salt from entering storm drains

GENERAL CLEANING

- ⇒ Minimize the use of cleaning agents
- ⇒ Switch to more environmentally friendly cleaning products
- ⇒ Dispose of waste wash water to sanitary sewer not to storm drains

VEHICLE/EQUIPMENT MAINTENANCE

- ⇒ Perform all vehicle maintenance indoors when possible. If not, use a drop cloth or tarp
- ⇒ **Use drip-pans to collect leaking fluids**
- ⇒ Clean up all spills immediately! Use dry absorbents as necessary and dispose of waste materials properly

VEHICLE/EQUIPMENT WASHING

- ⇒ Wash vehicles at a commercial car wash when possible (their wastewater drains to the sanitary sewer)
- ⇒ If you must wash onsite, wash vehicle over a pervious (absorbent) area such as dirt, gravel or grass to prevent runoff
- ⇒ Minimize the use of soaps and water while washing. **Use biodegradable soaps**

ROOF RUNOFF MANAGEMENT

- ⇒ Direct gutter downspouts to a vegetated or grassed area instead of pavement
- ⇒ **Do not store anything on your roof**

Preventing Pollution Is Good Public Relations

Let your customers know what you're doing to minimize stormwater pollution. It shows them that you're a good neighbor. Encourage your customers and other businesses to do the same.



Don't litter. Recycle or dispose of trash properly.

This includes not only metals, plastics, paper, and glass, but also hazardous materials such as batteries, paints, and other household chemicals. Contact Dutchess County Resource Recovery at (845) 463-6020 to find out about County hazardous waste days, or visit their website at www.dccrra.org for more information.



Gutters and sump pumps

Collect roof runoff in rain barrels, and then utilize this water later on to water your garden. Rain barrels to which you can hook up a garden hose can be purchased or constructed. **OR**

Direct water to grassy or vegetated areas rather than down the driveway and into the street. Lawns will soak up much of the water and cleanse it of pollutants.

Pet waste

Flush it down the toilet. Animal waste material is rapidly absorbed by rainfall and carried into storm drains. The nutrients in it encourage the growth of pathogens and harmful bacteria in our waterways.



Swimming Pools

Before you drain your pool, test the water to make sure that chlorine is not detected. Then direct the drainage to a sanitary sewer, if possible.



Outdoor chemicals



Always store chemicals and cleaning products in a covered area, where any leaks can be contained.



Septic systems

Have your septic inspected at least every two years. A malfunctioning septic system can contaminate not only groundwater, but surface water as well. Generally, septic tanks must be pumped every 3 to 5 years at a minimum.

Don't plant trees or park vehicles over your septic absorption field—this can damage the pipes and lead to leaks.

Refrain from pouring any household chemicals, gasoline, oil, pesticides, or antifreeze down the drain or into toilets; these substances will inhibit the action of bacteria that keep the septic tank system functioning. Additionally, avoid disposing of diapers, cat litter, coffee grounds, cigarettes, feminine hygiene products, and grease into a septic system; they will clog the system's components.

For more information, check out these websites:

Dutchess County Soil and Water Conservation District:
www.dutchessswcd.org

New York State Department of Environmental Conservation: Division of Water Mainpage
www.dec.state.ny.gov/about/661.html
Phase II Stormwater Requirements
www.dec.state.ny.gov/chemical/8468.html
Phase II General Permits and Information
www.dec.state.ny.gov/chemical/43150.html

United States Environmental Protection Agency: National Pollutant Discharge Elimination System
www.epa.gov/npdes/stormwater
Polluted Runoff – Nonpoint Source Pollution
www.epa.gov/nps

US Department of Agriculture—Natural Resources Conservation Service: Backyard Conservation
http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/features/?cid=nrcs143_023574

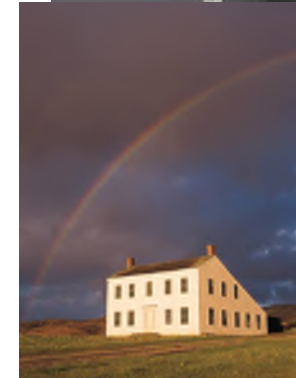
Center for Watershed Protection
www.cwp.org



Dutchess County Soil and Water Conservation District
2715 Route 44, Suite 3
Millbrook, New York 12545

Phone: 845-677-8011 x3
Fax: 855-401-1959
<http://dutchessswcd.org>

Preventing Stormwater Pollution



Tips for Home Owners



How you can help protect water quality in your community

What's the big deal about stormwater?

If you live in one of the Dutchess County municipalities listed below, your community has been designated a **regulated MS4** (Municipal Separate Storm Sewer System) under the new Phase II Stormwater Regulations.

City of Beacon	Village of Pawling
Town of Beekman	Town of Pleasant Valley
Town of East Fishkill	City of Poughkeepsie
Town of Fishkill	Town of Poughkeepsie
Village of Fishkill	Town of Union Vale
Town of Hyde Park	Town of Wappinger
Town of LaGrange	Village of Wappingers
Town of Pawling	Falls

This means that the town, city or village in which you live needs a permit under the State-wide Pollutant Discharge Elimination System (SPDES) in order to discharge **stormwater**. **Stormwater runoff** is the rainwater that falls onto lawns, rooftops, roads, driveways, parking lots, and other outdoor surfaces, and is not soaked up by the soil.



What happens to all of this water? Most of it flows into storm drains, which often flow directly into a stream or lake, and ultimately, to a river such as the Hudson. It can carry with it sediment, trash, oil and hydrocarbons, metal, nutrients



such as phosphorus and nitrogen, potentially harmful bacteria, and toxic substances into these water resources. This water may then become muddy, harmful to fish and wildlife, and unsafe for recreation. This is known as **nonpoint source pollution**.

Although you may think of a stormwater discharge pipe as a point source because the outflow enters a stream at a single point, contaminants in the pipe are accumulated from all over the surface of the **watershed** (area of land drained by a given stream



or outfall pipe). Rain or snowmelt picks up pollutants and carries them downhill in pathways that flow together to one location.

How can I minimize stormwater pollution?

Many people do not realize it, but there are a number of simple things that homeowners can do to minimize water pollution.



Home repair

If you are a do-it-yourselfer, use non-toxic, biodegradable products. Before you begin an outdoor project, locate storm drains and be sure that they are protected from any materials

that the work may produce, including mortar, concrete, debris, and other substances. Paint brushes and other application tools should be cleaned indoors rather than washed outside with the hose.



Your lawn and yard



When applying pesticides, do so in dry, calm weather. Follow the recommended application rate on the label.

Spread grass clippings back on the lawn. This returns nutrients to the soil. Otherwise, sweep up yard waste rather than spraying it off the driveway with a hose. Plant debris can be used as mulch or turned into compost.



Don't apply fertilizer right before rain, it will be washed out and wasted. It takes time for biochemical processes in the soil to incorporate fertilizer.

Select native grasses and other plants—they tend to require less water and less fertilizer.

Test your soil - do you really need fertilizer?

Good farmers test their soil before they invest in fertilizer or manure. Find out the blend of nutrients your lawn needs. Call Cornell Cooperative Extension for an inexpensive soil test, at (845) 677-8223 x115. Excess fertilizer is not taken up by plants, but runs off into streams and lakes, where it leads to algae growth and fish kills. Fertilizer can also leach into groundwater, the drinking water supply for most of Dutchess County.



Conservation planting

When soil is washed off the surface of the land and into a water body, it becomes a pollutant itself. If you have planted grass seed in a bare soil area, keep it covered with a tarp or burlap until germination occurs, especially during the winter. Don't mow your lawn to the edge of a stream—maintain trees and shrubs near the edge of the bank. These plants have deeper roots more capable of holding soil in place.



Washing your vehicle



Do it on the lawn, not in the driveway. Soaps and accumulated "dirt" can harm our waterways, but lawns filter out these contaminants. **OR**

Better yet, go to a car wash where the dirty water can be properly discarded.

Maintaining your vehicle

Use only as much windshield washer fluid as you really need.



Check periodically for leaking oil, gasoline, engine coolant, and transmission, brake, and power steering fluids.

Use cat litter, sand, or other absorbent material to clean up oil or chemical spills.

Don't pour used automotive liquids into storm drains—have them recycled.

Rain Garden Plants



Choose plants that have a variety of heights, textures and bloom times. It is important to select plants that can tolerate both wet and dry conditions, and that are suited to the sun/shade exposure of your garden.

Below are some good examples of plants to use in YOUR rain garden. They are all **NATIVE** to NEW YORK STATE and are able to tolerate periodic flooding.

<i>Andropogon gerardii</i>	<i>Lobelia siphilitica</i>
Big Bluestem	Great Blue Lobelia
<i>Aquilegia canadensis</i>	<i>Mertensia virginica</i>
Columbine	Virginia Bluebells
<i>Asclepias incarnate</i>	<i>Monarda didyma</i>
Swamp Milkweed	Beebalm
<i>Aster novae angliae</i>	<i>Onoclea sensibilis</i>
New England Aster	Sensitive Fern
<i>Chelone glabra</i>	<i>Oenothera fruticosa</i>
White Turtlehead	Narrow Sundrops
<i>Chelone oblique</i>	<i>Osmunda cinnamomea</i>
Pink Turtlehead	Cinnamon Fern
<i>Cimicifuga racemosa</i>	<i>Osmunda regalis</i>
Black Snakeroot	Royal Fern
<i>Eupatorium fistulosum</i>	<i>Panicum virgatum</i>
Joe Pye Weed	Switch Grass
<i>Geranium maculatum</i>	<i>Rudbeckia laciniata</i>
Cranesbill	Green-headed Coneflower
<i>Iris versicolor</i>	<i>Solidago rugosa</i>
Blue Flag Iris	Rough Goldenrod
<i>Lobelia cardinalis</i>	<i>Tiarella cordifolia</i>
Cardinal Flower	Foamflower



How MUCH does it cost?

The cost of a rain garden is based on several factors including:

- The area of the rain garden
- The depth of the rain garden
- Whether or not the soils found on site can be used in the garden (if they are less than 10% clay)
- If curb cuts are required to direct the flow from a roadway or parking lot into the garden
- If the site requires an underdrain (a perforated pipe placed under the rain garden in order to receive a desired discharge rate)
- If you are going to design and install the garden yourself or use contractors

If you grow your own plants or borrow plants from neighbors there can be very little or no cost at all. If you do all the work but use purchased prairie plants, a rain garden will cost approximately \$3 to \$5 per square foot. If a landscaper does everything, it will cost approximated \$10 to \$12 per square foot.

It might seem easiest to sow native wildflower seed over the garden, but experience shows that seeding a rain garden has its problems. Protecting the seeds from wind, flooding, weeds, and garden pests is very difficult, and the rain garden will be mostly weeds for the first two years. Growing plugs from seed indoors or dividing a friend's plants is much better. If you grow plugs, start them about four months before moving them to the rain garden. When the roots have filled the pot and the plants are healthy, they may be planted in the rain garden.



Dutchess County Soil and Water Conservation District

2715 Route 44, Suite 3
Millbrook, New York 12545
Phone: 845-677-8011 x3
Fax: 855-401-1959
<http://dutchesswcd.org>

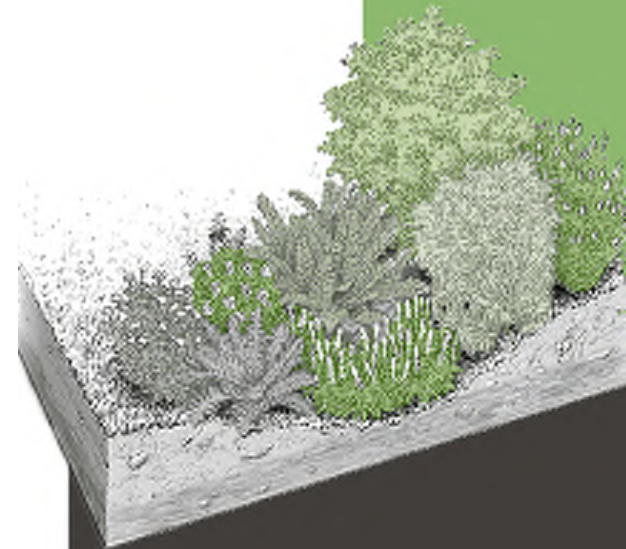
This brochure was printed with funding provided by the Dutchess County MS4 Coordination Committee



DCSWCD would like to thank the Greene County Soil and Water Conservation District for use of this brochure.

Rain Gardens

Gardening with
Water Quality
In Mind



Enhancing *your home landscape*
and improving *water quality*
in **YOUR** community

What IS a Rain Garden?

A rain garden is a natural or dug shallow depression designed to capture and soak up stormwater runoff from your roof or other impervious areas around your home like driveways, walkways, and even compacted lawn areas. They can be used as a buffer to shoreline areas to capture runoff from the home landscape before it enters a lake, pond, or river. The rain garden is planted with suitable trees, shrubs, flowers, and other plants allowing runoff to soak into the ground and protect water quality.

Rain is natural; stormwater isn't.

Stormwater runoff is considered one of the main sources of water pollution nation-wide. Stormwater runoff can result in:

- Overall reduction in groundwater charge
- Long-term lowering of groundwater tables and loss of stream flow during dry weather
- Increased erosion
- Increased water quality impacts caused by pollutants in stormwater runoff
- Flooding—especially more frequent “flash flooding”

Rain gardens are an inexpensive, simple to implement and environmentally sound solution to urban stormwater runoff.



A rain garden will:

- 
- Filter runoff pollution
 - Recharge local groundwater
 - Conserve water
 - Improve water quality
 - Protect rivers and streams
 - Remove standing water in your yard
 - Reduce mosquito breeding
 - Increase beneficial insects and eliminate pest insects
 - Reduce potential of home flooding
 - Create habitat for birds and butterflies
 - Survive drought seasons
 - Reduce garden maintenance
 - Enhance sidewalk appeal
 - Increase garden enjoyment

Knowing the basics

to building a rain garden

- **Before you dig the garden call the power company!** Or call Dig Safe NY (1-800-962-7962) to locate any underground utility lines!
- **Put the garden at least 10 feet from the house to keep your foundation dry.**
 - A low area can work. Native plants will break up the soil and allow infiltration.
 - Border gardens are usually more attractive than circular gardens in the middle of the yard.
- **Make the garden 150-300 square feet**
 - Aesthetics and maintenance should determine the size of a home garden. Even an undersized garden will do a lot

of work to infiltrate water.

- If the soil is clay, the garden should be large and shallow; If the soil is sandy, any size or depth is okay.

- Rule of thumb for sizing a rain garden: Make the garden 30% of the roof area if the soil is clay, 20% if sand.

- **Make the bottom of the garden flat.**
 - It should look like a saucer, not like a bowl. This allows infiltration everywhere and reduces the likelihood of standing water.
 - If you know someone with a surveyor's level, that'll make the job much easier.
- **Make a low berm around the garden to hold water.**
 - The garden only needs to be about 3-inches deep.
 - Think about where the garden will overflow during the heaviest rainfall. It should empty away from the house, not toward it.
- **On slopes you may need a small terrace wall.**
 - The downslope wall should be half as high as the rise to the top of the slope.
 - On steep slopes, plant natives directly on the hill without digging a depression. The plants will infiltrate runoff. A tall retaining wall can fail *catastrophically* if it gets too wet.
- **Water transport.**
 - If your garden is in a natural low area, just direct your downspouts toward the garden.
 - You can dig small swales that lead from the downspout to the garden. Plant the swales with grass or line with rocks.
 - Buried pipe from the downspout to the garden is another option.



- **Digging the garden.**

- It's usually not too expensive to hire someone to prepare the site.



- If you dig by hand, take your time and enjoy the work.

- Mix in compost if you feel like it. Compost

absorbs water, but it can encourage too-tall plants.

- **Use native plants.** The long roots infiltrate water.
 - 1 plant per square foot.
 - 15 different species, or more. Avoid cultivars (i.e., named varieties).
 - 30-50% sedge (some grasses work, too). They help the plants stand up.
 - Choose plants mostly based on their height and on their light requirements.
- **Maintenance.**
 - Cover with wood chip mulch the first year.
 - Water the first year.
 - Weed the first 2-3 years. Minor weeding thereafter.
 - In winter, leave the dry stems for habitat and seeds. Cut them down in April and compost them.
- **Enjoy!**
 - Your garden will not only infiltrate and clean stormwater, but provide wildlife habitat, too.



ABOUT THIS BROCHURE...

This brochure is one of a series of brochures dedicated to raising awareness of pollution prevention to protect water quality. The following landscaping practices will help minimize water pollution while providing your customers a healthy and attractive lawn and landscape.

PROFESSIONAL LANDSCAPING ASSOCIATIONS

New York State Turfgrass Association (NYSTA)
(www.nysta.org)

New York State Turf and Landscape Association
(NYSTLA)
(www.nystla.com)

New York State Nursery Landscape Association
(NYSNLA)-Region 2
(www.nysnla.net)

Professional Lawn Care Association of America
(www.plcaa.org)

FOR MORE INFORMATION ABOUT STORMWATER MANAGEMENT PRACTICES, PLEASE VISIT:

Dutchess County Soil and Water Conservation District
<http://dutchessswcd.org>

New York State Department of Environmental
Conservation
Division of Water
www.dec.ny.gov/chemical/290.html

United States Environmental Protection Agency
Nonpoint Source Pollution
www.epa.gov/nps

Center for Watershed Protection
www.cwp.org

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the member municipalities of the Dutchess County
MS4 Coordination Committee and DCSWCD

DCSWCD would like to thank the Clean Water
Campaign for the use of this brochure.



Clean Water Campaign
40 Courtland Street, NE
Atlanta, Georgia 30303



Dutchess County Soil and Water Conservation District
2715 Route 44, Suite 3
Millbrook, New York 12545
Phone: 845-677-8011 x3
Fax: 845-677-8345
<http://dutchessswcd.org/>

Contact DCSWCD for more information
and/or if you would like to host or attend a
stormwater pollution prevention and/or soil
erosion and sediment control training.

Solutions to Water Pollution for the
**COMMERCIAL
LANDSCAPING
& LAWN CARE
INDUSTRY**



Did you know that some of your landscaping and/or lawn care practices may not be as "green" as you think? Lawns and landscaped areas have the potential to be sources of water pollutants such as nutrients, pesticides and organic materials.

Design and Installation

- Design a landscape that reduces runoff and encourages natural infiltration of rain.
 - Minimize impervious areas.
 - Do not allow bare soil areas in the landscape.
 - Incorporate existing native vegetation into the landscape design when possible and select plants best adapted to the local climate, soils and growing conditions.
 - Choose turf grass that is heat and drought tolerant.
- Protect streams and waterways and reduce erosion by leaving an undisturbed vegetative buffer along stream banks.
- Do not plant hard-to-mow areas such as steep slopes in turf grass. Use ground covers, trees, shrubs or other perennials to reduce plant maintenance.
- Schedule grading and excavation projects during dry weather.
- Mulch or seed areas that lie idle after land disturbing activities.
- Prior to hydro seeding, cover all storm drains to ensure the material does not get washed into streams, rivers and lakes.



Applying Fertilizer

- Apply only the amount of fertilizer that the turf or plant requires.
- Test area soil prior to application to assure proper fertilizer and lime applications. Contact Cornell Cooperative Extension Dutchess County (845-677-8223) to get soil tested and analysed.
- Do not apply fertilizer if heavy rain is predicted.
- Avoid fertilizing during periods of limited rainfall. Fertilizers are chemical salts and can dehydrate drought-stressed plant roots.
- Use slow-release forms of nitrogen, such as urea formaldehyde, IBDU or sulfur-coated urea.



- Use organic fertilizers if possible.
- Select a fertilizer with low or no phosphorus, most lawns already contain enough. Excess phosphorus is the primary culprit of algae blooms in waterbodies.
- Calibrate fertilizer spreaders and application equipment to ensure proper rates are applied.
- Around waterways, use a deflector shield with spreaders. Avoid throwing granules in water and leave a three-foot buffer of unfertilized turf.
- Minimize the amount of fertilizer applied to non-target areas by closing the spreader when passing over paved surfaces.
- If fertilizer is spilled or lands on paved surfaces, sweep it up and apply it to the lawn.

Applying Pesticides

- Read the pesticide label BEFORE you purchase, handle or apply it. The label provides safe usage and storage information. It is dangerous and illegal to not use as directed.
- Obtain a NYSDEC Pesticide Applicator certification. For more information go to www.dec.ny.gov/chemical/298.html



Integrated Pest Management

- Integrated Pest Management (IPM), a practice used by leading professional landscape companies, integrates a regular monitoring program with correct diagnosis of pest problems. It promotes the use of cultural, biological and mechanical means of controlling pests. And, it advocates intervention with pesticides only when necessary to avoid serious damage.
- The key to a successful IPM program is frequent inspection and accurate diagnosis of pests.
- Consult Cornell Cooperative Extension Dutchess County (845-677-8223) for assistance in identifying pests or selecting the best management option.
- Cultural control methods include proper planting methods, plant selection and maintenance practices such as using pest-resistant plant varieties.
- Mechanical control consists of practices like trapping or destroying pests by hand, pruning infested plant parts and mulching to prevent weed growth.
- Biological control methods are already in place in nature in the form of predator-prey relationships. Certain



flowering plants and wildlife enhancements can attract insect-eating predators that can naturally control pest problems.

Management of Grass Clippings

- Properly maintained turf grass improves soil structure, stabilizes topsoil and reduces erosion and runoff.
- Avoid mowing below 3 inches in grass height. Taller grass is healthier and has fewer weeds. Use a mulching mower when possible.
- Don't blow, sweep or dump grass clippings or leaves into the street, down storm drains or drainage ditches.
- Compost plant clippings, leaves, excess grass clippings and other plant material, or bag them for curbside pickup.
- Recycle grass clippings. Clippings can provide up to 30 percent of the total fertilizer needs.
- Mulching leaves into the turf with a mulching mower can also be beneficial.
- Reuse compost in your landscape maintenance. The use of compost improves soil texture and structure, moisture retention and adds valuable nutrients.



Consumer Education

- Tell your client the benefits of grass clipping recycling. Lawn clippings left on the ground can provide nutrients and lower the amount of fertilizer required by 25 percent or more.
- After each service visit, leave a ticket telling the customer what pests were detected, any other problems and recommendations for management. Explain in detail the corrective actions taken to ensure approval of the management practices used.
- Maintain membership(s) in a professional landscaping organization(s) to stay current on maintenance methods and the newest plant varieties available. Become a certified professional and advertise this fact to your customers.




Excess phosphorus and sediment is an existing problem in many Dutchess County waterbodies. Please take the above steps to help improve your environment.


Lawn Care Calendar




Seasonal tips for lawn care

 Early spring: Test soil; Rake in compost (for organic lawn care); Aerate soil if re-seeding, re-seed; Mow at 3 inches or higher

Late Spring: Mow at 3 inches or higher; Compost clippings if there are dandelions

 Summer: Fertilize; Mow at 2 inches or higher; Water once per week if there is no precipitation

 Early fall: Mow at 2 inches or higher; Re-seed with indigenous grasses (for organic lawn care)

Late fall: Mow at 2 inches or higher; Compost clippings if you have a lot of leaves or debris



c/o Dutchess County
Soil and Water
Conservation District
Farm and Home Center
2715 Route 44, Suite 3
Millbrook, NY 12545
Phone: 845-677-8011
www.dutchesswcd.org



<https://www.facebook.com/pages/Dutchess-County-MS4-Coordination-Committee/246740025520089>

This brochure was prepared with funding from the Dutchess County MS4 Coordination Committee. Thanks to Cornell Cooperative Extension, Lawn to Lake.org, and Grassroots Healthy Lawn Program for assisting with information provided herein. Please visit New York Department of Conservation's website for details regarding fertilizer application restrictions at www.dec.ny.gov

Phosphorus Reduction



Tips for reducing phosphorus impacts

2015

Caring for your healthy lawn...



Fertilizing

Fertilizer bags indicate N-P-K nutrient content. Save money by measuring the surface area of your lawn to determine how much fertilizer to purchase.

“0” phosphorus in fertilizer sold in New York state as of 2012

N (nitrogen):

Choose a product with low nitrogen or slow-release forms of nitrogen such as urea, formaldehyde, IBDU or sulfur-coated urea. Aim to apply 1 lb of nitrogen per 1,000 square feet of lawn area.

P (phosphorus): As of 2012, phosphorus-containing fertilizer is no longer for sale in New York State. Phosphorus application is also restricted in New York State – only allowed if you are establishing a new lawn or if a test shows that the lawn is P-deficient. Soil tests provide results for the concentration of P and potassium (K). If a soil test indicates that your lawn is already high in P and K, choose a fertilizer with 21-0-0 or 46-0-0. If your soil has low P and K concentrations, choose a fertilizer with a higher K ratio such as 23-0-6.

What can YOU do to reduce phosphorus impacts?

- *Watering*

Water in the early morning if there is less than one inch of rain per week.

- *Mowing*

Mow at 3 inches (or more) above the ground surface during spring and fall and at 2 inches during summer. Cut off no more than 1/3 of the grass blade at a time. Leave grass clippings on the lawn in order to return nutrients to the lawn. Consider bagging and composting clippings or use a mulching mower.

- *Aeration*

Aerate your lawn (via tiller or raking) if it is compacted or has a thick layer of thatch to improve the lawn’s capacity for water absorption.

- *Clean up*

Pick up any extra fertilizer or grass clippings that might accidentally be left on the pavement so that the fertilizer and clippings do not end up in local waterbodies causing excessive algal growth.

- *Septic Systems*

Address failing septic systems that contribute phosphorus into stormwater conveyance systems

- *Pet Waste*

Clean up pet waste and dispose of it properly to prevent it from entering storm drains.



Lawns need nutrients in fertilizer to stay green and healthy. However, when too much fertilizer is applied, it can wash off the lawn during rain events. Nutrients then flow through storm sewers into local waterbodies where they become an energy source for algae and aquatic weeds. Use these tips to keep your local waterbodies clean while enjoying a healthy lawn.

To learn more about the impacts of Phosphorus and regulation in New York State visit:

<http://www.dec.ny.gov/chemical/67239.html#impact>

<http://www.dec.ny.gov/chemical/74885.html>

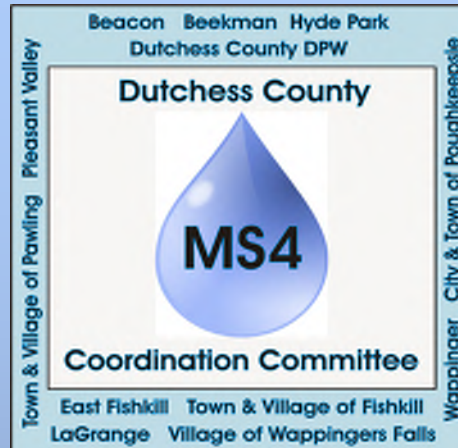
What Goes In Must Come Out

Stormwater is naturally occurring water (e.g. rain and snow) that isn't absorbed by the ground. It may also be referred to as "runoff."



Above: Sediment-laden water flowing down into a catch basin.

An average catch basin is just the first stop for water and all it encounters in the storm sewer system.



<http://www.dutchessswcd.org/stormwater.htm>

One person's impact may not seem like much...but our community's impact can be quite large!

For more information, please contact your municipality at:

Only Rain Down the Drain!

Understanding the Connection Between Catch Basins and Local Water Bodies and Water Courses



**Presented by the
Dutchess County MS4
Coordination Committee**

Basin Basics

Runoff, before going down catch basins and through storm sewers, picks up pollutants from a number of domestic sources. It's important to know that we affect this water quality and how, as it returns to waterways.

The Catch Basin is the "tip of the iceberg." Most of our facilities to handle Stormwater are below the ground. The below ground parts are the storm sewers. They deliver Stormwater directly to our waterways with out much or any treatment to remove the pollutants.

So, that's what we mean when we say "What Goes In Must Come Out!"



All this will end up...

Sources of Pollution

- Litter/Debris/Lawn Waste
- Automobile Oil, Grease, and Chemicals
- Bacteria found in pet waste
- Fertilizers
- Pesticides
- Herbicides
- Improper Connections to Local Sewage Systems



Ways to Reduce it.

- Compost yard waste
- Use commercial carwashes
- Clean up after your pets
- Reduce application of pesticides, herbicide s, and fertilizers
- Properly handle and dispose of hazardous chemicals
- Champion litter reduction in your neighborhood

...Here, if we let it.

Appendix E.2
Educational Handouts

Managing your septic system

A properly maintained septic system provides treatment and disposal of wastewater. Lack of maintenance of the septic tank or drainfield may lead to costly repairs and inconvenience. It even affects water quality. If filtration of wastewater becomes ineffective, nutrients accumulate, exceed the soil's filtration capacity and flow toward waterbodies. Due to ongoing problems with phosphorus accumulation in the Croton Reservoir, communities in the East of Hudson watershed now regulate septic system maintenance within their jurisdiction. The Towns of Pawling, East Fishkill, Beekman and the Village of Pawling now require homeowners to pump or inspect their septic systems once every five years. Homeowners must maintain their inspection records and work with the Dutchess County Department of Health to remediate any failing system. The following information is provided to assist you in caring for your septic system.

Septic system components

A septic system has two parts: a septic tank designed to intercept, hold and partially treat solids contained in wastewater coming from the home, and a soil absorption field or drainfield to facilitate treatment and dispersal of clarified wastewater after it leaves the septic tank.

How the drainfield functions

The drainfield receives partially treated effluent from the septic tank. It consists of a network of perforated pipes laid in gravel-filled trenches about 2 or 3 feet wide or in beds that are over 3 feet wide and 6 to 18 inches (or more) deep. The size and type of drainfield are determined by the estimated daily wastewater flow and local soil conditions. Wastewater trickles out of the perforated pipes, through the gravel layer and into the soil. Physical and biological purification processes take place as the effluent percolates down toward groundwater. These processes work best where the soil is somewhat dry and permeable and contains plenty of oxygen for several feet below the drainfield. Some systems include a dosing chamber or distribution box in the pipe leading from the septic tank to the drainfield for regulating the release of wastewater into the drainfield. This promotes optimal treatment and dispersal of the wastewater and prolongs the life of the drainfield. The life-span of a well-maintained system can be 20 or 30 years or more.

Signs of system failure

- odors, surfacing sewage, wet spots or lush vegetation on or near the drainfield
- plumbing or septic tank backups
- Slow-draining fixtures
- Gurgling sounds in the plumbing system

If you notice any of these signs or if you suspect and other problems with your septic system, contact Dutchess County Department of Health at (845)486-3400 or your septic system contractor for assistance.

Servicing the septic tank

Regular servicing of the septic tank is the single most important maintenance requirement of a septic system. Required frequency of service depends on the septic tank size, the number of persons in the household and whether the occupants are minimizing the release of unnecessary solids into the wastewater. **Per new regulations, septic systems must be inspected every 5 years. Depending on your particular usage it may need to be pumped more frequently.**

How do I determine when to pump?

As a general rule, the tank will require pumping when any of the following occurs: the top of the sludge deposit is within 12 inches of the bottom of the outlet baffle; the bottom of the floating scum mat is within 6 inches of the bottom of the outlet baffle; the top of the floating scum mat is within 1 inch of the top of the outlet baffle or; the floating scum mat is more than 12 inches thick.

Should I use special products to enhance the operation of my septic tank?

No. Though many products claim to improve septic tank performance or reduce the need for routine pumping they have not been found to make a significant difference. Some of these products can actually cause solids to be carried into the drainfield and lead to premature clogging. Other products containing organic solvents can contribute to groundwater contamination.

Safety considerations

Certain features of the septic tank can cause serious injury or death, so the tank should be treated with extreme caution.

- Never enter the septic tank. It contains life-threatening gases and little oxygen
- Explosion or electrical shock can occur when lights, appliances or tools are used in or near the septic tank. Smoking can also trigger an explosion.
- Infectious diseases can be acquired from contact with liquids and solids in the septic tank.
- Secure exposed manhole covers and inspection ports to prevent tampering or entry by children
- If sewer gas odors are detected in the home, immediately call a plumber or septic system maintenance firm. Evacuate the building if the odor is strong.
- Keep children and spectators away when the septic system is being maintained or excavated.

For more information on proper maintenance of your septic system please contact the Dutchess County Department of Health or review helpful materials regarding septic systems at the Cornell Cooperative Extension website: <http://waterquality.cce.cornell.edu/septic.htm>

Information for this brochure was prepared by Dutchess County Soil and Water Conservation District with funds from the Dutchess County MS4 Committee. DCSWCD thanks Michigan State University Extension and Cornell Cooperative Extension for the information provided herein.

Septic system design and layout

Date system installed _____ Installer _____ Phone _____

Tank size (gallons) _____ Capacity (bedrooms) _____

Use the grid below to sketch the location of your septic system components in relation to your house.



Preventative maintenance record

Work done	Date	Pumping Co./phone	Cost	Comments

Things to keep in mind...

- Inspect your system every 1-3 years and pump your tank every 3-5 years
- Use water efficiently
- Don't dispose of household hazardous wastes in sinks or toilets
- Plant only grass over and near your septic system. Roots from nearby trees or shrubs might clog and damage the drainfield.
- Don't drive or park vehicles on any part of your septic system. Doing so can compact the soil in your drainfield or damage the pipes, tank or other septic system components.

Appendix E.3

Training Records including



TOWN OF UNION VALE

Building Department

249 Duncan Road

Lagrangeville, NY 12540

TEL (845) 724-5953 – FAX (845) 724-3757

E-Mail ~ building2@unionvaleny.us

C.E.O George A. Kolb Jr.

MS4 Training / Stormwater Management Record

2015- current : Monthly meeting every second Wednesday of each month D.C. Soil & Water (George Kolb SMO) 2 hrs.

April 18th 2017 : NYSBOC Stormwater training held at Green Haven Correctional facility (4 hrs)

D.C. Soil & Water Training MSO training:

June 1st 2016 : 4hrs

July 18th 2017: 4hrs

June 13th 2018 : 4 hrs

October 24th : 4hrs MSO & Highway personnel

June 12th 2019 (pending)

Annual MS4 Conference and training seminar:

October 6th 2016 (8 hrs)

October 12th 2017 (8hrs)

October 17th 2018 (8 hrs)

October 10th 2019 (pending)

George A. Kolb Jr.
C.E.O. T/O/Union Vale



Dutchess County Soil and Water Conservation District
2715 Rt.44, Suite 3
Millbrook, N.Y. 12545
Phone (845) 677-8011 ext. 3 Fax (845) 677-8354
www.dutchessswcd.org

TO: DUTCHESS COUNTY MS4 COMMUNITIES
FROM: ERIN SOMMERVILLE, DCSWCD
SUBJECT: PHASE II STORMWATER ASSISTANCE IN YEAR 16
DATE: 3/20/2019

Dear MS4s:

This memo provides details regarding Dutchess County Soil and Water Conservation District's (DCSWCD's) activities during Year 16 of the Phase II stormwater program. Additionally, we have included information regarding some activities completed by other organizations during Year 16. For ease of review and reporting, the reportable activities are organized into Phase II's six minimum measures.

