

# Town of Yorktown

## Five Year Stormwater Management Implementation Plan

NYSDEC Stormwater Permit: NYR20A007



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# Town of Yorktown Five Year Stormwater Management Implementation Plan

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## **1.0 New York State Department of Environmental Conservation Definition of Stormwater:**

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

## **2.0 Stormwater Overview:**

Recent research by the US Environmental Protection Agency finds stormwater runoff to be the leading source of water quality impairments to wetlands and the third largest source of impairments to lakes. Pollutants from untreated stormwater runoff can harm fish and wildlife, kill native vegetation, taint drinking water supplies and foul recreational areas. Stormwater runoff also increases the volume and rate at which water moves across the land and into lakes and streams, leading to erosion and flooding.

The federal and state governments have indicated that control of land use and development rests with local governments and for this reason required communities and publicly-owned institutions in New York State to establish stormwater management programs, which were to be fully functional by January 8, 2008. The goal of these programs was to retain or absorb stormwater on developed sites wherever possible, with the quantity, rate and quality of runoff remaining as they were before the sites were developed. The programs were implemented by the Town of Yorktown under New York State Department of Environmental Conservation (NYSDEC) stormwater permit GP-02-02. NYSDEC has now instituted new permit requirements effective May 1, 2008 that municipalities such as the Town of Yorktown must implement under stormwater permit GP-0-08-002.

Under delegation from the federal government, New York State is using two Stormwater Management General Permits as the framework for managing stormwater across the state. Regulations require operators of construction sites to obtain coverage under a general State Discharge Detection and Pollution Elimination (SPDES) permit GP-0-08-001 for construction activity, and operators of regulated Municipal Separate Storm Sewer Systems (MS4s) to obtain coverage under a State Discharge Detection and Pollution Elimination GP-0-08-002 general permit.

The term *MS4* includes both municipal and non-municipal systems of underground pipes, and also systems of streets and roads with drainage, catch basins, curbs, gutters, ditches, man-made channels or storm drains. An MS4 may be a city, town or village system, or one serving a large publicly-owned complex such as a military base, hospital, school or prison.

Under the SPEDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4's) regulated MS4s must establish stormwater management programs that reduce the discharge of pollutants to the maximum extent practical (MEP) employing program elements specified by the Phase II rule and embodying certain parts of the program in a local law or other regulatory mechanism.

### **3.0 Town of Yorktown Stormwater Summary:**

The Town of Yorktown, Westchester County, New York is identified by the New York State Department of Environmental Conservation as a Municipal Separate Storm Sewer System (MS4) municipality and under General Permit GP-02-02 obtained stormwater permit coverage in 2003. The town NYSDEC permit number is NYR20A007. Requirements to obtain coverage were the submittal of a Notice of Intent (NOI) and an initial five year Stormwater Management Plan (SWMP) to NYSDEC. The Stormwater Management Plan included details of the following required six minimum stormwater control measures (MCM) which were to be implemented over a five-year period:

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

MS4 communities were expected to make steady progress towards implementation of the components of each of the six minimum measures within permit GP-02-02 and NYSDEC expected full implementation of the SWMP by January 8, 2008. Required reports, known as “annual reports” which documented steady implementation progress were submitted to NYSDEC each year for the five years of coverage under General Permit GP-02-02

Effective May 1, 2008, NYSDEC issued General Permit GP-0-08-002 which is revised permit. Under this permit, the Town of Yorktown is a continuing MS3 permittee. Permittees authorized under GP-02-02 shall continue to fully implement their SWMP. A permittee may modify its SWMP if it determines changes are needed to improve implementation of their SWMP. NYSDEC has included in GP-0-08-002 additional mandatory components that MS4’s must follow in order to maintain compliance. In addition, the area of the Town of Yorktown located within the New York City drinking water supply watershed is subject to mandatory additional stormwater measures known as East of Hudson (EOH) heightened requirements the reduce the identified pollutant of concern (POC), phosphorous.

This Stormwater Management Plan (SWMP) is developed to comply with applicable NYSDEC MS4 and EOH requirements. It as a narrative plan which details the measures that the Town of Yorktown will use to implement and enforce required GP-0-08-002 stormwater permit compliance and to reduce discharge of pollutants to the maximum extent practicable (MEP).

### **4.0 Permit Application:**

#### 4.1 Authorization:

The *general SPDES permit* authorizes *discharges of stormwater from small municipal separate storm sewer systems* (“MS4"s) as defined in 40 CFR 122.26(b)(16), provided all of the

eligibility provisions of this permit are met.

#### 4.2 Exempt Non-Stormwater Discharges:

Exempt Non- Stormwater Discharges. The following non-stormwater *discharges* are exempt from the need for SPDES permit coverage unless the *Department* has determined them to be substantial contributors of pollutants to a particular *small MS4* applying for coverage under this *general SPDES permit*. If the *Department* determines that one or more of the *discharges* listed below is a substantial contributor of pollutants to a *small MS4*, the identified *discharges* will be considered *illicit*. In that event, the *permittee* must eliminate such discharges by following the *illicit discharge* minimum control measure (“MCM”) requirements (See Part VII.A.3 or VIII.A.3, and Part IX.A.3, B.3, C.3, and D.3 where applicable).

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

The Town of Yorktown municipal stormwater ordinance may further identify illicit discharges or remove exempted discharges. Even if the non-stormwater discharges are determined not to be substantial contributors of pollutants, the *Department* requires that the *permittee*’s *stormwater management program* (“SWMP”) include public education and outreach activities directed at reducing pollution from these discharges.

