
**VILLAGE OF SAGAPONACK,
NEW YORK**

**STORMWATER
MANAGEMENT
PROGRAM PLAN**



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Section 1.0 - Introduction

The Village of Sagaponack (Village) has developed this Stormwater Management Program (SWMP) as required for coverage under the New York State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) Permit (hereafter referred to as “MS4 Permit”). A Municipal Separate Storm Sewer System (MS4) is essentially a collection of roadways and drainage systems, features and infrastructures which conveys stormwater (aka rain water) runoff from land to surface water. The pollution that arises from stormwater runoff is called “nonpoint pollution”, because it doesn’t originate from any specific source, but rather is aggregated in small quantities from all types of land uses. Stormwater runoff pollution has been cited by numerous studies, including the New York State Priority Waterbodies Listing (PWL) as a primary and significant cause of pollution in the waterways of Suffolk County

The MS4 Permit is structured around six (6) Minimum Control Measures (MCMs) that describe different aspects of a stormwater pollution program. A copy of the current general permit is included in Appendix G, which describes in detail the MCMs that the SWMP is intended to address. The MCMs are described in Parts VII.A.1. through VII.A.6 of the MS4 Permit.

The goal of the Village of Sagaponack SWMP is to control stormwater runoff discharges from Village infrastructure and developed land within the Village to reduce pollutants to the waters of the United States in accordance with the requirements of the Federal Clean Water Act (CWA). The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States. The CWA makes it unlawful to discharge any pollutant from a point source into navigable waters, unless coverage under the National Pollutant Discharge Elimination System (NPDES) permit is obtained. On January 8, 2003, New York State (NYS) was authorized to issue this coverage to local governments through NYS adoption of the CWA Phase II regulations.

The CWA Phase II (aka “Phase II”) regulations were born out of the 1987 amendment to the CWA, Section 402(p), which established a comprehensive, two-phase approach to stormwater control. Phase II expanded the scope of the NPDES program to include smaller local municipalities serving populations of less than 10,000. Phase II requires these local governments, referred to as small MS4s, to obtain NPDES permit coverage. While both Phase I and Phase II stormwater regulations treat stormwater discharges from municipalities as point sources of pollutants, the Phase I regulations require large sources of stormwater discharge to apply for NPDES permits. Phase II is intended to address the negative environmental impacts that arise from the collective effect of smaller discharges from smaller entities. The New York State Department of Environmental Conservation (NYSDEC) and its regional agencies are responsible for providing guidance to local municipalities and to administer and oversee all the various aspects of the MS4 Permit.

Section 2.0 - Village Information

2.1 Background

The Village of Sagaponack, established in 1653 and incorporated as a Village in 2005, is a territory of approximately 4.4 square miles at the east end of Southampton Town between the hamlets of Bridgehampton and Wainscott. It is a coastal community located on the South Fork of Suffolk County, NY. The hamlet of Sagaponack was one of the earliest colonial settlements in America and has a 350-year history as a quiet rural community, characterized by its rich agricultural soils, the beauty of its landscapes and ocean beaches, and its quaint Main Street. Despite the changes wrought in the past 30 years by the emergence as a highly desirable residential community, Sagaponack has been able to maintain much of its historic agricultural character and most of its rural architectural heritage.

Currently, the Village has a population of approximately 350± full-time and 650± part-time residents. Within the Village are approximately 360 registered voters and 750 structures. The only physical facility is Village Hall, located at 3175 Montauk Highway. The Village does not own any other property, but it is responsible for the maintenance of their about 16 miles of public roadways. The Village employs two (2) full-time and two (2) part-time employees, overseen by the elected Mayor and Trustees. Village staff provide tax collection, building permit administration, building, stormwater & code inspections, and other municipal services.

The Village was previously wholly a part of the Town of Southampton, and thus much of its existing infrastructure was constructed by, and continues to be maintained by the Town. As the Village of Sagaponack was originally covered by the Town's MS4 Program at the time of Phase II inception in 2003, a copy of the Town's SWMP is included in Appendix A.

It is noted that much of the information contained within Sections 2.1 through 2.3 is either directly excerpted or based upon the materials prepared for the Village within their Comprehensive Plan (authored by the Village Zoning Commission with assistance from Planning Consultant Lisa Liquori) and various stormwater management materials, including the Sagaponack Pond Pathogen Impairment Retrofit Program Plan, created by D.B. Bennett, P.E., Consulting Engineer. Appreciation and acknowledgement is extended to those entities and individuals who served the Village during its early incorporated years.

2.2 Land Use & Natural Resources

The Village completed a Comprehensive Plan in 2007 describing current land use and resources, and outlining goals for the future. This plan is included as Appendix A. Land Use within the Village is predominantly single-family residential, with agricultural use being the most common non-residential use. Maps excerpted from the Comprehensive Plan depicting Land Use (Map 2), Preserved Open Space (Map 3), and NYS Agricultural Districts (Map 5) are provided in Appendix B. Also included in Appendix B are the Village's Zoning Map, a map of New York State Agricultural District Property, and a map of Public Lands.

There are very few commercial or public facilities within the Village. Besides Village Hall, the only other public structures are the United States Post Office located on Sagg Main Street, the one-room schoolhouse (The Sagaponack School) and the Town of Southampton Comfort Station at the Main Beach. The few commercial business establishments that exist within the Village primarily are sited along NYS Route 27, and do not discharge to the Village's MS4 system.

The major waterbody of concern within the Village is Sagaponack Pond. The Pond is jointly owned with the Town of Southampton. Other waterbodies of concern are much smaller, with limited contributing areas. They include Poxabogue Pond, Little Poxabogue Pond, Fairfield Pond, and Peters Pond. Sagaponack Pond (aka "Sagg Pond"), however, is the largest water body that is located within the Village, and is the receiving waterbody for several stormwater discharges. It is also listed on the New York State Section 303(d) List of Impaired Waters. Hence, this waterbody receives the most focus within the Village's SWMP.

Despite its prominence within the Village, Sagg Pond is only partially located within the Village; about half of it is located within the unincorporated areas of the Town of Southampton. The Pond is considered impaired for shell-fishing and recreational use, as per the listing from the New York State Priority Water Bodies List (PWL) which is included in Appendix C. Also included in Appendix C are descriptions of an ongoing projects, coordinated by organizations such as the Peconic Land Trust, Stony Brook University Gbler Lab, and Cornell Cooperative Extension to study in detail the potential sources and detailed character of pollutants within the waterbody.

Sagg Pond is a South Fork south shore coastal pond. It is an estuary whose water level is managed by the Southampton Town Trustees by opening and closing the short barrier beach separating the Pond and the Atlantic Ocean. There are no known point source discharges to Sagg Pond. The Trustee goals are to maintain and facilitate estuarine fish and crab spawning, improve water quality through improved flushing of pond and to manage flooding of fields and residences.

During the early years of Village incorporation, Sagg Pond was identified in the MS4 Permit as pathogen-impaired, and the Village was required to develop a Pathogen Retrofit Program Plan, which was finalized in 2016 and included in Appendix C. During the time period stretching from 2007, when the Village first adopted a code structure, to the end of 2018, the Village focused almost all of its limited program resources on this Retrofit Program Plan.

During that time period, the Village studied its hydraulically connected watershed area to Sagg Pond by evaluating topographic maps and performing several field surveys. Based on knowledge of the Village's portion of the Sagg Pond watershed, sources of pathogens to Sagg

Pond were identified to be primarily wildlife and waterfowl, as the area is used intensively by wintering geese and ducks, as well as in the summer by a healthy population of Mute Swans, ducks, terns and gulls. In November of 2018, the Village was informed that interim progress reporting associated with this waterbody was no longer required – refer to the letter from the NYSDEC in Appendix C.

Other Waterbodies

Other waterbodies within the Village include Poxabogue Pond, Little Poxabogue Pond, Fairfield Pond, and Peters Pond. These are all much smaller than Sagg Pond, and are depicted on the maps included in Appendix B. Note that while the Village borders the Atlantic Ocean coastline, they do not have jurisdiction over the vast majority of the beach, nor do any of their drainage systems contain outfall pipes which directly discharge to the Ocean. The exception to this is the southern end of the public right-of-way for Gibson Lane, which extends several feet beyond the paved road surface, but terminates at New York State-owned portions of the coastline.

Topography and Soils

Based on the U.S. Natural Resources Conservation Service Web Soil Survey of the Village and its environs, the predominant soil association in the Village is Bridgehampton silt loam, 0 to 2 percent slopes. This is a well-drained soil exists in over 40% of the study area depicted in the Soils Map. The second most predominant soil association comprises approximately 9% of the study area and is Bridgehampton silt loam, 2 to 6 percent slopes.

Soils comprising about 5% each of the study area are:

- Haven loam, 2 to 6 percent slopes
- Plymouth loamy sand, silty substratum, 0 to 3 percent slopes
- Raynham loam
- Riverhead sandy loam, 0 to 3 percent slopes

The remaining 30% of the study area is represented by very small amounts of over twenty (20) different soils types. Please refer to the Soils Map and Survey Data included in Appendix B for further information.

2.3 Existing Municipal Storm Sewer System & Watersheds

As the Village was not incorporated until 2005, the majority of its infrastructure was built by the Town of Southampton. Drainage maps, outfall maps and storm sewershed maps of contributing areas are included as Appendix D.

The Village of Sagaponack has minimal street curbing and watershed slopes are low (i.e. 0 to 3%). As a result, only very small portions of Village roads actually flow towards and potentially discharge to Sagg Pond and other waterbodies. Most, if not all, municipal storm drainage is diverted to open spaces and dry wells for infiltration.

The infrastructure consists of about 80 drainage inlets of various types, most of which are part of positive drainage systems and do not overflow to surface waters. There are only five (5) drainage outfalls within the Village, which are depicted both on the overall drainage map, as well as a series of detailed maps included in Appendix D.

D.B. Bennett, P.E. Consulting Engineer completed the following analysis of Village storm sewersheds circa 2015:

Land Use Distribution & Area for each Village Stormsewer Shed

| Village StormSewer Shed | High Density Residential, acres (%) | Medium Density Residential, acres (%) | Low Density Residential, acres (%) | Agricultural, acres (%) | Roadway, Acres (%) | Vacant, acres (%) | Dwelling Units | Total (acres) |
|---|-------------------------------------|---------------------------------------|------------------------------------|-------------------------|--------------------|-------------------|----------------|---------------|
| 1 – Bridge Lane | - | 0.2 (3.8) | 0.1 (2.5) | 2.4 (45) | 2.3 (43) | 0.3 (5.7) | 2 | 5.3 |
| 2 – Sandune Court | - | 1.9 (51.3) | 0.1 (2.7) | - | 1.7 (46) | - | 7 | 3.7 |
| 3 – Sagaponack Road | - | - | 2 (34.5) | - | 2 (34.5) | 1.8 (31) | 6 | 5.8 |
| 4 – Sagaponack Main Street – South (includes beach parking) | - | 1.1 (15) | 1.1 (15) | 1.3 (19) | 3.6 (51) | - | 4 | 6.9 |
| 5 – Sagaponack Main Street – North | 2.5 (19.5) | 0.2 (1.5) | 6.1 (47.7) | - | 4 (31.3) | - | 8 | 12.8 |

Total = 34.5 acres

As the focus of the analysis performed by D.B. Bennett was the pathogen-impaired Sagg Pond, the following was concluded in regards to identifying the storm sewershed and focus areas to target to improve the health of Sagg Pond:

It was determined that the hydraulically connected watershed area in the Village is west of Sagaponack Main Street and south of Montauk Highway. The Land Use (Map 2) and Preserved Open Space (Map 3) maps illustrate that much of the hydraulically connected watershed is preserved, particularly the shoreline and that land use is primarily preserved open space and agriculture with a minor component of large lot single family residences.

Section 3.0 - Minimum Control Measure 1 - Public Education and Outreach

Pursuant to MS4 Permit Part VII.A.1., the Village of Sagaponack has developed a Public Education and Outreach program to educate targeted audiences regarding the potential impacts from stormwater runoff to the environment and what steps they can take to reduce these impacts.

3.1 Identification of Areas of Concern and Audiences

The major waterbody of concern within the Village is Sagaponack Pond. It is by far the largest, the most impaired, and has the most development within its watershed. The Pond is jointly owned with the Town of Southampton. Located due north of Sagg Pond, Poxabogue Pond is a secondary waterbody of concern. It is much smaller than Sagaponack Pond, but it is more significant in size than the other waterbodies within the Village, and it is hydraulically connected to Sagg Pond.

The other waterbodies within the Village are much smaller, with limited contributing areas. They include Little Poxabogue Pond, Fairfield Pond, and Peters Pond. But as the Village has limited resources to direct towards water quality efforts, the Village intends this program to center around Sagaponack Pond as the priority waterbody of concern.

The three audiences that the Village has identified that have the greatest potential for impacts are residents, agricultural establishments, and residential contractors/developers. The reason for this is that during very large storms during the winter and early spring months, large quantities of sheet flow from expansive residential lawns and farm fields can make its way into the MS4 infrastructure and Sagg Pond. Management of these private properties, however, falls to the property owners, and except in the case of construction activity, the Village has little authority to intercede with existing conditions that pre-date that formation of the Village. Furthermore, much of the agricultural lands are subject to a series of exemptions from local control and environmental regulations pursuant to New York State and County of Suffolk Agricultural District regulations.

3.2 Program Components

The Village Public Outreach program consists of the following elements.

Printed Materials

The Village periodically makes available educational pamphlets that addresses potential stormwater runoff impacts from construction activity, and outlines steps for compliance with the Village's Stormwater Pollution Prevention (SWPPP) requirements. Due to the limited in-person traffic at Village Hall since the start of the Coronavirus Pandemic, the information is currently available only upon request. The Village plans to source and/or develop educational materials for posting on their website in the future.

Webpage

The Village has developed a webpage featuring useful information for residents and links to various other agencies. The Village has the ability to maintain and update the website in-house, and has created a dedicated page for the MS4 Program. The webpage can be found at: <https://sagaponackvillage.org/>

Copies of the Village's Annual Stormwater Reports are posted at <https://sagaponackvillage.org/ms4/>

ListServe

The Village maintains an email ListServe that has 240 participants signed up. Periodically, the Village emails out public information concerning stormwater pollution prevention. This is one of the mechanisms used to distribute and solicit comment on the Annual Stormwater Report.

3.3 Watershed Improvement Strategy Requirements - Pathogens

The Village currently keeps its residents informed of the on-going activities being performed by the Peconic Land Trust, Stony Brook University Gbler Lab, and Cornell Cooperative Extension to support the health of Sagaponack Pond. All three of these organizations have developed public information which is disseminated on their websites and via fundraising efforts to area residents. Some of this information is included in Appendix C. The Village plans to make more of this information available on their website in the future.

Furthermore, The Gbler Lab has a water quality buoy installed that monitors regularly for several parameters including water temperature, dissolved oxygen, salinity, and nitrogen. The real-time data is available online at https://cloud.xylem.com/hydrosphere/public-sites/OWA_2316E0A17F5845B89A9084426DDD6B13?customerId=OWA_2316E0A17F5845B89A9084426DDD6B13&siteId=SagPB . The purpose of the Gbler Lab's research is to help identify and characterize the source of pathogens in the Pond.

3.4 Measurable Goals

The Village has developed the following measurable goals:

- i. Develop a one-page flyer geared specifically towards residents of Sagaponack and actions they can take to reduce potential pollutants of concerns and distribute. The number of residents the flyer is distributed to will be reported annually.
- ii. Consider including stormwater educational reminders in the annual Village tax bill mailings

- iii. Re-work the “MS4 Program” webpage to provide more information and links to residents about stormwater pollution
- iv. Source and provide information to residents about Best Management Practices for residential landscaping
- v. Source and provide information to contractors and developers regarding Best Management Practices to prevent discharges from Construction Activity
- vi. Provide more information regarding the health of Sagaponack Pond and pollutants of concern on the Village website; include links to non-profits project websites who are actively involved with the Pond.
- vii. Add links to the Village website to connect agricultural property owners with the Suffolk County Soil & Water Conservation District, who offers free, customized and confidential technical guidance to help farmers reduce impacts associated with stormwater runoff.
- viii. Add a Recycling / Waste Management page to Village website with links to Town info about safe disposal of toxic household chemicals (aka Household Hazardous Waste), recycling of used motor oil and links to information on take-back programs for items like commonly used residential items like printer toner, automotive batteries, etc.

Section 4.0 - Minimum Control Measure 2 - Public Involvement and Participation

Pursuant to MS4 Permit Part VII.A.2, the Village has taken measures to inform the public of and involve them in their stormwater management program.

4.1 Annual Public Meetings and Information

Each year upon completion of the Draft MS4 Annual Report, the Village presents the report and offers the public an opportunity to comment at a regularly scheduled Board of Trustees public meeting, which is noticed in accordance with the Open Meetings Law.

In addition, as the Village has identified (refer to Section 3.1) that its key audience is residents, the Draft Report is emailed out to the Village's email list. Any comments received are incorporated into the final report, which is filed with the NYSDEC and posted on the Village's website. Each year's Annual Report is saved and continues to be available on the Village website.

4.2 Local Stormwater Public Contact

The Village has designated Ms. Rosemarie Cary Winchell, CMC, the Village Clerk, as the Local Stormwater Public Contact. Any concerns, complaints or stormwater inquiries are directed to her attention, and she oversees all aspects of the Village's compliance with the MS4 General Permit

4.3 Other Public Participation

Various related participation opportunities exist within the Village. Examples include:

- Clean-up events
- Tree Committee – oversees maintenance of historic trees and planting of new trees
- The Sagg Pond Restoration Fund, a non-profit which fundraises to support efforts on behalf of Stony Brook University and the Peconic Land Trust to improve water quality in the pond.

4.4 Measurable Goals

- i. The Village will make their Stormwater Management Program Plan available on the Village website, and annually send an email to residents on the ListServe to involve the public in the annual review process. The number of active emails that receive the mailing will be reported on the Annual Report.
- ii. The Village will consider creation of and gage public interest in a volunteer Stormwater Management Committee to assist with tasks like drain condition/illicit discharge monitoring, help stencil/mark storm drains that lead to outfalls, and suggest/evaluate new initiatives such as native plantings, clean-up events, etc.

Section 5.0 - Minimum Control Measure 3 - Illicit Discharge Detection and Elimination

An illicit discharge is any discharge that discharges enters the system (either directly or indirectly) such as infiltration from failed sanitary systems or construction activity runoff on to roadways. Untreated discharges allow high levels of pollutants such as excess nutrients (e.g. nitrogen), pathogens, oil/grease, and heavy metals to discharge directly to waterbodies. Pursuant to MS4 Permit Part VII.A.3., the Village has implemented a program to identify and eliminate discharges that are not composed entirely of stormwater or groundwater.

5.1 Mapping Stormwater Conveyance System

The Village has several maps, mostly developed in partnership with the Town of Southampton, which depict the Village's drainage infrastructure, easements, storm sewersheds, and outfalls. Pursuant to the filing of their Notice of Intent with NYSDEC in late 2010, they had until 2012 to survey and map their outfalls. This was completed in accordance with the MS4 Permit implementation schedule provided to the Village. New maps were created by the Village Engineer in 2022 based on updated field surveys. Copies of these maps are included as Appendix D.

5.2 Outfall Reconnaissance Inventory

The majority of the Village's outfalls are inaccessible from the land and only visible during seasons when vegetation is sparse. While the Village has limited staff and resources to complete this type of activity, both Village employees, the Town police sector car, and involved residents keep close watch and guard over the inlets which lead to the outfall pipes to ensure no pollutants of concern are making their way into the MS4 system.

Water quality monitoring of the pond is performed primarily by non-profits and volunteers, who would promptly report any evidence of an illicit discharge to the Village. Refer to Section 5.5, Measurable Goals, for future plans to increase the reconnaissance.

5.3 Illicit Discharge Detection and Elimination Ordinance

The Village's local law to address illicit discharges was adopted in 2011 and is known as Chapter 186 – Storm Sewers. The local law can be accessed via the Village's website and a copy of the local law is included in Appendix E. The Village's local law was modelled after the "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems".

5.4 Illicit Discharge Program and Area of Concern

The IDDE program is overseen by the Village Clerk. As the Village consists of just sixteen (16) miles of roadway, the entire Village is patrolled at least once per week by a

combination of the Village Building Inspector and the Town Police Sector Car to observe for signs of illegal dumping, debris, and illicit connections. The priority is along Sagg Main Street, which receives the heaviest travel under the Village's jurisdiction and is within the contributing area to Sagaponack Pond, the Village's only impaired waterbody and priority area of concern (Refer to Section 2.2 and 2.3).

In a small Village consisting mainly of large residential and agricultural properties with expansive space to handle their own stormwater, sanitary and irrigation system discharges, the primary activities of concern are swimming pool discharge and construction activity discharge. The Village actively monitors upland drain inlets for illicit connections. Efforts to identify and control Construction activity discharge are detailed in Section 6.

The Village makes available safety equipment to personnel performing upland inspections. Should any suspected substance of concern be observed on the roadways or in a drainage feature, Village staff would immediately contact the Bridgehampton Fire Department HAZMAT unit (via 911 call), whose coverage area for spill response includes the entire are of the Incorporated Village of Sagaponack.

The Village Building Inspector is responsible to track down the source of any illicit discharge through the use of field inspections and as-built drainage maps. He would enlist the assistance of the Village Engineering firm, whose staff includes personnel trained in environmental spills and remediation, as necessary.

5.5 Watershed Improvement Strategy - Pathogens

Pursuant to MS4 Permit Part IX.C., identifying and remediating discharges from on-site sanitary systems to Sagaponack Pond is required. This activity does not fall under the jurisdiction of the Village, but rather the Suffolk County Board of Health which regulates and inspects all sanitary systems within the County.

It is noted, however, the Town of Southampton Community Preservation Fund has been actively promoting programs for residents that would allow them to upgrade older septic systems to Innovative/Alternative (I/A) Systems. The work of local non-profits such as the Peconic Land Trust and Cornell Cooperative is also promoting identification and remediation of sites with excess nitrogen seepages into the Pond. The Village plans to continue to publicize these efforts by others.

5.6 Procedures for Illicit Discharge Elimination & Documentation

Should an illicit discharge or illegal connection be located, the Village will immediately notify the offender to cease the activity. Should it be necessary, the Village will issue a notice of violation in writing and pursue additional legal remedies depending on the environmental consequences and the applicable regulations. The Village will conduct follow-up inspections as necessary to ensure the required remedies has been completed.

The Village keeps a record of violations and associated inspections, including any supporting documentation.

5.7 Measurable Goals

The Village has developed the following measurable goals:

- i. The Village Engineer created new maps depicting updated storm sewersheds, drainage inventory and outfalls. The number of drainage features verified and added to these maps will be reported annually.
- ii. Add links to the Village website to connect homeowners with information and funding sources on Innovative/Alternative (IA) septic systems to reduce the possibility of illicit discharge from failing septic systems
- iii. Enter into an agreement with a Consultant and/or Non-profit to perform outfall reconnaissance inventory at least once every five years
- iv. Add public information on identification of illicit discharges to the Village's Website
- v. Add information and a link to an email address to the Village website to encourage public reporting of illicit discharges.

Section 6.0 - Minimum Control Measure 4 - Construction Site Stormwater Runoff Control

Pursuant to Part VII.A.4., the Village has a program to address the pollution of stormwater runoff generated at construction sites.

6.1 Stormwater Management and Erosion & Sediment Control Ordinance

The Village's local law to address stormwater management requirements and control was adopted in 2012 and is known as Chapter 187 – Stormwater Management and Erosion and Sediment Control. The local law can be accessed via the Village's website and a copy of the local law is included in Appendix E.

6.2 SWPPP Review Process

The Village's Clerk and Building Inspector oversee the SWPPP review process. When new planning, zoning and/or building permit applications are received, they are reviewed against the Village's criteria to trigger a local review process. As per the Village's code, a Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted for all construction sites disturbing greater than one (1) acre.

The following procedures are developed in accordance with the MS4 Permit:

- 1) During the Building Permit application process, any sites identified by the Village Clerk and/or Building Inspector to have the potential to disturb one acre or more will be referred to the Village Engineer. The Village Engineer will review the plans for development and determine what type of Stormwater Pollution Prevention Plan (SWPPP) shall be submitted (i.e. with or without Post-Construction Management Controls) and other supporting materials necessary to facilitate review in accordance with MS4 Permit requirements and Village codes.

In the case of SWPPPs requiring Post-Construction Management Controls, the Village Engineer will review to verify if said controls are designed in accordance with the NYSDEC Stormwater Design Manual, and whether they have the potential to discharge into the Village MS4.

Note in most cases, it would be very difficult for applicants to comply with Village codes governing drainage system design and also have this potential discharge. Should this be the case, however, the applicant would be notified that a draft maintenance deed covenant shall be provided to the Village as part of the SWPPP review process.

- 2) Prior to issuance of a Building Permit, the Village Clerk will ensure the most current copy of the SWPPP, draft Notice of Intent (NOI) and related plans are provided to the Village Engineer for review and comment. The Village Engineer will review in accordance with Permit requirements, and provide comments, until such time a complete SWPPP satisfying all requirements has been received.

- 3) Once the Village Engineer is satisfied the SWPPP, NOI and supporting materials are in accordance with the Permit, the Village Engineer will issue a memo to that effect to the Village Clerk, who is also the Authorized Stormwater Contact. At such time, the Clerk will sign the MS4 Acceptance form, provide to the applicant, and advise applicant to file the NOI with NYSDEC.

On occasion, the Village Engineer may discover that the subject site discharges to a MS4 system not under Village jurisdiction. In these cases, after review of the SWPPP, NOI and supporting materials, the Village Clerk and Village Engineer will work with the MS4 receiving the discharge to coordinate MS4 SWPPP acceptance.

- 4) Prior to issuance of the Building Permit, the applicant shall return a complete and DEC-accepted copy of the NOI to the Village. The Village Clerk and/or Village Engineer will review said NOI to ensure it matches the draft copy previously reviewed. Should it not match, appropriate inquiries will take place, and revisions to SWPPP and supporting documents and plans will be requested as necessary to match the DEC-accepted NOI.
- 5) Once the Building Permit is issued, the Village Building Inspector will periodically perform inspections to review stormwater pollution prevention measures are in place for the site. This inspection will include verification that the Qualified SWPPP Inspector is performing and documenting inspections at the required frequency, and that the most recent copy of the SWPPP and Accepted NOI are available on-site.

Should the Village Building Inspector find the site in non-compliance, written notice shall be supplied to the property owner (and/or their designee), and the Village will re-inspect and repeat the notice process until the situation is remedied.

Should the Village Building Inspector discover at any point during construction that site conditions are no longer in accordance with proposed design and accepted SWPPP, the Village shall require the applicant to submit updated materials for review by the Village Engineer.

- 6) Once all disturbed land has been permanently stabilized and the Qualified SWPPP Inspector has completed their final inspection, the applicant shall notify the Village, and the Village Building Inspector shall perform a final site inspection.
- 7) A Notice of Termination (NOT) with all fields completed except the Village's acceptance shall be submitted by the applicant to the Village. Prior to signing, the Village Engineer shall review the NOT, any as-built survey information that may be available, and a copy of final Village SWPPP inspection.

Should the NOT indicate that any Post-Construction Stormwater Management Practices were installed, the Village Engineer shall verify whether or not these have the potential to discharge to the Village's MS4. If they do, the Village Engineer will update the Village's Post-Construction Private Practice Inventory to include them, and that the appropriate covenants governing maintenance required by the Permit have been filed.

After all of the above, the Village Clerk will sign the NOT acceptance and return to applicant. The Building Permit will remain open until the applicant provides documentation to the Village that the NYSDEC has accepted the NOT. A Certificate of Occupancy (C.O.) will only be issued after receipt of said documentation.

The Village maintains an inventory of all active construction sites including the location of the site, owner/operator contact information, and review/construction status.

6.3 SWPPP Construction Site Inspections

The Village's Building Inspector routinely visits all active construction site and ensures that the required SWPPP Inspections are being performed by Qualified Inspector. He completes a form documenting each inspection which is then kept on file at Village Hall. A copy of said form is included in Appendix H. The Village's inspector is trained to understand the State and local sediment and erosion control requirements.

6.4 Education and Training

The Village can provide information to contractors and construction site operators on the SWPPP process upon request. Applicable Village staff periodically receive NYSDEC-endorsed training run by the Suffolk County Soil & Water Conservation District or other NYSDEC endorsed entity.

6.5 Measurable Goals

The Village has developed the following measurable goals:

- i. Continue to publicize SWPPP program requirements
- ii. Continue SWPPP review and oversight of construction sites. The number of SWPPPs reviewed will be reported annually.
- iii. Continue to maintain SWPPP database and track any complaints
- iv. Review and enhance contractor training information
- v. Make contractor training information available for download on Village website; track the amount of paper copies distributed and the number of downloads

Section 7.0 - Minimum Control Measure 5 - Post-Construction Stormwater Management

Pursuant to Part VII.A.5., the Village makes every effort to publicize and enforce land use and development regulations which serve to maintain good water quality conditions after an area has been developed or after construction.

7.1 Village Codes & Enforcement

The Village has passed several codes related to land development and compliance with the MS4 Permit. The most significant of these are Chapter 186 – Storm Sewers and Chapter 187 - Stormwater Management and Erosion and Sediment Control. While the complete Village Code can be accessed and searched via keyword at <https://ecode360.com/SA2797> , Chapters 186 and 187 are included in this SWMP in Appendix E.

Chapter 245, Zoning, contains many strictly defined provisions which apply to all new construction and development, including the adoption of Overlay Districts such as the Tidal Floodplain Overlay District specifically designed to protect water quality. Of note, the Village does have its own wetlands permit program, described in Chapters 225 & 226, which is administered by the Town of Southampton pursuant to the authority of the Village Trustees.

Enforcement of all codes is performed by the Village Building Inspector and the Town Police Sector car, and overseen by the Village Clerk, who is also responsible for MS4 Permit compliance and oversight. All Village staff, and many residents, however, share a strong sense of community pride which extends to protecting their environment. In this very close-knit community, it is difficult to hide potential violations, which results in vigilant code enforcement of the Village codes designed to protect the environment and keep the Village clear of litter, debris, and pollutants of concern.

7.2 Post-Construction Runoff Control

The Village's local law to address stormwater management requirements and control was adopted in 2012 and is known as Chapter 187 – Stormwater Management and Erosion and Sediment Control. The local law can be accessed via the Village's website and a copy of the local law is included in Appendix E. This law establishes the latest version of the NYSDEC Stormwater Design Manual as the technical standard governing stormwater runoff control for all new development.

Strict site development regulations, largely contained within Chapter 245 Zoning, favor the preservation of the Village's rural character and open space, and provide for a minimum of three inches of runoff to be contained on-site. The Village retains a Consulting Engineer to review all site plans for compliance with the technical standards. The Village encourages the public to incorporate principles of *Low Impact Development* (LID), *Better Site Design* (BSD), and other *Green Infrastructure* practices in their projects.

7.3 Watershed Improvement Strategy - Pathogens

Pursuant to Part IX.C.5 of the MS4 Permit, the Village has developed a Retrofit Program for Sagaponack Pond. It is included in Appendix C.

7.4 SWPPP Review Standards

The Village retains a Consulting Engineering firm with significant experience both creating and reviewing SWPPPs that are in conformance with NYS SPDES General Permit for Stormwater Discharges from Construction Activities, and with the design principles and practices contained with the NYSDEC Stormwater Design Manual.

All SWPPPs are reviewed for compliance with the afore-mentioned regulations and guidance.

7.5 Post-Construction Stormwater Inventory & Maintenance

The Village has created, and will maintain in the future, a Post-Construction Stormwater Inventory detailing structures that have been installed that are part of or hydraulically connected to their MS4 infrastructure. This is included in Appendix D.

The Village performs annual inspections of the structures listed on the Post-Construction Stormwater Inventory. These inspections are performed using an inspection form developed by the Village Engineer for compliance with the MS4 Permit, and in consult with the Village Engineer. Additionally, as described throughout this SWMP, most recently in Section 7.1, Village staff and residents regularly observe the condition of drainage inlets on the public roadways. Any conditions requiring remedies are either cleared immediately (in cases of minor litter or debris), or reported to the Town of Southampton Highway Department for professional drain cleaning.

At this time, there are no privately-owned stormwater management practices on the Village's Inventory. Should any new privately-owned practices discharging to the Village's MS4 be constructed under a permit issued by the Village, the Village would require the property owner to file a deed covenant ensuring appropriate long-term maintenance and inspections were performed and documented.

7.6 Measurable Goals

The Village has developed the following measurable goals:

- i. Source existing public information related to Green Infrastructure Design and Low Impact Development and provide to residents via email and the website

- ii. Source and provide information to residents about Best Management Practices for residential landscaping
- iii. Continue to consider drainage upgrades in accordance with the Retrofit Program for Sagaponack Pond
- iv. Continue to update the Post-Construction Stormwater Practice Inventory. The number of practices added will be reported annually.
- v. Continue to inspect Post-Construction Stormwater Practices, and document the inspections. Track the number of inspections. The number of inspections performed will be reported annually.

Section 8.0 - Minimum Control Measure 6 - Pollution Prevention / Good Housekeeping for Municipal Operations

Pursuant to Part VII.A.5.f.i., all covered entities must develop and implement pollution prevention measures for all their facilities and operations. The only physical facility is Village Hall, located at 3175 Montauk Highway. The Village does not own any other property, except for the 16± miles of public roadway that are under its jurisdiction. This Section describes their facilities, operations and good-housekeeping measures in detail.

8.1 Identification of Facilities and Operations

The only physical facility is Village Hall, located at 3175 Montauk Highway. This property is sized .5± acres, and contains one parking lot sized less than a ¼ acre. The Village does not own or store any vehicles. The Village maintains the facility using appropriate best management practices, and does not allow pesticides or herbicides to be utilized on the small lawn area. The Village does not own any other property, except for the 16 miles of public roadway under its jurisdiction.

A description of municipal operations related to the MS4 program are as follows:

1. Street Sweeping, Drain Cleaning and Snow Removal on the 16 miles of Village-owned roadways are provided by the Town of Southampton Highway Department under an IMA that extends all Highway Services provided to Town residents to Village residents. Highway services also include general roadway clean-up, such as removal of deceased animals or other large debris that might obstruct traffic.
2. There are two public right-of-way areas that are extensions of the southern ends of Gibson Lane and Peters Pond Road, which extend several feet beyond the paved road surfaces into the beach area, but terminate at the New York State-owned portions of the Atlantic coastline. Village staff and residents regularly clear litter and debris from these areas, and the Village has signage installed encouraging environmental protection measures.
3. There exist a few culverts within the Village. The Town performs routine maintenance such as pothole repair and vegetation management under the IMA, but any necessary repairs beyond that would be contracted by the Village.
4. No garbage, recycling, or yard waste services are offered by the Village; residents either self-haul to Town of Southampton facilities or contract with a private carter. It is noted that any resident of the Village, is also a resident of the Town, and as such, has full access to the Town's waste management services. An IMA is not necessary to guarantee this access.
5. All parks and recreational facilities located within the Village are owned and operated by either the Town of Southampton or the County of Suffolk
6. The Village provides and maintains a limited number of signs encouraging environmental protection measures
7. The Village sponsors a volunteer committee to assess, care for, and preserve the many old-growth street trees along its public roadways
8. Fire, EMT and HAZMAT services are provided by Bridgehampton Fire District

9. Through an IMA with the Town of Southampton, a patrol car from the Town of Southampton Police Department is on duty within the Village, with dedicated hours varying seasonally. In addition to the enforcement of state and county penal codes, the Police assist with Village code enforcement. An IMA also provides Town assistance of Code Enforcement and Bay Constables.

As is evident from the above list, the potential for Village's operations to discharge stormwater pollutants is limited. The Village takes pride in its clean roadways, which are generally clear of sediment, debris, litter and other pollutants.

8.2 Self-Assessment of Municipal Operations

Village Hall Self-Assessment

Village Hall is the only facility owned by the Village. It is small historic timber structure sited on .5± acres, that also contains a parking lot sized less than a ¼ acre. The Village does not own any vehicles, and no vehicles are stored overnight in the lot except one passenger vehicle supporting the Police Department. The lot typically contains two-four passenger cars at any given time during business hours, Monday through Friday, which would be the only potential source of pollution, other than the small amount of roadway salt and/or sand utilized for winter storm maintenance during the winter or the roof runoff, which is primarily directed towards roof drywells and the landscaped areas. The parking lot is graded such that all stormwater runoff remains on-site and is directed to two leaching basins located within the parking lot. The basins do not discharge to surface waters. The Village has added these two practices to their Post-Construction Stormwater Management Inventory, and they regularly monitor their condition. Inspection records are maintained in accordance with all provisions of the General Permit. Every three years, the Village performs a self-assessment to ensure none of these conditions has changed, and that there are no new potential pollutants of concern generated by the facility.

Village Roadways

The Village has developed a road system, drainage inventory and outfall maps. Maintenance, such as cleaning of catch basins, street sweeping and storm debris removal is handled by the Town of Southampton pursuant to an Inter-Municipal Agreement.

The Village has five (5) outfalls under its jurisdiction, and they regularly perform screenings of the upland inlets leading to them. The Village is largely rural in character, and traffic is very light, consisting primarily of passenger cars, delivery trucks and agricultural equipment. The only roadway within the Village which receives significant commercial traffic with higher potential for pollution is a New York State roadway (Montauk Highway Route 27), which is not under the Village's jurisdiction.

The Village periodically installs new drainage features to reduce stormwater runoff from roadways; typically, about 1-2 features per year. Records of these installations are kept for GIS Mapping updates, as feasible.

It is noted that one right-of-way, Gibson Lane, extends several feet into the Atlantic Ocean beach beyond its paved surface. This beach area is maintained by Town staff and residents, and features Village signage with information about protecting the environment. The Town provides for collection of garbage from trash cans placed in this area.

It is noted that one public roadway within the Village, Peter's Pond Road, is actually under the authority of the Town of Southampton Trustees pursuant to the Dongan Patent.

8.3 Street Sweeping and Drain Cleaning

The Town of Southampton Highway Department maintains the Village's roads and parking lot, pursuant to an Inter-Municipal Agreement. The Town of Southampton itself is a regulated MS4, and performs services for all Town residents in accordance with recognized highway management practices and all applicable regulations.

The Town of Southampton keeps records of drain cleaning and supplies copies of the records to the Village upon request. The Town has one vacuum truck and three street sweepers within their fleet which are utilized for routine maintenance and to respond to complaints.

8.4 Employee Training

The Village Building Inspector is trained in all aspects of NYS Building Code Enforcement and periodically undergoes training and/or continuing education for topics related to Stormwater Management and NYS Construction Activity guidelines.

Both the Village Clerk (Duly Authorized Representative and Local Stormwater Public Contact) and the Village Building Inspector (Stormwater Management Program (SWMP) Coordinator) periodically undergo the NYSDEC 4_hour Erosion & Sediment Control Training Course. On an annual basis, the Village Clerk receives good housekeeping and best management practice training. The Village maintains records regarding employee training.

8.5 Pathogen-Impaired Watershed Improvement Strategy Area

As the Village of Sagaponack contains a part of Sagaponack Pond, which has been identified as a Pathogen Impaired Watershed Improvement Strategy Area in Appendix C of the MS4 Permit, additional good housekeeping and best management practices concerning pet waste and goose populations are required. Following please find the measures the Village is undertaking to comply with Part IX.C.6. of the MS4 Permit.

1) Part IX.C.6.a. The Village currently has in force Chapter 52, “Dogs and Other Animals”, which prohibits any pet owner from allowing their domestic animal to generate “long or frequent noise or odor, dust or other environmental nuisance” or to generate pet waste on any other premises except for the pet owner. Signage at Gibson Lane Beach, the only open space under their control, reminds pet owners to clean up after themselves.

Additionally, the County of Suffolk, in which the Village is situated, has passed a law prohibiting the feeding of any wild animal and/or bird species, which specifically identifies Canadian Geese as a species of concern. This law supersedes, and is far more wide-reaching than any law a Village consisting of only 4.4 square miles could pass. The Suffolk County Department of Health Services (SCDHS) is responsible of enforcement. A copy of this law is included in Appendix C.

2) Part IX.C.6.b. There is only one public space with one public garbage can within the Village, which is the only location where a pet waste bag station would have the potential to provide an environmental benefit. A pet bag station is installed at this location, at the south end of Gibson Lane.

3) Part IX.C.6.c. The Village has neither the technical resources, nor occupies enough public land, to enact on its own a program to manage wild Canadian geese populations. They do not have control over any public space where mating or roosting occurs. The Village does, however, support the efforts of the Gbler Laboratory and Cornell Cooperative Extension in their completion of an Aquatic Habitat Restoration Plan, which is included in Appendix C. A goal of this plan is to specifically identify and prioritize the sources of all of the pathogens entering Sagg Pond, and develop and fund future measures to reduce pathogen generation and transport.

There are also state-wide population management efforts which are led by the NYSDEC and coordinated by the Invasive Species Council, whose membership consists of representatives from NYSDEC, NYS Agriculture and Markets, and other agency stakeholders.

8.6 Measurable Goals

The Village has developed the following measurable goals for this MCM. The Village will periodically assess the measurable goals and will update/revise the SWMP to reflect any changes/updates so as to better document the success of this program.

- i. Maintain a list identifying municipal operations and facilities that the Village is responsible for. Update if necessary. The number of operations and facilities will be reported annually. The roadway system of sixteen miles will be reported as one (1) facility. The drainage system of over 260 features will be reported as one (1) facility.
- ii. Perform and record self-assessments of all the facilities identified above (once every 3 years)

- iii. Continue inter-municipal agreements of roadway and drainage system maintenance
- iv. Consider measures pursuant to MS4 Permit Part IX.C.6. which help reduce wildlife and pet waste from entering the Sagg Pond Watershed. Much of this would have to be done in partnerships with organizations such as Cornell Cooperative Extension or various agencies of the County of Suffolk or New York State
- v. Continue to train any staff that will be performing any duties relating to MS4 permit compliance

Section 9.0 - Annual Assessment

Each year, The Village will conduct an evaluation of its program compliance and progress towards measurable goals. Progress will be reported via the NYSDEC annual report form for the reporting period which runs from March 10th to March 9th of each year. The annual report will be submitted to the NYSEDC by June 1 of each reporting period and will document achievements of the program and progress towards measurable goals.

APPENDIX A

The 2007 Village of Sagaponack Comprehensive Plan

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The 2007 Village of Sagaponack Comprehensive Plan

Introduction

Whereas land use in Sagaponack has been guided for the past 50 years by zoning provisions and comprehensive plan documents of the Town of Southampton, this is the first Comprehensive Plan for the Village of Sagaponack, incorporated in September 2005. The Village of Sagaponack Zoning Commission, with guidance from their Planning Consultant, based this Plan largely on a distillation of the extensive planning and zoning studies already prepared by Southampton Town as they apply to Sagaponack. Minor modifications have been made reflecting the needs and desires of Sagaponack residents expressed throughout the development of this Plan and previously made by the Sagaponack Citizens Advisory Committee during the development of Southampton's 1999 Comprehensive Plan and updates.

This Plan will provide a guide for land use development in the Village of Sagaponack for future years. Planning is a continuous process and all planning documents are subject to periodic review and revisions. Accordingly, it is anticipated that this Village of Sagaponack Comprehensive Plan will be amended as needed over the next 10 to 15 years after which time a complete review will be considered.

1. Overview

Though the Village of Sagaponack was not incorporated until September, 2005, the hamlet of Sagaponack was one of the earliest colonial settlements in America and has a 350-year history as a quiet rural community, characterized by its rich agricultural soils, the beauty of its landscapes and ocean beaches, and its quaint Main Street.

From its establishment as a separate territorial entity in 1653 until its incorporation as a village in 2005, Sagaponack, whose name derives from the Algonkian Indian description for "the place where the big ground nuts grow," was the easternmost hamlet of Southampton Town. Sagaponack's first houses and farms date from 1656 and, perhaps more than any other hamlet in Southampton town, agriculture has traditionally been its defining characteristic.

Many of Sagaponack's regular inhabitants have names echoing the settler families of the Seventeenth Century. Most of its 16 miles of roads were laid out and named before 1695. And, despite the changes wrought in the past 30 years by its emergence as a highly desirable residential community, Sagaponack has been

able to maintain much of its historic agricultural character and most of its rural architectural heritage.

Unlike other settlements in Southampton Town, Sagaponack never developed into a commercial center or hub. Sag Harbor, originally called the Port of Sagg was Sagaponack's commercial link to the rest of colonial America and England and, in the Nineteenth Century, developed into the area's most prosperous business center. Southampton Village served as the seat of government for Sagaponack and all of Southampton Town. Neighboring Bridgehampton, named for the bridge that linked it to Sagaponack, became its closest local business, cultural and religious center.

In 2006, of the 942 separate parcels that comprise Sagaponack only 9 were used for non-agricultural commercial purposes. Of these, all but one were dispersed along Montauk Highway, the original east-west path through Sagaponack. The lone exception was the Sagaponack General Store/Post Office building on Sagg Main Street, in the heart of the Sagaponack Historic District, a mile south of Montauk Highway. If there is a Village center in Sagaponack, it is this building, which dates from 1880, flanked by a 1670 burial ground a half-mile to the South on Sagg Main Street and the Sagaponack "One-Room School House," actually two rooms, a quarter-mile to the North.

Aside from its gradual evolution from an economy based on multi-crop farming, fishing and whaling to one dominated by larger-scale potato and cauliflower farming, Sagaponack changed little in its first 250 years and experienced only modest population growth. The opening of railroad service from New York City to the South Fork of Long Island in 1870 was the stimulus for a significant increase in summer visitors to all of the beachfront communities of Eastern Long Island. So-called "Estate Sections" for summer second-home owners were created in the Villages of Southampton and East Hampton, and to a lesser extent in the hamlets of Bridgehampton and Water Mill. Sagaponack's first high-profile seasonal second homes were built in 1898 and 1899. Unlike other Hamptons communities, however, Sagaponack remained only minimally impacted by second-home residential development until the mid-1970s and its magnificent agricultural landscape with rows of potatoes stretching a mile or more to the ocean, remained largely intact.

It was not until the 1980s that a wave of second-home residential development began to wash over Sagaponack, particularly its eastern portion, with a significant loss of farmland south of Montauk Highway. Changes in Southampton Town zoning, particularly an "upzoning" in 1984 and a more strict policy of clustering residential lots to preserve open space, helped check the subdivision sprawl. But the pace of second-home construction, as well as estate

taxes that forced farm families to sell off their increasingly valuable farmland has been steadily eroding the character of Sagaponack. In the entire Village today, there are only 16 parcels of more than 10 acres that can still be subdivided for residential development. Most are key farm tracts with vistas vital to maintaining what is left of the village's agricultural and rural character.

Fortunately, in the past decade, the growth in the number of second-homes has been accompanied by a substantial increase in preserved open space and land restricted to agricultural use. Some of this open space has resulted from zoning code changes requiring clustering building lots in new subdivisions to preserve farmland. Most, however, is the result of intervention from public and private sources. Real estate transfer taxes and other earmarked revenues have enabled Southampton Town and Suffolk County to purchase development rights from landowners and to acquire property for parks, recreational uses and open space. The Peconic Land Trust has preserved a number of key farm and scenic tracts through donations of development rights and acquisitions. Today, more than 575 acres in Sagaponack, comprising about 20 percent of the Village, has been permanently removed from possible residential development.

Nevertheless, if all currently vacant lots and agricultural parcels in Sagaponack were developed to the maximum permitted under existing zoning, the number of houses in Sagaponack could increase by more than 350, resulting in a 50 percent increase over the current number of 695 dwelling units in the Village.

Many Sagaponack residents express concern about the impact of "build out" in the Village, seeing it as an irreversible suburbanization that will destroy the remaining charm and character that has made Sagaponack so special to its long-time residents and attracted most of its newer ones.

As in other historic communities on the East End, Sagaponack residents are disturbed not only by the number of houses being built but by the trend toward larger houses that are out of scale with and dominate neighboring residences. For most of its history, Sagaponack was characterized by small houses on large lots. This was particularly true in Sagaponack's historic district, which has been recognized in the National Register of Historic Places. (Map 1 depicts boundary and Appendix 1 contains an inventory and description of the houses in the Sagaponack Historic District as listed on the State and National Register of Historic Places)

Despite all the new residential construction that has occurred in Sagaponack since the 1970s, most of its historically significant buildings have been spared. In neighboring communities, however, more and more of these smaller, older houses are being razed and replaced with massive houses of 10,000

square feet. If this were to occur in Sagaponack's historic residential areas, particularly along Sagg Main Street, it would dramatically change the overall appeal and character of the Village.

Off Sagg Main Street, on the back roads and even along Montauk Highway, the remaining unprotected farms create scenic corridors with extensive vistas that are a vital part of the village's agricultural heritage. When these parcels are subdivided, the placement of the permitted building lots and the location of the required agricultural/open space also will have a major impact on whether or not Sagaponack can retain its unique character.

Another major concern of Sagaponack residents is traffic, particularly in the summer, as the Village's east-west country roads are used to bypass congestion on Montauk Highway. In addition to having to accommodate South Fork inter-village traffic, Sagaponack's back roads are being regularly used by commercial traffic from outside the area that services communities further east and by speeders shuttling to and from East Hampton Town.

Owners of the 53 privately-owned oceanfront properties in Sagaponack have special concerns. They blame long-standing groins in East Hampton east of the village for contributing to the persistent erosion of the beach and dunes in front of their houses and have sued Suffolk County to remove the groins. In the meantime, they have been in favor of beach replenishment, allowing installation of protective devices along the shoreline and relief from setback requirements if they have to move structures away from the encroaching ocean.