1. Public Education and Outreach on Stormwater Impacts

Year 16

During Year 16 DCSWCD distributed brochures and other printed materials related to stormwater and water quality at numerous public events including the Dutchess County Fair (8/22-8/27/2018) DCSWCD annual seedling sale (4/20-4/21/2018), and the Vassar Farms Environmental Fair (9/30/2018). A total of 2005 pieces of material were handed out at these events. DCSWCD also provided educational brochures to municipal employees for distribution at various "Community Days" and other public events. The LaGrange CAC was given 225 brochures and the Town of Wappinger was given 150.

DCSWCD continued to administer the Dutchess County MS4 Coordination Committee which includes all traditional MS4s as members, as well as the New York State DOT and Dutchess County DPW. This committee meets monthly to discuss Phase II related topics. Meetings were held on: 4/11/18, 5/9/18, 6/13/18, 7/11/18, 9/12/18, 11/14/18, 12/12/18, 1/9/19, and 2/13/19. In lieu of an October meeting Committee Members attended the SENY Stormwater Conference.

DCSWCD hosted 3 NYSDEC certified contractor training sessions during Year 16. These were four hour classes for area contractors regarding proper soil erosion and sediment control. The training dates and number of attendees were as follows:

Date	# of Attendees
4/11/18	33
9/18/18	53
2/26/19	91

Again in 2018, DCSWCD assisted in the organization and administration of the Hudson Valley Regional Envirothon at the Sharpe Reservation in Fishkill on April 25th. The Envirothon is an environmentally based competition event between teams of high school students. The 2018 focus topic was Rangeland. A total of 14 schools from the 6-county region competed with 22 teams. From Dutchess County, Arlington High School competed with 1 team and Ketchum High School competed with 2 teams.

In Year 16, DCSWCD staff continued to maintain, update, and improve the stormwater webpage associated with the overall District website (<http://dutchessswcd.org/stormwater.htm>). The webpage includes information and web links useful to residents, businesses, and MS4s regarding Phase II and stormwater.

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Year 16

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Barrytown	12507	3
Beacon	12508	21
Billings	12510	1
Chelsea	12512	2
Clinton Corners	12514	126
Dover Plains	12522	83
Fishkill	12524	32
Fishkill	12527	4
Holmes	12531	14
Hopewell Jct	12533	189
Hughsonville	12537	1
Hyde Park	12538	124
LaGrangeville	12540	138
Millbrook	12545	195
Millerton	12546	42
Pawling	12564	87
Pine Plains	12567	61
Pleasant Valley	12569	174
Poughquag	12570	63
Red Hook	12571	163
Rhinebeck	12572	149
Salt Point	12578	58
Staatsburg	12580	91
Stanfordville	12581	123
Stormville	12582	41
Tivoli	12583	31
Verbank	12585	38
Wappingers Falls	12590	136
Wassaic	12592	29
Wingdale	12594	44

Poughkeepsie City	12601	109
Poughkeepsie Town	12603	269
Poughkeepsie-Vassar	12604	1
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12540	324	0.54
Milan	30	0.05
12546	474	0.79
12564	48	0.08
12567	1612	2.69
12569	654	1.09
12601	1050	1.75
12571	918	1.53
12572	338	0.56
12581	866	1.44
12590	142	0.24
12545	1114	1.86
12508	52	0.09
12531	10	0.02
12533	107	0.18
12570	20	0.03
12578	80	0.13
12580	202	0.34
12582	510	0.85
12583	80	0.13
12585	204	0.34
12592	30	0.05
12594	188	0.31

3. Illicit Discharge Detection and Elimination

Year 16

Considering sediment loading in stormwater as an illicit discharge, DCSWCD has a Certified Professional in Erosion and Sediment Control (CPESC) on staff to assist communities with soil erosion issues. DCSWCD staff regularly responds to calls from MS4s who are witnessing illicit discharges from construction sites. We respond, assess the situation, and act as an agent to NYSDEC as necessary to move towards enforcement actions.

4. Construction Site Stormwater Runoff Control

Year 16

As stated above, DCSWCD hosted 4 training sessions for local contractors regarding proper soil erosion and sediment control.

As stated previously, DCSWCD has a Certified Professional in Erosion and Sediment Control (CPESC) on staff to assist communities with soil erosion issues, particularly those due to development or redevelopment projects. DCSWCD regularly responds to calls from MS4s to inspect problem construction sites.

5. Post-Construction Stormwater Management

6. Pollution Prevention/Good Housekeeping for Municipal Operations

DCSWCD also held a Highway Department Emergency Stream Intervention Training on October 24th, 2018. The Agenda and Attendance sheet from this event can be found in attachment C.

If you have any questions please contact me at 677-8011 x3. We look forward to continuing to collaborate with Dutchess County MS4 communities in the future.

Sincerely,



Erin W. Sommerville
MS4 Coordinator

ATTACHMENT A

Southeast New York Stormwater Conference
Wednesday, October 17 - 2018
Dutchess Manor - Beacon, NY
Tentative Agenda

8:00 -- **Conference Check-In, Trade Show and Continental Breakfast**

Plenary I:

- 8:30 -- **Lower Hudson Coalition of Conservation Districts update**
LHCCD Member Districts
- 8:40 -- **Integrating Green Infrastructure into Hazard Mitigation Planning**
Maureen Krudner, USEPA Region 2
- 9:20 -- **FEMA's Community Rating System: Giving Your Residents Credit for Stormwater Activities**
Bill Nechamen, CFM -- Nechamen Consultants, LLC

10:00 -- **Trade Show and Coffee Break**

- 10:30 -- Breakout Session I
 - A: Revitalizing an Impaired Lake: Hillside Lake East Fishkill NY**
Steven Gruber, Renewage LLC
 - B: A WRI Partnership for Peak Flow Estimation: Culverts and Catch Basin Assessment Tools**
Ben Houston, PE - Groundpoint Engineering

- 11:30 -- Breakout Session II
 - A: Leveraging DNA to Identify Bacteria Sources in Stormwater**
Mauricio Larenas, Source Molecular LLC
 - B: Enabling Best Practices for Stormwater through a Standards Based Framework**
Ricardo Lopez-Torrijos, GasaAlba Consulting

12:30 -- **Lunch and Sponsor Slideshow**

- 1:20 -- Breakout session III
 - A: Case Studies in Green Infrastructure**
Peter M. Harahan, EJ Prescott
 - B: Green Infrastructure -- Collaboration from Design to Post-Installation**
Rob Woodman, P.E. - ACF Environmental

2:20 -- **Coffee Break**

Plenary II:

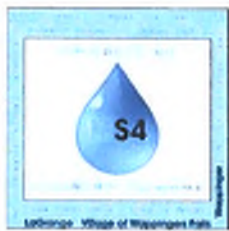
- 2:35 -- **Harmful Algal Blooms: Environment and Public Health Issues**
Rebecca Garney, HABS Program Coordinator, NYSDEC
- 3:30 -- **MS4 General Permit Renewal Status**
Christina Chiappetta, NYSDEC

4:30: **Conference Adjourns**

Zip	# of Attendees
10013	1
10018	1
10038	2
10502	3
10504	3
10506	3
10509	4
10512	1
10516	2
10541	1
10589	1
10591	1
10595	1
10598	6
10603	1
10701	1
10901	2
10924	4
10931	2
10940	4
10941	2
10956	4
10962	2
10969	1
10970	5
10982	1
10990	3
11101	3
11368	1
11703	4
11797	2
11901	1

12159	1
12207	1
12235	1
12301	1
12402	1
12413	1
12450	1
12487	1
12508	5
12524	1
12533	1
12534	2
12538	2
12540	2
12545	2
12561	1
12563	1
12570	1
12601	2
12603	10

Attachment B



Item	Description
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Appendix F

Supporting Documentation for Public Involvement/
Participation MCM



Dutchess County Soil and Water Conservation District
2715 Rt.44, Suite 3
Millbrook, N.Y. 12545
Phone (845) 677-8011 ext. 3 Fax (845) 677-8354
www.dutchessswcd.org

TO: DUTCHESS COUNTY MS4 COMMUNITIES
FROM: ERIN SOMMERVILLE, DCSWCD
SUBJECT: PHASE II STORMWATER ASSISTANCE IN YEAR 16
DATE: 3/20/2019

Dear MS4s:

This memo provides details regarding Dutchess County Soil and Water Conservation District's (DCSWCD's) activities during Year 16 of the Phase II stormwater program. Additionally, we have included information regarding some activities completed by other organizations during Year 16. For ease of review and reporting, the reportable activities are organized into Phase II's six minimum measures.

1. Public Education and Outreach on Stormwater Impacts

Year 16

During Year 16 DCSWCD distributed brochures and other printed materials related to stormwater and water quality at numerous public events including the Dutchess County Fair (8/22-8/27/2018) DCSWCD annual seedling sale (4/20-4/21/2018), and the Vassar Farms Environmental Fair (9/30/2018). A total of 2005 pieces of material were handed out at these events. DCSWCD also provided educational brochures to municipal employees for distribution at various "Community Days" and other public events. The LaGrange CAC was given 225 brochures and the Town of Wappinger was given 150.

DCSWCD continued to administer the Dutchess County MS4 Coordination Committee which includes all traditional MS4s as members, as well as the New York State DOT and Dutchess County DPW. This committee meets monthly to discuss Phase II related topics. Meetings were held on: 4/11/18, 5/9/18, 6/13/18, 7/11/18, 9/12/18, 11/14/18, 12/12/18, 1/9/19, and 2/13/19. In lieu of an October meeting Committee Members attended the SENY Stormwater Conference.

DCSWCD hosted 3 NYSDEC certified contractor training sessions during Year 16. These were four hour classes for area contractors regarding proper soil erosion and sediment control. The training dates and number of attendees were as follows:

Date	# of Attendees
4/11/18	33
9/18/18	53
2/26/19	91

Again in 2018, DCSWCD assisted in the organization and administration of the Hudson Valley Regional Envirothon at the Sharpe Reservation in Fishkill on April 25th. The Envirothon is an environmentally based competition event between teams of high school students. The 2018 focus topic was Rangeland. A total of 14 schools from the 6-county region competed with 22 teams. From Dutchess County, Arlington High School competed with 1 team and Ketchum High School competed with 2 teams.

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MS4 Coordinator

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10591	1
10595	1
10598	6
10603	1
10701	1
10901	2
10924	4
10931	2
10940	4
10941	2
10956	4
10962	2
10969	1
10970	5
10982	1
10990	3
11101	3
11368	1
11703	4
11797	2
11901	1

12159	1
12207	1
12235	1
12301	1
12402	1
12413	1
12450	1
12487	1
12508	5
12524	1
12533	1
12534	2
12538	2
12540	2
12545	2
12561	1
12563	1
12570	1
12601	2
12603	10

Attachment B



MS4 Stormwater Management Officer (SMO) Training

Presented by: Walter Artus, CPESC, CPMSM Stormwater
Management Consultants, Inc.

Wednesday June 13th, 2018

Farm and Home Center

2715 Route 44, Millbrook, NY 12545

Training will be held from 9:00-11:00AM

Please RSVP to Erin Sommerville at Dutchess County Soil & Water Conservation
District by June 8th

(845) 677-8011 x 3

erin.sommerville@ny.nacdn.net

STORMWATER MANAGEMENT OFFICER TRAINING
 Farm and Home Center
 June 13, 2018

Employee Name	Municipality	Department	Email Address
SUSAN DAO	T/O Wappinger	Building	SUMVAZ519@apptekinc.net
Vol Griffiths	T/O Wappinger	Building	V.Griffiths@TownofWappinger.us
Wanda Livigni	T/O LaGrange	P. Plan	wlivigni@laprogrange.ny.gov
Dave Morrison	V/Fishkill	W	
Shannon Estrom	T/Berkman	CAC	SSaturn@gnmri.com
Anthony Steere	T/O Wappinger	Building	ASteere@TownofWappinger.us
Joe Chenier	L/O Pok	Engineering	jchenier@cityofpoughkeepsie.com
JOSEPH KANE	C/Pok	ENGINEERING	TRAINER.CITYOFPOUGHKEEPSIE.COM
John KARC	U of W of	Clerk	
Melrose Ferras	U of Poughkeepsie	Engineer	mzerrfas@poughkeepsie.com
Kathleen Mess	Town of HP	Zone Admin	zoneadmin@hydroplaning.us
Max DAO	Town of East Fishkill	Building Inspector	MAXDAO@EASTFISHKILL.COM
BREANNA ROBERTI	T/O Wappinger	Building/Zoning	broberti@townofwappinger.us
Gary A. Halz	T/O Unionville	Building	building2@unionville.ny.us
M. Azharuddin	DCDRW	Eng Dept	
RODRIGO DELAY	T.O. Poughkeepsie	MSH	rodelay@poughkeepsie.com

Township Committee Meeting Attendance Date: 06/13/2018

Attending Municipality	Company	Job Title	Position	Address	City, State, Zip	Phone	Fax	E-mail
City of Roseton	Brian G. Johnson	Director of Engineering	highway eng	33 Camp Branch Road	Roseton, NY 12554	518-552-2002	949-6992	bjohnson@roseton.com
	Richard Caruso	Director	manager	13 Municipal Plaza, Suite 1	Roseton, NY 12554	518-552-2000	949-6962	caruso@roseton.com
	John Zilli	Assistant Engineer	sanitary engineer	150 Rockway	Greenville, NY 12024	298-3750	298-8489	jzilli@roseton.com
	Eric Ridge	Assistant Engineer	sanitary engineer	900 Rockway	Greenville, NY 12024	298-3750	298-8489	eridge@roseton.com
	Michael Tarnock	Senior Engineer	Sanitary Engineer	13 Municipal Plaza, Suite 1	Roseton, NY 12554		949-6962	mtarnock@roseton.com
Town of Beckwith	William Ruggles	City Administrator	City Administrator	13 Municipal Plaza, Suite 1	Roseton, NY 12554		949-6962	wruggles@roseton.com
	Tim D'Angelo	Construction	Construction	43 Main St	Brookhemp, NY 12507	724-5340		tdangelo@beckwith.com
	Kevin DeLeonardis	Building Inspector	Building Inspector	43 Main St	Brookhemp, NY 12507	724-5340		kevin@beckwith.com
	Michael J. DeLeonardis	Sanitary Engineer	sanitary engineer	133 Main Street	Brookhemp, NY 12507	724-5340		mj@beckwith.com
	Melvin Gargano	Sanitary Engineer	sanitary engineer	133 Main Street	Brookhemp, NY 12507	724-5340		melvin@beckwith.com
Town of East Rockhill	William P. Passari	Sanitary Engineer	Sanitary Engineer	43 Main St	Brookhemp, NY 12507	724-5340		wp@rockhill.com
	Mark M. Passari	Sanitary Engineer	Sanitary Engineer	43 Main St	Brookhemp, NY 12507	724-5340		mmpassari@rockhill.com
	Robert Hubert	Department Supervisor - EIP/DPW	DPW Supervisor	624 Dutchess County	Brookhemp, NY 12507	848-2500	848-2500	rhubert@rockhill.com
	M. Albert Hubert	Department Supervisor	DPW Supervisor	624 Dutchess County	Brookhemp, NY 12507	848-2500	848-2500	mhubert@rockhill.com
	Michelle D. Monteleone	Supervisor	Supervisor	836 Rte 376	Highland Falls, NY 12533	228-1963	228-1924	mchelle@rockhill.com
Town of Fish Kill	Rick Chisney	Sanitary Engineer	Sanitary Engineer	100 Rte 207	LaGrangeville, NY 12544	862-2002	862-4035	rchisney@fishkill.com
	Alan Scudlark	Sanitary Engineer	Sanitary Engineer	500 Rte 32	Palmdam, NY 12564	938-6013	938-1200	ascudlark@fishkill.com
	William J. Scudlark	Sanitary Engineer	Sanitary Engineer	240 Rte 212	LaGrangeville, NY 12544	862-2002	862-4035	wscudlark@fishkill.com
Town of Hyde Park	David M. Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303		dmoran@hydepark.com
	John Morone	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	jmorone@hydepark.com
Town of Lathrop	John Morone	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	jmorone@lathrop.com
	David Morone	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	dmorone@lathrop.com
	John Morone	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	jmorone@lathrop.com
	Michael J. Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	mjmoran@lathrop.com
	Robert Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	rmoran@lathrop.com
Town of Lansing	John Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	jmoran@lansing.com
	Michael J. Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	mjmoran@lansing.com
Town of Pawling	John Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	jmoran@pawling.com
	Michael J. Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	mjmoran@pawling.com
	Robert Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	rmoran@pawling.com
Town of Westerlo	John Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	jmoran@westerlo.com
	Michael J. Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	mjmoran@westerlo.com
City of Westerlo	John Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	jmoran@westerlo.com
	Michael J. Moran	Sanitary Engineer	Sanitary Engineer	377 Rte 32	Palmdam, NY 12564	331-1303	833-6782	mjmoran@westerlo.com

Attachment C



PREPARING LOCAL HIGHWAYS FOR AN EMERGENCY

AGENDA

8:00-Sign In

8:30-12:00– Post Flood Emergency Stream Intervention Training

12:00-12:45– Lunch Break

12:45-1:15– Stream Table Examples and Demo

1:15-1:30-Emergency Management/Hazard Mitigation Plans

1:30-1:45-NAACC Culvert Inventory Program

1:45-2:00-Invasive Species Management

2:00-2:30-Hydroseeding Demo

Wednesday October 24th, 2018

Farm & Home Center

2715 Route 44, Millbrook, New York 12545

Presented by: Dutchess County Soil and Water Conservation District

HIGHWAY DEPARTMENT ESI TRAINING
Farm and Home Center
October 24, 2018

Employee Name	Municipality	Department
WALTER ADAMS	LAKEMANOR	PLANNING & PUBLIC WORKS
Coleman Lawrence	Village of Millerden	Highway & Water
Anthony Savaris	Village of Millerden	Highway / Water
Heather M. Wilson	Pine Plains	Highway Supt.
Theresa Burke	Town of Red Hook	Highway Supt.
Michael Coons	Pine Plains	MEO
MARC D. HINGEL	Pine Plains	worker
Diana White	Pine Plains	MEO
BRIAN COONS	MONSIEUR COLLEGE	ROADS / PROJECTS
JOSEPH STANKAVAGE	DCDPW	ENGINEERING
MATT DUTCHNEY	DCDPW	ENGINEERING
James (Jim) Conroy	Village of Pawling	Highway
Francis Lansing	Village of Pawling	Highway
Jeanne Ritchie	Town of Dover	Highway
Vincent B. Hink	Suffolk Town of Wappinger	Highway Supt.
Hogan Long	NYS DEC	
Brian Buchanan	NYS DEC	
ALVARO GONZALEZ	The Chazen Companies	Municipal Department

Training Conducted by: Brian Scoralick, Dutchess County Soil and Water Conservation District

Appendix G

Supporting Documentation for Illicit Discharge Detection and Elimination MCM

- Appendix G.1 Regulatory Mechanism and Attorney Certification
- Appendix G.2 Outfall Map
- Appendix G.3 Outfall Map Revision Request Form (DCSWCD)
- Appendix G.4 IDDE Program Procedures
- Appendix G.5 Illicit Discharge Hotline Incident Tracking Sheet
- Appendix G.6 Outfall Dry Weather Inspection Screening Field Sheet

Appendix G.1

Regulatory Mechanism and Attorney Certification

Chapter 140

ILLICIT DISCHARGES TO STORM SEWERS

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 105.	Stormwater management and erosion and sediment control — See Ch. 190.
Land use fees — See Ch. 128.	Subdivision of land — See Ch. 192.
Flood damage prevention — See Ch. 135.	Zoning — See Ch. 210.
	Street specifications — See Ch. A215.

§ 140-1. Purpose and intent.

The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the Town of Union Vale through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES general permit for municipal separate storm sewer systems. The intent of this chapter is to meet the following objectives:

- A. To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-0-15-003, as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 140-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable only to a portion of this chapter, the following terms will have the meanings set forth below:

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use)

are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. Section 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, NYSDEC SPDES General Construction Permit GP 0-15-002, as amended or revised. These activities include construction projects resulting in land disturbance equal to or greater than one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation (NYSDEC).

DESIGN PROFESSIONAL — A New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 140-6 of this chapter.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP 0-15-002, as amended or revised.

MS4 or MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Union Vale;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

MUNICIPALITY or TOWN — The Town of Union Vale acting either through the Town Board or the appointed Stormwater Management Officer.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, animal waste, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water, which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of applicable water quality standards. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. Section 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water body or watercourse. Under this condition, the stormwater

management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water body or watercourse.

- C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by the EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program (SWMP) to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program (SWMP) to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee, the Municipal Engineer or other public official(s) designated by the Town of Union Vale to enforce this chapter. The SMO may also be designated by the municipality to accept, review and approve stormwater pollution prevention plans (SWPPP), forward the plans to the applicable municipal department and inspect stormwater management practices (SWMP). Plan reviews and site inspections may be delegated to a consulting engineer and/or a consultant paid for through the applicant's escrow account (hereinafter referred to as the "authorized representative of the SMO"); however, a municipal employee or board member must make the final approval.

SUBSURFACE SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law, as revised or amended. For purposes of this chapter, an individual sewage treatment system and subsurface sewage disposal systems are deemed to be a type of subsurface sewage treatment system.

TOTAL MAXIMUM DAILY LOAD (TMDL) — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 140-3. Applicability.

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 140-4. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 140-5. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

§ 140-6. Prohibition of illicit discharges; exceptions.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, naturally rising (not pumped) groundwater, uncontaminated groundwater infiltration to storm drains, noncommercial air-conditioning condensate, nonpolluted irrigation water from residential uses, springs, water from individual residential car washing, natural riparian habitat or wetland flows, residential street wash water, water from firefighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- B. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while

reasonably maintaining the purpose and intent of this chapter. The discharges to be approved in writing by the SMO shall include, without limitation by reason of specification, the following: uncontaminated pumped groundwater; foundation or footing drains; crawlspace or basement sump pumps; and dechlorinated swimming pool discharges.

- C. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- D. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 140-7. Prohibition of illicit connections.

- A. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this chapter if the person connects a line conveying wastewater to the municipality's MS4, or allows such a connection to continue.

§ 140-8. Failing subsurface sewage treatment systems prohibited.

No person shall operate a failing subsurface sewage treatment system within the municipality's MS4. A failing subsurface sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated and untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the subsurface sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 140-9. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are:
- (1) Those types of activities that cause or contribute to a violation of the municipality's MS4 SPDES permit; and
 - (2) Those types of activities that cause or contribute to the municipality being subject to the special conditions as defined in § 140-2, Definitions, of this chapter; and
 - (3) Activities that include failing subsurface sewage treatment systems as defined in § 140-8; and
 - (4) The improper management of pet waste.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violation of the municipality's MS4 SPDES permit authorization.

§ 140-10. Prevention, control and reduction of stormwater pollutants.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 140-2 or activities contaminating stormwater as defined in § 140-9, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
- (1) The owner or operator of a commercial or industrial establishment shall provide, at the owner's expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 140-2 or an activity contaminating stormwater as defined in § 140-9 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the municipal stormwater system (MS4).
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Subsurface sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where subsurface sewage treatment systems are contributing to the municipality's being subject to the special

conditions as defined in § 140-2 of this chapter, the owner or operator of such subsurface sewage treatment system(s) shall be required to:

- (1) Maintain and operate subsurface sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee; and
 - (b) Avoid the use of septic tank additives; and
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
- (2) Repair or replace subsurface sewage treatment systems as follows:
 - (a) In accordance with 10 NYCRR, Appendix 75-A, to the maximum extent practicable; and
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption system that involves:
 - [1] Relocating or extending an absorption system to a location not previously approved for such.
 - [2] Installation of a new subsurface treatment system at the same location.
 - [3] Use of alternate system or innovative system design or technology.
 - (c) For any repair of or relocation of a subsurface sewage disposal system (SSDS), a SAN 36 Form shall be submitted to the Dutchess County Department of Health (DCDH), a copy of which shall also be submitted to the Town of Union Vale SMO.
 - (d) A written certificate of compliance shall be submitted by the design professional to the Town at the completion of construction of the repair or replacement system.

§ 140-11. Suspension of access to MS4.

- A. Emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or

welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

- B. Suspension due to detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing with the SMO. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this chapter without the prior approval of the SMO.

§ 140-12. Industrial or construction activity.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 140-13. Access to facilities, monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO, or the authorized representative of the SMO, must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.
- B. Access to facilities.
- (1) The SMO, or the authorized representative of the SMO, shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO, or the authorized representative of the SMO.
 - (2) Facility operators shall allow the SMO, or the authorized representative of the SMO, ready access to all parts of the premises

for the purposes of inspection, sampling, examination and copying of records as may be required for compliance with this chapter.

- (3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO, or the authorized representative of the SMO, to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) An unreasonable delay in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
- (6) If the SMO, or the authorized representative of the SMO, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or an order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 140-14. Notification of spills.

- A. Notwithstanding any other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
- B. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- C. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day.

- D. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the in-person or telephone notice.
- E. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 140-15. Notice of violation.

- A. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) Payment of a fine, in an amount to be determined by the Town Board; and
 - (6) The implementation of source control or treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.
- C. The following notification and response procedures shall be followed if illicit discharges or connections or activities contaminating stormwater are identified:
 - (1) The SMO shall provide notification by certified or registered mail, return receipt requested, and shall file a copy of the notice with Town Clerk within five days of identification of an illicit discharge, connection or an activity contaminating stormwater.
 - (2) A written response shall be provided from the person notified within five days of receipt of the notice of violation providing a brief description of the intended remedy to the violation.

- (3) A detailed response and related plans showing the proposed remedy to the violation shall be prepared by the violator or his authorized representative, with the assistance of a competent professional engineer or architect or CPESC, and shall be submitted to the SMO within 21 days of the receipt of the notice along with any required forms and payment of required fees as follows:
 - (a) Additional copies of the response and plans shall be provided as required by the SMO.
 - (b) The proposed remedy shall address the purposes and intent of this chapter, appropriate BMPs, and all pertinent requirements and standards contained in this chapter.
 - (c) A copy of any other applications for land disturbance or development activities on the site, including stormwater permits, and any other applicable federal, state and local permits, shall be provided.
 - (d) The proposal shall include a reasonable timeline for completion of the remedial activities.
- (4) A review of the response and plans shall be conducted by the SMO, or an authorized representative of the SMO, and as deemed necessary, the Town's Consulting Engineer and other officials or representatives of the Town.
- (5) An on-site evaluation of proposed remedy shall be conducted by the SMO, or an authorized representative of the SMO, and as deemed necessary, the Town's Consulting Engineer and other reviewers.
- (6) The detailed response and plans shall be revised and resubmitted for additional review, including any necessary reports or studies. The submitted materials shall be revised as requested by the SMO or his authorized representative, the Town's Consulting Engineer and other reviewers until all concerns have been addressed.
- (7) The SMO shall provide authorization to proceed with the proposed remedy, including a specific timeline for completion of BMPs and all related improvements.
- (8) The SMO may require the violator to post an escrow account to cover the cost of the Town's consultants for inspections and reviews, and a bond to cover the cost of completion of the authorized remedy. The bond shall be an amount recommended by the Town's Consulting Engineer to be sufficient to insure the completion of the authorized remedy and shall specify completion of the remedy within a period of time fixed by the Town Board and not exceeding one year. The bond shall be a surety, cash or savings account bond or letter of credit with security acceptable to and approved by the Town Board as to form, sufficiency and manner

of execution and upon recommendation of the Town Attorney. The bond may be extended for one year upon recommendation of the SMO and the Town's Consulting Engineer and approval by the Town Board.

- (9) Inspection of the site shall be conducted by the SMO, his authorized representative, or the Town's Consulting Engineer during and after site remediation.

§ 140-16. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal and, within five days of making its decision, file its decision in the office of the Town Clerk and mail a copy of its decision by certified mail to the discharger.

§ 140-17. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 140-18. Penalties for offenses.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense; both of which were committed within a period of five years, punishable as a misdemeanor by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offence, all of which were committed within a period of five years, punishable as a misdemeanor by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, repeat violations of this chapter shall be deemed misdemeanors,

and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. Additionally and notwithstanding any other penalty or fine provided for herein, any person who violates the provisions of this chapter shall be obligated to reimburse the Town for any fees incurred by its counsel or engineer or other professional (CPESC) in the enforcement of the provisions hereof. The rates used for reimbursement shall be equal to the per-hour rate of service negotiated by the Town Board in its contract with its attorney(s) and consulting engineer(s).

§ 140-19. Injunctive relief and civil action.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO or the Town Board may commence a civil action in Supreme Court for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation, and may request civil damages in the amounts set forth in § 140-18 in any court of competent jurisdiction.

§ 140-20. Alternative remedies.

- A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO. When deciding whether to recommend an alternative remedy, the Town Attorney and SMO shall consider the following factors:
- (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this chapter.
 - (3) Environmental damage was minimal.
 - (4) The violator acted quickly to remedy the violation.
 - (5) The violator cooperated in investigation and resolution.
- B. No one factor is dispositive, and the decision of whether to recommend an alternative remedy shall solely be in the combined discretion of the Town Attorney and the SMO.
- C. Alternative remedies may include, but shall not be limited to, the following:
- (1) Storm drain stenciling or storm drain marking.
 - (2) Roadside, river, stream or creek cleanup activities.

§ 140-21. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 140-22. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter 190. Stormwater Management and Erosion and Sediment Control

[HISTORY: Adopted by the Town Board of the Town of Union Vale 10-6-2016 by L.L. No. 5-2016. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. **105**.

Land use fees — See Ch. **128**.

Flood damage prevention — See Ch. **135**.

Illicit discharges to storm sewers — See Ch. **140**.

Subdivision of land — See Ch. **192**.

Zoning — See Ch. **210**.

Street specifications — See Ch. **A215**.

Attachment 1 - Schedule A Stormwater Management Plans 

Attachment 2 - Schedule B Sample Maintenance Agreement 

Attachment 3 - Schedule C SPDES GP No. 0-15-002, Appendix B, Tables 1 and 2 

Article I. General Provisions

§ 190-1. Title.

This chapter shall be known and may be cited as the "Stormwater Management and Erosion and Sediment Control Law of the Town of Union Vale."

§ 190-2. Findings; purpose and objectives.

A. Findings. It is hereby determined that:

- (1) Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- (2) Stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- (3) Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (4) Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.
- (5) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.

- (6) Substantial economic losses can result from these adverse impacts on the waters of the Town.
 - (7) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
 - (8) Regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
 - (9) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.
- B. Purpose and objectives. The purpose of this chapter is to respond to the above findings by establishing minimum stormwater management requirements and controls to protect the environment of the Town and safeguard the general health, safety, and welfare of its people. This chapter seeks to meet this purpose by achieving the following objectives:
- (1) Meeting the requirements of Minimum Measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP 0-15-003 or as amended and/or revised.
 - (2) Meet the minimum requirements as defined and outlined in the Town of Union Vale Stormwater Management Program (SWMP) for Minimum Control Measures 4 and 5.
 - (3) Requiring land development activities conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP No. 0-15-002 or as amended or revised.
 - (4) Minimizing increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.
 - (5) Minimizing increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality.
 - (6) Minimizing the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.
 - (7) Reducing stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensuring that these management practices are properly maintained so as to avoid potential threats to public safety.

§ 190-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board has the authority to enact and amend laws for the purpose of promoting the health, safety and general welfare of the Town of Union Vale and for the protection and enhancement of its physical environment. The Town Board has the further authority to include in any such local law provisions for the appointment of any Town officer, employees, or independent contractors to effectuate, administer and enforce such local law.

§ 190-4. Designation and responsibilities of Stormwater Management Officer.

This chapter shall be administered by a Stormwater Management Officer who shall be appointed by the Town Board.

- A. The Stormwater Management Officer shall accept and review for their completeness all stormwater pollution prevention plans and other documents required under this chapter and forward a copy of any such submission to the applicable Town agency with either permitting or approving authority or responsibility for conduct of the work.
- B. The Stormwater Management Officer may either:
 - (1) Independently review submitted stormwater pollution prevention plans and other required documents; or
 - (2) Engage the services of a registered professional engineer or other professionals to assist in the review of the plans, specifications and other required documents in accordance with the terms of an annual authorization provided by the Town Board and § **190-17** of this chapter.
- C. The Stormwater Management Officer shall be responsible for approving, upon determination of compliance with this chapter, stormwater pollution prevention plans and other documents required hereunder and for monitoring their implementation in the manner set forth in Article **III** herein.

§ 190-5. Applicability.

- A. This chapter shall be applicable to all land development activities as defined at Article **II**, § **190-7**, herein.
- B. All land development activities subject to review and approval by the Planning Board of the Town of Union Vale under subdivision, site plan, and/or special permit regulations shall be reviewed by the Planning Board with due consideration of input provided by the Stormwater Management Officer in accordance with the threshold criteria and standards and upon the applicant's submission of the required documents set forth in this chapter.
- C. All land development activities not subject to review by the Planning Board as stated in above Subsection **B** but otherwise subject to the requirements of this chapter in accordance with the threshold criteria set forth at § **190-8B(2)** shall be reviewed by the Stormwater Management Officer either 1) independently or 2) with the assistance of a registered professional engineer, as authorized by the Town Board, in accordance with the standards and upon the applicant's submission of the required documents set forth in this chapter. Such land development activities shall be subject to requirement for application to the Town Code Enforcement Officer for a site work permit and the issuance thereof prior to the start of work.

§ 190-6. Exemptions.

The following activities shall be exempt from review under this chapter:

- A. Agricultural activity as defined in this chapter and conducted in a manner consistent with sound agricultural practices, as defined by the New York State Department of Agriculture and Markets.
- B. Silviculture, including forestry activity conducted in a manner consistent with the timber harvesting guidelines as defined by the New York State Department of Environmental Conservation, except that landing areas and log haul roads are subject to this chapter.

- C. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- D. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Union Vale Planning Board and filed in the Dutchess County Clerk's office on or before the effective date of this chapter.
- E. Land development activities for which a building permit has been approved and issued on or before the effective date of this chapter.
- F. Cemetery graves.
- G. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles, but not including the installation of transmission equipment.
- H. Emergency activity deemed by the Town of Union Vale Code Enforcement Officer or other duly-authorized person or agency immediately necessary to protect life, property or natural resources.
- I. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

Article II. Requirements for Stormwater Control

§ 190-7. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, and using land for growing agricultural products, but shall not include the construction of new structures associated with agricultural activities, the cutting of timber or firewood for sale or barter, or any mining or other removal of earthen materials.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

BASIC STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A basic SWPPP shall consist of a site-specific detailed erosion and sediment control plan prepared by a CPESC, licensed professional engineer or registered landscape architect at scale of not less than one inch equals 50 feet.

