

CHAPTER 25
LOCAL LAW NO. 1 OF 2006
A LOCAL LAW ENTITLED
STORMWATER MANAGEMENT

Local Law Number One of the Year 2006: to establish Stormwater Management in the Village of Shoreham.

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Be it enacted by the Board of Trustees or the Village of Shoreham as follows:

Article 1 General Provisions

Section 1.1 Findings of Fact

It is hereby determined that:

1.1.1 Land use activities including land development, as well as impervious surfaces such as parking lots and roads, can increase stormwater runoff rates and volumes, erosion, and sediment transport and deposition;

1.1.2 This stormwater runoff contributes to increased quantities of water-borne pollutants;

1.1.3 Clearing and grading during construction tends to increase soil erosion;

1.1.4 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge;

1.1.5 Stormwater runoff and concomitant soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of such runoff;

1.1.6 The regulation of stormwater runoff discharges in order to control runoff rates and volumes and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

Section 1.2 Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Village and to address the findings of fact in Section 1.1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- 1.2.1** Require runoff from impervious surfaces to be contained to the maximum extent practicable;
- 1.2.2** 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;
- 1.2.3** Minimize increases in stormwater runoff from impervious surfaces and land development activities in order to reduce the amount of such water reaching the Sound;
- 1.2.4** Minimize increases in pollution caused by storm water runoff from impervious surfaces and land development activities which would otherwise degrade local water quality;
- 1.2.5** Minimize the total annual volume of stormwater runoff which flows from impervious surfaces and any specific site during and following development to the maximum extent practicable;
- 1.2.6** Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices; and
- 1.2.7** Ensure that these management practices are properly maintained.

Section 1.3 Statutory Authority

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

Section 1.4 Applicability

- 1.4.1** This local law shall be applicable to all land use activities as defined in this local law, Section 2.1.
- 1.4.2** The Village Board shall designate a Stormwater Management Officer who shall accept, review and approve all stormwater pollution prevention plans. The Stormwater Management Officer may, upon approval by the Village Board, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed an amount established by said Board.
- 1.4.3** All land use activities subject to review shall be reviewed subject to the standards contained in this local law.

1.4.4 All land use activities not subject to review as stated in paragraph 1.4.3 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 law.

Section 1.5 Exemptions

The following activities are exempt from review under this law:

1.5.1 Routine maintenance activities that are performed to maintain the original line and grade or hydraulic capacity of a residence or building and its associated land.

1.5.2 Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

1.5.3 Land use activities for which a building permit has been approved on or before the effective date of this law, and which permit is still active and valid.

1.5.4 Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

1.5.5 Emergency activity immediately necessary to protect life, property or natural resources.

1.5.6 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.

1.5.7 Landscaping and horticultural activities in connection with an existing structure.

Article 2 Stormwater Control Section 2.1 Definitions

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

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 and/or pipes that conducts continuously or periodically flowing water.

Clearing - any activity that removes the vegetative surface cover

Department - 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.

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, roads, 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.

Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document 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, including, but not limited to, pollutants from construction and runoff sources.

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.

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 more than three (3) 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 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 (SMO) - officer designated by the Village Board to accept and review stormwater pollution prevention plans, inform the Board, and inspect stormwater management practices. A consultant cannot be appointed as Stormwater Management Officer. Plan reviews and site inspections may be delegated to a consultant paid for by the applicant; however, the final approval must be made by the Village officer.

Stormwater Management Practices (SMPs) - measures 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 - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the State or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the State. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the State.

Village - the Village of Shoreham

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.

Section 2.2 Stormwater Pollution Prevention Plans for Village-Owned Properties

2.2.1 The Village shall develop and execute a plan to reduce stormwater runoff from Village properties, including roadways, that reaches the Sound. This plan can include the addition of retention basins and dry wells as appropriate. The goal of this plan will be to eliminate any runoff from reaching the Sound save in the most severe storms (rainfall greater than one inch per hour or three inches in a 24 hour period).

2.2.2 The Village shall establish a plan to maintain the in-ground dry wells that currently exist or that may be built in the future so that their ability to prevent runoff to the Sound is not compromised.

2.2.3 The Village shall intervene with the Town of Brookhaven to establish a plan to maintain the retention basins (sumps) that currently exist so that their ability to prevent runoff to the Sound is not compromised.

2.2.4 The Village shall maintain a regular schedule of maintenance of existing and new stormwater drains so that stormwater runoff to the Sound is minimized.

2.2.5 The Village will request and expect that residents keep curb lines along their properties clear of leaves and debris including sand, soil, branches and trash.

Section 2.3 Stormwater Pollution Prevention Plans for Land Development Activities

2.3.1 Stormwater Pollution Prevention Plan Requirement

No application for a land development activity shall be approved without a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law. This shall apply to properties of more than three (3) acres.

2.3.2 Contents of Stormwater Pollution Prevention Plans

All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project.
2. Topographical map and construction drawing(s) for the project. At a minimum, the topographical 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); drainage patterns that could be affected by the construction activity; existing and final slopes; and location(s) of the stormwater discharge(s); (topographical map should be at a scale no smaller than 1"=50')

3. 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;
4. 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;
5. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
6. Temporary practices that will be converted to permanent control measures;
7. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice; and
8. 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.