#### 4.3 Limitations on Coverage:

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

1. *Stormwater discharges* whose unmitigated, direct, indirect, interrelated,

interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat;

2. *Stormwater discharges* or *implementation of a permittee's SWMP*, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the permittee is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Office any activities necessary to avoid or minimize impacts;
3. *Stormwater discharges* to territorial seas not of the State of New York, the contiguous zone, and the oceans unless such *discharges* are in compliance with the ocean *discharge* criteria of 40 CFR 125 subpart M;
4. *Stormwater discharges*, the permitting of which is prohibited under 40 CFR 122.4 and/ or the *ECL*;

#### 4.4 Special Conditions:

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

- The POCs that are primarily of concern are: nitrogen, phosphorus, silt and sediment, pathogens, and floatables impacting waterbodies on the impaired 303(d) list known to come in contact with stormwater that could be discharged to that water body. The sources of these pollutants are typically: urban runoff; urban / stormwater runoff; erosion; municipal; on-site waste treatment system (WTS); or other various, multiple sources.
- The POCs that are secondarily of concern include but are not limited to petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs), where stormwater or runoff is listed as the source of this impairment.
- The primary and secondary POCs can also impair waters not on the 303(d) list. Thus, it is important for the permittee to assess known and potential POCs within the area served by their small MS4. This will allow the permittee to address POCs appropriate to their MS4.

The identified pollutant of concern in the East of Hudson watershed is phosphorous.

#### 4.5 Impaired Waters:

Impaired Waters Without Watershed Improvement Strategies or Future Total Maximum Daily Loads (TMDL's):

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

By January 8, 2013, *permittees* must assess their progress and evaluate their *SWMP* with respect to the MS4's effectiveness in ensuring no net increased discharge of stormwater *POC(s)* to the impaired waters for *storm sewersheds* that have undergone non-negligible changes to land areas or practices during the time the MS4 has been covered by this permit. This assessment shall be

conducted for the portions of the *small MS4 storm sewershed* that *discharge* to the listed waters. The assessment shall be done using NYSDEC supported modeling of pollutant loading.

If the modeling shows increases in loading of the POC, the SWMP must be modified to reduce the loading to meet the no net increase requirement.

#### 4.6 Watershed Improvement Strategies:

The *SWMPs* for *permittees* in the watersheds listed below must be modified to comply with the following requirements. *Permittees* implementing these BMPs in addition to the BMPs required of all *permittees* will be taking satisfactory first steps towards achieving compliance with TMDL requirements. The *permittees* must ensure that discharges of the *POC* to the *TMDL* waterbody are reduced through these or additional changes to the *SWMP* so that the waste load allocation is met.

By January 8, 2013, permittees must assess their progress and evaluate their *SWMP* to determine the *MS4's* effectiveness in reducing their discharges of *TMDL POC(s)* to *TMDL* water bodies. This assessment shall be conducted for the portions of the *small MS4 storm sewershed* that are within the *TMDL* watershed. The assessment shall be done using department supported modeling of pollutant loading from the *storm sewershed*.

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

### **5.0 The Town of Yorktown and Stormwater Management Plan Requirements:**

#### 5.1 Town of Yorktown Overview:

The town of Yorktown is bordered to the north by Putnam County, New York, the town of Somers borders Yorktown to the east, the town of Cortlandt on the west and the town of New Castle to the south.

According to the United States Census Bureau, the town has a total area of 39.3 square miles, of which, 36.7 square miles of it is land and 2.6 square miles (6.57%) is water.

As of the census of 2000, there were 36,318 people, 12,556 households, and 9,831 families residing in the town. The population density was 989.7 people per square mile (382.1/km<sup>2</sup>). There were 12,852 housing units at an average density of 350.2/sq mi (135.2/km<sup>2</sup>).

The Town of Yorktown is located in part, within the watershed of the reservoirs of the Croton River Watershed of the City of New York which is a TMDL watershed. The identified pollutant of concern is phosphorous.

#### 5.2 Stormwater Plan Requirements:

The Town of Yorktown is required to develop and implement a *SWMP* that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs).

**A: Minimum Requirements:**

The Town of Yorktown is required at a minimum to develop, implement and enforce a SWMP designed to address POCs and reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the ECL and Clean Water Act. This SWMP addresses the MCM. .

The SWMP includes measurable goals for each of the BMP's. The measurable goals will help the town assess the status and progress of their program. The SWMP should:

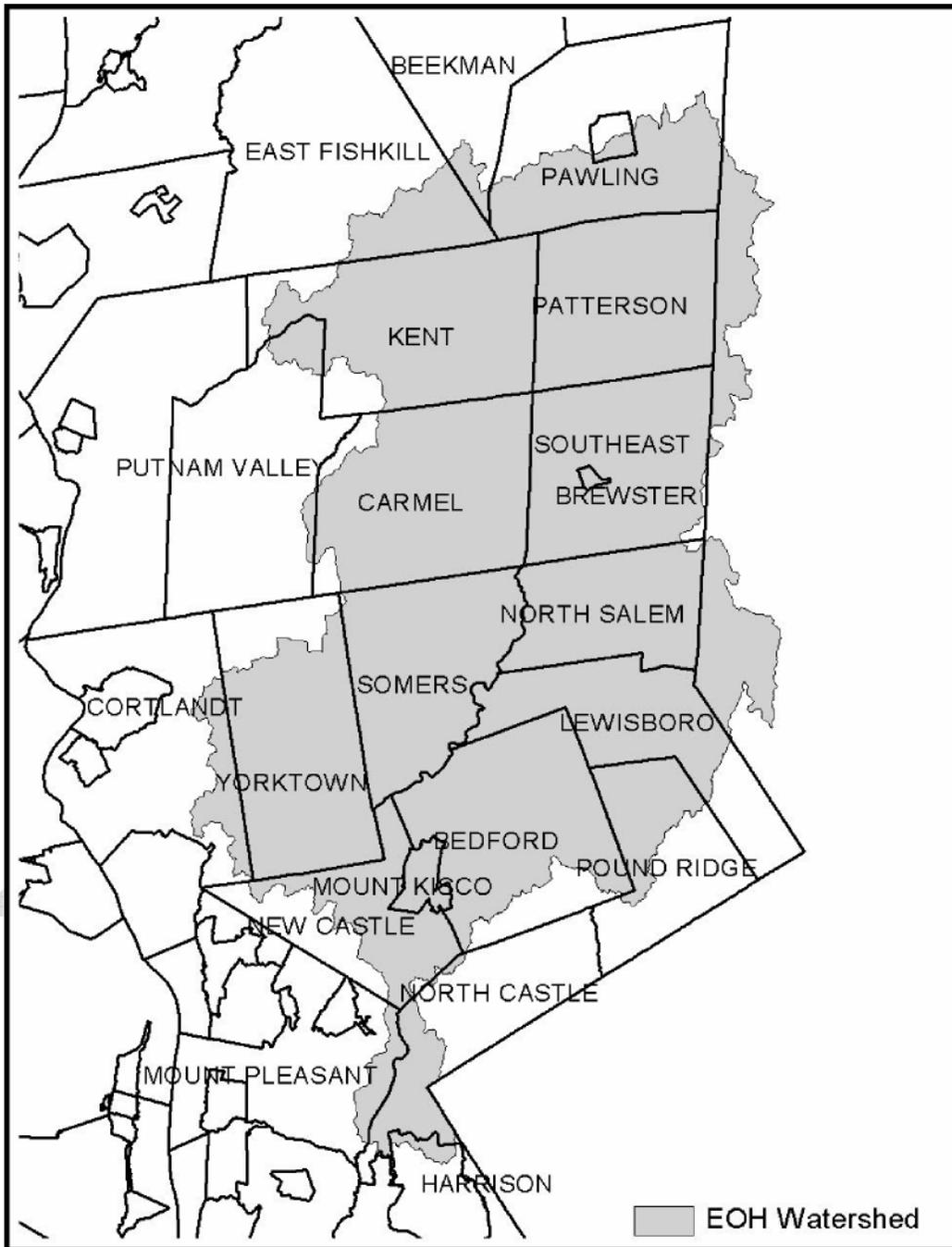
1. describe the BMP / measureable goal;
2. identify time lines / schedules and milestones for development and implementation.
2. include quantifiable goals to assess progress over time; and
3. describe how the permittee will address POCs.