BUILDING

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of gross floor area.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING

Any activity that removes the vegetative surface cover.

COMMENCEMENT OF CONSTRUCTION

The initial removal of vegetation and disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

CPESC

A certified professional in erosion and sediment control.

CPSWQ

A certified professional in stormwater quality.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEPARTMENT

The New York State Department of Environmental Conservation. See also "NYSDEC."

DESIGN MANUAL

The New York State Stormwater Management Design Manual (SMDM), most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER

A person who undertakes land development activities.

EROSION CONTROL

A primary source control that is any practice that protects the soil surface and prevents the soil particles from being detached by rainfall or wind.

EROSION CONTROL MANUAL

The most recent version of the manual entitled "New York Standards and Specifications for Erosion and Sediment Control," commonly known as the "Blue Book."

FINAL SITE STABILIZATION

The condition achieved after all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas not covered by permanent structures.

GRADING

Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area, inclusive of both state and federal wetlands, that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY

Site preparation, development and/or construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT

A legally recorded document which serves as a property deed restriction and provides for the long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NYSDEC

The New York State Department of Environmental Conservation. See also "Department."

OWNER or OPERATOR

The person, persons or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from land development activity.

PROJECT

Land development activity.

QUALIFIED INSPECTOR

A person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed professional engineer, certified professional in erosion and sediment control (CPESC), registered landscape architect, or other Department-endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed professional engineer or registered landscape architect has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed professional engineer or registered landscape architect shall receive four hours of training every three years. It can also mean a person that meets the qualified professional qualifications in addition to the qualified inspector qualifications. (Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed professional engineer.)

QUALIFIED PROFESSIONAL

A person knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed professional engineer, licensed landscape architect or other NYSDEC-endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater

management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics, in order to prepare a SWPPP that conforms to the NYSDEC's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the New York State Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and/or habitats for threatened, endangered or special concern species.

SITE WORK PERMIT

A permit issued by the Town Code Enforcement Officer to track projects involving land development activities subject to the requirements of this chapter but for which no other permits or approvals from the Town are required.

SOUND AGRICULTURAL PRACTICES

Agricultural practices that either have been or would be determined sound by the Commissioner of Agriculture and Markets upon application of the guidelines recommended for the Commissioner's use by the New York State Advisory Council on Agriculture, including but not limited to:

- A. The practice should be legal;
- B. The practice should not cause bodily harm or property damage off the farm;
- C. The practice should achieve the results intended in a reasonable and supportable way;
- D. The practice should be necessary.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP No. 0-15-002

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP No. 0-15-003

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER

An employee or officer designated by the Town Board of the Town of Union Vale to accept and review stormwater pollution prevention plans, forward the plans to the applicable Town board or agency and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities, including both an erosion control plan prepared by a CPESC, licensed professional engineer or registered landscape architect, and a water quality plan prepared by a CPSWQ, licensed professional engineer or registered landscape architect, with it required, however, that any SWPPP that includes post-construction stormwater management practices shall be prepared by a qualified professional as defined herein.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation or snowmelt.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TIMBER HARVESTING GUIDELINES

Published guidelines posted by the New York State Department of Environmental Conservation in consultation with the New York Society of Foresters and the New York State College of Environmental Science and Forestry dealing "with problems caused by soil erosion, siltation and inattention to aesthetics" and including "best management practices recommended for timber harvesting in New York State, plus additional aesthetic practices."

TRAINED CONTRACTOR

An employee from the contracting (construction) company, identified by the owner or operator that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP, that has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity. After receiving the initial training, the trained contractor shall receive four hours of training every three years. It can also mean an employee from the contracting (construction) company that meets the qualified inspector qualifications [e.g., licensed professional engineer, certified professional in erosion and sediment control (CPESC), registered landscape architect, or someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided he or she has received four hours of Department-endorsed training in proper

erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity]. The trained contractor will be responsible for the day-to-day implementation of the SWPPP.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 190-8. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed by the Planning Board or other Town agency as may be appropriate until the Stormwater Management Officer has received for review and approval a stormwater pollution prevention plan (SWPPP) prepared and signed by a CPESC, licensed professional engineer or registered landscape architect in accordance with the specifications in this chapter. For land development activities having less than one acre of disturbance, refer to Subsection **B(2)(a)** below.
- (1) An owner or operator of a construction activity shall have his or her SWPPP reviewed and accepted by the Town of Union Vale prior to submitting the notice of intent (NOI) to the NYSDEC. Such acceptance by the Town shall be indicated by the issuance of an MS4 acceptance form to the owner or operator by the Town.
 - (2) The Planning Board Chairperson shall not sign any approval of an application for a land development activity until the Town receives a copy of the acknowledgement of receipt of the NOI from the NYSDEC for a conforming SWPPP and both a copy of the acknowledgement of receipt of the NOI and an approval from the NYSDEC for a nonconforming SWPPP.
 - (3) Likewise, the Stormwater Management Officer shall not sign any approval of an application for any land development activities that are not subject to review and approval by a board of the Town of Union Vale under subdivision, site plan, and/or special permit regulations until the Town receives a copy of the acknowledgement of receipt of the NOI from the NYSDEC and an approval from the NYSDEC for a nonconforming SWPPP.
 - (4) The SWPPP must include documentation supporting the determination of permit eligibility with regard to historic places or archaeological resources. At a minimum, the supporting documentation shall include the following:
 - (a) Information on whether the stormwater discharge or construction activities would have an effect on a property (historic or archeological resource) that is listed or eligible for listing on the State or National Register of Historic Places;
 - (b) Results of historic resources screening determinations conducted. Information regarding the location of historic places listed, or eligible for listing, on the State or National Registers of Historic Places and areas of archeological sensitivity that may indicate the need for a survey can be obtained online by viewing the New York State Office of Parks, Recreation and Historic Places (OPRHP) online resources located on its website at: <http://nysparks.state.ny.us/shpo/online-tools/> (using The Geographic Information System for Archeology and National Register). OPRHP can also be contacted at: NYS OPRHP, State Historic Preservation Office, Peebles Island Resources Center, P.O. Box 189, Waterford, NY 12188-0189; phone: 518-237-8643;
 - (c) A description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the State or National Register of Historic Places. If the

owner or operator fails to describe and implement such measures, the stormwater discharge is ineligible for coverage under this permit; and

- (d) Where adverse effects may occur, any written agreements in place with OPRHP or other governmental agencies to mitigate those effects, or local land use approvals evidencing the same.

B. Contents of stormwater pollution prevention plans.

- (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) for the project, including a general location map. The site map shall be at a scale no less than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; mapped habitats; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s).
 - (c) Description of the soil(s) present at the site.
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless otherwise provided for within an approved SWPPP.
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.
 - (f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out, including the use of pervious pavers or porous pavement, which is encouraged by the Town of Union Vale where practicable to reduce stormwater runoff.
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.
 - (j) Temporary practices that will be converted to permanent control measures.
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.

- (l) Inspection and maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
 - (m) Name(s) of the receiving water(s).
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site.
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - (p) Identification of any elements of the design that are not in conformance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.
 - (q) Any existing data that describes the stormwater runoff at the site.
 - (r) A completed notice of intent (NOI). Said NOI shall be submitted to the NYSDEC and the Town to obtain SPDES General Construction Permit GP No. 0-15-002 coverage prior to commencement of construction. Proof of coverage shall be submitted to the SMO and the Planning Board prior to final approval and prior to endorsement of the subdivision plat, special use permit, or site plan by the Planning Board Chairman.
- (2) Required plans.
- (a) A basic SWPPP as defined in § 190-7 of this article shall be required for all land development activities having less than one acre of disturbance, including the construction of either a single-family or two-family residence and an agricultural building that results in the disturbance of between one acre and five acres of land, as well as all other construction projects identified in SPDES GP No. 0-15-002, Appendix B, Table 1, as attached hereto within Schedule C.^[1] The Stormwater Management Officer may waive any or all of the requirements of the basic SWPPP for projects having less than one acre of disturbance upon consideration of the following criteria: impact of runoff on subject property or adjacent property; grades and slopes upon which project is proposed; soil types in location of project or adjacent to project; duration of project construction; or any other consideration having its basis in the protection of environment which would be secured if a basic SWPPP were required.
[1] Editor's Note: Schedule C is included as an attachment to this chapter.
 - (b) All construction projects identified in SPDES GP No. 0-15-002, Appendix B, Table 2, as attached hereto within Schedule C,^[2] as needing post-construction stormwater management practices shall be further the subject of an SWPPP that includes stormwater management practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual ("Design Manual").
[2] Editor's Note: Schedule C is included as an attachment to this chapter.
- (3) SWPPP requirements:
- (a) All information set forth in above Subsection **B(1)**.
 - (b) Description of each post-construction stormwater management practice.
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.

- (d) Hydrologic and hydraulic analyses for all structural components of the stormwater management system for the applicable design storms.
- (e) Comparison of post-development stormwater runoff conditions with pre-development conditions.
- (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
- (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
- (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair, such easements to be recorded on the plan and shall remain in effect with transfer of title to the property.
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article II, § 190-13B of this chapter; or formation of a stormwater management district, administered by the Town, to perform these responsibilities.
- (j) Preparation of the SWPPP by a CPESC, licensed professional engineer or registered landscape architect, who shall sign the plan and certify that the design of all stormwater management practices meets the requirements in this chapter.

§ 190-9. Other environmental, land use and building construction permits.

The applicant shall assure that all other applicable environmental, land use and building construction permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

§ 190-10. Contractor certification.

A. Certification; additional information.

- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ('SPDES') general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. 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."
- (2) In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the trained individual(s) responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The owner or operator shall attach

the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

- B. The certification statement(s) shall become part of the SWPPP for the land development activity.

§ 190-11. Availability of SWPPP.

A copy of the SWPPP bearing signed and dated notation of approval by the Stormwater Management Officer shall be maintained and available at the site of the land development activity from the date of initiation of site preparation, development and/or construction activities to the date of final stabilization.

§ 190-12. Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual"), including but not limited to Table 5.1 presented therein and attached hereto as Schedule A.^[1]
[1] Editor's Note: Schedule A is included as an attachment to this chapter.
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in above § 190-12A, and the SWPPP shall be prepared by a licensed professional engineer.
- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 190-13. Maintenance, inspection and repair of stormwater management facilities.

- A. Maintenance and inspection during construction.
- (1) The applicant or developer of the land development activity or such person's representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50% and placed in an acceptable location and shall be properly stabilized.

- (2) For land development activities as defined in § 190-7 of this article and meeting § 190-8B(2)(a) or (b), the owner or operator shall have a qualified inspector conduct site inspections in accordance with the following timetable:
- (a) For construction sites where soil disturbance activities are ongoing, the qualified inspector shall conduct a site inspection at least once every seven calendar days.
 - (b) For construction sites where soil disturbance activities are ongoing and the owner or operator has received authorization in accordance with Part II.C.3^[1] to disturb greater than five acres of soil at any one time, the qualified inspector shall conduct at least two site inspections every seven calendar days. When performing just two inspections every seven calendar days, the inspections shall be separated by a minimum of two full calendar days.
[1] Editor's Note: See Part II.C.3 of the SPDES General Permit for Stormwater Discharges, on file in the Town offices.
 - (c) For construction sites where soil disturbance activities have been temporarily suspended (e.g., winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every 30 calendar days. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to reducing the frequency of inspections.
 - (d) For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to the shutdown. If soil disturbance activities are not resumed within two years from the date of shutdown, the owner or operator shall have the qualified inspector(s) perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the notice of termination (NOT). The owner or operator shall then submit the completed NOT form to the NYSDEC with copy to the Town of Union Vale Stormwater Management Officer.
 - (e) In addition, any significant failure of stormwater management facilities or change to the SWPPP shall be reported immediately to the Stormwater Management Officer. The owner or operator shall notify the Town Stormwater Management Officer in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the approved SWPPP. Unless otherwise notified by the Town, the owner or operator shall have the SWPPP amendments or modifications reviewed and accepted by the Town prior to commencing construction of the post-construction stormwater management practice.
- (3) 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. "Daily basis" means that the trained contractor visits the site each day when soil disturbance activities are being performed and spends as much time as needed to ensure that his or her employees are properly implementing the SWPPP.

B. Qualified inspector inspection requirements. The owner or operator shall have a qualified inspector conduct site inspections in conformance with the following requirements:

- (1) Note: The trained contractor cannot conduct the qualified inspector site inspections unless they meet the qualified inspector qualifications. In order to perform these inspections, the trained contractor would have to be a:
 - (a) Licensed professional engineer;
 - (b) Certified professional in erosion and sediment control (CPESC);
 - (c) Registered landscape architect; or
 - (d) Someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that he or she has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity.
- (2) A qualified inspector shall conduct site inspections for all construction activities with the exception of:
 - (a) The construction of a single-family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one or more acres of land but less than five acres;
 - (b) The construction of a single-family home that involves a soil disturbance of one or more acres of land but less than five acres; and
 - (c) Construction on agricultural property that involves a soil disturbance of one or more acres of land but less than five acres.
 - (d) Those associated with the basic SWPPP requirements required by the SMO for projects having less than one acre of disturbance.
- (3) At a minimum, the qualified inspector shall inspect all erosion and sediment control practices 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 water bodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.
- (4) The qualified inspector shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - (a) Date and time of inspection;
 - (b) Name and title of person(s) performing inspection;
 - (c) A description of the weather and soil conditions (e.g., dry, wet, saturated) at the time of the inspection;
 - (d) A description of the condition of the runoff at all points of discharge from the construction site; this shall include identification of any discharges of sediment from the construction site; includes discharges from conveyance systems (i.e., pipes, culverts, ditches, etc.) and overland flow;
 - (e) A description of the condition of all natural surface water bodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas; this shall include identification of any discharges of sediment to the surface water body;

- (f) Identification of all erosion and sediment control practices that need repair or maintenance;
 - (g) Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - (h) Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;
 - (i) Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - (j) Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and
 - (k) Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report being maintained on site within seven calendar days of the date of the inspection. The qualified inspector shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven calendar days of that inspection.
- (5) Within one business day of the completion of an inspection, the qualified inspector shall notify the owner or operator and appropriate contractor or subcontractor of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
- (6) All inspection reports shall be signed by the qualified inspector. The inspection reports shall be maintained on site with the SWPPP.
- C. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility (except that which serves only a single-family residence) as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Union Vale to ensure that the facility is maintained in proper working condition to meet design standards and any other provision established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Attorney for the Town of Union Vale and consent of the Town Board.
- D. Maintenance after construction. The owner or operator of permanent stormwater management practices (SMPs) installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.

- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 190-12C of this article.

E. Maintenance agreements.

- (1) The Town of Union Vale shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Dutchess County Clerk as a deed restriction on the property prior to final plan approval.
- (2) The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter, entitled "Model Stormwater Control Facility Maintenance Agreement/Declaration of Covenants and Restrictions for Maintenance of Stormwater Management Facilities."^[2] The Town Board of the Town of Union Vale, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, whether directly or on behalf of a stormwater drainage district, provided that such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

[2] *Editor's Note: Schedule B is included as an attachment to this chapter.*

Article III. Administration and Enforcement

§ 190-14. Construction inspection.

A. Erosion and sediment control inspection.

- (1) The Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter, a basic SWPPP and/or the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before any of the following as required by the Stormwater Management Officer:
 - (a) Start of construction;
 - (b) Installation of sediment and erosion control measures;
 - (c) Completion of site clearing;
 - (d) Completion of rough grading;
 - (e) Completion of final grading;
 - (f) Close of the construction season;
 - (g) Completion of final landscaping; and
 - (h) Successful establishment of landscaping in public areas.
- (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are

required to submit "as built" plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion.

- (1) It shall be the primary responsibility of the landowner and the successor landowners to perform all necessary inspections, maintenance, reporting, adjustments, repair, replacement and reconstruction of the stormwater management facilities by a certified professional or a professional engineer.
- (2) If, at any time, the Stormwater Management Officer determines that necessary inspections, reports, maintenance, repairs, adjustments, replacement or reconstruction have not been properly performed, the Town may undertake to perform any such work or work that it finds, in its sole judgment, is necessary to preserve the stormwater management functions of stormwater management practices (SMPs), at the cost and expense of the landowner and the successor landowners. Copies of all bills, statements and invoices substantiating such costs, including costs of consultants, shall be included with written notice of same. Each lot or parcel shall individually and separately bear its equal share of such costs, and in the event that its share is not paid within 30 calendar days of issuance of statements for this work, the amount of such share shall constitute a lien against such lot or parcel, which shall be levied and collected in the same manner as Town real estate property taxes or in such manner otherwise provided by law. The landowner and the successor lot or parcel landowner shall be personally liable for payments of their respective shares of all such costs, including costs of collection and reasonable attorney's fees.

D. Submission of reports. The Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter. The Stormwater Management Officer may also require ongoing monitoring and reporting after project completion, as the Town deems necessary, to determine compliance with this chapter.

E. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Union Vale the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in above **§ 190-14C**.

F. Escrow for inspection consultant(s). The Stormwater Management Officer shall have the right to consult with a professional engineer or professional engineering firm whenever the Stormwater Management Officer deems necessary with respect to any of the inspections conducted or to be conducted under this chapter. All such costs for a professional engineering consultant shall be paid for by the applicant. Prior to scheduling any inspections under this section, the applicant shall deposit a monetary escrow with the Town of Union Vale, in an amount deemed sufficient by the Stormwater Management Officer to pay for the estimated cost of all necessary inspections under this chapter.

§ 190-15. Performance guarantee.

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Union Vale in its approval of the stormwater pollution prevention plan, the Town of Union Vale may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Union Vale as the beneficiary. The security shall be in an amount to be determined by the Town of Union Vale based on submission of final design plans, with reference to actual construction and landscaping costs for the installation of the required stormwater management practices.

§ 190-16. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Union Vale determines that a land development activity is not being carried out in accordance with the requirements of this chapter, the Stormwater Management Officer (SMO) shall issue a written notice of violation to the landowner. The notice of violation shall contain the following:
- (1) The name and address of the landowner, developer or applicant;
 - (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) An order to remedy the violation;
 - (5) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action; and
 - (6) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
- B. Stop-work orders. The Town of Union Vale may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Union Vale confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties.
- (1) Violation of any provision of this chapter or any violation of any statement, plan application, permit or certificate approved under the provisions of this chapter, shall be considered an offense punishable by a civil penalty of not more than \$350 for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a civil penalty of not less than \$350 nor more than \$700 and/or imprisonment for not more than 14 days; and upon conviction of a third or subsequent offense within a period of five years, punishable by a civil penalty of not less than \$700 nor more than \$1,000 and/or imprisonment for a period of not more than six months.
 - (2) The owner, general agent, contractor or lessee of the land and/or building premises, or part thereof, where such violation has been committed or does exist, and any agent, contractor, builder, architect or engineer, corporation or other person who commits, takes part in or assists in such violation, shall be guilty of an offense and shall be liable upon conviction to a civil penalty and/or imprisonment as provided herein.
 - (3) All such penalties shall be collectible by and in the name of the Town. Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense, for which separate and additional penalties may be imposed and recovered, provided that such initial notice and subsequent weekly notice shall be given in writing to the landowner.

- (4) Violations of this chapter shall be deemed misdemeanors only for the purpose of conferring jurisdiction upon courts and judicial officers.
 - (5) Additionally and notwithstanding any other penalty or fine provided for herein, any person who violates the provisions of this chapter shall be obligated to reimburse the Town for any fees incurred by its counsel or consulting engineer or other professional (CPESQ) in the enforcement of the provisions hereof. The rates used for reimbursement shall be equal to the per-hour rate of service negotiated by the Town Board in its contract with its attorney(s) and consulting engineer(s).
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may act to prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Union Vale may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 190-17. Fees for services.

The Town of Union Vale may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for reviews of stormwater pollution prevention plans and other required documents, inspections, or maintenance of stormwater management practices (SMPs) performed by the Town of Union Vale or performed by a third party for the Town of Union Vale.

Article IV. Severability; When Effective

§ 190-18. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

§ 190-19. When effective.

This chapter shall become effective immediately upon filing by the Town with the Secretary of State of the State of New York.

HOGAN & ROSSI

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Brewster, New York 10509

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Sean Lewis

* Also Admitted in CT

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Charles J. Acker

Nancy Tagliafierro*

Mary Jane MacCrae

October 7, 2016

George Kolb, Building Inspector

Town of Union Vale

249 Duncan Hill Road

Union Vale, New York 12540

Re: Compliance Letter for DEC

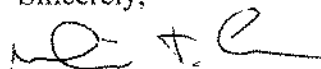
Dear Mr. Kolb:

The purpose of this letter is to confirm that on October 6, 2016, the Town Board of the Town of Union Vale adopted the appropriate modifications to the Town Code, by its adoption of Chapter 140, entitled, "Illicit Discharge to Stormwater," and Chapter 190, entitled, "Stormwater Management & Erosion and Sediment Control Law," for compliance with the Municipal Separate Stormwater Sewer System Plan (MS4) for the Town of Union Vale.

This letter shall also to confirm that in making the above confirmation we have reviewed the MS4 for the Town of Union Vale, the regulations promulgated by the New York State Department of Conservation applicable thereto, the existing provisions of the Town Code and the amendments adopted last evening.

Thank you very much.

Sincerely,

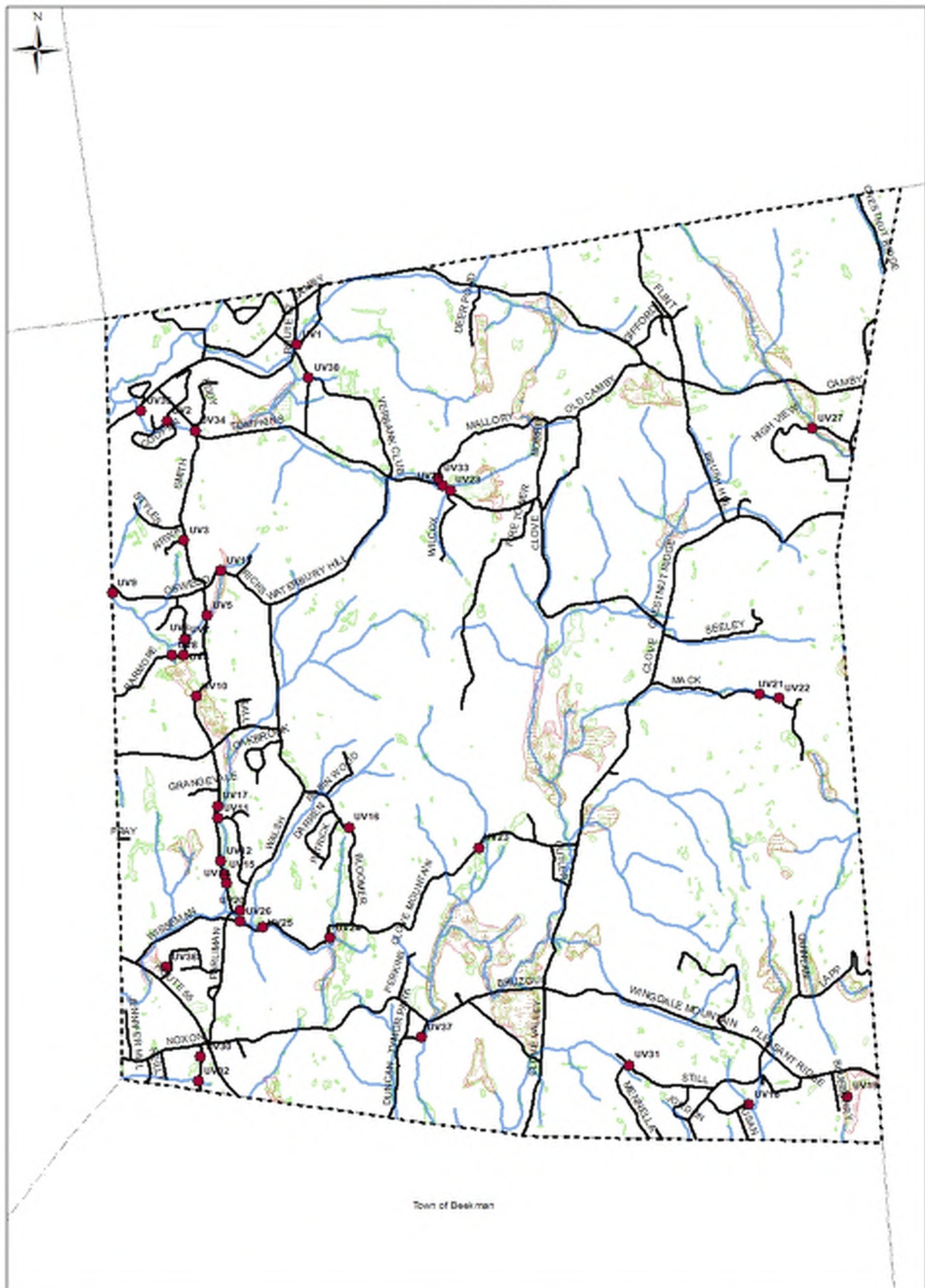


Michael T. Liguori

Appendix G.2
Outfall Map

TOWN OF UNION VALE, NEW YORK

Outfall Mapping



0 1,650 3,300 Feet

Produced on 1/31/2019
 Map Produced by Dutchess County
 Soil & Water Conservation District
NOT FOR SITE SPECIFIC WORK
ALL INFORMATION MUST BE SITE VERIFIED

FEDERAL WETLANDS 2007 -
 U.S. Fish and Wildlife Service,
 National Wetlands Inventory,
 2007
 STATE WETLANDS 2007 -
 NY State Department of Environmental Conservation,
 Division of Water, Bureau of Flood
 Protection and Dam Safety, 2007
 Municipal Boundaries - Dutchess County Real
 Property Tax Service Agency, 2007
 NY State DEC Wetlands - New York State
 Department of Environmental Conservation (DEC)
 Division of Fish and Wildlife, Wetland
 Inventory List 1998
 Roads - Dutchess County - Office of
 Central and Information Services, GIS Group,
 Jan 2012

Legend	
●	Union Vale Outfalls
—	Union Vale Streams
—	Union Vale Roads
 	Union Vale NYSDC Wetlands
 	Union Vale MWI Wetlands
 	Town of Union Vale Border
 	Municipal Boundaries

Appendix G.3

Outfall Map Revision Request Form (DCSWCD)



OUTFALL MAP REVISION REQUEST FORM

All Revision Forms Due to DCSWCD by September 1st of each calendar year
2715 Route 44; Millbrook, New York 12514

MS4 Name:		Date Submitted:	
Contact Person for this Request:		Phone Number:	
Type of Revision:	<input type="checkbox"/> Add	<input type="checkbox"/> Remove	<input type="checkbox"/> Revise
Approx. Street Address:			
If Add -	Approx. Date of Installation/Construction:		
Type of Outfall:	<input type="checkbox"/> Pipe	<input type="checkbox"/> Ditch/Swale	<input type="checkbox"/> MS4 Connection Point
If Pipe -	Approx. Diameter of Pipe:		
	Material (e.g., HDPE, concrete, etc.):		
Notes & Sketches (please add information to assist DCSWCD in finding outfall, include sketch of location if feasible):			
If Removal or Revision -	Outfall ID:		
If Revision -	Data to be changed:	Attribute Table Title:	
	(Add more sheets as necessary)	Existing Data:	
		Revised/New Data:	
		Attribute Table Title:	
		Existing Data:	
		Revised/New Data:	
=====			
MS4 Name:		Date Submitted:	
Contact Person for this Request:		Phone Number:	
Type of Revision:	<input type="checkbox"/> Add	<input type="checkbox"/> Remove	<input type="checkbox"/> Revise
Approx. Street Address:			
If Add -	Approx. Date of Installation/Construction:		
Type of Outfall:	<input type="checkbox"/> Pipe	<input type="checkbox"/> Ditch/Swale	<input type="checkbox"/> MS4 Connection Point
If Pipe -	Approx. Diameter of Pipe:		
	Material (e.g., HDPE, concrete, etc.):		
Notes & Sketches (please add information to assist DCSWCD in finding outfall, include sketch of location if feasible):			
If Removal or Revision -	Outfall ID:		
If Revision -	Data to be changed:	Attribute Table Title:	
	(Add more sheets as necessary)	Existing Data:	
		Revised/New Data:	
		Attribute Table Title:	
		Existing Data:	
		Revised/New Data:	

Appendix G.4

IDDE Program Procedures



Illicit Discharge Detection and Elimination Program

Introduction

The purpose of the Illicit Discharge Detection and Elimination (IDDE) Program is to detect and eliminate sources of pollution to the municipal separate storm sewer system (MS4) as required by the Department of Environmental Conservation (DEC).

The goal of this plan is to identify and then eliminate illicit discharges. Examples of illicit discharges include:

- Direct or indirect sanitary wastewater discharges that connect to the storm sewer or watercourse, such as a shop floor drain connected to a storm drain, a cross-connection between the municipal sewer and storm sewer systems, a damaged sanitary sewer line that is leaking sewage into a cracked storm sewer line, or a failing septic system that is leaking into a water course.
- Materials (e.g., used motor oil) that have been dumped illegally into a storm drain catch basin or other stormwater facility.
- Improper home or business owner activities such as washing paint brushes into a catch basin, washing new textured concrete driveways into a storm drain, draining swimming pools to the storm system (swimming pools have high pH and chlorine), excess use of fertilizers, or washing cars with chemicals that enter the storm drain system.

Please Use Form Attached.



MS4 PUBLIC COMPLAINT FORM

Town of Union Vale • 249 Duncan Road • LaGrangeville, NY 12540
Phone: (845) 724-5953 • Fax: (845) 724-3757 • Building2@unionvaleny.us

RECEIVED

Date:	
Time:	

COMPLAINANT INFORMATION

(Information to be kept confidential or disclosed only in accordance with state and federal laws)

Name & Phone:	
Address:	
E-Mail Address:	

NATURE OF CONCERN

- | | | |
|--|--|--|
| <input type="checkbox"/> Sediment from Construction Site | <input type="checkbox"/> Damaged Utility | <input type="checkbox"/> Suspect Pollutant Discharge |
| <input type="checkbox"/> Combined Sanitary with Storm | <input type="checkbox"/> Detention/Retention Pond | <input type="checkbox"/> General Question on MS4 |
| <input type="checkbox"/> Storm water Caused Damage to Home | <input type="checkbox"/> Ditch/Stream Bank Failure | <input type="checkbox"/> Flooding/Drainage Issue |

DESCRIPTION OF CONCERN

Specific Location:	
<i>Description: Please provide written statement of concern below and desired outcome. Also include pictures and copy of property survey is available. Utilize back side of this form or attached additional pages as needed.</i>	

SUBMIT

Below for City Use Only:

REFERRED TO:

- Code Enforcement/ MS4 Coordinator

RESPONSE:

- Further Investigation Required**
- Issue Resolved**
- Referred to Other Department**
- Referred to State Agency**

Appendix G.5

Illicit Discharge Hotline Incident Tracking Sheet



MS4 PUBLIC COMPLAINT FORM

Town of Union Vale • 249 Duncan Road • LaGrangeville, NY 12540
Phone: (845) 724-5953 • Fax: (845) 724-3757 • Building2@unionvaleny.us

RECEIVED

Date:	
Time:	

COMPLAINANT INFORMATION

(Information to be kept confidential or disclosed only in accordance with state and federal laws)

Name & Phone:	
Address:	
E-Mail Address:	

NATURE OF CONCERN

- | | | |
|--|--|--|
| <input type="checkbox"/> Sediment from Construction Site | <input type="checkbox"/> Damaged Utility | <input type="checkbox"/> Suspect Pollutant Discharge |
| <input type="checkbox"/> Combined Sanitary with Storm | <input type="checkbox"/> Detention/Retention Pond | <input type="checkbox"/> General Question on MS4 |
| <input type="checkbox"/> Storm water Caused Damage to Home | <input type="checkbox"/> Ditch/Stream Bank Failure | <input type="checkbox"/> Flooding/Drainage Issue |

DESCRIPTION OF CONCERN

Specific Location:	
Description: <i>Please provide written statement of concern below and desired outcome. Also include pictures and copy of property survey is available. Utilize back side of this form or attached additional pages as needed.</i>	

SUBMIT

Below for City Use Only:

REFERRED TO:

- Code Enforcement/ MS4 Coordinator

RESPONSE:

- Further Investigation Required
- Issue Resolved
- Referred to Other Department
- Referred to State Agency

Appendix G.6

Outfall Dry Weather Inspection Screening Field Sheet



TOWN OF UNION VALE

Building Department

249 Duncan Road

Lagrangeville, NY 12540

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C.E.O George A. Kolb Jr.

Town of Union Vale

OUTFALL MAP AND INSPECTION REPORTING

Performed by HIGHWAY [] S.M.O. [] personnel

Employee _____

Location/outfall # _____ Date _____

Cross / Street location name _____

Description of outfall type _____

Pipe type _____

Other _____

Condition as inspected :

_____ REPAIRS REQ. YES [] NO [] :

Attach photos or drawing from observations

Appendix H

Supporting Documentation for Construction Site Stormwater Runoff Control MCM

- Appendix H.1 Regulatory Mechanism and Attorney Certification
- Appendix H.2 Stormwater Pollution Prevention Plan (SWPPP)
Application Form
- Appendix H.3 Stormwater Pollution Prevention Plan (SWPPP)
Contents Check List
- Appendix H.4 Construction Stormwater Compliance Inspection
Report Form
- Appendix H.5 Stormwater Fee Schedule – Application and
Inspection Fees
- Appendix H.6 Example Stormwater Performance Bond Estimator

Appendix H.1

Regulatory Mechanism and Attorney Certification

Chapter 140

ILLICIT DISCHARGES TO STORM SEWERS

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 105.	Stormwater management and erosion and sediment control — See Ch. 190.
Land use fees — See Ch. 128.	Subdivision of land — See Ch. 192.
Flood damage prevention — See Ch. 135.	Zoning — See Ch. 210.
	Street specifications — See Ch. A215.

§ 140-1. Purpose and intent.

The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the Town of Union Vale through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES general permit for municipal separate storm sewer systems. The intent of this chapter is to meet the following objectives:

- A. To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-0-15-003, as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 140-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable only to a portion of this chapter, the following terms will have the meanings set forth below:

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use)

are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. Section 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, NYSDEC SPDES General Construction Permit GP 0-15-002, as amended or revised. These activities include construction projects resulting in land disturbance equal to or greater than one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation (NYSDEC).

DESIGN PROFESSIONAL — A New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 140-6 of this chapter.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP 0-15-002, as amended or revised.

MS4 or MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Union Vale;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

MUNICIPALITY or TOWN — The Town of Union Vale acting either through the Town Board or the appointed Stormwater Management Officer.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, animal waste, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water, which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of applicable water quality standards. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. Section 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water body or watercourse. Under this condition, the stormwater

management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water body or watercourse.

