

**STORMWATER MANAGEMENT PROGRAM (SWMP)
PLAN**

**FOR COMPLIANCE WITH
NYSDEC MS4 PERMIT NUMBER GP-0-24-001**

**VILLAGE OF
THE BRANCH**

**40 Route 111
SMITHTOWN, NEW YORK**

MS4 SPDES PERMIT No. NYR20A352

June 30, 2024

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OVERVIEW & MEASURABLE GOALS

The Village of The Branch, in order to fulfill its requirements under NYS Phase II regulations (New York State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems (GP-0-24-001), provides for the following documents, activities and deliverables:

Applicable Local Laws:

- ☐ Attached as Appendix A is Chapter 134 of the Village Code: Erosion and Sediment Control. The purpose of the code is to establish minimum stormwater management requirements and controls.
- ☐ Attached as Appendix B is Chapter 229, Article 1 of the Village Code: Illicit Discharges & Connections. The purpose of the code is to provide for the health, safety and general welfare of the citizens of the Incorporated Village of The Branch.

Staffing and Staff Development Programs and Organization Charts:

- ☐ Staffing: see chart on the next page for contact information

Building Inspector -	Oversees all private building construction projects.
Village Engineer -	Provides technical support to the Village Building Inspector as well as to the Board of Trustees, Planning Board and Zoning Board of Appeals. The Village Engineer also oversees large capital improvement projects.
Village Highway Trustee -	Trustee that works closely with the Town of Smithtown Highway Department for day to day maintenance of Village infrastructure, including but not limited to storm basin cleaning and street sweeping. Village of The Branch does not have a Highway Department and has the Town Highway Department provide service through an intermunicipal agreement.
Village Clerk -	Provides for the office support.
Mayor -	Oversees municipal work.

- ☐ Staff Development Programs: all listed staff members have been involved in employee stormwater training seminars.
- ☐ Organizational Chart: All listed staff members report directly to the Trustees of the Village of The Branch.

Title	Name	Phone	Email
Building Inspector	Joe Arico	Direct: 631-979-8989 Office: 631- 265-3315 ext. 103	buildingdept@villageofthebranchny.gov
Village Engineer	Daniel Falasco	Direct: (516)-317-7209	Dan.falasco@outlook.com
Village Highway Trustee	Roger Botto	Direct: (516)-807-7867	rbotto@villageofthebranchny.gov
Village Clerk	Christine Cozine	Office: 631- 265-3315 ext. 101	clerk@villageofthebranchny.gov
Mayor	Mark Delaney	Direct: (631)-786-5568	mdelaney@villageofthebranchny.gov

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**OVERVIEW & MEASURABLE GOALS
(CONTINUED)**

Program Budget:

Program budget consists of two (2) sources. The Village Trustees, on an annual budget provides for the funding of the staff as well as for the everyday operation of the Village including but not limited to storm basin cleaning and street sweeping. Funding for the inspection of SWPPP is from the property owner through established trust and agency accounts and/or the permit application fees.

Policy, Procedures and Materials for each Minimum Measure:

- ☐ Minimum Control Measure #1 - Public Education and Outreach
 - Provide appropriate brochures for the public regarding illicit discharges. Brochures to be kept at the Village Hall.
 - Educate the public, as well as professionals, who appear before the Planning Board for site plan review.
 - Provide information on the Village web site.
 - Provide information on how to reduce phosphorous pollutants in Millers Pond and encourage the use of non-phosphorous based fertilizers.
- ☐ Minimum Control Measure #2 - Public Involvement/Participation
 - Support efforts of the Joint Coastal Commission in their Harbor Day activities.
 - Local point of contact regarding stormwater management has been established as the Village Engineer and Building Inspector.
- ☐ Minimum Control Measure #3 - Illicit Discharge Detection and Elimination
 - Record and report observations of identified or suspected illicit discharges.
 - Monitor drainage out-falls on a quarterly basis.
 - Review site plans for potential illicit discharges.
 - Refer appropriate site plans to the Suffolk County Department of Health Services for compliance with Article 6 of the Sanitary Code.
 - Local point of contact to report illicit discharges has been established as the Village Engineer.

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**OVERVIEW & MEASURABLE GOALS
(CONTINUED)**

- ☐ Minimum Control Measure #4 - Construction Site Stormwater Runoff Control
 - Prepare standard details for stormwater runoff control measures.
 - Require "Third Party" certifications of all developers and contractors.
 - Local point of contact to report complaints related to construction stormwater activity has been established as the Building Inspector.
 - Developed construction oversight program that outlines procedures, trainings, and all the individuals who have been involved
 - The Village currently has no properties undergoing construction with a total land disturbance of greater than or equal to 1 acre or that are part of a larger common plan of development or sale. Once construction begins on a site with these conditions, it shall be recorded in the construction site inventory log, attached as Appendix N, and stored in the Village Building Department for a period of no less than five years.

- ☐ Minimum Control Measure #5 - Post-Construction Stormwater Management
 - Obtain post construction easements for all projects required to file a Notice of Intent.
 - Monitor post construction activities for all projects required to file a Notice of Intent.
 - Maintain and develop an inventory of post-construction stormwater management practices

- ☐ Minimum Control Measure #6 - Pollution Prevention / Good Housekeeping
 - Maintain Village vehicles off site.
 - Clean storm drains on a regular basis.
 - Maintain Village property free of junk and debris.

Drainage Outfall System Map: Attached as Appendix C.

Stormwater Management Practice Selection and Measurable Goals:

The Village code and policy provides for:

- No direct discharge of stormwater runoff to surface waters, marshes or wetlands.
- Site development plans shall include measures such as holding ponds, sedimentation basins, berming, vegetated buffer areas or other means to attenuate the outflow of stormwater pollutants.

- Any water discharged from control systems shall be of acceptable quality before it is permitted to enter wetlands or surface waters.
- During construction, all disposal of stormwater runoff shall be handled on site.
- Soil erosion on site shall be contained by such measures as baling, mulching, use of fibrous cover materials or temporary vegetation.
- Site designs shall minimize impermeable paving.
- Site designs shall incorporate the use of natural land features, such as shallow depressions, whenever possible for the on-site collection of stormwater for recharge.
- Natural vegetation and trees shall be retained to the maximum extent possible in the site design in order to reduce erosion potential and stormwater runoff.

Operation and Maintenance Schedules:

- ☐ Storm Drainage Basin Cleaning: Storm drains are cleaned on an annual basis to assure that all drains are cleaned over a five-year period. Areas more prone to sediment buildup are cleaned more often. Records are kept by the Village Clerk. During the annual drainage basin cleaning the contractor is required to sign a Third Party agreement that they are aware of the Village's Stormwater Management Program. The contractor is to notify the Highway Trustee of any suspect material that is removed from the basin during the cleaning operation.
- ☐ Street Sweeping: The Highway Trustee schedules street sweeping as necessary with a minimum of once per year with the Town of Smithtown Highway Department. During the street sweeping operation the contractor is required to sign a Third Party agreement that they are aware of the Village's Stormwater Management Program. The contractor is to notify the Highway Trustee of any suspect material that is removed during the sweeping operation.
- ☐ Outfall Inspection: The Village has mapped drainage outfalls within its jurisdiction. These outfalls are known to the Village Officials, Village Engineer, Building Inspector, Highway Trustee, highway maintenance personnel and Village Police Department. All of the above are aware of the Stormwater Management program and if any discharge, during dry conditions are observed they are to report such instance to the Village Engineer. Specifically, the Village Engineer is to review, on a quarterly basis, each of the drainage outfalls for the purpose of detecting illicit discharge.

APPENDIX A
Chapter 134 of the Village Code
Erosion and Sediment Control

Chapter 134. Erosion and Sediment Control

[HISTORY: Adopted by the Board of Trustees of the Village of the Branch 11-13-2007 by L.L. No. 2-2011. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1- Schedule A, Stormwater Management Practices Acceptable for Water Quality 

Attachment 2 - Stormwater Control Facility Maintenance Agreement 

§ 134-1. Findings of fact.

It is hereby determined that:

- A. 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;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The 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; and
- I. 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.

§ 134-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this

jurisdiction and to address the findings of fact in § 134-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet 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-02-02 or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- C. Minimize 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;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 134-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of the Branch has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Village of the Branch and for the protection and enhancement of its physical environment. The Board of Trustees of the Village of the Branch may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 134-4. Applicability.

- A. This chapter shall be applicable to all land development activities as defined in this chapter.
- B. The municipality shall designate a stormwater management officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The stormwater management officer may:
 - (1) Review the plans;
 - (2) Upon approval by the Board of Trustees of the Village of the Branch, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.
- C. All land development activities, subject to review and approval by the Planning Board, shall be reviewed subject to the standards contained in this chapter.
- D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the stormwater management officer who shall approve the SWPPP if it complies with the requirements of this chapter.

§ 134-5. Exemptions.

The following activities may be exempt from review under this chapter:

- A. Agricultural activity as defined in this chapter;
- B. Silvicultural activity except that landing areas and log haul roads are subject to this chapter;
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
- D. Repairs to any stormwater management practice or facility deemed necessary by the stormwater management officer;
- E. Any part of a subdivision if a plat for the subdivision has been approved by the Village of the Branch on or before the effective date of this chapter;
- F. Land development activities for which a building permit has been approved on or before the effective date of this chapter;
- G. Cemetery graves;
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- I. Emergency activity immediately necessary to protect life, property or natural resources;
- J. 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; or
- K. Landscaping and horticultural activities in connection with an existing structure.

§ 134-6. Definitions.

For the purposes of this chapter, certain words and terms used herein are defined as follows:

AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

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 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.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEC

The New York State Department of Environmental Conservation.

DESIGN MANUAL

The New York State Stormwater Management Design Manual, 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 MANUAL

The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

GRADING

Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt 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 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

Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

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 that acts as a property deed restriction, and which provides for 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.

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 the land development activity.

PROJECT

Land development activity.

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 habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01

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-02-02

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, the Municipal Engineer or other public official(s) designated by the Incorporated Village of the Branch to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board 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.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation

SURFACE WATERS OF THE STATE OF NEW YORK

- A. 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.
- B. 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.

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.

§ 134-7. Stormwater pollution prevention plan.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the Planning Board and/or the stormwater management officer has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.
- 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. 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; 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 discharges(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 pursuant to 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;
 - (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) 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; and
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) Land development activities as defined in § **134-6** and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection **B(3)** below as applicable:
- (a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the DEC's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B: stormwater runoff from land development activities disturbing five or more acres.
 - (c) Condition C: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (3) SWPPP requirements for Condition A, B and C:
- (a) All information in Subsection **B(1)** of this chapter;
 - (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 analysis for all structural components of the stormwater management system for the applicable design storms.
 - (e) Comparison of post-development stormwater runoff conditions with predevelopment 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. Easements shall 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 § 134-9 of this chapter.
 - (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.
- C. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- D. Contractor certification.
- (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 certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 134-8. 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).

- (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 Subsection **A** and the SWPPP shall be prepared by a licensed professional.
- 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.

§ 134-9. Maintenance, inspection and repair of stormwater facilities.

- A. Maintenance and inspection during construction.
 - (1) The applicant or developer of the land development activity or their 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%.
 - (2) For land development activities as defined in § **134-6** and meeting Condition A, B or C in § **134-7B(2)**, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site log book.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility 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 Village of the Branch to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Village Attorney for the Village of the Branch.
- C. Maintenance after construction. The owner or operator of permanent stormwater management practices 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 § **134-8C**.
- D. Maintenance agreements. The Village of the Branch shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B^[1] of this chapter entitled "Sample Stormwater Control Facility Maintenance

Agreement." The Village of the Branch, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided 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.

[1] *Editor's Note: Schedule B is included as an attachment to this chapter.*

§ 134-10. 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 and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of the Branch enforcement official 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; or
- (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. Inspection programs shall be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

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.

- 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 Village of the Branch the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 134-11. Performance guarantee.

- A. Construction completion 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 Village of the Branch in its approval of the stormwater pollution prevention plan, the Village of the Branch 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 Village of the Branch as the beneficiary. The security shall be in an amount to be determined by the Village of the Branch based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of the Branch, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village of the Branch. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of the Branch with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of the Branch may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The Village of the Branch may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 134-12. Enforcement; penalties for offenses.

- A. Notice of violation. When the Village of the Branch determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (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) 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;
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and

- (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Village of the Branch 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 Village of the Branch 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. 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 six months, 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 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 offense all of which were committed within a period of five years, punishable 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, 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.
- 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 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 Village of the Branch may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 134-13. Fees for services.

The Village of the Branch may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of the Branch or performed by a third party for the Village of the Branch.

APPENDIX B
Chapter 229 of the Village Code,
Article 1: Illicit Discharges &
Connections

Chapter 229. Stormwater Management

[HISTORY: Adopted by the Board of Trustees of the Village of the Branch as indicated in article histories. Amendments noted where applicable.]

Article I. Illicit Discharges and Connections

[Adopted 11-13-2007 by L.L. No. 1-2011]

§ 229-1. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Incorporated Village of the Branch 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 article 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 objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or 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 article; 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.

§ 229-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have meanings set forth below:

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, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of 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.

DESIGN PROFESSIONAL

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 § 229-5 of this article.

INDIVIDUAL 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.

INDUSTRIAL ACTIVITY

Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MS4

Municipal separate storm sewer system.

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 Incorporated Village of the Branch;
- 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

The Incorporated Village of the Branch.

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 as the owner's agent.

POLLUTANT

Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, 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 their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. 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. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- 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 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 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 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 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 Incorporated Village of the Branch to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

TOTAL MAXIMUM DAILY LOAD

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.

