

ced by bisham

**New York State Department of Environmental Conservation
Division of Water, Region 3**

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Denise M. Sheehan
Commissioner

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SUPERVISOR'S OFFICE

DEC 19 2006

December 12, 2006

TOWN OF YORKTOWN, NY

Ms. Linda G. Cooper
Town Supervisor
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

**Re: White Plains (C) MS4 SPDES # NYR20A230
3rd Year Annual Report Review**

Dear Ms. Cooper,

Thank you for submitting your Regulated Municipal Separate Storm water Sewer System (MS4) year 3 Annual Report, due in June 2006. The New York State Department of Environmental Conservation (DEC) Region 3 staff has reviewed the Annual Report and prepared comments(see attached Checklist). Please be advised that any comments included with this correspondence should be used to revise your Storm water program over the next several months and should be addressed in your 2007 Annual Report which will be due in June , 2007. The 2007 Annual Report covers the period from March 10,2006 to March 9, 2007.

As a reminder, MS4s should plan to complete the adoption of local laws by March 2007 and be implementing their programs when the permit term ends in January 2008. If you need further assistance ,on any MS4 related issues contact me at above number or visit the MS4 Toolbox on the DEC Storm water website at: www.dec.state.ny.us/website/dow/toolbox/ms4_toolbox.html

Sincerely,

Asif Mahmood
Environmental Engineer I
Division of Water

cc: P. Ferracane - NYSDEC

SPDES NUMBER NYR20A007

REPORT YEAR 2006

DATE OF REVIEW 12/12/2006

4 NAME Town of Yorktown

REVIEWER NAME Asif Mahmood

Is MS4 in a TMDL watershed or discharge directly into 303(d) water body? Both

Is municipality co-implementing (IM) with another MS4? Yes but with no legal agreements

Notice of Intent Review

MM1 Deficiencies/Comments on NOI:

Activities reported are meeting the benchmark criteria. Goals for year 4 should be quantifiable i.e. how many education displays and which audiences the town is trying to target.

MM2 Deficiencies/Comments on NOI:

Activities are meeting the benchmark criteria.

MM3 Deficiencies/Comments on NOI:

Append numbers to the any community events i.e. no. of attendees, any comments received. Only 25% of the stormwater infrastructure map (including outfalls) has been field verified. Town has set goals for year 4 is to continue field verification of GIS maps and outfalls. These goals should be quantifiable i.e. how much percentage of the remaining stormwater map will be field verified during year 4.

MM4 Deficiencies/Comments on NOI:

Town is ahead of schedule in implementing local law or ordinances. Question no. 3 has been answered as already completed in 2004 and plans to be completed by year 5, which is the correct information? Town is on a target for other benchmark criteria for year 2006.

MM5 Deficiencies/Comments on NOI:

On target.

MM6 Deficiencies/Comments on NOI:

Trainings material are still under development and not meeting the benchmark criteria to get training underway. Town goals are to develop materials to be used in training session during 2007. Minimum measure 6 is lacking in progress as compared to benchmark criteria and other minimum measures progress.

* Criteria based on 7/20/06 "Critical Path to Compliance" target dates.

SPDES NUMBER NYR20A007

REPORT YEAR 2006

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MINIMUM MEASURE #1: PUBLIC OUTREACH AND EDUCATION

Overall Criteria:		Suggested Corrections/Comments:
1. Does Report address activities indicated on the NOI for Yr 1, Yr 2 and/or Yr 3 and/or prior annual reports?	Yes	Progress made. Indicate quantifiable goals for year 2007 i.e. how many education display program?
2. Have goals and a timeline been specified for all requirements?	Yes	On target
3. Has progress been made for all measurable goals?	Yes	Town is on a steady progress but needs to do a better job in quantifying the goals.
4. Have changes to the SWMP been explained?	No	
5. IF IM: Does AR reflect attn to requirements retained by individual MS4?	Yes	

Specific Criteria:

1. Does the program address priority pollutants?	Yes
2. Does the program address priority audiences?	Yes
3. Does the program address priority geographic areas of concern?	Yes
4. Does the program address 303(d)/TMDL discharges?	Yes
5. Effectiveness of PH II BMPs evaluated?	No
6. Do they have a procedure to evaluate the effectiveness of BMP's?	No
7. Is there an intermunicipal agreement for this MCM?	Yes
8. Is the agreement attached?	No
9. Is the agreement legally binding?	No

Comments:

MINIMUM MEASURE #1: PUBLIC OUTREACH AND EDUCATION

05 Benchmark Criteria: *

1. Assessment of education and outreach needs?	
2. Identification of key audiences?	
3. Develop public education and outreach program?	
4. Outreach to priority audiences underway?	