Despite residents' widely-shared concerns about over-development and threats to Sagaponack's agricultural and historic heritage, the successful two-year campaign to incorporate Sagaponack as a village was motivated not by a desire for change but by a desire to maintain the status quo whenever possible. Oceanfront property owners in Sagaponack, Bridgehampton and Water Mill were attempting to establish a new village that would have severed the shorefront from these communities. To keep Sagaponack's traditional territory intact, its residents mounted a successful legal challenge to this threat and preempted any future secession effort by incorporating the Village within boundaries that closely corresponded to the Sagaponack School District.

During the campaign for incorporation, proponents made clear at public meetings and in their village-wide door-to-door canvass for signers of the incorporation petition that they wanted to retain the Town's land use strategies and policies. The first elected Village Mayor and members of the Board of Trustees ran on a platform of cooperating with Southampton Town to maintain as much of the existing regulations and conditions as possible.

New York State law mandates that the new Village adopt its own zoning code by September 27, 2007.

2. The Evolution of the Town of Southampton's Zoning Code

Southampton Town adopted its first zoning code for all the unincorporated areas of the town, including Sagaponack, in 1957. The code was patterned on zoning codes adopted elsewhere on Long Island in an effort to create standard lot sizes in specific zoning districts and to regulate uses within each district. Its primary intent was to rationalize development in the faster growing areas of the Town.

In the late 1960s, however, as suburban growth swallowed up formerly rural areas in Nassau and western Suffolk Counties, Southampton Town residents began to pressure town officials to adopt a zoning code that would do more to control development and preserve the Town's agricultural areas and historic resources. Part of the impetus for this pressure was the increasing importance to the East End's economy of second home development and the accompanying seasonal resort business. It was felt that overdevelopment, suburbanization, and the resulting adverse impact on the fragile East End environment would adversely affect the area's character and attractions.

The Southampton Town Master Plan of 1970 and the zoning ordinance that followed in 1974 were based on extensive hydrological studies that concluded that the fragile fresh groundwater reservoir beneath Southampton Town could only support a population of 91,500. The zoning districts established in the 1974 ordinance were designed to implement that finding, lowering the potential density throughout the Town by upzoning land in the moraine woodlands that fed the Town's underground water supply and in still largely-undeveloped agricultural areas like Sagaponack. In an effort to preserve agricultural lands, the ordinance also introduced the concept of "clustering" the allowable number of building lots in a subdivision in a portion of the property, leaving the remainder as protected open space.

Though the 1974 upzoning reduced the potential residential density of Southampton Town, it did nothing to diminish the pace of development. In Sagaponack during that period, large tracts of farmland were transformed into typical suburban subdivisions surrounding new cul-de-sac streets with names intended to evoke the farms and vistas they replaced. More houses, mostly second homes, were erected in these subdivisions than the total built in the previous 300 years.

In 1983, ten years after the final data had been collected for the 1974 zoning ordinance, Southampton Town commissioned new studies to evaluate the impact of the increasingly rapid growth on the environment and the quality of life. The studies showed that despite the 1974 attempt to reduce density, the past decade of growth and new projections based on the then current zoning could generate a population well in excess of the 91,500 limit recommended in 1970. The result was an update to the 1970 Master Plan and another town-wide rezoning aimed specifically at “establishing an optimum balance between population and water supply.” The studies projected that Southampton Town was heading for a “saturation population” of 113,000, with the number of dwelling units more than doubling and exceeding by 5,300 the maximum allowable on the basis of fresh water resources. All the zoning districts in Sagaponack at the time were identified as those that could best be used to achieve the desired reduction in density. An additional rationale for the rezoning, according to the planning consultant who recommended the measures, was “to realize that the future of the Town, and the whole East End, for that matter, depends on its ability to maintain a rural, open and low density character,” which he called “far more important than the derivation of a maximum number of dwellings by a mathematical formula” to limit population.

The resulting zoning amendments and dimensional residential districts adopted in 1984 still exist in Sagaponack today. Most of Sagaponack south of Montauk Highway was upzoned for new subdivisions from a minimum lot size of one-and-a-half acres to three-acres. Along with the reduction in density, the hope was that by increasing the size of potential lots in “clustered” subdivisions developers would find that option more attractive. In those areas of Sagaponack where higher density continued to be permitted, the two-acre zone southwest of the highway and the one-acre zone in Sagaponack’s northwest corner, the determination was that existing development had already shaped the character of each area.

In 1996, Southampton Town began a project to update the 1970 Master Plan with a new Comprehensive Plan called “Southampton Tomorrow.” The goal was to enhance the 1970 plan in the areas of natural resources, historic resources, scenic resources, greenways and open space, affordable housing, community facilities, economic sectors, agriculture, fisheries, hamlet business areas and transportation. The project began with an assessment of how residents of the various hamlets, including Sagaponack, viewed current land use policies and where they thought the existing zoning and planning policies and regulations could be improved in the light of current trends and developments. It included questionnaires, focus groups, regular meetings with the Citizens Advisory Committees in each of the Town’s 13 hamlets, and input from environmental protection advocates, farmers, business organizations, and other community

groups. The Sagaponack community was represented by its Citizens Advisory Committee, as well as individual residents involved in the other participating groups and organizations.

The three-year process culminated in March, 1999 with the adoption of a 472-page Southampton Town Comprehensive Plan and Implementation Strategies. It is a remarkable document in its scope and identification of key land use issues confronting Southampton Town residents, as well as its analysis of trends impacting the Town's future. For the new Village of Sagaponack, the sections on agriculture, greenways and open space, scenic resources and historic resources are especially relevant. Although many of the recommendations in those sections have not been fully implemented, they accurately reflect the vision that most Sagaponack residents have for their community and represent agenda items that Village officials should consider for future action.

3. The Village of Sagaponack Today

(1) The Land

Sagaponack is bounded on the north by the Long Island Railroad tracks, on the east by Town Line Road, which is the demarcation between the Town of Southampton and the Town of East Hampton, on the south by the Atlantic Ocean and on the west by a line running through the center of Sagaponack Pond north through the Sagg Swamp Nature Preserve to Poxabogue and Little Poxabogue Ponds. The village comprises a total of 4.56 square miles or 2,977.08 acres.

a) Natural Characteristics

The 1999 Southampton Tomorrow Comprehensive Plan includes an extensive description, as well as maps and appendices, of the land, soil types, topography, geology, hydrology, flora and fauna and scenic and historic resources of what is now the Village of Sagaponack. Since 1999, Southampton Town has completed other studies resulting in new zoning regulations and subdivision procedures affecting Sagaponack, including Agricultural Planned Development Districts (AgPDDs) and Conservation Opportunities Subdivisions. The 1999 Southampton Town Comprehensive Plan and update studies prepared through the year 2006 are integral components of the overall package of material comprising the Village of Sagaponack's Comprehensive Plan.

A brief summary of the natural characteristics of Sagaponack follows. Sagaponack is part of the South Fork of Long Island, which was largely shaped by the advance and retreat of the Wisconsin glacier, approximately 15,000 to 60,000 years ago. Located south of the Ronkonkoma Terminal Moraine, the terminus of

the glacier, Sagaponack consists of generally flat land comprised of well-sorted materials derived from the glacial out wash plain. There are a few areas of steep slopes, generally corresponding to the dunelands adjacent to the ocean beaches. The dunes and beaches formed from oceanic wind and wave action date from a more recent geologic time period than the rest of Sagaponack.

The soil types generally reflect the geology with the glacial alluvial evolution giving rise to the Bridgehampton Haven Association. Generally characterized as deep, well-drained soils having a good moisture capacity, this association is classified as Class 1 and Class 2 Prime Agricultural Soils by the USDA Soil Conservation Service, the best agricultural land in New York State, and has historically been used for farming. The soils overlying the narrow strip of land adjacent to the ocean is part of the Dune land-Tidal marsh-Beaches Soils Association and are generally comprised of wind and wave deposited sand.

All of Long Island is a sole source aquifer, a federal designation which signifies that the drinking water is derived from subsurface water bearing strata or aquifers. There are three major freshwater aquifers on Long Island configured in layers overlying the bedrock. On the South Fork and Sagaponack only the Upper Glacial Aquifer and parts of the Magothy contain fresh water.

The Long Island 208 Plan and the Suffolk County Department of Health Services (SCDHS) have designated Hydrogeologic Zones corresponding to land areas which contribute to either deep water or shallow flow aquifer recharge. Deep water recharge areas transmit water in a vertical (downward) direction and recharge both the Magothy and the Upper Glacial Aquifers whereas the shallow flow aquifer areas have a large horizontal component with the water discharging to marine and surface waters. SCDHS have promulgated more stringent land use regulations for deepwater recharge areas compared to shallow flow aquifer areas. Sagaponack is divided into two hydrogeologic zones: Zone V, a deep water recharge area generally corresponding to the northern half of the Village and Zone IV, a shallow water recharge area generally corresponding to the southern half extending to the ocean. While there is no Special Groundwater Protection Areas (SGPA) within Sagaponack, the South Fork SGPA lies just to the north of the northern boundary. Depth to the groundwater table ranges from 55 feet to 0 where the water table is exposed.

The largest concentrations of threatened plant and animal life on Long Island have been found within coastal plain ponds, including within the Long Pond Greenbelt System. Comprised of an interlinking system of ponds and wetlands, the portion of the Long Pond Greenbelt system within the Village of Sagaponack is approximately 3.3 miles long and 270 acres in size. From north to

south, this system includes Little Poxabogue Pond, Poxabogue Pond, Sagg Swamp and Sagaponack Pond.

The Long Pond Greenbelt and the approximately 25 acre area known as Sagaponack Inlet, located at the southern end of Sagaponack Pond have been designated as New York state Significant Fish and Wildlife Habitat Areas.

There are 2.6 linear miles of ocean beaches flanked by a discontinuous row of dunes forming the southern border of the Village of Sagaponack. Sagaponack Pond has been designated and mapped as an undeveloped beach unit pursuant to the Coastal Barrier Resources Act.

b) The Built Environment: Land Use, Zoning and Land Use Programs and Buildout

Residential land use comprises 45% and agriculture 32 % of the total area within the Village. Appendix 2 contains tables from the Southampton Town General Information Services (GIS) database regarding all aspects of Sagaponack land use as of November, 2006 and a land use map is provided as Map 2. The number of parcels, acreage and percentage of total land area of each land use is summarized in Figure 1 (Note: 7 parcels totaling 11.87 acres are listed as commercial use, however, field work conducted in 2006 reveals there are actually 9 parcels totaling 15 acres in commercial use as described in Appendix 3).

Figure 1: The Village of Sagaponack Land Use (Source: Southampton GIS)

| Land Use Category | # of Parcels | Acres | % of Total |
|---------------------------|---------------------|-----------------|-------------------|
| Agriculture | 138 | 926.78 | 32.75 |
| Commercial | 7 | 11.87 | 0.53 |
| Residential | 641 | 1,278.54 | 45.25 |
| Institutional | 1 | 1.00 | 0.04 |
| Recreation and Open Space | 16 | 125.71 | 4.45 |
| Surface Waters | 6 | 168.50 | 5.97 |
| Transportation | 19 | 16.32 | 0.58 |
| Vacant | 114 | 294.61 | 10.43 |
| Total | 942 | 2,823.33 | 100.00 |

As described in the Overview, Sagaponack’s farmland has been under intense residential development pressure, especially since the 1980s. The economic, social and aesthetic benefits realized by preserving this farmland, well documented in numerous Town and County studies, have inspired a variety of governmental and private programs. Southampton Town and Suffolk County have acted to protect agricultural land in the Village through their Purchase of

Development Rights Programs. Southampton Town subdivision regulations require a set aside percentage of agricultural land in all residential subdivisions of farmland. Private donations and acquisitions by land trusts have also protected farmland within the Village.

These techniques have added a significant amount of permanently protected land to the amount of open space in the Village. While Figure 1 lists 125 acres of land classified as recreation and open space, 81 parcels totaling approximately 575 acres have been permanently preserved including farmland. The breakdown of these 575 preserved acres, representing 20 percent of the village’s land area, is shown in Figure 2 and depicted in Map 3:

Figure 2: Preserved Agricultural Lands and Open Space

| Type of Preservation or Preserved Land | # of Parcels | Acres |
|--|---------------------|--------------|
| Town & County Purchase of Development Rights Land | 15 | 134.6 |
| Agricultural Reserve Areas (from clustered subdivisions) | 17 | 230.3 |
| Peconic Land Trust (fee title or easement) | 11 | 54.7 |
| The Nature Conservancy (fee title) | 5 | 53.6 |
| Town & County Recreation and Open Space (fee title) | 12 | 43.5 |
| South Fork Land Foundation (fee title) | 19 | 28.4 |
| Cemeteries | 2 | 2.3 |
| Total | 81 | 547.4 |

There are 73 parcels of land comprising 670.1 acres of land enrolled in the New York State Agricultural District #5 within Sagaponack, depicted on Map 4. Some, but not all of this acreage have been permanently preserved and almost all of this land is contained within the Southampton Town Agricultural Overlay District. Enrollment in the NYS Agricultural District is neither a local zoning district nor a permanent land preservation technique. Land enrolled within a NYS Agricultural District is afforded numerous benefits, primarily local property tax reduction. By enrolling in a NYS Agricultural District, farmland owners can obtain reduced property taxes for an eight year period of time, in exchange for pledging not to develop the land for the same time period.

Current zoning in Sagaponack is exclusively for comparatively large-lot residential use. There are four residential districts based on minimum lot size: R-120 (120,000 square-foot lots), R-80 and CR-80 (80,000 square-foot lots), and CR-40 (40,000 square-foot lots). Two parcels, parkland owned by Suffolk County and a Southampton Town-owned beach parking lot, are zoned Open Space Conservation (OSC). In addition, there are two parcels designated as Agricultural Planned Development Districts, a floating zone that permits the sale of development rights on active farm tracts to Southampton Town during an initial

10-year period. The Southampton Town Zoning Map for The Village of Sagaponack is attached as Map 3 and Appendix 2 (B) provides a breakdown of the number of parcels and acreage in each zoning district.

The clearing, coverage and animal husbandry use requirements originally distinguishing the “CR” residential districts located on the north side of Montauk Highway from the “R” residential districts located south of Montauk Highway have diminished over time. Figure 3 depicts the number of parcels and acreage within each zoning district after consolidating into one zone the “CR” and “R” residential districts having the same minimum lot area requirements.

Figure 3: Parcels and Acreage by Zoning District (consolidating the CR and R Residence Districts)

| Zoning District Description | No. of Parcels | Total Acres |
|---|-----------------------|--------------------|
| Residence 40,000 minimum (R-40) | 58 | 118.18 |
| Residence 80,000 minimum (R-80) | 172 | 543.20 |
| Residence 120,000 minimum (R-120) | 701 | 1905.70 |
| One Potato Agricultural Planned Development District (OPAgPDD) | 1 | 33.90 |
| Two Potato Agricultural Planned Development District (TPAg PDD) | 1 | 16.10 |
| Open Space Conservation (OSC) | 2 | 42.55 |
| All Districts | 935* | 2659.63* |

*7 of the 942 parcels of land within the Village of Sagaponack are underwater lands or LIRR tracks comprising 163.70 acres, not included on this zoning chart summary.

The Southampton Town Zoning Ordinance also has two floating affordable housing zones for Sagaponack, which allow housing at higher density. Neither of these options has been used in Sagaponack, however, because the high land values in the Village do not make them economically viable for a developer. The town-wide zoning update in 1984, which was designed to achieve the twin goals of more affordable housing and reduced overall density, specifically identified rural Sagaponack as a reduced density area compared to more intensively developed hamlets, where higher density affordable housing would be more appropriate and feasible.

As already mentioned, in an effort to preserve as much additional farmland or open space as possible, Southampton Town’s subdivision regulations provide

for clustering of residential development in all of Sagaponack's zoning districts, recommending 35 percent preserved land in the one-acre district, 50 percent in the two-acre districts, and 65 percent in the three-acre districts. In addition, approximately 90% of the Village is included in the Southampton Town Agricultural Overlay District, where current Town zoning regulations encourage subdivision of parcels of 10 acres or more to be clustered to achieve 80% preservation of farmland and/or open space and to reduce density.

Currently in Sagaponack, of the 942 total parcels of land only 28 could realistically be considered capable of subdivision under existing zoning regulations. Of these parcels, 15 are in the Agricultural Overlay District, representing a total of 474 acres. The remaining 13 total 96 acres.

Under the existing clustering provisions, depending on whether or not the 80 percent preservation option is employed, between 350 acres and 408 acres of additional land reserved for agriculture or open space could be obtained if Sagaponack is developed to its maximum potential. Added to the current total of 575 preserved acres, this would raise the amount of protected farmland/open space in Sagaponack to between 925 and 983 acres, more than 30 percent of the total Village land area. At a Village Board meeting on May 8, 2006, The Group for The South Fork, an environmental advocacy organization, presented a report recommending that the Village commit to 80 percent preservation in future subdivisions of large farm tracts in the village.

Of the 15 parcels of 10 acres or more in the Village Agricultural Overlay District that would be affected, two are in Southampton Town's Agriculture Planned Development Districts (Ag PDDs), two are in the subdivision process and one, a 64 acre tract on the southwest corner of Daniels Lane and Peters Pond Lane, has been extensively developed in single-family residential use.

Appendix 4 is a table of the 28 remaining parcels capable of subdivision, and their acreage, in each of the four existing residential zoning districts, with estimates of the number of lots and the amount of protected farmland/open space that could be obtained under existing zoning regulations.

The table shows that 169 additional home sites could be subdivided from these 28 parcels, increasing the total of developable parcels in the Village of Sagaponack from 185 to 354. With the current GIS inventory of 695 residential structures in the Village, this would mean that full development under existing zoning, or "build out," would result in a total of 1,049 dwelling units, an increase of about 50 percent. Appendix 5 shows the projections of maximum developable parcels and dwelling units under "build out."

Included in the total acreage of the Village are 168.5 acres of surface waters on 6 parcels, including Sagaponack Pond, Poxabogue Pond, Little Poxabogue Pond, and Fairfield Pond. Several smaller ponds and some protected wetland areas exist on privately owned properties. Conservation policies for and regulations governing the use of ponds and wetlands in Sagaponack have been formulated and administered by the New York State Department of Environmental Conservation and the Southampton Town Trustees, and land use on private property adjacent to or incorporating wetlands has been under the jurisdiction of the Southampton Town Conservation Board. It is the intention of the Village of Sagaponack to maintain and adhere to the policies and Town code provisions regulating wetlands in the Village and to continue to utilize the administrative services of the Town's Conservation Board.

Of the Village's 56 Atlantic oceanfront parcels spanning 2.6 linear miles, 53 are privately owned. Southampton Town owns two and the Peconic Land Trust owns one. The Southampton Town Trustees have an easement from the crest of the dunes to the mean high water mark and, together with the New York State Department of Environmental Conservation, have jurisdiction to regulate any encroachment on or alteration of this beachfront area. Legislation and provisions to administer the New York State Coastal Erosion Hazard Area Act are currently administered by Southampton Town. The Village of Sagaponack will either pursue an inter-municipal agreement with Southampton for continued administration of this law or make other arrangements to assure continued compliance with the New York State Coastal Erosion Hazard Act. After the incorporation of the Village of Sagaponack, oceanfront property owners rejected the option of remaining in a special Coastal Erosion Tax District created by and administered by Southampton Town to fund a beach nourishment and replenishment program.

(2) The People

As in many of the East End hamlets and villages, with their high percentage of second homes and seasonal vacation homes, population numbers in the Village of Sagaponack are difficult to derive. The 2000 Census reported 349 year-round people living within the Sagaponack School District, an area which comprises all but 44 properties within the eastern portion of the subsequently incorporated Village. This population was based on a finding of 156 occupied houses, with an average household size of 2.24 and a total number of 572 housing units. The Long Island Power Authority, the other primary source for population data, reported a year-round population figure of 398 for the Village of Sagaponack in 2006, derived by increasing the 2000 Census figures to reflect the growth in the number of electrical meters and usage. However, differentiating between year

round and seasonal population based on electrical usage in a second-home community like Sagaponack is not always accurate.

The 572 housing units reported by the Census and used for the later LIPA estimates are lower than the Southampton Town tax assessment records for the number of residential structures. The total also is lower than the number of dwellings recorded in the door-to-door canvas conducted in 2005 prior to the incorporation of Sagaponack. That canvas determined that Sagaponack comprised 548 “regular inhabitants” occupying 301 residences, including 99 children under the age of 18. A regular inhabitant was defined as an adult who declared the residence as his/her domicile, was registered to vote there or not registered to vote anywhere, and the children of that adult. All of these “regular inhabitants” were assumed to spend at least part of the week in those residences most of the year. In some cases, the spouse of the “regular inhabitant” was registered to vote elsewhere and was not included in that category.

The number of “regular inhabitants” divided by the number of their residences gives an occupancy factor of 1.82, which is lower than the 2.2 factor used by Southampton Town in its 1999 Comprehensive Plan and the 2000 Census figure. This may be explained by (a) spouses registered to vote elsewhere who were not counted and (b) a larger population of one person household retirees among the Village’s “regular inhabitants” than counted by the census.

An analysis of 2006 Village data in the Southampton Town General Information System shows a total of 695 residential structures a figure significantly larger than the 572 reported in the 2000 Census, even as projected to increase over the 5 year time period. Only seven of the 695 residences were classified as seasonal. When the total of 301 residences occupied by “regular inhabitants” is deducted from this total, it would mean that 394 residences are second homes, of which 387 can be occupied year round. Many of these residences are very large, with 80 classified by the Town Assessor’s office as “Exceptional” due to their size. If it is assumed that these secondary homes, when occupied on weekends, would average at least two people per household, the additional population of 774 when added to the 548 “regular inhabitants” would amount to an estimated total Village population of 1,322 for at least part of each week during much of the year.

Peak population during the so called “summer season” from May to October is significantly higher. Statistical evidence from household surveys in the gathering of data for Village incorporation indicated that during the summer season a population factor of 2.7 should be applied to the homes of regular inhabitants, an increase of .9, and a factor of 4 applied to second homes, an increase of 2, reflecting the presence of visiting family members and other guests.

Thus the number of people living in the homes of regular inhabitants would increase to 813 and in secondary homes to 1576. Over holiday weekends in the summer, the total population of Sagaponack could approach 3000. The following table (Figure 4) illustrates the population estimates:

Figure 4: Year Round & Seasonal Population & Residences

YEAR ROUND POPULATION

| Regular Inhabitants | Secondary Home Inhabitants | Total |
|---------------------|----------------------------|-------|
| 548 | 774 | 1322 |

NO. of RESIDENTIAL UNITS and PEOPLE PER UNIT- year round

| | | |
|----------------------------------|-----|----------------------|
| Year-round residences | 301 | x 1.82 per household |
| Second Homes occupied year-round | 387 | x 2.0 per household |

PEAK SEASON POPULATION

| Regular Inhabitants | Secondary Home Inhabitants | Total |
|---------------------|----------------------------|-------|
| 813 | 1576 | 2389 |

NO. of RESIDENTIAL UNITS and PEOPLE PER UNIT – peak season

| | | |
|------------------------|-----|---------------------|
| Year-round residences | 301 | x 2.7 per household |
| Second Home residences | 394 | x 4.0 per household |

These seasonal population increases are in line with those in a 1994 study cited in the Town’s 1999 Comprehensive Plan.

The vast majority of Sagaponack residences are owner occupied. There are only a handful of year-round rental properties available at any given time. (The 2000 Census listed 21 renter occupied year round housing units). More common are seasonal rentals for a month or more. Except for one motel in the village, there are no accommodations for transients.

As in most of the East End communities, there is a continuing trend toward a smaller year-round, locally-employed population and a growing second-home population. This trend is especially evident in the number of students in the Sagaponack School District. The school population swelled in the 1970s and 1980s when many younger families moved to the area. The trend began to reverse in the 1990s, and the decline in recent years has been significant.

The decline in the year-round population, particularly of families with younger children, is hardly surprising given the cost of a house or building lot in Sagaponack, where the median home sale price was \$3.2 million in 2005,

according to the New York Times (11/26/2006). Virtually all new housing in the Village has been designed for affluent second-home owners. As a result, it is safe to say that most of the newer second-home owners are among the wealthiest Americans.

During the past 20 years, two other demographic trends have emerged. More second homes are being used as retirement homes by their owners. And more second-home owners are spending more time working out of those homes and telecommuting electronically. Many of these homeowners are included in the count of “regular inhabitants.”

Residents of the Village are very well educated. According to the 2000 Census, only 3% of the adult population had not graduated from high school, 40% had graduated from college and almost half of the college graduates had gone on to obtain a graduate or professional degree.

(3) The Economy

The 1999 Southampton Tomorrow Comprehensive Plan states that Southampton Town’s status as one of the premier second-home destinations in the region is its “primary economic development engine.” It notes that second-home residents are the largest component of the South Fork’s seasonal population and “the most significant force in the local economy.” This is especially true in Sagaponack, where the percentage of second-homes, almost 60 percent, exceeds that of the Town as a whole by 10 percent, according to a 1994 study cited in the Town Comprehensive Plan. As a result, maintaining the Village of Sagaponack as an attractive, desirable magnet for second-owners is vital to the economic health of the Town and the Village’s neighboring hamlets and commercial centers, as well as its own. Most of the local businesses and service establishments in both Southampton and East Hampton Towns are dependent on the demand provided by second homeowners and their guests. Much of the employment of year-round Sagaponack residents is generated by the second home sector in real estate related services or catering to second homeowners needs.

Agriculture, once the primary economic driver in Sagaponack, remains vital to the Village’s economy. A majority of the agricultural land in the village is still devoted to highly mechanized potato farming. However, vegetable farming for local sale and consumption, a vineyard, two major horse farms and a plant nursery also contribute significantly to the agricultural economy, help maintain the rural character of the Village and add to its allure as a second-home destination.

A combined vineyard and winery along with an extensive equestrian facility on protected agricultural land is located off Narrow Lane in the northern portion of the village. The other equestrian center is off Sagg Main Street and Daniels Lane. Three farm stands and the plant nursery are on Sagg Main Street.

Because of the small population of the Village and the nature of the economy, it is difficult to characterize the labor force and its projected needs. According to the 2000 Census, 35.2% of the population 16 and over did not work. This could be expected in part because 18.2% of the residents were 65 and older and assumed retired. The small number and age distribution of the population, however, has not placed a great demand on local service systems or the labor force needed to support schools, libraries and law enforcement. The Southampton Tomorrow Plan reported an increase in the number of persons employed between 1980 and 1990 in the farming, fishing and forestry classification. Because the amount of land devoted to agricultural production did not increase, the Plan attributed this change to a shift from low labor field crop agriculture to more intensive labor industries such as horse farms, vineyards and nurseries. Another explanation is that this census category (farming, fishing and forestry) includes the landscaping industry, which continues to expand on the South Fork. This trend in Southampton Town may not reflect a change to the labor force in Sagaponack, where, despite the continued prevalence of productive agriculture, both the acreage devoted to farming and the number of farm operations has gradually diminished in recent years.

(4) Facilities and Services

a) Transportation.

The Village of Sagaponack has 16 miles of Village roads, not including approximately two miles of Montauk Highway, which is a state road. Roads and rights of way account for about 150 acres of the village. In addition, there are several named private roads maintained by private property owners. The Village has one traffic light, at the intersection of Montauk Highway and Sagg Main Street.

Traffic on Village roads and streets has become an increasing concern. Due to the congestion of Montauk Highway, the only significant east-west artery for eastern Southampton Town and East Hampton Town, more and more traffic is using residential back roads in Sagaponack as a Montauk Highway bypass, with volumes and speeds that pose serious safety hazards. This problem is particularly acute on Sagaponack Road, Parsonage Lane and Hedges Lane. In the summer, there is also heavy traffic on Sagg Main Street, the primary access to the Village's ocean beaches.

According to the Director of the Southampton Town Transportation Department, recent studies show an average annual daily volume of 22,000 vehicles on the portion of Montauk Highway in the Village of Sagaponack. He said there are no firm estimates of traffic volume at peak times of the day or on peak days in the summer season. The 1999 Comprehensive Plan maps traffic impingement arteries in Sagaponack. Subsequent town traffic studies include the Southampton Town Intermodal Transportation Study (2003) and the Update to the Southampton Town Comprehensive Plan Transportation Element, adopted in November, 2004.

The only public transportation in Sagaponack is a county bus service from East Hampton to Bridgehampton along Montauk Highway, which runs every ninety minutes and feeds other county bus lines from those locations. In the summer, Southampton Town has been operating a beach shuttle service from the Bridgehampton School parking lot to the Town beach at the end of Sagg Main Street.

East Hampton Airport, a general aviation facility operated by East Hampton Town, is located near the northeast corner of Sagaponack. There is a Long Island Railroad station in Bridgehampton, with service to Montauk and New York City. Two private bus companies operate commuter service from Bridgehampton to Manhattan.

b) Parks and Recreation

Sagaponack's ocean beaches are the primary source of recreation in the Village. There is only one municipal beach, owned and operated by Southampton Town. In 2005, according to the Town Recreation Department, the 16.5-acre facility drew an estimated 41,000 visitors during its 82 days of official operation. It has toilet facilities and is manned by lifeguards and parking attendants. The Town Recreation Department estimates that on peak days there may be 1,000 visitors. The parking lot holds 210 cars, another 50 permit-only parking spaces are available on Sagg Main Street, and the Town runs a shuttle bus service to the beach from the Bridgehampton School. There are three other beach areas with public access: one at the end of Town Line Road, where there is no parking permitted on the Village side of the road for Southampton Town residents, including Sagaponack residents; another at the end of Peter's Pond Lane; and the third at the end of Gibson Lane. At the latter two beaches there is limited parking available for town permit holders.

Southampton Town and East Hampton Town jointly own and operate the 9-hole, 40-acre Poxabogue Golf Course on Montauk Highway at the eastern end of the Village. The facility includes a restaurant that is open for breakfast and lunch.

Suffolk County owns 30 acres of parkland at the northwestern corner of the village, at the northern edge of Poxabogue Pond. It is a passive park, with a loop walking trail for the public. There is also a loop walking trail in the Sagg Swamp Nature Preserve owned by the Nature Conservancy, in the area between Sagaponack Pond and Montauk Highway, with access from Sagaponack Road.

Southampton Town, working with the Southampton Town Trails Preservation Society, also has established several walking trails in the Village. The Southampton Town Trails Advisory Board has been working with the Southampton Town Planning Board to implement its recommendation for a north-south walking trail from Sag Harbor Village to Peter's Pond Beach on the ocean in Sagaponack. Easements exist for parts of the trail in Sagaponack and it is hoped that the gaps can be filled in with additional easements along the proposed route.

In addition, Southampton Town, with the participation of Sagaponack residents, laid out a system of bicycle routes that is included in the Town's 1999 Comprehensive Plan. These bike routes were designed to link population centers to schools, parks, post offices and railroad stations in an effort to encourage and facilitate non-motorized transportation within the Town. The proposed bicycle routes include portions of several roads that are now within the Village of Sagaponack. The Village hopes to maintain the continuity of these bike routes by enhancing pavement, pavement markings and signs where appropriate as funds become available.

c) Other Facilities and Services.

Police service is provided to the Village by the Southampton Town Police, which maintains a satellite office in Bridgehampton. The Village has no plans to establish its own police force.

Sagaponack is part of the Bridgehampton Fire District and fire protection is provided by the Bridgehampton Fire Department from its headquarters 3/4 of a mile west of the Village.

Only a portion of the Village is served by the Suffolk County Water Authority (SCWA). Maps provided by the SCWA show public water mains in much of the southern third of the village, but only along the western portion of Montauk Highway in the other areas of Sagaponack. As of November 16, 2006, when the Village of Sagaponack contained 641 parcels classified as residential, the SCWA reported it served 72 properties, with 19 applications pending. The remaining 550 rely on private wells for water.

There is no facility for waste disposal in Sagaponack. Residents may take their trash and garbage to Southampton Town transfer stations between

Bridgehampton and Sag Harbor and in North Sea or they can hire private carters. There is no sewer system or sewage treatment facility in the village.

Southampton Hospital in Southampton Village is the only hospital serving the South Fork of Long Island. Suffolk County maintains health care clinics in Southampton and East Hampton, there are medical office centers in Southampton Village and East Hampton, and there are individual doctors' offices in Bridgehampton, Water Mill, Sag Harbor and Wainscott.

Sagaponack has two cemeteries totaling 2.3 acres, one on the southeast corner of Montauk Highway and Sagg Main Street and the other on Sagg Main Street at the eastern end of Bridge Lane. Both are owned and operated by private cemetery associations.

(5) Cultural/Education Resources

The Village of Sagaponack encompasses all of the Sagaponack School District. The district educates children in Grades 1 to 4 in a two-room school house on a 1-acre parcel in the center of the Village. Kindergarten students and students in Grades 5 to 12 are enrolled by the district on a per student tuition basis in the East Hampton School District.

The Sagaponack school district is included in the area served by the Hampton Library in Bridgehampton and the Bridgehampton Historical Society.

Located within the Village, on a private road off Sagg Main Street, are the nationally recognized Madoo Gardens, which are operated by a non-for-profit conservancy and open to the public on visiting days from spring through fall.

The Sagaponack Main Street Historic District, listed on the State Register on April 8, 2000 and on the National Register on June 2, 2000, encompasses approximately 307 acres in the Village of Sagaponack. The district is centered on Sagg Main Street, and extends along portions of Hedges Lane, Parsonage Lane, Gibson Lane and Daniels Lane to the east, and Sagaponack Road and Bridge Lane to the west. The District is significant under National Register Criterion A for its association with the social, cultural and economic development of the Town of Southampton and the Village of Sagaponack; and under Criterion C for its significance as a representative collection of 17th through 20th century residential, agricultural and educational architecture.

4. Zoning and the Future

As was noted in the Overview (Part 1), Sagaponack was incorporated as a Village not to change things but to maintain and preserve its territorial integrity and unique character as a hamlet, when its land use policies were under the jurisdiction of Southampton Town.

Current zoning was shaped by Southampton Town to meet what it perceived as the overall needs of the entire township. Thus certain portions of the Town were designated as commercial or hamlet centers. Others, like Sagaponack, were designated as rural areas with a mix of agricultural and low-density residential uses. Some, in the moraine area that stretches along the northern area of eastern Southampton Town, were zoned to protect the Town's single source aquifer water supply. This differentiation within the Town's unincorporated areas was particularly evident in the 1984 revision to the 1970 Master Plan, which served the dual purpose of enhancing the potential for creating affordable housing in some areas of the Town while upzoning and lowering potential density in others, like Sagaponack. The current zoning districts in Sagaponack were designed to achieve those objectives. The Town's 1999 Comprehensive Plan also reinforces those planning strategies.

Sagaponack residents have made clear their intention to Town officials to maintain Sagaponack's historic links to the Town, including its overall land use strategies, and to shape its future on the basis of past planning and zoning. Members of the Sagaponack Citizens Advisory Committee, appointed by the Southampton Town Board to serve as the community's liaison with Town government, were active participants in the development of the Town's 1999 Comprehensive Plan, and many of that Plan's recommendations reflect those concerns. As mentioned in the Overview section above, those concerns focus on efforts to maintain as much as possible of the Village's agricultural and architectural character.

Based on 35 years of extensive studies of the environment, development trends, the economy and the social fabric of the area, the Southampton Town Zoning Code, stripped of all the material that has no application to Sagaponack, stands as a document that meets, with minor modifications, most of the needs and desires of Village residents at this point in the Village's short history. The existing zoning districts in the new Village also reflect the needs and desires of Sagaponack residents.

As the data on current land use show, there are only 28 parcels in the Village that can still be subdivided and developed residentially. Most of these tracts, however, are large and extremely important in terms of their location and how their development will impact on the overall character of the Village. If and when subdivision does occur, where the residential lots are sited and what portions

of the parcels are protected will be critical to preserving scenic corridors and vistas, as well as viable agricultural parcels. The Village of Sagaponack's zoning policies and subdivision procedures must address this challenge.

Along with this focus on new development, however, equal importance must be given to planning for the redevelopment that will occur on existing residential and other properties, particularly in those areas designated as historic or as scenic corridors or viewsheds. Southampton Town's 1999 Comprehensive Plan specifically addresses these issues but many of its action recommendations were watered down, ignored or slow in their implementation.

The trend toward larger and larger houses spanning most of the frontage of small lots was referred to above. Much of Sagg Main Street has so far been untouched by this trend, but the reprieve is unlikely to last. Just recently three of the more picturesque smaller homes along Main Street have gone on the market. The possibility that they will be demolished by their purchasers and replaced with larger homes is of grave and immediate concern to Village residents. A 1920s farmhouse on Hedges Lane, one of several of similar design in the Village, was demolished this fall. Along with the new mansions come walls, gates and towering hedges, which permanently alter a street's character from rural and communal to suburban and exclusive.

Neighboring communities, which have been more heavily impacted by these trends than Sagaponack, have responded with measures designed to insure that the size, scale and placement of new buildings and additions are commensurate with the size of the property, in character with their neighbors, and do not adversely impact the overall character of a community. Many Sagaponack residents believe that serious and immediate consideration should be given to the feasibility of putting similar measures in place in the Village.

The Southampton Town Zoning Code's tables of permitted and special exception uses in Sagaponack also have drawn criticism from residents who would like to consider stricter guidelines for permitting special exception uses and for possibly amortizing non-conforming uses.

All of these issues reflect residents' concerns repeatedly expressed at monthly meetings of the Sagaponack Citizens Advisory Committee (CAC) about perceived threats to the Village's agricultural character and rural architectural heritage. Since 1992, the CAC has been the forum for residents to air their views on land use and other community issues and to articulate their vision for maintaining Sagaponack's unique identity in the future

The CAC served as the Town's agent in surveying the concerns and wishes of residents for the 1999 Comprehensive Plan, and its representatives participated in the drafting process. It also has served for the past 15 years as the coordinator for representation by Sagaponack residents on issues affecting the community at meetings of the Town Board, the Planning Board, the Zoning Board of Appeals and other Town agencies.

Open since its inception to any resident who wished to attend meetings or be appointed to the group, the CAC has included members representing all segments of the community -- descendants of the 17th Century settler families, recent arrivals, second home owners, farmers, professionals, small business owners, retirees, and parents of children in the district school. The Mayor and one of the four Village Trustees are former CAC chairpersons.

The CAC has maintained minutes of regular monthly meetings since 1992, including all its correspondence with town officials and agencies on issues and action recommendations. In those documents, the community's vision for Sagaponack is clear.

5. Vision Statement and Planning Goals, Objectives & Action Items

A Vision Statement articulates the overall image of what a community would like to be in the future. The Village of Sagaponack Zoning Commission, with guidance from the Planning Consultant, developed the following Vision Statement.

The Village of Sagaponack is and shall remain a unique community cherished for its extraordinary natural beauty, rich historic and architectural resources and rural sense of place. Sagaponack was one of the earliest colonial settlements in America and has a 350-year history as a quiet rural community. The farmland is rated the best in New York State. The ocean beaches are among the finest in the world. Future development should be harmonious with the existing character of the community and should not detract from these rural and natural characteristics. Consistent with the underlying rationale for incorporating, Sagaponack Village will continue to protect its character, heritage and quality of life.

The recommended actions for guiding future development and implementation of this Comprehensive Plan are based on the Vision Statement, an evaluation of the descriptions and analyses set forth in this Plan, the 1999 Southampton Tomorrow Comprehensive Plan and updated through the year 2006 and the existing Southampton Town planning and zoning regulations. The recommendations are expressed in terms of the following set of goals, objectives and action items.

Goal One: Maintain Sagaponack's rural character and quality of life.

Objectives:

- Retain the existing pattern of development generally consisting of a mix of agricultural, low density residential, and open space uses.
- Continue to limit residential build-out in the Village consistent with the comprehensive plans adopted by Southampton Town including the 1970 Master Plan, the 1983 Master Plan Update and the 1999 Comprehensive Plan Update.
- Retain strict limitations on commercial development within the village consistent with planning objectives in both Southampton Town and neighboring East Hampton Town that recommend concentrating commercial development into existing commercial centers, and preventing additional commercial sprawl on the already overburdened Montauk Highway.
- Limit the impacts of existing commercial uses on adjacent residential neighbors.
- Restrict the construction of very large "monster" homes that has begun to threaten the character of the community.

Goal One Action Item 1: Adopt a zoning map and code reflecting the same zoning districts, configuration, and area requirements as the Southampton Zoning Map and Zoning Code currently designates within the Village of Sagaponack.

Goal One Action Item 2: Define the permitted and special exception uses for each zoning district generally based on the Southampton Town Code and consider establishing stricter guidelines pertaining to special exception uses consistent with the goals and objectives set forth in this Plan.

Goal One Action Item 3: Adopt Subdivision Regulations at least as restrictive as the existing Southampton Town Subdivision Regulations to guide the division of land consistent with the goals and objectives set forth in this Plan.

Goal One Action Item 4: Adopt regulations requiring open space, cluster development subdivisions in order to protect and retain: scenic views, historic resources, environmentally sensitive areas, farmland, hedgerows and open space. Mandate minimum reserved area set asides requirements on a sliding scale relating minimum reserved area to lot size and zoning district.

Goal One Action Item 5: Allow the pre-existing commercial uses located within nine residentially zoned lots to remain, provided there is no extension or enlargement of the non-conforming use. Consider establishing stricter regulations compared to those in the Southampton Town Code pertaining to non-conforming

uses, consistent with the goals and objectives set forth in this Plan. Monitor pre-existing nonconforming properties to assure they conform to the particular status under which they operate.

Goal One Action Item 6: Develop and enhance existing town, county, state and federal government and private land trust partnerships to pursue the acquisition and protection of environmentally sensitive, culturally important and high quality scenic land.

Note: Southampton Town will continue to collect the revenue generated from property sales in Sagaponack pursuant to the provisions of the Two Percent Transfer Tax, also known as the Community Preservation Fund Program. Sagaponack officials will coordinate with Southampton officials to ensure continued acquisitions are made within Sagaponack.

Goal One Action Item 7: Adopt dark sky lighting legislation to protect Sagaponack's high quality open space, rural character, and exceptional night sky.

Goal One Action Item 8: Adopt regulations for new residential development restricting the coverage of structures to a percentage of the lot size and requiring the siting and scale of the structures to be consistent with the character of the immediately surrounding neighborhood or area.

Goal One Action Item 9: Adopt maximum house size restrictions on a sliding scale relating maximum house size to size of property.

Goal Two: Protect and Support Sagaponack's Agricultural Land and Economy.

Objectives:

- Support farmers and farming practices through regulatory policies and programs.
- Implement and encourage participation in agricultural land preservation strategies.
- Support and encourage good stewardship practices for farmland.
- Implement measures to reasonably regulate the subdivision and development of farmland while honoring the legitimate interests of farmers and other farmland owners.

Goal Two Action Item 1: Encourage farmers and farmland owners to enroll in property tax reduction programs.

Explanation- Numerous studies including those prepared by the American Farmland Trust for the New York Counties of Dutchess and Schulyer have shown that farms pay more in property taxes than they require in services. Lowering

taxes on farmland is therefore easy to justify. The State Agricultural District Law provides a mechanism for farmland owners to enroll in State Agricultural Districts or to enter into an Individual Commitment to obtain lower property taxes for a period of eight (8) years. In exchange for this lowered tax assessment land owners pledge to not develop their land for an eight (8) year period of time.

Goal Two Action Item 2: Work with and encourage private land trusts to continue to pursue farmland acquisitions, farmland estate planning and maintenance of protected farmland in Sagaponack.

Goal Two Action Item 3: Develop and enhance town, county, state and federal partnerships to pursue the purchase of agricultural development rights and land.

Goal Two Action Item 4: Enact an Agricultural Overlay District consistent with the boundaries designated in the Southampton Town Zoning Map.

Goal Two Action Item 5: Require clustered subdivisions preserving a minimum of 65% protected agricultural reserve or open areas for parcels of land containing 10 acres or more within the Agricultural Overlay District. Continue incentives to encourage applicants to provide an 80% minimum agricultural reserve/open space area.

Goal Two Action Item 6: Adopt regulations to assure that the type, placement and size of structures allowed within the agricultural overlay district do not contribute to the unnecessary loss of agricultural lands and practices and their aesthetic benefits. Require site plan approval for the construction of all agricultural buildings 300 square feet or greater and Architectural and Historic Review Board review for all other buildings and structures.

Goal Two Action Item 7: Adopt subdivision regulations requiring the Planning Board to consider the pattern of protected agricultural land during the development review process, with the goal of minimizing further fragmentation of agricultural lands.

Goal Two Action Item 8: Encourage farmers to develop management plans to reduce soil erosion, surface water runoff and pollution from fertilizers, pesticides and herbicides.

Goal Three: Maintain Sagaponack's historic and scenic resources.

Objectives:

- Devise strategies to maintain the historic character including landscapes and structures within the village.

- Devise strategies to protect the open spaces, vistas, farmlands and scenic areas that define the character of the village.

Goal Three Action Item 1: Developing guidelines and regulations pertaining to the Sagg Main Street National Register of Historic Places and other landmarks including but not limited to siting, scale and design.

Goal Three Action Item 2: Work with Southampton Town to provide a local tax abatement to encourage the protection of properties within the Sag Main Street National Register of Historic Places.

Goal Three Action Item 3: Develop partnerships with town, state and federal governments and not-for-profit organizations to provide incentives to protect historic resources to property owners.

Goal Three Action Item 4: Adopt guidelines and regulations to identify and protect scenic views, vistas and corridors. Regulate the installation of berms, walls, fences, rocks, screening and live plantings including privet hedges, which essentially block views of scenic landscapes from adjacent streets and public properties, unless the installation is an essential component of a working farm.

Goal Three Action Item 5: Consider developing regulations to include siting standards for new development in scenic viewsheds (see also Goal Two Action Item 6).

Goal Three Action Item 6: Develop architectural review guidelines and regulations for specific scenic areas.

Goal Three Action Item 7: Require all utility lines to be placed underground in new subdivisions as part of the Subdivision Regulations.

Goal Three Action Item 8: Coordinate and encourage local utilities to bury existing utility lines in scenic areas.

Goal Three Action Item 9: Regulate and limit the number, size, height and lighting of signs to ensure compatibility with the aesthetic character and scale of the Village.

Goal Three Action Item 10: Consider developing a Scenic Road ordinance providing a framework for the designation and protection of scenic views, vistas and road corridors. Consider designating the following as Scenic Roads in accordance with the recommendations of the 1999 Southampton Tomorrow Comprehensive Plan: Sagg Main Street south of Montauk Highway, Montauk

Highway east of Sagg Main Street, Parsonage Lane, Hedges Lane, Gibson Lane, Daniels Lane between Gibson and Peter's Lane, Fairfield Pond Lane, Peter's Lane, Bridge Lane and Sagaponack Road.

Goal Four: Promote the protection of Sagaponack's natural resources.

Objectives:

- Protect and promote the restoration of the freshwater, tidal and brackish wetlands within the Village.
- Uphold the rights of the property owners and support the authority of governmental and other organizations having the jurisdiction to protect the dunes and beaches within the Village.
- Promote the protection of the Village's ground and drinking water resources.
- Support the protection and restoration of the rare and endangered plant and animal species and habitats within the Village.
- Coordinate with and actively participate in town and regional planning initiatives providing comprehensive protection to the natural resources within and adjacent to the village.
- Promote energy conservation, "green" technology in building and development and continue to be a leader in protecting the environment.

Goal Four Action Item 1: Regulate land use and development within the buffer zones of the wetlands within Sagaponack Village in accordance with the provisions of the Town Wetland Protection Program, Chapter 325 of the Southampton Town Code (either through an inter-municipal agreement with Southampton Town or by adopting comparable legislation for the Village).

Goal Four Action Item 2: Require all new construction and subdivisions to contain all stormwater runoff on-site. Solutions to drainage requirements should be integrated into the overall development design; shall not allow for discharge directly into surface waters or wetlands; and shall not create a visual detriment to surrounding properties or obstruction of scenic views.

Goal Four Action Item 3: Continue to participate in the Southampton Town stormwater drainage improvement projects focused on minimizing runoff into surface waters and ponds.

Goal Four Action Item 4: Forge partnerships with the town, state, conservation organizations and academic institutions to develop biological surveys and long term protection for wetlands, surface waters and water resources.

Goal Four Action Item 5: Retain the open space conservation and low density residential zoning classifications to help protect the natural resources including the aquifers and wells providing drinking water for Sagaponack.

Goal Four Action Items 6: Encourage the use of native plants in landscaping and prohibit the use of invasive non-native species.

Goal Four Action Item 7: Adopt subdivision road standards adhering to the existing rural, country and natural landscape as well as safety standards. Standards which minimize the required road widths and lengths and prohibit the installation of Belgium Block and other types of curbs are consistent with this policy. This will help to minimize barriers to wildlife, including turtles, while protecting the natural landscape.

Goal Four Action Item 8: Recommend the use of integrated pest management and other environmentally sensitive management practices for the Poxabogue Golf Course.

Goal Four Action Item 9: Require development and construction to comply with the requirements of the Coastal Erosion Hazard Area Act (CEHA).

Goal Five: Provide services and facilities to meet the needs of the Village's population.

Objectives:

- Allow the development of workforce housing consistent with the low density, rural quality of the Village and the needs of its workforce.
- Provide facilities and services that meet the needs of the Village's population.

Goal Five Action Item 1: Allow, as a special exception use, the development of agricultural labor housing in the R-80 and R-120 Residence Districts to meet the needs of the local agricultural economy. Evaluate changes in the local agricultural community to determine whether mechanization or other trends support the need for future development of agricultural labor housing.

Goal Five Action Item 2: Promote the development of workforce housing within and in close proximity to commercial centers, consistent with the Southampton Tomorrow Comprehensive Plan.

Goal Five Action Item 3: Join with other South Fork communities to explore additional and alternative ways to provide workforce housing consistent with the historic, architectural and natural qualities of the area.