§ 229-3. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 229-4. Responsibility for administration.

The stormwater management officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. 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.

§ 229-5. Discharge and connection prohibitions.

- A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection **A(1)**. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:
- (1) The following discharges are exempt from discharge prohibitions established by this article, 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, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
 - (2) 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 article.
 - (3) 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. 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.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) 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.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 229-6. Prohibition against failing individual sewage treatment systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual 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 or 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 individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 229-7. Prohibition against activities contaminating stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 229-2, Definitions of this article.
- B. Such activities include failing individual sewage treatment systems as defined in § 229-6, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. 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 violations of the municipality's MS4 SPDES permit authorization.

§ 229-8. Prevention, control, and reduction of stormwater pollutants by use of best management practices.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § **229-2** or activities contaminating stormwater as defined in § **229-7** 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 their own 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 § **229-2** or an activity contaminating stormwater as defined in § **229-7**, 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 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. Individual sewage treatment systems - response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § **229-2** of this article, the owner or operator of such individual sewage treatment systems shall be required to:
- (1) Maintain and operate individual 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;
 - (b) Avoid the use of septic tank additives;
 - (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 individual sewage treatment systems as follows:
 - (a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - [1] Relocating or extending an absorption area 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) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 229-9. Suspension of access to MS4.

- A. Illicit discharges in 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 the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have their 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. 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 section, without the prior approval of the SMO.

§ 229-10. Industrial or construction activity discharges.

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.

§ 229-11. Access and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, 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 article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. 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.
 - (2) Facility operators shall allow 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 to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion 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 article to install monitoring equipment as is reasonably necessary to determine compliance with this article. 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) Unreasonable delays in allowing the municipality access to a facility subject to this article is a violation of this article. A person who is the operator of a facility subject to this article 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 article.
 - (6) If 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 article, 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 article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 229-12. Notification of spills.

Notwithstanding 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. 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. 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. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. 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.

§ 229-13. Enforcement; penalties for offenses.

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, 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; and
 - (6) The implementation of source control or treatment BMPs. 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.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, 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 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 offense all of which were committed within a period of five years, punishable 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, violations of this article 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.

§ 229-14. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Village Board of Trustees, Village of the Branch 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 Municipal Clerk and mail a copy of its decision by certified mail to the discharger.

§ 229-15. 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.

§ 229-16. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition 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.

§ 229-17. Alternative remedies.

- A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
 - (1) The violation was unintentional.
 - (2) The violator has no history of pervious violations of this article.
 - (3) Environmental damage was minimal.
 - (4) Violator acted quickly to remedy violation.
 - (5) Violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
 - (1) Attendance at compliance workshops.
 - (2) Storm drain stenciling or storm drain marking.
 - (3) River, stream or creek cleanup activities.

§ 229-18. Violations deemed 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 article 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.

APPENDIX C

Drainage Outfall System Map

INCORPORATED
VILLAGE OF THE BRANCH
TOWN OF SMITHTOWN, L.I., N.Y.
DRAINAGE



NOTE: MILLERS POND IS LISTED IN
APPENDIX C OF GP-0-24-001 WHICH
CONTAINS PHOSPHOROUS POLLUTANTS.

APPENDIX D

2023 Annual Report

MS4 Annual Report Cover Page**MCC form for period ending March 9,**

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

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MCC form for period ending March 9,

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☐ Yes ☐ No

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.

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☐ Yes ☐ No

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MCC form for period ending March 9,

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Name of MS4

"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

[illegible]

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Last Name

[illegible]

Title (Clearly print title of individual signing report)

[illegible]

Signature

Date _____

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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.

SPDES ID

Name of MS4/Coalition

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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

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

Minimum Control Measure 1. Public Education and Outreach

How many MS4s contributed to this report?			
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Name of MS4/Coalition

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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.

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3. Web Page con't.: Provide specific web addresses - not home page.

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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

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.

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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:

- | | | | | | | |
|---|-------------|---|--|---|---|---|
| <input type="radio"/> Cleanup Events | # Events | | | | | |
| <input type="radio"/> Comments on SWMP Received | # Comments | | | | | |
| <input type="radio"/> Community Hotlines | Phone # | (| | |) | - |
| Phone # | (| | |) | - | |
| Phone # | (| | |) | - | |
| Phone # | (| | |) | - | |
| Phone # | (| | |) | - | |
| Phone # | (| | |) | - | |
| <input type="radio"/> Community Meetings | # Attendees | | | | | |
| <input type="radio"/> Plantings | Sq. Ft. | | | | | |
| <input type="radio"/> Storm Drain Markings | # Drains | | | | | |
| <input type="radio"/> Stakeholder Meetings | # Attendees | | | | | |
| <input type="radio"/> Volunteer Monitoring | # Events | | | | | |
| <input type="radio"/> Other: | | | | | | |

2. Was public notice of availability of this annual report and Stormwater Management Program (SWMP) Plan provided? ☐ Yes

- | | | | | | | |
|--|------------|--|--|--|--|--|
| <input type="radio"/> List-Serve | # In List | | | | | |
| <input type="radio"/> Newspaper Advertising | # Days Run | | | | | |
| <input type="radio"/> TV/Radio Notices | # Days Run | | | | | |
| <input type="radio"/> Other: | | | | | | |
| <input type="radio"/> Web Page URL: Enter URL(s) on the following two pages. | | | | | | |

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Name of MS4/Coalition

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

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☐ Yes ☐ No

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☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

MCM 2 Page 5 of 6



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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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.

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

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

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Name of MS4/Coalition

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☐ Yes ☐ No

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☐ Yes ☐ No

☐ Yes ☐ No

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- 11. What percent of staff in relevant positions and departments has received IDDE training?**
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Name of MS4/Coalition

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☐ Yes ☐ No

☐ Yes ☐ No

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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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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?

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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?

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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:

<input type="radio"/> Notices of Violation	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						<input type="radio"/> No Authority
<input type="radio"/> Stop Work Orders	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						<input type="radio"/> No Authority
<input type="radio"/> Criminal Actions	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						<input type="radio"/> No Authority
<input type="radio"/> Termination of Contracts	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						<input type="radio"/> No Authority
<input type="radio"/> Administrative Fines	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						<input type="radio"/> No Authority
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<input type="radio"/> Administrative Orders	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						<input type="radio"/> No Authority
<input type="radio"/> Enforcement Actions or Sanctions	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						
<input type="radio"/> Other	#	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>						<input type="radio"/> 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

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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?

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

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

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

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%

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

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%

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.

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

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☐ Yes ☐ No

☐ Yes ☐ No

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

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Minimum Control Measure 5. Post-Construction Stormwater Management

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

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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"/>

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

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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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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?

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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?

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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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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.

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

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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

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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 type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Bridge Maintenance.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Winter Road Maintenance.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Salt Storage.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Solid Waste Management.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
New Municipal Construction and Land Disturbance..	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Right of Way Maintenance.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Marine Operations.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Hydrologic Habitat Modification.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Parks and Open Space.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Municipal Building.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Stormwater System Maintenance.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Vehicle and Fleet Maintenance.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input type="radio"/> No	
Other.....	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Yes	<input 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

SPDES ID

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

- | | | |
|---|---------|--|
| <input type="radio"/> Parking Lots Swept (Number of acres X Number of times swept) | # Acres | <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px;"></table> |
| <input type="radio"/> Streets Swept (Number of miles X Number of times swept) | # Miles | <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px;"></table> |
| <input type="radio"/> Catch Basins Inspected and Cleaned Where Necessary | # | <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px;"></table> |
| <input type="radio"/> Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary | # | <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px;"></table> |
| <input type="radio"/> Phosphorus Applied In Chemical Fertilizer | # Lbs. | <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px;"></table> |
| <input type="radio"/> Nitrogen Applied In Chemical Fertilizer | # Lbs. | <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px;"></table> |
| <input type="radio"/> Pesticide/Herbicide Applied
(Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.) | # Acres | <table border="1" style="display: inline-table; border-collapse: collapse; width: 100px; height: 20px;"></table> . <table border="1" style="display: inline-table; border-collapse: collapse; width: 20px; height: 20px;"></table> |

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

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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?

--	--	--	--

(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

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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?

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,

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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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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,

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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

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

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 E

Procedures for SWPPP Review

VILLAGE OF THE BRANCH STORMWATER MANAGEMENT PLAN PROCEDURES FOR SWPPP REVIEW

The Village of The Branch, in order to fulfill its requirements under NYS Phase II regulations (New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems (GP-0-24-001), requires all projects that involve the clearing of more than one acre of land, and whose project may cause discharge of storm water run-off into water bodies, drainage structures, water courses or may cause discharge of storm water run-off into areas that may eventually lead to water bodies, drainage structures, water courses to comply with permit requirements applicable to the work performed.

Procedure: Once it is determined that the proposed project meets or exceeds the one acre clearing threshold the applicant or authorized agent must:

- ☐ Provide the Village of The Branch with four (4) hard copies of a written Storm Water Management and Erosion Control Plan along with four (4) copies of a site plan clearly defining the measures to be taken to control run-off from the site during construction and post construction.
- ☐ The plan must follow the procedures as outlined in:

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES
FROM CONSTRUCTION ACTIVITY
PERMIT No. GP-0-20-001**

Note: Permit No. GP-0-20-001 is available for review at the Village Hall in the Village of The Branch's Stormwater Management Plan

The plan to include:

- A certification statement site workers will become familiar with the plan, have reviewed conditions of the plans approval and agree to comply with the plan as well as the terms and conditions of the New York State Pollutant Discharge Elimination Systems (SPDES) general permit.
- Background and/or description of the project.
- The soil conditions of the site and supporting soil borings.
- Existing storm water management, if any, on the site.
- Proposed storm water management to contain run-off on the site during construction and post construction.
- A schedule of construction activities.
- Special pollutants that may be associated with the project.
- Maintenance of Erosion Control during construction.
- Long term maintenance of post construction erosion control measures.
- Easement agreement to allow Village to periodically inspect the completed work.

- ☐ The Village Building Inspector will distribute the plan for review to:
 - Planning Board
 - Joint Coastal Commission
 - Village Engineer - who will assure that all requirements are included in the SWPPP.
- ☐ All reviewers will provide comments to the Village Engineer who will cause the applicant or authorized agent to correct, modify and/or improve the plan.
- ☐ The Planning Board shall have the final approval responsibility.
- ☐ Once the plan is approved the applicant shall submit to the Village a completed Notice of Intent (NOI) as well as the MS4 Acceptance Form.
- ☐ When approved by the Planning Board, the MS4 Acceptance Form, signed by the Planning Board Chairman, and the NOI shall be forwarded to New York State Department of Environmental Control.
- ☐ The New York State Department of Environmental Control will advise the applicant that the NOI is accepted and that acceptance shall be forwarded to the Village.
- ☐ New York State Department of Environmental Control approval is required prior to the commencement of construction.
- ☐ The approved plan, NOI, MS4 Acceptance Form will be maintained in the Building Department file for the specific project and property.
- ☐ The approved plan, NOI, MS4 Acceptance Form, will be provided to the applicant or authorized agent where it shall be maintained on-site. In addition inspection reports shall also be maintained on-site. Copies of the inspection reports are to be provided to the Building Inspector who shall maintain the reports in the Building Department file for the specific project and property.
- ☐ Construction Phase:
 - The Building Inspector shall be notified 48 hours in advance of the start of construction.
 - The Building Inspector shall visit the site at least once a week to assure compliance with the SWPPP.

- The Building Inspector, if he so determines that the SWPPP is not being followed has the following enforcement tools at his disposal:
 - Notice of Violation - A statement specifying the violation along with a time schedule to remedy the violation is issued.
 - Stop-Work Order - A stop work order may be issued that will prevent construction from occurring pending the remedy of the violation.
 - Violation - A summons may be issued for non-compliance.

- Penalties - Violations are punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months or both. The fine increases with subsequent violations or for non compliance.

☐ Post Construction Controls:

- The operator of the stormwater discharge must submit a Notice of Termination (NOT) to the Village. It shall contain:
 - Applicant/Activity information
 - Site/Activity Information
 - Reason for Termination
 - Final Site Information. Permanent practices that were explained in the SWPPP are to be maintained by the operator. To assure compliance the operator and the Village shall enter into a Stormwater Control Facility Maintenance Agreement (as contained in Chapter 134 of the Village Code). This agreement, among other issues, is to assure that the operator maintains the improvements to assure optimum performance, to provide periodic inspections of the improvements, not less than once in five years, by a Professional Engineer, who shall approve and certify the improvements.
 - In the event the operator does not maintain the improvements, allows the Village to enter onto the property for such maintenance.

APPENDIX F

**Procedure for Construction Site
Inspections and Enforcement of
Erosion and Sediment Control
Measures**

VILLAGE OF THE BRANCH PROCEDURE FOR CONSTRUCTION SITE INSPECTIONS AND ENFORCEMENT OF EROSION AND SEDIMENT CONTROL MEASURES

The Village of The Branch, in order to fulfill its requirements under NYS Phase II regulations (New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems (GP-0-24-001), provides for the following procedure for construction site inspections and enforcement of erosion and sediment control measures:

Projects under one (1) acre of clearing:

- ☐ Building Permit is reviewed by the Building Inspector and if the project involves any clearing an erosion and sediment control plan is required.
- ☐ The application and supporting material, including the erosion and sediment control plan is forwarded to the:
 - Planning Board
- ☐ The erosion and sediment control plan is reviewed by the Village Engineer as well as the Joint Coastal Commission.
- ☐ A building permit is issued upon approval by the Planning Board. The approval includes the approval of the erosion and sediment control plan.
- ☐ The Building Inspector, during the course of his inspections, reviews the erosion and sediment control measures. If there are any concerns, he notifies the Village Engineer.
- ☐ Corrective measures and/or improvements are made to the erosion and sediment control measures.
- ☐ Upon completion of the project a final review is made and a Certificate of Occupancy is issued.