**B: New York City Watershed East of the Hudson River Requirements:**

The Town of Yorktown has modified the SWMP to meet the additional requirements to address phosphorus as the *POC* for the portion of the town's storm sewershed in the watershed. A map of the TMLD watershed is shown on the following page.

5.3

**NEW YORK CITY WATERSHED EAST OF THE HUDSON RIVER WATERSHED MAP**



## 6.0 Proposed Stormwater Management Controls

The NYSDEC Stormwater General Permit GP-0-08-002 requires the town to implement management practices to meet the permit's minimum measures. The permit requires certain management practices, while others are to be selected by the municipality based on water quality needs, pollutants of concern, and available resources.

Each control includes an implementation date which is defined below

Year 1	March 10, 2008	to	March 9, 2009
Year 2	March 10, 2009	to	March 9, 2010
Year 3	March 10, 2010	to	March 9, 2011
Year 4	March 10, 2011	to	March 9, 2012
Year 5	March 10, 2012	to	March 9, 2013

## 6.1 Minimum Measure #1: Public Education and Outreach on Stormwater Impacts

A: Continuing Requirements as adopted in the Town of Yorktown:

- Plan and conduct an ongoing public education and outreach program
- Develop and update a stormwater webpage
- Develop printed stormwater material
- Develop and maintain a library of educational materials
- Invite speakers to community groups
- Coordinate with adjacent MS4s

B: New Requirements:

- Identify POC's, water bodies of concern, geographic areas of concern, target audiences
- Develop and implement an ongoing public education and outreach program designed to describe to the general public and target audiences on:
  - The impacts of stormwater discharges on waterbodies;
  - POCs and their sources;
  - Steps contributors of these pollutants can take to reduce pollutants in stormwater runoff;
  - Steps contributors of non-stormwater discharges can take to reduce pollutants (non-stormwater discharges are listed in Part I.A.2);
  - Develop, record, periodically assess, and modify as needed, measurable goals; and
  - Select appropriate education and outreach activities and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

### C: East of Hudson Additional Requirements

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

## 6.2 Minimum Measure #2: Public Involvement/Participation

### A: Continuing Requirements as adopted in the Town of Yorktown:

- Public notice and access to documents and information
- Public presentation and comments received on SWMP and on annual reports
- Public involvement/participation program
- Contact person identified

### B: New Requirements:

- Comply with the State Open Meetings Law and local public notice requirements, such as Open Meetings Law, when implementing a public involvement/participation program;
- Develop and implement a public involvement/participation program that:
  - Identifies key individuals and groups, public and private, who are interested in or affected by the SWMP;
  - Identifies types of input the permittee will seek from the key individuals and groups, public and private, to support development and implementation of the SWMP and how the input will be used; and
  - Describes the public involvement / participation activities the permittee will undertake to provide program access to those who want it and to gather the needed input. The activities included, but are not limited to a water quality hotline(report spills, dumping, construction sites of concern, etc.), stewardship activities like stream cleanups, storm drain marking, and volunteer water quality monitoring;

- Identify a local point of contact for public concerns regarding storm water management and compliance with this general SPDES permit. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the Department on the MCC form;
- Annual report presentation requirements:
  - i.** Prior to submitting the final annual report to the Department, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:
    - In a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for stormwater. If multiple permittees are working together, they may have a group meeting (refer to Part V.C.2); or
    - On the Internet by:
      - making the annual report available to the public on a website;
      - providing the public the opportunity to provide comments on the Internet or otherwise; and
      - making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the permittee must hold such a meeting. However, the permittee need only hold a public meeting once to satisfy this requirement.
  - ii.** Provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the State Open Meetings Law or other local public notice requirements:
    - The placement of the annual report on the agenda of this meeting or location on the Internet;
    - The opportunity for public comment. This general SPDES permit does not require a specified time frame for public comments, although it is recommended that permittees do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. Permittees must take into account those comments in the following year;
    - The date and time of the meeting or the date the annual report becomes available on the internet; and- the availability of the draft report for prior review prior to the public meeting or duration of availability of annual report on the internet;
  - iii.** The Department recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the permittee's SWMP;
  - iv.** Include a summary of comments and (intended) responses with the final

annual report. Changes made to the SWMP in response to comments should be described in the annual report; and

v. Ensure that a copy of the final report and, beginning in 2009, the SWMP plan are available for public inspection;

- Develop, record, periodically assess and modify as needed measurable goals; and
- Select appropriate public involvement / participation activities and measurable goals to ensure the reduction of POC's in stormwater discharges to the MEP.

**C: East of Hudson Additional Requirements:**

- No additional requirements.