Goal Five Action Item 4: Continue to collaborate with Southampton and the region to provide adequate police protection, fire and emergency services, solid waste disposal, transportation services, medical services, water supply, parks and recreational facilities, bike paths, schools and cultural resources.

TOWN OF SOUTHAMPTON
STORMWATER MANAGEMENT PROGRAM
Municipal Separate Storm Sewer Systems (MS4s)
Permit No. GP-0-10-002



January 2012
Town of Southampton
Engineering Division

TOWN OF SOUTHAMPTON
PHASE II STORMWATER MANAGEMENT PROGRAM
NEW YORK STATE'S SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES
PERMIT NO. GP-0-10-002
FOR
MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS (MS4s)

January 2012

Prepared for

TOWN OF SOUTHAMPTON
OWNED AND OPERATED SEPARATE STORMWATER SEWER SYSTEM

Prepared by

TOWN OF SOUTHAMPTON
ENGINEERING DIVISION

TOWN OF SOUTHAMPTON STORMWATER MANAGEMENT PROGRAM

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Appendix B NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities – Permit No. GP-0-10-001.

Appendix C Town Educational Pamphlets and Posters Appendix D

Appendix E Construction Activity Code Adoption and Procedures for SWPPP Review and Inspections

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Appendix H Best Management Plans
 Municipal Garage
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 Inventory and Description of Town Owned Facilities

Appendix I Good Housekeeping Municipal Operations Analysis
 Department Operations Spreadsheet
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1. INTRODUCTION

The Town of Southampton has developed a stormwater management program (TOS SWMPP) as required for coverage under the New York State Pollution Discharge Elimination System (SPDES) general permit No. GP-0-10-002, specific permit NYR-20A020.

The aim of this program is to control stormwater runoff discharges from the Town facilities, and developed land within the Town to the waters of the United States in accordance with the requirements of federal Phase II stormwater regulations under the Clean Water Act. The aim of the Clean Water Act, the federal Phase II stormwater regulations and the program proposed in this document is to reduce to the “maximum extent practicable” pollutants in stormwater discharges. The concern for controlling stormwater discharges can be traced to the 1972 Clean Water Act’s Section 208 provisions for evaluating the impacts of and recommending controls for point and nonpoint source discharges in conjunction with the development of hundreds of area-wide water quality management plans known as “208 plans”. Some of the stormwater pollutants identified in these studies include suspended solids, sediments, bacteria, nutrients, pesticides, herbicides, toxics, floatables, oil, grease, heavy metals, synthetic organics, petroleum hydrocarbons and oxygen demanding substances. The adverse impact of these pollutants in stormwater discharges include closed beaches, closed shellfish areas and toxic contamination causing fish consumption bans, beach and shoreline litter, and floatables, siltation of marina and shipping channels, habitat/wetland degradation, and stream bank erosion.

The TOSSMWP includes a listing of Best Management Practices (BMP’s) that will be implemented by the Town in order to achieve the regulatory standard of reducing pollutants in the Town’s stormwater to maximum extent practicable. Existing Town stormwater programs and activities designed to protect the Town’s water quality will be supplemented with new BMP activities. Initial measurable goals and an implementation schedule were developed for each of the BMP’s in the TOS SWMP.

1.1. PROGRAM DEVELOPMENT

The Town of Southampton has developed a stormwater management program plan (TOS SWMPP) in accordance with the New York State Discharge Elimination System (SPDES) requirements for obtaining authorization for stormwater discharges and certain non-stormwater discharges. This TOS SWMPP has been developed in accordance with guidelines published by the New York State Department of Environmental Conservation (NYSDEC) for coverage under SPDES General Permit No. GP-0-10-002. The TOS SWMPP has been developed to facilitate the Town’s efforts in reducing stormwater pollutants from the Town’s municipal separate storm sewer system (MS4) to the maximum extent practicable as required by the SPDES General Permit.

The TOS SWMPP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the Town’s surface waters. The specific activities to be implemented are referred to as “Best Management Practices” (BMP’s). Various BMP’s have been developed for each of the six “Minimum Control Measures” (MCM’s) required by the General Permit. The TORSWMP also sets measurable goals and provides a schedule for the implementation of the BMP’s. Implementation of the selected BMP’s is expected to result in reductions of pollutants discharged into the Town’s streams, ponds, tidal estuaries, embayments and the Atlantic Ocean.

1.2. BEST MANAGEMENT PRACTICE SELECTION

The Town of Southampton has historically implemented various stormwater related BMP's intended to specifically protect the Town's stormwater quality. An important aspect of developing an effective, compliant and cost effective SPDES Phase II SWMP is to take credit for these on-going programs. Details of the Town's stormwater related programs have been collected, summarized and categorized into each of the six MCM's required by the General Permit. Some of these existing programs meet specific General Permit requirements, while others contribute toward fulfilling the General Permit mandate of reducing pollution to the Maximum Extent Practicable (MEP). Alternative BMP's will be evaluated on a yearly basis as the TOS SWMP is reviewed and modified.

MINIMUM CONTROL MEASURES

In accordance with SPDES General Permit requirements, the TOS SWMP includes an implementation plan for BMP's in each of six Minimum Control Measures. The six minimum control measures are:

1. Public Participation and Outreach on Stormwater Impacts
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post Construction Runoff Control and,
6. Pollution Prevention and Good Housekeeping.

Specific requirements of each MCM are provided in the following sections.

1.3. TOWN OF SOUTHAMPTON MUNICIPALITY BACKGROUND

The Town of Southampton, located in the eastern end of Long Island in Suffolk County, encompasses an area 8.3 miles wide at the widest and extends approximately 25 miles from west to east, and covers approximately 139 square miles (88,960 acres). Located 85 miles from NYC, Southampton lies between the Peconic River, Great Peconic Bay and Noyac Bay on the north, and Shinnecock Bay East and the Atlantic Ocean to the south as shown in Figures 1-1 and 1-2.

Figure 1-1 Regional Plan

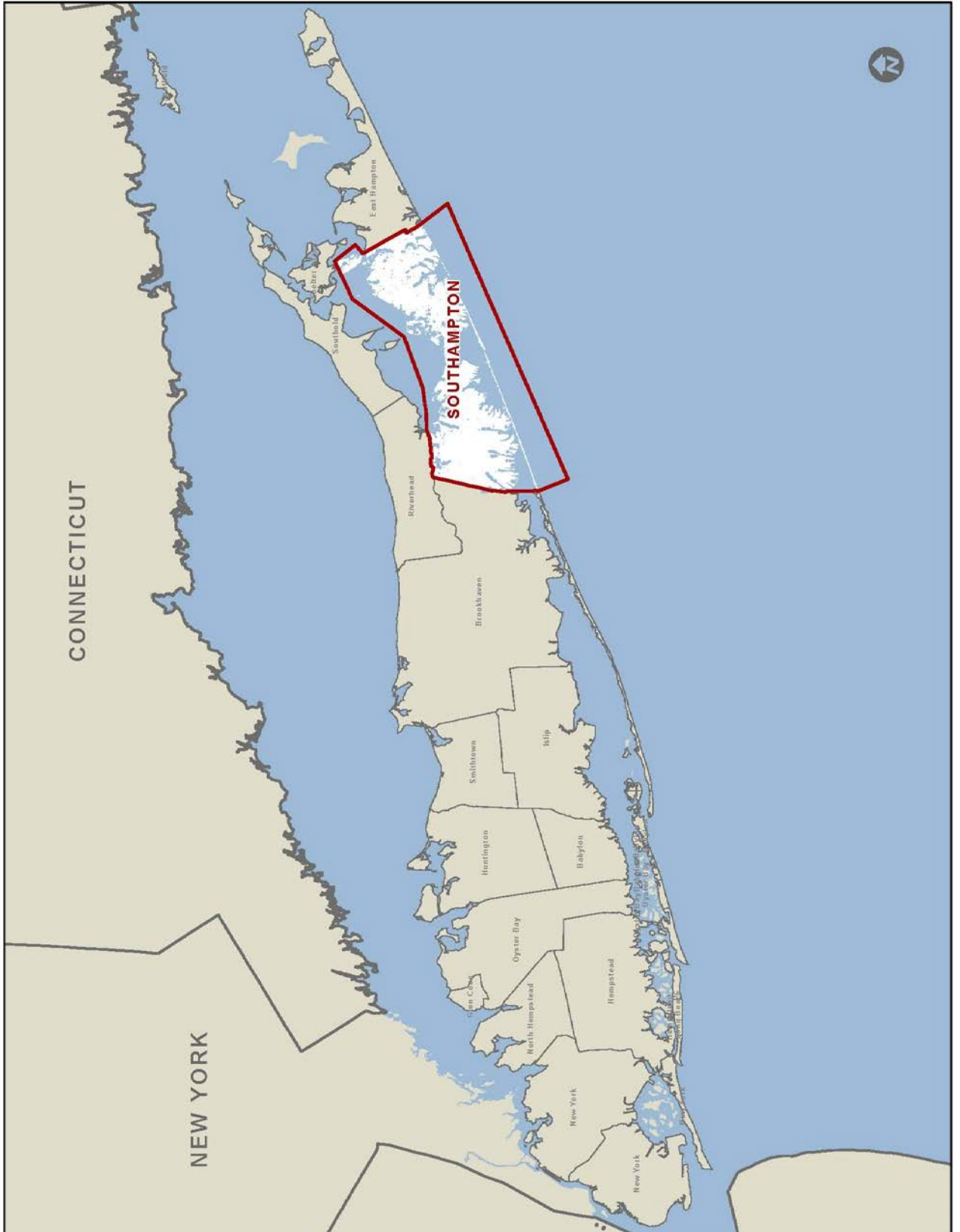
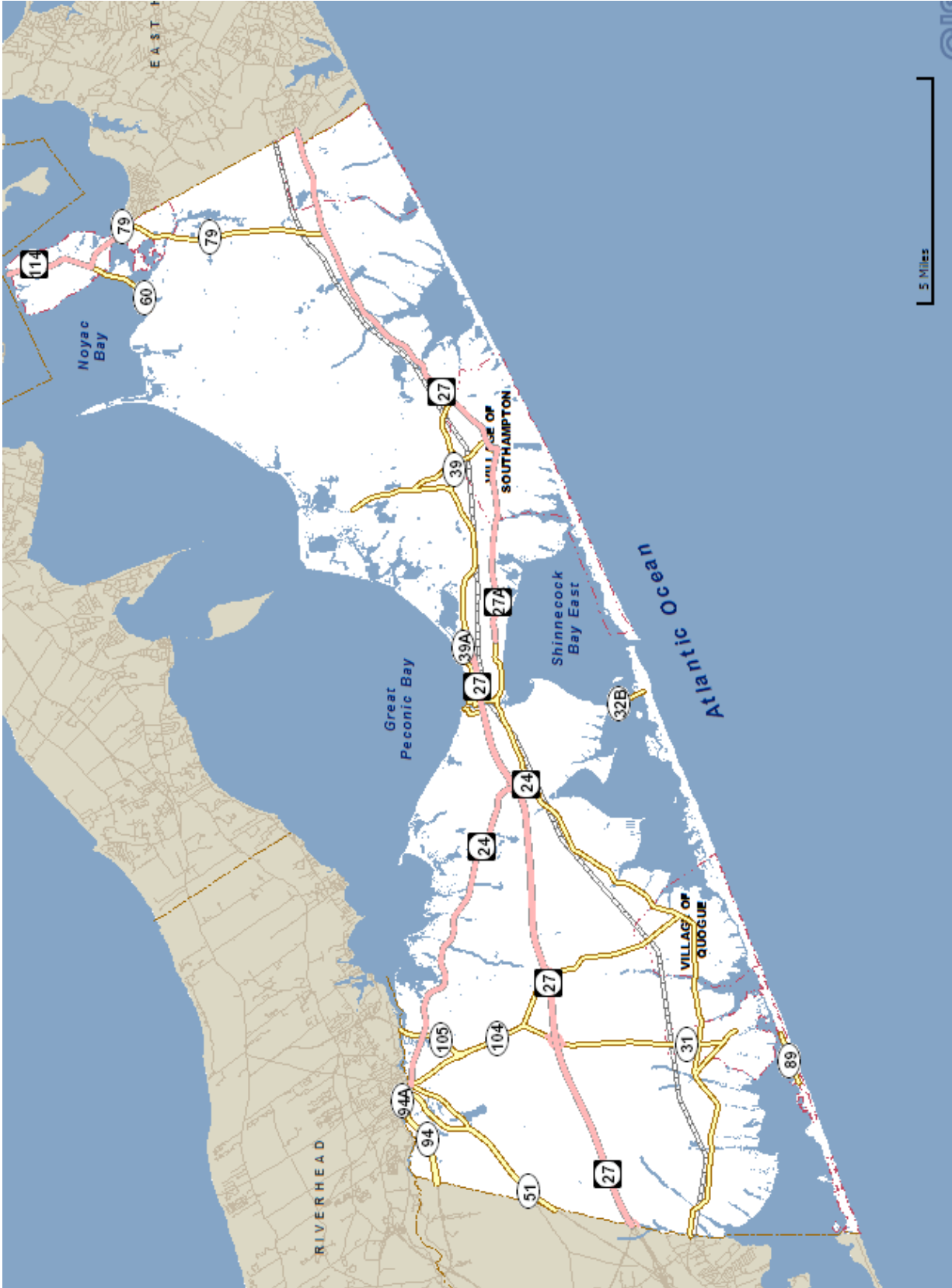


Figure 1-2 Town of Southampton



According to the 2005 - 2009 U.S. Census Bureau, the full time population of the Town is 60,567, with a seasonal increase to 180,000 in the summer months. The Town of Southampton includes the following incorporated Villages which are not considered as part of this TOS SWMP.

- Village of Westhampton Beach
- Village of Quogue
- Village of Southampton
- Village of Sag Harbor
- Village of Sagaponack
- Village of North Haven
- Village of Westhampton Dunes

The Town of Southampton is governed by the Town Supervisor and four Town Council People. There are several different departments tasked with running the different public service offices of the Town included but not limited to:

| | | |
|-----------------------------|---------------------|------------------------|
| Assessor's Office | Town Attorney | Finance (Comptroller) |
| Municipal Works | Business Management | Community Prsve. Fund |
| Hampton Bays Water District | Parks & Recreation | Highway/Public Works |
| Police Dept. | Human Services | Fire Prevention |
| Housing Authority | Town Clerk | Information Technology |
| Justice Court | Land Management | |

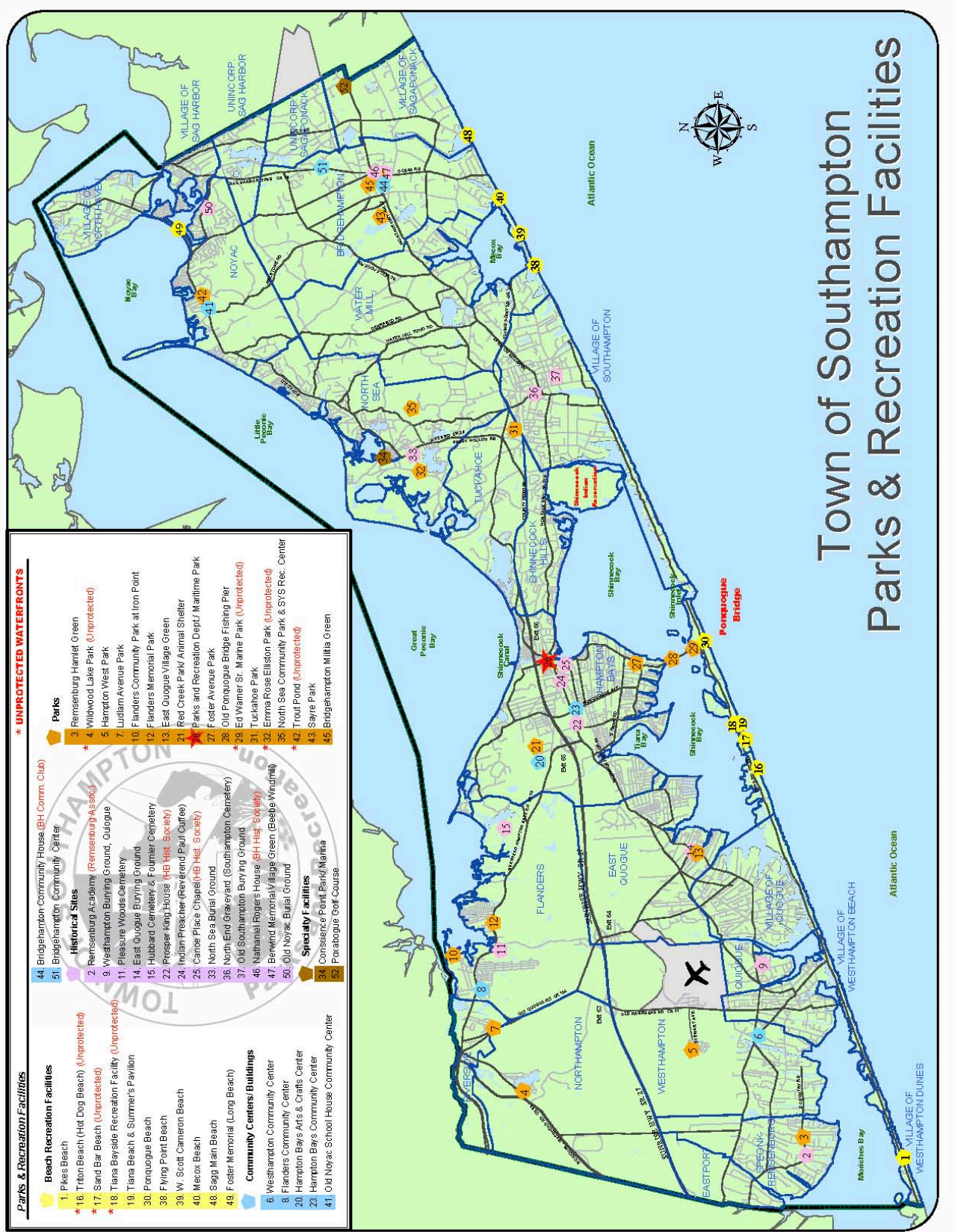
1.3.1. COMMUNITY RESOURCES

For purpose of stormwater management and planning, key community resources within the planning area consist of parks, schools and libraries. These facilities are important elements in the public education, outreach and participation aspects of the stormwater management plan.

1.3.1.1.PARKS

Parks and recreation resources in the Town include State, County and Town parks; State conservation areas; private camps and clubs; public golf courses; public school sites; and the Pine Barrens Core Preservation Area (see Fig. 1-3).

Figure 1-3 Town Directory of Recreational Locations and Facilities



1.4. NATURAL RESOURCES

The east end of Long Island has many natural resources which make it optimum for farming, living, and recreating. These natural resources are a precious commodity and must be protected through preservation, conservation and smart land development planning.

1.4.1. TOPOGRAPHY AND SOILS

The topography of the Town ranges from flat along the coasts to rolling hills in the interior portions.

Based on the General Soils Map in the U.S. Department of Agriculture Soil Conservation Service Soil Survey of Suffolk County, NY, the predominant soil associations in the Town are as follows:

55.1% of the soils in the Town of Southampton are excessively drained

76.2% of the soils in the Peconic Estuary are excessively drained

43.4% of the soils in the South Shore/Atlantic Watersheds are excessively drained

1.4.2. WATER BODIES

Key surface water resources in the Town include the Atlantic Ocean and the Peconic Estuary. Other important water bodies include named and unnamed streams, creeks and small lakes/ponds. Surface water bodies in the Town are listed below and shown on Figure 1-4.

Tidal Wetlands

| | | | |
|----------------------|------------------|----------------------|---------------|
| East River/East Pond | Beaver Dam Creek | Middle Pond | Old Fort Pond |
| Seatuck Creek | Oneck Creek | Shinnecock Bay East | Heady Creek |
| West Pond | Robinson Canal | Taylor Creek | Burnett Creek |
| Fish Creek | Moriches Bay | Meyers Creek | Mill Creek |
| Speonk River | Moneybogue Bay | Hayground Cove | Calf Creek |
| Quantuck Bay/Creek | Aspatuck Creek | Swan Creek | Sams Creek |
| Ogdens Pond | Quogue Canal | Sagaponack Lake | Morris Cove |
| Penniman Creek/Cove | Effee Hole Cove | Ligonee Creek | Fresh Pond |
| Strong Creek | Phillips Creek | Lower Sag Harbor | Noyac Creek |
| Weesuck Creek | Tiana Bay | Upper Sag Harbor | Genets Creek |
| Hidden Cove | Smith Creek | Great Pond Creek | Wooley Pond |
| Wells Creek | Penny Pond | Shelter Island Sound | Fish Cove |
| Cormorant Cove | Shinnecock Canal | North Sea Harbor | Scallop Pond |
| Canoe Place Creek | Far Pond | Little Peconic Bay | Sebonic Creek |
| Bullhead Bay | Cold Spring Pond | Squires Pond | Birch Creek |
| Red Creek Pond | Hubbard Creek | Reeve's Bay | Flander's Bay |

Freshwater Wetlands

| | | | |
|-------------------|----------------|-----------------------|---------------|
| Wildwood Lake | Peconic River | Halsey Neck Pond | Agawam Lake |
| Coopers Neck Pond | Old Town Pond | Wickapogue Pond | Phillips Pond |
| Jule Pond | Channel Pond | Seven Pond | Channel Pond |
| Mill Pond/Creek | Fairfield Pond | Poxague Pond | Crooke's Pond |
| Deer Drink | Long Pond | Little Long Pond | Lily Pond |
| Round Pond | Otter Pond | Little/Bid Fresh Pond | Bellows Pond |

In 1978, the Long Island Regional Planning Board (LIRPB) published the Long Island Comprehensive Waste Treatment Management Plan (commonly known as the 208 Plan). The plan introduced the concept of hydrogeologic zones based on differences in underlying groundwater flow patterns and water quality. There are two types of zones. The first are land areas that contribute recharge to the deep aquifers; the second are land areas that contribute recharge to the shallow aquifers and are considered discharge zones. The plan identified eight hydrogeologic zones. Zones I, II and III are the major deep recharge zones. Zones IV through VIII are the shallow discharge zones.

Most of the area in the Town is in Zone III or IV. Zone III contains groundwater of excellent quality in the upper glacial, Magothy and Lloyd aquifers. Zone IV is characterized by shallow flow systems that discharge to streams and marine waters. There has been some contamination from agricultural activities in parts of Zone IV.

Special Groundwater Protection Areas (SGPAs) were identified in the Groundwater Management Program for Long Island, NYSDEC, 1983, and in the 208 Nonpoint Source Management Handbook, LIRPB, 1984. These areas are defined as significant, largely undeveloped or sparsely developed geographic areas of Long Island that provide recharge to portions of the deep flow aquifer system. The southwestern portion of the Town is partially within the Central Suffolk Pine Barrens SGPA. This area, like all other SGPAs, requires sound management in order to be maintained as a source of good quality recharge to the aquifer system. Figure 1-5 shows the hydrogeologic zones and the SGPA in the Town.

1.4.3. LAND USE

The Town of Southampton has been developed with three main roadways, County Road 80 (CR 80), New York State Rt. 27 (NYS 27), CR 39. There are distinguished urbanized downtown areas along CR 80 within Eastport, Quogue, Hampton Bays, East Quogue, Westhampton. There are distinguished urbanized downtown areas along NYS27 along Bridgehampton, and Watermill in the Town of Southampton. Between Noyack Road and CR 39 and NYS 27, there are many rural areas developed with residential subdivisions and agricultural lands. See the Figure 1-4 for Land Use within the Town.

2. EXISTING MUNICIPAL STORM SEWER

During the developing years of Southampton in the 1600s through to the 1970s, engineers believed one of the best resources that we had were water bodies to discharge stormwater, sanitary wastes, and other pollutants into. “The solution to pollution is dilution”. Although there are no known sewage outfalls remaining, there are still many stormwater outfalls that discharge to water bodies, such as streams, ponds, rivers and the Ocean. The Town’s highway infrastructure currently contains isolated drainage systems that discharge stormwater to recharge basins or infiltration basins (leaching pools), direct discharges to surface water bodies, and infiltration into adjacent areas. The onsite storage of stormwater was typically achieved by the installation of drywells, recharge basins, or drainage reserve areas. In many cases, these facilities also included overflow structures that directed stormwater resulting from extreme rainfall events to either other recharge basins or to drainage facilities that ultimately discharged to the surface waters of the United States.

The current inventory of stormwater facilities within the Town is provided on the Town’s GIS system.

2.1. HIGHWAY DEPARTMENT

The Southampton Highway Department is charged with maintaining municipal roads, and stormwater systems which include the MS4 system of swales, catch basins, leaching pools, recharge basins, and all interconnecting pipes within public roadway systems.

2.2. BEST MANAGEMENT PLAN COMMITTEE

The Town of Southampton recognizes that Stormwater Management within the Town conveyance system and within Town owned and operated facilities as an important task. To that end, the success of the program will be contingent on the input of many of the Town Departments as stakeholders. The Town has therefore adopted a committee of stakeholders for the purposes of revising and participating in the program plan and promotion of the six minimum control measures. The Stormwater Best Management Committee (SWBMC) is comprised of Departmental staff within the Town’s organization and Town Council liaisons. The committee represents the Town’s interests in all phases of the Stormwater Management Program plan development, implementation, oversight, and plan evaluation.

The SWBMC has been developed to assist the Town in managing all aspects of the SWMP plan. The committee functions to conduct activities and shoulder the responsibilities of all elements discussed in the SWMP.

The Engineering Division works directly with the Highway Department, Town Trustees, Building Facilities Division, Land Management Department, Parks and Recreation, Business Management, Community Preservation, Hampton Bays Water District, Police Department, Code

Enforcement, Fire Marshalls, GIS and the Town Attorney's Office. The Engineering Division oversees the implementation of the Stormwater Management Program in reviewing SWPPP's for new developments, developing programs and policies regarding IDDE, Good Housekeeping, Public Education and Participation and Capital Improvement Projects to improve stormwater quality discharging to impaired water bodies, and all other surface water bodies.

To be most effective, the committee must perform tasks efficiently and smoothly. In large part, the personnel selected to act as committee members will determine the committee's success. Some of the considerations for personnel selection include the following:

- A lead committee member must be determined –
 - The Engineering Division is charged with drafting policies based on documented BMPs for review by the SWBMC committee.
- Committee members must include persons knowledgeable of the areas involved with the Stormwater Processes.
 - Engineering Division – Receives and reviews new SWPPP applications. Works with Capital Improvement Projects, assists the Parks and Recreation Department and Buildings Facilities Management. Works to implement Town's Good Housekeeping Training, Public Awareness Programs.
 - Hwy Dept.- develops new recharge basins, drainage installations, cleans and rehabilitates Town's MS4 system. First line of detection of Illicit Discharges.
 - Land Management- receives new Site Plan applications for commercial developments, and subdivision applications.- Land disturbing activities. Building Dept. – receives applications for building permits, demolition and excavation permits – land disturbing activities.
 - Town Attorney's Office-Drafts code amendments to enhance the Town's enforcement of the Federal Clean Water Act and the SPDES General Permit for Stormwater Discharges. Interprets legal issues with the Engineering Division.
 - Town Trustees – Receives wetland applications for docks, beach driving permits, operates boater pumpouts and shellfishing.
 - Community Preservation – Directly involved in land preservation activities within the Town.
 - Parks and Recreation – the planning and maintenance of existing Town recreational facilities, and maintenance of the exterior areas of Town Facilities.
 - Facilities Management – maintenance of the interior of existing Facilities.
 - Town Board Representative- Provides constituent concerns to the committee members, acts as a liaison to the remaining board members and the Town Supervisor on Stormwater Issues.
 - Public Safety – Consisting of Police, Fire, Code, and Building Inspectors, the first line of detection for Illicit Discharges.
- Committee members should have the authority to make decisions effecting BMP plan development and implementation. Committee members can also act as liaisons to other active organizations such as farm land that can work cooperatively at problem solving as it pertains to stormwater issues.
- The size of the committee must be appropriate to the function
- The committee must represent affected areas Town infrastructure.

2.3. POLLUTANTS OF CONCERN

In stormwater management, it is important to identify any waters in the planning area that are on the New York State Section 303(d) list of impaired waters. The Federal Clean Water Act

requires states to periodically assess and report on the quality of water in their state. Section 303(d) of the Act also requires states to identify Impaired Waters, where specific designated uses are not fully supported. For these Impaired Waters, states must consider the development of a Total Maximum Daily Load (TMDL) or other strategies to reduce the input of the specific pollutant(s) that restrict the water body, in order restore and protect such uses. Additionally, states are required to provide an assessment and listing methodology that explains their approach to water quality monitoring, data evaluation and listing. Impaired stream segments and primary pollutants of concern listed in Appendix 2 of the Permit within the Town of Southampton include the following:

- | | |
|--|---------------------|
| 1. Flanders Bay, East/Center , and tribs | pathogens |
| 2. Flanders Bay, West/Lower Sawmill Crk | nitrogen/pathogens |
| 3. Peconic River, Lower, and tidal tribs | nitrogens/pathogens |
| 4. Scallop Pond | pathogens |
| 5. Phillips Creek | pathogens |
| 6. Quogue Canal | pathogens |
| 7. West Moriches Bay | nitrogen /pathogens |

2.3.1. BACTERIA IN STORMWATER

Pathogens – Pathogens are viruses, bacteria, algae and protozoans that cause diseases in humans, animals and/or plants. Pathogenic or disease-causing bacteria are ubiquitous in nature and are normally associated with human and animal wastes. In many cases where human pollution is suspected on the basis of coliform test results, the actual pollution source may, in fact, be caused by animal wastes generated in the watershed’s ponds, streams, streets, and yards. Stormwater discharges throughout the watershed typically contain these bacteria. Based on numerous studies throughout the country over the last 15 to 20 years, it is not uncommon to find total coliform, fecal coliform and fecal streptococci in stormwater runoff at very high concentrations, from hundreds of thousands to over a 100 million colonies per 100 ml (USEPA, 1992).

Bacteria levels in stormwater runoff routinely exceed public health standards for water contact recreation. Bacteria is a leading contaminant in many of New York’s waters, and has led to shellfish bed closures in many areas of Long Island.

Pathogens may cause gastroenteritis, salmonellosis, and hepatitis A. Pathogens can enter the waterways through untreated or partially treated human sewage and wild/domestic animal waste. Two protozoa of major concern as waterborne pathogens are Giardia lamblia and Cryptosporidium parvum. Sources of pathogens in surface waters can be attributed to failing Sanitary Septic Systems, animal waste that is conveyed through the stormwater sewer systems. Livestock wastes, recreational boaters that dump untreated sewage is also a likely contributor of pathogens to Southampton ’s waterbodies. High concentrations of pathogens can cause bathing beach closures, and shellfish closures.

2.3.2. NUTRIENTS (NITROGEN)

Nitrogen (Nutrients) – Although essential for sustaining marine ecosystems, excessive nutrient levels will result in eutrophication, an increase in plant growth and decay, that can be harmful to an estuary. Nitrogen, is considered a nutrient, and when the balance concentration is exceeded, it stimulates aquatic plant growth including algae and “seaweed”. Under certain conditions, these algal blooms are damaging to fish and other aquatic animals by consuming the dissolved oxygen (DO) in the water they need to

breath. This condition, referred to as hypoxia can cause fish death. Excessive algae growth can cloud water, blocking sunlight from eelgrass which provides a nursery and spawning habitat for juvenile finfish and shellfish.

Nitrogen sources include agricultural and residential fertilizers, on-site disposal systems (sanitary systems). The Town of Southampton has a large quantity of farm land.

Runoff from both developed land, and farmed land has elevated concentrations of both phosphorus and nitrogen, which can enrich streams, lakes, reservoirs and estuaries. Enrichment of waterbodies by nitrogen and phosphorus is known as eutrophication. Sources of these pollutants include fertilizer, atmospheric deposition, animal waste, organic matter, and stream bank erosion. Another source of nitrogen is fossil fuel combustion from automobiles, power plants and industry.

Nutrients are particular concern in estuaries and are a source of degradation in many of New York's Water. Nitrogen has contributed to hypoxia in the Long Island Sound, and is a key pollutant of concern in the Peconic Estuary.

2.3.3. SEDIMENTS AND OTHER DEBRIS

Sediments and other debris such as litter and floatables carried by stormwater typically originate from construction sites, eroding road banks where there are no curbs, farm fields, lawns and yards that are sloped, eroded stream banks, damaged or eroded driveways, parking lots, walks and sidewalks, and roadway sanding for ice and snow.

Because urban/rural runoff is really rainfall washing an urban/rural area, whatever materials or substances are on the impervious and pervious land, roof or parking surfaces, or which have been deposited into a street gutter or directly into a catch basin or drop inlet, will be carried to the storm sewer discharge. Examples of these items could include organic materials such as discarded food; crop cuttings, animal droppings; garbage from overfilled or toppled trash cans; the contents from discarded containers, bottles and cans; flyers and garage sale posters placed on utility poles; and eroded soils, leaves, branches and twigs.

Organic materials are trapped or retained in the catch basin sump, frequently causing standing water to develop in the bottom of the catch basin. These materials tend to discolor the standing water and decompose and, at times, produce odors. This is particularly noticeable when catch basin contents are disturbed or washed out during a storm, by dry-weather flows, or when the system is being cleaned. In some cases, the odors could be similar to sanitary waste odors, since the nature of the materials is similar.

Both suspended and deposited sediments can have adverse effects on aquatic life in streams, lakes and estuaries. Turbidity resulting from sediment can reduce light penetration for submerged aquatic vegetation critical to estuary health. Reflected energy from light reflecting off the suspended sediment can increase water temperatures (Kundell and Rasmussen, 1995). Sediment transports many other pollutants to the water resources be it surface waters and /or groundwater.

2.4. TYPICAL FLOWS TO STORM SEWERS

The majority of flow to storm sewers is stormwater runoff. Stormwater runoff is surface flow water from precipitation that accumulates in and flows through natural and/or manmade storage and conveyance systems during and immediately following a storm event. As stormwater travels through a conveyance system, it carries pollutants to rivers, wetlands, coastal waters and groundwater, impairing water quality. The quality of runoff is affected by a variety of factors and depends on the season, local meteorology, geography and upon activities which lie in the path of runoff.

As development occurs, impervious surfaces, such as streets, parking lots and buildings, replace natural ground cover, preventing infiltration of rainfall. This results in an increase in surface runoff. The runoff carries whatever pollutants are in its path to our water bodies.

The quality of stormwater is important because stormwater conveys to rivers, creeks, streams, estuaries, and bays. Stormwater can also seep into the aquifers which are utilized as sole source for the potable water supply for Long Island. These resources are inherently valuable, but they also provide many communities with sources of economic viability.

2.4.1. WET WEATHER SOURCES

The most common, and often the largest, source of wet-weather flow is runoff generated by rainfall and snowfall. The majority of this runoff is from impervious surfaces and is directed to catch basins by drains or laterals that receive runoff from roofs, parking lots, basements, exterior stairways, roadside channels and ditches, retaining walls, park lawns, patios, shopping and pedestrian plazas and sidewalks. The catch basins are connected to the storm sewer system for subsequent discharge to leaching structures, retention or detention structure, or directly to a receiving water body, such as a stream, a pond or large receiving waters.

2.4.2. DRY WEATHER SOURCES

Dry-weather flow occurs during dry weather in the form of delayed drainage that was started by the storm event. One common example of a dry-weather flow is basement drainage. This drainage occurs when sump pumps remove groundwater around building foundations. Frequently, the pumping of drainage of groundwater around a building or other structure may need to continue for a number of days or weeks after a rain event has stopped. Sometimes it is seasonal or continuous. In the Town of Southampton, there are many small communities that are at a low elevation, and in close proximity to a water body that requires the use of sump pumps to avoid basement flooding.

A second example of dry weather flow is groundwater seepage into structures below the groundwater level which are not perfectly tight. This could include storm sewers and manholes that are below the level of groundwater in the surrounding area.

Besides dry weather flow induced by previous precipitation, storm sewers receive a fourth type of dry weather flow. This includes non-stormwater discharges from:

- Water line flushing
- Diverted stream flows
- Rising groundwaters
- Groundwater infiltration
- Discharges from potable water sources
- Foundation drains

- Water from crawl space pumps
- Footing drains
- Lawn Watering
- Flows from riparian habitats and wetlands
- De-chlorinated swimming pool water discharges
- Street wash waters related to cleaning and maintenance.

Storm sewers could also receive dry-weather flow and other materials from illicit discharges. Some examples of illicit discharges to storm sewers are: radiator flushing on sidewalks, driveways or streets; improper motor oil disposal in street gutters or directly into catch basins; throwing litter and garbage in the gutter or a catch basin; roadway accidents that result in fuel spills or spills of truck contents; washing of ready-mix concrete trucks; overturned trash cans that spill their contents, including various household liquids, into the street; and disposal of household hazardous substances such as solvents, cleaning fluids, paints, empty or partially empty containers that still contain dangerous chemicals or liquids; and illicit connections to storm sewers from sanitary or industrial discharges.

2.5. CHARACTERISTICS OF STORM SEWER DISCHARGES

Storm sewer discharges in most urban areas have been found to contain a host of pollutants that are part of the precipitation itself (acid rain or snow), atmospheric deposition, or result from the rain or snow coming into contact with roofs, sidewalks, streets, parking lots and other areas. These pollutants and parameters can be part of runoff during wet-weather periods or dry – weather discharges after the precipitation event. In addition, some pollutants and parameters can also be found in the other dry-weather discharges described earlier and which are not related to precipitation.

Typical pollutants found in runoff in rural and urban areas originate on lawns, farm lands, golf courses, sidewalks, streets, parking lots, and park spaces and can include suspended solids, bacteria, nitrogen, pathogens, phosphorus, heavy metals, and a variety of organic compounds such as polychlorinated biphenyls, petroleum hydrocarbons and polyaromatic hydrocarbons. Based on historical and recent water quality assessment reports, NYSDEC has concluded that storm sewers cause impairments to many of the State’s rivers, lakes, bays, and estuaries. Table 3.3.1-1 presents a list of pollutants of concern from various sources in urban areas. Table 3.3.1-2 presents a summary of possible sources and potential effects of runoff.

**TABLE 3.3.1-1
SOURCES OF RURAL /URBAN RUNOFF POLLUTANTS**

| Source | Pollutant of Concern |
|-------------------------|---|
| Erosion | Sediment and attached soil nutrients, organic matter and other adsorbed pollutants |
| Atomospheric Deposition | Hydrocarbons emitted from automobiles, dust, aromatic hydrocarbons, metals and other chemicals released from industrial and commercial activities |
| Construction Materials | Metals from flashing and shingles, gutters and downspouts galvanized pipes and metal plating, paint and wood preservatives. |
| Manufactured Products | Heavy metals, halogenated aliphatics, phthalate esters, PAHs, other volatiles, phenols and oil from automobile use, zinc and cadmium from tire wear, and pesticides and phenols from other uses including industrial. |
| Landscape | Fertilizer and pesticides. Generally as impervious area increases, |

| | |
|----------------------------|--|
| Maintenance | nutrients build up on surfaces and runoff transport capacities also rise resulting in high loads. Exceptions include intensively landscaped areas (e.g., golf courses, cemeteries). |
| Plants and Animals | Plant debris, animal excrement |
| Farmland | Fertilizer and pesticides |
| Septic Tanks | Coliform bacteria, nitrogen/NO ₃ |
| Non-Stormwater Connections | Inadvertent or deliberate discharges of sanitary sewage and industrial wastewater to storm drainage systems, including illicit connections, leaking sanitary collection systems, spills, industrial and commercial activities, construction activities, infiltration or contaminated groundwater and improper disposal |
| Accidental Spills | Pollutants of concern depend on the nature of the spill. |

TABLE 3.3.1-2
SUMMARY OF POSSIBLE SOURCES AND
POTENTIAL EFFECTS OF RUNOFF POLLUTANTS

| Category | Parameters | Possible Sources | Effects |
|--------------------|---|--|---|
| Sediments | Organic and Inorganic Total Suspended Solids (TSS) Turbidity Dissolved Solids | Construction sites Urban/agricultural runoff CSOs Landfills, septic fields | Turbidity Habitat alteration Recreational and aesthetic loss Contaminant transport Navigation/hydrology Bank erosion |
| Nutrients | Nitrate Nitrite Ammonia Organic Nitrogen Phosphate Total Phosphorus | Urban/agricultural runoff Landfill, septic fields Atmospheric deposition Erosion | Surface waters Algal blooms Ammonia toxicity Groundwater Nitrate toxicity |
| Pathogens | Total Coliforms Fecal Coliforms Fecal Streptococci Viruses E. Coli Enterococcus | Urban/agricultural runoff Septic systems Illicit sanitary connections CSOs Boat discharges Domestic/wild animals | Ear/intestinal infections Shellfish bed closure Recreational / aesthetic loss |
| Organic Enrichment | Biochemical Oxygen Demand (BOD) Chemical Oxygen Demand (COD) Total Organic Carbon (TOC) Dissolved Oxygen | Urban/agricultural runoff CSO's Landfills, septic systems | Dissolved oxygen depletion Odors Fish Kills |
| Toxic Pollutants | Toxic Trace Metals Toxic Organics | Urban/agricultural runoff Pesticides/herbicides Underground storage tanks Hazardous waste sites Landfills Illegal oil disposal Industrial discharges | Bioaccumulation in food chain organisms and potential toxicity to humans and other organisms |
| Salts | Sodium Chloride | Urban runoff Snowmelt | Vehicular corrosion Contamination of drinking water Harmful to salt-intolerant plants |

2.6. DIMINISHING GROUNDWATER RECHARGE AND QUALITY

Suffolk County lies over a sole source aquifer system that provides potable water to the residents and businesses located within the County. The aquifer system is comprised of three separate aquifers, the Glacial is the shallowest aquifer, the Magothy Aquifer underlies the Glacial Aquifer, followed by the Lloyd Aquifer. In the more urbanized areas of Long Island, many of the municipal wells in western Suffolk and Nassau Counties that are within the Glacial Aquifer are no longer utilized due to high concentrations of pollutants.

The slow infiltration of rainfall throughout the soil is essential for replenishing groundwater. Both human health and aquatic systems are dependent on its steady discharge. Urbanization of an area results in the net decrease of pervious land, this coupled with the fact that increased population density increases potable well drawdown, natural recharge of stormwater is decreased or concentrated in certain areas. During prolonged periods of dry weather, stream flow sharply diminishes.

2.7. REDUCING IMPACTS OF STORMWATER

The Water Quality Volume (WQv), a measure of the volume of most polluted stormwater, the first flush, that washes the road of all pollutants, is based on an equation ($WQv = (P \cdot R_v \cdot A) / 12$). It is designed to improve the water quality sizing to capture and treat 90% of the average annual stormwater runoff volume. The WQv is directly related to the amount of impervious cover created at a site. The 90% rainfall event number is supplied in Fig. 4.1 of the New York State Stormwater Management Design Manual (NYSSMDM) (August 2003), for the Town of Southampton it is 1.2.

In accordance with the NYSSMDM, practices that are acceptable for water quality treatment are listed below

1. Stormwater Ponds – Practices that have either a permanent pool of water or a combination of permanent pool and extended detention capable of treating the Water Quality Volume (WQv).
2. Stormwater Wetlands – Practices that include significant shallow marsh areas, and may also incorporate small permanent pools and extended detention storage to achieve the full WQv.
3. Infiltration Practices – Practices that capture and temporarily store the WQv before allowing it to infiltrate into the soil.
4. Filtering Practices – Practices that capture and temporarily store the WQv and pass it through a filter bed of sand, organic matter, soil, or other acceptable treatment media.
5. Open Channel Practices – Practices explicitly designed to capture and treat the full WQv within dry or wet cells formed by check dams or other means.

3. MINIMUM CONTROL MEASURE 1 – PUBLIC EDUCATION AND OUTREACH

The Town of Southampton has impaired water bodies both tidal and freshwater wetlands. These water bodies include: Peconic River, Flanders Bay, Scallop Pond, Phillips Creek, Quogue Canal and West Moriches Bay. These surface waters are impaired by Nitrogen, and Pathogens. Generally land uses within a watershed can be prescriptive in determining pollutant loading. One BMP that the Town utilizes to improve water quality is to purchase land within impaired watersheds for preservation or passive recreation.

The Public Education and Outreach control measure is directed at educating the public, specific groups, i.e., construction trades, municipal officials, and homeowners to the impact stormwater runoff has on the environment. In addition, this education would involve teaching targeted groups steps that can be taken to reduce certain pollutants associated with runoff.

Important components of this plan include the continuation of forming partnerships with other government entities primarily through existing programs and resources; the utilization of educational materials to promote the program; and reaching diverse audiences such as target communities and children. Target communities include local academic/college groups, youth organizations, yacht clubs and marinas, conservation/environmental groups, and sportsman/fishing clubs.

3.1. DISTRIBUTED INFORMATION

The Town has been actively keeping informational stormwater brochures, and informational posters at Town Hall and in the future many more Town Facilities. The Town will continue this process in the next five years with modifications as the deadlines for various permit components arise. These pamphlets include the impaired water bodies, the pollutants of concern (POCs), sources of the POC's, and alternative methods of operations to reduce concentrations of POCs.

The Engineering Division is working to further Minimum Control Measure 1 (MCM 1) by implementing pollution prevention and education programs to reduce nonpoint source pollutants generated from the following activities:

- Improper disposal of pet wastes;
- Boater sanitary disposal activities;
- The improper storage, use, and disposal of household chemicals, including automobile fluids, pesticides, paints, solvents, etc.;
- Activities that generate trash;

Sediment and Erosion Control is a large component in reducing the pollutant loading to impaired water bodies. In this matter, the Engineering Division has developed code amendments. educational pamphlets geared to construction companies. There are pamphlets located at the Land Management Offices. The Town's hope is to have influence on the conceptual design of sites, to encourage the implementation of stormwater BMPs including but not limited to the siting of specific uses on the site. In addition, construction site operators must ensure they have received erosion and sediment control training before working in the Town of Southampton . The Engineering Division has been proactively faxing and emailing notices of classes for this education to contractors who work within the Town. The Town hopes to work with the local Peconic Estuary Program to participate in a training program for the east end townships.

The Town municipal operations, abide by the new legislation regarding the application of fertilizers to reduce potential overloading of nitrogen. The Department of Parks and Recreation do apply fertilizers to certain active facilities such as ball fields.

The Town offers free boater pump out services to recreational boaters in the Peconic Estuary and South Shore Estuaries. The Town Trustees maintain six pump out boats within a number of areas within the Town. Informational brochures for these services are provided at both the Town Hall and Recreation Department, the brochures include the radio frequency (Marine Ch. 73) the boaters must utilize to contact the pump-out boat to arrange disposal.

The Town of Southampton Highway Department and Office of Waste Management provides bagged leaf pick up and three locations for residential self haulers to bring yard waste to. Leaves are accepted year round at no cost, and there are two amnesty periods for brush disposal. The Town operates four Transfer Stations for residential self haulers to bring both Municipal Solid Waste and recyclables. The Town offers four Stop Throwing Out Pollutants Day (STOP Day) per year offered to the residents at

each one of its four transfer facilities. During this event, residents may bring household hazardous waste to the site.

The Community Preservation Fund has been established within the Town to set aside monies to preserve properties as they become available. The Town has purchased many waterfront properties within the impaired waterbodies watershed boundaries. This program is ongoing, the priorities of this property is to purchase lands as they come available within impaired waterbody watersheds.

3.2. TOWN FACILITY INFORMATION

The goal of public education is to prevent or reduce nonpoint source pollutant loadings generated from a variety of activities within the Town with special emphasis given to the activities which contribute to Nitrogen and Pathogen loadings. In addition to the pamphlets, posters, and other information currently available to Town residents, in the next 3 years, the Town will begin implementing a pro-active education within the school districts and local Community Advisory Committees.

3.3. TOWN OF SOUTHAMPTON WEBSITE

The Town of Southampton maintains a website (www.Southamptontownny.gov), with a link to Stormwater Management. In 2012, this link will be updated to include the Stormwater Management Program Plan, MS4 permits, educational pamphlets, posters, and links to the local and national program for non-point source pollution issues.

3.4. CLEAN WATER COALITION –

The Clean Water Coalition is a group of governmental and non-governmental participants engaged with the purpose of clean water albeit surface and ground water. The initial focus of improving water quality for this coalition is through sanitary wastewater reform.

3.5. SOLID WASTE MANAGEMENT PLAN

The Town of Southampton as a regulated planning unit of Suffolk County under the New York Department of Environmental Conservation is required to maintain a Solid Waste Management Plan as a guidance document on proper waste management practices within the Town. The main focuses of the plan are recycling, reduction of waste, education, and detailing future actions that the Town will implement with the overall goal of reducing the amount of landfilled wastes.

3.6. EVALUATING AND MEASURING PROGRESS

The Town will utilize Classification of Outcome Levels for the effectiveness assessment for each Minimum Control Measure. The Classification of Outcome Levels will be based on the document prepared by the California Stormwater Quality Association “Municipal Stormwater Program Effectiveness Assessment Guidance as well as the Municipal Operations Analysis score card.

3.7. ANNUAL REPORTING

The annual reporting period ends March 9 of each year. The annual report must be sent to the DEC by June 1 of each reporting year. For MCM 1, the Town will supply the DEC with the following information:

- Who the targeted audiences where and what topics were included
- What strategies the Town used to achieve the education and outreach goals
- Web Pages that the information is posted on
- How the Town evaluates and measures the progress

4. MINIMUM CONTROL MEASURE 2 – PUBLIC INVOLVEMENT/PARTICIPATION

4.1. LOCAL STORMWATER PUBLIC CONTACT

The public are encouraged to contact the Engineering Department to report illicit discharges, with questions, etc. The Town has an active website page devoted to informing the public on initiatives the Town is taking to improve water quality. This website provides all contact information necessary to contact the Engineering Department. In addition, the contact information is shown on all informational brochures and posters.