Projects over one (1) acre of clearing: In addition to all of the above the following occurs:

- ☐ The applicant or agent for the applicant files a notice of Intent (NOI).
- ☐ The NOI is reviewed by the Village Engineer and when deemed acceptable it is presented to the planning Board for approval, as part of the overall approval process.
- ☐ The applicant retains a certified inspector to make the required inspection of the erosion and sediment control measures. A diary of his inspections are kept on site and copies are forwarded to the Building Inspector.
- ☐ Upon completion of the project and prior to the issuance of a Certificate of Occupancy, the property owner is required to file a SWPP Maintenance and Easement Agreement with the Village and recorded as a deed restriction.

APPENDIX G

MS4 NOI Form

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water

625 Broadway, Albany, New York 12233-3500

P: (518) 402-8233 F: (518) 402-9029

www.dec.ny.gov

MS4 Operator Certification Form for eReports

**SPDES General Permit for
Stormwater Discharges From
Municipal Separate Storm Sewer Systems (GP-0-24-001)**

Instructions

Please review Part X.J. of GP-0-24-001 before signing this form. A signature by an unauthorized person will delay permit coverage.

This form must be signed by one of the following:

1. For a corporation: by a responsible corporate officer
2. For a partnership: by a general partner
3. For a sole proprietorship: by the proprietor
4. For a municipality, state, federal or other public agency: by a principal executive officer or ranking elected official

MS4 Operator Name: Village of The Branch

eReport Submission Number: HQ1-T681-5XZD4

MS4 Operator 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 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, including the possibility of fine and imprisonment for knowing violations.

Mark Delaney

Name (please print or type)

Mayor

Title

Village of The Branch

Organization


Signature

3/4/24
Date



Department of
Environmental
Conservation

MS4 Notice of Intent

version 1.2

(Submission #: HQ1-T681-5XZD4, version 1)

Digitally signed by:
nFormNY
dec0117pw5web.svc.ny.gov
Date: 2024.03.05 14:27:31 -05:00
Reason: Copy Of Record
Location: Albany, New York

Details

Alternate Identifier NYR20A352

Submission ID HQ1-T681-5XZD4

Form Input

MS4 Operator Information

MS4 Operator

The MS4 Operator is the person, persons, or legal entity that obtains coverage and is responsible for the MS4.

Is this NOI for an MS4 Operator continuing coverage?

Yes

Permit ID #:

NYR20A352

MS4 Operator Type

Traditional land use control

Traditional Land Use Control

Traditional land use control MS4 Operator requirements are found in Part VI of the MS4 General Permit.

Municipality Name or Legal Entity Name

Village of the Branch

Legal Municipal/Entity Mailing address

40 Route 111
Smithtown, NY 11787
Suffolk

Ranking Official

Official Title	First and Last Name	Phone	Email
Mayor	Mark Delaney	631-265-3315	markvob@optimum.net

NOI Preparer

NOI Preparer Title	First and Last Name	Phone	Email
Stormwater Program Coordinator	Christine Cozine	631-265-3315	clerk@villageofthebranchny.gov

NAICS Codes

Federal, State or Local Government - 924110
Military Bases - 928110
Highway, road or other thoroughfare system - 237310
Large Hospitals - 622110
Public Colleges and Universities - 611310
Correctional Institutions - 922140

NAICS Code

924110

Is the MS4 Operator working with other MS4 Operators to implement the Stormwater Management Program?

No

Does the MS4 Operator have any facilities that need to obtain MSGP coverage under MSGP permit?

No

MS4 Location Information

MS4 Facility Name

Village of the Branch

On the map below, place the pin at the center of the MS4 Operator. This can be either the geographic center or the population center.

Central point of the MS4 Operator

40.8527737139341,-73.18602561950684

Waterbody Information (1 of 1)

If the MS4 Operator discharges to multiple waterbodies, all waterbodies must be listed. Use the 'Duplicate Waterbody Information' or 'Add New Waterbody Information' buttons to add as many waterbodies as necessary.

To find the names of waterbodies, including any impaired waterbodies, use the DEC's Stormwater Interactive Map. Under the Permit Related Layers check the box for the Impaired Waterbodies for MS4GP and the box for Waterbody Inventory/Priority Waterbodies List.

[Stormwater Interactive Map](#)

Waterbody name and segment receiving MS4 Operator discharges

Millers Pond - 1702-0013

Is this waterbody segment listed in Appendix C (List of Impaired Waters) of the MS4 General Permit?

Yes

An MS4 discharging to a waterbody listed in Appendix C must meet the requirements of Part VIII. for the pollutant(s) of concern listed in Appendix C.

For which pollutant(s) of concern is the waterbody impaired?

Phosphorus

Is this waterbody segment listed in Table 3 (Approved TMDL Watersheds with MS4 Contribution) of the MS4 General Permit?

No

CERTIFICATION

The MS4 Operator has read and understands the SPDES MS4 General Permit, GP-0-24-001, as it pertains to permit requirements as well as the timeframes for compliance set forth in the permit.

Yes

I am the ranking elected official or Principal Executive Officer for the MS4 Operator and will be signing the form electronically.

Yes

As the Ranking Elected Official or Principal Executive Officer, please download the certification form from the link below. Complete and sign the certification. Then upload the certification form to this NOI.

This certification form must be signed and uploaded every time the NOI is submitted.

[Certification Form](#)

Attach completed certification form.

EPSON001.PDF - 03/05/2024 02:27 PM

Comment

NONE PROVIDED

APPENDIX H

Procedure for Detecting and Eliminating Illicit Discharge

VILLAGE OF THE BRANCH PROCEDURE FOR DETECTING AND ELIMINATING ILLICIT DICHARGES

The Village of The Branch, in order to fulfill its requirements under NYS Phase II regulations (New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems (GP-0-24-001), provides for the following procedure for detecting and eliminating illicit discharge:

- ☐ **Drainage Outfalls:**
The Village has mapped its drainage outfalls within its jurisdiction. These outfalls are known to the Village Officials, Village Engineer, Building Inspector and Highway Trustee. All of the above are aware of the Stormwater Management program and if any discharge, during dry conditions are observed they are to report such instance to the Village Engineer. Specifically, the Village Engineer is to review, on a quarterly basis, each of the drainage outfalls for the purpose of detecting illicit discharge.
- ☐ **Drainage Basin Cleaning:**
During the annual drainage basin cleaning the contractor is required to sign a Third Party agreement that they are aware of the Village's Stormwater Management Program. The contractor is to notify the Highway Trustee of any suspect material that is removed from the basin during the cleaning operation.
- ☐ **Building Activities:**
The Building Inspector and Village Engineer are responsible for the monitoring of construction activities for new homes as well as for reconstruction, extensions, and other improvements. Projects are reviewed by the Building Inspector and Village Engineer as part of the Planning Board's site plan review process. On site drainage systems are required as part of the site plan review process. Inspections are made, during the construction process to assure the improvements are made in accordance with the plans. The Building Inspector also requires that house plans be reviewed by the Suffolk County Department of Health Services for compliance with the Sanitary Code. Prior to the issuance of a Certificate of Occupancy all inspections have to be completed and approved by the appropriate department and/or agency.
- ☐ **Other Activities:** All Village Departments, Officials and Employees are to notify Village Hall of any observed condition that will affect water quality. Village Hall will notify the appropriate department for review of the situation and to rectify the condition.

APPENDIX I

Inspection Logs

Village of The Branch
2024 Stormwater Management Program Plan
Storm Drain Cleaning & Maintenance Log

[illegible]

Village of The Branch
2024 Stormwater Management Program Plan
Street Sweeping Log

[illegible]

Village of The Branch
Outfall Inventory

Refer to Drainage Map

Date of Inventory:

Last Rain Event:

Outfall #	Odor	Visual
1		
2		
3		
4		
5		
6		
7		

By:

Date:

Date of Inventory:

Last Rain Event:

Outfall #	Odor	Visual
1		
2		
3		
4		
5		
6		
7		

By:

Date:

Outfall #	Odor	Visual
1		
2		
3		
4		
5		
6		
7		

By:

Date:

Outfall #	Odor	Visual
1		
2		
3		
4		
5		
6		
7		

By:

Date:

APPENDIX J

Third Party Certification Statement

VILLAGE OF THE BRANCH

THIRD PARTY CERTIFICATION STATEMENT

The Village of The Branch, in order to fulfill its requirements under NYS Phase II regulations (New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems (GP-0-24-001), requires all contractors, who provide services to the Village of The Branch and all contractors, who are involved in private development, and whose services may cause discharge of product into water bodies, drainage structures, water courses or any may cause discharge of product into areas that may eventually lead to water bodies, drainage structures, water courses to comply with permit requirements applicable to the work performed.

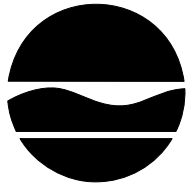
The undersigned certifies that:

- ☐ Provide assurances that he and/or company will comply with permit requirements.
- ☐ The activities that he and/or company will be responsible for includes:
(The Village will list the specific activity(ies) that are covered by this certification.
- ☐ Description of the work and location of the work to be performed:
(The Village will list the work and location that are covered by this certification.
- ☐ _____
Name and Title of person providing the signature below
- ☐ _____
Name of entity
- ☐ _____
Address of entity
- ☐ _____
Telephone number of entity

Signature

Date

APPENDIX K
Construction Stormwater
Inspection Manual



**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Construction Stormwater Inspection Manual
Primarily for Government Inspectors Evaluating Compliance with Construction
Stormwater Control Requirements

**New York State
Department of Environmental Conservation**

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Version 1.05 (8/27/07)

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1.0 INTRODUCTION AND PURPOSE

The New York State Department of Environmental Conservation Division of Water (DOW) considers there to be two types of inspections germane to construction stormwater; compliance inspections and self-inspections.

This manual is for use by DOW and other regulatory oversight construction stormwater inspectors in performing compliance inspections, as well as for site operators in performing self inspections. The manual should be used in conjunction with the *New York State Standards and Specifications for Erosion and Sediment Control*, August 2005.

1.1 Compliance Inspections

Regulatory compliance inspections are performed by regulatory oversight authorities such as DOW staff, or representatives of DOW and local municipal construction stormwater inspectors. These inspections are intended to determine compliance with the state or local requirements for control of construction stormwater through erosion and sediment control and post construction practices. Compliance inspections focus on determinations of compliance with legal and water quality standards. Typically, compliance inspections can be further sub-categorized to include comprehensive inspections, and follow-up or reconnaissance inspections.

Compliance inspectors will focus on determining whether:

- the project is causing water quality standard violations;
- the required Stormwater Pollution Prevention Plan (SWPPP) includes appropriate erosion and sediment controls and, to some extent, post construction controls;
- the owner/operator is complying with the SWPPP;
- where required, self-inspections are being properly performed; and
- where self-inspections are required, the owner/operator responds appropriately to the self-inspector's reports.

1.1.1 Comprehensive Inspection

Comprehensive inspections are designed to verify permittee compliance with all applicable regulatory requirements, effluent controls, and compliance schedules. This inspection involves records reviews, visual observations, and evaluations of management practices, effluents, and receiving waters.

Comprehensive inspections should be conducted according to a neutral or random inspection scheme, or in accordance with established priorities. A neutral monitoring scheme provides some objective basis for scheduling inspections and sampling visits by establishing a system (whether complex factor-based, alphabetic, or geographic) for setting priorities to ensure that a particular facility is not unfairly selected for inspection or sampling. The selection of which

facility to inspect must be made without bias to ensure that the regulatory oversight authority, if challenged for being arbitrary and capricious manner, can reasonably defend itself.

A neutral inspection scheme should set the criteria the inspector uses to choose which facilities to inspect, but the schedule for the actual inspection should remain confidential, and may be kept separate from the neutral plan.

A routine comprehensive compliance inspection is most effective when it is unannounced or conducted with very little advance warning.

1.1.2 Reconnaissance Inspection

A reconnaissance inspection is performed in lieu of, or following a comprehensive inspection to obtain a preliminary overview of an owner/operator's compliance program, to respond to a citizen complaint, or to assess a non-permitted site. The inspector performs a brief (generally about an hour) visual inspection of the site, discharges and receiving waters. A reconnaissance inspection uses the inspector's experience and judgement to summarize potential compliance problems, without conducting a full comprehensive inspection. The objective of a reconnaissance inspection is to expand inspection coverage without increasing inspection resource expenditures. The reconnaissance inspection is the shortest and least resource intensive of all inspections.

Reconnaissance inspections may be initiated in response to known or suspected violations, a public complaint, a violation of regulatory requirements, or as follow-up to verify that necessary actions were taken in response to a previous inspection.

1.2 Self-inspections

For some projects, the site owner/operator is required by their State Pollutant Discharge Elimination System (SPDES) Permit and/or local requirements to have a qualified professional¹ perform a "self-inspection" at the site. In self-inspections, the qualified professional determines whether the site is being managed in accordance with the SWPPP, and whether the SWPPP's recommended erosion and sediment controls are effective. If activities are not in accordance with the SWPPP, or if the SWPPP erosion and sediment controls are not effective, the qualified professional inspecting the site recommends corrections to the owner/operator.