- C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by the EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program (SWMP) to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program (SWMP) to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee, the Municipal Engineer or other public official(s) designated by the Town of Union Vale to enforce this chapter. The SMO may also be designated by the municipality to accept, review and approve stormwater pollution prevention plans (SWPPP), forward the plans to the applicable municipal department and inspect stormwater management practices (SWMP). Plan reviews and site inspections may be delegated to a consulting engineer and/or a consultant paid for through the applicant's escrow account (hereinafter referred to as the "authorized representative of the SMO"); however, a municipal employee or board member must make the final approval.

SUBSURFACE SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law, as revised or amended. For purposes of this chapter, an individual sewage treatment system and subsurface sewage disposal systems are deemed to be a type of subsurface sewage treatment system.

TOTAL MAXIMUM DAILY LOAD (TMDL) — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 140-3. Applicability.

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 140-4. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 140-5. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

§ 140-6. Prohibition of illicit discharges; exceptions.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, naturally rising (not pumped) groundwater, uncontaminated groundwater infiltration to storm drains, noncommercial air-conditioning condensate, nonpolluted irrigation water from residential uses, springs, water from individual residential car washing, natural riparian habitat or wetland flows, residential street wash water, water from firefighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- B. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while

reasonably maintaining the purpose and intent of this chapter. The discharges to be approved in writing by the SMO shall include, without limitation by reason of specification, the following: uncontaminated pumped groundwater; foundation or footing drains; crawlspace or basement sump pumps; and dechlorinated swimming pool discharges.

- C. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- D. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 140-7. Prohibition of illicit connections.

- A. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this chapter if the person connects a line conveying wastewater to the municipality's MS4, or allows such a connection to continue.

§ 140-8. Failing subsurface sewage treatment systems prohibited.

No person shall operate a failing subsurface sewage treatment system within the municipality's MS4. A failing subsurface sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated and untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the subsurface sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 140-9. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are:
- (1) Those types of activities that cause or contribute to a violation of the municipality's MS4 SPDES permit; and
 - (2) Those types of activities that cause or contribute to the municipality being subject to the special conditions as defined in § 140-2, Definitions, of this chapter; and
 - (3) Activities that include failing subsurface sewage treatment systems as defined in § 140-8; and
 - (4) The improper management of pet waste.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violation of the municipality's MS4 SPDES permit authorization.

§ 140-10. Prevention, control and reduction of stormwater pollutants.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 140-2 or activities contaminating stormwater as defined in § 140-9, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
- (1) The owner or operator of a commercial or industrial establishment shall provide, at the owner's expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 140-2 or an activity contaminating stormwater as defined in § 140-9 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the municipal stormwater system (MS4).
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Subsurface sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where subsurface sewage treatment systems are contributing to the municipality's being subject to the special

conditions as defined in § 140-2 of this chapter, the owner or operator of such subsurface sewage treatment system(s) shall be required to:

- (1) Maintain and operate subsurface sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee; and
 - (b) Avoid the use of septic tank additives; and
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
- (2) Repair or replace subsurface sewage treatment systems as follows:
 - (a) In accordance with 10 NYCRR, Appendix 75-A, to the maximum extent practicable; and
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption system that involves:
 - [1] Relocating or extending an absorption system to a location not previously approved for such.
 - [2] Installation of a new subsurface treatment system at the same location.
 - [3] Use of alternate system or innovative system design or technology.
 - (c) For any repair of or relocation of a subsurface sewage disposal system (SSDS), a SAN 36 Form shall be submitted to the Dutchess County Department of Health (DCDH), a copy of which shall also be submitted to the Town of Union Vale SMO.
 - (d) A written certificate of compliance shall be submitted by the design professional to the Town at the completion of construction of the repair or replacement system.

§ 140-11. Suspension of access to MS4.

- A. Emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or

welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

- B. Suspension due to detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing with the SMO. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this chapter without the prior approval of the SMO.

§ 140-12. Industrial or construction activity.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 140-13. Access to facilities, monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO, or the authorized representative of the SMO, must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.
- B. Access to facilities.
- (1) The SMO, or the authorized representative of the SMO, shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO, or the authorized representative of the SMO.
 - (2) Facility operators shall allow the SMO, or the authorized representative of the SMO, ready access to all parts of the premises

for the purposes of inspection, sampling, examination and copying of records as may be required for compliance with this chapter.

- (3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO, or the authorized representative of the SMO, to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) An unreasonable delay in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
- (6) If the SMO, or the authorized representative of the SMO, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or an order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 140-14. Notification of spills.

- A. Notwithstanding any other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
- B. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- C. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day.

- D. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the in-person or telephone notice.
- E. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 140-15. Notice of violation.

- A. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) Payment of a fine, in an amount to be determined by the Town Board; and
 - (6) The implementation of source control or treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.
- C. The following notification and response procedures shall be followed if illicit discharges or connections or activities contaminating stormwater are identified:
 - (1) The SMO shall provide notification by certified or registered mail, return receipt requested, and shall file a copy of the notice with Town Clerk within five days of identification of an illicit discharge, connection or an activity contaminating stormwater.
 - (2) A written response shall be provided from the person notified within five days of receipt of the notice of violation providing a brief description of the intended remedy to the violation.

- (3) A detailed response and related plans showing the proposed remedy to the violation shall be prepared by the violator or his authorized representative, with the assistance of a competent professional engineer or architect or CPESC, and shall be submitted to the SMO within 21 days of the receipt of the notice along with any required forms and payment of required fees as follows:
 - (a) Additional copies of the response and plans shall be provided as required by the SMO.
 - (b) The proposed remedy shall address the purposes and intent of this chapter, appropriate BMPs, and all pertinent requirements and standards contained in this chapter.
 - (c) A copy of any other applications for land disturbance or development activities on the site, including stormwater permits, and any other applicable federal, state and local permits, shall be provided.
 - (d) The proposal shall include a reasonable timeline for completion of the remedial activities.
- (4) A review of the response and plans shall be conducted by the SMO, or an authorized representative of the SMO, and as deemed necessary, the Town's Consulting Engineer and other officials or representatives of the Town.
- (5) An on-site evaluation of proposed remedy shall be conducted by the SMO, or an authorized representative of the SMO, and as deemed necessary, the Town's Consulting Engineer and other reviewers.
- (6) The detailed response and plans shall be revised and resubmitted for additional review, including any necessary reports or studies. The submitted materials shall be revised as requested by the SMO or his authorized representative, the Town's Consulting Engineer and other reviewers until all concerns have been addressed.
- (7) The SMO shall provide authorization to proceed with the proposed remedy, including a specific timeline for completion of BMPs and all related improvements.
- (8) The SMO may require the violator to post an escrow account to cover the cost of the Town's consultants for inspections and reviews, and a bond to cover the cost of completion of the authorized remedy. The bond shall be an amount recommended by the Town's Consulting Engineer to be sufficient to insure the completion of the authorized remedy and shall specify completion of the remedy within a period of time fixed by the Town Board and not exceeding one year. The bond shall be a surety, cash or savings account bond or letter of credit with security acceptable to and approved by the Town Board as to form, sufficiency and manner

of execution and upon recommendation of the Town Attorney. The bond may be extended for one year upon recommendation of the SMO and the Town's Consulting Engineer and approval by the Town Board.

- (9) Inspection of the site shall be conducted by the SMO, his authorized representative, or the Town's Consulting Engineer during and after site remediation.

§ 140-16. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal and, within five days of making its decision, file its decision in the office of the Town Clerk and mail a copy of its decision by certified mail to the discharger.

§ 140-17. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 140-18. Penalties for offenses.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense; both of which were committed within a period of five years, punishable as a misdemeanor by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offence, all of which were committed within a period of five years, punishable as a misdemeanor by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, repeat violations of this chapter shall be deemed misdemeanors,

and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. Additionally and notwithstanding any other penalty or fine provided for herein, any person who violates the provisions of this chapter shall be obligated to reimburse the Town for any fees incurred by its counsel or engineer or other professional (CPESC) in the enforcement of the provisions hereof. The rates used for reimbursement shall be equal to the per-hour rate of service negotiated by the Town Board in its contract with its attorney(s) and consulting engineer(s).

§ 140-19. Injunctive relief and civil action.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO or the Town Board may commence a civil action in Supreme Court for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation, and may request civil damages in the amounts set forth in § 140-18 in any court of competent jurisdiction.

§ 140-20. Alternative remedies.

- A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO. When deciding whether to recommend an alternative remedy, the Town Attorney and SMO shall consider the following factors:
- (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this chapter.
 - (3) Environmental damage was minimal.
 - (4) The violator acted quickly to remedy the violation.
 - (5) The violator cooperated in investigation and resolution.
- B. No one factor is dispositive, and the decision of whether to recommend an alternative remedy shall solely be in the combined discretion of the Town Attorney and the SMO.
- C. Alternative remedies may include, but shall not be limited to, the following:
- (1) Storm drain stenciling or storm drain marking.
 - (2) Roadside, river, stream or creek cleanup activities.

§ 140-21. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 140-22. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Town of Union Vale, NY
Thursday, May 9, 2019

Chapter 190. Stormwater Management and Erosion and Sediment Control

[HISTORY: Adopted by the Town Board of the Town of Union Vale 10-6-2016 by L.L. No. 5-2016. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. **105**.

Land use fees — See Ch. **128**.

Flood damage prevention — See Ch. **135**.

Illicit discharges to storm sewers — See Ch. **140**.

Subdivision of land — See Ch. **192**.

Zoning — See Ch. **210**.

Street specifications — See Ch. **A215**.

Attachment 1 - Schedule A Stormwater Management Plans 

Attachment 2 - Schedule B Sample Maintenance Agreement 

Attachment 3 - Schedule C SPDES GP No. 0-15-002, Appendix B, Tables 1 and 2 

Article I. General Provisions

§ 190-1. Title.

This chapter shall be known and may be cited as the "Stormwater Management and Erosion and Sediment Control Law of the Town of Union Vale."

§ 190-2. Findings; purpose and objectives.

A. Findings. It is hereby determined that:

- (1) Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- (2) Stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- (3) Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (4) Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.
- (5) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.

- (6) Substantial economic losses can result from these adverse impacts on the waters of the Town.
 - (7) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
 - (8) Regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
 - (9) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.
- B. Purpose and objectives. The purpose of this chapter is to respond to the above findings by establishing minimum stormwater management requirements and controls to protect the environment of the Town and safeguard the general health, safety, and welfare of its people. This chapter seeks to meet this purpose by achieving the following objectives:
- (1) Meeting the requirements of Minimum Measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP 0-15-003 or as amended and/or revised.
 - (2) Meet the minimum requirements as defined and outlined in the Town of Union Vale Stormwater Management Program (SWMP) for Minimum Control Measures 4 and 5.
 - (3) Requiring land development activities conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP No. 0-15-002 or as amended or revised.
 - (4) Minimizing increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.
 - (5) Minimizing increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality.
 - (6) Minimizing the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.
 - (7) Reducing stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensuring that these management practices are properly maintained so as to avoid potential threats to public safety.

§ 190-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board has the authority to enact and amend laws for the purpose of promoting the health, safety and general welfare of the Town of Union Vale and for the protection and enhancement of its physical environment. The Town Board has the further authority to include in any such local law provisions for the appointment of any Town officer, employees, or independent contractors to effectuate, administer and enforce such local law.

§ 190-4. Designation and responsibilities of Stormwater Management Officer.

This chapter shall be administered by a Stormwater Management Officer who shall be appointed by the Town Board.

- A. The Stormwater Management Officer shall accept and review for their completeness all stormwater pollution prevention plans and other documents required under this chapter and forward a copy of any such submission to the applicable Town agency with either permitting or approving authority or responsibility for conduct of the work.
- B. The Stormwater Management Officer may either:
 - (1) Independently review submitted stormwater pollution prevention plans and other required documents; or
 - (2) Engage the services of a registered professional engineer or other professionals to assist in the review of the plans, specifications and other required documents in accordance with the terms of an annual authorization provided by the Town Board and § **190-17** of this chapter.
- C. The Stormwater Management Officer shall be responsible for approving, upon determination of compliance with this chapter, stormwater pollution prevention plans and other documents required hereunder and for monitoring their implementation in the manner set forth in Article **III** herein.

§ 190-5. Applicability.

- A. This chapter shall be applicable to all land development activities as defined at Article **II**, § **190-7**, herein.
- B. All land development activities subject to review and approval by the Planning Board of the Town of Union Vale under subdivision, site plan, and/or special permit regulations shall be reviewed by the Planning Board with due consideration of input provided by the Stormwater Management Officer in accordance with the threshold criteria and standards and upon the applicant's submission of the required documents set forth in this chapter.
- C. All land development activities not subject to review by the Planning Board as stated in above Subsection **B** but otherwise subject to the requirements of this chapter in accordance with the threshold criteria set forth at § **190-8B(2)** shall be reviewed by the Stormwater Management Officer either 1) independently or 2) with the assistance of a registered professional engineer, as authorized by the Town Board, in accordance with the standards and upon the applicant's submission of the required documents set forth in this chapter. Such land development activities shall be subject to requirement for application to the Town Code Enforcement Officer for a site work permit and the issuance thereof prior to the start of work.

§ 190-6. Exemptions.

The following activities shall be exempt from review under this chapter:

- A. Agricultural activity as defined in this chapter and conducted in a manner consistent with sound agricultural practices, as defined by the New York State Department of Agriculture and Markets.
- B. Silviculture, including forestry activity conducted in a manner consistent with the timber harvesting guidelines as defined by the New York State Department of Environmental Conservation, except that landing areas and log haul roads are subject to this chapter.

- C. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- D. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Union Vale Planning Board and filed in the Dutchess County Clerk's office on or before the effective date of this chapter.
- E. Land development activities for which a building permit has been approved and issued on or before the effective date of this chapter.
- F. Cemetery graves.
- G. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles, but not including the installation of transmission equipment.
- H. Emergency activity deemed by the Town of Union Vale Code Enforcement Officer or other duly-authorized person or agency immediately necessary to protect life, property or natural resources.
- I. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

Article II. Requirements for Stormwater Control

§ 190-7. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, and using land for growing agricultural products, but shall not include the construction of new structures associated with agricultural activities, the cutting of timber or firewood for sale or barter, or any mining or other removal of earthen materials.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

BASIC STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A basic SWPPP shall consist of a site-specific detailed erosion and sediment control plan prepared by a CPESC, licensed professional engineer or registered landscape architect at scale of not less than one inch equals 50 feet.

BUILDING

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of gross floor area.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING

Any activity that removes the vegetative surface cover.

COMMENCEMENT OF CONSTRUCTION

The initial removal of vegetation and disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

CPESC

A certified professional in erosion and sediment control.

CPSWQ

A certified professional in stormwater quality.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEPARTMENT

The New York State Department of Environmental Conservation. See also "NYSDEC."

DESIGN MANUAL

The New York State Stormwater Management Design Manual (SMDM), most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER

A person who undertakes land development activities.

EROSION CONTROL

A primary source control that is any practice that protects the soil surface and prevents the soil particles from being detached by rainfall or wind.

EROSION CONTROL MANUAL

The most recent version of the manual entitled "New York Standards and Specifications for Erosion and Sediment Control," commonly known as the "Blue Book."

FINAL SITE STABILIZATION

The condition achieved after all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas not covered by permanent structures.

GRADING

Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area, inclusive of both state and federal wetlands, that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY

Site preparation, development and/or construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT

A legally recorded document which serves as a property deed restriction and provides for the long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NYSDEC

The New York State Department of Environmental Conservation. See also "Department."

OWNER or OPERATOR

The person, persons or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from land development activity.

PROJECT

Land development activity.

QUALIFIED INSPECTOR

A person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed professional engineer, certified professional in erosion and sediment control (CPESC), registered landscape architect, or other Department-endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed professional engineer or registered landscape architect has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed professional engineer or registered landscape architect shall receive four hours of training every three years. It can also mean a person that meets the qualified professional qualifications in addition to the qualified inspector qualifications. (Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed professional engineer.)

QUALIFIED PROFESSIONAL

A person knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed professional engineer, licensed landscape architect or other NYSDEC-endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater

management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics, in order to prepare a SWPPP that conforms to the NYSDEC's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the New York State Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and/or habitats for threatened, endangered or special concern species.

SITE WORK PERMIT

A permit issued by the Town Code Enforcement Officer to track projects involving land development activities subject to the requirements of this chapter but for which no other permits or approvals from the Town are required.

SOUND AGRICULTURAL PRACTICES

Agricultural practices that either have been or would be determined sound by the Commissioner of Agriculture and Markets upon application of the guidelines recommended for the Commissioner's use by the New York State Advisory Council on Agriculture, including but not limited to:

- A. The practice should be legal;
- B. The practice should not cause bodily harm or property damage off the farm;
- C. The practice should achieve the results intended in a reasonable and supportable way;
- D. The practice should be necessary.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP No. 0-15-002

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP No. 0-15-003

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER

An employee or officer designated by the Town Board of the Town of Union Vale to accept and review stormwater pollution prevention plans, forward the plans to the applicable Town board or agency and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities, including both an erosion control plan prepared by a CPESC, licensed professional engineer or registered landscape architect, and a water quality plan prepared by a CPSWQ, licensed professional engineer or registered landscape architect, with it required, however, that any SWPPP that includes post-construction stormwater management practices shall be prepared by a qualified professional as defined herein.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation or snowmelt.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TIMBER HARVESTING GUIDELINES

Published guidelines posted by the New York State Department of Environmental Conservation in consultation with the New York Society of Foresters and the New York State College of Environmental Science and Forestry dealing "with problems caused by soil erosion, siltation and inattention to aesthetics" and including "best management practices recommended for timber harvesting in New York State, plus additional aesthetic practices."

TRAINED CONTRACTOR

An employee from the contracting (construction) company, identified by the owner or operator that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP, that has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity. After receiving the initial training, the trained contractor shall receive four hours of training every three years. It can also mean an employee from the contracting (construction) company that meets the qualified inspector qualifications [e.g., licensed professional engineer, certified professional in erosion and sediment control (CPESC), registered landscape architect, or someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided he or she has received four hours of Department-endorsed training in proper

erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity]. The trained contractor will be responsible for the day-to-day implementation of the SWPPP.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 190-8. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed by the Planning Board or other Town agency as may be appropriate until the Stormwater Management Officer has received for review and approval a stormwater pollution prevention plan (SWPPP) prepared and signed by a CPESC, licensed professional engineer or registered landscape architect in accordance with the specifications in this chapter. For land development activities having less than one acre of disturbance, refer to Subsection **B(2)(a)** below.
- (1) An owner or operator of a construction activity shall have his or her SWPPP reviewed and accepted by the Town of Union Vale prior to submitting the notice of intent (NOI) to the NYSDEC. Such acceptance by the Town shall be indicated by the issuance of an MS4 acceptance form to the owner or operator by the Town.
 - (2) The Planning Board Chairperson shall not sign any approval of an application for a land development activity until the Town receives a copy of the acknowledgement of receipt of the NOI from the NYSDEC for a conforming SWPPP and both a copy of the acknowledgement of receipt of the NOI and an approval from the NYSDEC for a nonconforming SWPPP.
 - (3) Likewise, the Stormwater Management Officer shall not sign any approval of an application for any land development activities that are not subject to review and approval by a board of the Town of Union Vale under subdivision, site plan, and/or special permit regulations until the Town receives a copy of the acknowledgement of receipt of the NOI from the NYSDEC and an approval from the NYSDEC for a nonconforming SWPPP.
 - (4) The SWPPP must include documentation supporting the determination of permit eligibility with regard to historic places or archaeological resources. At a minimum, the supporting documentation shall include the following:
 - (a) Information on whether the stormwater discharge or construction activities would have an effect on a property (historic or archeological resource) that is listed or eligible for listing on the State or National Register of Historic Places;
 - (b) Results of historic resources screening determinations conducted. Information regarding the location of historic places listed, or eligible for listing, on the State or National Registers of Historic Places and areas of archeological sensitivity that may indicate the need for a survey can be obtained online by viewing the New York State Office of Parks, Recreation and Historic Places (OPRHP) online resources located on its website at: <http://nysparks.state.ny.us/shpo/online-tools/> (using The Geographic Information System for Archeology and National Register). OPRHP can also be contacted at: NYS OPRHP, State Historic Preservation Office, Peebles Island Resources Center, P.O. Box 189, Waterford, NY 12188-0189; phone: 518-237-8643;
 - (c) A description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the State or National Register of Historic Places. If the

owner or operator fails to describe and implement such measures, the stormwater discharge is ineligible for coverage under this permit; and

- (d) Where adverse effects may occur, any written agreements in place with OPRHP or other governmental agencies to mitigate those effects, or local land use approvals evidencing the same.

B. Contents of stormwater pollution prevention plans.

- (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) for the project, including a general location map. The site map shall be at a scale no less than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; mapped habitats; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s).
 - (c) Description of the soil(s) present at the site.
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless otherwise provided for within an approved SWPPP.
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.
 - (f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out, including the use of pervious pavers or porous pavement, which is encouraged by the Town of Union Vale where practicable to reduce stormwater runoff.
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.
 - (j) Temporary practices that will be converted to permanent control measures.
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.

- (l) Inspection and maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
 - (m) Name(s) of the receiving water(s).
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site.
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - (p) Identification of any elements of the design that are not in conformance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.
 - (q) Any existing data that describes the stormwater runoff at the site.
 - (r) A completed notice of intent (NOI). Said NOI shall be submitted to the NYSDEC and the Town to obtain SPDES General Construction Permit GP No. 0-15-002 coverage prior to commencement of construction. Proof of coverage shall be submitted to the SMO and the Planning Board prior to final approval and prior to endorsement of the subdivision plat, special use permit, or site plan by the Planning Board Chairman.
- (2) Required plans.
- (a) A basic SWPPP as defined in § 190-7 of this article shall be required for all land development activities having less than one acre of disturbance, including the construction of either a single-family or two-family residence and an agricultural building that results in the disturbance of between one acre and five acres of land, as well as all other construction projects identified in SPDES GP No. 0-15-002, Appendix B, Table 1, as attached hereto within Schedule C.^[1] The Stormwater Management Officer may waive any or all of the requirements of the basic SWPPP for projects having less than one acre of disturbance upon consideration of the following criteria: impact of runoff on subject property or adjacent property; grades and slopes upon which project is proposed; soil types in location of project or adjacent to project; duration of project construction; or any other consideration having its basis in the protection of environment which would be secured if a basic SWPPP were required.
[1] Editor's Note: Schedule C is included as an attachment to this chapter.
 - (b) All construction projects identified in SPDES GP No. 0-15-002, Appendix B, Table 2, as attached hereto within Schedule C,^[2] as needing post-construction stormwater management practices shall be further the subject of an SWPPP that includes stormwater management practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual ("Design Manual").
[2] Editor's Note: Schedule C is included as an attachment to this chapter.
- (3) SWPPP requirements:
- (a) All information set forth in above Subsection **B(1)**.
 - (b) Description of each post-construction stormwater management practice.
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.

- (d) Hydrologic and hydraulic analyses for all structural components of the stormwater management system for the applicable design storms.
- (e) Comparison of post-development stormwater runoff conditions with pre-development conditions.
- (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
- (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
- (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair, such easements to be recorded on the plan and shall remain in effect with transfer of title to the property.
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article II, § 190-13B of this chapter; or formation of a stormwater management district, administered by the Town, to perform these responsibilities.
- (j) Preparation of the SWPPP by a CPESC, licensed professional engineer or registered landscape architect, who shall sign the plan and certify that the design of all stormwater management practices meets the requirements in this chapter.

§ 190-9. Other environmental, land use and building construction permits.

The applicant shall assure that all other applicable environmental, land use and building construction permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

§ 190-10. Contractor certification.

A. Certification; additional information.

- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ('SPDES') general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. 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."
- (2) In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the trained individual(s) responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The owner or operator shall attach

the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

- B. The certification statement(s) shall become part of the SWPPP for the land development activity.

§ 190-11. Availability of SWPPP.

A copy of the SWPPP bearing signed and dated notation of approval by the Stormwater Management Officer shall be maintained and available at the site of the land development activity from the date of initiation of site preparation, development and/or construction activities to the date of final stabilization.

§ 190-12. Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual"), including but not limited to Table 5.1 presented therein and attached hereto as Schedule A.^[1]
[1] Editor's Note: Schedule A is included as an attachment to this chapter.
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in above § 190-12A, and the SWPPP shall be prepared by a licensed professional engineer.
- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 190-13. Maintenance, inspection and repair of stormwater management facilities.

- A. Maintenance and inspection during construction.
- (1) The applicant or developer of the land development activity or such person's representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50% and placed in an acceptable location and shall be properly stabilized.

- (2) For land development activities as defined in § 190-7 of this article and meeting § 190-8B(2)(a) or (b), the owner or operator shall have a qualified inspector conduct site inspections in accordance with the following timetable:
- (a) For construction sites where soil disturbance activities are ongoing, the qualified inspector shall conduct a site inspection at least once every seven calendar days.
 - (b) For construction sites where soil disturbance activities are ongoing and the owner or operator has received authorization in accordance with Part II.C.3^[1] to disturb greater than five acres of soil at any one time, the qualified inspector shall conduct at least two site inspections every seven calendar days. When performing just two inspections every seven calendar days, the inspections shall be separated by a minimum of two full calendar days.
[1] Editor's Note: See Part II.C.3 of the SPDES General Permit for Stormwater Discharges, on file in the Town offices.
 - (c) For construction sites where soil disturbance activities have been temporarily suspended (e.g., winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every 30 calendar days. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to reducing the frequency of inspections.
 - (d) For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to the shutdown. If soil disturbance activities are not resumed within two years from the date of shutdown, the owner or operator shall have the qualified inspector(s) perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the notice of termination (NOT). The owner or operator shall then submit the completed NOT form to the NYSDEC with copy to the Town of Union Vale Stormwater Management Officer.
 - (e) In addition, any significant failure of stormwater management facilities or change to the SWPPP shall be reported immediately to the Stormwater Management Officer. The owner or operator shall notify the Town Stormwater Management Officer in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the approved SWPPP. Unless otherwise notified by the Town, the owner or operator shall have the SWPPP amendments or modifications reviewed and accepted by the Town prior to commencing construction of the post-construction stormwater management practice.
- (3) 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. "Daily basis" means that the trained contractor visits the site each day when soil disturbance activities are being performed and spends as much time as needed to ensure that his or her employees are properly implementing the SWPPP.

- B. Qualified inspector inspection requirements. The owner or operator shall have a qualified inspector conduct site inspections in conformance with the following requirements:

- (1) Note: The trained contractor cannot conduct the qualified inspector site inspections unless they meet the qualified inspector qualifications. In order to perform these inspections, the trained contractor would have to be a:
 - (a) Licensed professional engineer;
 - (b) Certified professional in erosion and sediment control (CPESC);
 - (c) Registered landscape architect; or
 - (d) Someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that he or she has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity.
- (2) A qualified inspector shall conduct site inspections for all construction activities with the exception of:
 - (a) The construction of a single-family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one or more acres of land but less than five acres;
 - (b) The construction of a single-family home that involves a soil disturbance of one or more acres of land but less than five acres; and
 - (c) Construction on agricultural property that involves a soil disturbance of one or more acres of land but less than five acres.
 - (d) Those associated with the basic SWPPP requirements required by the SMO for projects having less than one acre of disturbance.
- (3) At a minimum, the qualified inspector shall inspect all erosion and sediment control practices 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 water bodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.
- (4) The qualified inspector shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - (a) Date and time of inspection;
 - (b) Name and title of person(s) performing inspection;
 - (c) A description of the weather and soil conditions (e.g., dry, wet, saturated) at the time of the inspection;
 - (d) A description of the condition of the runoff at all points of discharge from the construction site; this shall include identification of any discharges of sediment from the construction site; includes discharges from conveyance systems (i.e., pipes, culverts, ditches, etc.) and overland flow;
 - (e) A description of the condition of all natural surface water bodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas; this shall include identification of any discharges of sediment to the surface water body;

- (f) Identification of all erosion and sediment control practices that need repair or maintenance;
 - (g) Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - (h) Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;
 - (i) Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - (j) Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and
 - (k) Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report being maintained on site within seven calendar days of the date of the inspection. The qualified inspector shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven calendar days of that inspection.
- (5) Within one business day of the completion of an inspection, the qualified inspector shall notify the owner or operator and appropriate contractor or subcontractor of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
- (6) All inspection reports shall be signed by the qualified inspector. The inspection reports shall be maintained on site with the SWPPP.
- C. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility (except that which serves only a single-family residence) as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Union Vale to ensure that the facility is maintained in proper working condition to meet design standards and any other provision established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Attorney for the Town of Union Vale and consent of the Town Board.
- D. Maintenance after construction. The owner or operator of permanent stormwater management practices (SMPs) installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.

- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 190-12C of this article.

E. Maintenance agreements.

- (1) The Town of Union Vale shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Dutchess County Clerk as a deed restriction on the property prior to final plan approval.
- (2) The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter, entitled "Model Stormwater Control Facility Maintenance Agreement/Declaration of Covenants and Restrictions for Maintenance of Stormwater Management Facilities."^[2] The Town Board of the Town of Union Vale, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, whether directly or on behalf of a stormwater drainage district, provided that such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

[2] *Editor's Note: Schedule B is included as an attachment to this chapter.*

Article III. Administration and Enforcement

§ 190-14. Construction inspection.

A. Erosion and sediment control inspection.

- (1) The Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter, a basic SWPPP and/or the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before any of the following as required by the Stormwater Management Officer:
 - (a) Start of construction;
 - (b) Installation of sediment and erosion control measures;
 - (c) Completion of site clearing;
 - (d) Completion of rough grading;
 - (e) Completion of final grading;
 - (f) Close of the construction season;
 - (g) Completion of final landscaping; and
 - (h) Successful establishment of landscaping in public areas.
- (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are

required to submit "as built" plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion.

- (1) It shall be the primary responsibility of the landowner and the successor landowners to perform all necessary inspections, maintenance, reporting, adjustments, repair, replacement and reconstruction of the stormwater management facilities by a certified professional or a professional engineer.
- (2) If, at any time, the Stormwater Management Officer determines that necessary inspections, reports, maintenance, repairs, adjustments, replacement or reconstruction have not been properly performed, the Town may undertake to perform any such work or work that it finds, in its sole judgment, is necessary to preserve the stormwater management functions of stormwater management practices (SMPs), at the cost and expense of the landowner and the successor landowners. Copies of all bills, statements and invoices substantiating such costs, including costs of consultants, shall be included with written notice of same. Each lot or parcel shall individually and separately bear its equal share of such costs, and in the event that its share is not paid within 30 calendar days of issuance of statements for this work, the amount of such share shall constitute a lien against such lot or parcel, which shall be levied and collected in the same manner as Town real estate property taxes or in such manner otherwise provided by law. The landowner and the successor lot or parcel landowner shall be personally liable for payments of their respective shares of all such costs, including costs of collection and reasonable attorney's fees.

D. Submission of reports. The Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter. The Stormwater Management Officer may also require ongoing monitoring and reporting after project completion, as the Town deems necessary, to determine compliance with this chapter.

E. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Union Vale the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in above **§ 190-14C**.

F. Escrow for inspection consultant(s). The Stormwater Management Officer shall have the right to consult with a professional engineer or professional engineering firm whenever the Stormwater Management Officer deems necessary with respect to any of the inspections conducted or to be conducted under this chapter. All such costs for a professional engineering consultant shall be paid for by the applicant. Prior to scheduling any inspections under this section, the applicant shall deposit a monetary escrow with the Town of Union Vale, in an amount deemed sufficient by the Stormwater Management Officer to pay for the estimated cost of all necessary inspections under this chapter.

§ 190-15. Performance guarantee.

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Union Vale in its approval of the stormwater pollution prevention plan, the Town of Union Vale may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Union Vale as the beneficiary. The security shall be in an amount to be determined by the Town of Union Vale based on submission of final design plans, with reference to actual construction and landscaping costs for the installation of the required stormwater management practices.

§ 190-16. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Union Vale determines that a land development activity is not being carried out in accordance with the requirements of this chapter, the Stormwater Management Officer (SMO) shall issue a written notice of violation to the landowner. The notice of violation shall contain the following:
- (1) The name and address of the landowner, developer or applicant;
 - (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) An order to remedy the violation;
 - (5) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action; and
 - (6) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
- B. Stop-work orders. The Town of Union Vale may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Union Vale confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties.
- (1) Violation of any provision of this chapter or any violation of any statement, plan application, permit or certificate approved under the provisions of this chapter, shall be considered an offense punishable by a civil penalty of not more than \$350 for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a civil penalty of not less than \$350 nor more than \$700 and/or imprisonment for not more than 14 days; and upon conviction of a third or subsequent offense within a period of five years, punishable by a civil penalty of not less than \$700 nor more than \$1,000 and/or imprisonment for a period of not more than six months.
 - (2) The owner, general agent, contractor or lessee of the land and/or building premises, or part thereof, where such violation has been committed or does exist, and any agent, contractor, builder, architect or engineer, corporation or other person who commits, takes part in or assists in such violation, shall be guilty of an offense and shall be liable upon conviction to a civil penalty and/or imprisonment as provided herein.
 - (3) All such penalties shall be collectible by and in the name of the Town. Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense, for which separate and additional penalties may be imposed and recovered, provided that such initial notice and subsequent weekly notice shall be given in writing to the landowner.

- (4) Violations of this chapter shall be deemed misdemeanors only for the purpose of conferring jurisdiction upon courts and judicial officers.
 - (5) Additionally and notwithstanding any other penalty or fine provided for herein, any person who violates the provisions of this chapter shall be obligated to reimburse the Town for any fees incurred by its counsel or consulting engineer or other professional (CPESQ) in the enforcement of the provisions hereof. The rates used for reimbursement shall be equal to the per-hour rate of service negotiated by the Town Board in its contract with its attorney(s) and consulting engineer(s).
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may act to prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Union Vale may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 190-17. Fees for services.

The Town of Union Vale may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for reviews of stormwater pollution prevention plans and other required documents, inspections, or maintenance of stormwater management practices (SMPs) performed by the Town of Union Vale or performed by a third party for the Town of Union Vale.

Article IV. Severability; When Effective

§ 190-18. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

§ 190-19. When effective.

This chapter shall become effective immediately upon filing by the Town with the Secretary of State of the State of New York.