### **6.3 Minimum Measure #3: Illicit Discharge Detection and Elimination (IDDE)**

**A. Continuing Requirements as adopted in the Town of Yorktown:**

- Outfall mapping
- Illicit discharges prohibited
- Public, employees, businesses informed of hazards from illicit discharges
- Illicit discharges identified

**B. New Requirements:**

- Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at Section 122.26(b)(2)) into the small MS4;
- Develop and maintain a map, at a minimum within the permittee's jurisdiction in the urbanized area and additionally designated area, showing:
- the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;
- by March 9, 2010, the preliminary boundaries of the permittee's storm sewer sheds determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the permittee's jurisdiction; and when grant funds are made available or for sewer lines surveyed during an illicit discharge track down, the permittee's storm sewer system in accordance with available State and EPA guidance;
- Field verify outfall locations;
- Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment, addressing every outfall within the urbanized area and additionally designated area within the permittee's jurisdiction at least once every five years, with reasonable progress each year;
- Map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area;
- Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges,

Activities and Connections to Separate Storm Sewer Systems”. The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State’s model illicit discharge local law. Laws adopted during the GP-02-02 permit cycle must also be attorney-certified as effectively assuring implementation of the State’s model IDDE law;

- Develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions;
- Inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste;
- Address the categories of non-stormwater discharges or flows listed in Part I.A.2 as necessary;
- Develop, record, periodically assess, and modify as needed, measurable goals and;
- Select appropriate IDDE BMPs and measurable goals to ensure the reduction of all POC’s in stormwater discharges to the MEP.

C: East of Hudson Additional Requirements:

- Mapping - applicable to *traditional land use control*, *traditional non-land use control* and *non-traditional MS4s*.
- Develop and maintain a map showing the entire *small MS4* conveyance system. . The *permittee* shall complete the mapping of approximately 20% of the system every year with the entire system being mapped by January 8, 2013. At a minimum, the map and/or supportive documentation for the conveyance system should include the following information:
  - type of conveyance system - closed pipe or open drainage;
  - for closed pipe systems - pipe material, shape, and size;
  - for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
  - drop inlet, catch basin, and manhole locations; and the number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

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

- On-site wastewater systems - applicable to *traditional land use control* and *traditional non-land use control MS4s*.
  - *Develop, implement* and enforce a program to ensure that onsite wastewater treatment (septic) systems are inspected and, where necessary, maintained or rehabilitated at a minimum frequency of once every three years. Program development shall include the

establishment of the necessary legal authority to implement the program.

#### 6.4 Minimum Measure #4: Construction Site Stormwater Runoff Control

**A: Continuing Requirements as adopted in the Town of Yorktown**

- Require erosion and sedimentation controls through an ordinance or other regulatory mechanism
- Provide opportunity for public comment on construction plans
- Require construction site plan review
- Require overall construction site waste management
- Site inspections and enforcement
- Education and training of construction site operators

**B: New Requirements:**

- Develop, implement, and enforce a program that:
  - provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-0 1 or GP-0-08-00 1), unless more stringent requirements are contained within this general SPDES permit (GP0-08-002);
  - addresses stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from construction activity disturbing less than one acre must be included in the program if:
    - that construction activity is part of a larger common plan of development or sale that would disturb one acre or more; or
    - if controlling such activities in a particular watershed is required by the Department
  - includes a law, ordinance or other regulatory mechanism to require a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State’s most up-to-date technical standards:
    - this mechanism must be equivalent to one of the versions of the “NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control”; and
    - equivalence must be documented using the NYSDEC Gap Analysis Workbook or be certified by the attorney representing the small MS4 as being equivalent to one of the versions of the sample laws if one of the sample laws is not adopted or if a modified version of the sample law is adopted;
  - contains requirements for construction site operators to implement erosion and sediment control management practices;
  - allows for sanctions to ensure compliance to the extent allowable by State or local law; **vi.** contains requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause

- adverse impacts to water quality;
- describes procedures for SWPPP review that incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPP's to ensure consistency with State and local sediment and erosion control requirements;
  - ensure that the individuals performing the reviews are adequately trained and understand the State and local sediment and erosion control requirements;
  - all SWPPP 's must be reviewed for sites where the disturbance is one acre or greater; and
  - after review of SWPPP's, the permittee must utilize the "SWPPP Acceptance Form" created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-O-08-001) when notifying construction site owner / operators that their plans have been accepted and approved by the permittee;
- describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;
- describes procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water;
  - the permittee must ensure that the individual(s) performing the inspections are adequately trained and understand the State and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a Department sponsored or approved training;
  - all sites must be inspected where the disturbance is one acre or greater;
- educates construction site owner / operators, design engineers, municipal staff and other individuals to whom these regulations apply about the municipality's construction stormwater requirements, when construction stormwater requirements apply, to whom they apply, the procedures for submission of SWPPP's, construction site inspections, and other procedures associated with control of construction stormwater;
- by two years from the date this permit is issued, ensures that construction site operators have received erosion and sediment control training before they do work within the permittee's jurisdiction. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the "New York Standards and Specifications for Erosion and Sediment Control") is exempt from the requirements below:
  - training may be provided by the Department or other qualified entities (such as Soil and Water Conservation Districts);
  - the permittee is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
  - the permittee may ask for a certificate of completion or other such proof

of training; and

- the permittee may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;

- establishes and maintains an inventory of active construction sites, including the location of the site, owner/operator contact information;
- develop, record, periodically assess and modify as needed measurable goals; and
- select appropriate construction stormwater BMPs and measurable goals to ensure the reduction of all POC's in stormwater discharges to the MEP. Required SWMP Reporting

**C: East of Hudson Additional Requirements:**

- *Develop, implement* and enforce a program to reduce pollutants in *stormwater* runoff to the *small MS4* from construction activities that result in a land disturbance of greater than or equal to five thousand (5000) square feet. At a minimum, the program must provide equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity and must include the development and implementation of:
  - by December 31, 2009, an ordinance or other regulatory mechanism that requires erosion and sediment controls designed in accordance with the most current version of the technical standard New York State Standards and Specifications for Erosion and Sediment Control for all construction activities that disturb between five thousand (5,000) square feet and one acre of land. For construction activities that disturb between five thousand (5,000) square feet and one (1) acre of land, one of the standard erosion and sediment control plans included in Appendix E (Erosion & Sediment Control Plan For Small Home site Construction) of the New York Standards and Specifications for Erosion and Sediment Control may be used as the Stormwater Pollution Prevention Plan (SWPPP);
  - policy and procedures for the *permittee* to perform, or cause to be performed, compliance inspections at all sites with a disturbance of one (1) or more acres. By December 31, 2009, the *permittee* shall start performing, or cause to be performed, compliance inspections at all sites with a disturbance between five thousand (5,000) square feet and one (1) acre of land;