¹ A "Qualified professional" is a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer, Certified Professional in Erosion and Sediment Control (CPESC), licensed landscape architect or soil scientist.

2.0 PRE-INSPECTION ACTIVITIES

2.1 Regulatory Oversight Authorities

This section is intended for inspectors with regulatory oversight authority such as agents of the DOW or a local municipality, or others acting on their behalf, such as county Soil and Water Conservation District staff. Examples of other regulatory oversight authorities include: the United States Environmental Protection Agency (EPA); New York City Department of Environmental Protection (DEP), Adirondack Park Agency (APA); the Lake George Park Commission (LGPC), and the Skaneateles Lake Watershed Authority (SLWA). Before arriving on-site to conduct the inspection, considerations concerning communication, documentation and equipment must be made.

Regulatory oversight authority is granted by state or local law to government agencies or, depending upon the particular law, an authorized representative of state or local government. SPDES rules 6 NYCRR 750-2.3 and Environmental Conservation Law 17-0303(6) and 17-0829(a) all allow for authorized representatives of the (NYSDEC) commissioner to perform all the duties of an inspector.

2.1.1 Communication

Coordination with Other Entities

Where appropriate, prior to selecting sites for inspection, compliance inspectors should communicate with other regulatory oversight authorities to avoid unnecessary duplication or to coordinate follow-up to inspections performed by other regulatory oversight authorities.

Announced vs. Unannounced Inspection

Inspections may be announced or unannounced. Each method has its own advantages and disadvantages. Unannounced inspections are preferred, however many job sites are not continuously manned, or not always staffed by someone who is familiar with the SWPPP, thus necessitating an announced inspection. As an alternative, when an announced inspection is necessary, inspectors should try to give as little advanced warning as possible (24 hours is suggested).

Itinerary

For obvious safety reasons, inspectors should be sure to inform someone in their office which site or sites they will be visiting prior to leaving the to perform inspections.

2.1.2 Documentation

Data Review

The inspector should review any available information such as:

- Notice of Intent
- Stormwater Pollution Prevention Plan
- Past inspection records
- Phasing plan

- Construction sequence
- Inspection and Maintenance schedules
- Site specific issues
- Consent Orders
- Access agreements

Inspection Form

The inspector should have copies of, and be familiar with, the inspection form used by their regulatory oversight authority (example in Attachment 1) before leaving the office. Static information such as name, location and permit number can be entered onto the inspection form prior to arriving at the inspection site.

Credentials

Inspectors should always carry proper identification to prove that they are employed by an entity with jurisdictional authority. Failure to display proper credentials may be legal grounds for denial of entry to a site.

2.1.3 Equipment

Personal Protective Equipment

DOW employees must conform to the DOW Health and Safety policy as it relates to personal protective equipment. Other regulatory oversight authorities should have their own safety policies or, if not, may wish to consult the OSHA health and safety tool at: www.osha.gov/dep/etools/ehasp/ to develop a health and safety plan.

The following is a list of some of the most common health and safety gear that may be needed:

- Hard hat (Class G, Type I or better)
- Safety toe shoes
- Reflective vest
- Hearing protection (to achieve 85 dBA - 8 hr TWA)
- Safety glasses with side shields

If the construction is on an industrial site or a hazardous waste site, special training may be required prior to entering the site. The inspector should consult with OSHA or NYSDEC prior to entering such a site.

Monitoring Equipment

The following is a list of some equipment that may be helpful to document facts and verify compliance:

- Digital Camera
- Measuring tape or wheel
- Hand level or clinometer
- Turbidity meter (in limited circumstances)

2.2 Permittee's Self-inspection

This section is intended for qualified professionals who conduct site self-inspections on behalf of owner/operators. Self-inspectors are responsible for performing inspections in accordance with permit requirements and reporting to site owners and operators the results and any recommendations resulting from the inspection.

Prior to conducting inspections, qualified professionals should ensure familiarity with the Stormwater Pollution Prevention Plan and previous inspection reports.

3.0 ON-SITE INSPECTION PROCESS

3.1 Compliance Inspections

3.1.1 Professionalism

Don't Pretend to Possess Knowledge

Unless the inspector has experience with a particular management practice, do not pretend to possess knowledge. Inspectors cannot be expert in all areas; their job is to collect information, not to demonstrate superior wisdom. Site operators are often willing to talk to someone who is inquisitive and interested. Within reason, asking questions to obtain new information about a management practice, construction technique or piece of equipment is one of the inspector's main roles in an inspection.

Don't Recommend Solutions

The inspector should not recommend solutions or endorse products. The solution to a compliance problem may appear obvious based on the inspector's experience. However, the responsibility should be placed on the site owner to implement a workable solution to a compliance problem that meets NYSDEC standards. The inspector should refer the site operator to the New York Standards and Specifications for Erosion and Sediment Control (the Blue Book) or the New York State Stormwater Management Design Manual (the Design Manual).

Key advice must be offered carefully. One experienced stormwater inspector suggests saying: "I can't direct you or make recommendations, but what we've seen work in other situations is ..."

The way inspectors present themselves is important to the effectiveness of the inspection. An inspector cannot be overly familiar, but will be more effective if able to establish a minimum level of communication.

3.1.2 Safety

DOW employees must conform to Division health and safety policies when on a construction site. Other regulatory oversight authorities should have their own safety policies or, if not, may

wish to consult the OSHA health and safety tool at:

www.osha.gov/dep/etools/ehasp to develop a health and safety plan.

Some general protections for construction sites are:

- Beware of heavy equipment, avoid operator blind spots and make sure of operator eye contact around heavy equipment.
- Avoid walking on rock rip-rap if possible. Loose rock presents a slip hazard.
- Stay out of confined spaces like tanks, trenches and foundation holes.
- Avoid lightning danger. Monitor weather conditions, get out of water, avoid open areas and high points, do not huddle in groups or near trees.
- Protect yourself from sun and heat exposure. Use sun screen or shading clothing. Remain hydrated by drinking water, watching for signs of heat cramps, exhaustion (fatigue, nausea, dizziness, headache, cool or moist skin), or stroke (high body temperature; red, hot and dry skin)
- Protect yourself from cold weather. Wear multiple layers of thin clothing. Wear a warm hat. Drink warm fluids or eat hot foods, and keep dry.
- Avoid scaffolding in excess of 4 feet above grade.
- Beware of ticks, stinging insects, snakes and poison ivy or sumac.

3.1.3 Legal access

DOW has general powers, set forth under ECL 17-0303, subparagraph 6, to enter premises for inspections. In addition, ECL 3-0301.2 conveys general statutory authority granting the DOW the power to access private property to fulfill DOW obligations under the law.

ECL 15-0305 gives the DOW the authority to enter at all times in or upon any property, public or private, for the purpose of inspecting or investigating conditions affecting the construction of improvements to or developments of water resources for the public health, safety or welfare.

ECL 17-0829 allows an authorized DOW representative, upon presentation of their credentials, to enter upon any premises where any effluent source is located, or in which records are required to be maintained. The representative may at reasonable times have access to, and sample discharges/pollutants to the waters or to publicly owned treatment plants where the effluent source is located. This subparagraph provides DOW representatives performing their duties authority to enter a site to pursue administrative violations. Pursuing criminal violations may require a warrant or the owner's permission to enter the site.

For sites that are permitted, DOW has authority under the permit to enter the site.

If the owner/operator's representatives onsite deny access, the inspector *should not* physically force entry. Under these circumstances the attorney representing the inspector should be immediately notified and consideration should be given to soliciting the aid of a law officer to obtain entry.

DOW staff have the right to enter at any reasonable time. If no one is available, and the site is fenced or posted, DOW staff should make all reasonable efforts to identify, contact and notify the owner that the DOW is entering the site. If the inspector has made all reasonable efforts to contact site owners, but was unable to do so, the site can then be accessed. All efforts should be taken not to cause any damage to the facility.

Other regulatory oversight authorities should seek advice on their legal authorities to enter a job site. Municipalities that have adopted Article 6 of the New York State Sample Local Law for Stormwater Management and Erosion and Sediment Control (NYSDEC, 2004, updated 2006) will have legal authority to enter sites in accordance with that chapter and any other existing municipal authority .

Agents of DOW have authority similar DOW staff authority to enter sites. However, DOW staff enjoy significant personal liability protections as state employees. That liability protection may not be the same for authorized representatives of DOW. For authorized representatives of DOW (or other regulatory oversight authorities), it is prudent to obtain permission to enter the site. If such permission is denied, the authorized representatives should inform the appropriate DOW contact, usually the regional water manager.

3.1.4 Find the Legally Responsible Party (Construction Manager, Self-inspector)

The first action a compliance inspector should take upon entering a construction site is to find the construction trailer or the construction or project manager if they are available. The inspector should present appropriate identification to the site's responsible party and state the reason for the inspection; construction stormwater complaint response or neutral construction stormwater inspection. If the inspection is initiated as a response to a complaint, frequently the responsible party will ask who made the complaint. DOW keeps private individual complainants confidential. If the complainant is another regulatory oversight authority, DOW tends to make that known to the site's responsible party.

3.1.5 On-site records review (NOI, SWPPP, Self-inspection Reports, Permit)

Generally, the compliance inspector should next review the on-site records. Verify that a copy of the construction stormwater permit and NOI are on-site. Verify that the acreage, site conditions, and receiving water listed on the NOI are accurate. Compare the on-site documentation with documentation already submitted to, or obtained by the compliance inspector.

If the SWPPP has not been reviewed in the office, verify that it exists and contains the minimum required components (16 for a basic plan and 22 for a full plan). On-site review of the SWPPP should determine if: there is an appropriate phasing plan; the acreage disturbed in each phase, construction sequence for each phase; proposed implementation of erosion and sediment control measures; and, where required, post construction controls. For each of the erosion and sediment control practices, the SWPPP must show design details in accordance with the NYS Standards for Erosion and Sediment Controls. The SWPPP must also include provisions for maintenance of practices during construction. On-site review of post construction controls is generally limited to verification that the proposed stormwater management practices are shown on the site plan.

Where self-inspections are required, self-inspection reports are a significant tool for the compliance inspector to determine the performance history of the site. The self-inspection reports should be done with the required frequency. Self-inspection reports must include all the details required by the permit. Generally, it is desirable for permit information to be shown on a site plan. The compliance inspector should become familiar with the report and use that familiarity to judge whether the self-inspections are being performed correctly and that the site operator is correcting deficiencies noted in the report.

3.1.6 Walk the Site

During wet weather conditions, it may be advantageous to observe the receiving waters prior to walking the rest of the site. At some point during the inspection, the receiving water conditions must be observed and noted. It is critical to note if there is a substantial visible contrast to natural conditions, or evidence of deposition, streambank erosion, construction debris or waste materials (e.g. concrete washdown) in the receiving stream.

Each inspector should evaluate actual implementation and maintenance of practices on-site compared to how implementation and maintenance is detailed in the SWPPP. At a minimum, the compliance inspector should observe all areas of active construction. Observing equipment or materials storage, recently stabilized areas, or stockpile areas is also appropriate to evaluate the effectiveness of management practices.

3.1.7 Taking Photographs

Evidence of poor receiving water conditions and poor or ineffective practices should be documented with digital photographs. Those photographs should be logged date stamped and stored on media that cannot be edited (e.g. write only CDs). Photos should also be appended to the site inspector's report.

It is also beneficial to take photographs of good practices for educational and technology transfer reasons.

3.1.8 Exit Interview

Clearly communicate expectations and consequences. If it is clear from the inspection that the owner/operator must modify the SWPPP, or modify management practices within an assigned period (e.g. 24 hours, 48 hours, one week, two weeks), then that finding should be communicated at the time of the exit interview. The inspector should assign the period based on factors such as how long it would reasonably take to complete such modifications and the level of risk to water quality associated with failure to make such modifications.

The inspector should make clear that NYSDEC reserves rights to future enforcement actions. If the inspector's supervisor or enforcement coordinator determines additional enforcement actions are necessary, the inspector *should not* reassure the owner/operator that the current situation is acceptable.

3.2 Non-permitted Site Inspections

For sites not authorized in accordance with state or local laws, the process will be abbreviated. First verify the need for authorization and observe receiving waters to detect water quality standard violations. If there is a violation, notify the owner of the violation or other compliance actions in response to their illicit activity. For DOW staff, Attachment 2 or a similar notice can be used to notify the site owner/operator that stormwater authorization is required.

3.3 Self-inspections

The role of the self-inspector is to verify that the site is complying with stormwater requirements. In particular, the self-inspector verifies that the SWPPP is being properly implemented. The self-inspector also documents SWPPP implementation so regulatory agencies can review implementation activities.

It is not the role of the self-inspector to report directly to regulatory authorities.

Appendix H of *The New York Standards and Specifications for Erosion and Sediment Control* - August 2005 (the Blue Book) includes a Construction Duration Inspection checklist that can be used by the owner/operators qualified professional for self-inspections. The Blue Book is available on the NYSDEC website.

3.3.1 Purpose

The self inspector should ensure that the project's SWPPP is being properly implemented. This includes ensuring that the erosion and sediment control practices are properly installed and being maintained in accordance with the SWPPP/Blue Book.

The project must be properly phased to limit the disturbance to less than five acres, and the construction sequence for each phase must be followed. The SWPPP must also be modified to address evolving circumstances. Finally, and most importantly, receiving waters must be protected.

If a soil disturbance will be greater than five acres at any given time, the site operator must obtain written permission from the DOW regional office.

3.3.2 Pre-construction Conference

The parties responsible for various aspects of stormwater compliance should be identified at the pre-construction conference. Responsible parties may include, but are not limited to, owner's engineer, owner/operator/permittee, contractors, and subcontractors.