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Mary Jane MacCrae

October 7, 2016

George Kolb, Building Inspector

Town of Union Vale

249 Duncan Hill Road

Union Vale, New York 12540

Re: Compliance Letter for DEC

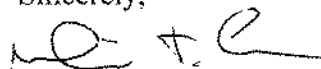
Dear Mr. Kolb:

The purpose of this letter is to confirm that on October 6, 2016, the Town Board of the Town of Union Vale adopted the appropriate modifications to the Town Code, by its adoption of Chapter 140, entitled, "Illicit Discharge to Stormwater," and Chapter 190, entitled, "Stormwater Management & Erosion and Sediment Control Law," for compliance with the Municipal Separate Stormwater Sewer System Plan (MS4) for the Town of Union Vale.

This letter shall also to confirm that in making the above confirmation we have reviewed the MS4 for the Town of Union Vale, the regulations promulgated by the New York State Department of Conservation applicable thereto, the existing provisions of the Town Code and the amendments adopted last evening.

Thank you very much.

Sincerely,



Michael T. Liguori

Appendix H.2

Stormwater Pollution Prevention Plan (SWPPP) Application Form

The Town of Union Vale does not currently have a Specialized
SWPPP Application Form - Schedule C of Town Code §190
attached

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

190 Attachment 3

Town of Union Vale

Schedule C

SPDES GP No. 0-15-002, Appendix B, Tables 1 & 2

APPENDIX B

Required SWPPP Components by Project Type

Table 1
Construction Activities that Require the Preparation of a SWPPP
That Only Includes Erosion and Sediment Controls

<p>The following construction activities that involve soil disturbances of one or more acres of land, but less than five acres:</p> <ul style="list-style-type: none">• Single family home not located in one of the watersheds listed in Appendix C or not directly discharging to one of the 303(d) segments listed in Appendix E• Single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E• Construction of a barn or other agricultural building, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances of one or more acres of land:</p> <ul style="list-style-type: none">• Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains• Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects• Bike paths and trails• Sidewalk construction projects that are not part of a road/highway construction or reconstruction project• Slope stabilization projects• Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics• Spoil areas that will be covered with vegetation• Land clearing and grading for the purposes of creating vegetated open space (i.e., recreational parks, lawns, meadows, fields), excluding projects that alter hydrology from pre to post development conditions• Athletic fields (natural grass) that do not include the construction or reconstruction of impervious area and do not alter hydrology from pre to post development conditions• Demolition project where vegetation will be established and no redevelopment is planned• Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with impervious cover• Structural practices as identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State”, excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
<p>The following construction activities that involve soil disturbances between 5,000 square feet and one acre of land:</p> <ul style="list-style-type: none">• All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between 5,000 square feet and one acre of land.

UNION VALE CODE

Table 2
Construction Activities that Require the Preparation of a SWPPP That Includes
Post-construction Stormwater Management Practices

The following construction activities that involve soil disturbances of one or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or directly discharging to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or directly discharging to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one and five acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments: includes townhouses, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or alter the hydrology from pre to post development conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building (e.g. silo) and structural practices as identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State” that include the construction or reconstruction of impervious area, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities: includes highway garages, transfer stations, office buildings, POTW’s and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or alter the hydrology from pre to post development conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with impervious cover, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- All other construction activities that include the construction or reconstruction of impervious area or alter the hydrology from pre to post development conditions, and are not listed in Table 1

Appendix H.3

Stormwater Pollution Prevention Plan (SWPPP) Contents Check List

SWPPP CONTENTS CHECKLIST – Town/City Village of XXX, Dutchess County, NY

Project: _____

Date: _____

By: _____

GENERAL INFORMATION:

Done	Description of Requirement	Remarks
	Owner/Operator name: _____ Legal Address: _____ Phone Number: _____ Email: _____ Contact Person: _____	
	Copy of <u>signed</u> Notice of Intent (NOI)	
	Signature of SWPPP Preparer on NOI (must be a Professional Engineer for SWPPPs with engineered practices)	
	Contractor (and subcontractors if applicable) certification statement(s) [Part III.A.5. of GP-0-08-001]	
	Site address and legal description (Tax ID) of site	
	Documentation from NYS Historic Preservation Office that the project has no effect on property that is listed or eligible for listing on the State or National Register of Historic Places	
	Vicinity Map, showing project boundary and receiving water(s)	
	MS4 SWPPP Acceptance Form (for project located in regulated MS4s)	

ESC/POST-CONSTRUCTION SMP:

Done	Description of Requirement	Included Page #	Remarks
	Erosion & Sediment Control (ESC) Component		
	Description, scope, location, type & size of project		
	Site map / construction drawings, including:		
	- Total site area;		
	- Show & label improvements;		

Done	Description of Requirement	Included Page #	Remarks
	- Existing and proposed topography (minimum 2-foot contours recommended);		
	- Location of perennial and intermittent streams;		
	- Boundaries of existing predominant vegetation and proposed limits of clearing;		
	- Location and boundaries of resource protection areas such as wetlands, lakes, ponds and other setbacks (e.g. stream buffers, drinking water well setbacks, septic setbacks);		
	- Location of existing and proposed roads, lot boundaries, buildings and other structures;		
	- Location and size of staging areas, equipment storage areas, borrow pits, waste areas and concrete washout areas;		
	- Existing and proposed utilities (e.g. water, sewer, electric) and easements;		
	- Location and flow paths of existing and proposed conveyance systems such as channels, swales, culverts and storm drains;		
	- Location of floodplain/floodway limits;		
	- Location of Steep Slopes;		
	- Location of Erodible Soils;		
	- Location and dimensions of proposed channel modifications, such as bridge or culvert crossing;		
	- Location, size, maintenance access and limits of disturbance of proposed temporary and permanent stormwater management and erosion and sediment control practices, including timing and duration of temporary practices;		
	- Plans stamped and signed by qualified professional (must be a licensed professional on plans with engineered practices).		

Done	Description of Requirement	Included Page #	Remarks
	Mapping and description of soils from USDA Soil Survey, including hydrologic soil group, as well as location of any site specific borehole investigations that may have been performed		
	Construction phasing plan & sequence of operations; Duration of Construction (from – to)		
	Description of temporary and permanent structural and vegetative measures for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out		
	Temporary and permanent soil stabilization plan		
	Site map/construction drawing(s) showing the specific locations, sizes, and lengths of each erosion and sediment control practice		
	Material specifications, dimensions, installation details and operation and maintenance requirements for erosion and sediment control practices, including the location and sizing calculations for any temporary sediment basins		
	Inspection and Maintenance schedule for the owner or operator, or the contractor(s) or subcontractor(s), to insure continuous and effective operation of the erosion and sediment control practices, in accordance with the <i>New York Standards and Specifications for Erosion and Sediment Control</i>		
	Pollution prevention measures used to control litter, chemicals and construction debris		
	Spill prevention and response		
	Description of structural practices to divert flow from exposed soils, store flows, or otherwise limit runoff and discharge of pollutants from exposed areas of the site to degree attainable		
	Identification of any design elements not in conformance with the <i>New York Standards and Specifications for Erosion and Sediment Control</i> , reason for the deviation or alternative design, and demonstration that the alternative is equivalent to the technical standards		

Done	Description of Requirement	Included Page #	Remarks
	Post-construction stormwater management practice component (PCSMPC)		
	Design Manual Practice Identification		
	Design Manual Pretreatment Practice		
	Site map/construction drawing(s) showing specific location and size of each PCSMP		
	Dimensions, material specifications and installation details for each PCSMPC		
	<i>Hydrologic and hydraulic analysis for all structural components of the stormwater management control system:</i>		
	Watercourse Site Drains to (TMDL or 303d?)		
	Existing/Proposed Basin Areas		
	Boundary and acreage of upstream watershed		
	Existing/Proposed Impervious surface area		
	Existing/Proposed Curve Numbers		
	24 Hr Rainfall Events (1, 2, 10, 25, 100 year)		
	Existing/Proposed Times of Concentration		
	Existing/Proposed Peak Rates of Runoff		
	Water Quality Volume required/proposed		
	Channel Protection Volume required/proposed		
	Overbank Volume required/proposed		
	Extreme Flood Volume required/proposed		
	Demonstrated capacity of collection system with HGL for 25/100 year design storm		
	Identification of design elements not conforming with the <i>Design Manual</i> , reason for the deviation, and demonstration that the alternative is equivalent to the technical standards		
	identification of any design criteria that are not required based on redevelopment criteria or waiver criteria included in the <i>Design Manual</i>		

Done	Description of Requirement	Included Page #	Remarks
	Required enhanced phosphorus removal standards?		
	Inspection and Maintenance Requirements		
	Owner/Operators Inspection Requirements noted (inspect the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times).		
	Trained Individual's Name and Date of Certification.		
	Qualified Inspector Name and Credentials		
	Qualified Inspector's report contents:		
	- Date & time of inspection		
	- Name & title of inspector		
	- Weather & soil conditions		
	- Condition of all runoff points /discharges from the site		
	- Identification of ESC practices that need maintenance and/or repair		
	- Identification of ESC practices not properly installed		
	- Description & sketch of disturbed area		
	- Current phase of Post Construction Component		
	- Corrective actions to install/repair/replace		
	TERMINATION OF PERMIT COVERAGE		
	Owner/operator submits completed NOT		
	Notice of termination (NOT) Requirements (required for one or more of the following):		

Done	Description of Requirement	Included Page #	Remarks
	- Total project completion		
	- Planned shutdown with partial project completion		
	-New owner or operator		
	<i>Qualified inspector</i> performs final site inspection for completed post-construction stormwater practices and final stabilization		
	Owner/operator ensures one of the following:		
	- Post-construction stormwater management and any rights-of-way needed for O&M have been deeded to municipality		
	- Executed maintenance agreement with municipality in place		
	- Owner has deed restriction for O&M of privately-owned stormwater management practices		
	- O&M procedures in place for stormwater management practices owned by public/private institution		
	Reporting and Retention of Records		
	Owner maintains copies for 5 years after final stabilization of the site:		
	- Notice of Intent (NOI)		
	- NOI acknowledgment letter		
	- Stormwater Pollution Prevention Plan (SWPPP)		
	- MS4 - SWPPP acceptance form		
	- All inspection reports		
	- Notice of Termination (NOT)		

Appendix H.4

Construction Stormwater Compliance Inspection Report Form

STORM WATER INSEPTION REPORTS :

LOCATION : _____

DATE : _____

Owner / Contractor : _____

Project Type : _____

Initial review outline items :

Maintenance items :

Items in compliance: YES [] NO []

Items to be completed by (Date _____) :

S.W.M.O George A. Kolb _____

Appendix H.5

Stormwater Fee Schedule – Application and Inspection Fees

- (4) Violations of this chapter shall be deemed misdemeanors only for the purpose of conferring jurisdiction upon courts and judicial officers.
 - (5) Additionally and notwithstanding any other penalty or fine provided for herein, any person who violates the provisions of this chapter shall be obligated to reimburse the Town for any fees incurred by its counsel or consulting engineer or other professional (CPESQ) in the enforcement of the provisions hereof. The rates used for reimbursement shall be equal to the per-hour rate of service negotiated by the Town Board in its contract with its attorney(s) and consulting engineer(s).
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may act to prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Union Vale may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 190-17. Fees for services.

The Town of Union Vale may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for reviews of stormwater pollution prevention plans and other required documents, inspections, or maintenance of stormwater management practices (SMPs) performed by the Town of Union Vale or performed by a third party for the Town of Union Vale.

Article IV. Severability; When Effective

§ 190-18. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

§ 190-19. When effective.

This chapter shall become effective immediately upon filing by the Town with the Secretary of State of the State of New York.

*Town of Union Vale, NY
Friday, June 28, 2019*

Chapter 128. Fees, Land Use

Article I. Applications

§ 128-3. Stormwater pollution prevention plans.

The below schedule shall apply to review and approval of stormwater pollution prevention plans (SWPPPs) by the Stormwater Management Officer and, where applicable, the Planning Board, pursuant to Town Code Chapter 122, Erosion and Sediment Control:

- A. All applications for approval of a basic stormwater pollution prevention plan as defined within Article II, § 122-7, therein, shall be accompanied by a check payable to the Town of Union Vale in the amount of \$150.
- B. All applications for approval of a full stormwater pollution prevention plan as defined therein and consisting of both an erosion control plan and a water quality plan shall be accompanied by a check payable to the Town of Union Vale in the amount of \$250.
- C. In addition to the above application fees, either the Planning Board in those situations where the project subject of the SWPPP is within the subdivision, site plan or special use permit jurisdiction of the Planning Board or the Stormwater Management Officer when Planning Board approval is not otherwise required may require an escrow account be established by the applicant to defray the cost of review of the SWPPP by private engineering or stormwater management consultants or other experts who may be engaged by the Town.
- D. The Stormwater Management Officer may additionally require an escrow account be established to defray the cost of inspection by private engineering or stormwater management consultants of the installation of the stormwater management practices set forth within an approved SWPPP.

Appendix H.6

Example Stormwater Performance Bond Estimator

The Town of Union Vale does not currently use a Stormwater Performance Bond Estimator

Appendix I

Supporting Documentation for Post-Construction Stormwater Management MCM

- Appendix I.1 Regulatory Mechanism and Attorney Certification
- Appendix I.2 Stormwater Management Facilities Inspection and Maintenance Easement
- Appendix I.3 Stormwater Management Facilities Maintenance Agreement
- Appendix I.4 Operation, Maintenance and Management Inspection Checklists (DEC)
- Appendix I.5 List of Private and MS4 Owned Stormwater Management Practices

Appendix I.1

Regulatory Mechanism and Attorney Certification

Chapter 140

ILLICIT DISCHARGES TO STORM SEWERS

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 105.	Stormwater management and erosion and sediment control — See Ch. 190.
Land use fees — See Ch. 128.	Subdivision of land — See Ch. 192.
Flood damage prevention — See Ch. 135.	Zoning — See Ch. 210.
	Street specifications — See Ch. A215.

§ 140-1. Purpose and intent.

The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the Town of Union Vale through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES general permit for municipal separate storm sewer systems. The intent of this chapter is to meet the following objectives:

- A. To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-0-15-003, as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 140-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable only to a portion of this chapter, the following terms will have the meanings set forth below:

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use)

are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. Section 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, NYSDEC SPDES General Construction Permit GP 0-15-002, as amended or revised. These activities include construction projects resulting in land disturbance equal to or greater than one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation (NYSDEC).

DESIGN PROFESSIONAL — A New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 140-6 of this chapter.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP 0-15-002, as amended or revised.

MS4 or MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Union Vale;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

MUNICIPALITY or TOWN — The Town of Union Vale acting either through the Town Board or the appointed Stormwater Management Officer.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, animal waste, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water, which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of applicable water quality standards. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. Section 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water body or watercourse. Under this condition, the stormwater

management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water body or watercourse.

- C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by the EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program (SWMP) to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program (SWMP) to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee, the Municipal Engineer or other public official(s) designated by the Town of Union Vale to enforce this chapter. The SMO may also be designated by the municipality to accept, review and approve stormwater pollution prevention plans (SWPPP), forward the plans to the applicable municipal department and inspect stormwater management practices (SWMP). Plan reviews and site inspections may be delegated to a consulting engineer and/or a consultant paid for through the applicant's escrow account (hereinafter referred to as the "authorized representative of the SMO"); however, a municipal employee or board member must make the final approval.

SUBSURFACE SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law, as revised or amended. For purposes of this chapter, an individual sewage treatment system and subsurface sewage disposal systems are deemed to be a type of subsurface sewage treatment system.

TOTAL MAXIMUM DAILY LOAD (TMDL) — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 140-3. Applicability.

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 140-4. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 140-5. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

§ 140-6. Prohibition of illicit discharges; exceptions.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, naturally rising (not pumped) groundwater, uncontaminated groundwater infiltration to storm drains, noncommercial air-conditioning condensate, nonpolluted irrigation water from residential uses, springs, water from individual residential car washing, natural riparian habitat or wetland flows, residential street wash water, water from firefighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- B. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while

reasonably maintaining the purpose and intent of this chapter. The discharges to be approved in writing by the SMO shall include, without limitation by reason of specification, the following: uncontaminated pumped groundwater; foundation or footing drains; crawlspace or basement sump pumps; and dechlorinated swimming pool discharges.

- C. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- D. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 140-7. Prohibition of illicit connections.

- A. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this chapter if the person connects a line conveying wastewater to the municipality's MS4, or allows such a connection to continue.

§ 140-8. Failing subsurface sewage treatment systems prohibited.

No person shall operate a failing subsurface sewage treatment system within the municipality's MS4. A failing subsurface sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated and untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the subsurface sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 140-9. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are:
- (1) Those types of activities that cause or contribute to a violation of the municipality's MS4 SPDES permit; and
 - (2) Those types of activities that cause or contribute to the municipality being subject to the special conditions as defined in § 140-2, Definitions, of this chapter; and
 - (3) Activities that include failing subsurface sewage treatment systems as defined in § 140-8; and
 - (4) The improper management of pet waste.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violation of the municipality's MS4 SPDES permit authorization.

§ 140-10. Prevention, control and reduction of stormwater pollutants.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 140-2 or activities contaminating stormwater as defined in § 140-9, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
- (1) The owner or operator of a commercial or industrial establishment shall provide, at the owner's expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 140-2 or an activity contaminating stormwater as defined in § 140-9 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the municipal stormwater system (MS4).
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Subsurface sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where subsurface sewage treatment systems are contributing to the municipality's being subject to the special

conditions as defined in § 140-2 of this chapter, the owner or operator of such subsurface sewage treatment system(s) shall be required to:

- (1) Maintain and operate subsurface sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee; and
 - (b) Avoid the use of septic tank additives; and
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
- (2) Repair or replace subsurface sewage treatment systems as follows:
 - (a) In accordance with 10 NYCRR, Appendix 75-A, to the maximum extent practicable; and
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption system that involves:
 - [1] Relocating or extending an absorption system to a location not previously approved for such.
 - [2] Installation of a new subsurface treatment system at the same location.
 - [3] Use of alternate system or innovative system design or technology.
 - (c) For any repair of or relocation of a subsurface sewage disposal system (SSDS), a SAN 36 Form shall be submitted to the Dutchess County Department of Health (DCDH), a copy of which shall also be submitted to the Town of Union Vale SMO.
 - (d) A written certificate of compliance shall be submitted by the design professional to the Town at the completion of construction of the repair or replacement system.

§ 140-11. Suspension of access to MS4.

- A. Emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or

welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

- B. Suspension due to detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing with the SMO. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this chapter without the prior approval of the SMO.

§ 140-12. Industrial or construction activity.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 140-13. Access to facilities, monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO, or the authorized representative of the SMO, must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.
- B. Access to facilities.
- (1) The SMO, or the authorized representative of the SMO, shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO, or the authorized representative of the SMO.
 - (2) Facility operators shall allow the SMO, or the authorized representative of the SMO, ready access to all parts of the premises

for the purposes of inspection, sampling, examination and copying of records as may be required for compliance with this chapter.

- (3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO, or the authorized representative of the SMO, to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) An unreasonable delay in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
- (6) If the SMO, or the authorized representative of the SMO, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or an order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 140-14. Notification of spills.

- A. Notwithstanding any other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
- B. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- C. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day.

- D. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the in-person or telephone notice.
- E. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 140-15. Notice of violation.

- A. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) Payment of a fine, in an amount to be determined by the Town Board; and
 - (6) The implementation of source control or treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.
- C. The following notification and response procedures shall be followed if illicit discharges or connections or activities contaminating stormwater are identified:
 - (1) The SMO shall provide notification by certified or registered mail, return receipt requested, and shall file a copy of the notice with Town Clerk within five days of identification of an illicit discharge, connection or an activity contaminating stormwater.
 - (2) A written response shall be provided from the person notified within five days of receipt of the notice of violation providing a brief description of the intended remedy to the violation.

- (3) A detailed response and related plans showing the proposed remedy to the violation shall be prepared by the violator or his authorized representative, with the assistance of a competent professional engineer or architect or CPESC, and shall be submitted to the SMO within 21 days of the receipt of the notice along with any required forms and payment of required fees as follows:
 - (a) Additional copies of the response and plans shall be provided as required by the SMO.
 - (b) The proposed remedy shall address the purposes and intent of this chapter, appropriate BMPs, and all pertinent requirements and standards contained in this chapter.
 - (c) A copy of any other applications for land disturbance or development activities on the site, including stormwater permits, and any other applicable federal, state and local permits, shall be provided.
 - (d) The proposal shall include a reasonable timeline for completion of the remedial activities.
- (4) A review of the response and plans shall be conducted by the SMO, or an authorized representative of the SMO, and as deemed necessary, the Town's Consulting Engineer and other officials or representatives of the Town.
- (5) An on-site evaluation of proposed remedy shall be conducted by the SMO, or an authorized representative of the SMO, and as deemed necessary, the Town's Consulting Engineer and other reviewers.
- (6) The detailed response and plans shall be revised and resubmitted for additional review, including any necessary reports or studies. The submitted materials shall be revised as requested by the SMO or his authorized representative, the Town's Consulting Engineer and other reviewers until all concerns have been addressed.
- (7) The SMO shall provide authorization to proceed with the proposed remedy, including a specific timeline for completion of BMPs and all related improvements.
- (8) The SMO may require the violator to post an escrow account to cover the cost of the Town's consultants for inspections and reviews, and a bond to cover the cost of completion of the authorized remedy. The bond shall be an amount recommended by the Town's Consulting Engineer to be sufficient to insure the completion of the authorized remedy and shall specify completion of the remedy within a period of time fixed by the Town Board and not exceeding one year. The bond shall be a surety, cash or savings account bond or letter of credit with security acceptable to and approved by the Town Board as to form, sufficiency and manner

of execution and upon recommendation of the Town Attorney. The bond may be extended for one year upon recommendation of the SMO and the Town's Consulting Engineer and approval by the Town Board.

- (9) Inspection of the site shall be conducted by the SMO, his authorized representative, or the Town's Consulting Engineer during and after site remediation.

§ 140-16. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal and, within five days of making its decision, file its decision in the office of the Town Clerk and mail a copy of its decision by certified mail to the discharger.

§ 140-17. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 140-18. Penalties for offenses.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense; both of which were committed within a period of five years, punishable as a misdemeanor by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offence, all of which were committed within a period of five years, punishable as a misdemeanor by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, repeat violations of this chapter shall be deemed misdemeanors,

and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. Additionally and notwithstanding any other penalty or fine provided for herein, any person who violates the provisions of this chapter shall be obligated to reimburse the Town for any fees incurred by its counsel or engineer or other professional (CPESC) in the enforcement of the provisions hereof. The rates used for reimbursement shall be equal to the per-hour rate of service negotiated by the Town Board in its contract with its attorney(s) and consulting engineer(s).

§ 140-19. Injunctive relief and civil action.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO or the Town Board may commence a civil action in Supreme Court for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation, and may request civil damages in the amounts set forth in § 140-18 in any court of competent jurisdiction.

§ 140-20. Alternative remedies.

- A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO. When deciding whether to recommend an alternative remedy, the Town Attorney and SMO shall consider the following factors:
- (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this chapter.
 - (3) Environmental damage was minimal.
 - (4) The violator acted quickly to remedy the violation.
 - (5) The violator cooperated in investigation and resolution.
- B. No one factor is dispositive, and the decision of whether to recommend an alternative remedy shall solely be in the combined discretion of the Town Attorney and the SMO.
- C. Alternative remedies may include, but shall not be limited to, the following:
- (1) Storm drain stenciling or storm drain marking.
 - (2) Roadside, river, stream or creek cleanup activities.

§ 140-21. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 140-22. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter 190. Stormwater Management and Erosion and Sediment Control

[HISTORY: Adopted by the Town Board of the Town of Union Vale 10-6-2016 by L.L. No. 5-2016. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. **105**.

Land use fees — See Ch. **128**.

Flood damage prevention — See Ch. **135**.

Illicit discharges to storm sewers — See Ch. **140**.

Subdivision of land — See Ch. **192**.

Zoning — See Ch. **210**.

Street specifications — See Ch. **A215**.

Attachment 1 - Schedule A Stormwater Management Plans 

Attachment 2 - Schedule B Sample Maintenance Agreement 

Attachment 3 - Schedule C SPDES GP No. 0-15-002, Appendix B, Tables 1 and 2 

Article I. General Provisions

§ 190-1. Title.

This chapter shall be known and may be cited as the "Stormwater Management and Erosion and Sediment Control Law of the Town of Union Vale."

§ 190-2. Findings; purpose and objectives.

A. Findings. It is hereby determined that:

- (1) Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- (2) Stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- (3) Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (4) Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.
- (5) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.

- (6) Substantial economic losses can result from these adverse impacts on the waters of the Town.
 - (7) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
 - (8) Regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
 - (9) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.
- B. Purpose and objectives. The purpose of this chapter is to respond to the above findings by establishing minimum stormwater management requirements and controls to protect the environment of the Town and safeguard the general health, safety, and welfare of its people. This chapter seeks to meet this purpose by achieving the following objectives:
- (1) Meeting the requirements of Minimum Measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP 0-15-003 or as amended and/or revised.
 - (2) Meet the minimum requirements as defined and outlined in the Town of Union Vale Stormwater Management Program (SWMP) for Minimum Control Measures 4 and 5.
 - (3) Requiring land development activities conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP No. 0-15-002 or as amended or revised.
 - (4) Minimizing increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.
 - (5) Minimizing increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality.
 - (6) Minimizing the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.
 - (7) Reducing stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensuring that these management practices are properly maintained so as to avoid potential threats to public safety.

§ 190-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board has the authority to enact and amend laws for the purpose of promoting the health, safety and general welfare of the Town of Union Vale and for the protection and enhancement of its physical environment. The Town Board has the further authority to include in any such local law provisions for the appointment of any Town officer, employees, or independent contractors to effectuate, administer and enforce such local law.

§ 190-4. Designation and responsibilities of Stormwater Management Officer.

This chapter shall be administered by a Stormwater Management Officer who shall be appointed by the Town Board.

- A. The Stormwater Management Officer shall accept and review for their completeness all stormwater pollution prevention plans and other documents required under this chapter and forward a copy of any such submission to the applicable Town agency with either permitting or approving authority or responsibility for conduct of the work.
- B. The Stormwater Management Officer may either:
 - (1) Independently review submitted stormwater pollution prevention plans and other required documents; or
 - (2) Engage the services of a registered professional engineer or other professionals to assist in the review of the plans, specifications and other required documents in accordance with the terms of an annual authorization provided by the Town Board and § **190-17** of this chapter.
- C. The Stormwater Management Officer shall be responsible for approving, upon determination of compliance with this chapter, stormwater pollution prevention plans and other documents required hereunder and for monitoring their implementation in the manner set forth in Article **III** herein.

§ 190-5. Applicability.

- A. This chapter shall be applicable to all land development activities as defined at Article **II**, § **190-7**, herein.
- B. All land development activities subject to review and approval by the Planning Board of the Town of Union Vale under subdivision, site plan, and/or special permit regulations shall be reviewed by the Planning Board with due consideration of input provided by the Stormwater Management Officer in accordance with the threshold criteria and standards and upon the applicant's submission of the required documents set forth in this chapter.
- C. All land development activities not subject to review by the Planning Board as stated in above Subsection **B** but otherwise subject to the requirements of this chapter in accordance with the threshold criteria set forth at § **190-8B(2)** shall be reviewed by the Stormwater Management Officer either 1) independently or 2) with the assistance of a registered professional engineer, as authorized by the Town Board, in accordance with the standards and upon the applicant's submission of the required documents set forth in this chapter. Such land development activities shall be subject to requirement for application to the Town Code Enforcement Officer for a site work permit and the issuance thereof prior to the start of work.

§ 190-6. Exemptions.

The following activities shall be exempt from review under this chapter:

- A. Agricultural activity as defined in this chapter and conducted in a manner consistent with sound agricultural practices, as defined by the New York State Department of Agriculture and Markets.
- B. Silviculture, including forestry activity conducted in a manner consistent with the timber harvesting guidelines as defined by the New York State Department of Environmental Conservation, except that landing areas and log haul roads are subject to this chapter.

- C. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- D. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Union Vale Planning Board and filed in the Dutchess County Clerk's office on or before the effective date of this chapter.
- E. Land development activities for which a building permit has been approved and issued on or before the effective date of this chapter.
- F. Cemetery graves.
- G. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles, but not including the installation of transmission equipment.
- H. Emergency activity deemed by the Town of Union Vale Code Enforcement Officer or other duly-authorized person or agency immediately necessary to protect life, property or natural resources.
- I. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

Article II. Requirements for Stormwater Control

§ 190-7. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, and using land for growing agricultural products, but shall not include the construction of new structures associated with agricultural activities, the cutting of timber or firewood for sale or barter, or any mining or other removal of earthen materials.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

BASIC STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A basic SWPPP shall consist of a site-specific detailed erosion and sediment control plan prepared by a CPESC, licensed professional engineer or registered landscape architect at scale of not less than one inch equals 50 feet.

BUILDING

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of gross floor area.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING

Any activity that removes the vegetative surface cover.

COMMENCEMENT OF CONSTRUCTION

The initial removal of vegetation and disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

CPESC

A certified professional in erosion and sediment control.

CPSWQ

A certified professional in stormwater quality.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEPARTMENT

The New York State Department of Environmental Conservation. See also "NYSDEC."

DESIGN MANUAL

The New York State Stormwater Management Design Manual (SMDM), most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER

A person who undertakes land development activities.

EROSION CONTROL

A primary source control that is any practice that protects the soil surface and prevents the soil particles from being detached by rainfall or wind.

EROSION CONTROL MANUAL

The most recent version of the manual entitled "New York Standards and Specifications for Erosion and Sediment Control," commonly known as the "Blue Book."

FINAL SITE STABILIZATION

The condition achieved after all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas not covered by permanent structures.

GRADING

Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area, inclusive of both state and federal wetlands, that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY

Site preparation, development and/or construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT

A legally recorded document which serves as a property deed restriction and provides for the long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NYSDEC

The New York State Department of Environmental Conservation. See also "Department."

OWNER or OPERATOR

The person, persons or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from land development activity.

PROJECT

Land development activity.

QUALIFIED INSPECTOR

A person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed professional engineer, certified professional in erosion and sediment control (CPESC), registered landscape architect, or other Department-endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed professional engineer or registered landscape architect has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed professional engineer or registered landscape architect shall receive four hours of training every three years. It can also mean a person that meets the qualified professional qualifications in addition to the qualified inspector qualifications. (Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed professional engineer.)

QUALIFIED PROFESSIONAL

A person knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed professional engineer, licensed landscape architect or other NYSDEC-endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater

management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics, in order to prepare a SWPPP that conforms to the NYSDEC's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the New York State Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and/or habitats for threatened, endangered or special concern species.

SITE WORK PERMIT

A permit issued by the Town Code Enforcement Officer to track projects involving land development activities subject to the requirements of this chapter but for which no other permits or approvals from the Town are required.

SOUND AGRICULTURAL PRACTICES

Agricultural practices that either have been or would be determined sound by the Commissioner of Agriculture and Markets upon application of the guidelines recommended for the Commissioner's use by the New York State Advisory Council on Agriculture, including but not limited to:

- A. The practice should be legal;
- B. The practice should not cause bodily harm or property damage off the farm;
- C. The practice should achieve the results intended in a reasonable and supportable way;
- D. The practice should be necessary.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP No. 0-15-002

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP No. 0-15-003

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER

An employee or officer designated by the Town Board of the Town of Union Vale to accept and review stormwater pollution prevention plans, forward the plans to the applicable Town board or agency and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities, including both an erosion control plan prepared by a CPESC, licensed professional engineer or registered landscape architect, and a water quality plan prepared by a CPSWQ, licensed professional engineer or registered landscape architect, with it required, however, that any SWPPP that includes post-construction stormwater management practices shall be prepared by a qualified professional as defined herein.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation or snowmelt.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TIMBER HARVESTING GUIDELINES

Published guidelines posted by the New York State Department of Environmental Conservation in consultation with the New York Society of Foresters and the New York State College of Environmental Science and Forestry dealing "with problems caused by soil erosion, siltation and inattention to aesthetics" and including "best management practices recommended for timber harvesting in New York State, plus additional aesthetic practices."

TRAINED CONTRACTOR

An employee from the contracting (construction) company, identified by the owner or operator that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP, that has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity. After receiving the initial training, the trained contractor shall receive four hours of training every three years. It can also mean an employee from the contracting (construction) company that meets the qualified inspector qualifications [e.g., licensed professional engineer, certified professional in erosion and sediment control (CPESC), registered landscape architect, or someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided he or she has received four hours of Department-endorsed training in proper

erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity]. The trained contractor will be responsible for the day-to-day implementation of the SWPPP.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 190-8. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed by the Planning Board or other Town agency as may be appropriate until the Stormwater Management Officer has received for review and approval a stormwater pollution prevention plan (SWPPP) prepared and signed by a CPESC, licensed professional engineer or registered landscape architect in accordance with the specifications in this chapter. For land development activities having less than one acre of disturbance, refer to Subsection **B(2)(a)** below.
- (1) An owner or operator of a construction activity shall have his or her SWPPP reviewed and accepted by the Town of Union Vale prior to submitting the notice of intent (NOI) to the NYSDEC. Such acceptance by the Town shall be indicated by the issuance of an MS4 acceptance form to the owner or operator by the Town.
 - (2) The Planning Board Chairperson shall not sign any approval of an application for a land development activity until the Town receives a copy of the acknowledgement of receipt of the NOI from the NYSDEC for a conforming SWPPP and both a copy of the acknowledgement of receipt of the NOI and an approval from the NYSDEC for a nonconforming SWPPP.
 - (3) Likewise, the Stormwater Management Officer shall not sign any approval of an application for any land development activities that are not subject to review and approval by a board of the Town of Union Vale under subdivision, site plan, and/or special permit regulations until the Town receives a copy of the acknowledgement of receipt of the NOI from the NYSDEC and an approval from the NYSDEC for a nonconforming SWPPP.
 - (4) The SWPPP must include documentation supporting the determination of permit eligibility with regard to historic places or archaeological resources. At a minimum, the supporting documentation shall include the following:
 - (a) Information on whether the stormwater discharge or construction activities would have an effect on a property (historic or archeological resource) that is listed or eligible for listing on the State or National Register of Historic Places;
 - (b) Results of historic resources screening determinations conducted. Information regarding the location of historic places listed, or eligible for listing, on the State or National Registers of Historic Places and areas of archeological sensitivity that may indicate the need for a survey can be obtained online by viewing the New York State Office of Parks, Recreation and Historic Places (OPRHP) online resources located on its website at: <http://nysparks.state.ny.us/shpo/online-tools/> (using The Geographic Information System for Archeology and National Register). OPRHP can also be contacted at: NYS OPRHP, State Historic Preservation Office, Peebles Island Resources Center, P.O. Box 189, Waterford, NY 12188-0189; phone: 518-237-8643;
 - (c) A description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the State or National Register of Historic Places. If the

owner or operator fails to describe and implement such measures, the stormwater discharge is ineligible for coverage under this permit; and

- (d) Where adverse effects may occur, any written agreements in place with OPRHP or other governmental agencies to mitigate those effects, or local land use approvals evidencing the same.