## **6.5 Minimum Measure #5: Post-Construction Stormwater Management**

**A: Continuing Requirements as adopted in the Town of Yorktown:**

- Monitor existing conditions throughout the MS4 and identify appropriate management practices to reduce pollutant discharge to the maximum extent practicable
- Regulate post-construction runoff from development through an ordinance or other regulatory mechanism
- Develop management practice inspection and maintenance program

**B: New Requirements:**

- Develop, implement, and enforce a program that:
  - provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (either GP-02-Olor GP-0-08-001), unless more stringent requirements are contained within this general SPDES permit (GP0-08-002);
  - addresses stormwater runoff from new development and redevelopment projects to the small MS4 from projects that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if:
    - that project is part of a larger common plan of development or sale; or
    - if controlling such activities in a particular watershed is required by the Department;
  - includes a law, ordinance or other regulatory mechanism to require post-construction runoff controls from new development and re-development projects to the extent allowable under State or local law that meet the State's most up-to-date technical standards:
    - the mechanism must be equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control"; and
    - equivalence must be documented using the NYSDEC Gap Analysis Workbook or certified by the attorney representing the small MS4 as being equivalent to one of the sample laws if one of those sample laws is not adopted or if a modified version of one of the sample laws is adopted;
  - includes a combination of structural management practices (including, but not limited to practices from the NYS Stormwater Management Design Manual or equivalent) and / or non-structural management practices (including, but not limited to comprehensive plans, open space preservation programs, Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure practices, land use regulations) appropriate for the permittee that will reduce the discharge of pollutants to the MEP. Permittees are encouraged to implement Green Infrastructure practices at a site level and to review, and revise where appropriate, local codes and laws that include provisions that preclude construction that minimizes or reduces pollutant loadings.
    - if a stormwater management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for post-construction stormwater discharged by the practice; v. describes procedures for SWPPP review that incorporate consideration of potential water quality impacts and review of individual pre-construction SWPPP's to ensure consistency with local post-construction stormwater

requirements;

- ensure that the individuals performing the reviews are adequately trained and understand the State and local post construction stormwater requirements;

-ensure that the individuals performing the reviews for SWPPP's that include post-construction stormwater management practices are qualified professionals or under the supervision of a qualified professional;

- all SWPPP's must be reviewed for sites where the disturbance is one acre or greater; and

- after review of SWPPP 's, the permittee must utilize the "SWPPP Acceptance Form" created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-O-08-OO I) when notifying construction site owner / operators that their plans have been accepted and approved by the permittee; by May 1, 2009 establish and maintain an inventory of post-construction stormwater management practices within the permittees jurisdiction. At a minimum, include practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations.

- the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed; and

- ensures adequate long-term operation and maintenance of management practices identified in Part VII. 5 .a.vi by trained staff, including inspection to ensure that practices are performing properly.

- The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Permittees are not required to collect stormwater samples and perform specific chemical analysis;

- Develop, implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;
- Develop, record, periodically assess and modify as needed measurable goals; and
- Select appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POC's in stormwater discharges to the MEP.

#### C: East of Hudson Additional Requirements:

- Develop, *implement* and enforce a program to address post- construction *stormwater* runoff from new development and redevelopment projects that disturb greater than or equal to one (1) acre. This includes projects of less than one acre that are part of a larger common plan of development or sale. At a minimum, the

program must provide equivalent protection to the NYS DEC SPDES General

Permit for Stormwater Discharges from Construction Activity and must include the *development and implementation* of:

- a law or other mechanism that requires post-construction stormwater management controls designed in accordance with the most current version of the technical standards the New York State Stormwater Management Design Manual including the Enhanced Phosphorus Removal Design Standards. An MS4 must ensure that their ordinance or other mechanism requires post-construction stormwater management controls to be designed in accordance with the final version of the Enhanced Phosphorus Removal Design Standards by September 30, 2008.
- Retrofit program - applicable to *traditional land use control, traditional non-land use control* and *non-traditional MS4s*. Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce existing erosion and/or pollutant loading problems, with a particular emphasis placed on the pollutant phosphorus. At a minimum, the MS4 shall:
  - establish procedures to identify sites with erosion and/or pollutant loading problems;
  - establish policy and procedures for project selection. Project selection should be based on the phosphorus reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *permittee* should participate in locally based watershed planning efforts which involve the *Department*, other *permittees*, stakeholders and other interested parties;
  - establish policy and procedures for project permitting, design, funding, construction and maintenance.
  - for permittee's that develop their own retrofit program, by March 9, 2009 develop and submit approvable plans with schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those schedules, the plans and schedules shall become enforceable requirements of this permit.
  - pursuant to Part IV. F (Cooperation Between Permittees Encouraged), retrofit projects can be completed in cooperation with other permittees in the East of Hudson Watershed through the formation of a cooperative entity with other MS4s. Participating MS4s shall work with the Department and other members of the cooperative entity in implementing the requirements above. In addition, each permittee that becomes a member of the cooperative entity shall work closely with the Department and other members of the cooperative entity to, by December 31, 2009, develop and submit approvable plans and schedules for completing retrofit projects, including identification of funding sources. Upon DEC approval of those plans and schedules, the plans and schedules shall become enforceable requirements of this permit.

## **6.6 Minimum Measure #6: Pollution Prevention/Good Housekeeping for Municipal Operations**

### **A: Continuing Requirements as adopted in the Town of Yorktown:**

- Prevent discharge of pollutants from municipal operations
- Follow NYSDEC NPS Management Practices Catalog or equivalent
- Conduct employee pollution prevention training.