Typical responsibilities include: installation of erosion and sediment control (E & SC) practices; maintenance of E & SC practices, inspection of E&SC practices, installation of post construction stormwater management practices (SMPs), inspection of post construction SMPs, SWPPP revisions, and contractor direction.

All parties should clearly know what is expected of them. Responsible parties should complete the Pre-construction Site Assessment Checklist provided in Appendix H of the Blue Book.

3.3.3 Inspection Preparation

The inspector should review the project's SWPPP (including the phasing plan, construction sequence and site specific issues) and the last few inspection reports (if the inspector has them available).

3.3.4 Self-inspection Components

Inspect installation, performance and maintenance of all E&SC practices

The self inspector should inspect all areas that are under active construction or disturbance and areas that are vulnerable to erosion. The self-inspector should also inspect areas that will be disturbed prior to the next inspection for measures required prior to construction (e.g. silt barriers, stabilized construction entrance, diversions). Finally, self-inspectors should inspect post-construction controls during and after installation.

Identify site deficiencies and corrective measures

The self-inspector's reports must be maintained in a log book on site and the log book must be made available to the regulatory authorities. Although the legal responsibility for filing a Notice of Termination lies with the owner/operator, the self-inspector may also be called upon to perform a final site inspection, including post construction SMPs, prior to filing the Notice of Termination.

4.0 POST-INSPECTION ACTIVITIES

4.1 Regulatory Oversight Authorities

This section is intended for inspectors with regulatory oversight authority such as agents of the DOW or a local municipality, or others acting on their behalf (such as County Soil and Water Conservation District staff.) Upon completion of an inspection, inspection results should be documented for the record.

4.1.1 Written Notification

The inspector should inform the permittee or the on-site representative of their inspection results in writing by sending the permittee a complete, signed copy of the inspection report. The inspection report should be transmitted under a cover letter which elaborates on any deficiencies noted in the inspection report. It is not a good idea to commend exceptional efforts by the owner/operator in a letter, because such letters tend to undermine enforcement efforts when compliance status at a site degrades.

The inspector should consider providing a copy of the cover letter and inspection report to other parties with including:

- Permittee
- Contractor(s)
- Other regulatory oversight authorities
- Other parties present during the inspection (e.g. SWPPP preparer, permittee's self-inspector, etc.)

For DOW staff, an example of the inspection cover letter is included as Attachment 3.

4.1.2 Inspection Tracking

DOW staff must enter their inspection results into the electronic *Water Compliance System*.

Local municipalities and other regulatory oversight authorities are encouraged to develop an electronic tracking system in which to record their inspections.

4.2 Permittee's Self-inspections

This section is intended for qualified professionals who conduct site inspections for permittees in accordance with a SPDES permit or local requirements.

4.2.1 Written Records

Inspection Reports

The inspector shall prepare a written report summarizing inspection results. The inspection report is then provided to the permittee, or the permittee's duly authorized representative, and to the contractor responsible for implementing stormwater controls on-site in order to correct deficiencies noted in the inspection report. Finally, the inspection report must be added to the site log book that is required to be maintained on-site, and be available to regulatory oversight authorities for review.

4.2.2 Stormwater Pollution Prevention Plan Revisions

The inspector must inform the permittee of his/her duty to amend the Stormwater Pollution Prevention Plan (SWPPP) whenever an inspection proves the SWPPP to be ineffective in:

- Eliminating or significantly minimizing pollutants from on-site sources
- Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity
- Eliminating discharges that cause a substantial visible contrast to natural conditions

ATTACHMENT 1

Construction Stormwater Compliance Inspection Report

Project Name and Location:	Date:	Page 1 of 2
Municipality: County:	Permit # (if any): NYR	
	Entry Time:	Exit Time:
On-site Representative(s) and contact information:	Weather Conditions:	
Name and Address of SPDES Permittee/Title/Phone/Fax Numbers: Contacted: Yes <input type="checkbox"/> No <input type="checkbox"/>		

INSPECTION CHECKLIST

SPDES Authority

Yes No N/A

1. ☐ ☐ ☐ Is a copy of the NOI posted at the construction site for public viewing?
2. ☐ ☐ ☐ Is an up-to-date copy of the signed SWPPP retained at the construction site?
3. ☐ ☐ ☐ Is a copy of the SPDES General Permit retained at the construction site?

Law, rule or permit citation

SWPPP Content

Yes No N/A

4. ☐ ☐ ☐ Does the SWPPP describe and identify the erosion & sediment control measures to be employed?
5. ☐ ☐ ☐ Does the SWPPP provide a maintenance schedule for the erosion & sediment control measures?
6. ☐ ☐ ☐ Does the SWPPP describe and identify the post-construction SW control measures to be employed?
7. ☐ ☐ ☐ Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?
8. ☐ ☐ ☐ Does the SWPPP include all the necessary 'CONTRACTOR CERTIFICATION' statements?
9. ☐ ☐ ☐ Is the SWPPP signed/certified by the permittee?

Law, rule or permit citation

Recordkeeping

Yes No N/A

10. ☐ ☐ ☐ Are inspections performed as required by the permit (every 7 days and after 1/2" rain event)?
11. ☐ ☐ ☐ Are the site inspections performed by a qualified professional?
12. ☐ ☐ ☐ Are all required reports properly signed/certified?
13. ☐ ☐ ☐ Does the SWPPP include copies of the monthly/quarterly written summaries of compliance status?

Law, rule or permit citation

Visual Observations

Yes No N/A

14. ☐ ☐ ☐ Are all erosion and sediment control measures installed/constructed?
15. ☐ ☐ ☐ Are all erosion and sediment control measures maintained properly?
16. ☐ ☐ ☐ Have all disturbances of 5 acres or more been approved prior to the disturbance?
17. ☐ ☐ ☐ Are stabilization measures initiated in inactive areas?
18. ☐ ☐ ☐ Are permanent stormwater control measures implemented?
19. ☐ ☐ ☐ Was there a discharge into the receiving water on the day of inspection?
20. ☐ ☐ ☐ Are receiving waters free of there evidence of turbidity, sedimentation, or oil ? (If no , complete Page 2)

Law, rule or permit citation

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	
Name/Agency of Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	

Water Quality Observations

Describe the discharge(s) [source(s), impact on receiving water(s), etc.] _____

Describe the quality of the receiving water(s) both upstream and downstream of the discharge_____

Describe any other water quality standards or permit violations _____

Additional Comments: _____

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

☐ Photographs attached

ATTACHMENT 2

***** NOTICE *****

On March 10, 2003, provisions of the Federal Clean Water Act went into effect that apply to many construction operations.

If your construction operations result in the disturbance of one acre or greater and stormwater runoff from your site reaches surface waters (i.e., lake, stream, road side ditch, swale, storm sewer system, etc.), the stormwater runoff from your site must be covered by a State Pollutant Discharge Elimination System (SPDES) Permit issued by the New York State Department of Environmental Conservation (NYSDEC).

To facilitate your compliance with the law, NYSDEC has issued a General Permit which may be applicable to your project. To obtain coverage under this General Permit, you need to prepare a Stormwater Pollution Prevention Plan (SWPPP) and then file a Notice of Intent (NOI) to the NYSDEC headquarters in Albany. The NOI form is available on the DEC website. You may also obtain a copy of the NOI form at the nearest NYSDEC regional offices.

When you file your NOI you are certifying that you have developed a SWPPP and that it will be implemented prior to commencing construction. When you submit the NOI you need to indicate if your SWPPP is in conformance with published NYSDEC technical standards; if it is, your SPDES permit coverage will be effective in as few as five business days. If your SWPPP does not conform to the DEC technical standards, coverage will not be available for at least 60 business days.

Failure to have the required permit can result in legal actions which include Stop Work Orders and/or monetary penalties of up to \$37,500/day

If your construction operations are already in progress and you are not covered by an appropriate NYSDEC permit contact the NYSDEC Regional Water Engineer as soon as possible. If your construction field operations have not yet commenced, review the NOI and the General Permit on the DEC's website or at the DEC regional office for your area. When you are comfortable that you understand and comply with the requirements, file your NOI.

The requirement to file an NOI does not replace any local requirements. Developers/Contractors are directed to contact the Local Code Enforcement Officer or Stormwater Management Officer for local requirements.

ATTACHMENT 3

<< Date >>

Mr. John Smith
123 Main Street
Ferracane, NY 12345

**Re: Stormwater Inspection
SPDES Permit Identification No. NYR10Z000 (through SPDES No. GP-02-01)
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)**

Dear Mr. Smith:

On the afternoon of << date >> I conducted an inspection of the construction activities associated with the Blowing Leaves Subdivision located on County Route 1 in the town of Gasper, Eaton County. The inspection was conducted in the presence of you and Mr. Samuel Siltfence of Acme Excavating Co., Inc. The purpose of the inspection was to verify compliance with the *State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity* ("the general permit").

The overall rating for the project at the time of the inspection was ***unsatisfactory***. A copy of my inspection report is attached for your information. In addition to the report, I would like to elaborate on the following:

SPDES Authority

- In accordance with subdivision 750-2.1 (a) of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR), a copy of your permit must be retained at the construction site. You did not have a copy of the general permit at the site. **Your failure to retain a copy of the general permit at the construction site is a violation of 6 NYCRR Part 750-2.1 (a).** Please retain a copy of the general permit at the site from this point forward.

SWPPP Content

- In accordance with Part III.E.2. of the general permit, contractors and subcontractors must certify that they understand the terms and conditions of the general permit and the SWPPP before undertaking any construction activity at the site. Your SWPPP does not include a certification statement from Acme Excavating Co., Inc. **The failure of your contractor to sign this certification before undertaking construction activity at the site is a violation of Part III.E.2. of the general permit.** Please obtain copies of all necessary certifications and provide copies of them to each party who holds a copy of your SWPPP.
- In accordance with Part V.H.2. of the general permit, SWPPP's must be certified by the permittee. Your SWPPP was not certified by you. **Your failure to certify your SWPPP is a**

Mr. John Smith
Re: SPDES Inspection
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)

<< Date >>

violation of Part V.H.2. of the general permit. Please certify your SWPPP.

Recordkeeping

- In accordance with Parts III.D.3.a. and III.D.3.b. of the general permit, permittees must have a qualified professional conduct site inspections within 24 hours of the end of 0.5" or greater rain events and at least once per week. A review of your records revealed that your "self-inspections" are only being conducted about two or three times per month. **Your failure to have a qualified professional conduct inspections at the required frequency is a violation of Part III.D.3.b. of the general permit.** Please immediately direct your qualified professional to conduct your site inspections at the required frequency.
- Although the frequency of self-inspections does not meet requirements, the quality of them is very good. Your qualified professional has accurately noted the same SWPPP deficiencies and necessary maintenance activities that I also observed, and prepared thorough sketches on the self-inspection site maps.
- In accordance with Part V.H.2. of the general permit, the permittee must certify all reports required by the permit. A review of your records showed that your self-inspection reports were not certified. **Your failure to certify your self-inspection reports is a violation of Part V.H.2. of the general permit.** Please sign and certify any and all existing and future self-inspection reports.

Visual Observations

- In accordance with Parts III.A.2. and III.A.3. of the general permit, all erosion and sediment controls (E&SC) measures must be installed (as detailed in the SWPPP) prior to the initiation of construction. During the inspection, I noted all of your E&SC measures have been correctly installed at the right times and locations.
- In accordance with Part V.L. of the general permit, all of the E&SC measures at your site must be maintained properly. While on site I observed that, among other things, the section of silt fence in place parallel to County Route 1 is in various stages of disrepair. **The failure of your contractor to adequately maintain the E&SC measures currently in place at your site is a violation of Part V.L of the general permit.** Please direct your contractor to repair this silt fence immediately and to diligently maintain all of the other required E&SC measures as they are brought to his attention by your qualified professional.
- This inspection was conducted during a rain event which resulted in a stormwater discharge to the municipal separate storm sewer system (MS4) being operated by the Eaton County Department of Public Works. Your discharge was visibly turbid whereas upstream water MS4 was clear. As a result, the discharge from the MS4 outfall into Karimipour Creek was causing

Mr. John Smith

<< Date >>

Re: SPDES Inspection
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)

slight turbidity. Please be advised that the narrative water quality standard for turbidity in Karimipour Creek is “no increase that will cause a substantial visible contrast to natural conditions.” I attribute the lack of maintenance of your E&SC measures to be the primary cause of the turbid discharge. Please be reminded that the general permit does not authorize you cause or contribute to a condition in contravention of any water quality standards.

If you have any questions or comments, please feel free to contact me at (999) 456-5432.