B. Contents of stormwater pollution prevention plans.

- (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) for the project, including a general location map. The site map shall be at a scale no less than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; mapped habitats; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s).
 - (c) Description of the soil(s) present at the site.
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless otherwise provided for within an approved SWPPP.
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.
 - (f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out, including the use of pervious pavers or porous pavement, which is encouraged by the Town of Union Vale where practicable to reduce stormwater runoff.
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.
 - (j) Temporary practices that will be converted to permanent control measures.
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.

- (l) Inspection and maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
 - (m) Name(s) of the receiving water(s).
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site.
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - (p) Identification of any elements of the design that are not in conformance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.
 - (q) Any existing data that describes the stormwater runoff at the site.
 - (r) A completed notice of intent (NOI). Said NOI shall be submitted to the NYSDEC and the Town to obtain SPDES General Construction Permit GP No. 0-15-002 coverage prior to commencement of construction. Proof of coverage shall be submitted to the SMO and the Planning Board prior to final approval and prior to endorsement of the subdivision plat, special use permit, or site plan by the Planning Board Chairman.
- (2) Required plans.
- (a) A basic SWPPP as defined in § 190-7 of this article shall be required for all land development activities having less than one acre of disturbance, including the construction of either a single-family or two-family residence and an agricultural building that results in the disturbance of between one acre and five acres of land, as well as all other construction projects identified in SPDES GP No. 0-15-002, Appendix B, Table 1, as attached hereto within Schedule C.^[1] The Stormwater Management Officer may waive any or all of the requirements of the basic SWPPP for projects having less than one acre of disturbance upon consideration of the following criteria: impact of runoff on subject property or adjacent property; grades and slopes upon which project is proposed; soil types in location of project or adjacent to project; duration of project construction; or any other consideration having its basis in the protection of environment which would be secured if a basic SWPPP were required.
[1] Editor's Note: Schedule C is included as an attachment to this chapter.
 - (b) All construction projects identified in SPDES GP No. 0-15-002, Appendix B, Table 2, as attached hereto within Schedule C,^[2] as needing post-construction stormwater management practices shall be further the subject of an SWPPP that includes stormwater management practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual ("Design Manual").
[2] Editor's Note: Schedule C is included as an attachment to this chapter.
- (3) SWPPP requirements:
- (a) All information set forth in above Subsection **B(1)**.
 - (b) Description of each post-construction stormwater management practice.
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.

- (d) Hydrologic and hydraulic analyses for all structural components of the stormwater management system for the applicable design storms.
- (e) Comparison of post-development stormwater runoff conditions with pre-development conditions.
- (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
- (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
- (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair, such easements to be recorded on the plan and shall remain in effect with transfer of title to the property.
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article II, § 190-13B of this chapter; or formation of a stormwater management district, administered by the Town, to perform these responsibilities.
- (j) Preparation of the SWPPP by a CPESC, licensed professional engineer or registered landscape architect, who shall sign the plan and certify that the design of all stormwater management practices meets the requirements in this chapter.

§ 190-9. Other environmental, land use and building construction permits.

The applicant shall assure that all other applicable environmental, land use and building construction permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

§ 190-10. Contractor certification.

A. Certification; additional information.

- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ('SPDES') general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. 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."
- (2) In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the trained individual(s) responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The owner or operator shall attach

the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

- B. The certification statement(s) shall become part of the SWPPP for the land development activity.

§ 190-11. Availability of SWPPP.

A copy of the SWPPP bearing signed and dated notation of approval by the Stormwater Management Officer shall be maintained and available at the site of the land development activity from the date of initiation of site preparation, development and/or construction activities to the date of final stabilization.

§ 190-12. Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual"), including but not limited to Table 5.1 presented therein and attached hereto as Schedule A.^[1]

[1] *Editor's Note: Schedule A is included as an attachment to this chapter.*

- (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in above § 190-12A, and the SWPPP shall be prepared by a licensed professional engineer.
- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 190-13. Maintenance, inspection and repair of stormwater management facilities.

- A. Maintenance and inspection during construction.

- (1) The applicant or developer of the land development activity or such person's representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50% and placed in an acceptable location and shall be properly stabilized.

- (2) For land development activities as defined in § 190-7 of this article and meeting § 190-8B(2)(a) or (b), the owner or operator shall have a qualified inspector conduct site inspections in accordance with the following timetable:
- (a) For construction sites where soil disturbance activities are ongoing, the qualified inspector shall conduct a site inspection at least once every seven calendar days.
 - (b) For construction sites where soil disturbance activities are ongoing and the owner or operator has received authorization in accordance with Part II.C.3^[1] to disturb greater than five acres of soil at any one time, the qualified inspector shall conduct at least two site inspections every seven calendar days. When performing just two inspections every seven calendar days, the inspections shall be separated by a minimum of two full calendar days.
[1] Editor's Note: See Part II.C.3 of the SPDES General Permit for Stormwater Discharges, on file in the Town offices.
 - (c) For construction sites where soil disturbance activities have been temporarily suspended (e.g., winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every 30 calendar days. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to reducing the frequency of inspections.
 - (d) For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to the shutdown. If soil disturbance activities are not resumed within two years from the date of shutdown, the owner or operator shall have the qualified inspector(s) perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the notice of termination (NOT). The owner or operator shall then submit the completed NOT form to the NYSDEC with copy to the Town of Union Vale Stormwater Management Officer.
 - (e) In addition, any significant failure of stormwater management facilities or change to the SWPPP shall be reported immediately to the Stormwater Management Officer. The owner or operator shall notify the Town Stormwater Management Officer in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the approved SWPPP. Unless otherwise notified by the Town, the owner or operator shall have the SWPPP amendments or modifications reviewed and accepted by the Town prior to commencing construction of the post-construction stormwater management practice.
- (3) 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. "Daily basis" means that the trained contractor visits the site each day when soil disturbance activities are being performed and spends as much time as needed to ensure that his or her employees are properly implementing the SWPPP.

- B. Qualified inspector inspection requirements. The owner or operator shall have a qualified inspector conduct site inspections in conformance with the following requirements:

- (1) Note: The trained contractor cannot conduct the qualified inspector site inspections unless they meet the qualified inspector qualifications. In order to perform these inspections, the trained contractor would have to be a:
 - (a) Licensed professional engineer;
 - (b) Certified professional in erosion and sediment control (CPESC);
 - (c) Registered landscape architect; or
 - (d) Someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that he or she has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity.

- (2) A qualified inspector shall conduct site inspections for all construction activities with the exception of:
 - (a) The construction of a single-family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one or more acres of land but less than five acres;
 - (b) The construction of a single-family home that involves a soil disturbance of one or more acres of land but less than five acres; and
 - (c) Construction on agricultural property that involves a soil disturbance of one or more acres of land but less than five acres.
 - (d) Those associated with the basic SWPPP requirements required by the SMO for projects having less than one acre of disturbance.

- (3) At a minimum, the qualified inspector shall inspect all erosion and sediment control practices 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 water bodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.

- (4) The qualified inspector shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - (a) Date and time of inspection;
 - (b) Name and title of person(s) performing inspection;
 - (c) A description of the weather and soil conditions (e.g., dry, wet, saturated) at the time of the inspection;
 - (d) A description of the condition of the runoff at all points of discharge from the construction site; this shall include identification of any discharges of sediment from the construction site; includes discharges from conveyance systems (i.e., pipes, culverts, ditches, etc.) and overland flow;
 - (e) A description of the condition of all natural surface water bodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas; this shall include identification of any discharges of sediment to the surface water body;

- (f) Identification of all erosion and sediment control practices that need repair or maintenance;
 - (g) Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - (h) Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;
 - (i) Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - (j) Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and
 - (k) Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report being maintained on site within seven calendar days of the date of the inspection. The qualified inspector shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven calendar days of that inspection.
- (5) Within one business day of the completion of an inspection, the qualified inspector shall notify the owner or operator and appropriate contractor or subcontractor of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
- (6) All inspection reports shall be signed by the qualified inspector. The inspection reports shall be maintained on site with the SWPPP.
- C. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility (except that which serves only a single-family residence) as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Union Vale to ensure that the facility is maintained in proper working condition to meet design standards and any other provision established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Attorney for the Town of Union Vale and consent of the Town Board.
- D. Maintenance after construction. The owner or operator of permanent stormwater management practices (SMPs) installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.

- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 190-12C of this article.

E. Maintenance agreements.

- (1) The Town of Union Vale shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Dutchess County Clerk as a deed restriction on the property prior to final plan approval.
- (2) The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter, entitled "Model Stormwater Control Facility Maintenance Agreement/Declaration of Covenants and Restrictions for Maintenance of Stormwater Management Facilities."^[2] The Town Board of the Town of Union Vale, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, whether directly or on behalf of a stormwater drainage district, provided that such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

[2] *Editor's Note: Schedule B is included as an attachment to this chapter.*

Article III. Administration and Enforcement

§ 190-14. Construction inspection.

A. Erosion and sediment control inspection.

- (1) The Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter, a basic SWPPP and/or the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before any of the following as required by the Stormwater Management Officer:
 - (a) Start of construction;
 - (b) Installation of sediment and erosion control measures;
 - (c) Completion of site clearing;
 - (d) Completion of rough grading;
 - (e) Completion of final grading;
 - (f) Close of the construction season;
 - (g) Completion of final landscaping; and
 - (h) Successful establishment of landscaping in public areas.
- (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are

required to submit "as built" plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion.

- (1) It shall be the primary responsibility of the landowner and the successor landowners to perform all necessary inspections, maintenance, reporting, adjustments, repair, replacement and reconstruction of the stormwater management facilities by a certified professional or a professional engineer.
- (2) If, at any time, the Stormwater Management Officer determines that necessary inspections, reports, maintenance, repairs, adjustments, replacement or reconstruction have not been properly performed, the Town may undertake to perform any such work or work that it finds, in its sole judgment, is necessary to preserve the stormwater management functions of stormwater management practices (SMPs), at the cost and expense of the landowner and the successor landowners. Copies of all bills, statements and invoices substantiating such costs, including costs of consultants, shall be included with written notice of same. Each lot or parcel shall individually and separately bear its equal share of such costs, and in the event that its share is not paid within 30 calendar days of issuance of statements for this work, the amount of such share shall constitute a lien against such lot or parcel, which shall be levied and collected in the same manner as Town real estate property taxes or in such manner otherwise provided by law. The landowner and the successor lot or parcel landowner shall be personally liable for payments of their respective shares of all such costs, including costs of collection and reasonable attorney's fees.

D. Submission of reports. The Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter. The Stormwater Management Officer may also require ongoing monitoring and reporting after project completion, as the Town deems necessary, to determine compliance with this chapter.

E. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Union Vale the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in above **§ 190-14C**.

F. Escrow for inspection consultant(s). The Stormwater Management Officer shall have the right to consult with a professional engineer or professional engineering firm whenever the Stormwater Management Officer deems necessary with respect to any of the inspections conducted or to be conducted under this chapter. All such costs for a professional engineering consultant shall be paid for by the applicant. Prior to scheduling any inspections under this section, the applicant shall deposit a monetary escrow with the Town of Union Vale, in an amount deemed sufficient by the Stormwater Management Officer to pay for the estimated cost of all necessary inspections under this chapter.

§ 190-15. Performance guarantee.

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Union Vale in its approval of the stormwater pollution prevention plan, the Town of Union Vale may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Union Vale as the beneficiary. The security shall be in an amount to be determined by the Town of Union Vale based on submission of final design plans, with reference to actual construction and landscaping costs for the installation of the required stormwater management practices.

§ 190-16. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Union Vale determines that a land development activity is not being carried out in accordance with the requirements of this chapter, the Stormwater Management Officer (SMO) shall issue a written notice of violation to the landowner. The notice of violation shall contain the following:
- (1) The name and address of the landowner, developer or applicant;
 - (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) An order to remedy the violation;
 - (5) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action; and
 - (6) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
- B. Stop-work orders. The Town of Union Vale may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Union Vale confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties.
- (1) Violation of any provision of this chapter or any violation of any statement, plan application, permit or certificate approved under the provisions of this chapter, shall be considered an offense punishable by a civil penalty of not more than \$350 for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a civil penalty of not less than \$350 nor more than \$700 and/or imprisonment for not more than 14 days; and upon conviction of a third or subsequent offense within a period of five years, punishable by a civil penalty of not less than \$700 nor more than \$1,000 and/or imprisonment for a period of not more than six months.
 - (2) The owner, general agent, contractor or lessee of the land and/or building premises, or part thereof, where such violation has been committed or does exist, and any agent, contractor, builder, architect or engineer, corporation or other person who commits, takes part in or assists in such violation, shall be guilty of an offense and shall be liable upon conviction to a civil penalty and/or imprisonment as provided herein.
 - (3) All such penalties shall be collectible by and in the name of the Town. Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense, for which separate and additional penalties may be imposed and recovered, provided that such initial notice and subsequent weekly notice shall be given in writing to the landowner.

- (4) Violations of this chapter shall be deemed misdemeanors only for the purpose of conferring jurisdiction upon courts and judicial officers.
 - (5) Additionally and notwithstanding any other penalty or fine provided for herein, any person who violates the provisions of this chapter shall be obligated to reimburse the Town for any fees incurred by its counsel or consulting engineer or other professional (CPESQ) in the enforcement of the provisions hereof. The rates used for reimbursement shall be equal to the per-hour rate of service negotiated by the Town Board in its contract with its attorney(s) and consulting engineer(s).
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may act to prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Union Vale may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 190-17. Fees for services.

The Town of Union Vale may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for reviews of stormwater pollution prevention plans and other required documents, inspections, or maintenance of stormwater management practices (SMPs) performed by the Town of Union Vale or performed by a third party for the Town of Union Vale.

Article IV. Severability; When Effective

§ 190-18. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

§ 190-19. When effective.

This chapter shall become effective immediately upon filing by the Town with the Secretary of State of the State of New York.

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October 7, 2016

George Kolb, Building Inspector
Town of Union Vale
249 Duncan Hill Road
Union Vale, New York 12540

Re: Compliance Letter for DEC

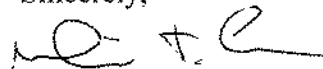
Dear Mr. Kolb:

The purpose of this letter is to confirm that on October 6, 2016, the Town Board of the Town of Union Vale adopted the appropriate modifications to the Town Code, by its adoption of Chapter 140, entitled, "Illicit Discharge to Stormwater," and Chapter 190, entitled, "Stormwater Management & Erosion and Sediment Control Law," for compliance with the Municipal Separate Stormwater Sewer System Plan (MS4) for the Town of Union Vale.

This letter shall also to confirm that in making the above confirmation we have reviewed the MS4 for the Town of Union Vale, the regulations promulgated by the New York State Department of Conservation applicable thereto, the existing provisions of the Town Code and the amendments adopted last evening.

Thank you very much.

Sincerely,



Michael T. Liguori

Appendix I.2

Stormwater Management Facilities Inspection and Maintenance Easement

§ 190-13. Maintenance, inspection and repair of stormwater management facilities.

A. Maintenance and inspection during construction.

- (1) The applicant or developer of the land development activity or such person's representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50% and placed in an acceptable location and shall be properly stabilized.
- (2) For land development activities as defined in § 190-7 of this article and meeting § 190-8B(2)(a) or (b), the owner or operator shall have a qualified inspector conduct site inspections in accordance with the following timetable:
 - (a) For construction sites where soil disturbance activities are ongoing, the qualified inspector shall conduct a site inspection at least once every seven calendar days.
 - (b) For construction sites where soil disturbance activities are ongoing and the owner or operator has received authorization in accordance with Part II.C.3¹ to disturb greater than five acres of soil at any one time, the qualified inspector shall conduct at least two site inspections every seven calendar days. When performing just two inspections every seven calendar days, the inspections shall be separated by a minimum of two full calendar days.
 - (c) For construction sites where soil disturbance activities have been temporarily suspended (e.g., winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every 30 calendar days. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to reducing the frequency of inspections.

1. Editor's Note: See Part II.C.3 of the SPDES General Permit for Stormwater Discharges, on file in the Town offices.

- (d) For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the NYSDEC Regional Office stormwater contact person and the Town of Union Vale Stormwater Management Officer in writing prior to the shutdown. If soil disturbance activities are not resumed within two years from the date of shutdown, the owner or operator shall have the qualified inspector(s) perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the notice of termination (NOT). The owner or operator shall then submit the completed NOT form to the NYSDEC with copy to the Town of Union Vale Stormwater Management Officer.
- (e) In addition, any significant failure of stormwater management facilities or change to the SWPPP shall be reported immediately to the Stormwater Management Officer. The owner or operator shall notify the Town Stormwater Management Officer in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the approved SWPPP. Unless otherwise notified by the Town, the owner or operator shall have the SWPPP amendments or modifications reviewed and accepted by the Town prior to commencing construction of the post-construction stormwater management practice.
- (3) 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. "Daily basis" means that the trained contractor visits the site each day when soil

disturbance activities are being performed and spends as much time as needed to ensure that his or her employees are properly implementing the SWPPP.

B. Qualified inspector inspection requirements. The owner or operator shall have a qualified inspector conduct site inspections in conformance with the following requirements:

(1) Note: The trained contractor cannot conduct the qualified inspector site inspections unless they meet the qualified inspector qualifications. In order to perform these inspections, the trained contractor would have to be a:

(a) Licensed professional engineer;

(b) Certified professional in erosion and sediment control (CPESC);

(c) Registered landscape architect; or

(d) Someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that he or she has received four hours of Department-endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department-endorsed entity.

(2) A qualified inspector shall conduct site inspections for all construction activities with the exception of:

(a) The construction of a single-family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one or more acres of land but less than five acres;

(b) The construction of a single-family home that involves a soil disturbance of one or more acres of land but less than five acres; and

(c) Construction on agricultural property that involves a soil disturbance of one or more acres of land but less than five acres.

(d) Those associated with the basic SWPPP requirements required by the SMO for projects having less than one acre of disturbance.

- (3) At a minimum, the qualified inspector shall inspect all erosion and sediment control practices 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 water bodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.
- (4) The qualified inspector shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - (a) Date and time of inspection;
 - (b) Name and title of person(s) performing inspection;
 - (c) A description of the weather and soil conditions (e.g., dry, wet, saturated) at the time of the inspection;
 - (d) A description of the condition of the runoff at all points of discharge from the construction site; this shall include identification of any discharges of sediment from the construction site; includes discharges from conveyance systems (i.e., pipes, culverts, ditches, etc.) and overland flow;
 - (e) A description of the condition of all natural surface water bodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas; this shall include identification of any discharges of sediment to the surface water body;
 - (f) Identification of all erosion and sediment control practices that need repair or maintenance;
 - (g) Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - (h) Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;

- (i) Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - (j) Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and
 - (k) Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report being maintained on site within seven calendar days of the date of the inspection. The qualified inspector shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The qualified inspector shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven calendar days of that inspection.
- (5) Within one business day of the completion of an inspection, the qualified inspector shall notify the owner or operator and appropriate contractor or subcontractor of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
- (6) All inspection reports shall be signed by the qualified inspector. The inspection reports shall be maintained on site with the SWPPP.
- C. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility (except that which serves only a single-family residence) as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Union Vale to ensure that the facility is maintained in proper working condition to meet design

standards and any other provision established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Attorney for the Town of Union Vale and consent of the Town Board.

D. Maintenance after construction. The owner or operator of permanent stormwater management practices (SMPs) installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
- (2) Written procedures for operation and maintenance and training new maintenance personnel.
- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 190-12C of this article.

E. Maintenance agreements.

- (1) The Town of Union Vale shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Dutchess County Clerk as a deed restriction on the property prior to final plan approval.
- (2) The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter, entitled "Model Stormwater Control Facility Maintenance Agreement/ Declaration of Covenants and Restrictions for Maintenance of Stormwater Management Facilities."² The Town Board of the Town of Union Vale, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, whether directly or on behalf of a stormwater drainage district, provided that such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

2. Editor's Note: Schedule B is included as an attachment to this chapter.

Appendix I.3

Stormwater Management Facilities Maintenance Agreement

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

190 Attachment 2

Town of Union Vale

Schedule B

**Model Stormwater Control Facility Maintenance Agreement/Declaration of Covenants
and Restrictions for Maintenance of Stormwater Management Facilities**

**STORMWATER MANAGEMENT FACILITY
MAINTENANCE DECLARATION**

Whereas, the Town of Union Vale (“Municipality”) local law requires _____ (“facility owner”) to provide for the long-term maintenance and continuation of stormwater control measures approved by the Municipality for the project named _____, and

Whereas, the facility owner agrees and desires 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 facility owner declares, agrees and covenants as follows:

1. This Declaration binds the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan which are on file with the Town of Union Vale Town Clerk and which maintenance provisions are as generally described in the attached Schedule A of this declaration. This Declaration shall run with the land.
2. The facility owner shall maintain, clean, repair, replace and continue (jointly, “maintenance”) the stormwater control measures as depicted on the approved project plans and Stormwater Pollution Prevention Plan which are on file with the Town of Union Vale Town Clerk and as generally described in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds, and other stormwater management practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality.
3. 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.
4. 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 inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality,

UNION VALE CODE

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.

5. 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.

6. The facility owner shall undertake necessary repairs and replacement and other maintenance of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).

8. This declaration shall be recorded in the Office of the County Clerk, County of Sullivan, and shall be indexed against the property, and shall be included in any offering plan prospectus or lease.

9. If ever the Municipality determines that the facility owner has failed to construct, inspect or maintain the stormwater control measures in accordance with the project plan or the SWPPP or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary, including entering onto the property containing the stormwater facility for the inspection, preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property, in addition to all other remedies available pursuant to law. The facility owner shall reimburse the Municipality for all costs and expenses, including reasonable attorneys' and engineers' fees incurred, in enforcing the Declaration and curing a violation.

10.(a) Simultaneously with the receiving of permits to undertake the grading and site improvements, the facility owner shall deliver to the Municipality a restoration letter of credit in the amount of \$_____, in such form as is acceptable to the Town Attorney, to ensure that the site work will be completed in accordance with the requirements of the approved site plan within one year of the issue of permits for the site work. Upon the recommendation of the Town Engineer, the Municipality deems the amount sufficient to accomplish the purpose of the restoration bond.

(b) The facility owner shall complete the site work within one year of the issue of permits for the site work, and to conduct all site disturbance work in accordance with the approved SWPPP and site plan. In the event that the facility owner fails to complete the site work within one year of the issue of permits for the site work, the Municipality shall have the right, upon giving 20 days' written notice to the facility owner of its failure to complete the Site Work and a demand to complete, perform and correct by a date certain, to take such steps as it deems appropriate to either complete the site work or to stabilize and restore the site, and to call upon the funds of the restoration bond for the purpose of doing so. The time required to notice may be reduced to that deemed practicable and reasonable by recommendation of the Town

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

Engineer to the Town Board, upon the Town Engineer’s certification that an emergency condition exists which requires action to be undertaken and does not allow time to give notice to the facility owner and an opportunity to correct in the manner specified above.

(c) Upon satisfactory completion of the site work as shown on the site plan, as evidenced by the issuance of a certificate of occupancy, the restoration letter of credit shall be released by the Municipality to the facility owner. Notwithstanding the release of the restoration letter of credit, the Municipality may require, as a condition of issuing a certificate of occupancy, that the facility owner provide a performance guarantee to ensure the completion of landscaping or other incomplete site work.

(d) Upon request by the facility owner to the Municipality, the Municipality may upon recommendation from the Town Engineer, reduce the amount of the restoration letter of credit in proportion to the work that has been completed.

Dated:

Name

STATE OF NEW YORK)
).SS:
COUNTY OF DUTCHESS)

On this 6th day of October, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Patricia Tompkins, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public of the State of New York

Appendix I.4

Operation, Maintenance and Management Inspection Checklists

Stormwater Pond/Wetland Operation, Maintenance and Management Inspection Checklist

Project _____
 Location: _____
 Site Status: _____

 Date: _____
 Time: _____

 Inspector: _____

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
1. Embankment and emergency spillway (Annual, After Major Storms)		
1. Vegetation and ground cover adequate		
2. Embankment erosion		
3. Animal burrows		
4. Unauthorized planting		
5. Cracking, bulging, or sliding of dam		
a. Upstream face		
b. Downstream face		
c. At or beyond toe		
downstream		
upstream		
d. Emergency spillway		
6. Pond, toe & chimney drains clear and functioning		
7. Seeps/leaks on downstream face		
8. Slope protection or riprap failure		
9. Vertical/horizontal alignment of top of dam "As-Built"		

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
10. Emergency spillway clear of obstructions and debris		
11. Other (specify)		
2. Riser and principal spillway (Annual)		
Type: Reinforced concrete _____ Corrugated pipe _____ Masonry _____		
1. Low flow orifice obstructed		
2. Low flow trash rack. a. Debris removal necessary		
b. Corrosion control		
3. Weir trash rack maintenance a. Debris removal necessary		
b. corrosion control		
4. Excessive sediment accumulation insider riser		
5. Concrete/masonry condition riser and barrels a. cracks or displacement		
b. Minor spalling (<1")		
c. Major spalling (rebars exposed)		
d. Joint failures		
e. Water tightness		
6. Metal pipe condition		
7. Control valve a. Operational/exercised		
b. Chained and locked		
8. Pond drain valve a. Operational/exercised		
b. Chained and locked		
9. Outfall channels functioning		
10. Other (specify)		

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
3. Permanent Pool (Wet Ponds) (monthly)		
1. Undesirable vegetative growth		
2. Floating or floatable debris removal required		
3. Visible pollution		
4. Shoreline problem		
5. Other (specify)		
4. Sediment Forebays		
1. Sedimentation noted		
2. Sediment cleanout when depth < 50% design depth		
5. Dry Pond Areas		
1. Vegetation adequate		
2. Undesirable vegetative growth		
3. Undesirable woody vegetation		
4. Low flow channels clear of obstructions		
5. Standing water or wet spots		
6. Sediment and / or trash accumulation		
7. Other (specify)		
6. Condition of Outfalls (Annual , After Major Storms)		
1. Riprap failures		
2. Slope erosion		
3. Storm drain pipes		
4. Endwalls / Headwalls		
5. Other (specify)		
7. Other (Monthly)		
1. Encroachment on pond, wetland or easement area		

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
2. Complaints from residents		
3. Aesthetics a. Grass growing required		
b. Graffiti removal needed		
c. Other (specify)		
4. Conditions of maintenance access routes.		
5. Signs of hydrocarbon build-up		
6. Any public hazards (specify)		
8. Wetland Vegetation (Annual)		
1. Vegetation healthy and growing Wetland maintaining 50% surface area coverage of wetland plants after the second growing season. (If unsatisfactory, reinforcement plantings needed)		
2. Dominant wetland plants: Survival of desired wetland plant species Distribution according to landscaping plan?		
3. Evidence of invasive species		
4. Maintenance of adequate water depths for desired wetland plant species		
5. Harvesting of emergent plantings needed		
6. Have sediment accumulations reduced pool volume significantly or are plants "choked" with sediment		
7. Eutrophication level of the wetland.		
8. Other (specify)		

Comments:

Actions to be Taken:

Infiltration Trench Operation, Maintenance, and Management Inspection Checklist

Project:
 Location:
 Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
1. Debris Cleanout (Monthly)		
Trench surface clear of debris		
Inflow pipes clear of debris		
Overflow spillway clear of debris		
Inlet area clear of debris		
2. Sediment Traps or Forebays (Annual)		
Obviously trapping sediment		
Greater than 50% of storage volume remaining		
3. Dewatering (Monthly)		
Trench dewateres between storms		
4. Sediment Cleanout of Trench (Annual)		
No evidence of sedimentation in trench		
Sediment accumulation doesn't yet require cleanout		
5. Inlets (Annual)		

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Good condition		
No evidence of erosion		
6. Outlet/Overflow Spillway (Annual)		
Good condition, no need for repair		
No evidence of erosion		
7. Aggregate Repairs (Annual)		
Surface of aggregate clean		
Top layer of stone does not need replacement		
Trench does not need rehabilitation		

Comments:

Actions to be Taken:

Sand/Organic Filter Operation, Maintenance and Management Inspection Checklist

Project:
Location:
Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
1. Debris Cleanout (Monthly)		
Contributing areas clean of debris		
Filtration facility clean of debris		
Inlet and outlets clear of debris		
2. Oil and Grease (Monthly)		
No evidence of filter surface clogging		
Activities in drainage area minimize oil and grease entry		
3. Vegetation (Monthly)		
Contributing drainage area stabilized		
No evidence of erosion		
Area mowed and clipping removed		
4. Water Retention Where Required (Monthly)		
Water holding chambers at normal pool		
No evidence of leakage		
5. Sediment Deposition (Annual)		

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Filter chamber free of sediments		
Sedimentation chamber not more than half full of sediments		
6. Structural Components (Annual)		
No evidence of structural deterioration		
Any grates are in good condition		
No evidence of spalling or cracking of structural parts		
7. Outlet/Overflow Spillway (Annual)		
Good condition, no need for repairs		
No evidence of erosion (if draining into a natural channel)		
8. Overall Function of Facility (Annual)		
Evidence of flow bypassing facility		
No noticeable odors outside of facility		

Comments:

Actions to be Taken:

Bioretention Operation, Maintenance and Management Inspection Checklist

Project:
 Location:
 Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
1. Debris Cleanout (Monthly)		
Bioretention and contributing areas clean of debris		
No dumping of yard wastes into practice		
Litter (branches, etc.) have been removed		
2. Vegetation (Monthly)		
Plant height not less than design water depth		
Fertilized per specifications		
Plant composition according to approved plans		
No placement of inappropriate plants		
Grass height not greater than 6 inches		
No evidence of erosion		
3. Check Dams/Energy Dissipaters/Sumps (Annual, After Major Storms)		
No evidence of sediment buildup		

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Sumps should not be more than 50% full of sediment		
No evidence of erosion at downstream toe of drop structure		
4. Dewatering (Monthly)		
Dewaters between storms		
No evidence of standing water		
5. Sediment Deposition (Annual)		
Swale clean of sediments		
Sediments should not be > 20% of swale design depth		
6. Outlet/Overflow Spillway (Annual, After Major Storms)		
Good condition, no need for repair		
No evidence of erosion		
No evidence of any blockages		
7. Integrity of Filter Bed (Annual)		
Filter bed has not been blocked or filled inappropriately		

Comments:

Actions to be Taken:

Open Channel Operation, Maintenance, and Management Inspection Checklist

Project:
 Location:
 Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY/ UNSATISFACTORY	COMMENTS
1. Debris Cleanout (Monthly)		
Contributing areas clean of debris		
2. Check Dams or Energy Dissipators (Annual, After Major Storms)		
No evidence of flow going around structures		
No evidence of erosion at downstream toe		
Soil permeability		
Groundwater / bedrock		
3. Vegetation (Monthly)		
Mowing done when needed		
Minimum mowing depth not exceeded		
No evidence of erosion		
Fertilized per specification		
4. Dewatering (Monthly)		
Dewaterers between storms		

MAINTENANCE ITEM	SATISFACTORY/ UNSATISFACTORY	COMMENTS
5. Sediment deposition (Annual)		
Clean of sediment		
6. Outlet/Overflow Spillway (Annual)		
Good condition, no need for repairs		
No evidence of erosion		

Comments:

Actions to be Taken:

Appendix I.5

List of Private and MS4 Owned Stormwater Management Practices



TOWN OF UNION VALE

Building Department

249 Duncan Road

Lagrangeville, NY 12540

TEL (845) 724-5953 - FAX (845) 724-3757

E-Mail ~ building2@unionvaleny.us

C.E.O. George A. Kolb Jr.

PRIVATE AND MS4 OWNED STORMWATER MANAGEMENT PRACTICES

PRIVATE OWNED: There are currently NO Private Owned Stormwater Management Practices in the Town of Union Vale.

MS4 OWNED:

1. Theresa Court AKA Verbank Meadows Drainage District
2. Cunningham Drive

* See attached location maps



Theresa Ct

Tompkins Rd

© 2018 Google

Google Earth

Click to see historical imagery from 1995.



1995

Imagery Date: 4/16/2016 41°43'10.77" N 73°43'34.71" W elev 598 ft eye at 2181 ft



Cunningham Dr

Bolyard

Cunningham Dr

65

© 2018 Google

Google Earth

Imagery Date: 4/16/2016 41°39'36.64" N 73°43'57.26" W elev 152 ft eye at 2948 ft

1995

Appendix J

Supporting Documentation for Pollution Prevention/ Good Housekeeping for Municipal Operations MCM

- Appendix J.1 Pollution Prevention and Good Housekeeping for Municipal Operations Handbook (DCSWCD)
- Appendix J.2 Quarterly Municipal Facility Site Compliance Inspection Checklist
- Appendix J.3 Map of Urbanized Areas
- Appendix J.4 Street Sweeping Log
- Appendix J.5 Storm Sewer Maintenance Log including Catch Basin Inspection and Cleaning

Appendix J.1

Pollution Prevention and Good Housekeeping for Municipal
Operations Handbook (DCSWCD)

Pollution Prevention and Good Housekeeping for Municipal Operations



Prepared by:

Dutchess County Soil and Water Conservation District

Pollution Prevention and Good Housekeeping for Municipal Operations

December 2017

Pollution Prevention for Municipal Operations was prepared by the Dutchess County Soil and Water Conservation District with grant funding provided by the New York State Department of Environmental Conservation.



Dutchess County Soil and Water Conservation District

<http://dutchessswcd.org>



NYS Department of Environmental Conservation

<http://www.dec.ny.gov/>

POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

TOP 15 TAKE HOME MESSAGES

1. Educate, educate, educate and then reinforce that education regularly.
2. If there is a spill, clean it up as quickly and as completely as possible. Create and follow a spill response procedure – make sure it is used every time there is an incident.
3. A clean, organized, and maintained facility is an environmentally friendly facility.
4. Inspect all aspects of all facilities often, document what you see (see the included worksheet for assistance), and implement improvements. Every facility has room for environmental improvement.
5. When it comes to fertilizers, pesticides, herbicides, and winter sand and salt, use only what you need, when you need it. Reduce the use.
6. Keep paved roadways and areas clean and sweep them as often as possible. Cleaner roads = cleaner catch basins = cleaner and healthier waterbodies and wetlands.
7. Note soil erosion when you see it and correct it as soon as possible, especially in roadside ditches and outfall discharge points. Small problems can turn into large ones rapidly.
8. Inspect outfall locations for soil erosion as well as illicit discharges. If something looks or smells off – report it, investigate it, remove it and document it.
9. Learn your facilities, wetlands, waterbodies, watercourses (permanent and intermittent, impaired and protected), and MS4 system.
10. Maintain organized records. Required reports are prepared in a fraction of the time if you spent minutes a day keeping your records up to date.
11. Communication is imperative between field and office staff. Highway and Recreation Department staff should maintain effective communication with the Stormwater Management Officer.
12. Wash vehicles and equipment using “green” products in green areas. Prevent untreated wash water from entering your MS4 or discharging to a waterbody.
13. Implement an adequate maintenance schedule on vehicles and equipment to reduce the risk of leaks or spills.
14. Maintain buffers around all watercourse and waterbodies. Let Mother Nature maintain water quality for you.
15. Reduce, Renew, Reuse, Recycle, Rebuy.