06 Benchmark Criteria: *

1. Education and outreach to general public underway?	On Target Or Ahead Of Critical Path
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07 Benchmark Criteria: *

1. Continued public education and outreach?	
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08 Benchmark Criteria: *

1. Fully implement public education and outreach?	
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Additional Comments:

* Criteria based on 7/20/06 "Critical Path to Compliance" target dates.

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REPORT YEAR 2006

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MINIMUM MEASURE #2: PUBLIC INVOLVEMENT AND PARTICIPATION

Overall Criteria:		Suggested Corrections/Comments:
1. Does Report address activities indicated on the NOI for Yr 1, Yr 2 and/or Yr 3 and/or prior annual reports?	Yes	
2. Have goals and a timeline been specified for all requirements?	Yes	Activities are meeting the benchmark criteria
3. Has progress been made for all measurable goals?	Yes	
4. Have changes to the SWMP been explained?	No	
5. IF IM: Does AR reflect attn to requirements retained by individual MS4?	Yes	

Specific Criteria:

1. Does the program address priority pollutants?	Yes
2. Does the program address priority audiences?	Yes
3. Does the program address priority geographic areas of concern?	Yes
4. Does the program address 303(d)/TMDL discharges?	Yes
5. Effectiveness of PH II BMPs evaluated?	No
6. Was a public meeting held for receipt of comments on the Annual Report?	Yes
7. Were comments from the public meeting incorporated in the Annual Report?	No Comments Received
8. Was MS4 documentation available for public viewing prior to the meeting?	Yes
9. Is the public meeting for next year planned to be completed in time for the MS4 to submit their annual report by June 1?	Yes
10. Do they have a procedure to evaluate the effectiveness of BMP's?	No
11. Is there an intermunicipal agreement for this MCM?	Yes
12. Is the agreement attached?	No
13. Is the agreement legally binding	No

Comments:

MINIMUM MEASURE #2: PUBLIC INVOLVEMENT AND PARTICIPATION

05 Benchmark Criteria: *

1. Assessment of stormwater management plan participation/involvement needs completed?	
2. Identification of key stakeholders completed?	
3. Plan for public involvement/participation completed?	
4. Public involvement activities underway?	

06 Benchmark Criteria: *

1. Stewardship activities underway?	On Target Or Ahead Of Critical Path
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07 Benchmark Criteria: *

1. Continued public involvement/participation implementation?	
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08 Benchmark Criteria: *

1. Full implementation of public involvement/participation?	
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Additional Comments:

* Criteria based on 7/20/06 "Critical Path to Compliance" target dates.

SPDES NUMBER NYR20A007

REPORT YEAR 2006

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MINIMUM MEASURE #3: ILLICIT DISCHARGE DETECTION AND ELIMINATION

Overall Criteria:		Suggested Corrections/Comments:
1. Does Report address activities indicated on the NOI for Yr 1, Yr 2 and/or Yr 3 and/or prior annual reports?	Yes	
2. Have goals and a timeline been specified for all requirements?	No	Only 25% of the stormwater infrastructure map (including outfalls) has been field verified.
3. Has progress been made for all measurable goals?	Yes	Progress is there but outfall mapping is behind schedule
4. Have changes to the SWMP been explained?	No	
5. IF IM: Does AR reflect attn to requirements retained by individual MS4?	Yes	

Specific Criteria:

1. Does the program address priority pollutants?	Yes
2. Does the program address priority audiences?	Yes
3. Does the program address priority geographic areas of concern?	Yes
4. Does the program address 303(d)/TMDL discharges?	Yes
5. Effectiveness of PH II BMPs evaluated?	No
6. Dry weather survey conducted?	Not Enough Information
7. Percentage of outfalls mapped?	25%
8. Do they have a procedure to evaluate the effectiveness of BMP's?	No
9. Is there an intermunicipal agreement for this MCM?	Yes
10. Is the agreement attached?	No
11. Is the agreement legally binding?	No

Comments:

MINIMUM MEASURE #3: ILLICIT DISCHARGE DETECTION AND ELIMINATION

05 Benchmark Criteria: *

1. Assessment of existing programs, resources and staff begun?	
2. Assessment of local laws or ordinances begun?	
3. Compilation of existing outfall location information complete?	
4. Establish partnerships: roles, responsibilities and training needs determined between partners?	