Sincerely,

Hector D. Inspector, CPESC
Environmental Program Specialist 2

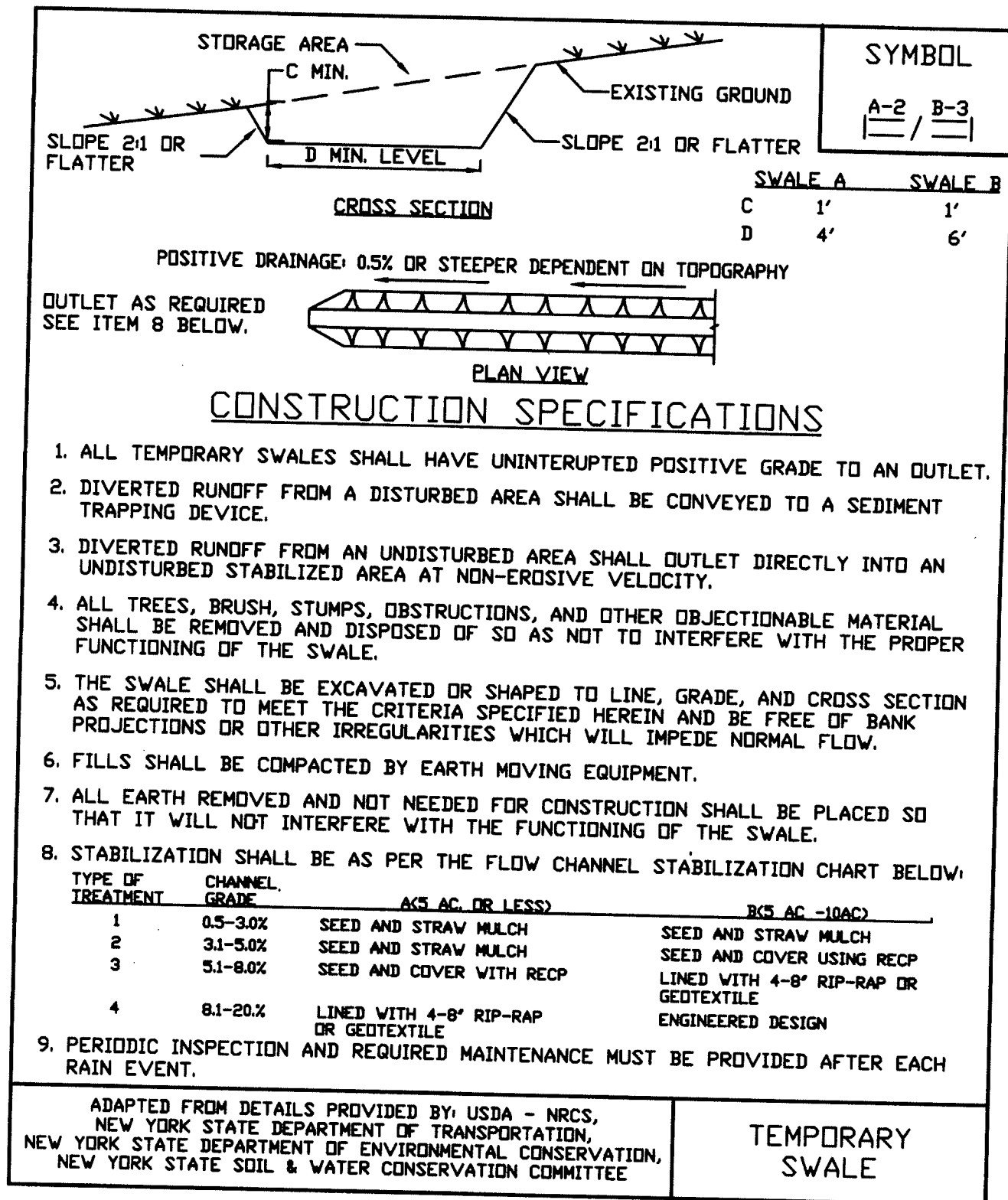
HDI:ms
Attachment

cc w/att.: Chester Checkdam, (T) Gasper Code Enforcement Officer
Samuel Siltfence, Acme Excavating Co., Inc.