BACKGROUND: THE PHASE II STORMWATER PROGRAM

The Phase II Stormwater Program is mandated by the United States Environmental Protection Agency. In New York, responsibility for implementation and enforcement of the program has been delegated to the New York State Department of Environmental Conservation (NYSDEC). The Pollution Prevention/Good Housekeeping program described in this manual pertains to SPDES General Permit for Small Municipal Separate Storm Sewer Systems (MS4s).

An MS4 is defined as *a conveyance or system of conveyances owned by a State, City, Town, Village, or other public entity that discharges to the Waters of the United States and is designed or used to collect or convey stormwater* (includes gutters, pipes, and ditches). An MS4 is not a combined sewer, and is also not part of a Publicly Owned Treatment Works (i.e., sewage treatment plant).

The word “stormwater” by definition means surface runoff water that is the result of rainfall and/or snowmelt exclusively.

There are two ways in which a Municipal Separate Storm Sewer System can be designated as a *regulated* Small MS4.

- The municipality is part of, or drains directly to, an urbanized area of population 50,000 to 100,000. The U.S. Census Bureau defines an *urbanized area* as an area in which population density exceeds 1,000 people per square mile. These are referred to as *automatically designated MS4s*.
- The municipality’s separate storm sewer system drains to a water body that is designated as *impaired* on the New York State 303(d) list, or is in the watershed of a body of water for which a *Total Maximum Daily Load* (TMDL) for pollutant loading has been developed. These are referred to as *additionally designated MS4s*

In the County of Dutchess, the following municipalities are automatically designated MS4s:

- City of Beacon
- City of Poughkeepsie
- Town of Beekman
- Town of East Fishkill
- Town of Fishkill
- Town of Hyde Park
- Town of LaGrange
- Village of Fishkill
- Village of Wappingers Falls
- County of Dutchess
- Town of Union Vale
- Town of Pleasant Valley
- Town of Poughkeepsie
- Town of Wappinger

Pollution Prevention and Good Housekeeping for Municipal Operations

In the County of Dutchess, the following municipalities are additionally designated MS4s, due to their presence in New York City's East of Hudson watershed, for which a TMDL has been developed:

- Town of Pawling
- Village of Pawling

Communities in New York State that are regulated under the Phase II Stormwater SPDES Permit for Small MS4s are required to have in place a program for pollution prevention. This requirement fulfills Minimum Measure 6 (Pollution Prevention and Good Housekeeping) of the MS4 permit and is related to portions of other permit requirements including Minimum Measure 3 (Illicit Discharge Detection and Elimination), 4 (Construction Site Runoff Control), and 5 (Post-Construction Stormwater Management). The program pertains to all municipal departments, but is of particular concern to highway departments, parks and recreation departments, and all employees who perform outdoor job tasks.

The New York State Department of Environmental Conservation has outlined the necessary components of a Pollution Prevention and Good Housekeeping program as the development and implementation of an operation and maintenance program to reduce pollutant runoff from municipal operations including:

- Stormwater system maintenance and retrofits
- Fleet and building maintenance
- Road construction and maintenance



Program must consider:

- Maintenance activities and schedules
- Controls to reduce/eliminate pollutants from parking lots, storage areas and waste transfer facilities
- Procedures for proper disposal of waste materials removed from storm drains
- Inspection procedures for controls to reduce floatables and other pollutants
- Training for employees

The requirements listed above should be documented in the Notice of Intent (NOI) and subsequent annual reports submitted to New York State Department of Environmental Conservation.

Pollution Prevention and Good Housekeeping for Municipal Operations

List of pollutants

Many products commonly used or generated in the home, by businesses and industries, or by municipal employees are a source of pollution when they are intercepted by stormwater. The following are some examples:

- **Soil or fill material:** Soil that has eroded from a construction site, roadway, or stockpile can be carried to water bodies as sediment by stormwater.



- **Concrete, cement, and asphalt:** These substances act the same way as sediment when they enter a waterway, and in some cases can contain harmful byproducts.
- **Oil, fuel, antifreeze, and other automotive fluids:** When these substances leak onto a paved surface, they are easily transported by stormwater into watercourses.
- **Trash and garbage:** Often referred to as “floatables,” trash clogs drainage systems, harms wildlife, and is unpleasant to behold in public settings.
- **Road salt:** Salt applied during the winter months is readily soluble and can alter the chemical characteristics of streams and lakes as residue is carried away by snow meltwater.
- **Paint:** Paint can be a pollutant if used outdoors and not allowed to dry prior to a major rainfall, or if spilt and not properly cleaned up. Paint often contains metals and other chemicals that can be harmful if they enter waterways.



- **Pesticides:** Insecticides and herbicides, some of which contain toxic substances, pose a potential problem if not applied correctly.
- **Fertilizers:** Fertilizer, if applied in excess, can leach nutrients to stormwater, which may harm aquatic ecosystems by causing algal blooms and heavy aquatic plant growth.
- **Hazardous waste:** Battery acids, solvents, detergents, and other materials, if not properly disposed of, can pose varying degrees of environmental threat when mixed with stormwater.
- **Vegetative waste material:** Grass clippings, tree limbs, and leaf litter contain nutrients that can lead to algal blooms in a water body. Decomposition of these materials can cause a decline in water oxygen levels.

Pollution Prevention and Good Housekeeping for Municipal Operations

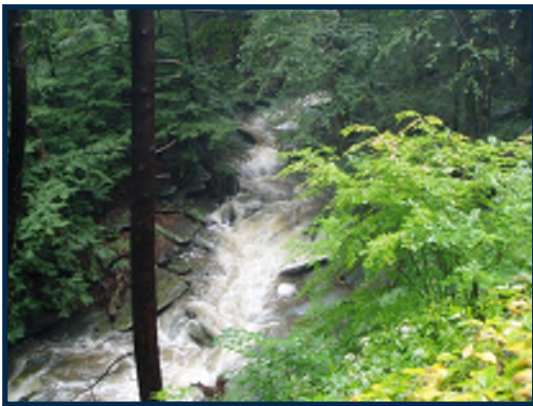
- **Scrap metal:** Because it rusts when exposed to the elements and contains varying contents of potentially harmful different types of metal that can be carried into the stormwater drainage system by rain, scrap metal is considered a source of pollution.
- **Pet waste:** Pet wastes are among the many common stormwater pollutants that can degrade water quality. When water (i.e., rain, hose water, sprinklers, etc.) contacts pet wastes the resulting stormwater runoff has been found to contain high concentrations of pathogens such as bacteria, parasites, and viruses. These bacteria can make people and other animals sick, and result in the spread of disease.



RECEIVING WATER BODIES

An awareness of the location and degree of threat to the various watercourses in a community is of value to the highway department in fulfilling the requirements of the Phase II Stormwater program. Although it is illegal to pollute any body of water in New York State to the extent that a violation of water quality standards occurs, you should know what lakes, streams, and wetlands in your municipality are under special protection through programs and regulations.

The following is an inventory you should create:

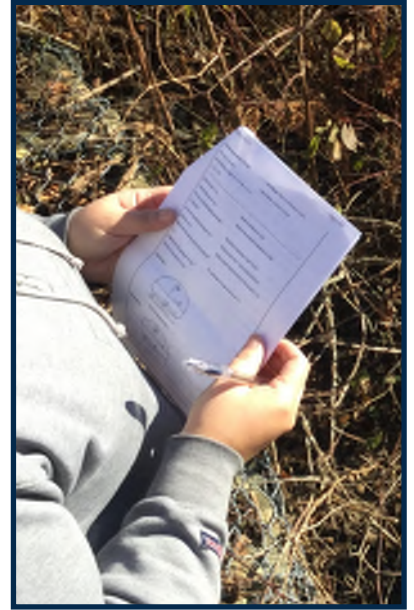


- Waters and watersheds for which a Total Maximum Daily Load (TMDL) has been developed by NYSDEC
- Waters that are on the 303(d) list as impaired
- Waters that are on the Priority Water Bodies considered stressed or threatened
- Federally designated wetlands and bodies of water (i.e., listed on the National Wetlands Inventory)
- State-designated wetlands
- City/Town-designated wetlands (if specified in municipal code)
- All permanent streams, intermittent streams, ponds, lakes, canals, and reservoirs to which roadways and other facilities under your jurisdiction drain
- All conveyances and structures within a Municipal Separate Storm Sewer System (MS4), whether enclosed pipes, open ditch, or other
- Take particular note of the wetlands and bodies of water to which municipal highway garages, transfer stations, and municipal parks discharge

RESPONSIBLE PARTIES

Stormwater Management Officer

The Stormwater Management Officer (SMO) is an individual identified as the enforcement authority empowered to implement all local laws related to the Phase II Stormwater Program. This individual should be either a municipal official or employed as a member of a municipal department. The duties of the SMO cannot be delegated to a consultant or independent business.



Your municipality also has a Local Stormwater Public Contact, responsible for handling all inquiries from the public regarding the stormwater program. In some municipalities, this individual is the SMO but may be another individual. Many larger communities also have designated a separate person as the Stormwater Program Coordinator, who can work with both the Public Contact and the SMO to address complaints and manage the program.

The SMO is typically a building inspector, code enforcement officer, or environmental planner employed by the municipality, but in some cases it may even be the highway superintendent. The SMO's responsibilities may be shared among several individuals. Highway and recreation departments interact with the SMO in reporting potential violations or threats to water quality (including spills and illicit discharges), developing an inventory of your facilities and a plan for pollution prevention, as well as obtaining required SPDES Phase II General Construction Permit for any activity exceeding an acre in land disturbance.

Highway/recreation department contact

Within a highway or recreation department, a point of contact should also be established for direct reporting and interaction with the SMO. This person would also be responsible for overseeing the pollution prevention program and ensuring that employees are properly trained in good housekeeping procedures as well as detection of illicit discharges. Usually, these responsibilities will fall to the highway or parks department superintendent but may also lie with the highway foreman.

INVENTORY YOUR FACILITIES



A critical step in the development of a stormwater pollution prevention program is to inventory all facilities and ensuring that a full understanding exists of all activities that take place at these facilities. In small villages, this may be simply one small highway garage, while in larger towns, cities and counties, materials, equipment, and waste transfer stations may be maintained in several separate locations.

Within the facilities themselves, an inventory should be generated of all vehicles, equipment, materials, and substances that are utilized in the department's operations. Further attention should be paid to the buildings, outdoor storage areas, fueling stations, and drainage systems. See [Appendix B](#) for a facility inventory worksheet to assist with this task.

VEHICLE AND EQUIPMENT MAINTENANCE

Vehicle washing operations

Vehicle washing, when not done inside or in a containment area, is an immediate pollution threat and can constitute a possible illicit discharge. This is true for two reasons. The "dirt" caked on vehicles, in addition to sediment, can contain a number of harmful pollutants; grass or vegetation clippings can be equally harmful. Additionally, detergents and soaps used in vehicle washing pose a hazard to the environment and to water quality.

Regardless of where or how you wash your equipment fleet, it is advantageous to water quality to use biodegradable materials that are the least toxic products available. Avoid the use of chlorinated solvents. Use detergents or water-based cleaning agents instead.

Therefore, it is best to wash vehicles inside and be sure that wash water drains to a sanitary sewer rather than a storm sewer. If this is not possible, an impervious concrete wash pad that does not drain to a storm sewer is the next best alternative. Treatment of wash water may be accomplished using an oil-grit separator or grassed filter area. Wastewater can be treated by a number of other devices, but you should check with the manufacturer to determine that the appropriate pollutants are being removed. Erecting a roof over an outdoor wash area keeps rainwater from interacting with the pollutants that may collect on the wash surface.

Spills and leaks

Spillage of a number of types of vehicular fluids, including engine oil, gasoline, diesel fuel, hydraulic fluid, coolant or antifreeze, and various automotive fluids, represents a threat to water quality. These substances are readily washed into stormwater drainage systems and then into water bodies or waterways by rainfall.



All machinery and vehicles should be inspected regularly for leakage of oil, gasoline, or other fluids. All leaks should be reported to a supervisor for repair. A logbook should be maintained documenting these inspections, with the date and the person who performed the examination noted. Tanks, pumps, fittings, pipes, and containers should also be inspected routinely for leaks. Here are some general guidelines concerning maintenance and repair of vehicles and equipment:

- If a leaking vehicle enters your facility yard, move it indoors as quickly as possible. Place a drip pan underneath it to contain any fluid prior to and once moved indoors.
- Conduct vehicle repairs and maintenance work, including changing of fluids, indoors. Only emergency repairs should be completed outdoors.
- Where work must be done outdoors, grade, pave, or berm outdoor areas to collect discharge into a sanitary drain.
- Never dump anything down a storm drain or catch basin, or direct a drainage line to a storm drain.

Please see the section on “spill response procedure,” for information on dry cleanup of liquid spills.

Reportable measurable goals for vehicle and fleet maintenance

The following list of sample measurable goals regarding vehicle and fleet maintenance is based, in part, on guidance from NYSDEC. Additional detailed information is available in NYSDEC’s Self-Assessment Guidance Manual for Pollution Prevention and Good Housekeeping.

- Number of cleanouts of oil and grit separators or similar maintenance operations for site drainage structures.
- Results (quantity) of recycling program for oil, antifreeze, batteries and other chemicals.
- Number or percent of facilities at which proper treatment from disposal of vehicle washwater has been implemented.

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- Documentation of vehicle repairs and equipment problems resulting in fluid spills.
- Development and implementation of policies/procedures, and training of staff, with regard to:
 - Vehicle washing wastewater disposal/treatment
 - Site drainage system maintenance and cleanout
 - Recycling
 - Hazardous materials storage
 - Spill prevention/response for vehicle maintenance (e.g., leaks) and repair



WASTE MANAGEMENT AND SPILL PREVENTION IN ALL MUNICIPAL OPERATIONS

Good Housekeeping

Taking reasonable precautions in working with, and the storage of, materials, and in general, keeping a neat and tidy work area (especially outdoors), will go a long way toward prevention of any impacts to stormwater.

- Place a drop cloth or tarp beneath any outdoor work that could produce overspray or debris. This includes painting, finishing, primer application, sanding and filing, sawcutting, drilling, and similar work.
- Sweep up scraps and debris, and properly dispose of wastes, when work is finished – recycle if possible.

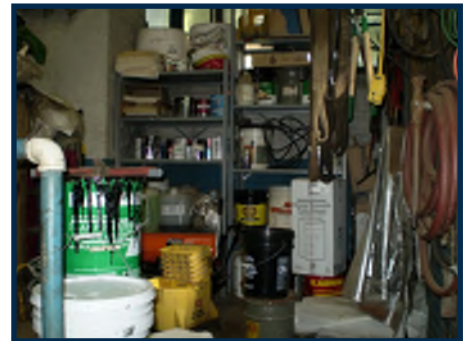


- Clean outside parking and storage areas regularly and put the collected material into the garbage – do not sweep it into the street or off the property.
- Collect bulk grease and oil in containers and contact a firm to recycle it.
- Close the lids of dumpsters and garbage containers after every use. It is recommended that the dumpster compartment(s) be kept locked to prevent illegal dumping.

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- Do not use dumpsters for liquid wastes, as they are rarely leak-proof.
- Do not place leaky garbage bags into a dumpster without securing them inside an additional unbroken bag.
- Clean floor mats and garbage cans and dispose of wash water, in a janitorial sink rather than in the parking lot or street.
- Use the least toxic cleaning products available, and use them as sparingly as possible. All detergents, even if considered nontoxic or biodegradable, must be filtered and then discharged to a sanitary sewer (not a storm sewer). Filtered solids can be thrown in the garbage unless they are hazardous materials.

Chemicals used in any type of work should be kept securely covered when not being applied, and should be put away indoors when they are not in use. Indoor storage should be kept orderly to avoid indoor spills that can be tracked outside by foot traffic and equipment. Waste oil drums and containers for spent antifreeze and other fluids should be kept closed except when filling. As a precautionary measure, when large quantities of petroleum products or other chemicals (e.g., in drums) are being transported or handled, storm drains should be covered and/or blocked to help contain a spill if one should occur. Transfers of fluids to and from storage and waste tanks should be observed by an individual trained in spill response procedures. Funnels should be used when transferring fluids.



Waste Management and Materials Storage

Chemicals stored outside in large quantities should be kept in a concrete containment area. The containment area not only prevents spilled liquids from entering the stormwater drainage system, but also protects the area from runoff of stormwater from upslope. Containment areas that accumulate rainwater should be drained only if it is certain that no contamination has entered the storage pool. Typically there is a valve that opens a small drainage outlet. Fit all storage tanks with overflow prevention and spill containment implements.

Piles of topsoil, subsoil, gravel, and other materials should be protected to prevent sediment from being carried away by rain or wind. This can be accomplished by placing it on an impervious surface with silt fence downslope of the storage area. Providing cover for the piles would greatly reduce the amount of sediment loss. For long-term storage of topsoil and subsoil, stabilization using seeding and mulching is recommended. Details on acceptable silt fence installation and seeding/mulching methods can be found in the New York Standards and Specifications for Erosion

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and Sediment Control.

Many municipalities operate transfer stations at which materials such as glass, metal, paper, plastic, and organic materials such as yard waste can be deposited for recycling or reuse. These facilities should record the results of the recycling program on an annual basis in tons or cubic yards of various materials collected. Scrap metal should be cleaned of hazardous materials before it is stored outside. Fuel, oil, and all other fluids should be removed from salvage vehicles prior to storage. It is important these materials are stored in covered containers or buildings to avoid both exposure to rainfall and to prevent movement offsite by stormwater runoff.



Reportable measurable goals for waste management and materials storage

- Frequency of hazardous material collection events sponsored by the municipality
- Identification and modification of illegal dump sites to discourage illegal dumping
- Municipal recycling program results (tons or cubic yards per year) for glass, metal, paper, plastic, and organic materials
- Development and implementation of policies/procedures, and training of staff, with regard to:



- Prevention of illicit dumping and littering
- Waste reduction and recycling
- Animal waste control
- Household hazardous waste collection

ILLEGAL CONNECTIONS TO THE STORMWATER DRAINAGE SYSTEM

Sanitary sewage (including septic system waste and laundry wash water), vehicle and equipment garage drain effluent, waste motor oil and other automotive fluids, and industrial waste are all considered illicit discharges if they enter the stormwater drainage system, and constitute a violation of the law. Several other categories of discharges must also be targeted for elimination if they are determined by the New York State Department of Environmental Conservation to be substantial contributors of water pollution to the stormwater drainage system. These include foundation drains, roof gutter leaders, water line flushing, uncontaminated groundwater infiltration, water from crawlspace and basement sump pumps, and footing drains, among others.

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Municipalities should consider requiring that those with sump pumps discharging to the MS4 install secondary containment for all heating oil tanks located in the basement area. Adequate containment could prevent petroleum products from discharging into the MS4 and then to nearby waterbodies.



Facilities managers should review all types of drainage systems located on their properties and ascertain that there are no existing connections of non-stormwater conveyances to the stormwater drainage system. If such connections are present, a procedure must be developed for their elimination. If a sanitary sewage is found to be discharging to the MS4 either by direct or in-direct connection (e.g., leaching of material from a failing individual sewage system), the County Department of Health should be notified immediately for further investigation.



PARK AND OPEN SPACE MAINTENANCE

Park and recreation area maintenance encompasses a range of activities that can pose a threat to water quality if not done with due care. The following are some ways to minimize the risk:

- Follow the manufacturer's instructions when applying pesticides or fertilizers. Usually these products should not be applied during, or right before or after, rain.
- Ensure that all sprayers and/or spreaders are calibrated to distribute evenly and at the manufacturer's recommended application rate.
- Establish chemical-free buffer zones around water bodies. In these areas, pesticides and fertilizer should not be applied. We recommend a buffer zone of 25 feet be maintained around all streams, lakes, and other water bodies.
- Sweep granular chemicals and/or grass clippings back onto vegetated areas if they fall onto a paved surface. If not done so, they will be washed into storm sewers and then into watercourses with the first significant rainfall. Granular chemicals, like any other substance, can constitute a pollution threat, and grass clippings are typically high in nutrient content due to fertilization.
- Mulch mowing (allowing grass clippings to lie on the lawn) can reduce the need for pesticides, fertilizers, and irrigation. It recycles nutrients immediately back into soil and

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holds water in the soil through absorption and by blocking the effects of evaporation.

- Direct blown grass away from the water rather than towards it when mowing lawn areas adjacent to water bodies.
- Never dump grass clippings or other yard waste into a drainage ditch or waterway. They are often laden with nutrients from uptake of fertilizer that lead to algal blooms and subsequent fish kills.
- Sweep up litter and debris from parking lots; do not hose them into storm drains. Trash and yard waste clog storm drains, interfering with their function, and accumulate in streams causing blockages and erosion.
- Plant rain gardens of native drought-resistant and pest-resistant plants, with curb cuts to allow parking lot stormwater to be filtered and treated by them.
- Use pervious pavement or gravel parking lots where possible, particularly in lightly used overflow parking, to reduce stormwater runoff.

Test your soil to determine how much fertilizer, and in what nutrient ratio, you really need. There is no benefit to overapplication of fertilizer, and in addition to being potentially harmful to the grass, excess nutrients are readily transported by rainwater into the nearest water body or leached into groundwater.

Reportable measurable goals for park and open space maintenance

- Percent of staff applying pesticides who are NYS Certified Applicators
- Reduction in pesticide usage and/or adoption of alternative pest control approaches (less toxic or persistent products, integrated pest management)
- Reduction in fertilizer usage
- Program established for hull washdown debris control at marina(s)
- Program established for sanding and painting debris and dust control at marina(s)
- Waste tank pump out system at marina available and maintained
- Procedure in place for proper drainage and discharge of swimming pool water
- Dates of most recent inspection and pump out for septic systems
- Documentation of any problems in septic system operation
- Ordinance in place for proper collection and disposal of pet wastes (from parks, public sidewalks, and streets)



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- Management of ponds and bodies of water and their surrounding vegetation to discourage nuisance waterfowl
- Development and implementation of policies/procedures, and training of staff, with regard to:

Alongside ponds, lakes, and larger streams, nuisance waterfowl such as Canada geese are a significant threat to water quality. Their waste contains high levels of nitrogen and phosphorus compounds and when large numbers of waterfowl congregate in an area, it can lead to rapid algal blooms. Rather than mowing to the edge of the water, it is recommended that a buffer of taller grass and shrubs be maintained. This discourages waterfowl because it allows predators to hide.

- Integrated pest management and use of pesticide alternatives
- Fertilizer use, alternatives, and reductions
- Pesticide and fertilizer usage records
- Hazardous materials storage
- Erosion control practices
- Boat cleaning and painting operations
- Pump outs and haul-out pit maintenance
- Alternative discharge options for chlorinated water
- Inspection, maintenance, and pump out of septic systems and associated record keeping
- Pet waste control, education, and enforcement

MUNICIPAL BUILDING MAINTENANCE

Municipal buildings can include highway garages, repair garages, parks department storage buildings, town halls, police stations, fire stations, and libraries, as well as any number of other municipal facilities. Some of these facilities, because of the storage and use of vehicles, equipment, and potentially polluting materials, require extra attention to protect water quality. Others, such as office buildings, simply require management of runoff and care in the occasional use of chemical substances to prevent pollution. Handling of stormwater drainage from parking lots, rooftops, and outdoor storage and staging areas should revolve around the principal of *“keeping clean water clean”*:

- Roof downspouts should be directed to stormwater management areas or immediately offsite rather discharging water to areas where it can pick up additional pollutants.
- Wherever possible, surface runoff should be directed away from vehicle or materials storage areas that may contain a higher risk of exposure of stormwater to pollutants.
- Drainage in these areas should be contained in as



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small an area as possible and treated before being discharged offsite.

- Where soil conditions allow, infiltration of stormwater should be incorporated as a treatment practice.



Buildings that do not utilize public sewage treatment systems will require onsite septic system inspection and maintenance. This means that regular inspection (at least once every two years) and pump out (generally once every 3 to 4 years) should be completed and documented. Any failures or maintenance problems should likewise be addressed and the actions taken should be recorded.

Many public office buildings employ maintenance staff or contract with a cleaning company to perform routine janitorial tasks. It is important that these personnel are made fully aware of the policies and procedures outlined in this section.

Products used in cleaning and maintenance of facilities should, where possible, be biodegradable and pose a minimum threat to the environment. As further discussed in the section on Waste Management, recycling procedures should be employed wherever possible. Concerning the maintenance of building grounds, many of the procedures described in the section on Parks and Open Space Maintenance are likely to also be relevant here.

For details on storage and containment, spill prevention, and spill response procedures for petroleum products and hazardous materials, see the sections on *“waste management and materials storage”* and *“spill response procedure.”*



STORMWATER DRAINAGE, CONVEYANCE, AND TREATMENT SYSTEM MAINTENANCE

Ditch cleanout and maintenance

Many highway departments maintain roadside ditches as open and unobstructed waterways. Stabilize ditches with vegetation immediately following cleanout to avoid causing erosion and sediment deposition as a result of necessary maintenance. This can be most easily accomplished through use of a hydroseeder. Vegetation should be



allowed to establish and should only be removed when sediment accumulation in the ditch becomes excessive and compromise its function. On ditches where the design velocity exceeds **5.0 ft/sec**, vegetation is insufficient to provide soil stabilization and sediment trapping capacity, and the use of rock riprap or other reinforcement practices becomes necessary. Ditch stabilization practices should be designed and implemented using guidance from the New York Standards and Specifications for Erosion and Sediment Control.



Catch basin and inline structure cleanout procedures

All catch basins should be examined regularly (twice per year is recommended) to determine if cleanout is necessary. More frequent monitoring and maintenance may be necessary in areas where soil disturbance or construction is occurring nearby.

A bucket or vacuum truck may generally be utilized to scoop accumulated material out of catch basins. These spoils should be disposed of in such a way to minimize contact with stormwater and bodies of water. This may mean sending spoils to a sanitary landfill, composting them, or using them as fill material in an area where they will be securely buried and unlikely to come into any contact with either groundwater or surface water. Prior to reuse of the material, consider testing it to determine if it is a polluted (e.g., hazardous waste) material.

Stormwater outfalls themselves must be kept clear of blockages and debris so that they are able to properly transport water. Sediment trapped within conveyance pipes should be periodically removed by a pressure washing procedure.

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Other constructed stormwater management structures, such as Vortech[™] or Stormceptor[™] units, may require a different maintenance procedure. Check with the manufacturer to find out the required frequency of maintenance. The above names are offered as illustrative examples. Dutchess County Soil and Water Conservation District does not endorse any particular manufacturer or product of inline stormwater structures.

Reportable Measurable Goals for Stormwater Drainage, Conveyance, and Treatment System Maintenance

- Quantity (tons or cubic yards per year) of material cleaned from structures in the stormwater drainage, conveyance, and treatment system (also expressed as percentage of sand applied during winter road maintenance)
- Length of storm drain pipe cleaned
- Number of outfalls cleaned (also express as percentage of total number in municipality of possible)
- Number of catch basin sumps inspected and cleaned (also express as percentages of total number in municipality if possible)
- Any upgrades or technology improvements in overall system
- Development, and implementation of policies/procedures, and training of staff, with regard to:

A rule of thumb is that catch basin sumps should be cleaned out when they are one half to three quarters full. Sumps are rarely able to completely fill up with sediment because the top layer of sediment is continually washed out due to the velocity of water to and from adjacent pipes. This means that partially full sumps may not be functioning in capturing sediment.



- Priority setting for different portions of the system based on waterbody impacts and listed waters
- Inspection of system components and recordkeeping/frequency tracking
- Technology improvements and installation
- Maintenance, repair, stabilization, and cleanout of system components
- Public education and communications

STREET AND BRIDGE MAINTENANCE



Street sweeping

All roadways within a municipality should be swept annually, at a minimum, and more frequently if possible in areas where construction is taking place or in low lying areas where sediment collects. Sweeping removes not only sediment, but also trash, leaf litter, and other debris. Spoils should be disposed of appropriately as described above under “Catch basin and inline structure cleanout procedures.”

Bridge and culvert maintenance

Improper sizing or maintenance of bridges and culverts crossing streams or bodies of water can lead to significant erosion and subsequent discharges of sediment to receiving water bodies.

Keeping these crossing points stable is an important part of any street or bridge maintenance program.

Proper erosion and sediment control techniques based on the New York Standards and Specifications for Erosion and Sediment Control should be employed when bridge or culvert replacement is undertaken. Careful attention to stabilization and minimization of the impact to adjacent streambanks is also critical.



Reportable measurable goals for Street and Bridge Maintenance



- Quantity (tons or cubic yards per year) of debris and material cleaned from streets, sidewalks, and parking lots within calendar year (also expressed as percentage of sand applied during winter road maintenance)
- Number of culverts inspected, repaired, and replaced
- Miles of street swept annually as a percentage of total miles in the municipality.

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- Number of bridge repair/replacement projects with incorporated pollution prevention or streambank erosion control components
- Development, staff training, and implementation for policies regarding:



- Street cleaning prioritization strategy
- Schedules and frequency for streets sweeping
- Schedules and frequency for culvert inspection and repair
- Sidewalk and municipally owned parking lot cleaning
- Pollution prevention and streambank erosion control in bridge maintenance

WINTER ROAD MAINTENANCE

Salt storage and handling

Proper storage and careful handling of deicing materials prevents them from becoming a threat to water quality at municipal facilities. Here are some general guidelines:

- Outdoor loading facilities should be equipped with a catch basin of sufficient capacity to handle the residue.
- Storage facility foundations are to be above the elevation of the surrounding area and should have a 0.5% slope away from the entranceway.
- Salt storage facilities should be covered and rainproof.
- Inspections for structural integrity should be performed periodically and repairs made as needed.



Applying deicing materials

Balancing the need for adequate winter road maintenance to maintain public safety with concerns for water quality represents a substantial challenge. Most products commonly used on roadways have the potential to result in negative impacts to water quality. Heavy use of sand necessitates more frequent street sweeping and cleaning of catch basins to prevent sedimentation, while excessive salt use results in water quality impacts.

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Salt brine is also used as a prewetting additive to conventional road salt or as an exclusive deicing material. Prewetting is the process of spraying deicing salt with a solution of liquid chemical before spreading the salt on the roadway. Studies have show that prewetting the salt helps it work more effectively as a deicing agent for two reasons: First, wet salt clings to the road instead of bouncing off or being swept off by traffic. This results in a decrease in the amount of salt spread, thus saving money and minimizing the impact on the environment. Second, to be effective as a deicing agent, salt requires moisture. Prewetting the salt ensures that there will be enough moisture to facilitate the melting process even when temperatures drop below freezing.



Here are some guidelines that can be followed to minimize these water quality impacts:



- Do not discharge excess salt or sand left on the roadways into a catch basin or directly into a stream or lake. This material should be swept up from the roadway with sweeping or scrubbing equipment and properly discarded.
- Maintain equipment and materials (including spreaders, road-weather systems, sand-salt mixture composition) properly.
- Calibrate equipment to manufacturer-recommended levels.
- Decisions about where and how much material to use should be made based on both public need and potential water quality impacts, with attention being paid to priority and listed water bodies.
- Remain up-to-date with available improvements to technology.

Reportable measurable goals for Winter Road Maintenance

- Inspection/repair of salt storage facilities and practices to ensure adequate cover of all deicing materials
- Calibration, testing, and maintenance of application technology equipment
- Reduction in overall sand or salt usage as a result of material selection, improved technology, application strategy, or staff training (e.g., annual tons)
- Development, and implementation of policies/procedures, and training of staff, with regard to:
 - Deicing material storage methods
 - Storage site operations and cleanup
 - Salt reduction options, including alternative methods
 - Improved application technologies
 - Maintenance of application equipment
 - Drinking water well considerations, including private wells



SPILL RESPONSE PROCEDURE

Any release (leak or spill) of a petroleum product must be reported to NYSDEC, unless all four of the following criteria are met:

1. The spilled material is known to be less than five (5) gallons in quantity
2. The spill is contained and under the control of the spiller
3. The spill has not, and will not, reach the waters or lands of New York State
4. The spill is cleaned within two (2) hours of discovery

If any of the above criteria are not met, or are in doubt, the NYSDEC Spill Response Unit should be contacted at 1-800-457-7362.

If the person(s) responsible for the spill is (are) unknown, it is the responsibility of the person who discovers the spill to notify NYSDEC. The following information should be provided when calling the hotline:

- Name of the person making the report and his (her) relationship to any person who might be responsible for the spill
- Time and date of the discharge or discovery of the discharge
- Probable source of the discharge
- Location of the discharge in relation to bodies of water
- The type of petroleum discharged
- Possible health, fire, or explosion hazards resulting from the discharge
- The amount of petroleum discharged
- Current and anticipated cleanup and response actions
- Personnel currently at the discharge site
- Other government agencies that have been, or will be, notified



For other hazardous substances, NYSDEC must be notified in a similar manner of discharges that exceed the reportable quantity (RQ). A listing of hazardous substances, with RQs, is available from NYSDEC's website (6 NYCRR Part 597, www.dec.ny.gov/docs/remediation_hudson_pdf/part597text.pdf).

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If there is an immediate health threat, or a fire or explosion hazard, call 911. Generally, spills of hazardous substances also necessitate the contacting of fire or emergency services.

If it is safe to approach the scene, spills are to be contained as close to the source as possible with a dike of absorbent materials from an emergency spill kit. Additional dikes should be constructed around storm drains, catch basins, and stormwater conveyances. Any contaminated spill residuals and oily debris should be set aside for proper treatment/disposal.

If a drinking water supply is expected to be contaminated as a result of the spill, the Dutchess County Department of Health must be notified at (845) 486-3404. The Department of Health will provide further guidance once they are contacted.

See Appendix J for an example spill response procedure poster to display within each municipal facility with chemical storage.

EMPLOYEE TRAINING

A pollution prevention training program is required for all highway and recreation department employees. The program should encompass the following topics:

- Good housekeeping and spill prevention practices, as detailed in this manual, which should become part of daily operations
- Spill response procedures including notification requirements, who to contact, location of emergency spill response equipment, and what actions to take under different circumstances or types of spills
- Management practices for handling hazardous materials, both new and waste products
- Documentation procedures for vehicle maintenance, catch basin cleanouts, street sweeping, spills, and materials and equipment inventory

An attendance sheet should be kept for each training session given to document that all employees have been fully trained. Training should be conducted annually, as well as when changes are made to the program. It may be most efficient to combine this type of training with other training programs, such as safety education and hazardous materials training.