4.2. COMMUNITY PRESERVATION

The Town administers a Community Preservation Fund (CPF) Program whereby a seven (7) member advisory board meets, reviews and recommends parcels for preservation. The advisory board is comprised of seven volunteers that provide demonstrated experience in land preservation. The CPF Project Plan is a comprehensive plan that designates parcels eligible for preservation. The program has a If approved, the Town Board will adopt a resolution approving the purchase and authorize the Supervisor to execute a contract to purchase said parcel. The Board ranks parcels based upon natural features and significant environmental concerns, including but not limited to wetlands parcels which performs flood protection and pollution control functions.

4.3. CLEAN WATER COALITION – The mission of this organization is to unite Suffolk County’s governments, non-governmental organization, and homeowners in achieving aquifer, ground and surface water quality improvement- starting with addressing the impacts of wastewater.

4.4. LITTER PICK UP EVENTS

The Town also sponsors waste removal for an event called the Great East End Cleanup. This event occurs once per year, generally in May. Participates of local communities and organizations can register with the Town on the area of Town for which they wish to clean up. They then organize into small groups and over a two day period clean areas of the Town and bring litter and debris found in the environment to one of the four Town Transfer Stations. The event is advertised through local papers, radio stations and on Sea TV local television.

4.5. WASTE MANAGEMENT

4.5.1. PAY AS YOU THROW PROGRAM – The Town of Southampton operates four Transfer Stations within the Town of Southampton for residential self haulers. Residential self haulers may dispose of household wastes within a Town green garbage bag. These garbage bags are available at a fee at local markets and hardware stores. Therefore there is a financial incentive for residential self haulers to recycle comingled containers, paper, and cardboard as recycling is free.

4.5.2. SEED / PLANT SWAP AND STOP – In 2012, the Waste Management division will begin an annual event to provide plants and perennial seeds to residential self haulers and visitors to the recycling centers and encourage them in return to bring surplus plants and/or seeds so they may be provided to the public. To run concurrent to this event will be a stormwater and waste management education table containing information on best management practices that residents can begin at home, and compost to begin rain gardens.

4.5.3. STOP DAY

The Town has a household hazardous waste drop-off program that involves four collections each year. In 2012, the Town will also offer battery, styrofoam, recycling drops at the four transfer

stations. Although household chemicals make up only a small percentage of the residential waste stream, in order to protect the environment, it is important that they be disposed of properly. The Town's program accepts chemicals that include, but are not limited to, pesticides, aerosol cans, household cleaners, waste motor oil, batteries, electronics and fluorescent bulbs. With respect to used motor oil, New York State law requires every gasoline station that sells more than 500 gallons of motor oil to accept used motor oil at no charge. Waste motor oil is also collected at each of the Town's four Transfer Facilities.

4.6. SCHOOL DISTRICTS AND CITIZEN ADVISORY COMMITTEE'S (CACs)

The Engineering Division, Waste Management and Sustainability Division will be working integrally with the school districts and the Citizen Advisory Committee's in the next 3 years to provide education regarding Stormwater Runoff and Illicit Discharges to both the Earth Science Classes and the Marine Rehabilitation classes. A measurable goal on the effectiveness of the education program would be a small quiz provided to both Earth Science Students, and a questionnaire for the residents.

4.7. CONSERVATION AND RECYCLING

The Town realizes that part of the stormwater management program deals with good housekeeping, conservation, recycling, and efficiency. The Town has re-vamped its purchasing policies to reduce paper quantities and purchase Green Seal cleaning and paper products for the Town. In addition, we are utilizing more efficient indoor and outdoor lighting products, that utilize less energy and have a longer estimated life span. In addition, in 2012, the Town will develop a stronger water conservation goals, with encouragement to reduce land clearing, encourage use of native drought tolerant plant species, and in-house water conservation initiatives such as night time laundry and irrigation. Residents are encouraged to implement their own water conservation measures such as retrofitting plumbing fixtures with flow restrictors, modifying automatic lawn sprinklers to include rain sensors, repairing leaks in the home, installing water conservation fixtures/appliances and maintaining a daily awareness of water conservation in their personal habits.

A measurable goal for this plan would be to determine if water usage has decreased in 2012, after the public has been provided with the information on water conservation.

4.8. EVALUATING AND MEASURING PROGRESS

The Town will keep an inventory of all public involvement programs, attendance will be taken. The Town hopes that as the information gets out there, more residents will participate in the hosted programs. In addition, we will maintain counts on all public meetings that distribute information regarding Stormwater Awareness.

4.9. ANNUAL REPORTING

The annual reporting period ends March 9 of each year. The annual report must be sent to the DEC by June 1 of each reporting year. For MCM 1, the Town will supply the DEC with the following information:

- What opportunities were provided for public participation in implementation, development, evaluation and improvement of the Stormwater Management Program Plan
- What the public notice of availability of annual report and Stormwater Management Program Plan consisted of.

- Where are public access copies of the annual report, Stormwater Management Program Plan, and comments are kept
- What comments were received during the reporting period

5. MINIMUM CONTROL MEASURE 3 – ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

5.1. INTRODUCTION

Storm sewer systems are designed to convey stormwater and exclude water from non-stormwater sources with some exceptions. Illicit Discharges are defined as discharges not entirely composed of stormwater into the small MS4, except those identified in Part I.A.2 of the SPDES General Permit. Examples of illicit discharges are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an illicit discharge could be any other non-permitted discharge which the permittee or the Town has determined to be a substantial contributor of pollutants to the small MS4.

The Town shall work with the Suffolk County Department of Health Services and local advocacy groups on developing and implementing a program to ensure that onsite wastewater treatment (septic systems) within pathogen impaired watersheds are inspected and where necessary maintained, or rehabilitated at a minimum frequency of once every three years. This will affect all property owners with private sanitary systems within the Peconic River, Flanders Bay, Scallop Pond, Phillips Creek, Quogue Canal and West Moriches Bay watersheds.

5.2. PROGRAM

In 2011, the Town's consultant, Dvirka and Bartilucci finalized a Phase II Stormwater Management Program Written Procedures for Minimum Control Measure 3: Illicit Discharge Detection and Elimination. These written procedures are a component of this management plan and are provided in Appendix X of this document.

- 5.2.1** Land Uses of Concern – Since the ToS has nitrogen and pathogen watershed improvement strategies, land uses that contribute to nitrogen and pathogen pollutants have been identified. We have identified the following land uses within the ToS, sorted by their proximity to either a MS4 structure or a surface water body and will be mapping them through the GIS system for inspection tracking purposes. These land uses of concern are presented by location in Appendix C.
- 5.2.2** Animal Care/Kennel Facilities
- 5.2.3** Auto Repair and Fuel Filling Stations
- 5.2.4** Bulk fuel storage
- 5.2.5** Golf Courses
- 5.2.6** Fertilizer and Pesticide distributors.
- 5.2.7** Funeral and Crematorium locations
- 5.2.8** Older Residential Developments within impaired watershed areas.

5.3 Available Equipment

- 5.3.1** The Town of Southampton Highway Department currently one full time and one shared time (with Village of Southampton) vacuum trucks that it utilizes in the cleaning of drainage structures including but not limited to catch basins, leaching pools and storm drain pipes.
- 5.3.2** In the future, a camera would be a welcome addition to the Highway Department for use in conveyance line maintenance and illicit discharge detection.

5.4 Staff

- 5.4.1 Christine Fetten, P.E.-Town Engineer** – Ms. Fetten oversees Municipal Works and Engineering Division. Ms. Fetten reports directly to the Town of Southampton Town Board, who ultimately make decisions concerning the operations of the Town.
- 5.4.2 John LaRosa P.E., Assistant Town Engineer** – Mr. LaRosa participates in the day to day functions of the Engineering Division. Mr. LaRosa along with Michael Collins compile annual information pertaining to the MS4 Annual Reporting requirements. Mr. LaRosa, Mr. Collins, and Michael Sendlenski consult on a regular basis in regards to the MS4 requirements, tracking, legal authorities, etc. for all MCMs, and Watershed Improvement Strategies. Mr. Collins regularly attends Peconic Estuary MS4 meetings to participate in watershed MS4 opportunities.
- 5.4.3 Michael Collins, P.E., Junior Civil Engineer** – Mr. Collins has been actively overseeing the operations of the MS4 requirements. He works very closely with Mr. Baldwin and Mr. LaRosa in developing sub-watershed mapping, outfall reconnaissance and infrastructure mapping. Mr. Collins reviewed the Reeve’s Bay watershed management plan developed by Horsely and Whitten , sponsored by the Peconic Estuary Program (PEP) and developed a workable plan for implementation that did not require private property acquisition and/or easements over private property. Mr. Collins regularly attends Peconic Estuary MS4 Meetings to participate in watershed MS4 opportunities.
- 5.4.4 Michael Balwin, GIS Supervisor** – Mr. Baldwin has worked diligently on developing the ToS’s GIS Mapping system. All employees with desktop access can access the ToS’s GIS system. Mr. Baldwin has made himself available for training opportunities to town staff. Mr. Baldwin has been working on a naming convention so that all MS4 structures may be identified in the field by HWY staff during cleaning operations so they may be better tracked. In the near future the ToS will begin tracking the IDDE program and cleaning program on the GIS system.
- 5.4.5 Mike Sendlenski, Assistant Town Attorney** – Mr. Sendlenski is the legal counsel for the ToS’s MS4 Program. Mr. Sendlenski works closely with the Engineering Division and Town Board to adopt Town Code adoptions for Construction Site Stormwater Controls, Illicit Discharge Detection and Elimination and other Watershed Improvement Strategy Code adoptions. Mr. Sendlenski receives stormwater questions from the Engineering Division and issues Legal Opinions as warranted.
- 5.4.6 Alex Gregor, Southampton Highway Department Superintendent** –Mr. Gregor is an elected Superintendent of the Town of Southampton Highway Department. Mr. Gregor, since becoming the Superintendent of Highways has diligently dedicated staff to the maintenance of MS4 structures.
- 5.4.7 Freda Eisenburg, Southampton Land Management** – Ms. Eisenburg oversees the Land Management Department that consists of Building and Zoning, Licensing, Environment, and current and long range planning. This Department has considerable input into the future of the Program Plan in both current and long range development within the Town. This Department is responsible for such things as the Local Waterfront Revitalization Program and Sewer Studies within the Town and Sustainability Master Plans.
- 5.4.8 Christopher Bean – Parks and Recreation Office** – Mr. Bean oversees the Parks and Recreation Program. This Department has abilities to implement Best Management items within the Town parks, and institute programs in which Waste Management, Sustainability and Storwmater topics can be discussed for education programs.

5.5 Funding –

- 5.5.1 Operational Costs** – The Town currently funds personnel from the Engineering Division and the Town Attorney’s Office that work on MS4 Permit requirements through its operating budget. Michael Collins, is funded entirely out of a dedicated capital budget line for Stormwater projects.
- 5.5.2 Capital Improvement Costs** – Large scale projects such as infrastructure replacement and watershed improvement strategy implementations are generally paid out of a Capital Improvement Project (CIPs). Generally CIPs are funded through either bonding or town budgets coupled with grant monies (shared).

5.5.3 **Grant Opportunities** – The Town has had great success in securing grant funds for the implementation of MS4 projects. The Town has purchased boater pumpout boats through grant monies. The Town has performed stormwater retrofits out of grant monies.

5.6 **WATERSHED MAPPING**

The size of a watershed is closely related to the network of streams contained within its borders. Streams with no upstream tributaries are designated as first-order streams down to their first confluence. A second-order stream is formed when two first-order streams meet.

Watershed – Generally, this is the largest management unit that falls within the local land use planning authority. A community might have one or more watersheds within its borders, depending on its size.

Sub-watershed – The scale encompassed by the watershed. Its boundaries include all land area draining to the point where two second-order streams come together to form a third-order stream. In most regions, sub watersheds are a few square miles in area and are drained by a stream several feet in width.

The Town will work on mapping out the watersheds that discharge to the impaired waterbodies as a first priority. This will aid in determining where illicit discharges originate from in the infrastructure system has been mapped out.

The Peconic Estuary Program sponsored the Reeve’s Bay Watershed Management Plan, prepared by Horsley Witten Group in July 2006. This watershed delineation has been incorporated into the Town’s GIS system.

5.7 **ILLICIT DISCHARGE EDUCATION**

The BMP committee is currently developing a program to educate the public on the dangers of Illicit Discharges. This would provide a partnership which would enhance their wildlife education program. The Town would incorporate information received on non point source pollution in the Peconic Estuary and what elements which should be emphasized the most.

School Districts – the BMP Committee will pursue a partnership with the school districts. This would allow the Town to interact with teachers of Elementary Science, and Earth Science to inform children the measures that the Government is taking and how they can help the process by not littering, maintaining good housekeeping at home, becoming alert on what illicit discharges are and saying something if they see something, as well as spreading the information on to their relatives.

5.8 **POTENTIAL DETECTORS OF ILLICIT DISCHARGE**

The BMP committee has recognized that certain Town functions can be utilized to detect forms of illicit discharge such as the Highway Department, Parks and Recreation Department, and the Emergency Services (Police, Ambulance, Fire Depts.). The areas which would be most likely to be illicit discharges would be older industrial areas and older residential communities.

5.8.1 **HIGHWAY DEPARTMENT**

The Town Highway Department maintains the Town's MS4 system. Typical maintenance operations that the Hwy Dept. performs includes but is not limited to:

5.8.1.1 STREET SWEEPING – During street sweeping operations, the operator is traveling at a slow rate of speed. The operator actively looks for non-MS4 pipes draining to the MS4, overland discharges draining to the MS4, etc. There is a running list maintained at the Hwy Dept. that describes any activities, items that are potential illicit discharges. If there are items of major concern that are discharges of strong odor, or color, the Hwy Dept. will investigate if it is an immediate potential hazard, the Fire Marshal's office is contacted.

5.8.1.2 DRAINAGE STRUCTURE CLEANING - Hwy Dept. actively cleans out drainage infrastructure. The Hwy Dept. currently maintains two vacuum trucks that are utilized for removing debris that has accumulated in drainage catch basins, leaching pools, and manholes. During cleaning operations, if they observe dry weather flow, additional pipes in the structures, or foul odors, they maintain a list of the structure number, and location. There is a running list maintained at the Hwy Dept. that describes any activities, items that are potential illicit discharges.

5.8.2 EMERGENCY SERVICES

The Emergency Services that operate within the Town include the Police Department, Fire Marshal's Office, Fire Departments and Ambulance Departments. During motor vehicle accidents, they are the first responders, and are able to assess the immediate affects of the accident. If there are any penetrations to holding tanks of the vehicles they alert appropriate departments albeit the NYSDEC, Highway Department, to protect the Town's MS4 system and the environment. If during the assessment, they observe dry weather flow, they will contact the Fire Marshal's Office or the Engineering Department depending on the severity of the issue.

5.9 EVALUATING AND MEASURING PROGRESS

The Town will keep an inventory of all illicit discharge complaints and responses. They will be broken down into the quantity of illicit discharges identified and the number eliminated. The quantity of inspections will be utilized as a measuring progress tool. Currently there is limited funds to perform inspection, however, as funding becomes more available the frequency will increase and the time line to eliminate a illicit discharge will be reduced.

5.10 ANNUAL REPORTING

The annual reporting period ends March 9 of each year. The annual report must be sent to the DEC by June 1 of each reporting year. For MCM 1, the Town will supply the DEC with the following information:

- Approximate percentage and numbers of outfalls mapped
- Number of outfalls screened for dry weather discharges during reporting period
- Types of generating sites/ sewersheds targeted for inspection during this reporting period;
- Types of illicit discharges found during the reporting period
- Quantity of illicit discharges/potential illegal connections that have been detected during this reporting period
- Quantity of illicit discharges/illegal connection have been eliminated during this reporting period
- If the storm sewershed mapping has been completed

- If the information is available on GIS
- What percent of staff in relevant positions and departments have received IDDE training.

6 MINIMUM CONTROL MEASURE 4 – CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

6.2 INTRODUCTION

This minimum control measure is intended to reduce the amount of sediment generated from construction sites (erosion control) and reduce the off-site transport of sediment and construction – related chemicals (sediment and chemical control). This measure should be utilized to influence conceptual design drawings to develop a sustainable site, and protect the watershed.

Several pollutants of concern are associated with construction activities, including the following: sediment; pesticides; fertilizers used for vegetative stabilization; petrochemicals (oils, gasoline, and asphalt degreasers); construction chemicals such as concrete products, sealers, and paints; wash water associated with these products; paper; wood; garbage; and sanitary waste (Washington State Department of Ecology, 1991). “Erosion rates from natural areas such as undisturbed forested lands are typically less than 1 ton/acre/year, whereas erosion from construction sites ranges from 7.2 to 500 tons/acre/year” (USEPA, 2005).

6.3 TOWN CODE AMENDMENTS

The Town of Southampton adopted local law for the addition of “Chapter 285 – Stormwater Management and Erosion and Sediment Control Regulations” of the Southampton Town Code. Chapter 285 was modeled after the State policies and procedures for Site Developers to prepare a Stormwater Pollution Prevention Plan (SWPPP) for review by the Town of Southampton . The local law outlines fees, to be set up for the review and inspection of these sites as they become developed

6.4 EDUCATION

Construction site operators, design engineers, municipal staff and other individuals will be trained in sediment and erosion control practices either through the NYSDEC, USEPA, or Geological Group.

6.5 PROGRAM

The Town has prepared informational pamphlets for developers entering either Land Management Department for site plan and/or building applications. The goal of the pamphlets is to inform the developers of the procedural requirements of SWPPP reporting, inspection, best management practices in the layout of site plan features, construction activities, and post-construction considerations.

6.6 WRITTEN PROCEDURES

In 2011 the Town finalized Written Procedures for Minimum Control Measures 4 and 5 Construction Site Stormwater Runoff Control and Post-Construction Management prepared by the Town’s consultant, Dvirka and Bartilucci. The procedures outline the review process of a SWPPP, construction compliance inspections and enforcement actions. This document is included as part of the Management Program Plan and is intended for use by Town employees reviewing applicant SWPPPs.

6.7 EVALUATING AND MEASURING PROGRESS

The Town will keep an inventory of all reviewed SWPPPS, how many requested revisions each one had and when it was approved. The amount of contractor training seminars will be quantified.

6.6 ANNUAL REPORTING

The annual reporting period ends March 9 of each year. The annual report must be sent to the DEC by June 1 of each reporting year. For MCM 4, the Town will supply the DEC with the following information:

- If the Town has adopted a law that provides equal protection to the NYS SPDES General Permit
- Does that Town have a SWPPP review procedure in place
- How many SWPPPS have been reviewed in the reporting period
- Does the Town have a mechanism for receipt and consideration of public comments related to construction SWPPPS
- Does the Town provide education and training for contractors about the local SWPPP process
- Identify the types of enforcement actions used during the reporting period for construction activities.
- How many projects have been authorized for disturbances of one acre or more.
- How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period
- What percent of active construction sites were inspected during this reporting period
- What percent of active construction sites were inspected more than once.
- Do all inspectors working for the Town use the NYS Construction Stormwater Inspection Manual

7 MINIMUM CONTROL MEASURE 5 – POST-CONSTRUCTION STORMWATER MANAGEMENT

7.2 INTRODUCTION

This minimum control measure addresses runoff from projects after the construction phase is complete. In some cases, construction and post-construction BMPs can be located in the same area, however it is being found that construction and post construction BMPs should be located on different parts of the site and have different sizing and design criteria. In the past, more emphasis has been made on stormwater volume instead of water quality issues. The majority of the Town of Southampton 's stormwater is infiltrated by way of recharge basins with no pre-treatment.

7.3 NON STRUCTURAL BEST MANAGEMENT PRACTICES

Non structural BMPs are measures that communities may take to protect water quality. These often include land preservation, conservation, recycling activities. These can be implemented with volunteer groups working with Town Government, the enactment of Town Code amendments, zoning restrictions, and education.

7.3.1 LAND PRESERVATION IN IMPAIRED WATERSHEDS

The open space and farmland committees review the parcels, conduct site visits, rank or rate the parcels and vote to recommend to the Town Board the most viable options. Thereafter, the Town via resolution votes to hold a public hearing so the public may participate or express opinion regarding the preservation of a particular parcel. If approved, the Town Board will adopt a resolution approving the purchase and authorize the Supervisor to execute a contract to purchase the parcel.

7.3.2 WRITTEN PROCEDURES

In 2011 the Town finalized Written Procedures for Minimum Control Measures 4 and 5 Construction Site Stormwater Runoff Control and Post-Construction Management prepared by the Town's consultant, Dvirka and Bartilucci. The procedures outline the review process of a SWPPP, construction compliance inspections and enforcement actions. This document is included as part of the Management Program Plan and is intended for use by Town employees reviewing applicant SWPPPs.

7.3.3 TOWN CODE AMENDMENTS

The Town adopted a local law for the addition of Chapter 285 entitled Stormwater Management and Erosion and Sediment Control. As part of this code amendment, the Town requires the owner/operator of the permanent stormwater management practices installed in accordance with Town Code to ensure they are operated and maintained to achieve the goals of the chapter and require the owner / operator to prepare and maintain on site a preventative/corrective maintenance program for all critical facilities and systems of treatment and control which are installed or used by the owner/operator to achieve the goals. In addition, the owner/operator shall enter into a formal maintenance agreement for stormwater management facilities (maintained by private entities) binding on all subsequent landowners and recorded in the office of the Suffolk County Clerk as a deed restriction on the property prior to the final plan approval.

7.3.4 PUBLIC EDUCATION

The Town will continue to utilize public education by way of pamphlets, posters, and seminars to inform people that everyone can make a difference. Simple ways to manage stormwater in both residential and commercial sites is to utilize practices to minimize impervious areas, clearing practices and to utilize practices to enhance the site landscaping such as rain gardens, wet ponds which can be incorporated into the landscaping scheme.

7.4 STRUCTURAL BEST MANAGEMENT PRACTICES

Structural BMPs are actions that can be implemented during design/construction and are structural in nature to treat both stormwater quantity and quality. They are sized based upon the volume of water that they can accommodate.

7.4.1 DRY DETENTION POND

Dry detention ponds are vegetated basins designed to fill during storm events and slowly release the water over a number of hours.

7.4.1.1 OPERATION AND MAINTENANCE

All facility components, vegetation, and source controls shall be inspected for proper operations and structural stability. These inspections shall occur, at a minimum, quarterly for the first 2 years from the date of installation, and two times per year thereafter, within 48 hours after each major storm event. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities. Components to be inspected include but are not limited to: pond inlet, forebay, embankment, dikes, berms, side slopes, control devices, overflow structure, sediment and debris management.

7.4.2 WET PONDS AND EXTENDED WET DETENTION PONDS

Wet ponds are constructed with a permanent pool of water (called pool storage or dead storage). Stormwater runoff enters the pond at one end and displaces water from the

permanent pool. Pollutants are removed from stormwater through gravitational settling and biologic processes.

7.4.2.1 OPERATION AND MAINTENANCE

All facility components, vegetation, and source controls shall be inspected for proper operations and structural stability. These inspections shall occur, at a minimum, quarterly for the first 2 years from the date of installation, and two times per year thereafter, within 48 hours after each major storm event. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities. Components to be inspected include but are not limited to: pond inlet, forebay, embankment, dikes, berms, side slopes, control devices, overflow structure, sediment and debris management.

7.4.3 FILTRATION PRACTICES

Filtration practices are a low impact way of filtering stormwater into the groundwater. The concept is to slow the water velocity through use of a parallel conveyance of the stormwater, as the water flows across, it also infiltrates down, the slow release helps contaminants cling to soil particles, or become ingested by plants.

7.4.3.1 GRASSED SWALES

Grassy swales are long narrow grassy depressions used to collect and convey stormwater runoff, allowing pollutants to settle and filter out as the water infiltrates into the ground or flows through the facility. In addition to providing pollution reduction, flow rates and volumes can also be managed for small process (<15,000 square feet of impervious surface) with grassy swales. Swales can be used to fulfill a site's required landscaping area requirement.

Operation and Maintenance – The swale should drain within 48 hours of a storm event. All facility components, including but not limited to vegetation, source controls, swale inlet, side slopes, swale media, and swale outlet shall be inspected for proper operations and structural stability, at a minimum, quarterly for the first 2 years from the date of installation, 2 times per year thereafter, and within 48 hours after each major storm event. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities.

7.4.3.2 SAND FILTERS

There are two sand filter options. One is designed with an impervious bottom or is placed on an impervious surface. It can be used for all soil types. The other option, for native soils with a minimum infiltration rate of 2 inches per hour (NRCS soil types A and B), allows filtered water to infiltrate into the ground. For both options, pollutant reduction is achieved as the water filters through the sand; flow control is obtained by slowing the discharge rate as the water filters through the sand. Filters may be constructed in-ground or above grade. Because they include a waterproof lining, sand filters are extremely versatile and can be used next to foundation walls, adjacent to property lines or on slopes. An overflow to an approved conveyance and disposal method is required.

Operation and Maintenance – All facility components including but not limited to vegetation, filter inlet, reservoir, filter media, under-drain piping, and overflow or emergency spillway shall be inspected for proper operations and structural

stability. These inspections shall occur, at a minimum, quarterly for the first 2 years from the date of installation, and 2 times per year thereafter, and within 48 hours after each major storm event. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities.

7.4.3.3 INFILTRATION PLANTER

Infiltration planters are structural landscaped reservoirs used to collect, filter, and infiltrate stormwater runoff, allowing pollutants to settle and filter out as the water percolates through the planter soil and infiltrates into the ground. In addition to providing pollution reduction, flow rates and volumes can also be managed with infiltration planters. Planters can be used to help fulfill a site's required landscaping area requirement and should be integrated into the overall site design.

Operation and Maintenance – Water should drain through the planter within 3 - 4 hours after a storm event. All facility components including but not limited to downspout, splash blocks, planter reservoir, filter media, planter, overflow pipe, and vegetation shall be inspected for proper operations and structural stability. These inspections shall occur, at a minimum, quarterly for the first 2 years from the date of installation, 2 times per year thereafter, and within 48 hours after each major storm event. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities.

7.5 STORMWATER RETROFITTING

The MS4 requirements pertain to new development and redevelopment projects. Redevelopment cases, in particular are places where retrofitting can play a major role. For instance, existing stormwater facilities and/or conveyance systems can be retrofitted to provide better water quality treatment.

7.5.1 RETROFITTING PROTOCOLS

The Town will establish construction measures that developers can utilize in redevelopment projects on how to deal with roof runoff, parking lot runoff etc.

7.5.2 MUNICIPAL RETROFIT

The Town shall implement a program to build retrofitting into the Town facilities, capital improvements and facilities maintenance program. The Town will continue to retrofit stormwater facilities as it is economically feasible. Public education and involvement is most probable in low impact areas such as roof runoff.

7.6 EVALUATING AND MEASURING PROGRESS

There are three opportunities for measurement and evaluation for Post Construction Management. For new subdivisions that are developed and then given to the Town for adoption into the Highway System, the number of these adoptions / year will be recorded. For private developments that discharge to a public stormwater system, the quantity of these developments/year will be recorded. For developments that have a private discharge to a public water which will require a State Pollutant Discharges Permit through the NYSDEC, the Town will receive a copy of this permit and track the number of these permits/year. We will also track the progress of new installations of Green technologies such as Rain Gardens, and Swales that the Town is installing as well as recommending these for use in private developments.

7.7 ANNUAL REPORTING

The annual reporting period ends March 9 of each year. The annual report must be sent to the DEC by June 1 of each reporting year. For MCM 5, the Town will supply the DEC with the following information:

- How many and what type of post-construction stormwater management practices has the Town inventoried, inspected, implemented in the period
- Does the Town use GIS or spreadsheets to track post-construction BMPs, inspections and maintenance.
- What types of non-structural practices have been used to implement the Low Impact Development/Better Site Design/Green Infrastructure principles.

8 MINIMUM CONTROL MEASURE 6 – POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

8.2 INTRODUCTION

This minimum control measure is intended to prevent or reduce nonpoint source pollutant loadings generated from a variety of activities within urban areas. Everyday activities of municipal employees and businesses have the potential to contribute to nonpoint source pollutant loadings. These activities include improper use and disposal of household chemicals, lawn and garden maintenance, turf grass management, operation and maintenance of diesel, and gasoline vehicles, illicit discharges to the MS4, commercial activities and improper pet waste disposal. Performing these activities in an environmentally responsible manner potentially will improve

8.3 OBJECTIVES

- To design and implement an operation and maintenance program to reduce and prevent discharge of pollutants to the maximum extent practicable from municipal operations and facilities.
- Include training in the program on pollution prevention and good housekeeping techniques in municipal operations;
- Select and implement management practices for pollution prevention and good housekeeping in municipal operations; and
- Develop measurable goals to ensure the reduction of all pollutants of concern in stormwater discharges to the maximum extent practicable.

8.4 TOWN FACILITIES AND OPERATIONS

The Town has many facilities which it operates for public interactions. Information regarding these properties and facilities are located in Appendix A and are sorted by Department. The information contained within the database and detail sheets are updated on an annual basis.

8.5 BUILDING MAINTENANCE

The Town Division of Buildings and Facilities Management maintains all Town buildings in terms of maintenance and repairs with the exception to some Recreational Buildings. The Town utilizes Green Purchasing of paper and cleaning supplies used for Building Maintenance activities. As buildings require renovations, the Town attempts (to the maximum extent practicable) to comply with LEED requirements. We are employing LEED maintenance procedures with GS-37 labeled cleaning solvents, and only ordering enough to maintain buildings for a 6 month time frame. LIPA has conducted energy audits for all facilities. The Town is pursuing entering into an Energy Services Contract (ESCO) with the purpose to improve building efficiency, health, and reduce operational costs.

When existing mercury containing lighting is at the end of its useful life albeit fluorescent interior lighting or exterior street lights, the Town stores these materials for pick up by a registered / licensed recycling facility in accordance with the Federal legislation.

8.6 TOWN PARKS

The Department of Parks and Recreation maintains all of the Town Parks and facilities beyond the building envelope.

8.6.1 COMMERCIAL DOCKS

The Department of Parks and Recreation provides the Commercial Fishing Dock in Hampton Bays with a covered waste container to assist the fisherman in best management practices regarding waste management.

8.6.2 RECREATIONAL FIELD FERTILIZATION

The Parks and Recreation Maintenance crews fertilize some recreational playing fields at Town facilities. Fertilizer deployment is reduced as a program item to reduce nitrogen introduction into the watershed. When it is deployed, the Parks Maintenance Staff abide by all current NYSDEC and Suffolk County regulations.

8.6.3 DOCKING FACILITY BOATER PUMPOUTS

The Parks and Recreation Department maintains boater pumpout stations located at the East Quogue Marina. This is a community asset to promote the zero tolerance of boater pumpout in the estuary.

8.6.4 GOLF COURSE –

The Parks Department and Recreation oversees the use of the Town Golf Course. The oversight of the golf course is generally sub-contracted to another entity. During the next round of contract negotiations, the Town will require a phased in approach to converting the fertilization of the grounds to organic fertilizers.

8.6.5 GRASS MOWING

The Department of Parks and Recreation does not bag grass clipping, but allows them to stay on the lawn providing nutrients such as nitrogen to slowly dissolve into the turf. These mowers are maintained by the Parks Department, with regular inspections for leaks, and efficient operation.

8.7 ROADWAY MAINTENANCE

8.7.1 TREE TRIMMING

The HWY Dept. maintains the trees within the ROWs. Maintenance of the trees includes removing dead trees and removing damaged or deteriorated tree limbs which potentially could fall in the roadway causing damage and possible injury. Organic waste is brought to the Yard Waste area of the three regulated Transfer Facilities.

8.7.2 ROAD KILL REMOVAL

The HWY Dept. removes all dead animals that have been struck and killed by motor vehicles within the roadway. This operation is generally performed by 2 staff members. The carcasses are brought to the North Sea Transfer Station for organic composting.

8.7.3 STREET SWEEPING

The Highway Department performs the street sweeping operations. There are currently one full time and one part time Hwy Dept. street sweepers in the Town, they are regularly maintained by the Highway Garage. There are multiple staff members that run these sweepers in addition to other equipment. This staff actively maintains records on when and where they have swept and how much debris they have swept off the roadway.

8.7.4 WINTER ROAD MAINTENANCE

The Town Highway Department currently utilizes a mixture of pre-storm brine treatment, sand and sodium chloride to provide de-icing and friction to roadways as the temperature drops and calcium chloride spray to the sand/salt mix for de-icing in lower temperature ranges of 20 degrees and below.

Alternatives: Alternatives to the use of sodium chloride and calcium chloride include magnesium chloride which is essentially equivalent to the two compounds the Town uses in terms of costs and corrosion, as well as calcium magnesium acetate (CMA) and urea. CMA is a biodegradable material made from limestone and acetic acid, and is considered a viable alternative to solid and liquid de-icers due to its low environmental impact. However, this compound melts at a slower rate than conventional salts and is on average 15 to 30 times the cost of conventional salts. Therefore, the Town does not use this material due to fiscal constraints, and vehicular safety concerns. Urea is utilized by airports for de-icing of planes and runways. Due to the high nutrient concentrations, the Town would not utilize this in and around wetlands

8.8 EVALUATING AND MEASURING PROGRESS

The Town will address Good Housekeeping by self evaluation in accordance with the Municipal Operations Analysis developed by the Center for Watershed Protection. Once this is performed, and a grade is assess, the Town will proactively work on specific items to improve the grade on an annual basis.

8.9 ANNUAL REPORT

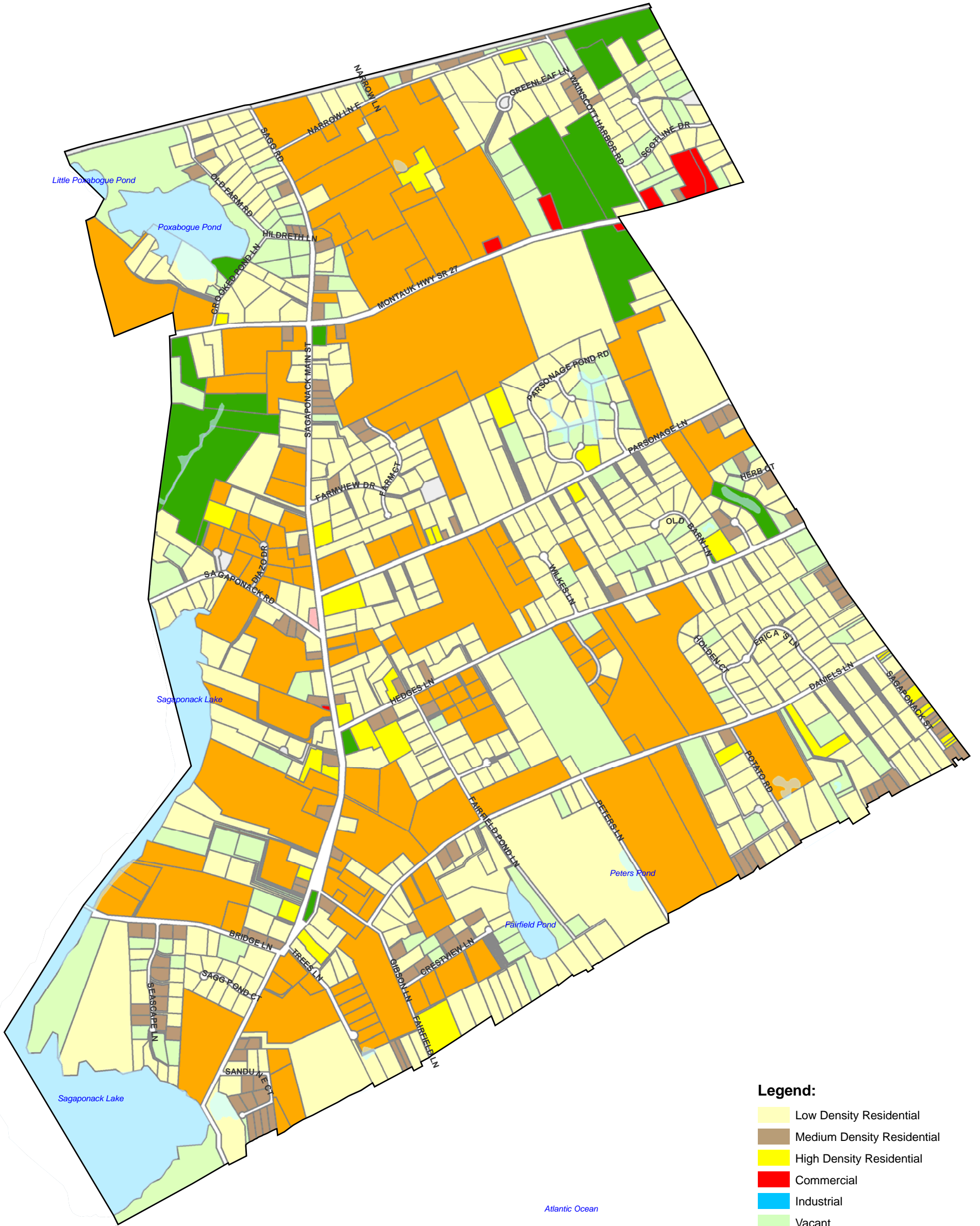
The annual reporting period ends March 9 of each year. The annual report must be sent to the DEC by June 1 of each reporting year. For MCM 6, the Town will supply the DEC with the following information:

- List each municipal operation/facility that contributes or may potentially contribute POCs to the MS4 system.
- List of Municipal Operations good housekeeping programs
 - Acres of parking lots swept
 - Miles of street swept
 - Inspections of Post Construction Control Practices
 - Lbs of Phosphorus applied in chemical fertilizer
 - Lbs of nitrogen applied in chemical fertilizer
 - Lbs of pesticide/herbicide applied as pure product
- Quantity of stormwater management trainings have been provided to municipal employees.
- Date of last training
- Quantity of municipal employees have been trained in this reporting period
- Percentage of municipal employees in relevant positions and departments receiving stormwater management training.

APPENDIX B

Map 2

Existing Land Use for the Incorporated Village of Sagaponack Town of Southampton Suffolk County, New York



Legend:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Vacant
- Institutional
- Recreation and Open Space
- Agriculture
- Transportation
- Municipal
- Surface Waters
- No Data

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Prepared For:
 The Incorporated Village of Sagaponack

 Prepared By:
 Town of Southampton
 Dept. of Geographic Information Systems
 116 Hampton Rd
 Southampton, NY 11968

 March 13, 2007
 Map ID 1360

* SOURCE: Town of Southampton
 Tax and Assessment database & Geographic
 Information System

Appendix 2A -- Village Data

Sagaponack Village Land Use Data

Compiled from Southampton Town GIS November, 2006

The total area of 2,977.08 acres is based on the Southampton Town GIS system computation which includes roads as well as tax map parcels. The total area of the Village within just tax map parcels, exclusive of roads is 2,823.33 acres.

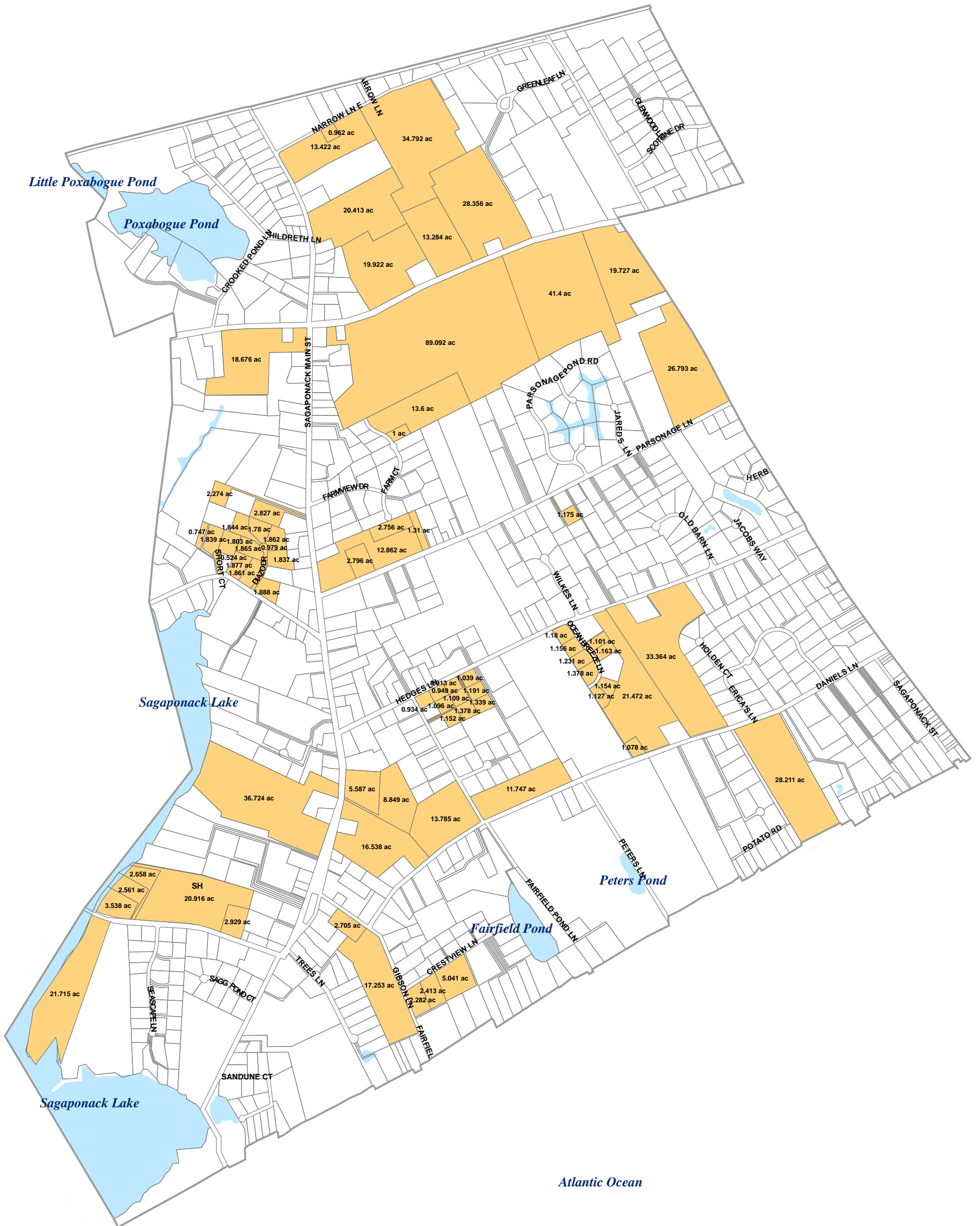
(A) Total Acreage

| | |
|--------------------------|----------|
| Acres | 2,977.08 |
| Sq Miles | 4.65 |
| Number of Parcels | 942 |

Map 4

Parcels within NYS Agricultural District #5

for the Incorporated
Village of Sagaponack
Town of Southampton
 Suffolk County, New York



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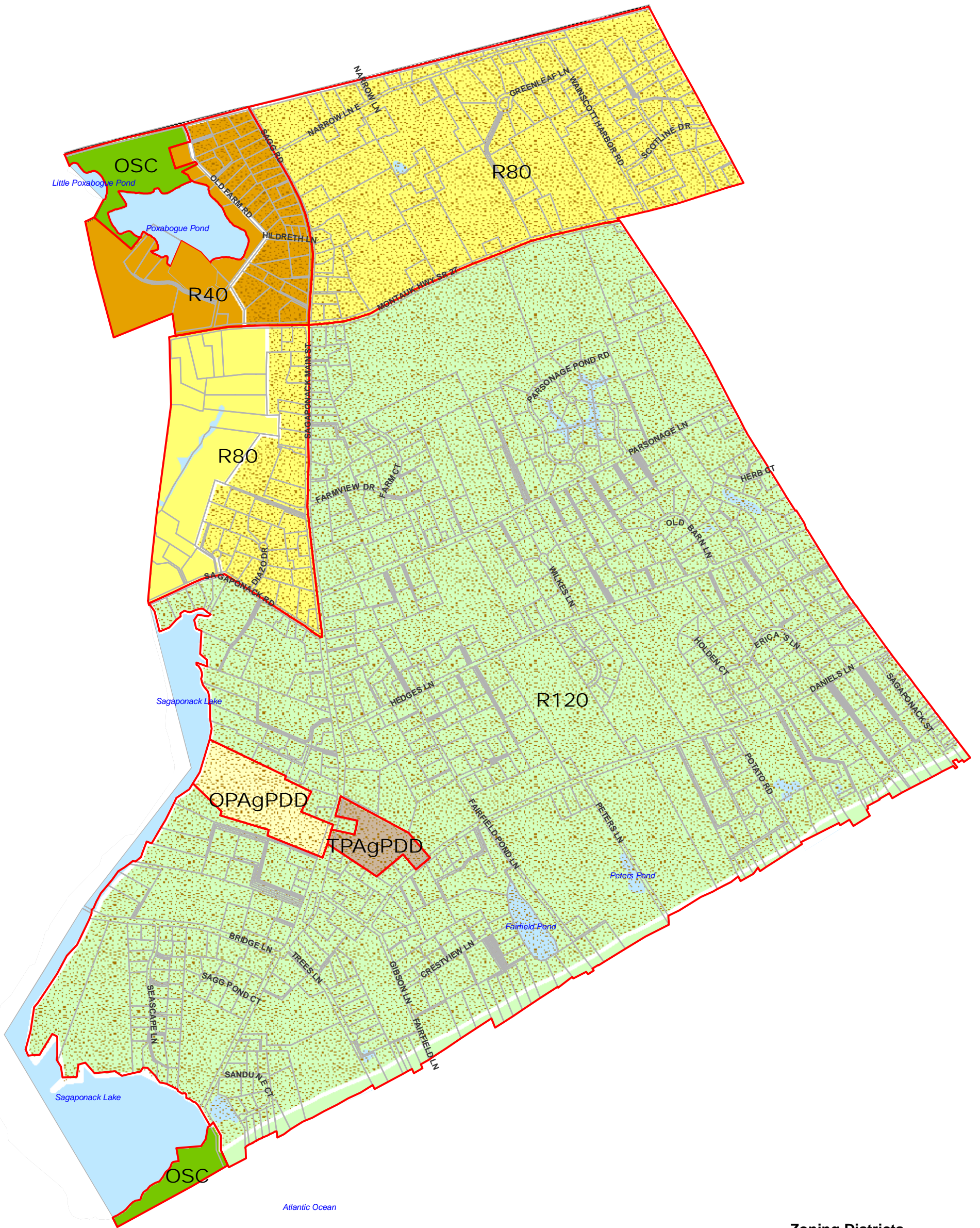
Prepared By:
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 Dept. of Geographic Information Systems
 116 Hampton Rd
 Southampton, NY 11968

March 13, 2007
 Map ID 1326

 Sagaponack Village Boundary
 NYS Ag Dist #5
 SC - Suffolk County PDR
 SH - Southampton Town PDR

Zoning Map

for the Incorporated
Village of Sagaponack
Town of Southampton
 Suffolk County, New York



Zoning Districts

- R40
- R80
- R120
- OSC
- OPAgPDD
- TPAgPDD
- Agricultural Overlay District

* SOURCE: Town of Southampton
 Geographic Information System

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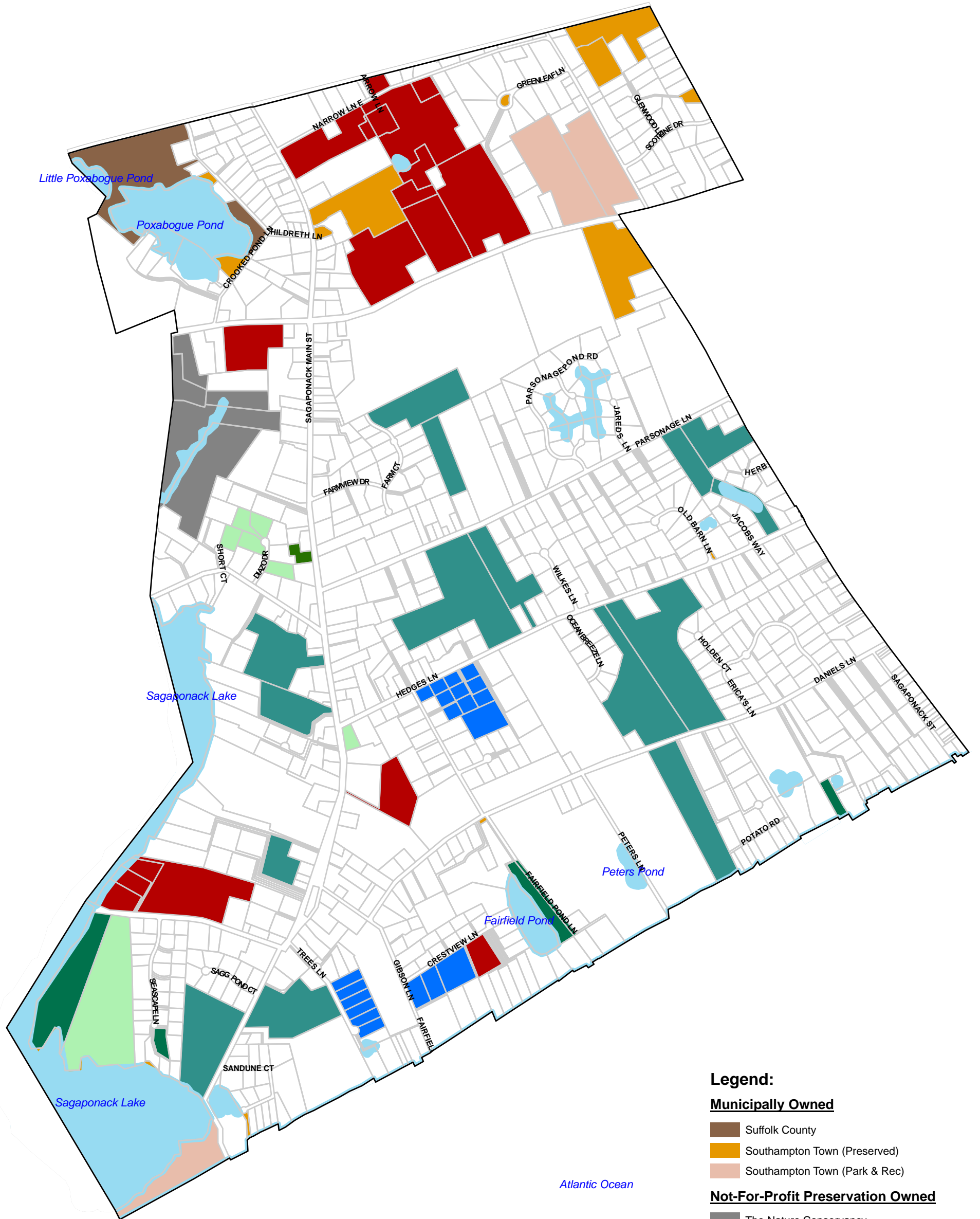
Prepared By:
 Town of Southampton
 Dept. of Geographic Information Systems
 116 Hampton Rd
 Southampton, NY 11968

Date Prepared: March 15, 2007
 Date Apoted:
 Map ID 1362

Map 3

Preserved Farm Land / Open Space Parks & Recreation Land

for the Incorporated
Village of Sagaponack
Town of Southampton
Suffolk County, New York



Legend:

Municipally Owned

- Suffolk County
- Southampton Town (Preserved)
- Southampton Town (Park & Rec)

Not-For-Profit Preservation Owned

- The Nature Conservancy
- South Fork Land Foundation Inc (Land Trust)
- Peconic Land Trust

Easements - Privately Owned

- Agricultural Reserve / Open Space
- Development Rights Sold to Town / County
- Development Rights to the Peconic Land Trust

* SOURCE: Southampton town Geographic Information System, various Sagaponack Residents.