06 Benchmark Criteria: *

1. Field studies to locate outfalls underway?	Progress Made - Will have Difficulty Being Compliant By 2008
2. Intermunicipal subsurface conveyances mapping underway?	Progress Made - Will have Difficulty Being Compliant By 2008
3. Storm sewershed delineation underway?	Progress Made - Will have Difficulty Being Compliant By 2008
4. Local law or ordinance adoption process underway (Non-traditional MS4s: adoption of procedures or control mechanisms underway)?	On Target Or Ahead Of Critical Path
5. Illicit discharge location and elimination activities underway?	On Target Or Ahead Of Critical Path
6. Outreach to municipal employees, businesses and the public on the hazards associated with illicit discharges underway?	On Target Or Ahead Of Critical Path
7. Development of process to map outfalls and other information underway?	Progress Made - Will have Difficulty Being Compliant By 2008

07 Benchmark Criteria: *

1. Outfall map generated?	
2. Local law or ordinance adopted (Non-traditional MS4s: procedures or control mechanisms adopted)?	

08 Benchmark Criteria: *

1. Achieve full compliance with permit requirements and continuing implementation of IDDE program?	
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Additional Comments:

* Criteria based on 7/20/06 "Critical Path to Compliance" target dates.

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REPORT YEAR 2006

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MINIMUM MEASURE #4: CONSTRUCTION SITE RUNOFF CONTROL

Overall Criteria:		Suggested Corrections/Comments:
1. Does Report address activities indicated on the NOI for Yr 1, Yr 2 and/or Yr 3 and/or prior annual reports?	Yes	
2. Have goals and a timeline been specified for all requirements?	Yes	
3. Has progress been made for all measurable goals?	Yes	Meeting the benchmark criteria. Town is ahead of schedule in implementing local law and ordinances.
4. Have changes to the SWMP been explained?	No	
5. IF IM: Does AR reflect attn to requirements retained by individual MS4?	Yes	

Specific Criteria:

1. Does the program address priority pollutants?	Yes
2. Does the program address priority audiences?	Yes
3. Does the program address priority geographic areas of concern?	Yes
4. Does the program address 303(d)/TMDL discharges?	Yes
5. Effectiveness of PH II BMPs evaluated?	No
6. Do they have a procedure to evaluate the effectiveness of BMP's?	No
7. Is there an intermunicipal agreement for this MCM?	Yes
8. Is the agreement attached?	No
9. Is the agreement legally binding?	No

Comments:

MINIMUM MEASURE #4: CONSTRUCTION SITE RUNOFF CONTROL

05 Benchmark Criteria: *

1. Assessment of local codes underway?	
2. Procedures for the receipt of info from the public complete?	
3. Outreach to the construction industry underway?	

06 Benchmark Criteria: *

1. Local law or ordinance adoption process underway? (Non-traditional MS4s: adoption of procedures or control mechanisms underway)?	On Target Or Ahead Of Critical Path
2. Procedures for site plan review equivalent to SPDES construction permit GP-02-01 developed?	On Target Or Ahead Of Critical Path
3. Procedures for site inspections equivalent to SPDES construction permit GP-02-01 developed?	On Target Or Ahead Of Critical Path
4. Procedures for enforcement equivalent to SPDES construction permit GP-02-01 developed?	On Target Or Ahead Of Critical Path
5. Training of municipal staff to implement program begun?	Behind Critical Path - Able To Be Compliant By 2008

07 Benchmark Criteria: *

1. Local law or ordinance adopted (Non-traditional MS4s: procedures or control mechanisms adopted)?	
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08 Benchmark Criteria: *

1. Local law or ordinance fully implemented (Non-traditional MS4s: procedures or control mechanisms fully implemented)?	
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Additional Comments:

* Criteria based on 7/20/06 "Critical Path to Compliance" target dates.