All employees should be provided with a copy of this manual for review.

Appendices

Pollution Prevention and Good Housekeeping for Municipal Operations

Appendix A. Employee certification.

I, _____ hereby certify that I have received a copy of the *Pollution
(Print Name)*
Prevention for Municipal Operations Manual on _____ and that I have
(Date)
reviewed and understand all information contained within it.

Print Name

Signature

Date

Witness

Total time spent reviewing and/or attending training regarding this manual = _____ hours

* This signed certification shall be kept in the employee's file for the duration of their tenure with the municipality. Additionally, NYSDEC shall be notified of this certification as part of the municipality's Phase II stormwater program.

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Appendix B. Facility inventory worksheet.

Name of facility: _____

Location of facility: _____

Outdoor Survey:

1. Where does rainwater runoff from roofs and parking areas drains to?
 - a. Is this water treated prior to discharge into a receiving water body?
2. Are there any catch basins on the property?
 - a. Where do they discharge?
 - b. Is there inspection program in place to insure proper operation and maintenance?
 - c. Is there erosion or excessive sediment at the discharge point?
3. How is the following stored prior to pick up?
 - a. trash and garbage
 - b. scrap metal
 - c. recyclable material
 - d. Other
4. Are all storage containers covered?
5. How and where are sand and salt stored?
 - a. Is the surface pervious or impervious?
 - b. Is the material covered or uncovered?
 - c. Is the salt/sand loading area swept to remove excess material?
6. What equipment is stored outdoors?
 - a. What is under cover?
 - b. What is exposed to the elements?
 - c. Are there any signs of spills or leaks?
7. Is there a gas pump(s) at this location? {Note: see NYSDEC- Division of Environmental Remediation (Bulk Storage Help Line: (518) 402-9543) for information about bulk petroleum storage and permit requirements}
 - a. What size are the tank(s)?
 - b. Above or below ground?
 - c. Are the tanks double or single walled?
 - d. Is there cathodic protection?
 - e. When was the last visual tank inspection (recommended monthly)?
 - f. When was the last tightness test conducted (if required, every five years)?
 - g. Is the dispensing area (e.g., gas pumps) covered?
 - h. Is there an automatic shut off switch?
 - i. Is the pumping area contained in case of spillage (e.g., bermed, sloped)

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Indoor Survey:

1. Are there any active floor drain(s) in the facility?
 - a. What activities occur within drainage distance?
 - b. Where do the floor drain(s) discharge?

2. How and where are the following stored (see Appendix E for a chemical substances inventory sheet)?
 - a. Motor oil
 - b. Waste oil
 - c. Paints
 - d. Cleaning solvents
 - e. Antifreeze
 - f. Other automotive maintenance fluids
 - g. Other liquid chemicals

3. How are waste fuel oil and used automotive fluids recycled?

4. Are heating oil, fuels, hydraulic fluid, and motor oil stored in tanks or drums?
 - a. What is the condition of the tanks or drums?
 - b. Do these containers have secondary containment structures to provide a reservoir for holding back of the fluid in the event of a spill?
 - c. Are there any signs of leaks or staining?

5. Is there a maintenance schedule for vehicles and equipment?

6. Are Material Safety Data Sheets (MSDS) readily accessible?

7. Is a spill cleanup kit containing absorbent pads, household cat litter, or other absorbent materials readily available?

8. Are there signs posted stating steps to be taken in the event of a spill (example: Contain spill if possible, call 911, call NYSDEC)

Comments:

Corrective Actions Taken as a Result of this Inventory:

Inventory completed by:

Date/Time:

Print Name

Signature

Appendix H. Outfall inspection and clean out.

Date/Time: _____

Weather (last 72 hours): _____

Person Reporting: _____

Total man hours spent on task = _____ hrs

Outfall ID								
Closest roadway								
Type of outlet protection								
Outlet protection ok? (Y/N)								
Debris/sediment blockage (Y/N)								
Erosion/scour present (Y/N)								
Excess sediment, debris, and/or trash								
Functioning?								
Odor?								
Color?								
Foam (Y/N)?								
Algae growth (Y/N)?								
Amount of material removed								
Repairs/Cleaning needed								
Possible illicit connections								
Notes								

In Case of a Spill...

1. Contain spill (if possible).

A. Prevent spill from entering nearby catch basins/drains/water bodies (if possible)

2. Determine the size of the spill (volume) and the material spilled

3. Notify Spill Response Contact

Primary Contact: _____ Phone #: _____

Alternate 1: _____ Phone #: _____

Alternate 2: _____ Phone #: _____

4. If 5 gallons or more

A. Call 911!

B. Notify NYSDEC Spill Response Unit – (800) 457-7362**

5. If less than 5 gallons

A. Call 911 if you don't feel you can clean up the spill safely and/or completely

B. Obtain the MSDS for the substance

C. Use proper PPE

D. Absorb spill with proper material (see Spill Kit (if applicable))

E. Properly clean up and dispose of waste spill containment material

F. Document spill and clean up activities

G. Notify NYSDEC Spill Response Unit – (800) 457-7362**

H. If applicable, address cause of spill to prevent it from happening again in the future

** Any release (leak or spill) of a petroleum product must be reported to NYSDEC, unless all four of the following criteria are met:

1. The spilled material is known to be less than five (5) gallons in quantity
2. The spill is contained and under the control of the spiller
3. The spill has not, and will not, reach the waters or lands of New York State
4. The spill is cleaned within two (2) hours of discovery



Dutchess County
Soil and Water Conservation District
Farm & Home Center
2715 Route 44, Suite 3
Millbrook, New York 12545



NYS Department of
Environmental Conservation
625 Broadway
Albany, New York 12233

Appendix J.2

Quarterly Municipal Facility
Site Compliance Inspection Checklist

Town of Union Vale Highway Department
Municipal Facility Site Compliance Inspection Checklist

Department: _____
 Phone Number: _____
 Inspector: _____
 Date: _____

Question	Y	N	N/A	(If "No") Resolution
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General

1.	Has the employee performing this inspection had activity specific stormwater BMP training this year?				
2.	Are activity-specific BMPs in place?				
3.	Is your facility reasonably clean and free of litter and debris?				
4.	Are parking lots reasonably clean and free of debris? If sweeping the lot, note estimated substance and weight of debris in tons.				
5.	Are Pesticides/herbicides/fertilizers minimized where feasible?				
6.	Are storm drain inlets clean and free of debris?				
7.	If cleaning of the storm drain was needed, note estimated substance and weight of debris (in tons) since last inspection.				
8.	Is area absent of any evidence of a discharge, spill, and or leak?				
9.	If a minor spill is observed entering the storm drain system during an inspection, have you reported it to the Town Stormwater Management Office and the NYSDEC?				

Smoke Detectors

10.	Is there a working smoke detector on each level?				
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Fire Extinguisher

11.	Is there a working fire extinguisher on each level? Date of required inspection?				
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Safety Equipment

12.	Is the safety equipment current and accessible?				
13.	Is the first aid kit current and accessible?				

	kits readily available?				
36.	If outdoors, is water from surrounding areas prevented from reaching material storage areas?				
37.	Are bulk hazardous materials/liquids stored outside in secondary containment?				

Question

Y N N/A

(If “No”) Resolution

Salt Storage Area

38.	Is the area reasonably clean and free of litter, debris and loose material?				
39.	Is materials storage area covered?				
40.	Are materials and stocked cleanup kits readily available?				
41.	Is all salt product within the covered facility?				
42.	Are bulk hazardous materials/liquids stored outside in secondary containment?				

Building Exterior

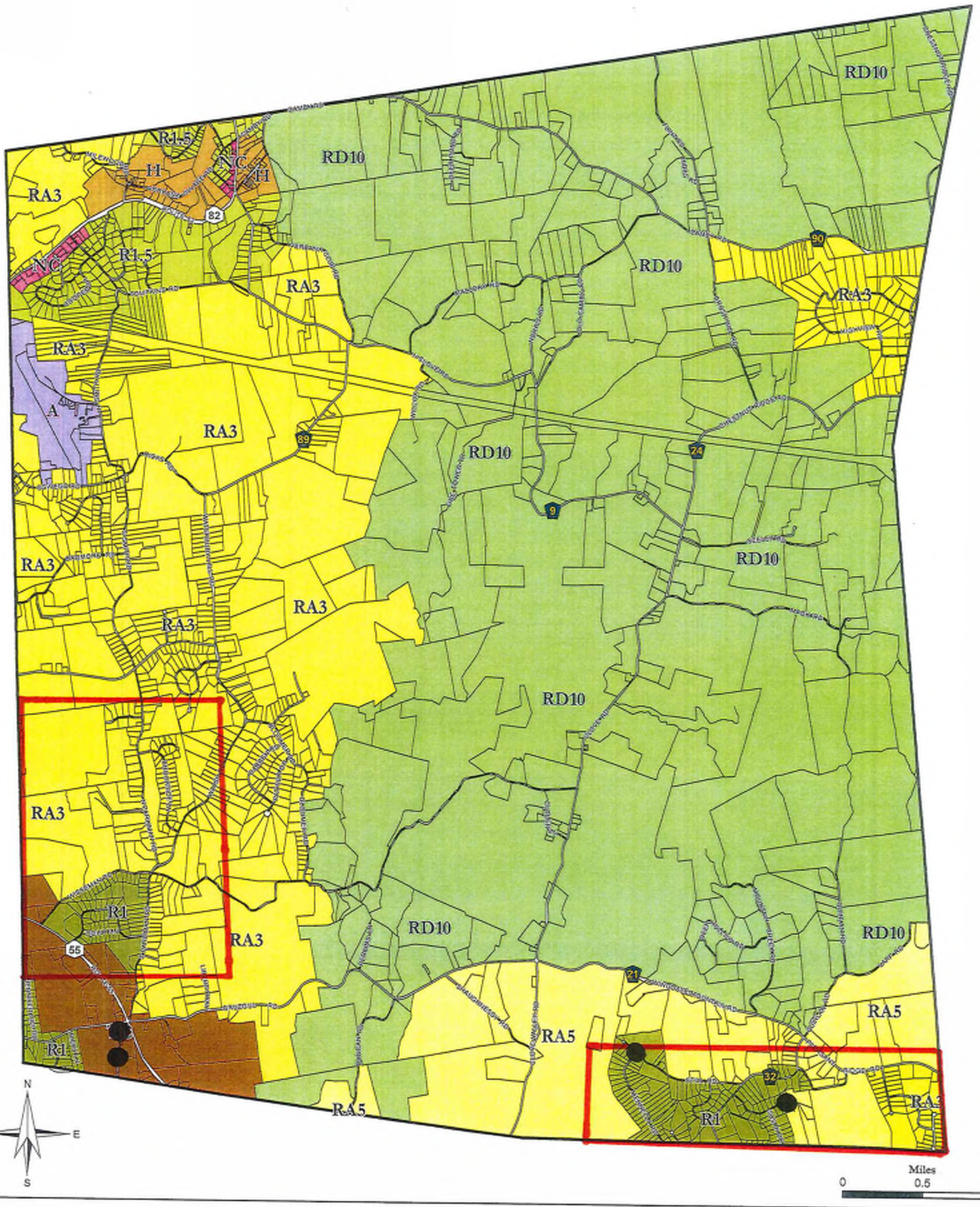
43.	Is the foundation sound and free from hazards?				
44.	Are all the exterior stairs, rails, and porches sound and free from hazards?				
45.	Are the roof, gutters and downspouts sound and free from hazards?				
46.	Are exterior surfaces sound and free from hazards?				
47.	Is the chimney sound and free from hazards?				

Other Important Areas For Inspection

48.	Are the BMP's installed properly?				
49.	Are BMP's in good working condition? If no,, they need to be replaced.				

51. For any ineffective BMP's (i.e., the wrong BMP is used), describe an effective replacement BMP and update your URMP section.

Appendix J.3
Map of Urbanized Areas



Town of Union Vale Zoning Map



RED BOXED AREA : STREET SWEEPING AREA / CATCH BASIN INSPECTION AREA

BLACK DOT POINT : OUTFALL INSPECTION & MAINTENANCE DESIGNATION AREAS

USE FORMS ATTACHED

Appendix J.4
Street Sweeping Log



TOWN OF UNION VALE

Building Department

249 Duncan Road

Lagrangeville, NY 12540

TEL (845) 724-5953 – FAX (845) 724-3757

E-Mail ~ building2@unionvaleny.us

C.E.O George A. Kolb Jr.

ROAD SWEEPING INVENTORY MS4 REPORTING DATA ANNUAL YEAR _____

ROADWAY:	DATE COMPLETED:	RD MILEAGE
1. GALLE LN		.20
2. OAKBROOK LN		.44
3. MOONSTONE		.10
4. WALSH RD		1.68
5. PARLIMAN		2.65
6. BROOKSIDE		.68
7. ROSE CT		.17
8. GRANGEVALE		.20
9. WISSEMAN		.65
10.DOLLY LN		.34
11.CUNNINGHAM DR		.58
12.CLAPP HILL		.35
13.STILL RD		.82
14.WENDY LN		.42
15.JENNIFER HILL		.28
16.REILY RD		.19
17.MENNELLA RD		.58
18.GAIL LN		.10
19.JORDAN CT		.40
20.SUSAN DR.		.25

Appendix J.5

Storm Sewer Maintenance Log Including Catch Basin Inspection and Cleaning



TOWN OF UNION VALE

Building Department

249 Duncan Road

Lagrangeville, NY 12540

TEL (845) 724-5953 – FAX (845) 724-3757

E-Mail ~ building2@unionvaleny.us

C.E.O George A. Kolb Jr.

CATCH BASIN INVENTORY MS4 REPORTING DATA ANNUAL YEAR _____

ROADWAY:	DATE COMPLETED:	BASIN #

1. GALLE LN
2. OAKBROOK LN
3. MOONSTONE
4. WALSH RD
5. PARLIMAN
6. BROOKSIDE
7. ROSE CT
8. GRANGEVALE
9. WISSEMAN
10. DOLLY LN
11. CUNNINGHAM DR
12. CLAPP HILL
13. STILL RD
14. WENDY LN
15. JENNIFER HILL
16. REILY RD
17. MENNELLA RD
18. GAIL LN
19. JORDAN CT
20. SUSAN DR.

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Appendix K

Annual Reporting

Appendix K.1 MS4 Annual Report

Appendix K.2 MS4 Annual Report Public Comments

Appendix K.1
MS4 Annual Report

MS4 Annual Report Cover Page

MCC form for period ending March 9, 2019

Provide SPDES ID of each permitted MS4 included in this report.

SPDES ID

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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9,

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Name of MS4

Town of Union Vale

SPDES ID

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Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for ***each*** of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- Principal Executive Officer/Chief Elected Official
- Duly Authorized Representative
- Local Stormwater Public Contact
- Stormwater Management Program (SWMP) Coordinator
- Report Preparer

First Name

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 Last Name

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Title

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Phone

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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2019

Name of MS4

SPDES ID
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Section 4 - Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name MI Last Name

Title (Clearly print title of individual signing report)

Signature


Date

Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator
Division of Water
4th Floor
625 Broadway
Albany, New York 12233-3505

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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3. What strategies did your MS4/Coalition use to achieve education and outreach goals during this reporting period? Check all that apply:

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|--|---------------------|--|---|---|---|---|---|
| <input checked="" type="radio"/> Construction Site Operators Trained | # Trained | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td>1</td><td>7</td><td>7</td></tr></table> | | | 1 | 7 | 7 |
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| <input type="radio"/> Direct Mailings | # Mailings | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td><td> </td><td>0</td></tr></table> | | | | | 0 |
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| <input checked="" type="radio"/> Kiosks or Other Displays | # Locations | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td><td> </td><td>5</td></tr></table> | | | | | 5 |
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| <input checked="" type="radio"/> List-Serves | # In List | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td>6</td><td>2</td><td> </td></tr></table> | | | 6 | 2 | |
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| <input type="radio"/> Mailing List | # In List | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td><td> </td><td>0</td></tr></table> | | | | | 0 |
| | | | | 0 | | | |
| <input type="radio"/> Newspaper Ads or Articles | # Days Run | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td><td> </td><td>0</td></tr></table> | | | | | 0 |
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| <input checked="" type="radio"/> Public Events/Presentations | # Attendees | <table border="1" style="display: inline-table;"><tr><td> </td><td>2</td><td>0</td><td>0</td><td>5</td></tr></table> | | 2 | 0 | 0 | 5 |
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| <input checked="" type="radio"/> School Program | # Attendees | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td>8</td><td>0</td><td> </td></tr></table> | | | 8 | 0 | |
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| <input checked="" type="radio"/> TV Spot/Program | # Days Run | <table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td><td> </td><td>0</td></tr></table> | | | | | 0 |
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Locations (e.g. libraries, town offices, kiosks)

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V	A	S	S	A	R		F	A	R	M		E	N	V		F	A	I	R

Other:

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Web Page: Provide specific web addresses - not home page. Continue on next page if additional space is needed.

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

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MS4 Annual Report Form

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

EDUCATE THE GENERAL PUBLIC, DEVELOPERS AND CONTRACTORS THROUGH PUBLIC EVENTS AND THE DISTRIBUTION OF EDUCATIONAL BROCHURES. EDUCATE CONTRACTORS IN CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL PRACTICES THROUGH TRAINING SESSIONS. EDUCATE PUBLIC EMPLOYEES THROUGH CONFRENCES AND OTHER TRAINING EVENTS.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

THIS IS THE FIFTH YEAR THAT THE TOWN OF UNION VALE HAS PARTICIPATED IN THE DUTCHESS COUNTY MS4 COORDINATION COMITTEE AND HAS COOPERATED IN THE DEVELOPMENT AND DISTRIBUTION OF BROCHURES, AND IN FACILITATING TRAINING SESSIONS.
--

C. How many times was this observation measured or evaluated in this reporting period?

		1	0
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*(ex.: samples/participants/events)***D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**
 Yes No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
 Yes No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

STORMWATER POLLUTION PREVENTION AND IDDE TRAINING CD'S BEING CIRCULATED TO MS4 COMMITTEE DPW'S; BILLBOARD CAMPAIGN WILL CONTINUE TO BE IMPLEMENTED BY MS4 COMMITTEE; CONTINUED TRAINING FOR CONTRACTORS AND MUNICIPAL PERSONEL & SMO TRAINING.
--

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	9
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale									
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SPDES ID

N	Y	R	2	0	A	5	5	2
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4.a. If this report was made available on the internet, what date was it posted?

Leave blank if this report was not posted on the internet.

0	5
---	---

 /

2	0
---	---

 /

2	0	1	9
---	---	---	---

4.b. For how many days was/will this report be posted?

3	6	5
---	---	---

If submitting a report for single MS4, answer 5.a.. If submitting a joint report, answer 5.b..

5.a. Was an Annual Report public meeting held in this reporting period?

Yes No

If Yes, what was the date of the meeting?

0	5
---	---

 /

1	7
---	---

 /

2	0	1	8
---	---	---	---

If No, is one planned?

Yes No

5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period?

Yes No

If No, is one planned for each?

Yes No

6. Were comments received during this reporting period?

Yes No

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	9
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

N	Y	R	2	0	A	5	5	2
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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMP in this reporting period.

STRENGTHEN PARTNERSHIPS WITH WATERSHED GROUPS THROUGH THE MS4 COORDINATION COMMITTEE. CONDUCT PUBLIC MEETING FOR ANNUAL REPORT AND FOR SITE DEVELOPMENT PROJECTS REQUIRING SWPPPS.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

NUMBER OF EVENTS CONDUCTED AND NUMBER OF ATTENDEES PARTICIPATING IN EVENTS AND VOLUNTEER PROGRAMS FOR THE REPORTING PERIOD ARE GENERALLY CONSISTENT WITH PREVIOUS REPORTING PERIODS FOR DUTCHESS MS4 COMMITTEE.

C. How many times was this observation measured or evaluated in this reporting period?

		1	0
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

CONTINUE TO SUPPORT OUTREACH BY PURSUING PARTNERSHIPS WITH WATERSHED GROUPS. REVISIONS TO SWMP PLAN THAT ARE CURRENTLY IN PROGRESS WILL BE PRESENTED AT PUBLIC MEETINGS. THE NUMBER OF ATTENDEES WAS GENERALLY CONSISTENT WITH PREVIOUS REPORTING PERIODS.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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Minimum Control Measure 3. Illicit Discharge Detection and Elimination

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

--	--	--

1. Enter the number and approx. percent of outfalls mapped:

			1	5
--	--	--	---	---

 #

1	0	0
---	---	---

 %

2. How many of these outfalls have been screened for dry weather discharges during this reporting period (outfall reconnaissance inventory)?

	1	5
--	---	---

3.a. What types of generating sites/sewersheds were targeted for inspection during this reporting period?

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="radio"/> Auto Recyclers <input type="radio"/> Building Maintenance <input type="radio"/> Churches <input type="radio"/> Commercial Carwashes <input type="radio"/> Commercial Laundry/Dry Cleaners <input type="radio"/> Construction Vehicle Washouts <input type="radio"/> Cross-Connections <input type="radio"/> Distribution Centers <input type="radio"/> Food Processing Facilities <input type="radio"/> Garbage Truck Washouts <input type="radio"/> Hospitals <input type="radio"/> Improper RV Waste Disposal <input type="radio"/> Industrial Process Water | <ul style="list-style-type: none"> <input type="radio"/> Landscaping (Irrigation) <input type="radio"/> Marinas <input type="radio"/> Metal Plateing Operations <input type="radio"/> Outdoor Fluid Storage <input type="radio"/> Parking Lot Maintenance <input type="radio"/> Printing <input type="radio"/> Residential Carwashing <input type="radio"/> Restaurants <input type="radio"/> Schools and Universities <input type="radio"/> Septic Maintenance <input type="radio"/> Swimming Pools <input type="radio"/> Vehicle Fueling <input type="radio"/> Vehicle Maint./Repair Shops |
|--|---|

Other: None

O	U	T	F	A	L	L		M	A	P	P	I	N	G		C	O	M	P	L	E	T	E		9	/	2	0	1	6
---	---	---	---	---	---	---	--	---	---	---	---	---	---	---	--	---	---	---	---	---	---	---	---	--	---	---	---	---	---	---

Sewersheds:

M	U	L	T		C	R	E	E	K	S		T	I	E		T	O		F	I	S	H	K	I	L	L		C	R
---	---	---	---	--	---	---	---	---	---	---	--	---	---	---	--	---	---	--	---	---	---	---	---	---	---	---	--	---	---

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

NYR20A552

3.b. What types of illicit discharges have been found during this reporting period?

- Broken Lines From Sanitary Sewer
- Industrial Connections
- Cross Connections
- Inflow/Infiltration
- Failing Septic Systems
- Pump Station Failure
- Floor Drains Connected To Storm Sewers
- Sanitary Sewer Overflows
- Illegal Dumping
- Straight Pipe Sewer Discharges
- Other: None

Empty grid for other discharge types

4. How many illicit discharges/potential illegal connections have been detected during this reporting period?

0

5. How many illicit discharges have been confirmed during this reporting period?

0

6. How many illicit discharges/illegal connections have been eliminated during this reporting period?

0

7. Has the storm sewershed mapping been completed in this reporting period? Yes No

If No, approximately what percent was completed in this reporting period?

0%

8. Is the above information available in GIS? Yes No

Is this information available on the web? Yes No

If Yes, provide URL(s):

Please provide specific address of page where map(s) can be accessed - not home page.

URL

Three rows of empty grid for URL

URL

Three rows of empty grid for URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID

N	Y	R	2	0	A	5	5	2
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12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

1) IDENTIFY AND LOCATE ILLICIT DISCHARGES
 2) FACILITATE MAPPING OF ALL OUTFALLS
 3) PROVIDE IDDE TRAINING FOR RELEVANT TOWN PERSONNEL
 4) ADOPT IDDE ORDINANCE AND IMPLEMENT DURING THIS REPORTING YEAR

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

1) NO ILLICIT DISCHARGES DETECTED DURING OUTFALL INSPECTIONS
 2) ALL OUTFALLS HAVE BEEN MAPPED AS OF SEPTEMBER 2016 BY DCSWCD, AN INVENTORY OF MAPPED OUTFALLS WITHIN URBANIZED AREAS HAS BEEN CREATED
 3) IDDE LOCAL ORDINANCE ADOPTED AND CERTIFIED

C. How many times was this observation measured or evaluated in this reporting period?

		1	0
--	--	---	---

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

1) CONTINUE INSPECTION OF OUTFALLS AND CATCH BASINS WITHING URBANIZED AREAS OF MS4
 2) CONTINUE IDDE TRAINING COORDINATION WITH THE DUTCHESS COUNTY COALITION OF MS4 COMMUNITIES.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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Minimum Control Measures 4 and 5.
Construction Site and Post-Construction Control

The information in this section is being reported (check one):

- On behalf of an individual MS4
 On behalf of a coalition

How many MS4s contributed to this report?

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1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities? Yes No

1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook? Yes No NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

09/2004 03/2006 NT

2. Does your MS4/Coalition have a SWPPP review procedure in place? Yes No

3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?

		4
--	--	---

4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs? Yes No NT

If Yes, how many public comments were received during this reporting period?

		0
--	--	---

5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process? Yes No

6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

- Notices of Violation #

					0
--	--	--	--	--	---

 ○ No Authority
- Stop Work Orders #

					0
--	--	--	--	--	---

 ○ No Authority
- Criminal Actions #

					0
--	--	--	--	--	---

 ○ No Authority
- Termination of Contracts #

					0
--	--	--	--	--	---

 ○ No Authority
- Administrative Fines #

					0
--	--	--	--	--	---

 ○ No Authority
- Civil Penalties #

					0
--	--	--	--	--	---

 ○ No Authority
- Administrative Orders #

					0
--	--	--	--	--	---

 ○ No Authority
- Enforcement Actions or Sanctions #

					0
--	--	--	--	--	---

 ○ No Authority
- Other #

					0
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 ○ No Authority

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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Minimum Control Measure 4. Construction Site Stormwater Runoff Control

The information in this section is being reported (check one):

- On behalf of an individual MS4
 On behalf of a coalition

How many MS4s contributed to this report?

--	--	--

1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period?

		0
--	--	---

2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period?

0		
---	--	--

3. What percent of active construction sites were inspected during this reporting period? NT

1	0	0
---	---	---

 %

4. What percent of active construction sites were inspected more than once? NT

1	0	0
---	---	---

 %

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual? Yes No NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval? Yes No NT

If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review? Yes No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	9
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

- 1) PROVIDE TRAINING FOR IDDE, GOOD HOUSKEEPING AND POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES TO RELEVAT TOWN PERSONNEL
- 2)ADOPT LOCAL ORDINANCE ON "EROSION & SEDIMENT CONTROL"

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

- 1) LOCAL ORDINANCE ON "EROSION & SEDIMENT CONTROL" ADOPTED AND CERTIFIED
- 2) THE TOWN CONTINUES TO REQUIRE SWPPP REVIEW AND APPROVAL PRIOR TO AUTHORIZING CONSTRUCTION PROJECTS DISTURBING MORE THAN 1 ACRE

C. How many times was this observation measured or evaluated in this reporting period?

5	5		
---	---	--	--

*(ex.: samples/participants/events)***D. Has your MS4 made progress toward this measurable goal during this reporting period?**
 Yes No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
 Yes No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

- 1) CONTINUE TO PROVIDE TRAINING PROGRAMS FOR MUNICIPAL PERSONNEL AND CONTRACTORS
- 2)CONTINUE TO REQUIRE SWPPP PREPARATION IN CONFORMANCE WITH THE CURRENT GENERAL PERMIT FOR STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?

Yes No

4b. Does the MS4 have a banking and credit system for stormwater management practices?

Yes No

4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?

Yes No

4d. How many stormwater management practices have been implemented as part of this system in this reporting period?

--	--	--

5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impace Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?

	2	0
--	---	---

 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

CONTINUE TO REQUIRE STORMWATER MAINTENANCE AGREEMENTS AND/OR STORMWATER DISTRICTS FOR POST CONSTRUCTION PRACTICES THAT INCLUDE PERIODIC REPORTING OF THE MAINTENANCE AND CONDITION OF THE PRACTICE

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

INVENTORY OF POST-CONSTRUCTION PRACTICES WITHIN MS4 HAS BEEN DEVELOPED ALONG WITH PROCEDURES TO TRACK AND RECIEVE REPORTING FROM THE OPERATORS OF THESE PRACTICES. TOWN HAS ACCEPTED ONE DISTRICT AND IS PREPARING TO ACCEPT ITS SECOND STORMWATER DISTRICT

C. How many times was this observation measured or evaluated in this reporting period?

1	9		
---	---	--	--

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

REPORTING REQUIREMENTS WILL BE ENFORCED ALONG WITH ANY MAINTENANCE REQUIRMENTS INDICATED IN THIS REPORTING PERIOD. MAINTENANCE AGREEMENTS AND/OR STORMWATER DISTRICTS WILL CONTINUE TO BE REQUIRED. POST CONSTRUCTION PRACTICES WITHING MS4 WILL CONTINUE TO BE INVENTORIED AND REPORTING WILL CONTINUE TO BE REQUIRED.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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Minimum Control Measure 6. Stormwater Management for Municipal Operations

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

--	--	--

1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program(SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.

<u>Operation/Activity/Facility</u>	<u>Self-Assessment</u> <u>Operation/Activity/Facility</u> <u>performed within the past 3</u>			
	<u>Addressed in SWMP?</u>		<u>years?</u>	
Street Maintenance.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Bridge Maintenance.....	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Winter Road Maintenance.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Salt Storage.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Solid Waste Management.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
New Municipal Construction and Land Disturbance..	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Right of Way Maintenance.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Marine Operations.....	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Hydrologic Habitat Modification.....	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Parks and Open Space.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Municipal Building.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Stormwater System Maintenance.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Vehicle and Fleet Maintenance.....	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Other.....	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition:

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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2. Provide the following information about municipal operations good housekeeping programs:

- Parking Lots Swept (Number of acres X Number of times swept) # Acres

--	--	--	--	--
- Streets Swept (Number of miles X Number of times swept) # Miles

			2	0
--	--	--	---	---
- Catch Basins Inspected and Cleaned Where Necessary #

5				
---	--	--	--	--
- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary #

2				
---	--	--	--	--
- Phosphorus Applied In Chemical Fertilizer # Lbs.

--	--	--	--	--
- Nitrogen Applied In Chemical Fertilizer # Lbs.

--	--	--	--	--
- Pesticide/Herbicide Applied (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.) # Acres

					.	
--	--	--	--	--	---	--

3. How many stormwater management trainings have been provided to municipal employees during this reporting period?

4				
---	--	--	--	--

4. What was the date of the last training?

1	0
---	---

 /

1	0
---	---

 /

2	0	1	8
---	---	---	---

5. How many municipal employees have been trained in this reporting period?

2		
---	--	--

6. What percent of municipal employees in relevant positions and departments receive stormwater management training?

2	0	
---	---	--

 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

DEVELOP GOOD HOUSEKEEPING MEASURES AND LIST OF POLLUTANTS OF CONCERN (POC'S) FOR TOWN HIGHWAY GARAGE, RECREATION FACILITY AND TRANSFER STATION AND INCORPORATE INTO SWMP. TRAINING TO BE PROVIDED TO TOWN EMPLOYEES TO IMPLEMENT GOOD HOUSEKEEPING MEASURES. SWEEP TOWN STREETS AND PARKING LOTS WITHIN URBANIZED AREAS.
--

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

GOOD HOUSEKEEPING MEASURES AND LIST OF POC'S HAS BEEN DEVELOPED FOR TOWN HIGHWAY GARAGE, RECREATION FACILITY AND TRANSFER STATION AND IS OUTLINED IN SWMP. STREET SWEEPING REDUCED DISCHARGE OF SEDIMENT AND DEBRIS TO THE STORMWATER COLLECTION SYSTEM.
--

C. How many times was this observation measured or evaluated in this reporting period?

			1
--	--	--	---

*(ex.: samples/participants/events)***D. Has your MS4 made progress toward this measurable goal during this reporting period?**
 Yes No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
 Yes No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

CONTINUE TO SWEEP TOWN ROADS AND PARKING LOTS WITHIN URBANIZED AREA OF MS4. INSPECT ALL CATCH BASINS WITHIN URBANIZED AREA OF MS4 AT LEAST ONCE EVERY 5 YEARS AND CLEAN/REPAIR BASINS AS NECESSARY.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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Additional Watershed Improvement Strategy Best Management Practices

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

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MS4s must answer the questions or check NA as indicated in the table below.

MS4 Description	Answer	Check NA	(POC)
NYC EOH Watershed			
Traditional Land Use	1,2,3,4,5,6,7a-d,8a,8b,9	10,11,12	Phosphorus
Traditional Non-Land Use	1,2,3,4,7a-d,8a,8b,9	5,10,11,12	Phosphorus
Non-Traditional	1,2,77a-d,8a,8b,9	3,4,5,10,11,12	Phosphorus
Onondaga Lake Watershed			
Traditional Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Non-Traditional	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Greenwood Lake Watershed			
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Oyster Bay			
Traditional Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Non-Traditional	1,4,7a-d,9	2,3,4,5,8a,8b,10,11,12	Pathogens
Peconic Estuary			
Traditional Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Traditional Non-Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Non-Traditional	1,4,7a-d,8a,9	2,3,4,5,8b,10,11,12	Pathogens and Nitrogen
Oscawana Lake Watershed			
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
LI 27 Embayments			
Traditional Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Non-Traditional	1,2,3,4,7a-d,9	5,6,8a,8b,10,11,12	Pathogens

1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies? Yes No N/A

2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS? Yes No N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far.

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 %

Estimate what percentage was mapped in this reporting period.

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 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	9
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program? Yes No N/A

4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period?

		0
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 %

5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more? Yes No N/A

6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards? Yes No N/A

7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading? Yes No N/A

7b. How many projects have been sited in this reporting period?

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7c. What percent of the projects included in 7b have been completed in this reporting period?

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 %

7d. What percent of projects planned in previous years have been completed?

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 %
 No Projects Planned

8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands? Yes No N/A

8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands? Yes No N/A

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	9
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Union Vale

SPDES ID

N	Y	R	2	0	A	5	5	2
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9. Has your MS4/Coalition developed and implemented a program of native planting?
 Yes No N/A
10. Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?
 Yes No N/A
11. Does your MS4/Coalition have a pet waste bag program?
 Yes No N/A
12. Does your MS4/Coalition have a program to manage goose populations?
 Yes No N/A

Appendix K.2

MS4 Annual Report Public Comments

Public Comments are not available: no public comments have been made in response to the previous MS4 annual reports

Appendix L

Submitted Construction Site SWPPPs & Review Letters

On file in the SMO Filing Cabinet located at Town Hall

Appendix M

Construction Site Inspection Reports

On file in the SMO Filing Cabinet located at Town Hall