Prepared For:
The Incorporated Village of Sagaponack

Prepared By:
Town of Southampton
Dept. of Geographic Information Systems
116 Hampton Rd
Southampton, NY 11968

March 13, 2007
Map ID 1361

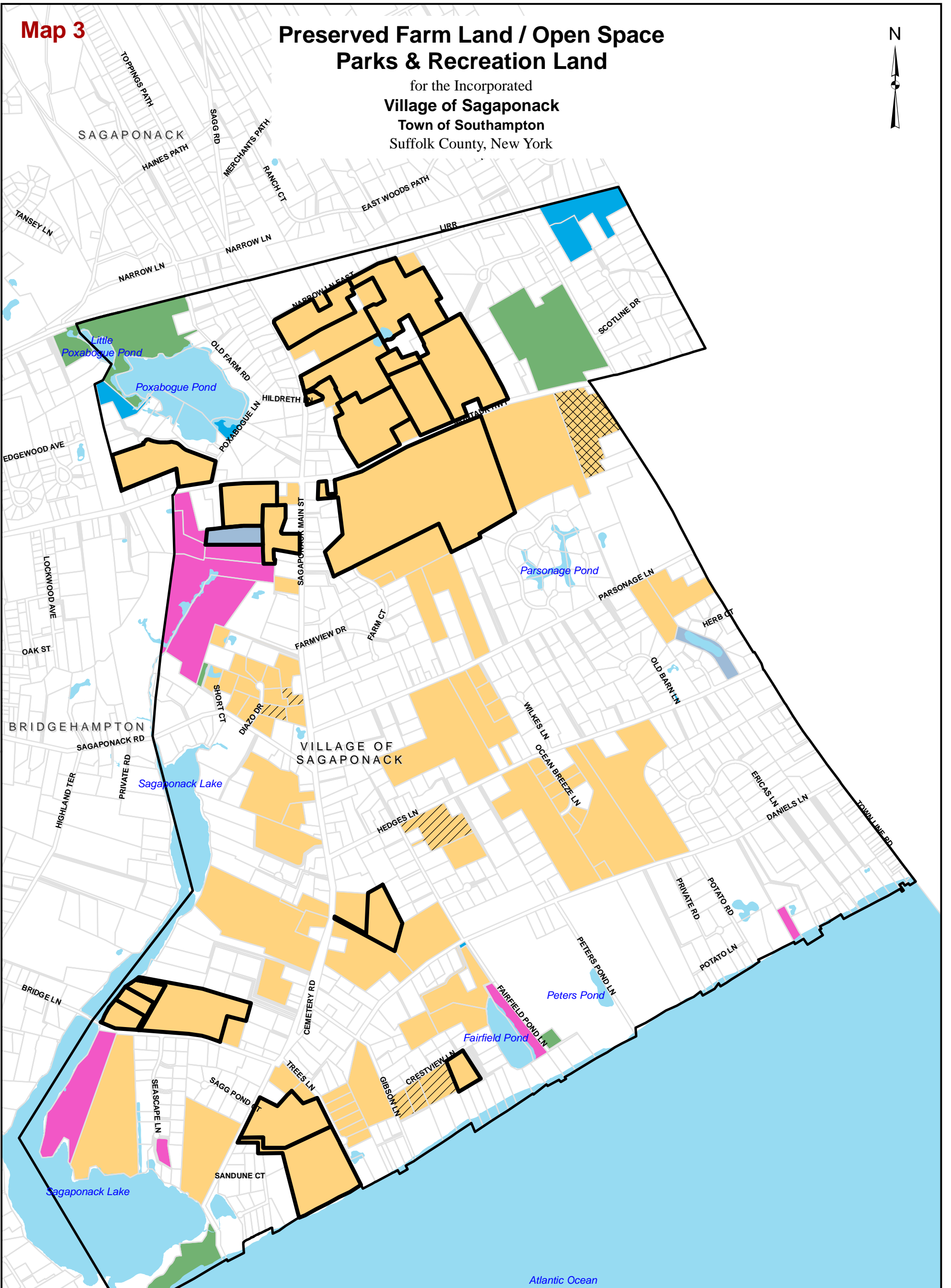
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Preserved Farm Land / Open Space Parks & Recreation Land

for the Incorporated
Village of Sagaponack
Town of Southampton
Suffolk County, New York



Legend

- | | | |
|-----------------------|-----------------------------|-----------------------|
| Development Rights | Park Land & Recreation Land | Private Ownership |
| Not For Profit Owners | Municipal Owners | Not For Profit Owners |
| Private Ownership | | Municipal Ownership |

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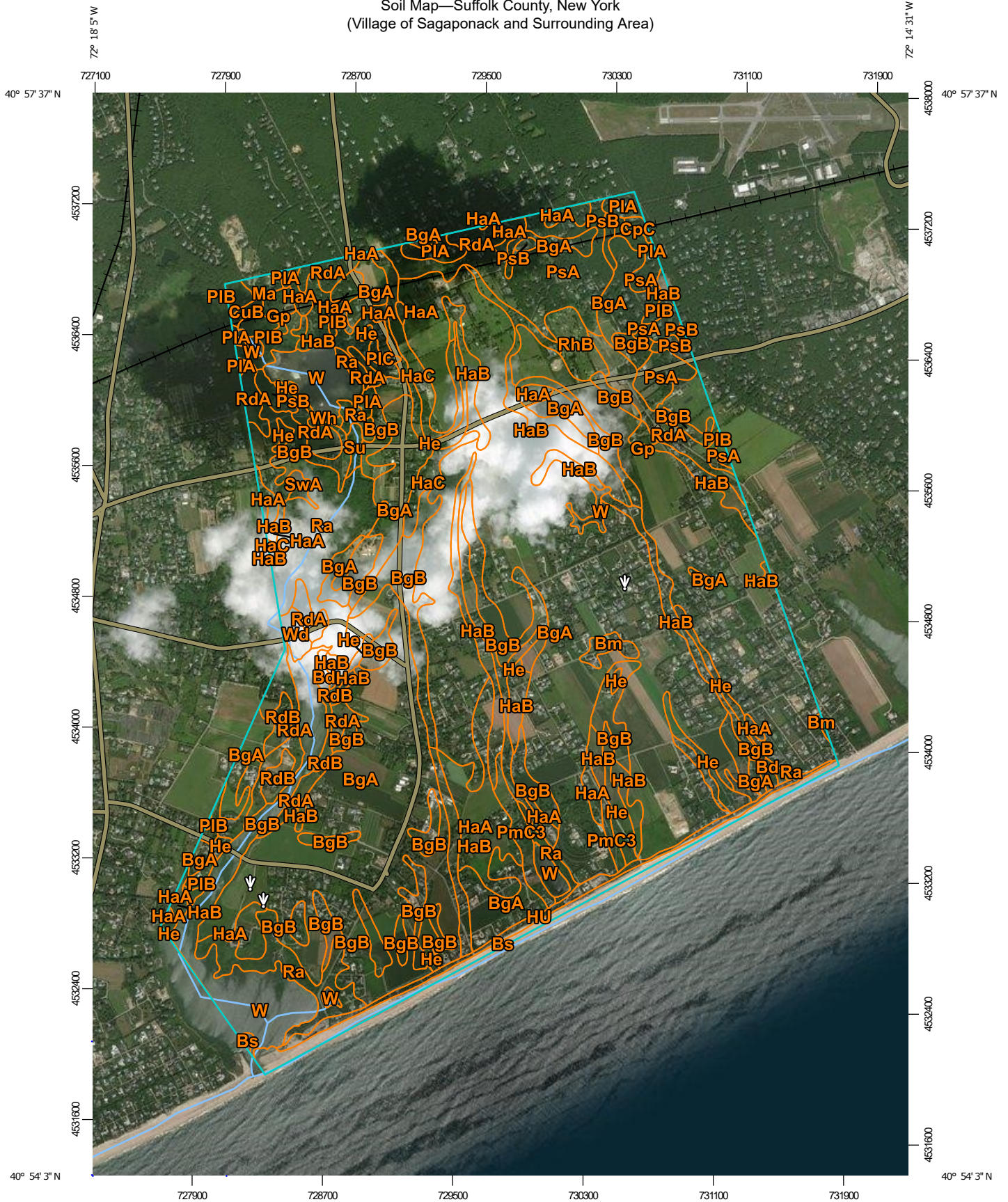
Prepared For:
The Incorporated Village of Sagaponack

Prepared By:
Town of Southampton
Dept. of Geographic Information Systems
116 Hampton Rd
Southampton, NY 11968

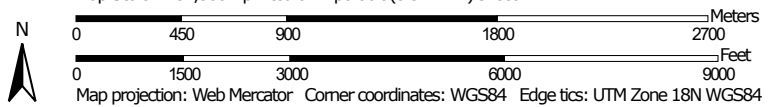
Date: 3/2/2016
Map ID 1361



Soil Map—Suffolk County, New York
(Village of Sagaponack and Surrounding Area)




Map Scale: 1:32,300 if printed on A portrait (8.5" x 11") sheet.



Soil Map—Suffolk County, New York
(Village of Sagaponack and Surrounding Area)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils






 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Suffolk County, New York
Survey Area Data: Version 18, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Sep 8, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|-----------------|--|--------------|----------------|
| Bd | Berryland mucky sand | 8.7 | 0.3% |
| BgA | Bridgehampton silt loam, 0 to 2 percent slopes | 1,656.0 | 48.5% |
| BgB | Bridgehampton silt loam, 2 to 6 percent slopes | 300.6 | 8.8% |
| Bm | Bridgehampton silt loam, graded | 10.3 | 0.3% |
| Bs | Beaches, sand | 45.0 | 1.3% |
| CpC | Carver and Plymouth sands, 3 to 15 percent slopes | 3.5 | 0.1% |
| CuB | Cut and fill land, gently sloping | 3.4 | 0.1% |
| Gp | Gravel pits | 10.9 | 0.3% |
| HaA | Haven loam, 0 to 2 percent slopes | 130.9 | 3.8% |
| HaB | Haven loam, 2 to 6 percent slopes | 223.1 | 6.5% |
| HaC | Haven loam, 6 to 12 percent slopes | 43.4 | 1.3% |
| He | Haven loam, thick surface layer | 105.4 | 3.1% |
| HU | Hooksan-Urban land complex, 0 to 8 percent slopes | 32.4 | 0.9% |
| Ma | Made land | 6.1 | 0.2% |
| PIA | Plymouth loamy sand, 0 to 3 percent slopes | 24.3 | 0.7% |
| PIB | Plymouth loamy sand, 3 to 8 percent slopes | 43.4 | 1.3% |
| PIC | Plymouth loamy sand, 8 to 15 percent slopes | 3.2 | 0.1% |
| PmC3 | Plymouth gravelly loamy sand, 8 to 15 percent slopes, eroded | 26.9 | 0.8% |
| PsA | Plymouth loamy sand, silty substratum, 0 to 3 percent slopes | 146.0 | 4.3% |
| PsB | Plymouth loamy sand, silty substratum, 3 to 8 percent slopes | 19.8 | 0.6% |
| Ra | Raynham loam | 175.0 | 5.1% |
| RdA | Riverhead sandy loam, 0 to 3 percent slopes | 146.7 | 4.3% |
| RdB | Riverhead sandy loam, 3 to 8 percent slopes | 23.0 | 0.7% |

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|--|----------------|----------------|
| RhB | Riverhead and Haven soils, graded, 0 to 8 percent slopes | 23.1 | 0.7% |
| Su | Sudbury sandy loam | 5.5 | 0.2% |
| SwA | Swansea muck, 0 to 1 percent slopes, coastal lowland | 2.8 | 0.1% |
| W | Water | 186.2 | 5.4% |
| Wd | Walpole sandy loam, coastal lowland, 0 to 3 percent slopes | 8.9 | 0.3% |
| Wh | Whitman sandy loam, 0 to 3 percent slopes | 3.0 | 0.1% |
| Totals for Area of Interest | | 3,417.7 | 100.0% |

APPENDIX C

Sagaponack Pond (1701-0146)

Impaired

Waterbody Location Information

Revised: 6/13/2016

Water Index No: (MW7.1a) AO-P786
Hydro Unit Code: Shinnecock Bay-Atlantic Ocean (0203020206)
Water Type/Size: Estuary Waters 92.8 Acres
Description: entire tidal waterbody

Water Class: SA
Drainage Basin: Atlantic-Long Island Sound
Reg/County: 1/Suffolk (52)

Water Quality Problem/Issue Information

(CAPS indicate MAJOR Pollutants/Sources)

| Uses Evaluated | Severity | Confidence |
|----------------------|-----------------|-------------|
| Shellfishing | Precluded | Known |
| Public Bathing | Stressed | Unconfirmed |
| Recreation | Impaired | Known |
| Aquatic Life | Fully Supported | Unconfirmed |
| Fish Consumption | Fully Supported | Unconfirmed |
| Conditions Evaluated | | |
| Habitat/Hydrology | Good | |
| Aesthetics | Good | |

Type of Pollutant(s)

Known: PATHOGENS
Suspected: Nutrients (nitrogen), Low D.O./Oxygen Demand
Unconfirmed: - - -

Source(s) of Pollutant(s)

Known: URBAN/STORM RUNOFF, Agriculture
Suspected: OTHER SOURCE (waterfowl/wildlife)
Unconfirmed: - - -

Management Information

Management Status: Strategy Implementation Scheduled or Underway
Lead Agency/Office: ext/WQCC
IR/305(b) Code: Impaired Water, TMDL Completed (IR Category 4a)

Further Details

Overview

Sagaponack Pond is assessed as an impaired waterbody due to shellfishing use that is considered to be precluded by pathogens and recreational use impaired by harmful algal blooms. This assessment is based on year-round shellfishing closures. Urban/stormwater runoff is the primary source of pathogens, although various other sources such as agricultural activity and waterfowl/wildlife may also contribute. Public bathing and other recreational uses are fully supported, however these uses may also be stressed or threatened, as a result of the shellfishing restrictions and related pathogen levels. Algal blooms have also been noted.

Use Assessment

Sagaponack Pond is a Class SA waterbody, suitable for shellfishing, public bathing and general recreation use, and support of aquatic life.

Shellfish harvesting for consumption is considered to be precluded in these waters. All of this waterbody (included within Shellfish Growing Area #69) has been designated uncertified for the taking of shellfish for use as food. Shellfish that grow in contaminated waters can accumulate disease-causing microorganisms (bacteria, viruses) that can be eaten with the shellfish. These shellfishing designations are based on results of water quality sampling and

evaluation of data against New York State and National Shellfish Sanitation Program monitoring criteria and/or shoreline surveys of actual or potential sources of contamination. Certified/uncertified shellfish area designations are revised regularly; for the most up to date and detailed descriptions of current designations, go to www.dec.ny.gov/regs/4014.html. (DEC/DFWMR, Region 1, July 2010)

Recreational use including public bathing is thought to be impaired due to frequent to persistent occurrences of harmful (blue-green) algal blooms; shellfishing certification monitoring also suggests impacts to recreation. Aesthetic conditions of the pond are also considered to be poor due to algal blooms. There are no regularly monitored beaches in this waterbody, but bacteriological sampling conducted through the shellfishing monitoring program indicate elevated pathogen levels. However criteria for shellfishing are lower than those for public bathing and additional bacteriological sampling is needed to more fully evaluate swimming use. Restrictions on shellfishing represent an impact to recreational use. (DEC/DOW and DFWMR, January 2016)

Based on other available indicators for other related uses, this waterbody is expected to support a healthy marine water fishery, although no specific fishery or biological reports are included in this assessment.

There are no health advisories in place limiting the consumption of fish from this waterbody (beyond the general advice for all waters). Fish consumption is considered to be fully supported based on the absence of any waterbody-specific advisory, but is noted as unconfirmed since routine monitoring of contaminants in fish is limited. (NYS DOH Health Advisories and DEC/DOW, BWAM, January 2014)

Water Quality Information

Assessments of recreational uses and aquatic life in marine waters are based primarily on information from NYS and local health departments and the NYSDEC Division of Fish Wildlife and Marine Resources. This information is compiled and updated in regularly issued advisories and certifications regarding bathing beaches, shellfishing harvest and sportfish consumption. (NYSDOH and DEC/DFWMR, 2014)

Source Assessment

Based on surrounding land use and other knowledge of the waterbody, the most likely sources of pathogens to the waterbody are largely nonpoint runoff from developed and undeveloped lands, agricultural activity and open space/forest; direct waterfowl/wildlife inputs and boats and marinas also may contribute. Relative contributions from each type of source are very site-specific in nature, particularly in localized areas of study. (DEC/DOW, BWRM, September 2015)

Management Action

Sagaponack Pond was among the waterbodies covered by the Long Island Pathogen TMDL to address shellfishing impairments that was established in 2007. (DEC/DOW, BWAM/WQMS, July 2010)

The NYS Legislature authorized \$5 million to DEC and the Long Island Regional Planning Council (LIRPC) for a Long Island nitrogen management and mitigation plan. Plan development – with active input from local stakeholders and public – is underway. Chief among the expectations for the plan is a focus on wastewater issues, including sewerage of unsewered communities in Suffolk County and the evaluation and use of advanced alternative onsite wastewater treatment systems to reduce nitrogen loads from individual septic systems where sewerage is not viable. (DEC/DOW, BRWM, November 2015)

This waterbody is also included within the South Shore Estuary Reserve (SSER). The SSER encompasses the tidal waters and watershed between the Nassau–Queens County line and the eastern boundary of Shinnecock Bay. The goals of the SSER Program outlined in the 2001 Comprehensive Management Plan (CMP) include improvement and maintenance of water quality, protection and restoration of living resources, expansion of public use and enjoyment, sustaining and of the estuary–related economy, and increasing education, outreach and stewardship. Program activities focus on point and nonpoint source pollution reduction, protection and restoration of water quality and coastal habitat, increasing shellfish harvesting, open space preservation and enhancing other public uses of the estuary. A vessel waste no discharge zone was established for the entire South Shore Estuary in 2009 to address impacts from boat pollution. (DEC/DOW, Region 1, March 2010)

Section 303(d) Listing

Sagaponack Pond is not included on the current (2016) NYS Section 303(d) List of Impaired/TMDL Waters. Although it is assessed as an impaired water, it is categorized as an IR Category 4a water that is not listed due to the inclusion of the waterbody in the 2007 Long Island Pathogens (Shellfishing) TMDL. (DEC/DOW, BWAM, January 2015)

Segment Description

This segment includes the entire pond and tidal tribs.

**Retrofit Program Plan
For
Pathogen Impaired Watershed in
Village of Sagaponack,
New York**

March 3, 2016

Background/Introduction

The Village of Sagaponack, New York is a regulated entirety under the SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002) (also known as MS4). Sagg (Sagaponack) Pond is a shellfish impaired water body from pathogen contamination. According to the NYSDEC, a portion of the Village of Sagaponack is within the Sagg Pond Pathogen Impaired watershed (see attached Map 1).

A condition of the General Permit is for municipalities within impaired watersheds to prepare "retrofit plans" to identify and prioritize opportunities to reduce pathogen loads from Municipal Separate Storm Sewer Systems.

The hamlet of Sagaponack was one of the earliest colonial settlements in America and has a 350-year history as a quiet rural community, characterized by its rich agricultural soils, the beauty of its landscapes and ocean beaches, and its quaint Main Street. Despite the changes wrought in the past 30 years by the emergence as a highly desirable residential community, Sagaponack has been able to maintain much of its historic agricultural character and most of its rural architectural heritage. It was not until the 1980's that a wave of second-home residential development began to wash over Sagaponack.

Maps/Analysis

The Village has determined its hydraulically connected watershed area to Sagg Pond by studying topographic maps and performing several field surveys. In essence the hydraulically connected watershed area in the Village is west of Sagaponack Main Street and south of Montauk Highway.

The attached Map 2 illustrates the existing land use in that subject watershed area in 2007. Map 3 illustrates preserved farm land/open space. These diagrams illustrate that much of the hydraulically connected watershed is preserved, particularly the shoreline and that land use is primarily preserved open space and agriculture with a minor component of large lot single family residences.

Map 4 is a surface watershed for the Village of Sagaponack. It differentiates the surface watershed for Sagg Pond as well as the Village stormsewer sheds for the Sagg Pond. Maps 4a-4f show the individual Village stormsewer sheds for Sagg Pond. The following data have been interpreted from these maps and field surveys.

Land Use Distribution & Area for each Village Stormsewer Shed

| Village StormSewer Shed | High Density Residential, acres (%) | Medium Density Residential, acres (%) | Low Density Residential, acres (%) | Agricultural, acres (%) | Roadway, Acres (%) | Vacant, acres (%) | Dwelling Units | Total (acres) |
|---|-------------------------------------|---------------------------------------|------------------------------------|-------------------------|--------------------|-------------------|----------------|---------------|
| 1 – Bridge Lane | - | 0.2 (3.8) | 0.1 (2.5) | 2.4 (45) | 2.3 (43) | 0.3 (5.7) | 2 | 5.3 |
| 2 – Sandune Court | - | 1.9 (51.3) | 0.1 (2.7) | - | 1.7 (46) | - | 7 | 3.7 |
| 3 – Sagaponack Road | - | - | 2 (34.5) | - | 2 (34.5) | 1.8 (31) | 6 | 5.8 |
| 4 – Sagaponack Main Street – South (includes beach parking) | - | 1.1 (15) | 1.1 (15) | 1.3 (19) | 3.6 (51) | - | 4 | 6.9 |
| 5 – Sagaponack Main Street – North | 2.5 (19.5) | 0.2 (1.5) | 6.1 (47.7) | - | 4 (31.3) | - | 8 | 12.8 |

Total = 34.5 acres

The Village of Sagaponack has no street curbing and watershed slopes are low (i.e. 0 to 3%). As a result very small portions of Village roads actually flow towards and potentially discharge to Sagg Pond. Most if not all municipal storm drainage is diverted to open spaces and dry wells for infiltration. During very large storms during the winter and early spring months, large quantities of sheet flow from the farmfields can flow directly into Sagg Pond. However, it does not travel through street right of ways and therefore is not the subject of this permit.

Sagg Pond is a South Fork south shore coastal pond. Sagg Pond is an estuary whose water level is managed by the Southampton Town Trustees by opening and closing the short barrier beach separating Sagg Pond and the Atlantic Ocean. The Trustee goals are to maintain and facilitate estuarine fish and crab spawning, improve water quality through improved flushing of pond and to manage flooding of fields and residences.

There are no known point source discharges to Sagg Pond. Based on knowledge of the Village’s portion of the Sagg Pond watershed, sources of pathogens to Sagg Pond are primarily wildlife and waterfowl. With large tracts of farm fields, the area is used intensively by wintering geese and ducks. In addition the pond is used in the summer by a healthy population of Mute Swans, ducks, terns and gulls.

After reviewing the detailed local study and data presented in *Pathogen Load Assessment for the Peconic Estuary Program* (Suffolk County Department of Health Services, March 2012) and considering that the Village's hydraulically connected watershed is less than 10% of the total watershed, the Village predicts that less than 5% of the pathogen loads are due to dogs in the Village of Sagaponack. Because of the large lot sizes and the recent redevelopment of many old shorefront homes (which resulted in sanitary system upgrades in conformance with Suffolk County Department of Health Services design standards), pathogen loads from poorly functioning on-site wastewater disposal systems is predicted to be less than 5% of the total pathogen load.

Because of the rural nature of the watershed, retrofit opportunities for pathogen control are very few. The only opportunity for retrofit is the Sagg Main Beach parking area at the southeast end of Sagg Pond. This is a public beach facility with asphalt parking lot which drains directly to Sagg Pond. This public beach facility is owned and operated by the Town of Southampton and is beyond the control of the Village of Sagaponack.

The parking area flowing toward Sagg Pond is approximately 1.25 acres in size. The Village will seek to work cooperatively with the Town of Southampton to evaluate this as a potential retrofit opportunity.

Deliverable Schedule

Within 9 months of the date of finalization of the individual MS4 load contributions and reduction responsibilities, the Village will submit a report that describes the policy and procedures for project permitting, design, funding, construction and maintenance of pathogen retrofits in the Village of Sagaponack. The report will also include a schedule of deliverables with due dates in accordance with 6NYCRR 750-1.14 (not to exceed 9 months between deliverables).

| Task | Deliverable | Due Date |
|---|---|-------------------------------------|
| Desk top analysis to demonstrate retrofit potential | Map showing inventory of potential locations; rank and prioritize locations | Within 12 months of report approval |
| Selection and design of retrofit project/practice for each year | Conceptual engineering/environmental plan | Annual MS4 report |
| Acquire funding | Report on activities conducted to acquire funding | Annual MS4 report |
| Design & construction of retrofits | Plans & specs | Annual MS4 report |
| Complete retrofit construction | Written notice of compliance with interim date | December 15 of each year |

MS4 Sagaponack Pond Retrofit Program Plan

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



Donald Louchheim, Mayor

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505
P: (518) 402-8111 | F: (518) 402-9029
www.dec.ny.gov



Mayor Donald Louchheim
Village of Sagaponack
PO Box 600
Sagaponack, NY 11962

November 16, 2018

Re: MS4 Interim Progress Reporting – Pathogen

Mayor Donald Louchheim,

This letter is to inform you that you are no longer required to submit Interim Progress Reports for Municipal Separate Storm Sewer (MS4) discharges to pathogen impaired waters listed in Part IX.C of the NYS SPDES General Permit for Municipal Separate Storm Sewer Systems (MS4 General Permit).

The interim progress reporting requirement was included in Part V.D of the MS4 General Permit to address the compliance schedule issue decided in the January 2012 decision of the Westchester County Supreme Court in *Natural Resources Defense Council, et al., v. New York State Department of Environmental Conservation* (the Department). Pursuant to 6 NYCRR 750-1.14 and the January 2012 decision, the compliance schedule requirement applies exclusively to any MS4 that is subject to stormwater reduction requirements stated in a Total Maximum Daily Load (TMDL) that has been approved by the United States Environmental Protection Agency (EPA).

On November 14, 2018, the Department withdrew the following EPA approved TMDLs:

1. Pathogen TMDLs for Shellfish Waters in Oyster Bay Harbor and Mill Neck Creek (Finalized in September 2003 for 5 waterbodies),
2. Peconic Bay Pathogens TMDL (Finalized in September 2006 for 25 waterbodies), and
3. Shellfish Pathogen TMDLs for 27 303(d)-listed Waters (Finalized in September 2007 for 27 waterbodies).

The withdrawal of these TMDLs removes the stormwater pollutant reduction requirements and associated final compliance dates. Therefore, interim reporting on progress made towards achieving the reduction requirements for compliance with the TMDLs is no longer necessary.

The impaired waterbodies included in the above listed TMDLs will be moved to Part 2c of the 2018 303d List, "Multiple Segment/Categorical Waterbody Segments Impaired due to Shellfishing Restrictions". The Department will subsequently revise the TMDLs to correct the deficiencies.

In the interim, you must continue to implement the six minimum control measures in sewersheds discharging to the impaired waters to ensure the MS4 does not cause or contribute to the pathogen impairment and report on those efforts as part of the MS4 Annual Report, submitted to the DEC no later than June 1st of every year.

If you have any questions regarding this change, please contact Ethan Sullivan, MS4 General Permit Coordinator, at (518) 402-1382 or at ethan.sullivan@dec.ny.gov.

Sincerely,



Robert Wither, Chief
South Permits Section
Bureau of Water Permits

cc: Anthony Leung, Region 1
Cathy Haas, Region 1
Carol Lamb-Lafay, BWP
Koon Tang, BWRM
Meredith Streeter, BWC
Carin Spreitzer, OGC
Ethan Sullivan, BWP
Christina Chiappetta, BWP



Department of
Environmental
Conservation



TOWN OF SOUTHAMPTON

Department of Community Preservation
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COMMUNITY PRESERVATION FUND (CPF) WATER QUALITY IMPROVEMENT PROGRAM CHECKLIST/APPLICATION INSTRUCTIONS

The CPF Water Quality Improvement Project Plan (WQIPP) Fund follows the objectives in the adopted Water Quality Improvement Project Plan (see <http://www.southamptontownny.gov/DocumentCenter/View/7318>)

To apply for funding, an application must be **COMPLETED** and submitted along with detailed narratives and supporting information as described below. The Water Quality Advisory Committee will rank and score projects based on the Scoring Criteria contained in the application materials. Parcel acquisitions will be considered on an ongoing basis, independent of this application process.

A Public Hearing and Town Board Resolution will be required for individual or multiple projects in excess of \$50,000.

WATER QUALITY IMPROVEMENT PROJECT MEANS:

[1] DEFINITIONS:

1. **Wastewater Treatment Improvement Project** means the planning, design, construction, acquisition, enlargement, extension, or alteration of a wastewater treatment facility, including alternative systems to a sewage treatment plant or traditional septic system, to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants in treatment facility effluent, including permanent or pilot demonstration wastewater treatment projects, or equipment or furnishings thereof. Stormwater collecting systems and vessel pumpout stations shall also be included within the definition of a wastewater improvement project.
1. **Nonpoint source abatement and control program projects** developed pursuant to section eleven-b of the soil and water conservation districts law, title 14 of article 17 of the environmental conservation law, section 1455b of the federal coastal zone management act, or article forty-two of the executive law;
2. **Aquatic Habitat Restoration Project** means the planning, design, construction, management, maintenance, reconstruction, revitalization, or rejuvenation activities intended to improve waters of the state of ecological significance or any part thereof, including, but not limited to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, feeding, or foraging environment for fish and wildlife and other biota.
3. **Pollution Prevention Project** means the planning, design, construction, improvement, maintenance or acquisition of facilities, production processes, equipment or buildings owned or operated by municipalities for the reduction, avoidance, or elimination of the use of toxic or hazardous substances or the generation of such substances or pollutants so as to reduce risks to public health or the environment, including changes in production processes or raw materials; such projects shall not include incineration, transfer from one medium of release or discharge to another medium, off-site or out-of-production recycling, end-of-pipe treatment or pollution control.
4. **The Operation of the Peconic Bay National Estuary Program**, as designated by the United States Environmental Protection Agency. Such projects shall have as their purpose the improvement of existing water quality to meet existing specific water quality standards. Projects which have as a purpose to permit or accommodate new growth shall not be included within this definition.



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**COMMUNITY PRESERVATION FUND (CPF)
WATER QUALITY IMPROVEMENT PROGRAM
PROPOSAL SUMMARY**

Project Proposal Sagaponack Pond Aquatic Habitat Restoration Plan
Project Applicant Board of Trustees for the Freeholders and the Commonalty of the Town of Southampton
Project Title Sagaponack Pond Aquatic Habitat Restoration Plan

Project Contact Information Board of Trustees for the Freeholders and the Commonalty of the Town of Southampton
Project Manager Name c/o James Duryea
Project Manager Title Environmental Analyst
Project Manager Affiliation Town of Southampton- Trustees Division
Project Manager Address 116 Hampton Road, Southampton NY 11968
Project Manager Phone (631)287-5717
Project Manager Email Jduryea@southamptontownny.gov

Property Owner Name Board of Trustees for the Freeholders and the Commonalty of the Town of Southampton
Property Owner Affiliation Town of Southampton
Property Owner Mailing Address 116 Hampton Road, Southampton NY 11968
Property Owner Phone (631)287-5717
Property Owner Email ewarner@southamptontownny.gov and Shorowitz@southamptontownny.gov

Project Location Sagaponack Pond
Project Location SCTM #(S) 900-8-1-33, 900-117-1-42.2, 908-8-1-34, 900117-2-26.1

Type of Project
Reduction _____
Remediation _____
Restoration _____
Project Summary (2-3 sentences) See Project Narrative and description

Submittal date March 12, 2019, Re-submittal April 26, 2019



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1. PROJECT TYPE (check all that apply)

Meets at least one of the definitions of "Water Quality Improvement Project" per State Law Chapter 551 cited above

- Wastewater Treatment Improvement Project
- Non-point source abatement and control
- Aquatic habitat restoration
- Pollution prevention
- Stormwater collecting system
- Vessel Pump out station
- Operation of Peconic Bay National Estuary Program (Grant Match)

2. PRIORITY AREA(S) (check all that apply)

- High
- 303(d) Impaired
- Medium
- Outside High and Medium priority areas*

*Narrative must explain how project is relevant to Water Quality Improvement Project Plan (WQIPP) goals

To create a Water Quality Improvement Plan to incorporated Environmental and Human Health Risks at Sagaponack Pond; Working Towards a Sustainable Plan for Remediation, Tidal Flushing to increase Water Quality, to manage buffers to increase native vegetation to promote filtering excess nutrients into Sagaponack Pond.

3. PROJECT DESCRIPTION

- Narrative describes in detail existing conditions of applicable groundwater/sub-watershed/waterbody and includes most recent and relevant data available (provide sources)

See Project Description Attached

- Photos of exiting conditions are included (Attach Photos)
- Location map is included (Attach Map)
- Narrative describes in detail what the issue is and how the proposed solution addresses the issue in the context of Reduction, Remediation and/or Restoration as per the CPF Water Quality Project Plan

See Project Narrative



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- Narrative describes proposed technology in sufficient detail and includes information on its demonstrated efficacy in similar setting (may include published data) (Attach pages as needed)

N/A

- Narrative indicates how the project supports Town of Southampton, Suffolk County, NYSDEC Long Island Nitrogen Action Plan (LINAP) or other adopted goals/policies (provide references with pages numbers, etc.) (Attach pages as needed)

[Empty box for narrative response]

- A State Environmental Quality Review Act (SEQRA) Long or Short Environmental Assessment Form (EAF) is completed and included with application <https://www.dec.ny.gov/permits/6191.html>

OTHER REQUIRED INFORMATION

- If Stormwater system or Drainage is proposed, the narrative and design specifications indicate compliance with the New York State Stormwater Design Manual (2015 and as updated)
- If project is related to farmland, the narrative addresses any Agricultural Stewardship Plan or other long term strategy for Nitrogen abatement
- If the project is for a municipal facility or infrastructure, information pertaining to Town or Village budgetary allocations for ongoing maintenance is provided
- If the project is for habitat restoration, the narrative addresses how underlying causes are being ameliorated and expected outcomes for local species populations or other ecological considerations are given
- If project is a Sewage Treatment Plant (STP) or cluster treatment system, fund allocation request is based on cost for reduction of pre-existing conditions and not for purpose of accommodating new density (describe pre-existing density and associated flow (gallons per day) and total projected nitrogen reduction in narrative). Include detailed information on how many homes the system would treat as well as potential for formation of Sewer District, if required by Suffolk County Health Department or Town Law
- If the project is requesting grant match for the Peconic Estuary Program, include information related to funding program source and purpose of application and any relevant items on this checklist. Note: A Town Board resolution will be required in order to encumber matching funds for grant applications



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4. WATER QUALITY BENEFIT

- Yes No N/A Nitrogen, Pathogen or Pollutant of Concern (POC) Existing Condition & Target Reduction is identified
- Yes No N/A Anticipated reduction by proposed technology is provided by utilizing EPA's Spreadsheet Tool for Evaluating Pollutant Load (STEPL) <http://it.tetrattech-ffx.com/steplweb/> or similar standardized methodology (provide)
- Yes No N/A Related to above, the narrative describes how data will be collected and reported over time
- Yes No N/A Narrative indicates how the useful life of the proposed technology will meet or exceed five (5) years
- Yes No N/A A total cost budget is included (see pages 6-7 for template) with a cost-benefit discussion and any details related to matching funds (e.g. in-kind services, pre-and post-monitoring, etc)

5. DURATION OF PROJECT

- Projected timeline is included (described any permits needed and time frame/status of required approvals)
- Narrative explains if project is multi-year or phased and includes budget/milestones for each year and Phase

6. PROJECT READINESS

- Narrative describes current stage of planning (e.g. conceptual, preliminary, full construction documents) and includes conceptual or sketch plans where applicable.
- Narrative describes community support for the project (attach letters of support, public hearing testimony, news coverage, community meeting minutes, other outreach as applicable) or addresses potential community opposition/educational needs.

7. MANAGEMENT, EXPERIENCE, ABILITY

- Narrative describes experience in completing similar projects
- Narrative describes project staffing, oversight and administration
- Narrative describes qualifications of project staff, consultants and contractors (as applicable)
- If Homeowner's Association or other community group, describe formal structure and responsibilities of members involved
- If private property (e.g. farmland), the narrative describes who is being contracted to do the work (qualifications, etc.)

8. REQUIRED CERTIFICATIONS

- Commitment is provided via Letter of Intent (LOI)* for non-municipal entities or adopted resolution for Incorporated Villages *
 Note: A LOI template is provided in the application packet
- Plans stamped by NYS licensed Engineer and/or surveyor, where applicable
- STEPL calculations or equivalent prepared by NYS licensed Engineer, where applicable
- Certify that request for proposed funding is not otherwise required by Local, State or Federal Law and intended benefits cannot be achieved without external funding
- Certify that the application will report on project outcomes, including monitoring results

9. MAINTENANCE, MONITORING & EVALUATION

- A plan related to ongoing maintenance, monitoring and evaluation (reporting to the Town) is provided
- The Monitoring Plan will provide water quality data at regular intervals for a minimum of five (5) years

10. EDUCATIONAL COMPONENT

- The project sponsor will erect signage displaying the intent and benefit of the project on site
- As part of the evaluation, the project sponsor will submit a write-up of lessons learned and future needs



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**COMMUNITY PRESERVATION FUND (CPF)
 WATER QUALITY IMPROVEMENT PROGRAM
 BUDGET PROPOSAL**

| PLANNING/ENGINEERING/DESIGN | Town CPF Re- request | Matching Funds Committed | Matching Funds Pending | Estimated Total Project Costs |
|--|---------------------------------|-------------------------------------|-----------------------------------|--|
| In-house labor (provide separate sheet with calculations) | | | | |
| Task 1- | \$- | \$- | \$- | \$- |
| Task 2- | \$- | \$- | \$- | \$- |
| Task 3- | \$- | \$- | \$- | \$- |
| Task 4- | \$- | \$- | \$- | \$- |
| Task 5- | \$- | \$- | \$- | \$- |
| Task 6- | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| In House Labor Total | \$-0 | \$-0 | \$-0 | \$-0 |

| Materials/Supplies | | | | |
|---------------------------------|-------------|-------------|-------------|-------------|
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| Materials/Supplies Total | \$-0 | \$-0 | \$-0 | \$-0 |

| Contractual Services | | | | |
|---|-------------------|-------------|-------------|-------------|
| Preparation of Sagaponack Aquatic Habitat Restoration Plan | \$- 30000 | \$- | \$- | \$- |
| Removal of sand for tidal exchange 4 years | \$- 80000 | \$- | \$- | \$- |
| Sagaponack Pond proposed study by Chris Gobler 4 years (Attached) | \$- 224000 | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| Contractual Services Total | \$- 334000 | \$-0 | \$-0 | \$-0 |



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| CONSTRUCTION AND SITE IMPROVEMENTS | Town CPF Request | Matching Funds Committed | Matching Funds Pending | Estimated Total Project Costs |
|--|------------------|--------------------------|------------------------|-------------------------------|
| In-house labor (provide separate sheet with calculations) | | | | |
| Task 1- | \$- | \$- | \$- | \$- |
| Task 2- | \$- | \$- | \$- | \$- |
| Task 3- | \$- | \$- | \$- | \$- |
| Task 4- | \$- | \$- | \$- | \$- |
| Task 5- | \$- | \$- | \$- | \$- |
| Task 6- | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| In House Labor Total | \$-0 | \$-0 | \$-0 | \$-0 |

| Equipment/Materials/Supplies | | | | |
|---|-------------|-------------|-------------|-------------|
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| Equipment/Materials/Supplies Total | \$-0 | \$-0 | \$-0 | \$-0 |

| Contractual Services | | | | |
|-----------------------------------|-------------|-------------|-------------|-------------|
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| | \$- | \$- | \$- | \$- |
| Contractual Services Total | \$-0 | \$-0 | \$-0 | \$-0 |

| | | | | |
|--------------------------|------------------|-------------|-------------|-------------|
| ENGINEERING TOTAL | \$-334000 | \$-0 | \$-0 | \$-0 |
|--------------------------|------------------|-------------|-------------|-------------|

| | |
|---------------------------|-----------|
| Total Project Cost | \$-334000 |
| Total CPF Funds Requested | \$-334000 |

| | |
|---|-----|
| Applicant matching funds committed | \$- |
| Applicant matching funds pending approval (e.g. grant request submitted pending determination) | \$- |

| Source of matching funds | Amount |
|--------------------------|--------|
| | |
| | |
| | |



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**COMMUNITY PRESERVATION FUND (CPF)
WATER QUALITY IMPROVEMENT PROGRAM
LETTER OF INTENT**

CONTACT INFORMATION

Municipality Board of Trustees of the Freeholders and Commonalty of the Town of Southampton
Contact First and Last Name: Edward J. Warner Jr. (President)
Contact Address 116 Hampton Road Southampton NY 11968
Contact Phone: (631)287-5717
Contact Email: Ewarner@southamptontownny.gov

PROJECT INFORMATION

Project Title Sagaponack Pond Aquatic Habitat Restoration Plan
Project Location Sagaponack Pond
Project Description (1-3 sentences) See Project description attached

ANTICIPATED PROJECT TIMELINE

Begin: Summer 2019
Complete: Summer 2023
Notes: _____

Copy of WQIPP Scoring System

Project Name: Hypothetical Project

Number: 2018-G-3

Proj Manager:

Status:

| Mandatory Criteria | | YES | No | Initials | |
|--------------------|--|-----|----|----------|--------------------|
| MC.1 | Project Application Completed with Detailed Info | X | | 1 | |
| MC.2 | Impact of the Project on Water Quality | X | | 2 | |
| MC.3 | Duration of Benefits Exceed 5 Years | X | | 3 | |
| MC.4 | Funding Requirement | X | | | |
| MC.5 | Demonstrated Technology | X | | | |
| MC.6 | Ownership Commitment LOI | X | | | |
| | | | | | Total Score |
| | | | | | 39 |

Only change numbers with Red font

| Water Quality Improvement Impact | | Percent Weight | | Grade | Score |
|----------------------------------|---|----------------|----|-------|-------------|
| WQ.1 | Impact on Water Quality is Measurable | 20% | 6 | 1 | 1.2 |
| WQ.2 | Impact on Water Quality is Significant | 40% | 12 | 2 | 4.8 |
| WQ.3 | Project serves Water Quality Priorities stated in the Project Plan | 20% | 6 | 3 | 3.6 |
| WQ.4 | If not Cost Efficient, does project provide a prototype or catalyst for something beneficial to water quality | 20% | 6 | 4 | 4.8 |
| SubTotal | | 100% | 30 | | 14.4 |

| Cost Factors | | Percent Weight | | Grade | Score |
|-----------------|--|----------------|----|-------|-------------|
| C.1 | Cost estimate is well substantiated | 40% | 12 | 3 | 7.2 |
| C.2 | Project provides high value for cost | 20% | 6 | 2 | 2.4 |
| C.3 | Does project leverage other sources of funding | 10% | 3 | 4 | 2.4 |
| C.4 | Cost overrun contingency has been considered | 10% | 3 | 5 | 3 |
| C.5 | Maintenance Costs have been estimated and provided | 20% | 6 | 2 | 2.4 |
| SubTotal | | 100% | 30 | | 17.4 |

| Management, Experience, and Ability | | Percent Weight | | Grade | Score |
|-------------------------------------|----------------------------------|----------------|------|-------|-------|
| MEA.1 | Owner is a Municipality | 10% | 1.5 | 1 | 0.3 |
| MEA.2 | Project Type is a WQIPP Standard | 25% | 3.75 | 4 | 3 |

Copy of WQIPP Scoring System

| | | | | | |
|-------|--|------|-------------|---|-------------|
| MEA.3 | Project Supports Town, County, LINAP, and other Adopted Goals | 25% | 3.75 | 5 | 3.75 |
| MEA.4 | Applicant has demonstrated experience in completing similar projects | 40% | 6 | 2 | 2.4 |
| | SubTotal | 100% | 15 | | 9.45 |

| Project Readiness | | Percent Weight | | Grade | Score |
|-------------------|--|----------------|----------|-------|------------|
| PR.1 | Significant Community Support | 20% | 3 | 4 | 2.4 |
| PR.2 | Absense of Community Opposition | 20% | 3 | 5 | 3 |
| PR.4 | Owner has Committed with LOI | 20% | 3 | 3 | 1.8 |
| PR.4 | Sources of Funding not provided by CPF - LOI | 20% | 3 | 3 | 1.8 |
| PR.5 | Permitability | 20% | 3 | 1 | 0.6 |
| | SubTotal | 100% | | | 9.6 |

| Maintenance, Monitoring, and Evaluation | | Percent Weight | | Grade | Score |
|---|--|----------------|-----------|-------|----------|
| MME.1 | Provisions made for long term maintenance of the project post construction | 50% | 5 | 4 | 4 |
| MME.2 | Stewardship, monitoring, enforcement protocols in place | 50% | 5 | 3 | 3 |
| | SubTotal | 100% | 10 | | 7 |

| Scored Criteria | Category Weighting |
|-----------------|---|
| WQ | Water Quality Improvement Impact |
| C | Cost Factors |
| MEA | Management, Experience, and Ability |
| PR | Project Readiness |
| MME | Maintenance, Monitoring, and Evaluation |
| | 100 |

BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY OF THE
TOWN OF SOUTHAMPTON

EDWARD J. WARNER JR.
PRESIDENT



WILLIAM PELL IV
BRUCE A. STAFFORD
ANN E. WELKER

SCOTT M. HOROWITZ
SECRETARY/TREASURER

116 HAMPTON ROAD
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Sagaponack Pond Inlet Management

Project Narrative

Taking in nearly 180 acres, Sagaponack Pond is valued for its natural beauty and biodiversity and is one of Southampton's greatest assets. Blessed with a wide variety of aquatic and terrestrial habitats, the region is recognized as significant Coastal Fish and Wildlife Habitat by both the U.S. Fish and Wildlife (USFWS) and New York State Department of State.

Sagaponack Pond is not only recognized as a coastal resource of national and state wide significance, but lies within the Town of Southampton's CPF High Priority Water Quality Improvement Area, as depicted on the CPF Water Quality Improvement Project Plan Map for Sagaponack. Periodic inlet tidal flushing is crucial for the purposes of maintaining and enhancing water quality for Sagaponack Pond.

Sagaponack is under threat from a range of impact, including, among others, water quality improvement, harmful algal blooms (HABs), historic loss of wetlands and naturally vegetated buffers, shoreline erosion, inundation of farmland, shore hardening, road constructions residential development, severe storms and climate change. The effects of sediments, nutrients fertilizers, pesticides, septic effluent and storm water runoff are of particular concern, as these contaminants affect surface water quality, oxygen levels, algal blooms the health of the wetlands and natural habitats, biodiversity, and recreational use. Due to the threats to the Pond, the town has included Sagaponack Pond in its High Priority Water Quality Improvement Zone.

The Board of Trustees of the Freeholders and commonalty of the Town of Southampton (herein "Board of Trustees" or "Trustees") have managed the tidal flushing of the Sagaponack Inlet (also known as the Sagaponack Cut). The purpose of the management of the inlet is to allow the pond to drain and to restore water levels close to the mean tide levels of the ocean and to flush pond water of contaminants and pathogens, increase dissolved oxygen levels and to increase salinity to create brackish conditions favored by shellfish, certain wetland vegetation, and wetland dependent wildlife species.

BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY OF THE
TOWN OF SOUTHAMPTON

EDWARD J. WARNER JR.
PRESIDENT



WILLIAM PELL IV
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116 HAMPTON ROAD
SOUTHAMPTON, NEW YORK 11968
PHONE: 631 287-5717 FAX: 631 287-5723
WWW.SOUTHAMPTONTOWN.NY.GOV/TRUSTEES

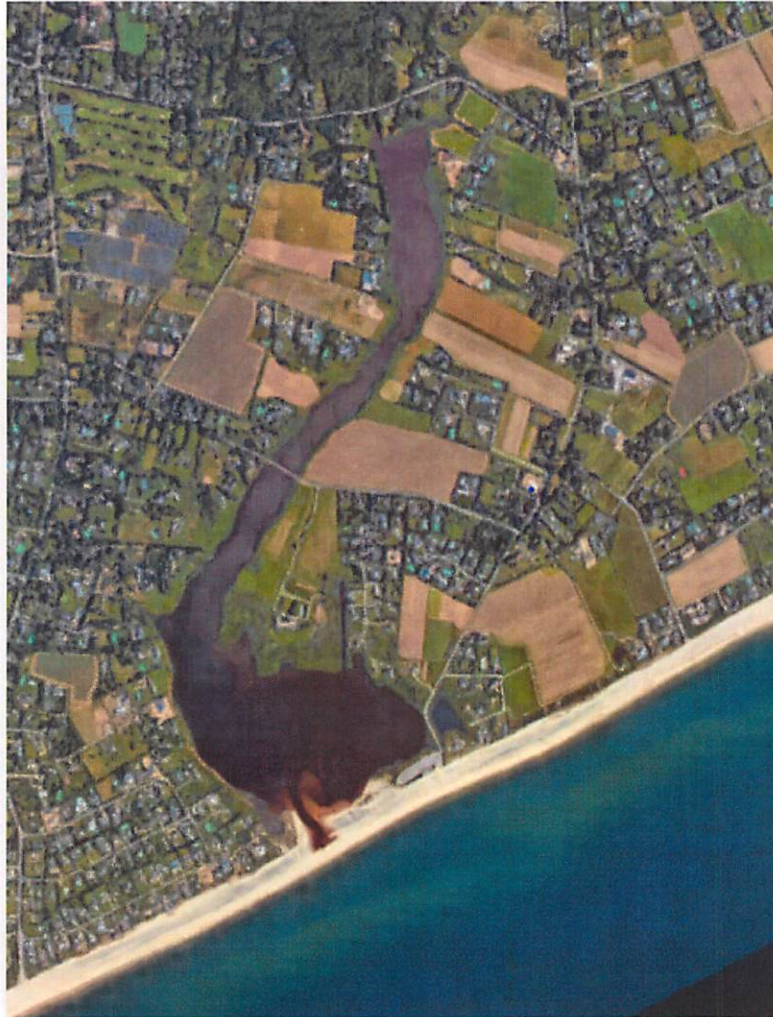
Project Description

The project for approval is for creation of a Water Quality Improvement Plan to incorporate Environmental and Human Health Risks at Sagaponack Pond; Working Towards a Sustainable Plan for Remediation, Tidal Flushing to increase Water Quality, to manage buffers, to increase native vegetation and to promote filtering excess nutrients before entering Sagaponack Pond.

The Sagaponack Water Quality Improvement Plan will include planning, design, construction, revitalization, or rejuvenation activities intended to improve waters of the state of ecological significance Sagaponack pond to support a spawning, nursery, wintering migratory, nesting breeding, feeding, or foraging environment for Fish and wildlife and other biota by incorporating all issues including and not limited to the following: Hydrology, Threats, Management issues, Water Quality, HABs, Swimming Closures, Agricultural Lands, Roads, Water Quality Management/Practices Real Time Measurements, Upland Buffer Installation recommendations, Aquatic Habitat and Watershed Restoration Initiatives, Local Wetland Laws and best management practices for Homeowners and Landscapers, Tidal Inlet Openings, dynamics, and dimensions, Pond Conditions, Endangered Species History, Inventory and management, Potential Permeable Reactive Barriers and Recreation.

The plan will address these topics and issues as well as alternative measures and current methods/practices that improve the overall water quality of Sagaponack Pond. Water quality studies, current tidal flushing and proposed real time water quality sensors will be incorporated in the Sagaponack Water Quality Improvement Plan.

Environmental and Human Health Risks at Sagaponack Pond; Working Towards a Sustainable Plan for Remediation



A proposal provided by Dr. Christopher Gobler



Stony Brook University
School of Marine and
Atmospheric Sciences

April, 2019

Current conditions:

Dr. Christopher Gobler of Stony Brook University has been measuring levels of algae in Sagaponack Pond on a limited basis since 2014. On each occasion - despite the random nature of the sampling - blue green algae blooms were identified, resulting in the New York State Department of Environmental Conservation (NYSDEC) issuing public warnings regarding use of the water body.

Blue-green algae are a serious environmental concern and the genera found in Sagaponack Pond (e.g. *Anabanea*, *Microcystis*) produce toxins that can sicken humans, pets, or wildlife that ingest contaminated water. Microcystin, a gastrointestinal toxin produced by blue-green algae, has been present in Sagaponack Pond, at up to 0.5 microgram per liter. According to the USEPA 0.3 microgram per liter is a drinking water risk and 4 microgram per liter is a recreational hazard. Furthermore, other blue-green algal toxins may also be present but have not been assessed to date.

These blue-green algal blooms can be promoted by high levels of nitrogen and phosphorus. While mitigating nitrogen or phosphorus will be required to alleviate these blooms, a lack of information regard the relative importance of nitrogen compared to phosphorus and what the major sources of nitrogen and phosphorus are currently prohibit effective management plans from being implemented. In addition, while the entire Pond is permanently closed to shellfishing by the NYSDEC due to unsanitary conditions, there is no data available regarding the precise types and levels of bacterial contamination in the Pond, making it impossible to implement remedial measures. The suitability of the Pond for recreation is also unknown.

Despite the serious threats facing Sagaponack Pond, this body of water has never been studied in a comprehensive manner and there are no historical data sets available. In addition to those noted above, serious knowledge gaps regarding the conditions in Sagaponack Pond include sediment composition and the temporal and spatial variability of temperature, salinity, dissolved oxygen, pH, nitrogen, phosphorus, algal diversity and biomass, water clarity and bacterial levels in the Pond. The annual opening of the inlet to the Atlantic Ocean makes many aspects of Sagaponack Pond more complex than they would be if it was a stagnant pond. Developing a broad and deep knowledge base that addresses these key unknowns is necessary before a plan can be developed to combat the documented problems with regard to blue-green algae and bacterial contamination.

Proposed course of study and action:

1. Temporal and spatial monitoring of water quality. Over an annual cycle a series of parameters central to the functioning of the Pond will be carefully monitored. Sampling will be frequent during months of high recreational use and known water quality problems (summer, fall) and less frequent at other times. Discrete samples will be collected to measure temperature, salinity, dissolved oxygen, pH, total phytoplankton levels, blue green algae levels, plankton

diversity, cyanotoxins, bacterial contamination, nitrogen levels, and phosphorus levels. These measurements will help characterize the basic condition within the Pond as well as the extent of some of the already known problems with regard to blue-green algae, bacterial contamination, and nutrients (nitrogen and phosphorus).

Discrete water sampling will be complemented with continuous monitoring devices. Traditionally, monitoring of coastal water bodies has been performed by collecting and transporting water to a laboratory that is subsequently processed and analyzed, with data eventually becoming available. This time line of discovery can miss key ecological changes that can happen on a day-night, multi-day cycle, or even a tidal cycle. For example, night time levels of dissolved oxygen in coastal water bodies can sometimes be dangerously low. However, this would not be evident in samples taken during the day. In addition, severe and sudden changes in levels of toxic blue-green algae can occur in one-to-two day periods in response to environmental forcing such as severe rainfall events. Recently developed *in situ* monitoring devices can take continuous, real time measurements of key water quality indicators that can be instantly telemetered to a web site, greatly expanding the temporal breadth of data collected and the ability to respond to environmental events. Real-time measurements of parameters such as water level, temperature, salinity, dissolved oxygen, blue-green algae, and nitrogen will help to more accurately ascribe rapid water quality changes to precise environmental processes. In addition, these devices will enable scientists, residents, and managers to continuously observe and rapidly respond to changes in Sagaponack Pond.

2. Determination of factors promoting the growth of toxic blue-green algae. As described above, toxic blue-green algae have caused blooms in Sagaponack Pond every year since 2014. Because of their threat to human, pet, wildlife and ecosystem health, mitigating the occurrence of these blooms is highly desirable. Blue-green algae are known to flourish in warm, stagnant waters that are high in phosphorus. However, the brackish nature of Sagaponack Pond opens the possibility that nitrogen is more important in promoting these events than phosphorus. Moreover, while it is possible that opening the inlet to the ocean may effectively mitigate these blooms, this action may also have unintended consequences such as the release of intracellular toxins into the water. A series of experiments will be performed to assess the role of nitrogen, phosphorus, temperature, salinity, and the opening of the ocean inlet in regulating the occurrence of toxic blue-green algae blooms in Sagaponack Pond. These findings will be used to inform an effective management plan to mitigate the occurrence of these toxic blooms.

3. Microbial source tracking. According to the NYSDEC, Sagaponack Pond is currently closed to shellfish harvest during all months of the year due to unsanitary conditions caused by elevated levels of fecal bacteria. The precise levels of these bacteria are unknown, but will be determined via objective #1. Even once these levels are known, a key obstacle to generating a remediation plan for bacterial contamination is that the source(s) of the potentially pathogenic bacteria is unknown. A plan for mitigating bacteria from human wastewater would be entirely different than a plan focused on the mitigation of animal feces. Moreover, mitigation of feces-derived bacteria from birds that live on the Pond would differ radically from plans to minimize dog or deer feces

that might emanate from road run-off. Recently, genomic techniques have advanced such that the ultimate source of bacterial contamination derived from feces can be definitively identified and quantified. The Gobler Lab will implement such microbial source tracking techniques using a newly acquired digital polymerase chain reaction machine that provides quantification of genes associated with fecal bacteria originating from humans, birds, dogs, deer, birds, or geese. Surveys will be performed spatially, seasonally, and in response to large rainfall events in order to definitively quantify these bacteria. This definitive and quantitative information is necessary in order to develop a plan to eliminate fecal bacterial contamination of Sagaponack Pond.

4. Evaluation of nutrient sources to Sagaponack Pond: Excessive loading of nutrients like nitrogen and/or phosphorus promote the environmental problems plaguing Sagaponack Pond including blue-green algal blooms. However, it is unclear whether the majority of nutrients originate in groundwater, streams, run-off, sediments, or the atmosphere, and if fertilizer or wastewater are the main sources. For this objective, nutrient levels emanating from multiple sources will be measured and the sediments of Sagaponack Pond will be fully surveyed and characterized. This data will be used to develop models that quantify the amounts of nitrogen and phosphorus entering Sagaponack Pond. With data from our proposed field and modeling effort, the largest sources of nitrogen and phosphorus will be identified so that it is possible to create a fact-based, measurable solution to the current conditions.

5. Assess the suitability of Sagaponack Pond for filter feeding bivalves. Bivalves such as oysters, clams, and mussels have the capacity to filter large amounts of water and, via this process, improve water quality. As such, bivalves have been part of the restoration plan for multiple estuaries across New York and beyond. However, the current status of bivalve populations in Sagaponack Pond is unknown as is the suitability of the pond for the growth, survival, and reproduction of bivalves. For this objective, the suitability of the pond for bivalves will be explored on multiple levels. The environmental conditions measured in objective 1 will be considered relative to the conditions required for the growth, survival, and reproduction of multiple bivalve species. Experiments will be performed using water from Sagaponack Pond to assess bivalve filtration rates relative to ideal conditions. Discussions will be initiated with the NYSDEC to assess options of the restoration of bivalves within this ecosystem.

6. Findings and reporting. Once the aforementioned objectives have been successfully completed, a comprehensive report regarding the factors causing water quality impairment within Sagaponack Pond will be compiled. The report will provide insight with regard to the most efficient and cost-effective approaches for improving water quality conditions. While many actions could be taken now, if they address only a small fraction of the total problem, conditions will not change or could even deteriorate. A final report summarizing the results of the studies undertaken can also be presented orally to interested individuals.

Time course and budget:

This proposal would represent a two-year project with data collected through two seasonal cycles. Preliminary observations can be presented within the first year. A full budget accounting for personnel, fringe benefits, supplies, equipment, travel, and University fees can be provided upon request.

| Action | Outcome | Timeline | Budget |
|--|--|--------------|---|
| Temporal and spatial monitoring of water quality | <ul style="list-style-type: none"> ▪ Quantify levels of temperature, salinity, dissolved oxygen, pH, total phytoplankton levels, blue green algae levels, plankton diversity, cyanotoxins, bacterial contamination, nitrogen levels, and phosphorus levels. ▪ Quantify and characterize pathogenic bacteria in Sagaponack Pond. ▪ Acquire real-time, minute-by-minute data to more accurately ascribe rapid water quality changes to precise environmental processes via a monitoring device. ▪ Provide accurate and robust representation of average water quality condition. | 2019-2022 | <p>\$178,000 for research personnel, materials, supplies, monitoring equipment, and data analysis</p> <p>\$89,000 supported by Southampton Town Trustees.</p> |
| Determination of factors promoting the growth of toxic blue-green algae. | <ul style="list-style-type: none"> ▪ Quantify the role of nitrogen vs phosphorus in promoting blue-green algae in Sagaponack Pond. ▪ Identify the extent to which remediation plans should focus on phosphorus alone, nitrogen alone, or on both nitrogen and phosphorus. | 2019-2022 | <p>\$78,000 for, research personnel, and laboratory supplies</p> <p>\$39,000 supported by Southampton Town Trustees.</p> |
| Microbial source tracking. | <ul style="list-style-type: none"> ▪ Use digital polymerase chain reaction to quantify genes associated with fecal bacteria originating from humans, birds, dogs, deer, birds, or geese. ▪ Surveys will be performed spatially, seasonally, and in response to large rainfall events in order to definitively quantify these bacteria. | 2019-2022 | <p>\$58,000 for, research personnel, and laboratory supplies</p> <p>\$29,000 supported by Southampton Town Trustees.</p> |
| Evaluation of nutrient sources to Sagaponack Pond | <ul style="list-style-type: none"> ▪ Pinpoint the location and the source of excess nutrients (i.e groundwater, streams, run off, or deposition from the atmosphere) ▪ Determine if wastewater, agriculture, or fertilizer are the main nutrient sources ▪ Characterize composition of bottom sediments in the Pond. ▪ | 2019-2022 | <p>\$58,000 for research personnel and data analysis.</p> <p>\$29,000 supported by Southampton Town Trustees.</p> |
| Assess the suitability of Sagaponack Pond for filter feeding bivalves. | <ul style="list-style-type: none"> ▪ Assess environmental conditions relative to known requirements ▪ Assess bivalve performance in Sagaponack Pond water ▪ Assess ability to introduce and restore bivalve within Sagaponack Pond | 2019-2022 | <p>\$38,000 for research personnel and supplies.</p> <p>\$19,000 supported by Southampton Town Trustees.</p> |
| Findings and reporting. | <ul style="list-style-type: none"> ▪ Provide interim recommendations ▪ Provide final written report. ▪ Provide final oral report. | Annual | <p>\$38,000 for research personnel.</p> <p>\$19,000 supported by Southampton Town Trustees.</p> |
| | | Total | <p>\$448,000 total</p> <p>\$224,000 supported by</p> |

| | | | |
|--|--|--|---------------------------------------|
| | | | Southampton Town Trustees. |
|--|--|--|---------------------------------------|

List of Attachments

1. NYSDEC Permit #1-4736-03007/00013
2. Sagaponack Pond Opening and Closing History
3. Dredging Totals 2016-2018

Attachment 1

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790
P: (631) 444-0365 | F: (631) 444-0360
www.dec.ny.gov

October 12, 2016

Board of Trustees of the Freeholders and Commonalty of the Town of Southampton
Town Hall
116 Hampton Rd.
Southampton, NY 11968

Re: Permit #1-4736-03007/00013

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit for the referenced activity. Please read all permit conditions contained in the permit carefully to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather and a Notice of Commencement/Completion of Construction. Please note, the permit sign and Notice of Commencement/Completion of Construction form are sent to either the permittee or the facility application contact, not both.

Sincerely,



Claire Werner
Environmental Analyst

cc: Inter-Science Research Associates, Inc.
BOH-TW
Wildlife
File

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: GEORGE W HAMMARTH, Deputy Regional Permit Administrator
Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook 50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature:



Date 10/12/16

Distribution List

INTER-SCIENCE RESEARCH ASSOCIATES INC
Habitat - TW
Wildlife - w/o plans
Claire Werner

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;
EXCAVATION & FILL IN NAVIGABLE WATERS**

1. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

2. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

3. No Construction Debris in Wetland or Adjacent Area Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

4. No Disturbance to Vegetated Tidal Wetlands There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

5. No Side-casting or Temporary Storage Excavated sediment shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.

6. Leave a Uniform Bottom Elevation All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.

7. Prohibition Period for Fish, Shellfish, Birds To protect spawning finfish, shellfish and nesting shorebirds, including threatened and/or endangered species, no regulated activities may occur between April 1 and September 30, inclusive, of any calendar year.

8. Grade Channel Side Slopes All side slopes of the dredge channel will have a maximum of 1:3 slope.

9. Dredged Materials on the Beach All material deposited on the beach shall be of compatible (equal to or larger) grain size to the naturally occurring beach. If at any time during the dredging operation the composition of the dredged material changes and becomes unsuitable for beach placement, dredging operations shall cease immediately and the office of Regional Habitat - TW shall be contacted with a proposed plan to correct the problem and/or for alternative placement. No further activity will commence without the department's approval.

10. Dredged Depth Survey Within 30 days of completion of the dredging operation, an as-dredged depth survey of the dredged area shall be submitted to:

NYSDEC - Regional Habitat - TW
SUNY @ Stony Brook
50 Circle Rd
Stony Brook, NY 11790-3409
Attn: Compliance

11. Dredging Once Per Year Dredging shall be undertaken no more than once in any calendar year unless specifically authorized by the department.

12. Notice of Maintenance Dredging For maintenance dredging projects, the permittee shall submit a Notice of Commencement prior to each dredging occurrence, specifying the disposal site (including an updated site plan). Upon completion, a Notice of Completion shall be submitted to the address indicated on that notice form, including the amount of material dredged and deposited at the approved disposal site.

13. No Disturbance to Vegetated Tidal Wetlands, Dunes There shall be no disturbance to vegetated dune areas or vegetated tidal wetland areas as a result of the permitted activities.

- 14. Dredged/Excavated Material** All material dredged/excavated to open the cut shall remain in the Atlantic Ocean littoral system.
- 15. Maximum Slope of Sediment Deposition Area** All side slopes of sediment deposition area (not the channel side slopes) must not exceed 1:10.
- 16. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Inter-Science Research Associates, Inc. dated 7/7/16, stamped NYSDEC approved on 10/11/16.
- 17. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
- 18. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
- 19. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.
- 20. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 21. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY11790 -3409

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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| NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS |
|--|

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.



Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

New York State
Department of Environmental Conservation

 NOTICE 

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator

ROGER EVANS

Permit Number

1-4736-03007/00013

Expiration Date

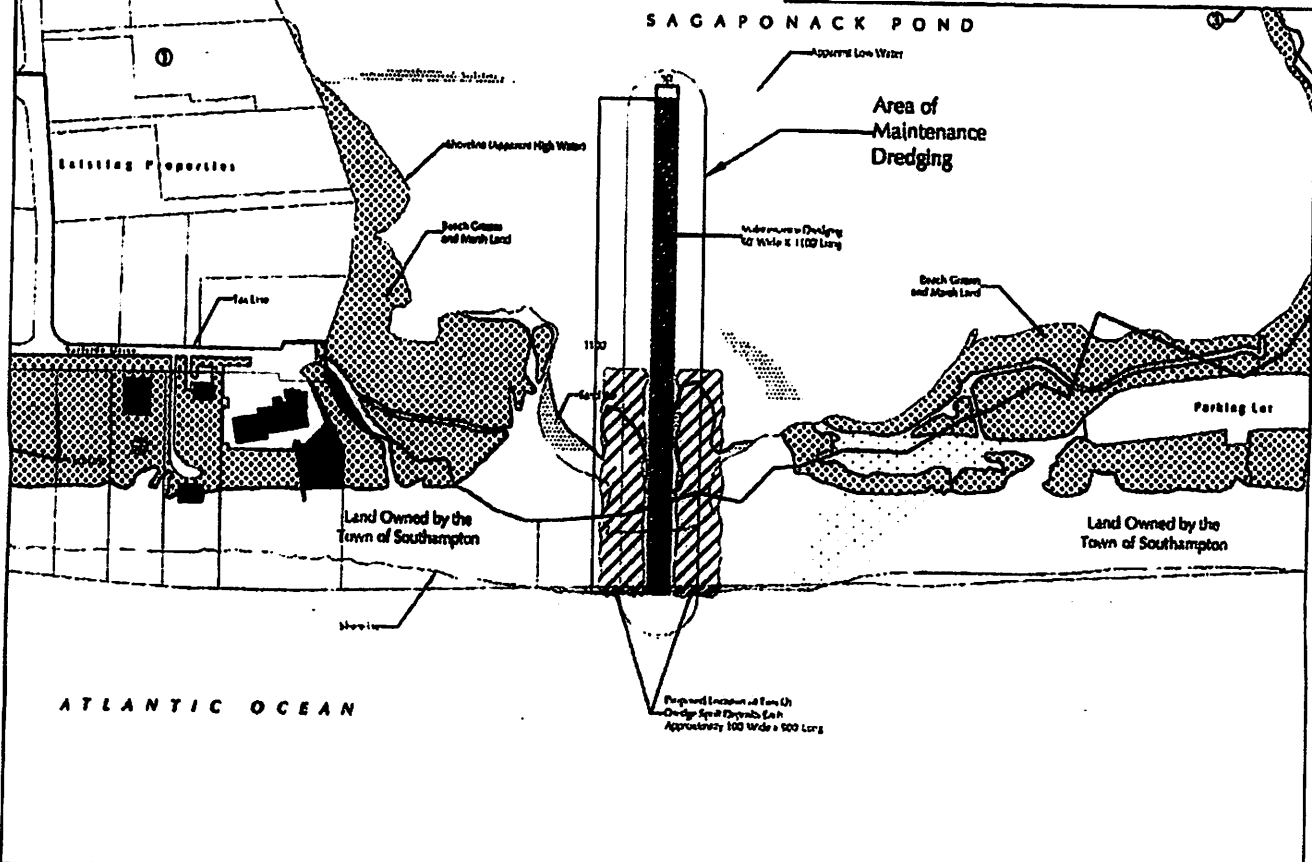
10/10/2026

NOTE: This notice is NOT a permit



NYS DEC
 APPROVED AS PER TERMS
 AND CONDITIONS OF
 PERMIT NO 1-4730-03207/00013
 DATE 10/11/14 CLK
 10/4

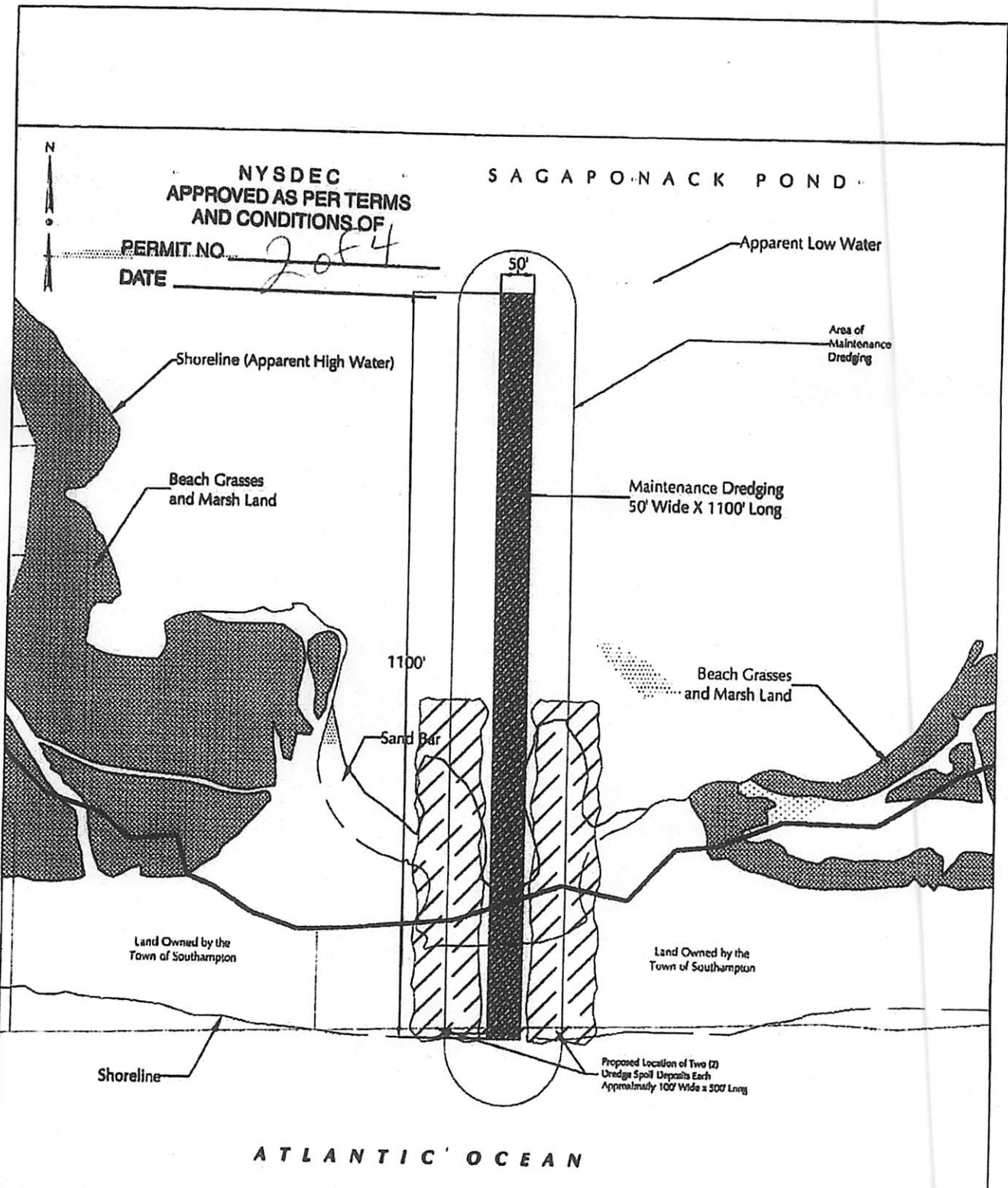
V I C I N I T Y M A P
 Scale: 1" = 100'



Purpose: Proposed Dredge Channel
Datum: NGVD 1929
Adjacent Property Owners:
 1. 311 Surfside LLC, 778 Park Ave Fl 16, New York NY
 2. Southampton Town, 116 Hampton Rd, Southampton NY
 3. Southampton Town, 116 Hampton Rd, Southampton NY
 File: MACLENTS\Southampton Town-Board of Trustees\Sagaponack Pond\Sag Pond ACCE 07062016.dwg

Full Site View
 Scale: 1"=400'
 Client:
 Board of Trustees of the Incorporated and
 Commonality of the Town of Southampton
 116 Hampton Road, Town Hall, Southampton, NY 11968
 Disclaimer: This drawing is for concept design purposes only. Prior to construction, all design elements should be evaluated by the owner, site contractor and/or engineer to ensure proper design.

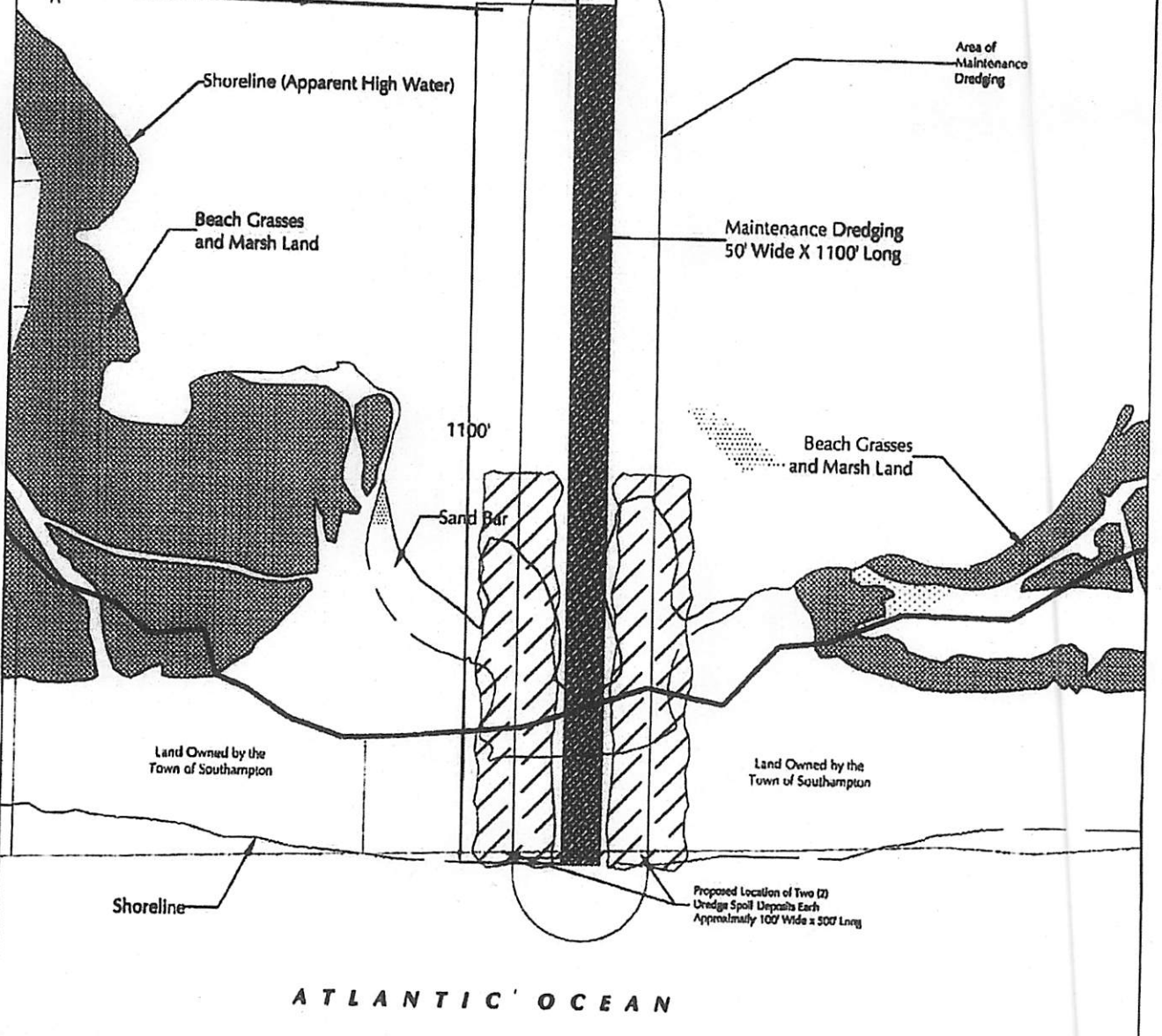
Name of Project:
 Dredging Plan/ Existing Conditions
Location of Project:
 In: Sagaponack Pond
 County: Suffolk County
 Applicant: Inter-Science, Research Associated, Inc.
 36 Nugent Street
 Southampton New York 11969
 Sheet 1 of 4
 Date: 7/07/2016



NYSDEC
 APPROVED AS PER TERMS
 AND CONDITIONS OF

PERMIT NO. 2054
 DATE _____

SAGAPONACK POND



ATLANTIC OCEAN

Purpose: Proposed Dredge Channel
Datum: NGVD 1929
Adjacent Property Owners:
 1. 311 Surfside LLC, 778 Park Ave Fl. 16, New York NY
 2. Southampton Town, 116 Hampton Rd, Southampton NY
 3. Southampton Town, 116 Hampton Rd, Southampton NY
 File: M:\CLIENTS\Southampton Town-Board of Trustees\Sagaponack Pond\Sagaponack Pond ACOE 07082016.dwg

Detail View

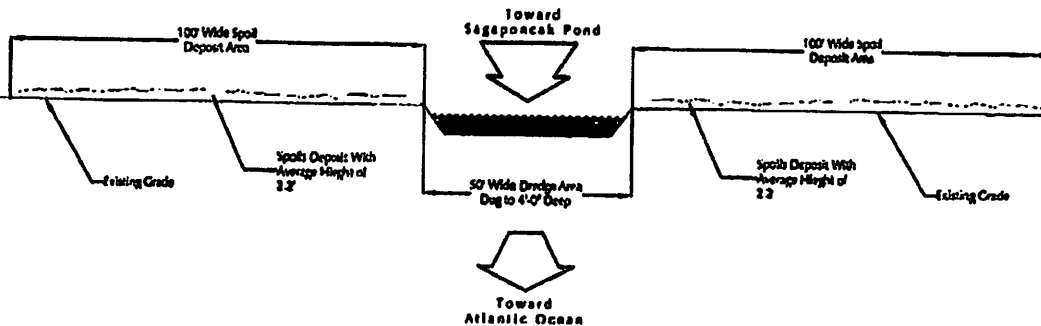
Scale: 1" = 400' 200' CKW

Client:
 Board of Trustees of the Freeholders and
 Commonality of the Town of Southampton
 116 Hampton Road, Town Hall, Southampton, NY 11968

Disclaimer: This drawing is for concept design purposes only. Prior to construction, all design elements should be evaluated by the owner site contractor and/or engineer to ensure proper design.

Name of Project:
 Dredging Plan/ Existing Conditions
Location of Project:
 In: Sagaponack Pond
 County: Suffolk County
 Applicant: Inter-Science, Research Associated, Inc.
 36 Nugent Street
 Southampton New York 11969

NYS DEC
APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO. 3054
DATE _____



Purpose: Proposed Dredge Channel

Datum: NGVD 1929

Adjacent Property Owners:

1. 311 Sunside LLC, 776 Park Ave FL 16, New York NY
2. Southampton Town, 116 Hampton Rd, Southampton NY
3. Southampton Town, 116 Hampton Rd, Southampton NY

File: M40125\Southampton Town-Board of Trustees\Sagaponack Pond\Sagaponack Pond ACDE 07062016.dwg

Profile View



Scale: 1" = 400' *or 40'*

Client
 Board of Trustees of the Freeholders and
 Commonality of the Town of Southampton
 116 Hampton Road, Town Hall, Southampton, NY 11969

Disclaimer: This drawing is for concept design purposes only. Prior to construction, all design elements should be evaluated by the owner, site contractor and/or engineer to ensure proper design.

Name of Project:

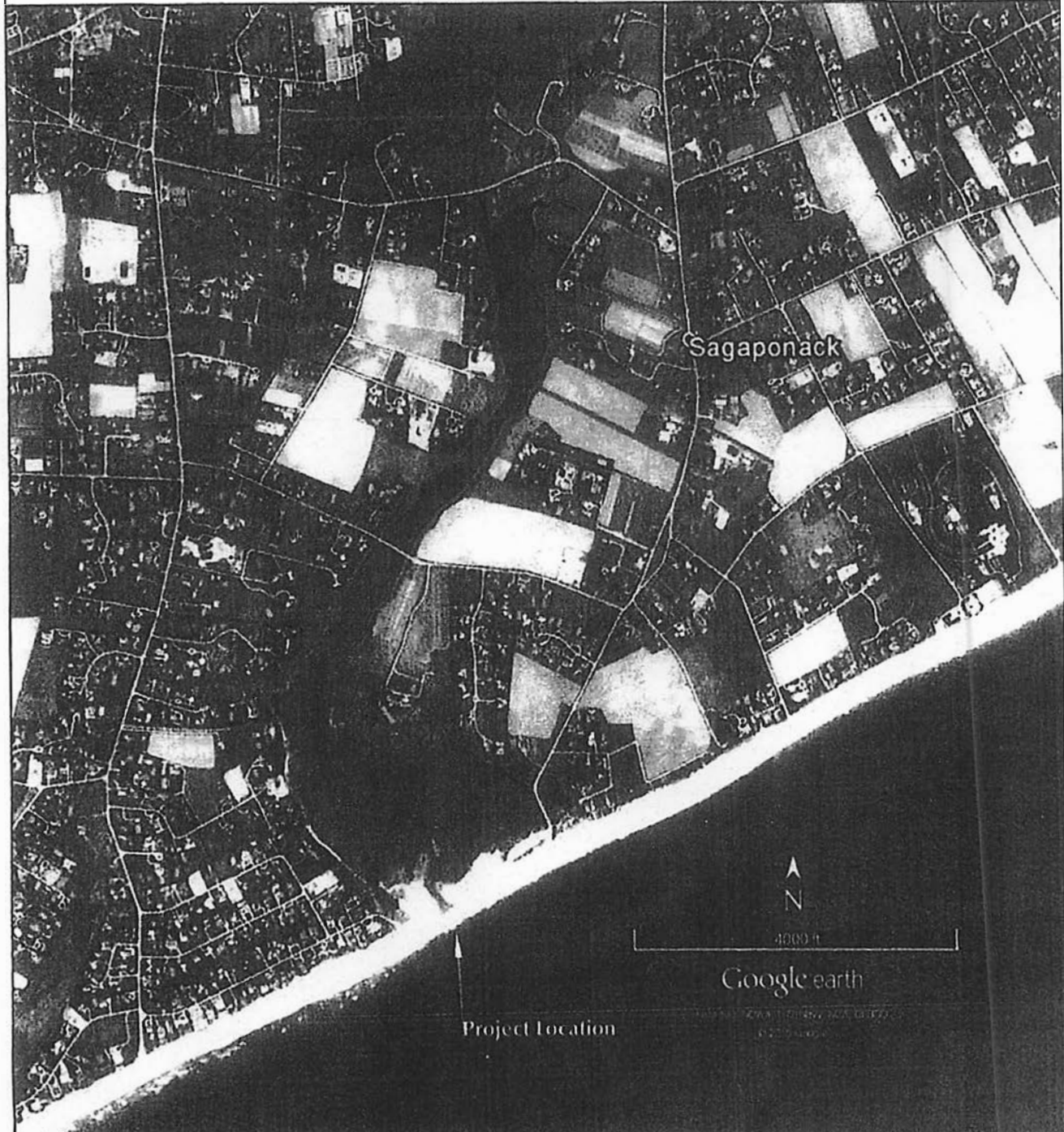
Dredging Plan/ Existing Conditions

Location of Project:

In: Sagaponack Pond
 County: Suffolk County
 Applicant: Inter-Science, Research Associated, Inc.
 36 Nugent Street
 Southampton New York 11969

NYS DEC
APPROVED AS PER TERMS
AND CONDITIONS OF

PERMIT NO 4 of 4
DATE _____



Purpose: Proposed Dredge Channel

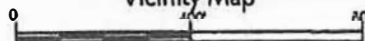
Datum: NGVD 1929

Adjacent Property Owners:

- 1. 311 Surfside LLC, 778 Park Ave FL 16, New York NY
- 2. Southampton Town, 116 Hampton Rd, Southampton NY
- 3. Southampton Town, 116 Hampton Rd, Southampton NY

File: M:\CLIENTS\Southampton Town-Board of
Trustees\Sagaponack Pond\Sag Pond ACOE 07061016.dwg

Vicinity Map



Scale: 1"=400'

Client:

Board of Trustees of the Freshkills and
Commonality of the Town of Southampton
116 Hampton Road, Town Hall, Southampton, NY 11968

This drawing is for concept design purposes only. Prior to construction, all design
elements should be evaluated by the owner site contractor and/or engineer to ensure correct details.

Name of Project:
Dredging Plan/ Existing Conditions

Location of Project:

In: Sagaponack Pond
County: Suffolk County
Applicant: Inter-Science, Research Associated, Inc.
36 Nugent Street
Southampton New York 11969

Sheet 1 of 4

Date: 7/07/2016

- _____ Access Route
- _____ Initial Excavation and expected footprint of the flowing cut once established
- Fencing to redirect ORV
- _____ Stockpiled dredge material
(2,080 cubic yards)

Saga Ponack Pond

VILLAGE OF SAGARONACK



Attachment 2

Sagg Opened How Opened Sagg Closed How Closed

| | | | |
|----------|--------|----------|--------|
| 01/05/90 | | | |
| 08/22/90 | | | |
| 09/04/90 | | | |
| 12/18/90 | | | |
| 02/05/91 | | | |
| 04/03/91 | | | |
| 11/21/91 | | | |
| 12/18/91 | | | |
| 04/02/92 | | | |
| 05/19/92 | | | |
| 08/07/92 | | | |
| 11/30/92 | | | |
| 02/04/93 | | | |
| 06/15/93 | | | |
| 09/23/93 | | | |
| 12/07/93 | | | |
| 10/24/94 | | | |
| 12/07/94 | | | |
| 03/10/95 | | | |
| 05/22/95 | | | |
| 08/23/95 | | | |
| 10/18/95 | | | |
| 12/01/95 | | | |
| 03/27/96 | | | |
| 07/10/96 | | | |
| 08/13/96 | | | |
| 09/09/96 | | | |
| 10/30/96 | | | |
| 11/09/96 | | | |
| 11/13/96 | | | |
| 04/08/97 | | | |
| 05/07/97 | | | |
| 07/15/97 | | | |
| 09/02/97 | | | |
| 09/08/97 | | | |
| 11/05/97 | | | |
| 12/16/97 | | | |
| 01/27/98 | | | |
| 03/14/98 | | | |
| 04/21/98 | | | |
| 05/26/98 | | | |
| 09/14/98 | | | |
| 01/21/99 | Thayer | | |
| 03/19/99 | | | |
| 10/08/99 | Thayer | | |
| 02/02/00 | | | |
| 04/24/00 | Thayer | | |
| 06/07/00 | Thayer | | |
| 12/06/00 | Thayer | 01/01/01 | nature |

| | | | | |
|----------|---------------|----------|--------------------------|------------------------------------|
| 03/10/01 | Foster | | | |
| 05/07/01 | Thayer | | | |
| 06/05/01 | Thayer | | | |
| 12/12/01 | Thayer | | | |
| 06/03/02 | Thayer | | | |
| 10/21/02 | Thayer | | | |
| 11/22/02 | Thayer | | | |
| 02/24/03 | Thayer | | | |
| 04/01/03 | Thayes | | | |
| 04/29/03 | First Coastal | | Beach nourishment/Binder | |
| 05/27/03 | Thayer | | | |
| 06/23/03 | Thayer | | | |
| 08/12/03 | Thayer | | | |
| 10/22/03 | Thayer | | | |
| 12/10/03 | Thayer | | | |
| 03/08/04 | Thayer | | | |
| 04/20/04 | Thayer | | | |
| 06/07/04 | Thayer | | | |
| 09/13/04 | Thayer | 09/16/04 | nature | |
| 10/05/04 | Thayer | | | |
| 11/18/04 | Thayer | | | |
| 12/21/04 | Thayer | | nature | |
| 02/24/05 | Thayer | | | |
| 03/31/05 | Thayer | | | |
| 05/06/05 | Nature | | | Per call from Jon S. and Jennifer |
| 07/05/05 | Thayer | | | |
| 09/21/05 | Thayer | | | |
| 10/16/05 | Nature | | | |
| 04/19/06 | Thayer | | | |
| 05/19/06 | Thayer | | | |
| 06/28/06 | Thayer | | | |
| 07/24/06 | Thayer | | | opening in p.m. for safety reasons |
| 08/29/06 | Thayer | | | |
| 09/18/06 | Thayer | | | opened in a.m. |
| 10/13/06 | Thayer | | | |
| 10/28/06 | Nature | | | |
| 11/20/06 | Chesterfield | | | will be opened in afternoon. |
| 02/21/07 | Nature | | | |
| 05/17/07 | Nature | | | |
| 06/20/07 | Thayer | | | will be opened |
| 07/20/07 | Nature | | | |
| 09/10/07 | Thayer | | | will be opened |
| 11/07/07 | Nature | | | |
| 02/28/08 | Thayer | | | |
| 08/11/08 | Thayer | | | opened 8:30 A.M. |
| 10/02/08 | Thayer | | | |
| 10/11/08 | First Coastal | | | |
| 12/12/08 | Nature | | | per call from Richie Franks |
| 02/23/09 | Thayer | | | Per call from Jon Semlear |
| 04/22/09 | Thayer | | | Per Jon Semlear |

\$700.00
\$700.00

| | | | | | |
|----------|---------------|----------|---------------|--|----------|
| 06/09/09 | Thayer | | | Per Jon Semlear | \$700.00 |
| 07/14/09 | Thayer | | | Per Jon Semlear | |
| 09/09/09 | Thayer | | | Per Jon Semlear | |
| 10/06/09 | Thayer | | | Per Jon Semlear | |
| 11/17/09 | Thayer | | | | |
| 03/03/10 | First Coastal | | | Per Jon Semlear | |
| 06/30/10 | Nature | | | per call from Richie Franks | |
| 09/07/10 | Thayer | | nature | | |
| 10/18/10 | Thayer | | nature | | |
| 12/16/10 | Thayer | 12/20/10 | nature | | |
| 12/30/10 | Thayer | | | | |
| 02/14/11 | Nature | | | | |
| 08/15/11 | Thayer | | | per Jon Semlear | |
| 09/21/11 | Thayer | | | per call from Richie Franks | |
| 12/13/11 | Foster Farms | | | per Jon Semlear | |
| 01/09/12 | Nature | | | per Richie Franks | |
| 08/21/12 | Foster Farms | | | | |
| 12/10/12 | First Coastal | | | | |
| 03/17/13 | First Coastal | | | | |
| 06/05/13 | Foster Farms | | | per Jon Semlear | |
| 09/09/13 | Foster Farms | | | per Jon Semlear | |
| 11/11/13 | Foster Farms | | | per Jon Semlear | |
| 02/19/14 | nature | | | per Harry Miller | |
| 04/10/14 | Nature | | | Per Bill Pell | |
| 08/27/14 | Foster Farms | | | Per Bill Pell | |
| | | 09/01/14 | nature | Per Eric Shultz | |
| 09/15/14 | Foster Farms | 09/17/14 | nature | Per Harry Miller | |
| 10/27/14 | Foster Farms | | | | |
| 12/02/14 | Foster Farms | | | was opened to do repairs on cul-d- sac | |
| | | 03/11/15 | First Coastal | | |
| 04/13/15 | Foster Farms | | | | |
| 08/24/15 | Foster Farms | | | | |
| 09/23/15 | Foster Farms | 09/24/15 | nature | | |
| 10/14/15 | Foster Farms | | | | |
| | | 11/10/15 | nature | | |
| 11/23/15 | Guillo's | | | | |
| 01/21/16 | First Coastal | | | | |
| 04/07/16 | Nature | 04/27/16 | nature | | |
| 05/04/16 | Nature | | | | |
| 08/15/16 | Chesterfield | 08/17/16 | nature | | |
| 10/11/16 | Chesterfield | 10/12/16 | nature | | |
| 11/03/16 | Chesterfield | 11/05/16 | nature | | |
| 12/20/16 | Chesterfield | 12/22/16 | nature | | |
| 01/23/17 | nature | 04/28/17 | nature | | |
| 05/15/17 | chesterfield | 06/28/17 | nature | | |
| 09/22/17 | chesterfield | 09/28/17 | nature | | |
| 11/07/17 | chesterfield | 11/28/17 | nature | | |
| 01/30/18 | chesterfield | 04/05/18 | nature | | |
| 08/28/18 | chesterfield | 09/03/18 | nature | | |
| 10/15/18 | Chesterfield | 10/21/18 | nature | | |

11/19/18 Chesterfield

Attachment 3

SAGG POND DREDGING TOTALS

2016

| <u>INVOICE DATE</u> | <u>TOTALS</u> |
|---------------------|--------------------|
| 1. 8/31/16 | \$1,840.00 |
| 2. 10/20/16 | \$5,200.00 |
| 3. 11/10/16 | <u>\$6,600.00</u> |
| TOTAL: | \$13,640.00 |

2017

| <u>INVOICE DATE</u> | <u>TOTALS</u> |
|---------------------|--------------------|
| 1. 1/31/17 | \$7,480.00 |
| 2. 5/31/17 | \$2,300.00 |
| 3. 10/9/17 | \$2,760.00 |
| 4. 11/17/17 | <u>\$7,920.00</u> |
| TOTAL: | \$20,460.00 |