APPENDIX L

Construction Details

**Figure 5A.2
Temporary Swale**



**Figure 5A.7
Straw Bale Dike**

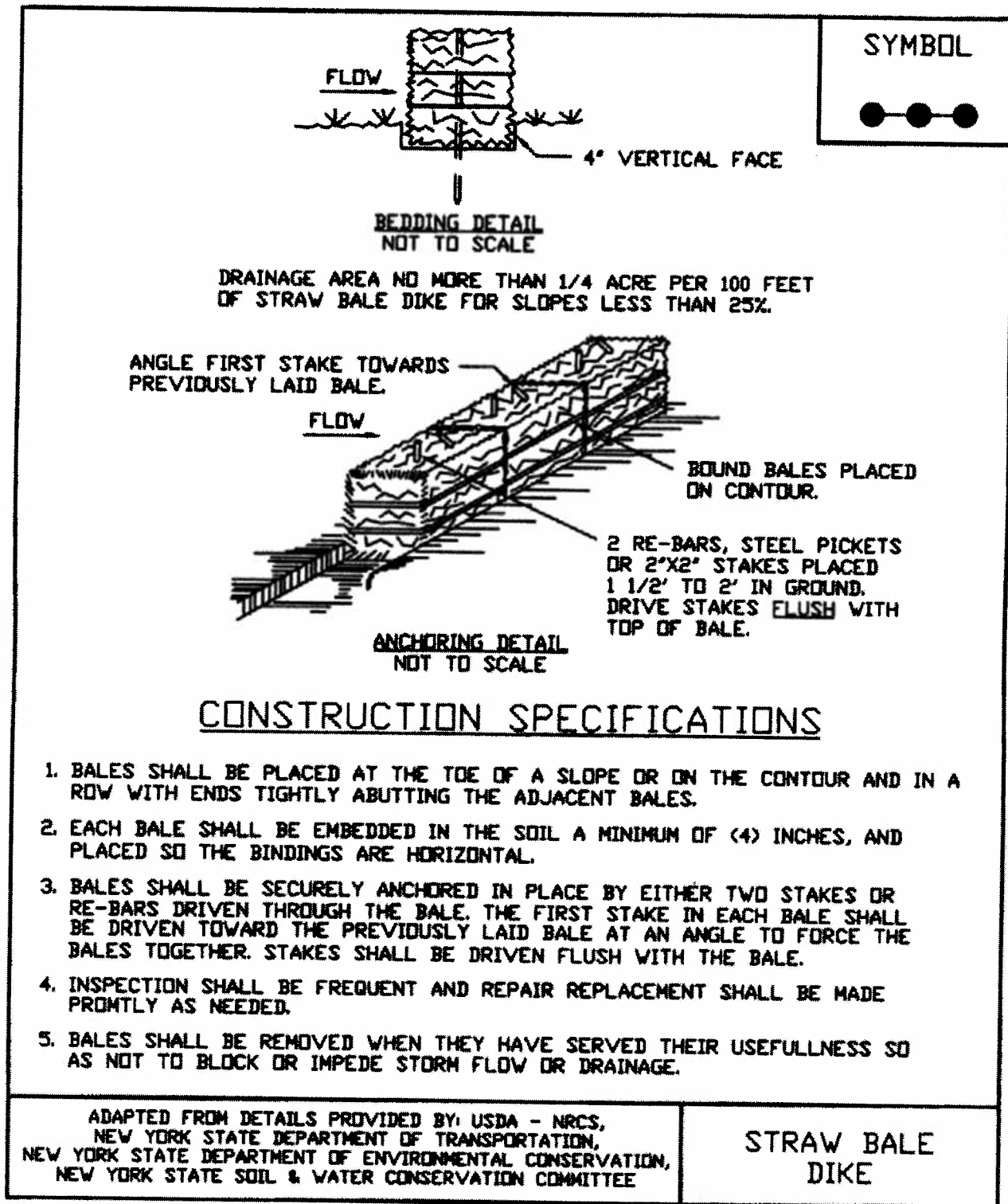


Figure 5A.8
Silt Fence

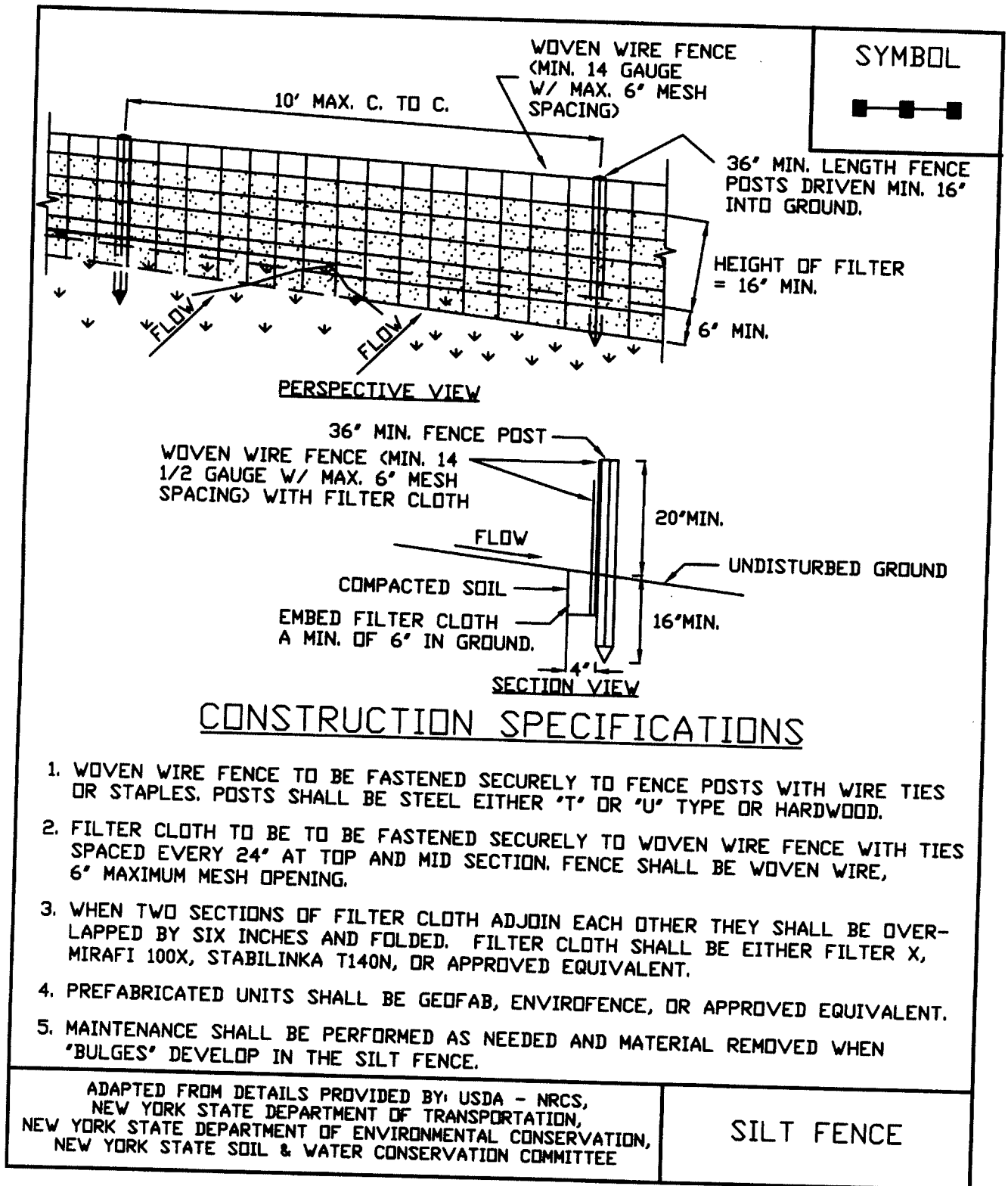


Figure 5A.12
Filter Fabric Drop Inlet Protection

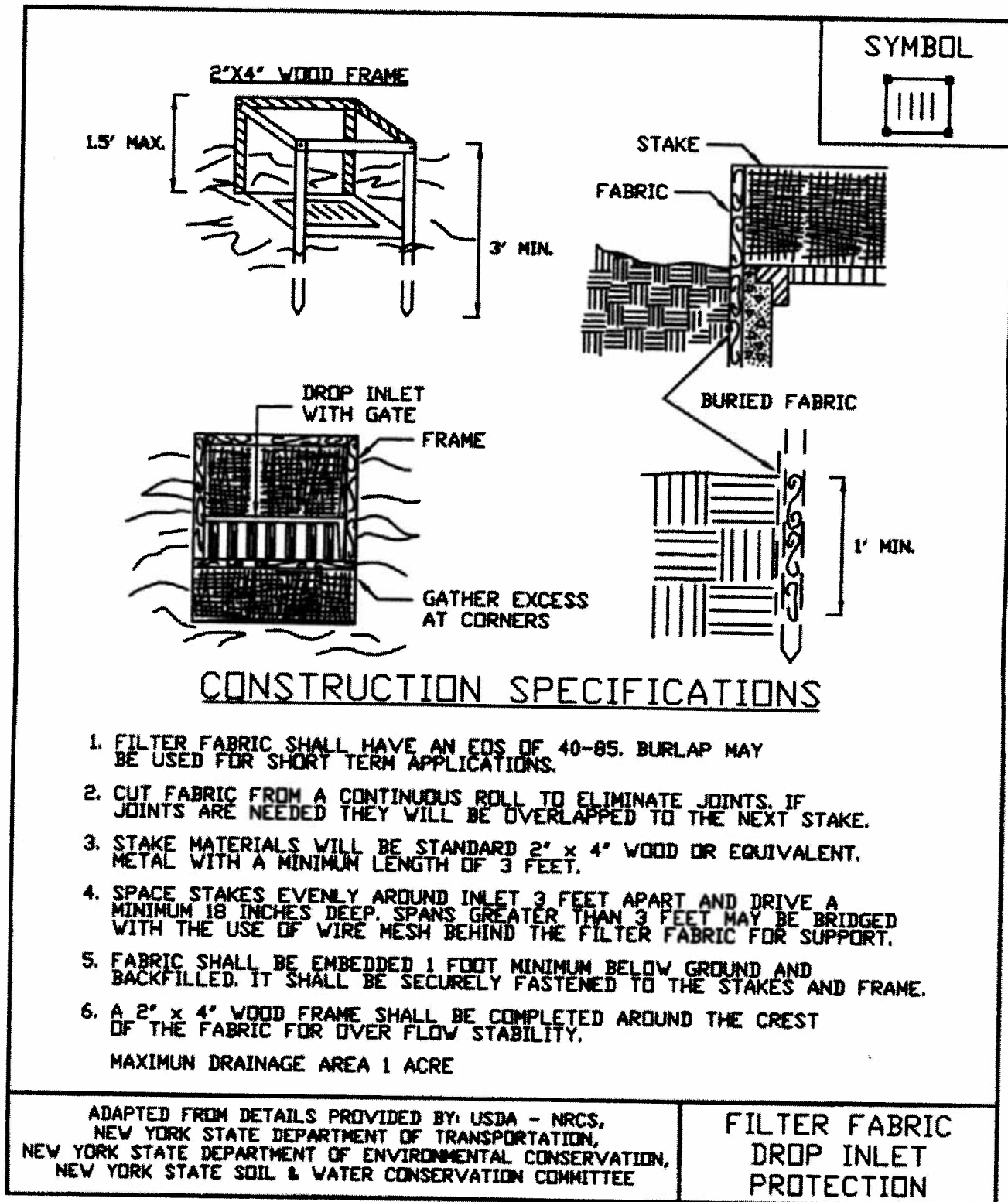


Figure 5A.14
Curb Drop Inlet Protection

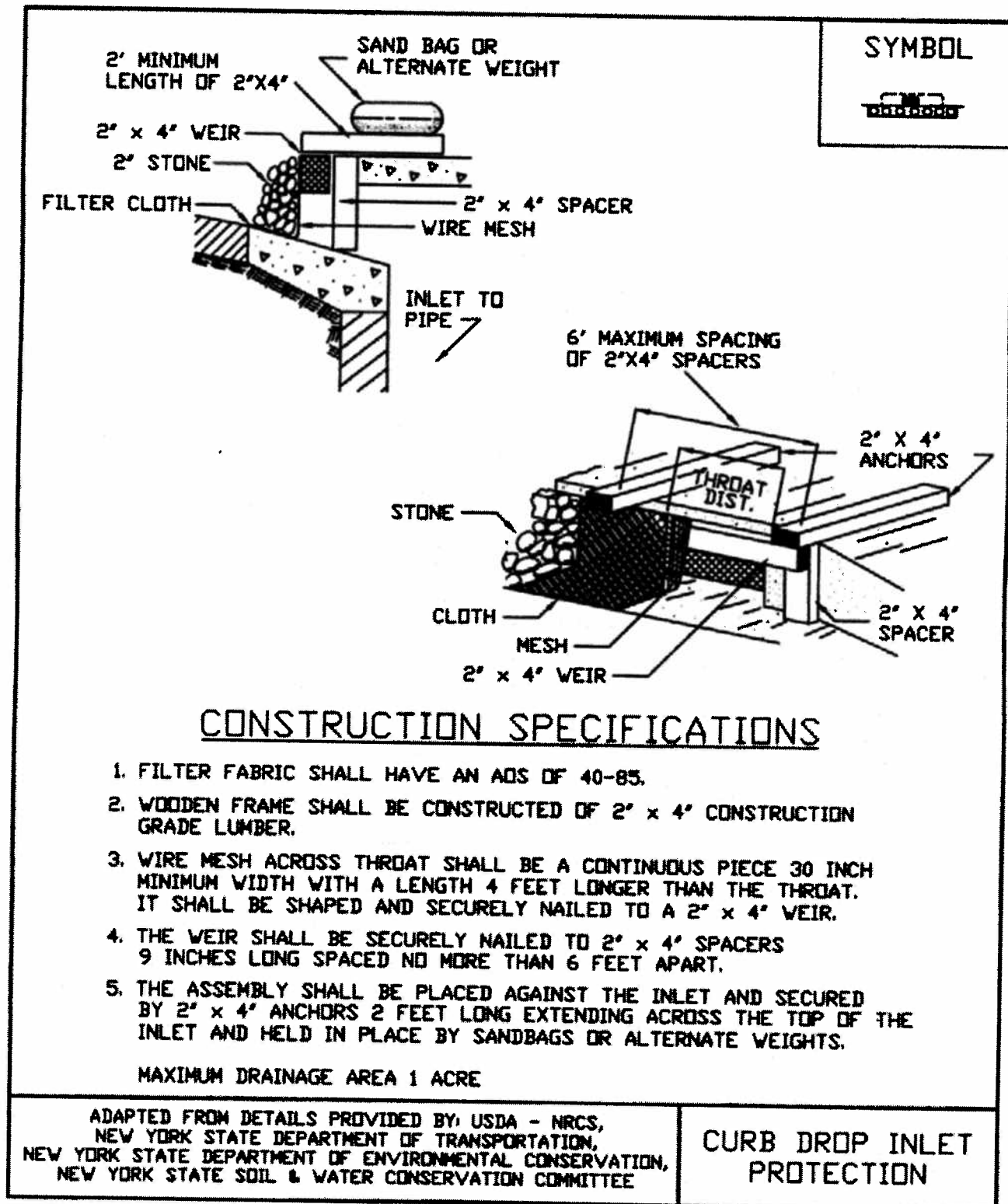
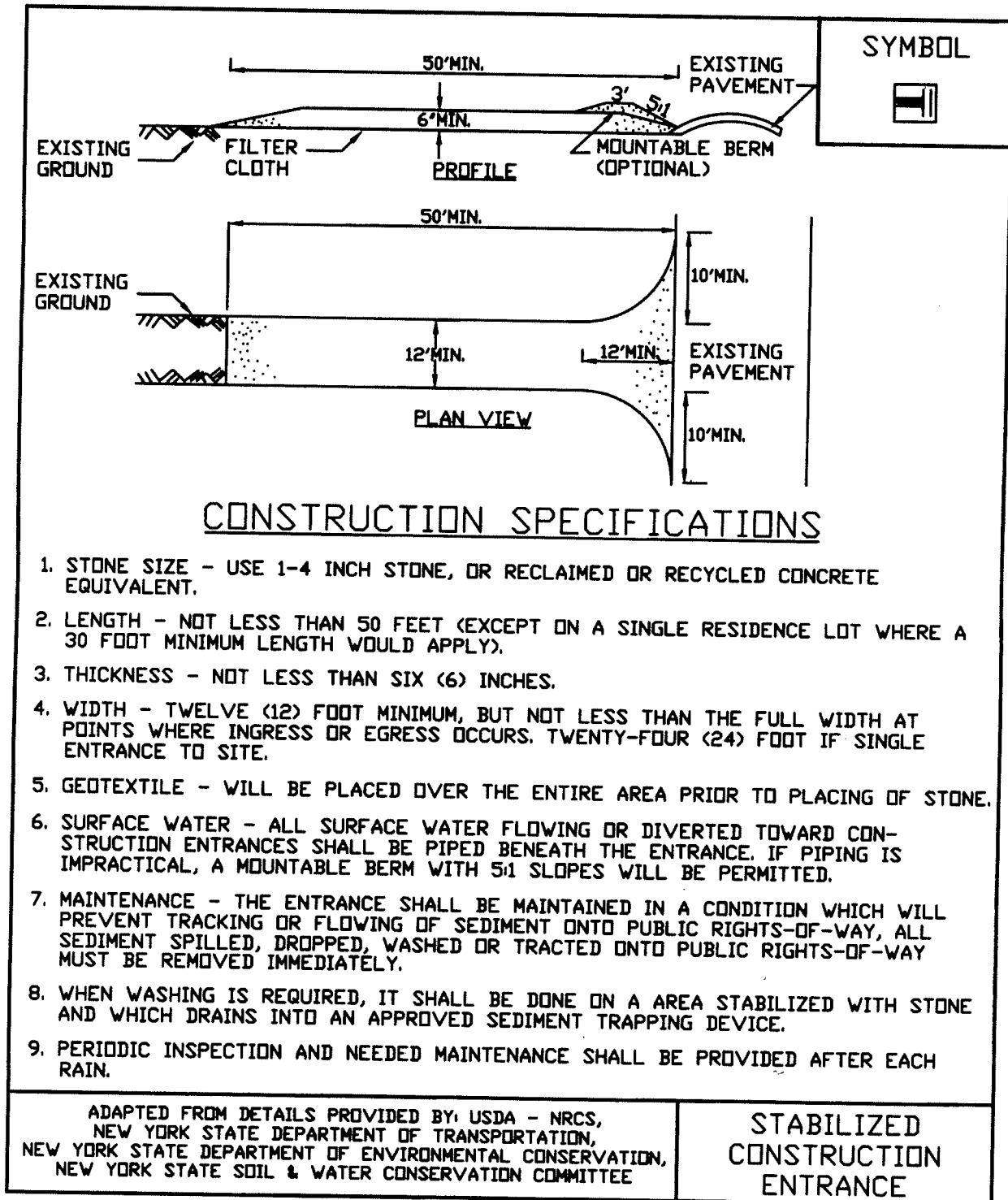


Figure 5A.35
Stabilized Construction Entrance



APPENDIX M

Brochures

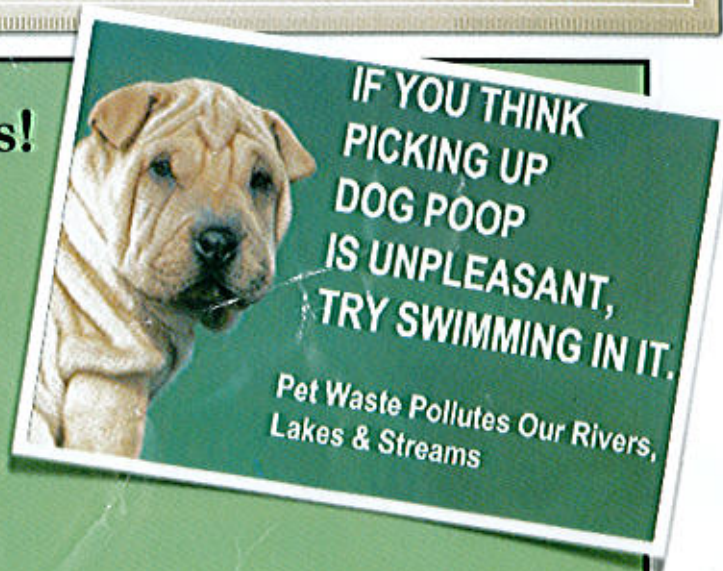
The Scoop on Pet Poop!

Please pick up after your pets!

Pick it up for our local waters:

People love walking pets near the water. Unfortunately, pet waste contains disease causing pollutants and bacteria. If left on the ground, rainstorms wash these wastes into the Peconic Estuary, Long Island Sound, or the Atlantic Ocean. There the bacteria cause water quality issues and are often absorbed by the fish and shellfish we like to eat.

Pet wastes are also high in nutrients. Adding too many nutrients to the Estuary can cause harm to eelgrass, cause harmful algal blooms, and lead to low oxygen levels in the water making it uninhabitable for many plants and animals.



Pick it up for our health:

These contaminants in local waters can lead to shellfishing closures and/or swimming closures, because if we eat contaminated food, or swim in contaminated water, **we can get sick!** Pet waste can make the local beach unclean and unsanitary for people to play and enjoy.

Pick it up for the community:

Its also just the considerate thing to do. You don't like stepping in it and your neighbors certainly don't either!



Do your part to keep our community and local waters clean and healthy!

How?

- Bring plastic bags with you when you walk your dog (such as old bread bags, newspaper bags, veggie bags, etc.).
- Tie bags to your dogs leash so you don't forget them.
- Tie the filled bag and drop it in the trash, bury the waste, or flush it if you are connected to a sewer system.
- Look into purchasing a pet waste composter, but don't mix pet waste in with your regular compost.
- Take advantage of bag dispensers and talk to your town or village representatives about making sure they are continually stocked and added in all pet frequented locations (preferably with garbage pails nearby).
- Also share bags and information with other pet owners you meet.

Make sure to scoop the poop every single time!

Why?

There are at least 6000 dogs living on the East End. On average one dog creates about 1/2 a pound of waste per day. That means our local environment receives at least 3000 pounds of pet waste per day! It all adds up, so its important to pick it up every time. Also be aware of local "pooper scooper" regulations that prohibit leaving pet waste where it lies.

Tell your friends to scoop the poop too!



GRUP
FOR THE EAST END

www.EastEndEnvironment.org

Be the Solution to Stormwater Pollution in Suffolk County

What is Stormwater Pollution?

As rain or melting snow flows over roads, driveways and lawns it can pick up pollutants like motor oil, fertilizers, litter and pet waste.



This "stormwater" that is not absorbed and filtered by the ground is not treated and usually flows into a storm drain system or directly into nearby waterbodies. This becomes stormwater pollution and can be harmful to aquatic life and create human health risks.

Did You Know?

- The Environmental Protection Agency considers stormwater pollution the nation's greatest threat to clean water.
- Your daily activities such as driving a car, lawn maintenance, and waste disposal can be significant sources of stormwater pollution.
- Over 18% of all litter is swept into waterways by stormwater.
- Suffolk County maintains 420 miles of roads that contain over 6,000 storm drains.

How Does Stormwater Pollution Affect Us and the Environment?

Stormwater pollution can have many adverse impacts on people, plants and aquatic life.

- Household hazardous wastes like insecticides, pesticides, paint solvents and auto fluids can poison aquatic life.
- Bacteria and pathogens from pets/wildlife and leaking septic systems can create health hazards that result in bathing beach closures and shellfish harvest restrictions.
- Excess nutrients from lawn fertilizers can promote harmful algal blooms that lower oxygen levels in the water when they decompose. Fish and other aquatic organisms cannot live without sufficient oxygen levels.
- Litter like plastic bags, bottles and cigarette butts are unsightly and can harm, or even kill aquatic life.
- Sediment can cloud water and stress aquatic plants and animals. Excess sediment can also destroy aquatic habitats.