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REPORT YEAR 2006

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MINIMUM MEASURE #5: POST-CONSTRUCTION RUNOFF CONTROL

Overall Criteria:		Suggested Corrections/Comments:
1. Does Report address activities indicated on the NOI for Yr 1, Yr 2 and/or Yr 3 and/or prior annual reports?	Yes	
2. Have goals and a timeline been specified for all requirements?	Yes	
3. Has progress been made for all measurable goals?	Yes	On Target.
4. Have changes to the SWMP been explained?	No	
5. IF IM: Does AR reflect attn to requirements retained by individual MS4?	Yes	

Specific Criteria:

1. Does the program address priority pollutants?	Yes
2. Does the program address priority audiences?	Yes
3. Does the program address priority geographic areas of concern?	Yes
4. Does the program address 303(d)/TMDL discharges?	Yes
5. Effectiveness of PH II BMPs evaluated?	No
6. Do they have a procedure to evaluate the effectiveness of BMP's?	No
7. Is there an intermunicipal agreement for this MCM?	Yes
8. Is the agreement attached?	No
9. Is the agreement legally binding?	No

Comments:

MINIMUM MEASURE #5: POST-CONSTRUCTION RUNOFF CONTROL

05 Benchmark Criteria: *

1. Assessment of local codes underway?	
2. Outreach to the construction industry underway?	

06 Benchmark Criteria: *

1. Local law or ordinance adoption process underway (Non-traditional MS4s: adoption of procedures or control mechanisms underway)?	On Target Or Ahead Of Critical Path
2. Procedures for site plan and SWPPP review equivalent to SPDES construction permit GP-02-02 complete?	On Target Or Ahead Of Critical Path
3. Procedures for inspection and maintenance of post-construction management practices complete?	On Target Or Ahead Of Critical Path
4. Procedures for enforcement and penalization of violators complete?	On Target Or Ahead Of Critical Path
5. Long term / other funding resources available?	Not Enough Information
6. Training of municipal staff to implement program begun?	Behind Critical Path - Able To Be Compliant By 2008

07 Benchmark Criteria: *

1. Local law or ordinance adopted (Non-traditional MS4s: procedures or control mechanisms adopted)?	
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08 Benchmark Criteria: *

1. Post-construction requirements, including reviews, inspections and enforcement fully implemented?	
2. Long term operation and maintenance plans for post-construction management practices in place?	

Additional Comments:

* Criteria based on 7/20/06 "Critical Path to Compliance" target dates.

SPDES NUMBER NYR20A007

REPORT YEAR 2006

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MINIMUM MEASURE #6: POLLUTION PREVENTION AND GOOD HOUSEKEEPING

Overall Criteria:		Suggested Corrections/Comments:
1. Does Report address activities indicated on the NOI for Yr 1, Yr 2 and/or Yr 3 and/or prior annual reports?	Yes	
2. Have goals and a timeline been specified for all requirements?	Yes	Goals have been specified but not meeting benchmark criteria.
3. Has progress been made for all measurable goals?	No	Progress Not adequate in meeting training needs.
4. Have changes to the SWMP been explained?	No	
5. IF IM: Does AR reflect attn to requirements retained by individual MS4?	Yes	

Specific Criteria:

1. Does the program address priority pollutants?	Yes
2. Does the program address priority audiences?	Yes
3. Does the program address priority geographic areas of concern?	Yes
4. Does the program address 303(d)/TMDL discharges?	Yes
5. Effectiveness of PH II BMPs evaluated?	No
6. Has the municipality initiated improvements to its pollution prevention practices?	No
7. Are pollution prevention goals for all major facilities/operations identified?	Yes
8. Do they have a procedure to evaluate the effectiveness of BMP's?	No
9. Is there an intermunicipal agreement for this MCM?	Yes
10. Is the agreement attached?	No
11. Is the agreement legally binding?	No

Comments:

MINIMUM MEASURE #6: POLLUTION PREVENTION AND GOOD HOUSEKEEPING

05 Benchmark Criteria: *

1. Assessment of current policies, procedures, equipment, facilities and operations complete?	
2. Municipal pollution prevention program designed, and includes good record keeping?	

06 Benchmark Criteria: *

1. Design of training component complete?	Behind Critical Path - Able To Be Compliant By 2008
2. Staff training begun?	Behind Critical Path - Able To Be Compliant By 2008
3. Implementation of pollution prevention practices underway?	On Target Or Ahead Of Critical Path

07 Benchmark Criteria: *

1. Planning to meet training needs underway?	
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08 Benchmark Criteria: *

1. Achieve full implementation of municipal pollution prevention program	
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Additional Comments:

* Criteria based on 7/20/06 "Critical Path to Compliance" target dates.