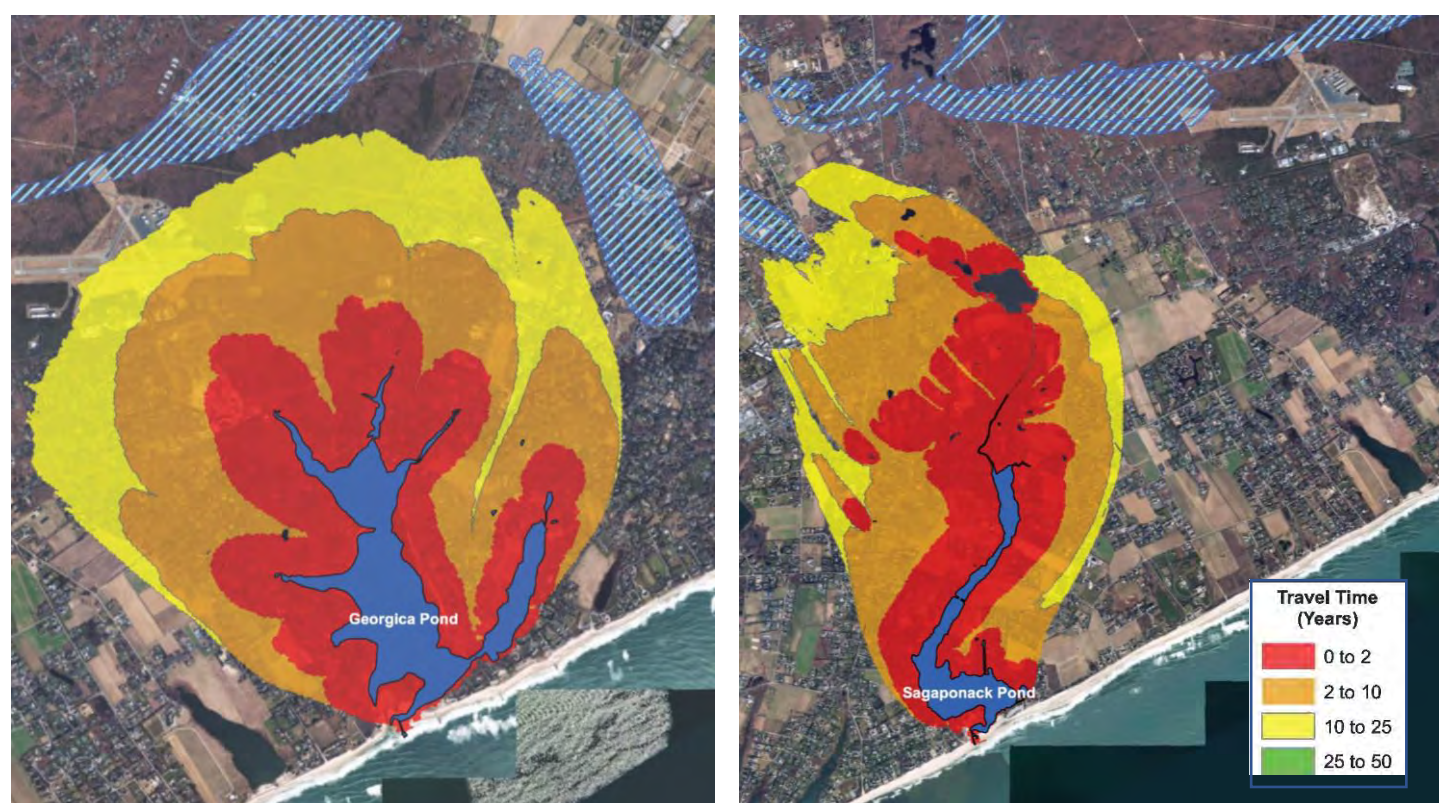
2018

| <u>INVOICE DATE</u> | <u>TOTALS</u> |
|---------------------|--------------------|
| 1. 2/14/18 | \$5,280.00 |
| 2. 8/31/18 | \$5,070.00 |
| 3. 10/31/18 | \$5,280.00 |
| 4. 11/30/18 | <u>\$5,280.00</u> |
| TOTAL: | \$20,910.00 |

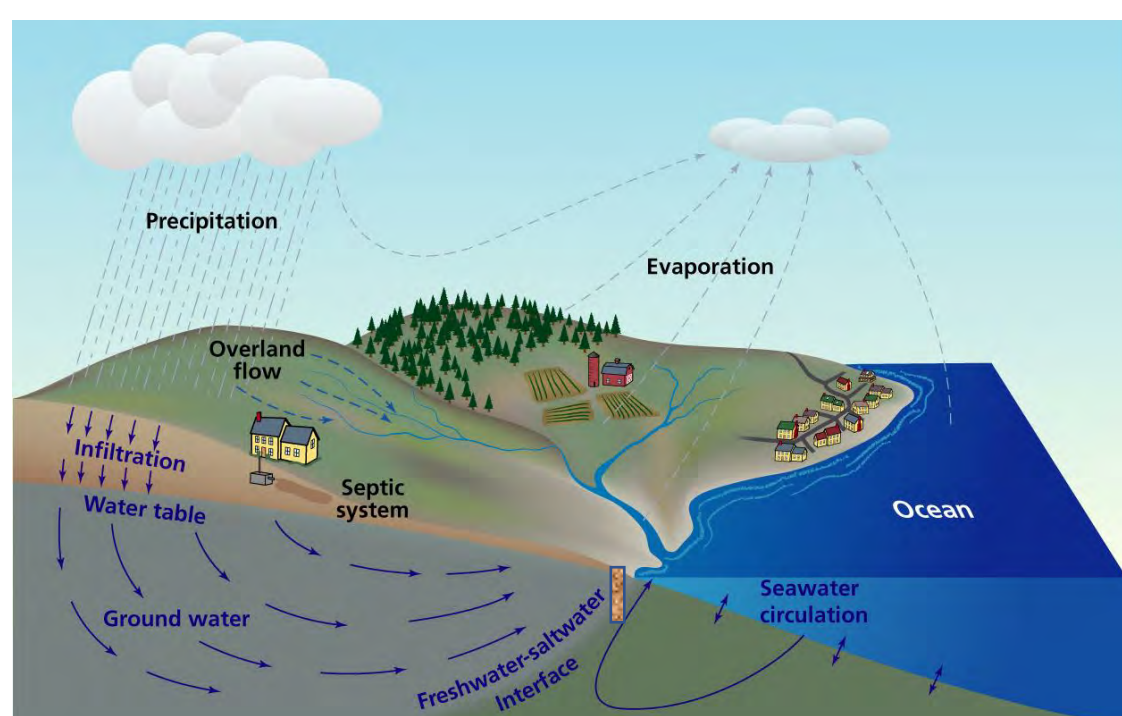
Identifying and Reducing Groundwater Nitrogen Input into Georgica and Sagaponack Ponds

by the Peconic Land Trust in collaboration with Cornell Cooperative Extension of Suffolk County

Background on Groundwater Seepage and Potential Nitrogen Mitigation Technology called a Permeable Reactive Barrier



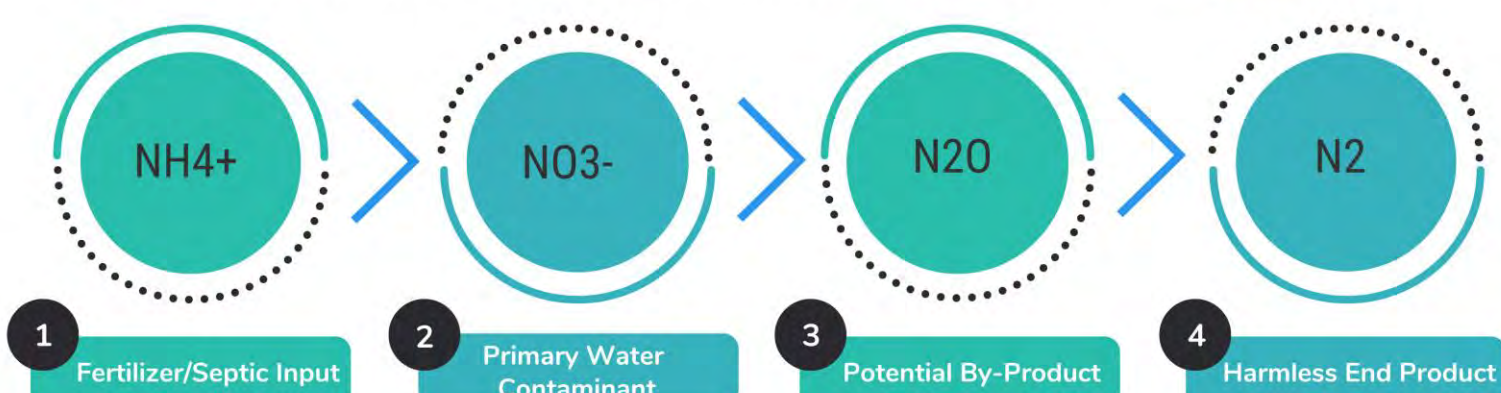
- Groundwater contributing areas from Suffolk County Subwatershed Plan (SCSWP) show the travel time of groundwater contributing to the ponds ranges from 0 to 25 years.
- This means nitrogen that was added to the groundwater 20 - 25 years ago, or "legacy nitrogen" has not entered the pond yet.
- Groundwater travel is relatively slow, thus legacy nitrogen will continue enter surface water for decades.



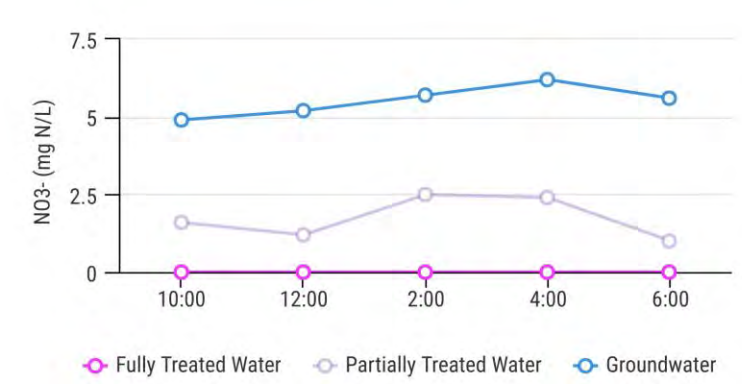
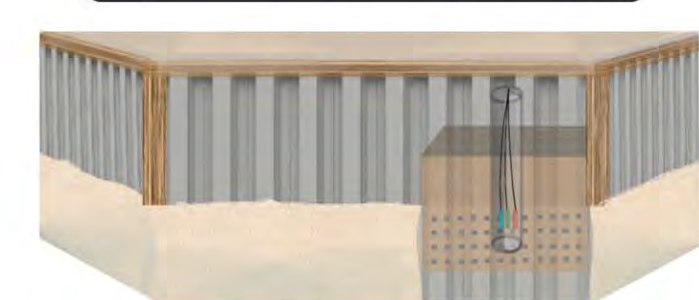
- Groundwater enters surface water like Georgica and Sagg Pond through submarine groundwater discharge (SGD), thus inland land use and chemical makeup of groundwater within the watershed is critically important for local surface water quality.
- Long Island sandy soils are susceptible to leaching nutrients like nitrogen and other pollutants, making the underlying groundwater vulnerable to contamination.
- Groundwater is contaminated with nitrogen from several sources including septic, fertilizers, and the atmosphere

Permeable Reactive Barrier Technology

- Passive groundwater treatment
- No above-ground structures
- Microbes exist naturally in the soil
- Woodchips promote conditions which allow microbial transformation of contaminant into a harmless end product



Innovative Solution



- A promising solution for treating groundwater N is PRBs installed at the shoreline to intercept and remediate contaminated groundwater before it enters surface water.
- PRBs can treat nitrate from all N sources.
- The reactive media in the barrier is typically woodchips mixed with either gravel or sand. This coarse media is more permeable than surrounding soil to promote water flow through the treatment zone.

- PRBs have previously been used in the US and globally to treat agricultural tile drainage and septic plumes.
- The first full-scale Long Island PRB was installed behind a bulkhead in Hampton Bays in 2020.
- Results from the October 2020 sampling revealed that groundwater entering the barrier had concentrations ranging from 1 to 7 mg N/L and the treated water had less than 0.1 mg N/L in almost all samples, suggesting the barrier is performing well.

Methods used in Georgica and Sagaponack Pond Survey

- Using the Trident instrument, porewater, or the water within the sediment, and surface water parameters are measured.
- Specifically, the Trident measures temperature and conductivity contrast between porewater 1 ft below the sediment-water interface and surface water 1 ft above the sediment-water interface.
- During summer months, high contrast areas with relatively low temperature and conductivity values in the porewater are conditions indicative of SGD.



- When the temperature and conductivity signal indicate presence of fresh groundwater, samples are collected for laboratory nutrient analysis. Porewater nutrient concentrations discharging from the sediment directly impact surface water nutrient concentration in areas with SGD.



- In addition to temperature and conductivity measured by the Trident, oxidation reduction potential, total dissolved solids, dissolved oxygen and pH are measured at every station with a Myron Ultrameter and DO meter.
- Additionally, at each sampling station a description of the sediment bottom type, surface water column height, shoreline characteristics, and GPS location are recorded.
- This ancillary information is relevant for remediation such as living shoreline and bioextraction.

- Georgica and Sagg Pond's bottom type varies from sandy with gravel to fine clay.
- Areas with sand and gravel oftentimes have higher groundwater seepage rates.

- The survey includes identifying unique shoreline features such as the one pictured, where it appears that iron-rich sediment is naturally leaching iron (orange) at the surface
- Areas which are identified as nitrogen-impacted are further characterized using a patented UltraSeep meter (Paulsen et al. 2001, Paulsen et al. 2004).
- SGD rate is measured with the UltraSeep meter at selected locations for a 1-2 hours or 1-2 days to quantify groundwater discharge flow depending on whether there is tidal influence at the site.

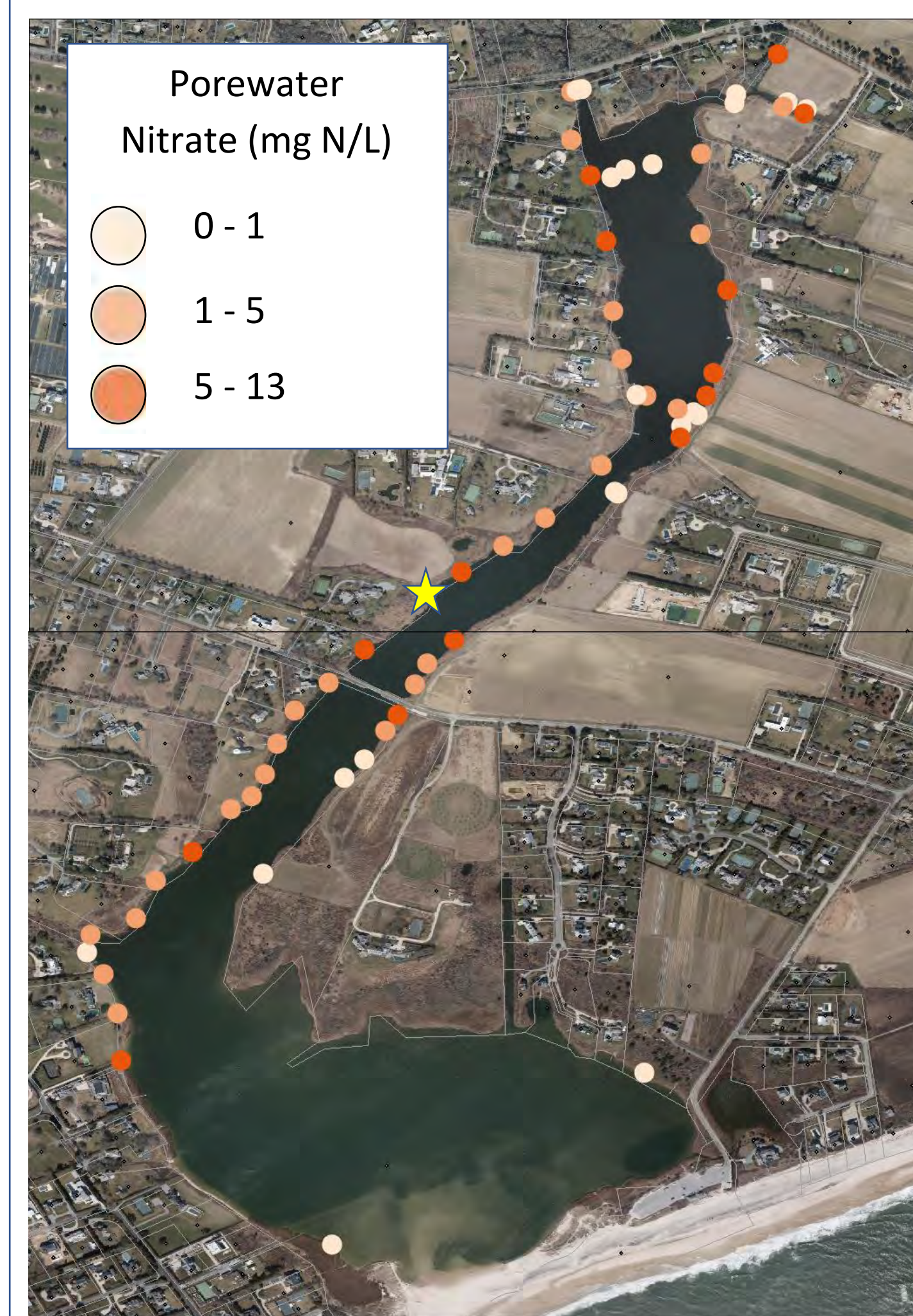


- Upgradient of areas which are a high priority for future remediation, inland groundwater wells are installed using a Geoprobe.
- Groundwater wells facilitate collection of hydrogeological information such as groundwater velocity and direction to be determined, which are parameters needed for PRB design.

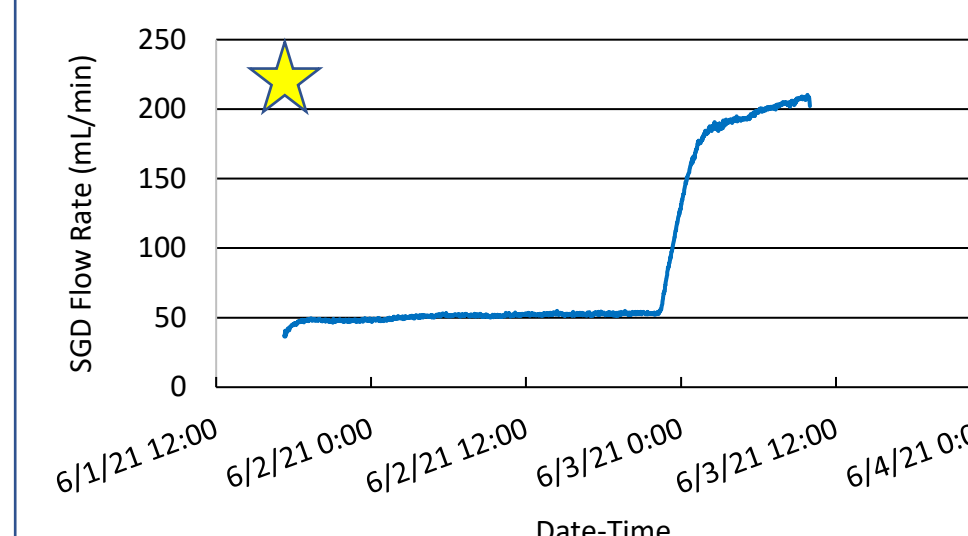
Porewater Nitrate Results from Survey at Georgica Pond (Feb. - March 2021) and Sagaponack Pond (April 2021 - present)



- The survey revealed porewater nitrate concentrations ranged from < 0.4 to 5.96 mg N/L
- Surface water nitrate concentrations ranged from 0.73 - 1.4 mg N/L taken from multiple locations within the upper western tributary.
- The SCSWP used 0.32 mg N/L as a reference threshold for surface water of undrained fresh waterbodies, including Georgica Pond, thus surface water concentrations within the tributary were above acceptable levels even in the winter season when fertilizer-derived nitrogen was likely at a minimum.



- Porewater nitrate along the Smith Corner Preserve ranged from 0.04 - 5.8 mg N/L.
- Porewater nitrate in other areas of the pond ranged from 1.4 - 12.3 mg N/L.
- 70% of the porewater samples collected at Sagg Pond thus far had greater than 2 mg N/L indicating substantial nitrogen input from groundwater.
- Surface water nitrate ranged from 0.8 - 5.2 mg N/L taken from multiple locations within the pond.
- Highest surface water nitrate concentrations were measured at the northern tributaries.
- All surface water samples contained higher nitrogen than is considered healthy.
- Despite relatively high water levels in the pond during the measurements, the groundwater seepage rates were consistently positive meaning there is groundwater seeping into the pond.
- Rates were generally higher on the western side of the pond due to a greater groundwater drive.

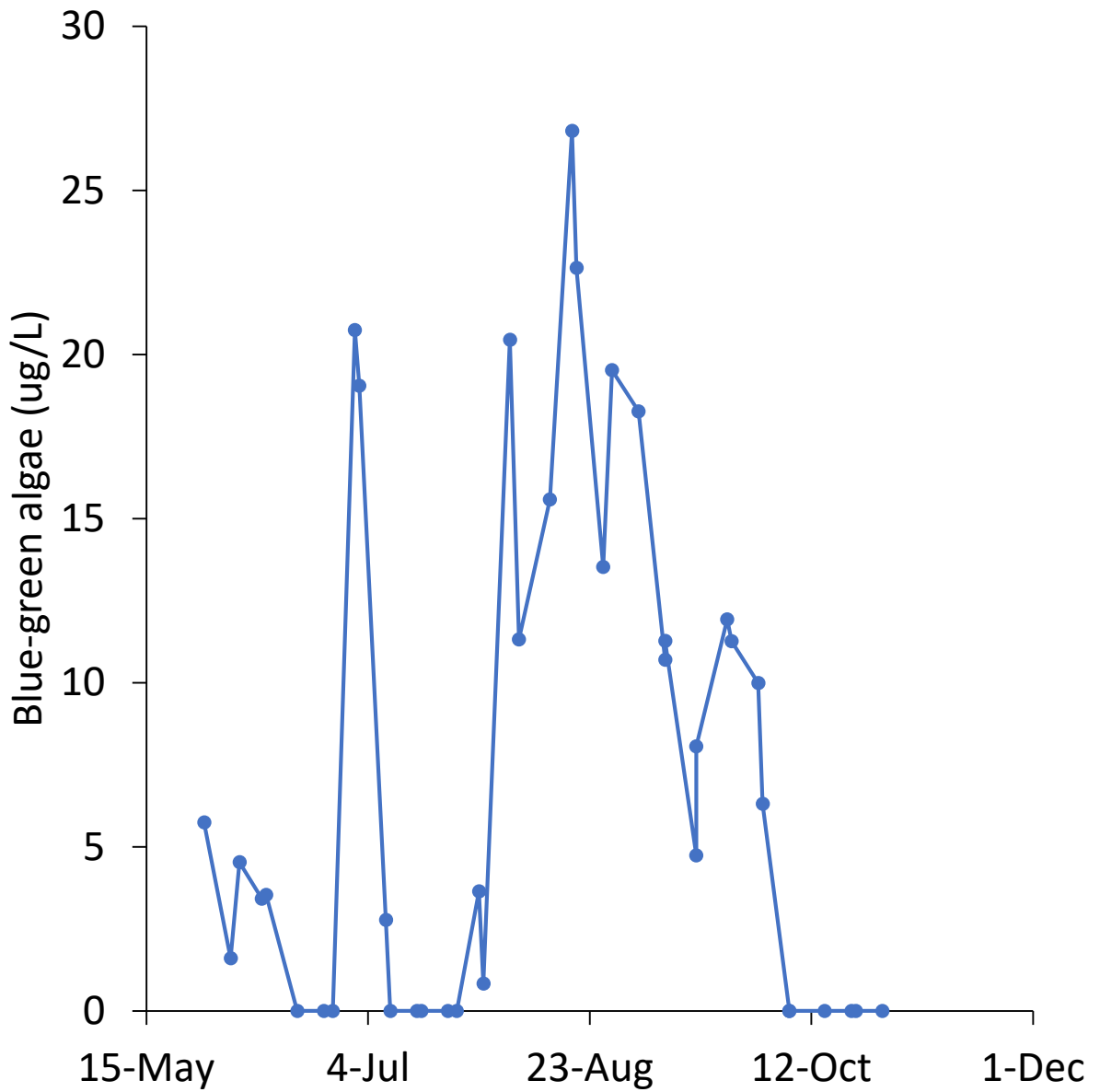


- SGD flow rate was being measured (located by the yellow star) during the recent June Sagg Pond ocean inlet opening.
- Flow rate spike was observed just before 12am on 6/3/21.
- Flow rate increased to 4 times the previous rate when the ocean inlet opened and the water level in the pond dropped.
- The pressure gradient between inland groundwater table and pond water level increased, which increased the water flow rate.

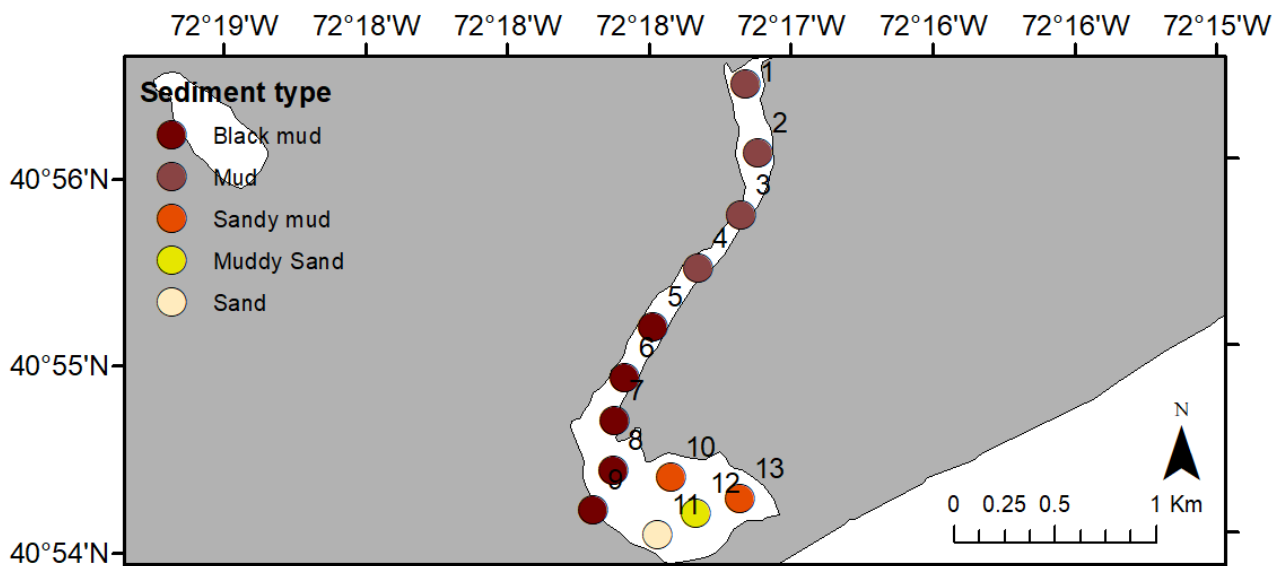
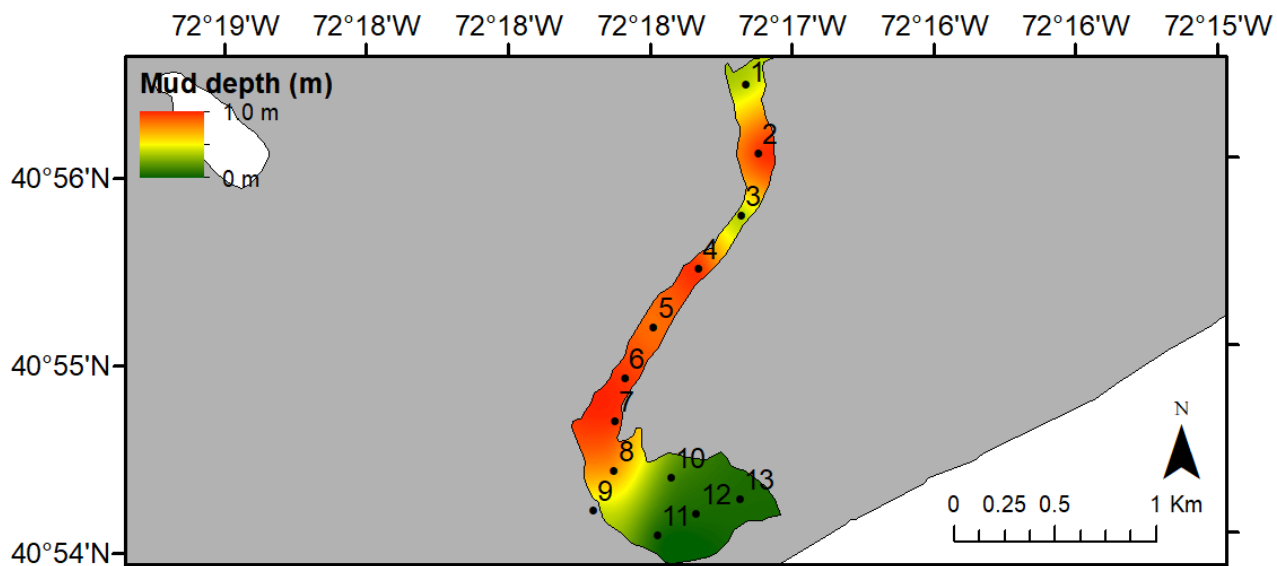
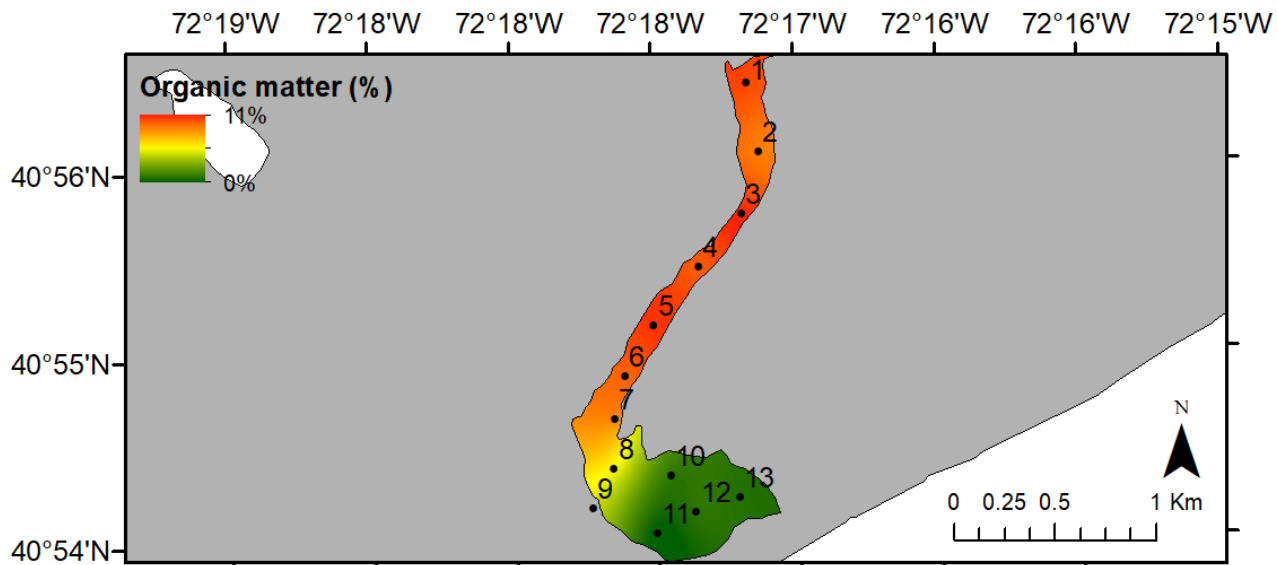
Sagaponack Pond Update

Fall 2019

Dynamics of blue-green algae



Sagoaponack Pond



**RESOLUTION NO. 620 -2020, ADOPTING LOCAL LAW
NO. 38 -2020, A LOCAL LAW TO PROHIBIT THE FEEDING
OF WILD ANIMALS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 3, 2020, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE FEEDING OF WILD ANIMALS IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 38 -2020, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT THE FEEDING OF WILD ANIMALS IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County strives to protect both its wildlife and the interests of its residents.

This Legislature also finds and determines that the feeding of wild animals is disruptive to the natural feeding habits and digestive health of those animals.

This Legislature finds that the feeding of wild animals creates a dependency on human interaction for sustenance, making them more likely to gather in large numbers and exhibit aggressive behavior.

This Legislature determines that over a period of time, wild animals which are fed by people tend to become both a public and private nuisance and present a public health concern for the communities affected.

This Legislature further determines that the population of wildlife increases in areas where they are intentionally fed, which creates an unsafe environment for both the wild animals and residents.

This Legislature also finds that it is in the best interest of both the wild animals and the residents of Suffolk County to prohibit the feeding of wildlife.

Therefore, the purpose of this law is to prohibit the feeding of wild animals in Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

PERSON – an individual.

NUISANCE BIRDS – any bird species that may have harmful environmental, economic, or public health impact, such as gulls, mute swans, and/or Canada geese.

WILD ANIMAL – any animal, which is not normally domesticated in New York State, including but not limited to coyotes, deer, foxes, groundhogs, opossums, raccoons, skunks, and nuisance birds other than songbirds or hummingbirds.

Section 3. Prohibitions.

- A. No person shall purposely or knowingly feed, bait, or in any manner provide access to food to any wild animal in Suffolk County, except as provided for in Section 5 of this law.
- B. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, or grain in a manner that would attract wild animals in Suffolk County.
- C. After an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food source or attractants to wild animals.

Section 4. Exceptions.

The following individuals and organizations are permitted to feed wild animals:

- A. Veterinarians or other trained professionals who are rehabilitating an injured or otherwise incapacitated wild animal; and
- B. Certified wildlife foundations or other non-profit organizations which focuses efforts on rehabilitating injured or otherwise incapacitated wild animal.
- C. Any agent of Suffolk County or New York State authorized to implement an alternative control method set forth in any approved wild animal management plan.

Section 5. Feeding of Certain Backyard Birds Permitted.

Feeding of wild birds, except nuisance birds and waterfowl, shall be permitted outdoors, provided that such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property. Excessive dropping accumulation or the attraction of rodents may be considered an unreasonable disturbance on surrounding property owners.

Section 6. Enforcement.

- A. This law shall be enforced by the Suffolk County Department of Health Services.

- B. Enforcement shall be on a complaint basis.

Section 7. Rules and Regulations.

The Commissioner of the Suffolk County Department of Health Services shall issue and promulgate such rules and regulations as he or she shall deem necessary to implement the provisions of this law. The rules and regulations issued by the Commissioner shall specifically address what constitutes both an unreasonable disturbance and an excessive accumulation of droppings as referenced in Section 5 of this law.

Section 8. Penalties.

- A. Any person who violates any provision of this law shall be liable for a fine of not less than fifty dollars (\$50.00) and not more than five-hundred dollars (\$500.00) for each offense, together with the costs of prosecution.
- B. Each separate offense shall be deemed committed on each day or part of the day during which a violation occurs or continues.
- C. No fine shall be implemented unless the alleged violator has received notice and has been given the opportunity to be heard. Notice shall be served upon the alleged violator, either personally or by certified mail, and shall contain a concise statement of the facts constituting the alleged violation or violations, as well as setting forth the date, time and place the hearing will be held.

Section 9. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 10. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 11. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate

SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 12. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: September 9, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 24, 2020

After a public hearing duly held on September 21, 2020
Filed with the Secretary of State on October 7, 2020

APPENDIX D



Path: P:\21047.000_Village of Sagaponack\GIS\Sagaponack\Sagaponack.aprx

| Structure Type | Drainage Easements | Sewershed |
|-----------------------------|-----------------------|---------------------|
| Catch Basin w/ Grate | Village of Sagaponack | Sagaponack Pond |
| Leeching Basin, Grate | Tax Parcels | Fairfield Pond |
| Leeching Basin, Solid Cover | Road Jurisdiction | NYS Montauk Highway |
| Manhole | State | Peters Pond |
| Outfall | Town Road/Shared | Poxabogue Pond |
| Culvert | Village Street | TOEH Georgica Pond |
| Stone Lined Ditch | Private Road | TOEH Wainscott Pond |
| | | Atlantic Ocean |

Village of Sagaponack Drainage Map Page 1 of 4

0 200 400 800 1,200
Feet

LKMA LK MCLEAN ASSOCIATES, PC
CONSULTING ENGINEERS
437 SOUTH COUNTRY ROAD, BROOKHAVEN, NY 11719

ADDITIONAL DATA PROVIDED BY: NEW YORK STATE, MAXAR
TOWN OF SOUTHAMPTON DIVISION OF GEOGRAPHIC INFORMATION SYSTEMS
SUFFOLK COUNTY REAL PROPERTY TAX SERVICE AGENCY
"AERIS AND TAX MAP" COPYRIGHT 2020, COUNTY OF SUFFOLK, N.Y.



| Structure Type | Drainage Easements | Sewershed |
|-----------------------------|-----------------------|---------------------|
| Catch Basin w/ Grate | Village of Sagaponack | Sagaponack Pond |
| Leeching Basin, Grate | Tax Parcels | Fairfield Pond |
| Leeching Basin, Solid Cover | Road Jurisdiction | NYS Montauk Highway |
| Manhole | State | Peters Pond |
| Outfall | Town Road/Shared | Poxabogue Pond |
| Culvert | Village Street | TOEH Georgica Pond |
| Stone Lined Ditch | Private Road | TOEH Wainscott Pond |
| | | Atlantic Ocean |

Village of Sagaponack Drainage Map Page 2 of 4

0 200 400 800 1,200
Feet

LKMA LK MCLEAN ASSOCIATES, PC
CONSULTING ENGINEERS
437 SOUTH COUNTRY ROAD, BROOKHAVEN, NY 11719

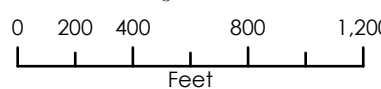
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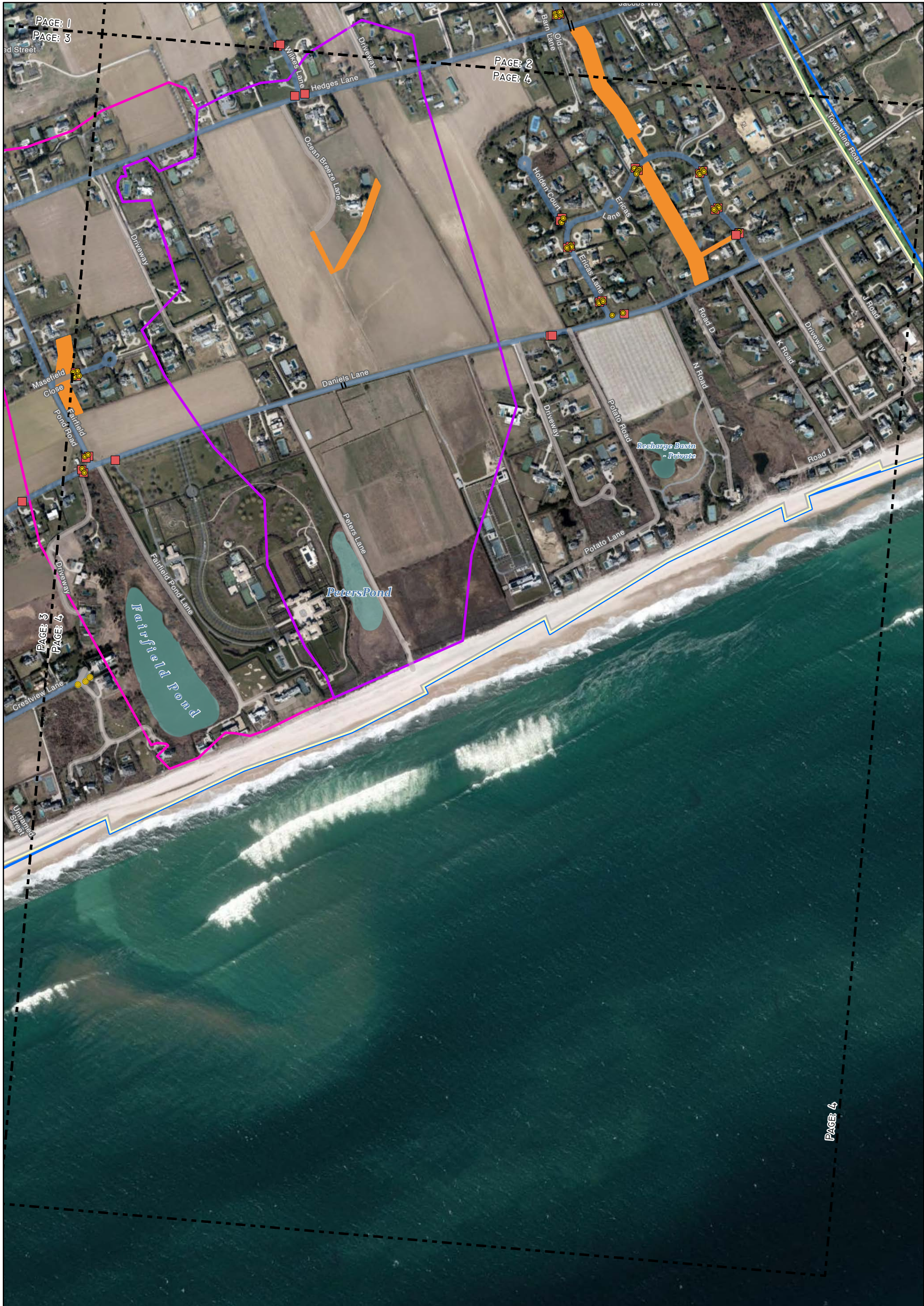


| Structure Type | | Drainage Easements | | Sewershed | |
|----------------|-----------------------------|--------------------|-----------------------|-----------|---------------------|
| | Catch Basin w/ Grate | | Village of Sagaponack | | Sagaponack Pond |
| | Leeching Basin, Grate | | Tax Parcels | | Fairfield Pond |
| | Leeching Basin, Solid Cover | | Road Jurisdiction | | NYS Montauk Highway |
| | Manhole | | State | | Peters Pond |
| | Outfall | | Town Road/Shared | | Poxabogue Pond |
| | Culvert | | Village Street | | TOEH Georgica Pond |
| | Stone Lined Ditch | | Private Road | | TOEH Wainscott Pond |
| | | | | | Atlantic Ocean |

Village of Sagaponack Drainage Map Page 3 of 4



LKMA LK MCLEAN ASSOCIATES, PC
CONSULTING ENGINEERS
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| | Private Road | Atlantic Ocean |

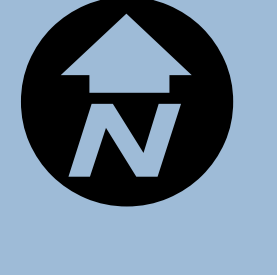
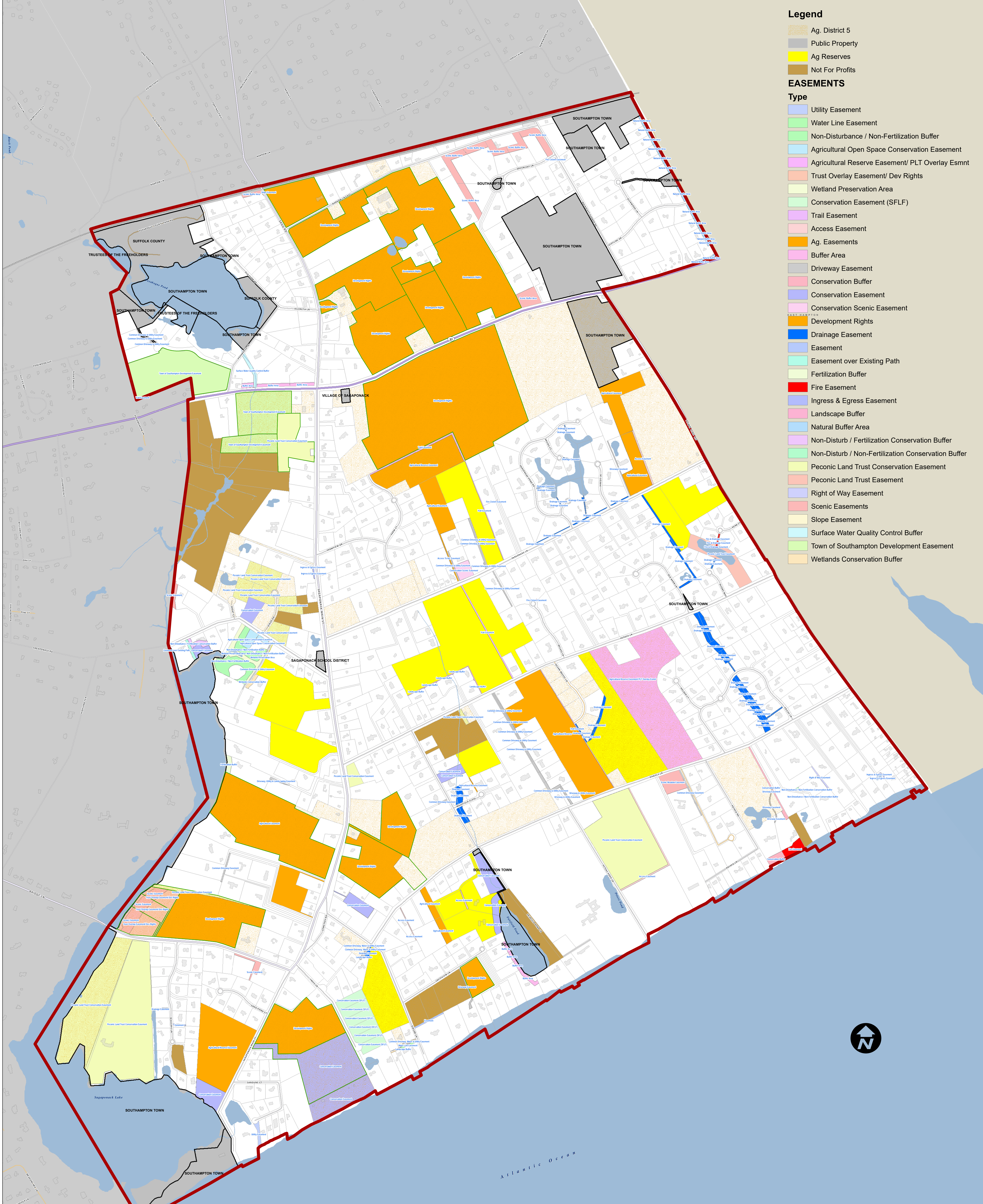
Village of Sagaponack Drainage Map Page 4 of 4

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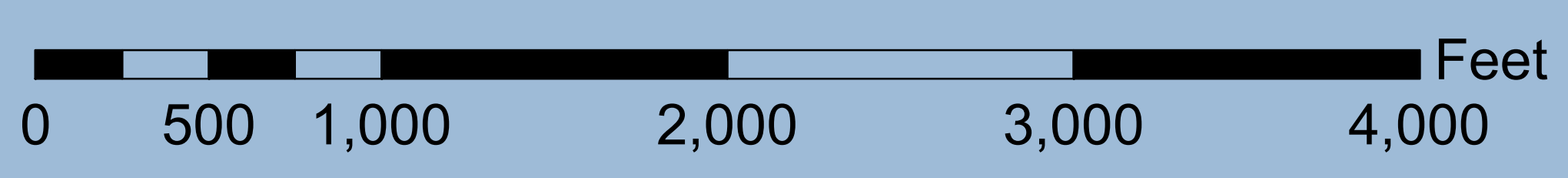
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- Legend**
- Ag. District 5
 - Public Property
 - Ag Reserves
 - Not For Profits
- EASEMENTS**
- Type**
- Utility Easement
 - Water Line Easement
 - Non-Disturbance / Non-Fertilization Buffer
 - Agricultural Open Space Conservation Easement
 - Agricultural Reserve Easement/ PLT Overlay Esmnt
 - Trust Overlay Easement/ Dev Rights
 - Wetland Preservation Area
 - Conservation Easement (SFLF)
 - Trail Easement
 - Access Easement
 - Ag. Easements
 - Buffer Area
 - Driveway Easement
 - Conservation Buffer
 - Conservation Easement
 - Conservation Scenic Easement
 - Development Rights
 - Drainage Easement
 - Easement
 - Easement over Existing Path
 - Fertilization Buffer
 - Fire Easement
 - Ingress & Egress Easement
 - Landscape Buffer
 - Natural Buffer Area
 - Non-Disturb / Fertilization Conservation Buffer
 - Non-Disturb / Non-Fertilization Conservation Buffer
 - Peconic Land Trust Conservation Easement
 - Peconic Land Trust Easement
 - Right of Way Easement
 - Scenic Easements
 - Slope Easement
 - Surface Water Quality Control Buffer
 - Town of Southampton Development Easement
 - Wetlands Conservation Buffer



VILLAGE OF SAGAPONACK EASEMENTS





**Village of Sagaponack (SPDES ID NYR20A534)
EPA MS4 Compliance Evaluation**

Post-Construction Stormwater Management Practice Inventory

In accordance with Part VII.A.5.a.vi., below is an inventory of post-construction stormwater management practices within the covered entities jurisdiction. The list includes all practices discharging to the small MS4 that have been installed since the Village's incorporation in 2005 and all practices owned by the small MS4. It is noted that the Village code requires retention of a three (3) inches storm for all sites meeting the criteria for site plan review; this ensures that practically, most sites rarely discharge to the MS4 system. Furthermore, the Village does not allow residents to directly connect their private on-site drainage to the MS4 system.

All sites are located in Sagaponack, NY 11962

| Facility | Street Address | Ownership Type | Practice Description | Install Date | Maintenance Required |
|-----------------|-----------------------|-----------------------|-----------------------------|---------------------|--|
| Village Hall | 3175 Montauk Hwy | Municipal | Two Infiltration Basins | 2009 | Village Hall staff regularly monitors condition; if a build-up of sediment or poor drainage is observed, drains are cleaned. As they are relatively new and serve a small contributory area, cleaning has not yet been required. |

APPENDIX E

Chapter 186

STORM SEWERS

GENERAL REFERENCES

Stormwater management — See Ch. 187.

Zoning — See Ch. 245.

Subdivision of land — See Ch. 190.

ARTICLE I

Illicit Discharges, Activities and Connections
[Adopted 11-21-2011 by L.L. No. 12-2011]**§ 186-1. Purpose/intent.**

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Sagaponack through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 186-2. Definitions.

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

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES Permit for Stormwater Discharges from Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious

characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 186-5 of this article.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES Permit for Discharges from Industrial Activities Except Construction, GP-98-03, as amended or revised.

MS4 — Municipal separate storm sewer system.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Village of Sagaponack;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

MUNICIPALITY — The Village of Sagaponack.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d)-listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d)-listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d)-listed water.
- C. Total maximum daily load (TMDL) strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee, the municipal engineer or other public official(s) designated by the Village of Sagaponack to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

303(D) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d)-listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL — Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 186-3. Applicability.

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

§ 186-4. Administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 186-5. Illegal discharges and illicit connections prohibited; exceptions.