### **B: New Requirements:**

- Develop and implement a pollution prevention / good housekeeping program for municipal operations and facilities that:
  - addresses municipal operations and facilities that contribute or potentially contribute POC's to the small MS4 system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other;
  - at a minimum frequency of once every three years, perform a self-assessment of all municipal operations addressed by the SWMP to:
    - determine the sources of pollutants potentially generated by the permittee's operations and facilities; and-
    - identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already;
  - determines management practices, policies, procedures, etc. that will be developed and implemented to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the "NYS Pollution Prevention and Good Housekeeping Assistance Document" and other guidance materials available from the EPA, State, or other organizations;
  - prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and permittee's capabilities;
  - addresses pollution prevention and good housekeeping priorities;
  - includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;
  - requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc., to meet permit requirements as the requirements apply to the activity performed; and
  - requires municipal operations and facilities that would otherwise be subject to the NYS Multisector General Permit (MSGP, GP-O-06-002) for industrial stormwater discharges to prepare and implement provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The permittee must also perform monitoring and record keeping in accordance with Part 1V. of the MSGP. Discharge monitoring reports must be attached to MS4 annual

report. Those operations or facilities are not required to gain coverage under the MSGP. Implementation of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;

- Develop, record, periodically assess and modify as needed measurable goals; and
- Select appropriate pollution prevention and good housekeeping BMPs and measurable goals to ensure the reduction of all POC's in stormwater discharges to the MEP.

C: East of Hudson Additional Requirements:

- By December 31, 2009, develop and implement a Stormwater Conveyance System inspection and maintenance program. At a minimum, the program shall include the following:
  - policy and procedures for the inspection and maintenance of catch basin and manhole sumps. Catch basin and manhole sumps should be inspected in the early spring and late fall for sediment and debris build-up. If sediment and debris fills greater than 50% of the sump volume, the sump should be cleaned. All sediment and debris removed from the catch basins and manholes shall be properly disposed of;
  - policy and procedures for the inspection, maintenance and repair of conveyance system *outfalls*. Beginning June 30, 2008, the MS4 must inspect 20% of their *outfalls* each year and make repairs as necessary. All outfall protection and/or bank stability problems identified during the inspection shall be corrected in accordance with the New York Standards and Specifications for Erosion and Sediment Control;
  - policy and procedures for the inspection, maintenance and repair of a *permittee*'s stormwater management practices. The inspection and maintenance schedule for all stormwater management practices shall assure continued operation of stormwater management practices; and
  - develop a Corrective Action Plan for each Stormwater Conveyance System component that has been identified as needing repair. A file of all corrective actions implemented and *illicit discharges* detected and repaired should be maintained for a period of not less than five years.
- By December 31, 2010, develop and implement a turf management practices and procedures policy. The policy shall address the following procedures for proper fertilizer application on municipally owned lands. The application of any phosphorus-containing fertilizer (as labeled) shall only be allowed following a proper soil test and analysis documenting that soil phosphorus concentrations are inadequate;
- procedures for the proper disposal of grass clippings from municipally owned lawns where grass clipping collection equipment is used. Grass clippings shall be disposed of in a compost pile or a proper containment device so that they cannot enter the *small MS4* or surface waters;
  - procedures for the proper disposal of leaves from municipally owned lands where leaves are collected. Leaves shall be disposed of in a compost pile or a

proper containment device so that they cannot enter *small MS4s* or surface waters;

- for municipalities with lawn waste collection programs, the development of a curbside lawn waste management policy which ensures that lawn waste does not decay and release phosphorus to the storm sewer system; and
- the planting of wildflowers and other native plant material to lessen the frequency of mowing and the use of chemicals to control vegetation.

## **7.0 Implementation and Inter-municipal Cooperation**

The NYSDEC Stormwater General Permit GP-0-08-002 requires the town to implement management practices to meet the permit's minimum measures during a period from March 10, 2008 until March 9, 2013. The permit requires constant progression of implementation during the permit term. The following sections break down the SWMP elements by implementation year. The implementation years are defined as the following:

- Year 1 March 10, 2008 to March 9, 2009
- Year2 March 10, 2009 to March9,2010
- Year3 March 10, 2010 to March9,2011
- Year4 March10,2011 to March9,2012
- Year 5 March 10, 2012 to March 9, 2013

### **7.1 Implementation – Year 1**

**March 10, 2008 to March 9, 2009** the Town shall implement the following program elements:

- Create brochures which emphasize phosphorous as the pollutant of concern. Material shall be made accessible to the public.
- Continue to update the webpage for stormwater management on the Town website including listing of available education materials, and notice of upcoming regional presentations and related stormwater management events.
- Continue the inter-municipal relationship with the Northern Westchester Watershed Coalition.
- Environmental panel to conduct monthly public meetings.
- Review General Permit 0 8-002 Stormwater Management Programs (SWMP) for other surrounding MS4s discharging into the Town's MS4.
- Seek formal agreements with adjacent MS4s where coordinated or delegated efforts provide a more effective SWMP.
- Continue to field verify outfalls.
- Review all basic and full SWPPP's.
- Provide public notice by way of announcements at televised Town Board meetings, for key events and upcoming stormwater meetings.
- Provide public notice for all Town SWMP related public hearings by posting notice in official Town newspaper and post notice at Town Hall.
- Provide full access to the public to review and request copies of all information collected and developed as part of the Town SWMP.

- Continue to develop a collection of educational stormwater management materials. Organize the materials in a designated location in Town Hall which is available to Town staff and the public.
- Hold public meeting on Town's General Permit 0-08-002 SWMP.
- Organize and conduct a yearly local town roadway/waterbody cleanup event utilizing volunteers.
- Collect at least 20% of the known outfall locations in a GIS database within the corporate limits of the Town using reconnaissance inventory methods. This map will include discharges of other MS4's within the mapped area.
- Conduct training for Town employees (Highway Department and Building Department) regarding illicit discharges into the stormwater system.
- Prepare preliminary inventory of water quality problem areas and pollutants of concern within the enforcement authority.
- Identify stormwater discharge contributing to water quality problem areas within the Town's regulated MS4.
- Develop management practice inspection and maintenance program for the Town's MS4.
- Prepare preliminary inventory of Town operations contributing to water quality problems and pollutants of concern.