What Suffolk County is Doing to Help Solve the Problem.

- Implementing a comprehensive Stormwater Management Program to reduce and remove sources of stormwater pollution from County owned roads, properties and facilities.
- Upgrading and expanding stormwater control methods on County roads and construction sites.
- Identifying, mapping and monitoring stormwater discharges from County roads and properties.
- Providing education and outreach services to Suffolk County residents.



The effects of pollution

What is stormwater runoff?



Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like driveways, sidewalks, and streets prevent stormwater from naturally soaking into the ground.

Why is stormwater runoff a problem?



Stormwater can pick up debris, chemicals, dirt, and other pollutants and flow into a storm sewer system or directly to a lake, stream, river, wetland, or coastal water. Anything that enters a storm sewer system is discharged untreated into the waterbodies we use for swimming, fishing, and providing drinking water.

Polluted stormwater runoff can have many adverse effects on plants, fish, animals, and people.

- ♦ Sediment can cloud the water and make it difficult or impossible for aquatic plants to grow. Sediment also can destroy aquatic habitats.
- ♦ Excess nutrients can cause algae blooms. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water. Fish and other aquatic organisms can't exist in water with low dissolved oxygen levels.
- ♦ Bacteria and other pathogens can wash into swimming areas and create health hazards, often making beach closures necessary.
- ♦ Debris—plastic bags, six-pack rings, bottles, and cigarette butts—washed into waterbodies can choke, suffocate, or disable aquatic life like ducks, fish, turtles, and birds.
- ♦ Household hazardous wastes like insecticides, pesticides, paint, solvents, used motor oil, and other auto fluids can poison aquatic life. Land animals and people can become sick or die from eating diseased fish and shellfish or ingesting polluted water.
- ♦ Polluted stormwater often affects drinking water sources. This, in turn, can affect human health and increase drinking water treatment costs.



Stormwater Pollution Solutions

Residential



Recycle or properly dispose of household products that contain chemicals, such as insecticides, pesticides, paint, solvents, and used motor oil and other auto fluids. Don't pour them onto the ground or into storm drains.

Lawn care

Excess fertilizers and pesticides applied to lawns and gardens wash off and pollute streams. In addition, yard clippings and leaves can wash into storm drains and contribute nutrients and organic matter to streams.



- ◆ Don't overwater your lawn. Consider using a soaker hose instead of a sprinkler.
- ◆ Use pesticides and fertilizers sparingly. When use is necessary, use these chemicals in the recommended amounts. Use organic mulch or safer pest control methods whenever possible.
- ◆ Compost or mulch yard waste. Don't leave it in the street or sweep it into storm drains or streams.
- ◆ Cover piles of dirt or mulch being used in landscaping projects.

Septic systems

Leaking and poorly maintained septic systems release nutrients and pathogens (bacteria and viruses) that can be picked up by stormwater and discharged into nearby waterbodies. Pathogens can cause public health problems and environmental concerns.



- ◆ Inspect your system every 3 years and pump your tank as necessary (every 3 to 5 years).
- ◆ Don't dispose of household hazardous waste in sinks or toilets.

Auto care

Washing your car and degreasing auto parts at home can send detergents and other contaminants through the storm sewer system. Dumping automotive fluids into storm drains has the same result as dumping the materials directly into a waterbody.



- ◆ Use a commercial car wash that treats or recycles its wastewater, or wash your car on your yard so the water infiltrates into the ground.
- ◆ Repair leaks and dispose of used auto fluids and batteries at designated drop-off or recycling locations.

Pet waste

Pet waste can be a major source of bacteria and excess nutrients in local waters.



- ◆ When walking your pet, remember to pick up the waste and dispose of it properly. Flushing pet waste is the best disposal method. Leaving pet waste on the ground increases public health risks by allowing harmful bacteria and nutrients to wash into the storm drain and eventually into local waterbodies.



Education is essential to changing people's behavior. Signs and markers near storm drains warn residents that pollutants entering the drains will be carried untreated into a local waterbody.

Residential landscaping

Permeable Pavement—Traditional concrete and asphalt don't allow water to soak into the ground. Instead these surfaces rely on storm drains to divert unwanted water. Permeable pavement systems allow rain and snowmelt to soak through, decreasing stormwater runoff.

Rain Barrels—You can collect rainwater from rooftops in mosquito-proof containers. The water can be used later on lawn or garden areas.



Rain Gardens and Grassy Swales—Specially designed areas planted with native plants can provide natural places for



rainwater to collect and soak into the ground. Rain from rooftop areas or paved areas can be diverted into these areas rather than into storm drains.

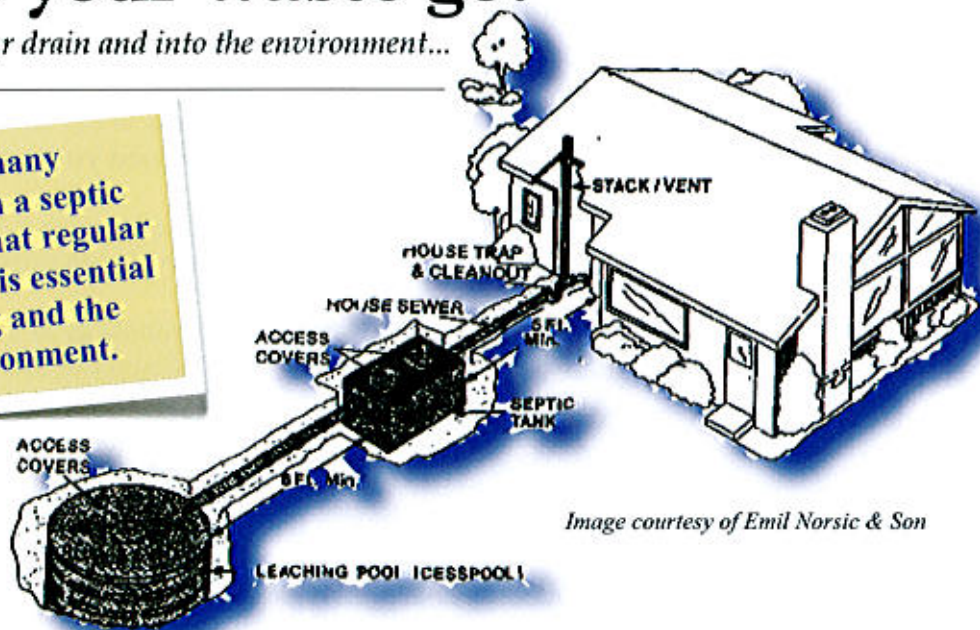
Vegetated Filter Strips—Filter strips are areas of native grass or plants created along roadways or streams. They trap the pollutants stormwater picks up as it flows across driveways and streets.

SEPTIC SYTEMS

Where does your waste go?

Managing what goes down your drain and into the environment...

If you are one of the many homeowners who relies on a septic system, you should know that regular maintenance of the system is essential to its proper functioning and the health of the local environment.



While it may not be a pretty topic, "down the drain" waste management is an important issue for East Enders. It can be easy to forget that waste doesn't just disappear down the drain – it ends up in our backyards, groundwater, and local surface waters.

With this in mind, we must be careful about what we put down our drains and also protect the ecological systems that filter this waste.

Most homes on the East End deal with "down the drain" waste, either through on-site cesspools, septic tanks, or connection to community sewer systems.

For septic system owners, when water goes down the drain it flows through a series of pipes into a septic tank usually buried in the yard. This tank holds wastewater and allows some wastes to either sink down or float up, while the relatively clear water in the middle is slowly piped out into a leaching ring system (see figure).

However, this relatively clear water still contains nutrients (which can be harmful to the bays) and can contain chemicals you use in your home (which can also be harmful to the natural environment).

Septic systems need maintenance to ensure that this process continues smoothly. Tanks need to be pumped out so that the solids and scum can be removed from the bottom and top of the tanks. Also, at times older tanks may need to be replaced, upgraded, or moved to a more appropriate location (this often means being moved further away from surface waters). If this maintenance is not kept up, major problems such as septic tank leaks, overflow, or failure may occur. When this happens, not only is there often an expensive mess for homeowners to clean up, but there is also a strong possibility that pollutants and excess nutrients are reaching our local surface waters and contributing to nutrient loading, which causes unhealthy conditions such as algal blooms, and fish die offs.

WHAT YOU CAN DO: Protect Local Ground and Surface Waters

- How do you know if/when your septic system needs to be pumped out or replaced? Get your septic system inspected right now (especially if it has been awhile since you last did this) and create a maintenance calendar for future pump-outs and inspections!
- On average, septic tanks need to be pumped out every 3 - 5 years, however this varies a bit with the size of the tank and number of people relying on it. Consult a professional to determine your needs.
- If your system needs to be replaced, try to do it right away if you can. The resulting mess of a septic failure can be much more costly to both the bays and your pocket.
- Conserve water and stop any faucets that are leaking or toilets that are running. When excess water runs down the drain, it can overload your septic system.
- Make sure your septic system is as far from the water as possible.
- Eliminate or at least reduce the chemicals that go down the drains in your home. Natural alternatives can be just as effective and are less harmful to the environment as they make their way through your septic system and out to our local bays. Also make sure grease does not go down drains as it can clog up septic systems.
- Eliminate garbage from your drains. Flushing solid materials clogs up the septic system and can lead to problems -- this also means avoiding use of garbage disposals.



Local Rebates and Assistance Programs:

Southold Town currently has no septic tank pump-out or replacement rebates. Please contact your town supervisor and elected officials to request that they consider septic tank pump-out rebates, inspection programs, and replacement rebates for failing systems, or a revolving loan program to support homeowners' efforts.

For Service on Your Septic System:

Look in the yellow pages under "septic tanks and system cleaning" or call your local chamber of commerce to find a reputable service provider in your area.

Links:

Peconic Estuary Program
www.peconicestuary.org

Peconic Baykeeper
www.peconicbaykeeper.org

This information was brought to you by:



P.O. Box 1792
Southold, NY 11971
(631) 765-6450

www.eastendenvironment.org

What Is Stormwater Runoff?

Stormwater runoff occurs after a rainfall. Storm water flows over impervious (unable to penetrate) surfaces like driveways, sidewalks, streets, parking lots and roofs and is unable to percolate (filter or seep) into the ground. This unfiltered water reaches our neighborhood streams, ponds, lakes, bays, wetlands and oceans and can eventually make its way into our ground water. (Water beneath the earth's surface)

Why Is Stormwater Runoff a Problem?

Stormwater runoff can collect many different types of pollution before it reaches a body of water, including debris, dirt and chemicals. The storm water collects these materials and flows directly into a body of water like a stream or lake. These water bodies may be used for swimming, fishing and may even provide some of us with drinking water.

How Do Different Types of Pollution Affect My Watershed?

There are two basic types of pollution: point source and non-point source. Point source pollution is easy to understand because it can be traced directly to its source. Point source pollution was a big concern in the past, but today stricter laws and regulations have drastically decreased the problem.

Non-point source pollution is a little more difficult to understand. Stormwater runoff pollution is a type of non-point source pollution. This means that the pollution cannot be traced back to a specific source, but instead comes from many different sources throughout the environment. Non-point source pollution is the primary cause of watershed pollution today. Non-point source pollution occurs when small amount of pollution from a large variety of sources is picked up by stormwater runoff and carried into water bodies.

Stormwater runoff can carry many different types of non-point source pollution. Each can affect your watershed in a different way. Sediment (dirt, soil, sand) can increase the turbidity (a measure of water cloudiness) of a water body. Turbidity can block sunlight from reaching aquatic plants, making it impossible for them to grow. Without plants, animals lose a food source and it is more difficult to filter pollutants from the water. Instead, pollutants collect in the bottom of the water body and remain there indefinitely.

Excess nutrients carried in stormwater runoff can also negatively affect our water supply. These nutrients, primarily nitrogen and phosphorus, can come from lawn fertilizers or natural sources, such as manure. Nutrients can cause algal and bacterial blooms, which proliferate (reproduce) rapidly. Algae will consume oxygen, increase turbidity in the water body and eventually die along with the fish and other aquatic life that need oxygen to live.

Debris such as plastic bags, bottles and cigarette butts can wash into a water body and interfere with aquatic life. Other hazardous wastes can be carried into a water body. These include insecticides, (chemicals used to control or kill insects) herbicides, (chemicals used to kill unwanted plants) paint, motor oil and heavy metals.

What Can You Do?

Now you know that pollution from stormwater runoff can contaminate our water supply. So what can you do to prevent this problem? Here are some tips to help you on your way to a pollution solution:

- Never Dump Anything Down Storm Drains
- Use Fertilizers Sparingly
- Control Soil Erosion by Planting Over Bare Spots in Landscape
- Collect Rainwater in Rain Barrels for Lawn Use
- Sweep Driveways, Sidewalks and Roads Instead of Using Hose
- Compost Yard Waste
- Properly Dispose of Hazardous Household Chemicals
- Avoid Pesticides
- Direct Downspouts Away From Paved Surfaces
- Use Car Wash Instead of Washing Car in Driveway
- Check Car for Leaks and Recycle Motor Oil
- Properly Dispose of Pet Waste
- Inspect and Pump Septic Tank Regularly
- Protect Wetlands that Serve as Natural Buffers to Pollution, Soil Erosion and Flooding
- Join Adopt-a-Watershed
- Educate Friends, Family, Neighbors
- Recycle

APPENDIX N

Construction Site Inventory

[illegible]