2.3.3 Plan Certification

The SWPPP shall be prepared by a landscape architect, cognizant certified professional, or professional engineer and must be signed by the professional preparing the plan, who shall certify that design of all stormwater management practices meet the requirements in this local law.

2.3.4 Contractor Certification

2.3.4.1 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."

2.3.4.2 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.

2.3.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

2.3.5 Technical Standards

For the purpose of this local law, 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 law:

2.3.5.1 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).

2.3.5.2 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).

2.3.6 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.

2.3.7 Document Availability

The New York State technical guidance documents may be ordered from The Department. An order form as well as downloadable versions of the Manuals are available on the Internet at:

<http://www.dec.state.ny.us/website/dow/toolbox/escstandards/index.html>

<http://www.dos.state.ny.us/lgss/stormwaterpub/index.html>

2.3.8 Maintenance of Stormwater Facilities During Construction

The applicant or developer of the land development activity 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 local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

2.3.9 Maintenance of Stormwater Facilities After Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall maintain and operate such practices so as to achieve the goals of this law.

Section 2.4 Stormwater Pollution Prevention Plans for Private Properties

Undeveloped properties of three (3) acres or less, or existing developed properties, shall minimize stormwater runoff. This will be accomplished in consultations between the property owner and/or residents of the Village and the Storm Management Officer. The Storm Management Officer may require remediation in cases where storm water runoff is egregious. Dry wells, swales or berms may be required. For new construction on undeveloped properties of three (3) acres or less, or on existing developed properties, the consultations will be between the property owner, the Storm Management Officer, and the Building Commissioner. The Building Commissioner will specify the steps to be taken in order to satisfy this local law.

Section 2.5 Severability and Effective Date

2.5.1 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or

invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

2.5.2 Effective Data

This Local Law shall be effective upon adoption by the Board of Trustees.

Article 3. Administration and Enforcement

Section 3.1 Construction and post-Construction Inspection

3.1.1 Erosion and Sediment Control Inspection

The Stormwater Management Officer may require such inspections as necessary to determine compliance with this law 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 law and the stormwater pollution prevention plan (SWPPP) as approved. 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.

3.1.2 Stormwater Management Practice Inspections

The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). Inspections shall be carried out on a 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: 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.

3.1.3 Right-of-Entry for Inspection

When any stormwater management facility is installed on private property or when any connection is made between private property and the public storm water system, the landowner shall grant to the Stormwater Management Officer the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 3.1.2.

Section 3.2 Enforcement and Penalties

3.2.1 Notice of Violation.

When the Stormwater Management Officer determines that a situation has developed, or an activity is being carried out, not in accordance with the requirements of this local law, he/she may issue a written notice of

violation to the landowner, developer or applicant specifying the nature of the violation and a description of the remedial measures necessary to bring the situation or activity into compliance with this local law and a time schedule for the completion of such remedial action.

3.2.2 Stop Work Orders

The Stormwater Management Officer may issue a stop work order for violations of this law. 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 Stormwater Management Officer 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 local law.

3.2.3 Violations

Any land development activity that is commenced or *is* conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

3.2.4 Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$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 three hundred fifty dollars nor more than seven hundred dollars (\$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 seven hundred dollars nor more than one thousand dollars (\$1000) 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 local law 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.

3.2.5 Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land. Such a finding must be communicated to the Building Commissioner in writing, before the Certificate of Occupancy is issued by his/her Office.

3.2.6 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 Stormwater Management Officer may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 3.3 Fees for Services

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

Appendix A Storm Water Management Practices Acceptable for Water Quality

Pond

Detention Pond (P-1) Pond that treats the majority of the water volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.

Wet Pond (P-2) Pond that provides storage for the entire water volume in a permanent pool.

Wet Extended Detention Pond (P-3) Pond that treats a portion of the water volume by detaining storm flows above a permanent pool for a specified minimum detention time.

Multiple Pond System (P-4) A group of ponds that collectively treat the water volume.

Pocket Pond (P-5) A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.

Wetland

Shallow Wetland (W-1) A wetland that provides water treatment entirely in a shallow marsh.

Extended Detention Wetland (W-2) A wetland system that provides some fraction of the water volume by detaining storm flows above the marsh surface.

Pond/Wetland System (W-3) A wetland system that provides a portion of the water volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.

Pocket Wetland (W-4) A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.

Infiltration

Infiltration Trench (I-1) An infiltration practice that stores the water volume in the void spaces of a gravel trench before it is infiltrated into the ground.

Infiltration Basin (I-2) An infiltration practice that stores the water volume in a shallow depression before it is infiltrated into the ground.

Sump (I-3) An infiltration practice that stores the water volume in a large depression before it is infiltrated into the ground.

Dry Well (I-4) An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop and/or driveway runoff.

Filtering Practices

Surface Sand Filter (F-1) A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sandmatrix.

Underground Sand Filter (F-2) A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.

Perimeter Sand Filter (F-3) A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.

Organic Filter (F-4) A filtering practice that uses an organic medium such as compost in the filter in place of sand.

Bioretention (F-5) A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.

Open Channels

Dry Swale (O-1) An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.

Wet Swale (O-2) An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

This law shall be in full force and effect 20 days after its final passage and adoption. All prior laws and parts of law in conflict with this law are hereby repealed.

PASSED AND ADOPTED this 14th day of November 2006.