## **7.2 Implementation – Year 2**

**March 10, 2009 to March 9, 2010** the Town shall implement the following program elements:

- Participate as a member of the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) regarding retrofit programming and other aspects of regional stormwater cooperation.
- Update stormwater ordinance and include in stormwater ordinance required enhanced phosphorous removal design standards.
- Create and adopt an illicit discharge ordinance.
- Continue to update the webpage for stormwater management on the Town website including listing of available education materials, and notice of upcoming regional presentations and related stormwater management events.
- Prepare pamphlets on targeted management practices.
- Print brochures on a specific stormwater management practices.
- Continue to develop a collection of educational stormwater management materials. Organize the materials in a designated location in Town Hall which is available to Town staff and the public.
- Schedule and conduct monthly environmental panel meetings.
- Continue the inter-municipality relationship with the Northern Westchester Watershed Coalition.
- Provide public notice by way of announcements at televised Town Board meetings for key events and upcoming stormwater meetings.
- Provide public notice for all Town SWMP related meetings by posting notice in official Town newspaper.
- Provide full access to the public to review and request copies of all information collected and developed as part of the Town SWMP.

- Hold public hearing on Annual Report or alternatively include on web site for public comment.
- Collect at least 20% of the known outfall locations in a GIS database within the corporate limits of the Town utilizing reconnaissance inventory methods.
- Develop a Town reporting policy for the public to report illicit discharges including failing septic systems, industrial/business connections and wastewater connections to the storm drain system. Coordinate investigation/correction with WCDOH or appropriate authority.
- Identify source and eliminate all illicit discharges identified.
- Soil Erosion and Sediment Control Ordinance shall include requirements for projects to establish an overall construction site waste management plan.
- Establish and implement procedures for site inspections relative to project stormwater management.
- Distribute information pamphlet addressing construction site stormwater runoff for construction sites with all building permits and site construction permits.
- Distribute strategies and prioritize structural and non-structural management practices to address MS4 water quality problems.
- Implement management practice inspection and maintenance program for the Town MS4.
- Identify appropriate Best Management Practices (BMP's) to address Town operations contributing to water quality problems and pollutants of concern. The following management practices should be addresses: street cleaning, catch basin and storm drain system cleaning, hazardous and waste materials management, landscaping and lawn care, road salt storage, roadway maintenance and Town owned septic system management.
- Based on identified Town operations contributing to water quality problems, pollutants of concern, and selected BMPs, conduct Town employee pollution prevention training.
- Develop and implement turf and grass clipping management plan.
- Include in the stormwater ordinance permitting language for site disturbances greater than 5,000 SF in the EOH watershed. Provide inspection provisions.
- Develop program to verify contractor certification in erosion and sediment control.
- Continue to review all basic and full SWPPP's.
- Continue to work with Westchester County to develop septic system inspection and maintenance program.
- Develop and implement stormwater conveyance system inspection and maintenance procedures.

### **7.3 Implementation - Year 3**

**March 10, 2010 to March 9, 2011** the Town shall implement the following program elements:

- Continue to update the webpage for stormwater management on the Town website including listing of available education materials, and notice of upcoming regional presentations and related stormwater management events.
- Print brochures on a specific stormwater management practice.

- Continue to develop a collection of educational stormwater management materials. Organize the materials in a designated location in Town Hall which is available to Town staff and the public.
- Schedule and conduct monthly public environmental panel meetings.
- Continue the inter-municipality relationship with the Northern Westchester Watershed Coalition.
- Provide public notice by way of announcement at televised Town Board meetings for key events and upcoming stormwater meetings.
- Provide public notice for all Town SWMP related public hearings by posting notice in official Town newspaper and post notice at Town Hall.
- Collect at least 20% of the known outfall locations in a GIS database using reconnaissance inventory methods.
- Provide full access to the public to review and request copies of all information collected and developed as part of the Town SWMP.
- Hold public meeting on annual report or alternatively post on the stormwater web page for public comment.
- Prepare and distribute illicit discharge information to local business and industries.
- Review and assess second quartile of the Town MS4 for illicit discharges.
- Identify source and eliminate all illicit discharges identified.
- Distribute information pamphlet addressing construction site stormwater runoff control for construction sites with all building permits and site construction permits.
- Implement Town MS4s priority management practices to reduce pollutant discharge to maximum extent practicable.
- Implement management practice inspection and maintenance program for the Town MS4.
- Implement selected I3MPs to address Town operations contributing to water quality problems and pollutants of concern.
- Based on identified Town operations contributing to water quality problems, pollutants of concern and selected BMPs, conduct Town employee pollution prevention training.
- Develop self-assessment of municipal operations.

#### **7.4 Implementation – Year 4**

**March 10, 2011 to March 9, 2012** the Town shall implement the following program elements:

- Continue to update the webpage for stormwater management on the Town website including listing of available education materials, and notice of upcoming regional presentations and related stormwater management events.
- Print brochures on a specific stormwater management practice.
- Continue to develop a collection of educational stormwater management materials. Organize the materials in a designated location in Town Hall which is available to Town staff and the public.
- Schedule and conduct monthly environmental panel meetings.

- Continue the inter-municipality relationship with the Northern Westchester Watershed Coalition.
- Provide public notice by way of announcement at televised Town Board meetings for key events and upcoming stormwater meetings.
- Provide public notice for all Town SWMP related public hearings by posting notice in official Town newspaper and post notice at Town Hall.
- Provide full access to the public to review and request copies of all information collected and developed as part of the Town SWMP.
- Hold public hearing on annual report or alternatively post on the stormwater web page for public comment..
- Conduct training for Town employees following any changes to the local law addressing illicit discharges.
- Identify source and eliminate all illicit discharges identified.
- Implement Town MS4s priority management practices to reduce pollutant discharge to maximum extent practicable.
- Implement management practice inspection and maintenance program for the Town MS4.
- Implement selected BMPs to address Town operations contributing to water quality problems and pollutants of concern.
- Based on identified Town operations contributing to water quality problems, pollutants of concern and selected BMPs, conduct Town employee pollution prevention training.

## **7.5 Implementation — Year 5**

**March 10, 2012 to March 9, 2013** the Town shall implement the following program elements:

- Continue to update the webpage for stormwater management on the Town website including listing of available education materials, and notice of upcoming regional presentations and related stormwater management events.
- Print brochures on a specific stormwater management practice.
- Continue to develop a collection of educational stormwater management materials. Organize the materials in a designated location in Town Hall which is available to Town staff and the public.
- Schedule and conduct monthly environmental panel meetings.
- Seek formal agreements with adjacent MS4s where coordinated or delegated efforts provide a more effective SWMP.
- Provide public notice by way of announcement at televised Town Board meetings for key events and upcoming stormwater meetings.
- Provide public notice for all Town SWMP related public hearings by posting notice in official Town newspaper and post notice at Town Hall.
- Provide full access to the public to review and request copies of all information collected and developed as part of the Town SWMP.
- Hold public hearing on annual report or alternatively post on the stormwater web page for public comment.

- Conduct training for Town employees following any changes to the local law addressing illicit discharges.
- Identify source and eliminate all illicit discharges identified.
- Implement Town MS4s management practices to reduce pollutant discharge to maximum extent practicable.
- Implement management practice inspection and maintenance program for the Town MS4.
- Implement BMPs to address Town operations contributing to water quality problems and pollutants of concern.
- Based on identified Town operations contributing to water quality problems, pollutants of concern and selected BMPs, conduct Town employee pollution prevention training.

## **7.6 Inter-municipal Cooperation**

The NYSDEC encourages MS4s to cooperate whenever and wherever possible in developing their SWMPs. Working together will result in greater environmental and economic benefits for involved MS4s. The Town is a member of the Northern Westchester Watershed Coalition.

An IMA (Croton Kensico Watershed Intermunicipal Coalition) has been established between the twelve Croton Watershed Towns to analyze the possibility of shared retrofits. At this time, RFP's have been sent and a selection committee is being formed.

## **8.0 Municipality Permitting and Administrative Requirements**

To meet the requirements of the EPA/NYSDEC Phase II Stormwater Management Program, the Town of Yorktown must comply with the following permits or submit an application for an individual permit.

- NYSDEC SPDES General Permit Stormwater Permit No. GP-0-08-002 for regulated MS4s. This permit is part of the State Pollutant Discharge Elimination System (SPDES). The effective and expiration dates for the NYSDEC SPDES General Stormwater Permit No. GP-08-002 is January 8, 2008 and January 8, 2013, respectively.
- NYSDEC SPDES General Stormwater Permit No. GP-0-08-001 for Construction Activity. This permit is part of the State Pollutant Discharge Elimination System (SPDES). The effective and expiration dates for the NYSDEC SPDES General Stormwater Permit No. GP-0-08-001 is January 8, 2008 and January 8, 2013, respectively.
- NYSDEC SPDES General Permit for Stormwater Discharges Associated with Industrial Activity except for Construction Activity Permit No. —98-03. The effect and expiration dates for the NYSDEC SPDES General Permit for Stormwater Discharges Associated with Industrial Activity except for Construction Activity Permit No. —98-03 is November 1, 1998 and November 1, 2003, respectively. A “No exposure” Certification can be obtained in lieu of obtaining permit coverage. Note than an expired general permit continues in force and effect until a new general permit is issued.

## **8.1 Permit Coverage/Compliance**

### **MS4 Coverage/Compliance**

An Operator of a “small” MS4 can receive coverage under the NYSDEC SPDES General Stormwater Permit No. GP-02-02 by filing a NOI which describes the SWMP (including the Best management Practices (BMPs) and measurable goals) by March 5, 2003 for permit coverage by March 10, 2003. This NOI is extended to March 9, 2013 under the GP-0-08-002.

The Town of Yorktown, as an Operator of a “small” MS4 received coverage under the NYSDEC SPDES General Stormwater Permit No. GP-02-02 by filing a NOI by the March 5, 2003 deadline. This NOI is extended to March 9, 2013 under the GP -0-08-002.

The BMPs and measurable goals described in this report make up the required initial SWMP. The NYSDEC SPDES General Stormwater Permit No. GP-08-002 requires the SWMP to be fully implemented by the end of the permit term (January 8, 2013).

The NYSDEC can require a change of BMPs and measurable goals if they are found to be inconsistent with the Phase TI Stormwater Management Program. The Town of Yorktown can also opt to make changes to the SWMP if the program is not effective.

### **Construction Activity Coverage/Compliance**

Operators (including municipalities) of construction sites which have disturbed areas of one (1) acre or larger in size can receive coverage under the NYSDEC SPDES General Stormwater Permit No. GP-0-08-001 by first preparing a SWMP that complies with all the requirements of the permit and then submitting the NOI. Permit coverage becomes effective five (5) business days after the NYSDEC receives the NOI.

For construction activities that discharge to a TMDL watershed or 303 (d) listed water or for which the SWMP does not meet all the requirements of the NYSDEC SPDES General Stormwater Permit No. GP-0-08-001, the SWMP must be certified by a licensed professional. For these cases, permit coverage becomes effective sixty (60) business days after NYSDEC receives the NOI.

Construction sites five (5) acres or larger in size that are currently covered under the NYSDEC SPDES General Stormwater Permit No. GP-02-01.

Construction activities greater than 5,000 square feet on sites located in the EOH watershed will require permitting.

### **Municipally Operated Industry Coverage Compliance**

Continue SPDES permit compliance for industrial facilities operated by the Town of Yorktown.

## 8.2 Administrative Requirements for MS4s

### Annual Report Submittal

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

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

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

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

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

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

### Record Keeping:

The *permittee* must keep records required by this permit (records that document *SWMP*, records included in *S WMP plan*, other records that verify reporting required by the permit, NOI, past annual reports, and comments from the public and the *Department*, etc.) for at least five (5) years after they are generated. Records must be submitted to the *Department* within 5 business days of receipt of a *Department* request for such information. The *permittee* shall keep

duplicate records (either hard copy or electronic), to have one copy for public observation and a separate working copy where the *permittee* 's staff, other individuals responsible for the *SWMP* and regulators, such as *Department* and EPA staff can access them. Records, including the NOI and the *SWMP plan*, must be available to the public at reasonable times during regular business hours.

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