- A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1) through (4). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:
- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
 - (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
 - (3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
 - (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

- B. Prohibition of illicit connections.
- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 186-6. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are those types of activities that:
- (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 186-2, Definitions, of this article.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 186-7. Prevention, control, and reduction of stormwater pollutants by use of best management practices.

Where the SMO has identified illicit discharges as defined in § 186-2 or activities contaminating stormwater as defined in § 186-6 the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

- A. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
- B. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in § 186-2 or an activity contaminating stormwater as defined in § 186-6, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- C. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

§ 186-8. Emergency situations; suspension of access to MS4.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a

reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

§ 186-9. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 186-10. Access and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

- (5) Unreasonable delay in allowing the municipality access to a facility subject to this article is a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
- (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 186-11. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 186-12. Enforcement; penalties for offenses.

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) Payment of a fine; and
 - (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the

established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 186-13. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Village Board of Trustees within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§ 186-14. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 186-15. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 186-16. Alternative remedies.

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

§ 186-17. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 186-18. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter 187

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

GENERAL REFERENCES

Coastal erosion hazard area — See Ch. 42.

Wetlands — See Ch. 225.

Flood damage prevention — See Ch. 119.

Freshwater wetlands — See Ch. 226.

Storm sewers — See Ch. 186.

Zoning — See Ch. 245.

Subdivision of land — See Ch. 190.

§ 187-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 187-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 187-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP-02-01, or as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 187-3. Statutory authority.

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

§ 187-4. Applicability; Stormwater Management Officer; review of land development activities.

- A. This chapter shall be applicable to all land development activities as defined in § 245-4.¹
- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
 - (1) Review the plans;

1. Editor's Note: See Ch. 245, Zoning, § 245-4, Definitions.

- (2) Upon approval by the Village Board of Trustees of the Village of Sagaponack, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.
- C. All land development activities including by way of illustration, not limitation, special permits, subdivisions, and site plans shall be reviewed subject to the standards contained in this chapter.
 - D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter.

§ 187-5. Exemptions.

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

- A. Agricultural activity as defined in § 245-4.
- B. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- C. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- D. Any part of a subdivision if a plat for the same subdivision has been approved by the Planning Board² on or before the effective date of this chapter.
- E. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
- F. Cemetery graves.
- G. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- H. Emergency activity immediately necessary to protect life, property or natural resources.
- I. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- J. Landscaping and horticultural activities in connection with an existing structure.

§ 187-6. Definitions.

Section 245-4, Village Code, is amended to include the following definitions, each appearing in alphabetical order.³

2. Editor's Note: The Planning Board was abolished 12-20-2011 by L.L. No. 14-2011. See § 245-71.

3. Editor's Note: See Ch. 245, Zoning, § 245-4, Definitions.

§ 187-7. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.
- B. Contents of stormwater pollution prevention plans.
- (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) (using a scale of one inch equal to 100 feet) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 - (c) Description of the soil(s) present at the site;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Not more than one acre shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (j) Temporary practices that will be converted to permanent control measures;

- (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Name(s) of the receiving water(s);
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) Land development activities meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:
- (a) Condition A. Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B. Stormwater runoff from land development activities disturbing one or more acres.
 - (c) Condition C. Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.
- (3) SWPPP requirements for Conditions A, B and C.
- (a) All information in § 187-8B(1);
 - (b) Description of each post-construction stormwater management practice;
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 - (e) Comparison of post-development stormwater runoff conditions with predevelopment conditions;
 - (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;

- (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property; and
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 187-9.
 - (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.
- C. Other environmental permits. The applicant shall ensure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- D. Contractor certification.
- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 187-8. Performance and design criteria for land development activities.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual).

- (2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the above technical standards and the SWPPP shall be prepared by a licensed professional.
 - C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

§ 187-9. Maintenance and repair of stormwater facilities.

- A. Maintenance and inspection during construction.
 - (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (2) For land development activities meeting Condition A, B or C in § 187-7B(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.
 - (3) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Sagaponack to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Village Attorney for the Village of Sagaponack.
- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes as a minimum, the following:
 - (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

- (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 187-8C.
- D. Maintenance agreements. The Village of Sagaponack shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement."⁴ The Village of Sagaponack, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 187-10. Inspections.

- A. Erosion and sediment control inspection.
- (1) The Village of Sagaponack Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Sagaponack enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
 - (a) Start of construction.
 - (b) Installation of sediment and erosion control measures.
 - (c) Completion of site clearing.
 - (d) Completion of rough grading.
 - (e) Completion of final grading.
 - (f) Close of the construction season.
 - (g) Completion of final landscaping.
 - (h) Successful establishment of landscaping in public areas.
 - (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

4. Editor's Note: Schedule B is included at the end of this chapter.

- B. Stormwater management practice inspections. The Village of Sagaponack Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- D. Submission of reports. The Village of Sagaponack Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village of Sagaponack the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection B above.

§ 187-11. Performance guarantee.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Sagaponack in its approval of the stormwater pollution prevention plan, the Village of Sagaponack may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Sagaponack as the beneficiary. The security shall be in an amount to be determined by the Village of Sagaponack based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Sagaponack, provided that such period shall not be less than one-year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village of Sagaponack. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Sagaponack with an irrevocable letter of credit from an approved financial institution or surety with a principal place of business in the Town of Southampton to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Sagaponack may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

§ 187-12. Recordkeeping.

The Village of Sagaponack may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 187-13. Enforcement; penalties for offenses.

- A. Notice of violation. When the Village of Sagaponack determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) The name and address of the landowner, developer or applicant;
 - (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Village of Sagaponack may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Sagaponack confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.

- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Sagaponack may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 187-14. Fees for services.

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

ARTICLE VIII
Site Plan Review

§ 245-64. Planning Board.¹

Until a planning board is created pursuant to Village Law § 7-718, the Village Board shall act as the Planning Board.

§ 245-65. Applicability.

Site plan review shall be required for the following:

- A. Any application for a building permit for any building, structure or improvement on any lot, parcel or piece of land with an area equal to or greater than five acres, excepting any agricultural building or other structure less than 300 square feet.
- B. Any grading, clearing, cutting, filling, excavating or tree removal on any lot, parcel or piece of land where the area of the grading, clearing, cutting, filling, excavating or tree removal equals or exceeds 2,000 square feet and is not directly an element of construction of a single-family residence for which a permit has been issued incident to which any aforesaid proposed activity was clearly and completely disclosed on the site plan filed with the Building Inspector.
- C. Any erection, construction, alteration, demolition, moving or alteration of any building, structure or improvement where the use is either nonconforming, permitted by special exception or other than single-family residential, excepting any interior renovation that does not change or intensify the use or increase occupancy.
- D. Any change of use of any nonconforming use and special exception application.
- E. All signs, including for all nonresidential uses and all nonconforming uses, excluding residential real estate signs, and residential nameplate signs not exceeding two square feet.
- F. Any excavation or fill consisting of any material that changes the natural grade. Notwithstanding any other provision herein, site plan review shall not be required for placement of fill incident to a lawful excavation of a foundation and consisting of 600 cubic yards or less, provided the placement complies in all respects with the requirements of § 245-66C. **[Amended 2-18-2014 by L.L. No. 6-2014]**
- G. Any new construction of or additions to any building or structure on any lot bounded by tidal waters (hereinafter waterfront lot) and/or any area, if any, of any lot within 400 feet landward of the landward edge of the Coastal Erosion Hazard Area Map limit line as said erosion hazard area limit line is defined in Village Code § 42-5 (hereinafter adjacent area), except site plan review is not required for interior

1. Editor's Note: The Planning Board was abolished 12-20-2011 by L.L. No. 14-2011. See § 245-71.

alterations within any said area. **[Added 5-10-2010 by L.L. No. 1-2010; amended 12-17-2012 by L.L. No. 6-2012]**

§ 245-66. Specific standards.

- A. Agricultural reserves, preserved land and open space. On any parcel subject to any commitment limiting further development by reason of a sale of development rights, imposition of a conservation or similar easement, preserved as open space or participating in any similar program or used for agriculture, any site plan approval for the construction of agricultural buildings, structures and improvements shall require a maximum preservation of open space, the least possible disturbance of the prime agricultural soil, and maximum maintenance of unencumbered public vistas that still allow for efficient farming practice and, in all events, shall limit any such construction to buildings, structures and improvements that are of a true agricultural nature, are used solely for agricultural purposes, and are necessarily accessory to the principal agricultural use.
- B. Waterfront lots and adjacent area. **[Added 12-17-2012 by L.L. No. 6-2012]**
- (1) All new or replacement buildings and structures including both principal and accessory structures shall be set back no less than 125 feet from the crest of any and all ocean beach dunes.
 - (2) To the extent necessary the yard setback relief enabled under § 245-41 is authorized.
 - (3) Any and all applications for a building permit on a waterfront lot or within the aforesaid adjacent area shall include native revegetation and restoration measures sufficient to meet the standards set forth below:
 - (a) The limits of site disturbance shall be identified.
 - (b) The applicant for a permit shall have the proposed building and/or structure and the areas to be disturbed staked by a licensed surveyor in accordance with the survey. In addition, stakes shall be installed marking the perimeter of the area to be disturbed.
 - (c) Each application for development shall include a revegetation and restoration plan which utilizes native vegetation.
 - (d) Revegetation and restoration shall to the maximum extent possible result in the reestablishment of the native vegetation which existed prior to site disturbance.
- C. Placement of excavated fill. Where site plan review is required under § 245-65, placement of such fill shall be prohibited if it shall cause adverse changes to existing surface water runoff patterns or any change in the topography of the site unnecessary to the reasonable development of the site or any change in the

topography enabling the development of a site with a topography different from contiguous or nearby parcels. [Added 2-18-2014 by L.L. No. 6-2014]

§ 245-67. Site plan objectives.

The Planning Board², to the maximum extent possible, shall seek to accomplish the following objectives in reviewing site plans. Nothing herein shall preclude the Planning Board from requiring neighboring properties to participate in the construction of joint or shared improvements for access or drainage, provided that a problem has been identified which can be mitigated only by joint action and an implementation plan has been formulated to institute said mitigation.

- A. Traffic access. All proposed traffic accessways are adequate in number, width, grade, alignment and visibility, are located in proper relationship with intersections, pedestrian crossings and places of public assembly and are in conformance with overall traffic safety considerations.
- B. Interior circulation and parking. Adequate off-street parking and loading spaces are provided to satisfy the parking needs of the proposed uses on site and the interior circulation system is adequate to provide convenient access to such spaces consistent with pedestrian safety.
- C. Landscaping and screening. All landscaping of the site shall be in keeping with the character generally prevailing in the neighborhood and shall, wherever possible, not obstruct open space view or scenic corridors in order to maintain the character of the Village.
- D. Natural features. Due regard shall be paid to all natural features on and adjacent to the site, including but not limited to water bodies, drainage courses, wetlands, marshes, dunes, bluffs, beaches, escarpments, agricultural lands, woodlands, large trees, unique plant and wildlife habitat and flood hazard areas.
- E. Cultural features. Due regard shall be paid to all cultural features on and adjacent to the site, including but not limited to archaeological and paleontological remains, old trails, historic buildings and sites and agricultural fields.
- F. Lighting. All outdoor lighting is of such nature and so arranged as to preclude the projection of direct light and glare to the sky and onto adjoining properties and streets.
- G. Drainage. The drainage system and layout proposal will afford an adequate solution to any drainage problems.
- H. Public utilities. The plans for water supply and sewage disposal are adequate.

2. Editor's Note: The Planning Board was abolished 12-20-2011 by L.L. No. 14-2011. See § 245-71.

- I. Public address or sound system. Any sound or public address system shall be such that no sound from a system shall be audible on adjoining properties or on any adjacent street.
- J. Physically challenged access. The plan and building design shall accommodate the needs of the physically challenged and be in conformance with the state and federal standards for design and construction concerning the physically challenged, including but not limited to handicapped parking requirements.
- K. Energy conservation. The site plan and building design shall maximize the conservation of energy.
- L. Architecture. Wherever possible, architecture shall comply with the purposes and intent of this chapter and shall be compatible with the surrounding area in scale, style and material.
- M. Agricultural Overlay District. In considering site plan applications for all buildings or other structures that are to be situated on a lot equal to or greater than five acres and located within the Agricultural Overlay District, the Planning Board³ shall use the following factors to determine the most suitable location of the buildings or other structures for the current and future development of the property and the most suitable area for future farmland preservation:
 - (1) Development areas shall be located on the portion of the lot where impacts on the loss of prime agricultural soils are minimized.
 - (2) Development areas shall be located on the portion of the lot where impacts on views and vistas of the farmland areas from public rights-of-way are minimized.
 - (3) Farmland areas shall be located on the portion of the lot to encourage continuity of farmland and farming operations on the lot and adjoining properties.
 - (4) Development and farmland areas shall be located to minimize impacts on the future subdivision of the lot in accordance with open space requirements. **[Amended 1-14-2008 by L.L. No. 2-2008]**

§ 245-68. Site plan elements.

- A. Submission. A complete site plan application shall consist of:
 - (1) A completed site plan application form.
 - (2) A site plan review fee.

3. Editor's Note: The Planning Board was abolished 12-20-2011 by L.L. No. 14-2011. See § 245-71.

- (3) An environmental assessment form, Part 1, where required by Chapter 64, Environmental Quality Review, of the Village Code.
 - (4) A site plan.
- B. Fee. The site plan review fee is based on the area of the site required to be improved, including any and all areas required to be altered, excluding the area of any existing or proposed buildings.
- (1) A fee schedule shall be established, and changed as needed, by resolution of the Village Board. A copy of the fee schedule is on file with the Village Clerk's office.
 - (2) In addition to the above required fee, the Planning Board may require the payment of out-of-pocket expenses incurred by the Village in studies and/or by retainer of expert advisors related to the hearing, review and determination of an application. To impose such additional fee, the Planning Board must provide the applicant with written notice of its intent to conduct such studies and/or retain expert advisors. Said notice shall describe the need, scope and cost estimate of the work to be completed.
 - (3) The Planning Board shall have the authority to modify or waive the site plan review fee in whole or in part where such application demonstrates, in the Planning Board's judgment, a substantial public benefit. To modify or waive such fee, the Planning Board must adopt a resolution, by a vote of a majority plus one, stating its findings.
- C. Site plan. The applicant shall cause a site plan map at a minimum scale of one inch equals 40 feet to be prepared by an architect, landscape architect, civil engineer or surveyor. The site plan shall include those of the elements listed herein which are appropriate to the proposed development or uses as indicated by the Planning Board in a presubmission conference. This following information, in total, shall constitute the site plan:
- (1) Legal data.
 - (a) The name and address of the owner of record.
 - (b) The name and address of the person, firm or organization preparing the map, sealed with the applicable New York State license seal and signature.
 - (c) The date, North arrow and written and graphic scale.
 - (d) A property description prepared by a licensed surveyor or civil engineer. The site plan may reference a land surveyor's map or base reference map. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.

- (e) The locations, names and existing widths of adjacent streets and curblines.
 - (f) The location and owners of all adjoining lands and those lands directly across the street as shown on the latest tax records.
 - (g) The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to the public use within or adjoining the property.
 - (h) A complete outline of existing easements, deed restrictions or covenants applying to the property.
- (2) Natural features.
- (a) Existing contours with intervals of two feet or less referred to in a datum satisfactory to the Planning Board. In addition, spot elevations will be required where contour elevations are less than two feet on the site.
 - (b) The approximate boundaries of any areas subject to flooding or stormwater overflows.
 - (c) The location of existing natural features in § 245-67 and any other significant existing natural features.
 - (d) The location of any existing cultural features enumerated in § 245-67 and any other significant cultural features.
- (3) Existing structures and utilities.
- (a) Outlines of all structures and location of all uses not requiring structures.
 - (b) Paved areas, including parking areas, sidewalks and vehicular access between the site and public streets.
 - (c) Locations, dimensions, grades and flow direction of any existing culverts or waterlines, as well as other underground and aboveground utilities within and adjacent to the property.
 - (d) Other existing development, including fences, landscaping and screening.
 - (e) The location and use of all buildings or other structures within 200 feet of the boundary of the subject property.
- (4) Proposed development.
- (a) The location of proposed buildings or other structural improvements, indicating setbacks from all property lines and horizontal distances from existing structures.

- (b) The location and design of all uses not requiring structures, such as off-street parking and loading areas and pedestrian circulation. Parking calculations shall be shown.
 - (c) The location, direction, power and time of use for any proposed outdoor lighting or public address systems.
 - (d) The location and plans for any outdoor signs which must be in accordance with applicable sign regulations.
 - (e) Except as provided further herein, grading and drainage plans shall be based on a minimum three-inch rainstorm retention; drainage calculations, contours and spot grade elevations are to be shown. In addition, any such plans shall include an identification and evaluation of offsite areas contributing to surface water runoff, the volume from any said contributing area, any known or established patterns of runoff including the capacity of adjacent streets to collect and recharge runoff and detailed plans for retaining so much of all such runoff on the subject site as can reasonably be retained, all of which information shall supplement and be in addition to any plans addressing a three-inch rainstorm retention. **[Amended 2-16-2016 by L.L. No. 2-2016]**
 - (f) Proposed landscaping, buffering and street tree plans, including material size, quantity and location and a list of proposed plantings.
 - (g) Proposed location of water and sewer mains, electrical service and cablevision installations, water valves and hydrants and/or any alternate means of water supply and sewage disposal and treatment.
- D. Notwithstanding any of the provisions of this section, the Planning Board may waive any of the above-listed requirements at its own discretion.

§ 245-69. Site plan application procedure.

- A. Presubmission conference. Prior to the submission of a site development plan, the applicant or his agent may meet with the Planning Board.⁴ The purpose of such conference shall be to discuss the proposed uses and development in order to determine which of the site development plan elements are to be submitted to the Planning Board in order for the Planning Board to determine conformity with the provisions and intent of this chapter.
- B. Within six months following the presubmission conference, nine copies of the site development plan application and any related information shall be submitted to the Planning Board. Within a reasonable time after receipt of the application, the Planning Board shall determine whether the application is complete. If the Planning Board determines the application to be incomplete, it shall forthwith notify the

4. Editor's Note: The Planning Board was abolished 12-20-2011 by L.L. No. 14-2011. See § 245-71.

applicant wherein the application is deficient. **[Amended 2-18-2014 by L.L. No. 3-2014]**

- C. If the Planning Board determines the application to be complete, it shall transmit the application and/or solicit comments and review from the Fire Marshal, the fire department with jurisdiction, the Architectural and Historic Review Board and any other municipal or county agency or district with jurisdiction or potentially affected by the proposed development. The applicant shall be required to provide to the Planning Board, as part of the application, the name and address of the applicable fire department and other municipal agencies or districts with jurisdiction over the subject property or potentially affected by the proposed development. The Fire Marshal, the fire department with jurisdiction, or other municipal agencies or districts with jurisdiction, including agencies under contract to provide ambulance/emergency medical services to the subject property, shall forward their comments to the Planning Board. **[Amended 2-18-2014 by L.L. No. 3-2014]**
- D. If the Planning Board determines that a public hearing on the application is necessary, it shall schedule and hold the same within 62 days of determining the application to be complete. In determining whether or not to hold a public hearing, the Planning Board shall consider the degree of public interest in the application and the extent to which a public hearing can aid the decisionmaking process by providing a mechanism for collection of relevant data. Notice of such hearing shall be made by publication at least 10 days prior to such hearing in the official newspaper of the Village. **[Amended 2-18-2014 by L.L. No. 3-2014]**
- E. Within 62 days of the conclusion of the public hearing or, if none was held, within 62 days of determining the application to be complete, the Planning Board shall determine whether the site development plan application complies with the purposes and specifications of the Zoning Code and shall so inform the Building Inspector and Village Clerk and the applicant, in writing, of its approval, approval with modifications or disapproval. This sixty-two-day period may be extended by the Planning Board upon the consent of the applicant or as may be permitted under the State Environmental Quality Review Act as implemented by the Village Code. **[Amended 2-18-2014 by L.L. No. 3-2014]**
- F. No application shall be deemed complete until either a negative declaration has been made for the application pursuant to the State Environmental Quality Review Act (SEQRA), as implemented by Chapter 64 of the Village Code, or, if a positive declaration is made, until a draft environmental impact statement has been accepted by the Planning Board as satisfactory with respect to scope, content and adequacy. Reasonable time shall be provided for compliance with SEQRA, including the preparation of a final environmental impact statement.
- G. Amendments to a site development plan shall be acted upon in the same manner as the approval of the original plan. Any applicant who receives site plan approval will be required as a condition of approval to execute an affidavit which states that

the applicant will notify the new property owner of the special conditions to the site plan approval in the event that the property is sold.

- H. An approved site development plan shall be valid for a period of two years from the date of approval. All work proposed on the plan shall be complete within two years from the date of approval unless a longer period was approved or the applicant obtains an extension from the Planning Board.
- I. No regrading, clearing, tree removal or any other work in preparation for future use of a site may take place until site plan approval or written permission has been received from the Planning Board.
- J. In the case of a site plan application requiring a zoning variance, the site shall be subject to a preliminary review by the Planning Board prior to action on said application by the ZBA. Building permits issued pursuant to a variance shall be in accordance with conditions established by the ZBA.
- K. A statement shall be placed on all site plans approved by the Planning Board to the effect that the owner agrees to comply with the plan and all conditions noted thereon. The owner or a bona fide agent responsible for completion of the work shall be required to sign such statement and provide such guaranty before any approved plans will be released by the Planning Board. In the event that the site plan is not signed by the owner or the owner's agent within 90 days of the date of the resolution of the Planning Board approving the plan, the resolution shall be deemed null and void.
- L. To obtain a building permit, an applicant may submit an undertaking secured by cash or other acceptable surety acceptable to the Planning Board to guarantee performance of required improvements. No certificate of occupancy shall be issued nor any undertaking released until all requirements of site plan approval, including construction of improvements, are completed in a manner satisfactory to the Planning Board.
- M. Where a site plan application also requires approval by the Planning Board for a special exception use, any building permit which is issued shall be in accordance with both the conditions established for the special exception use as well as for the site plan. Where both special exception use and site plan approval are required, the Planning Board may process the applications concurrently.
- N. ⁵For site plan approval: stormwater pollution prevention plan. A stormwater pollution prevention plan shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards the stormwater pollution prevention plans chapter of this Code.⁶ The approved site plan shall be consistent

5. Editor's Note: Former Subsection N, regarding site plans for single-family dwellings within the Agricultural Overlay District, was repealed 2-18-2014 by L.L. No. 3-2014; said local law also redesignated former Subsection O as Subsection N.

6. Editor's Note: See Ch. 187, Stormwater Management and Erosion and Sediment Control.

with the provisions of the Stormwater pollution prevention plans chapter of this Code. [Added 1-17-2012 by L.L. No. 1-2012]

§ 245-70. Violation of approval or conditions; penalties for offenses.

Any violation of the approval or conditions, including specific covenants or easements, established by the Planning Board with respect to a specific site plan application shall be deemed a violation of this chapter punishable under the provisions of Article XII.

APPENDIX F

PECONIC LAND TRUST



Dear Ms. Winchell,

On December 15, the Peconic Land Trust hosted a virtual presentation titled **“Restoring the Health of Sagg Pond”** by **Dr. Chris Gobler, Stony Brook University’s** Endowed Chair of Coastal Ecology and Conservation. This presentation was for residents living within the Sagg Pond Watershed.

For those who missed the conversation, please click on the following link to view [the Zoom presentation](#). Please help us spread the word by sharing this presentation with your friends and neighbors!

Attendees learned about Chris’s preliminary findings regarding the health of Sagg Pond. This study was launched in 2019 to understand the root causes of hazardous blue-green algal blooms in the pond and was underwritten by \$224,000 of private funds from Sagg Pond neighbors. Southampton Town/ Town Trustees have **committed an additional \$112,000 to this research. Chris’s work, and additional** research to be conducted in 2021 by Ron Paulsen of Cornell Cooperative Extension (CCE), will inform the preparation of a Sagg Pond Revitalization/ Management Plan by the Southampton Town Trustees.

Above all we learned that everyone in the watershed has a role to play as we work together towards a healthier, safer Sagg Pond!

The Peconic Land Trust is privileged to be playing a coordination role toward the revitalization of Sagg Pond thanks to a \$100,000 grant over 2 years from the Joyce & Irving Goldman Family Foundation. Other donors have contributed \$30,000 as a match to date. Since there is much more to be done, including research, restoration and remediation measures, we collectively need to raise more private funds from more people within the watershed that can be matched with public funds. The Trust has set up the Sagg Pond Restoration Fund for this purpose.

Our goal is to raise \$120,000 by January 30th, 2021. These funds will complete our match of the Goldman grant (\$70,000) and underwrite 50% of the CCE research (\$50,000), the balance of which we hope will be matched by our public partners (e.g. Southampton Town/Town Trustees). Your support is needed to fund this important work. Please go to the link below to make your gift to the Sagg Pond Restoration Fund. If you have any questions, please do not hesitate to [contact me](#) or [Bruce Horwith](#) who is coordinating this Sagg Pond initiative.

**DETACH AND RETURN THIS
FORM WITH YOUR DONATION
TO:**

**Sagaponack Tree Fund
P.O. Box 600
Sagaponack, NY 11962**

☛ I would like to purchase and donate a tree to the
SAGAPONACK TREE FUND:

____ (#) Large tree(s) @ \$2500 ea.

____ (#) Medium tree(s) @ \$1200 ea.

____ (#) Small tree(s) @ \$750 ea.

☛ I would like to purchase a commemorative
plaque for \$350 with the following text*

*wording may be edited for consistency

☛ I would like to make a donation of \$ _____
to the SAGAPONACK TREE FUND

Check included

or

Credit Card info:

Card type _____

Card # _____

Exp. _____ CID# _____

Name on card _____

Signature _____

Please include:

Name: _____

Address: _____

Email _____

Phone _____

Thank you for your donation.

NEW TREES FOR SAGAPONACK

Selected from the following list of preferred trees known to thrive on Eastern Long Island, replacement trees will be sited and planted with careful consideration of site conditions, diversity, disease resistance, balance and aesthetic continuity.

Frontier Elm, (*Ulmus carpinifolia*
Ulmus parvifolia 'Frontier')

Zelkova, (*Zelkova serrata* or *Japanese Zelkova*)

October Glory Maple, (*Acer rubrum*
'October Glory')

London Plane Tree, (*Platanus acerifolia*)

Big Leaf Linden, (*Tilia platyphyllos*)

Beech, (*Fagus sylvatica*)

Red Oak, (*Quercus rubra*)

Tatarian Maple, (*Acer Tataricum*)

Delaware II Elm, (*Ulmus Americana*
'Delaware')

Chinese Elm, (*Ulmus Parvifolia*)

Sophora, (*Sophora Japonica*)

Sweetgum, (*Liquidambar styraciflua*)

Horse Chestnut, (*Aesculus hippocastanum*)

Locust, (*Gleditsia triacanthos*)

www.sagaponackvillage.org

SAGAPONACK TREE FUND

3175 MONTAUK HIGHWAY, SAGAPONACK, NY 11962



SAGAPONACK TREE FUND

POST OFFICE BOX 600, SAGAPONACK, NY 11962

SAGAPONACK (it's an Indian word meaning "land where the ground-nuts grow") was settled in 1653, predating Bridgehampton, Sag Harbor, and Southampton. The Sagaponack Historic District, comprising most of Sagg Main Street, is listed on both the National and State Registers of Historic Places. Once considerably wider than it is today, a portion of Sagg Main had been divided by plantings of buttonwood and willow trees. Native to North America, buttonwood (*Platanus occidentalis*) is also known as Occidental plane, American sycamore, or American plane tree, and was widely planted in the early years of settlement.

Sagaponack's natural beauty is extraordinary—a diverse landscape of fields and farmland, of ponds, marsh and woodlands, all close to spectacular white sandy Atlantic beaches. The village also has some of the oldest structures in the state of New York, many along Sagg Main Street: Federal and colonial houses, a one-room schoolhouse built in 1885, a building with a post-office and a general store that dates from 1878, and two early cemeteries grace the street, which runs from Route 27 to the ocean. Barns and other agricultural buildings as well as many contemporary homes help define the village's unique character.

TREES IN SAGAPONACK

As in all early North American settlements, trees were first planted around home grounds, and then along the connecting paths and lanes that created the fabric of community. The rows of mature trees described in early 19th century accounts were probably planted at the time of the first settlement. A 1910 *Bridgehampton News* article described Sagg as “a quiet, quaint hamlet...a broad street lined with tall wide spreading trees behind which are old houses with shaded verandas.”

In the last century, however, age, careless pruning, and the intrusion of road, utility and building construction have taken a heavy toll on many of the mature trees that line the main and secondary streets of Sagaponack. Some trees have simply been unceremoniously removed by utility or road crews, on the grounds that they interfered with road margins, wires, poles and lines. And, of course, seasonal storms and hurricanes have inflicted critical wind and salt damage to the trees of the East End. One account of the 1938 hurricane estimated that the storm felled 750 roadside trees in Bridgehampton, and another calculated that 3500 trees were lost between Hayground and Mecox.

OPEN VIEWS

While our primary focus is the restoration of the gracious lines of shade trees along Sagg Main and other principal lanes, the Committee also acknowledges the importance of preserving the broad vistas across fields and farmlands. Open views are as much a defining feature of the historic landscape of Sagaponack as are its tree-lined streets. Therefore, the siting of new and replacement trees will be limited to areas that have historically been planted.

THE FUTURE

Trees can live for a long time, but they do not live forever, even those given the best care. As with all living things, continuity relies on the replacement of the old with the young. If we fail to consistently

replace trees that are old, broken, or diseased, Sagaponack will cease to be the verdant, elegantly shaded and beautiful village that we know. The mission of the Sagaponack Tree Fund is to assure the ongoing stewardship of our trees, and the preservation of the beauty of our village.

THE COMMITTEE

Appointed by the Village Board of Trustees, we are a volunteer advisory committee of your Sagaponack neighbors, and we report directly to the Mayor and the Board. Our immediate task is to address the declining condition of our street trees (those shade trees planted on Village roadside property), and our ultimate mission is the preservation of the character of the Village of Sagaponack.

THE INVENTORY

A systematic inventory has been undertaken to document the location and condition of each of the approximately 1,000 street trees in Sagaponack: its genus, diameter at chest height, relative health and structural stability. The inventory is the key tool for the project, and recommendations for care, treatment or replacement will be based on the findings of the inventory.

Some trees of interest are nine American elm trees on Main Street opposite the cemetery and in the hedgerow on Town Line Road south of Route 27, and the avenue of fifty European beech trees on Sagaponack Road.

REPAIR

Wherever possible, our efforts will be in support of the preservation of every viable, and healthy tree. As a last resort, those trees found to be structurally unsound, or diseased beyond restoration, will be removed. All trees inventoried will be monitored by village personnel and volunteers in a consistent diagnostic, repair and maintenance program of pruning, feeding, insect and disease control, and correction of site conditions.

HOW YOU CAN HELP

- **Donate a tree, and give a lasting gift to your Village.**

Large: \$2500
Medium: \$1200
Small: \$ 750

- **Add a Commemorative Plaque.**
Mark an important occasion, a birth, marriage, anniversary, or honor the memory of a loved one with a commemorative cast bronze plaque installed at the base of your donated tree.

Commemorative plaque: \$350

- **Or simply make a donation to the Tree Fund.**
We encourage participation from all the residents of Sagaponack and neighboring communities, and no donation is too small. Funds are needed for the ongoing inventory, maintenance, pruning and planting of trees. Anyone can contribute, and all donations to the Tree Fund, for whatever purpose, are tax deductible.

Note: The Committee will attempt to honor requests regarding the selection and siting of trees, but the ultimate choice will be at the discretion of the Committee. Considerations determining selection of trees include appropriateness of species to the particular site conditions, diversification, aesthetic balance, etc.

CONTACT US

Visit the Sagaponack village website for more information at:

www.sagaponackvillage.org



Village of Sagaponack

3175 Montauk Highway P.O. Box 600 Sagaponack, N.Y. 11962
631-537-0017 Fax-537-0612
Email: sagaponack@optonline.net

Mayor
Don Louchheim
Clerk-Treasurer
Rosemarie Cary Winchell
Village Attorney
Anthony Tohill

Trustees
Lee Foster
William Barbour
Joy Sieger
Lisa Duryea Thayer

August 14, 2019

RE: Wild Life Management Program

Dear Property Owner:

Last year the Village of Sagaponack established a Wild Life Management Program to address the explosive population of deer within the Village. Our program is a multi-year program which is designed to reduce the deer population to a healthy level for both the deer and the residents of Sagaponack. It is anticipated that after three years, a manageable population will be achieved and the program will revert to a yearly maintenance program.

Our program is managed by Woods & Waves Management Inc. who trains and monitors the 160 volunteer hunters that are involved in their program. At any given time, Woods & Waves can identify the location, name and vehicle of the hunter who is hunting under our program within the Village. The hunting season begins in October and ends in January. However, given the size of the deer population in the Village, we have been given approval by the NYS DEC to extend our season into April.

After research by Woods & Waves, it has been determined that Sagaponack has one of the highest number of deer sitings per hour when compared to other east end deer programs. In our first year, even though we only had access to limited properties, 123 deer were harvested through our program. As a result, there are approximately 315 less deer in this area given a white tail deer birth rate.

The measurement of success for our program would be the reduction in the deer population which will result in

- less tick borne disease infections
- native vegetation re-growth
- less damage to ornamental bushes, trees and gardens
- reduction in damage to Sagaponack farms and crops

- reduced car vs deer accidents.

On October 1 we will begin the second year of our program. Many of your neighbors currently allow for hunting on their properties and we have received no complaints or had any issues with the hunters placed on these properties. As we enter our second year of the program, we are looking to expand the number of properties to offer greater success of our program.

Woods & Waves continues to assess and evaluate the migration and havens of the deer population within the Village to determine what areas would afford us the greatest success to achieve our goals. We are offering this program to you to protect your family and property. If you are interested in the program or have any questions, please contact me at Village Hall via email, phone or in person. All my contact information is listed above.

Thank you for your consideration in becoming an active participant in our program.

Sincerely,

A handwritten signature in cursive script, reading "Rosemarie Cary Winchell".

Rosemarie Cary Winchell, CMC
Clerk-Treasurer

CC: Mayor Louchheim and Board of Trustees

APPENDIX G



Department of
Environmental
Conservation

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

From

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Permit No. GP-0-15-003

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

Effective Date: May 1, 2015

Expiration Date: April 30, 2017

Modification Dates

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

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

Stu Fox
Deputy Chief Permit Administrator


Authorized Signature

1 / 12 / 16
Date

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

PREFACE

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

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

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

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

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

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

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

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

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

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Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

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

(Part I.A.2.)

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

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

B. Limitations on Coverage

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

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

C. Exemption Criteria

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

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

Part II. OBTAINING PERMIT COVERAGE

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

B. Permit coverage is public noticed by the Department.

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

- a. NOIs and the location of the SWMPs and Annual Reports for existing MS4s will be posted in the Environmental Notice Bulletin (ENB).
- b. A deadline of 28 calendar days from the posting in the ENB will be provided for receiving comments.
- c. After the public comment period has expired, the *Department* may extend the public comment period, require submission of an application for an individual SPDES permit or alternative *SPDES general permit*, or accept the NOI or SWMP as complete.

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

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

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

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

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

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

(Part II.D.)

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

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

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

E Small MS4s Not Required to Gain Coverage

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

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

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

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

(Part II.)

G. Single Entity to Cover the MS4

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

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

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

Part III. SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

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

(Part III.A.)

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

B. Impaired Waters

1. Impaired Waters Without Watershed Improvement Strategies or Future TMDLs

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

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

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

2. Watershed Improvement Strategies

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

(Part III.B.2.)

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

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

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

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

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

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

(Part III.B.2.)

a. New York City Watershed East of the Hudson River

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

b. Other Phosphorus Watersheds

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

c. Pathogen Watersheds

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

d. Nitrogen Watersheds

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

3. Future TMDL Areas

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

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

(Part III.B.3.)

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

Part IV. Stormwater Management Program (SWMP) Requirements

A. SWMP Background

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

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

B. Cooperation Between Covered Entities Encouraged

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

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

(Part IV.B.)

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

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

C. SWMP Coverage Area

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

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

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

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

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

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

(Part IV.D)

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

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

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

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

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

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

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

F. Minimum Control Measures

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

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

(Part IV.)

G. Reliance Upon Third Parties

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

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

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

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

Example certification language is provided below:

Contracted Entity Certification Statement:

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

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

A. Assessment

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

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

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

B. Recordkeeping

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

C. Annual Reporting

1. Annual Report Submittal

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

(Part V.C.1.)

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

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

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

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

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

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

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

2. Shared Annual Reporting and Submittal

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

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

(Part V.C.2.)

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

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

3. Annual Report Content

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

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

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

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

D. Interim Progress Reporting

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

E. Annual Report Certification

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

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

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

Part VI. STANDARD PERMIT CONDITIONS

A. General Authority to Enforce

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

B. Duty To Comply

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

C. Enforcement

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

D. Continuation of the Expired SPDES General Permit

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

E. Technology Standards

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

(Part VI.E.)

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

F. Need To Halt or Reduce Activity Not a Defense

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

G. Duty to Mitigate

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

H. Duty to Provide Information

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

I. Other Information

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

J. Signatory Requirements

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

1. Notices of Intent

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

2. Reports Required and Other Information Requested

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

(Part VI.J.2.)

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

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

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

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

(Part VI.J.2.f.)

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

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

K. Penalties for Falsification of Reports

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

L. Oil and Hazardous Substance Liability

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

M. Property Rights

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

N. Severability

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

O. Requiring an Individual Permit or an Alternative General Permit

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

(Part VI.O.1.)

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

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

P. Other State Environmental Laws

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

Q. Proper Operation and Maintenance

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

(Part VI.Q.)

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

R. Inspection and Entry

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

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

S. Permit Actions

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

T. Anticipated noncompliance

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

U. Permit Transfers.

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

Part VII. MINIMUM CONTROL MEASURES - TRADITIONAL LAND USE CONTROL

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

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

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

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

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

1. Public Education and Outreach - SWMP Development / Implementation

At a minimum, all *covered entities* must:

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

(Part VII.A.1.b.)

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

Required SWMP Reporting

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

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

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

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

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

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

2. Public Involvement / Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

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

(Part VII.A.2.b.)

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

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

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

(Part VII.A.2.)

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

Required SWMP Reporting

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

(Part VII.A.)

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

At a minimum, all *covered entities* must:

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

(Part VII.A.3.)

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

Required SWMP Reporting

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

(Part VII.A.3.)

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

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

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

- describe procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program;
- describe priority areas of concern, available equipment, staff, funding, etc.;

Initiate by end of Year 1; complete by end of Year 2 (revise in Year 3 if changes are made):

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

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

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

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

- number and percent of *outfalls* mapped; and

Complete by Year 3:

- *outfall* map.

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

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

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

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

At a minimum, all *covered entities* must:

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

(Part VII.A.4.a.)

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

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

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

(Part VII.A.4.a.)

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

Required SWMP Reporting

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

(Part VII.A.4.c.)

i. program *development* deadlines and reporting:

Initiate by end of Year 1:

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

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

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

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

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

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

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

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

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

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

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

At a minimum, all *covered entities* must:

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

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

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

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

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

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

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

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

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

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

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

(Part VII.A.5.a.)

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

(Part VII.A.5.)

Required SWMP Reporting

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

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

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

 - Complete by the end of year 3:

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

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

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

At a minimum, all *covered entities* must:

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

(Part VII.A.6.a.)

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

Required SWMP Reporting

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

(Part VII.A.6.f.)

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

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

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

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

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

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

Complete by end of Year 3:

- description of developed management practices.

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

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

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

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

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

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

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

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

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

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

At a minimum, all *covered entities* must:

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

(Part VIII.A.1.)

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

Required SWMP Reporting

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

To facilitate shared annual reporting, if the education and outreach activities

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

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

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

2. Public Involvement/Participation - SWMP Development / Implementation

At a minimum, all *covered entities* must:

(Part VIII.A.2.)

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

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

Below are the requirements for the annual report presentation:

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

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

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

(Part VIII.A.2.d.)

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

Required SWMP Reporting

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

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

At a minimum, all *covered entities* must:

(Part VIII.A.3.)

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

(Part VIII.A.3.f.)

- ii. for *non-traditional MS4s*:
 - prohibit and enforce against *illicit discharges* through available mechanisms (i.e. tenant lease agreements, bid specifications, requests for proposals, standard contract provisions, connection permits, maintenance directives / BMPS, access permits, consultant agreements, internal policies);
 - procedures or policies must be developed for implementation and enforcement of the mechanisms;
 - a written directive from the person authorized to sign the NOI stating that updated mechanisms must be used and who (position(s)) is responsible for ensuring compliance with and enforcing the mechanisms for the *covered entity's IDDE* program; and
 - the mechanisms and directive must be equivalent to the *State's* model illicit discharge local law;

- g. *Develop (for newly authorized MS4s) and implement* a program to detect and address non-stormwater *discharges*, including illegal dumping, to the *small MS4*. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating *illicit discharges* (trackdown); procedures for eliminating *illicit discharges*; and procedures for documenting actions;

- h. Inform the public of the hazards associated with illegal *discharges* and the improper disposal of waste;

- i. Address the categories of non-stormwater *discharges* or flows listed in Part I.A.2 as necessary and maintain records of notification;

- j. *Develop (for newly authorized MS4s)*, record, periodically assess, and modify as needed, *measurable goals*; and

- k. Select and implement appropriate IDDE *BMPs* and *measurable goals* to ensure the reduction of all *POCs* in *stormwater discharges* to the *MEP*

Required SWMP Reporting

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

(Part VIII.A.3.I.)

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

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

Complete by Year 3:

- *outfall* map; and

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

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

At a minimum, all *covered entities* must:

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

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

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

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

(Part VIII.A.4.a.)

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

Required SWMP Reporting

- b. **Program *implementation* reporting for continuing *covered entities*** (MS4s covered for 3 or more years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. number and type of sanctions employed;
 - ii. status of regulatory mechanism - certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities;
 - iii. number of construction sites authorized for disturbances of one acre or more; and
 - iv. report on effectiveness of program, *BMP* and *measurable goal* assessment.
- c. Reporting for **newly regulated *covered entities*** (MS4s covered for less than 3 years on the *reporting date*). At a minimum, the *covered entity* shall report on the items below:
 - i. **Program *development* deadlines and reporting:**
 - Initiate by end of Year 1:
 - procedures, activities and identify personnel to educate and train construction site operators about requirements to develop and implement a SWPPP and any other requirements that must be met within the MS4's jurisdiction;
 - Initiate by the end of Year 1; complete by the end of Year 3:
 - status of mechanism for construction runoff requirements - by end of Year 3 certify that mechanisms will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities; and
 - Complete in Year 1 (revise in Year 2 and 3 if changes are made):
 - describe procedures for the receipt and consideration of information submitted by the public. Identify the responsible personnel.
 - ii. Program implementation reporting as set forth in Part VIII.A.4(b) above. Commence *implementation* reporting after three year development period. *Implementation* reporting may begin earlier if *implementation* begins during development period.

(Part VIII.A.)

5. Post-Construction Stormwater Management SWMP Development / Implementation

At a minimum, all *covered entities* must:

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

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

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

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

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

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

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

Required SWMP Reporting

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

(Part VIII.A.5.f.)

i. program *development* deadlines and reporting:

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

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

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

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

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

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

At a minimum, all *covered entities* must:

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

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

pollutants. Refer to *management practices* identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” or other guidance materials available from the EPA, the *State*, or other organizations;

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

(Part VIII.A.6.)

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

Required SWMP Reporting

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

(Part VIII.A.6.g.)

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

i. program *development* deadlines and reporting:

Complete by end of Year 1:

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

Initiate by Year 2; complete Year 3:

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

Complete by end of Year 3:

- description of developed management practices.

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

Part IX. WATERSHED IMPROVEMENT STRATEGY REQUIREMENTS

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

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

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

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

(Part IX.)

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

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

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

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

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

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

- vi. phosphorus concerns with detergent use.

2. Public Involvement/ Participation

No additional requirements proposed for this permit term.

3. Illicit Discharge Detection and Elimination

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

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

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

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

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

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

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

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

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

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

5. Post-Construction Stormwater Management

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

(Part IX.A.5.a.)

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

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

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

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

(Part IX.A.5.b.)

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

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

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

(Part IX.A.6.a.)

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

(Part IX.)

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

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

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

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

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

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

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

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

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

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

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

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

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

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

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

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

(Part IX.)

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

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

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

*Additionally Designated Area

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

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

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

(Part IX.C)

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

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

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

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

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

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

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

2. Public Involvement / Participation

No additional requirements proposed at this time.

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

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

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

(Part IX.C.3.a)

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

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

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

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

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

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

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

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

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

(Part IX.C.5.)

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

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

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

(Part IX.)

D. Nitrogen Watershed MS4s (Mapped in Appendix 8)

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

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

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

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

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

(Part IX.D.1.b)

- iii. Nitrogen concerns with fertilizer use.

2. Public Involvement/ Participation

No additional requirements proposed for at this time.

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

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

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

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

4. Construction Site Stormwater Runoff Control

No additional requirements at this time.

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

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

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

(Part IX.D.5)

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

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

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

Part X. ACRONYMS AND DEFINITIONS

A. Acronym List

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

B. Definitions

Activities - See best management practice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Management Practices - See best management practices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Retrofit by converting abandoned buildings to stormwater treatment systems

Retrofit of abandoned building to open space

Retrofit road ditches to enhance open channel design

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

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

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

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

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

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

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

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

State - means the State of New York.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part XI. RE-OPENER CLAUSE

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

APPENDICES

APPENDIX 1. LIST OF NYS DEC REGIONAL OFFICES

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

APPENDIX 2. IMPAIRED SEGMENTS AND PRIMARY POLLUTANTS OF CONCERN

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

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

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

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

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

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

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

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

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

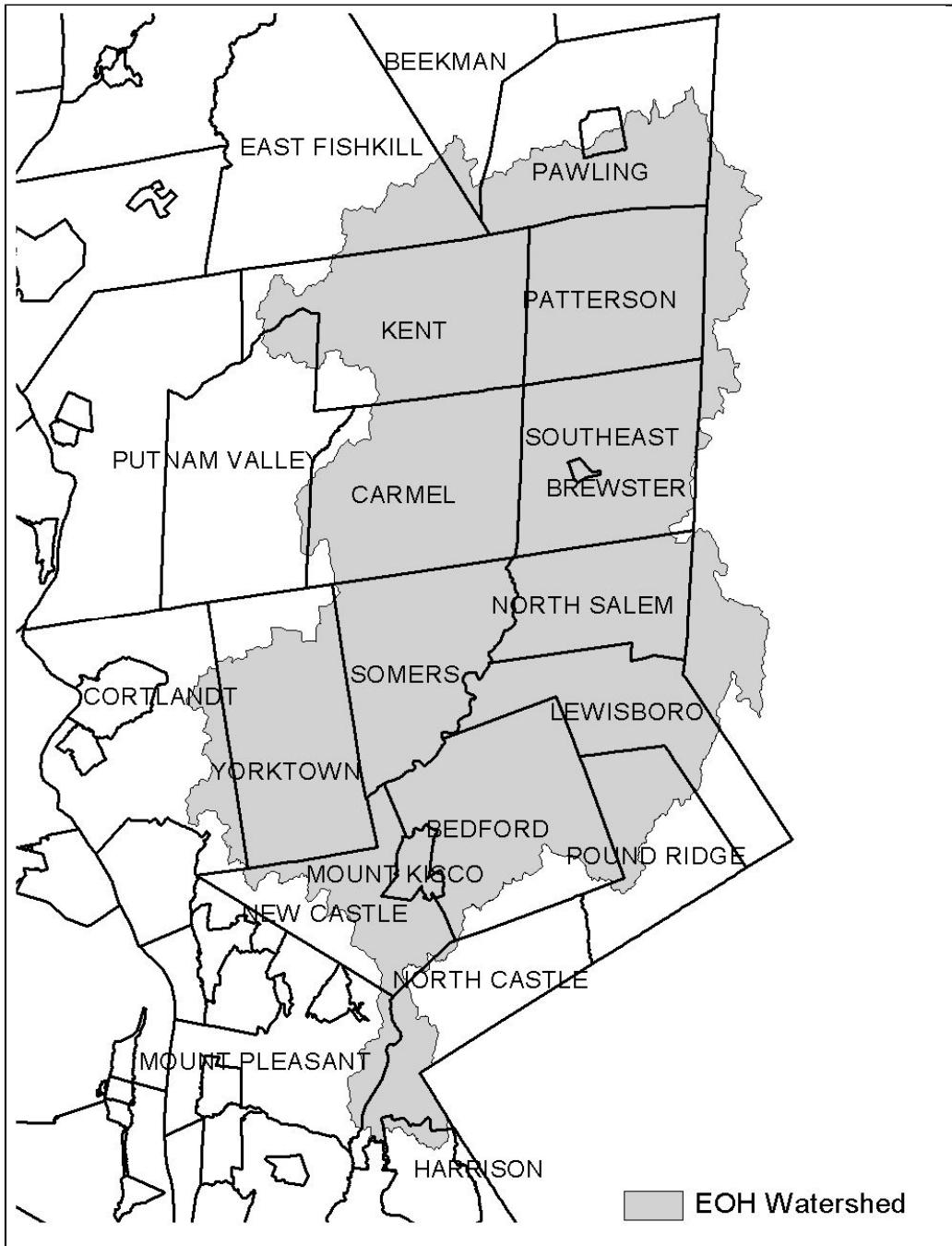


Figure 1. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 4. ONONDAGA LAKE WATERSHED MAP



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

APPENDIX 5. GREENWOOD LAKE WATERSHED MAP

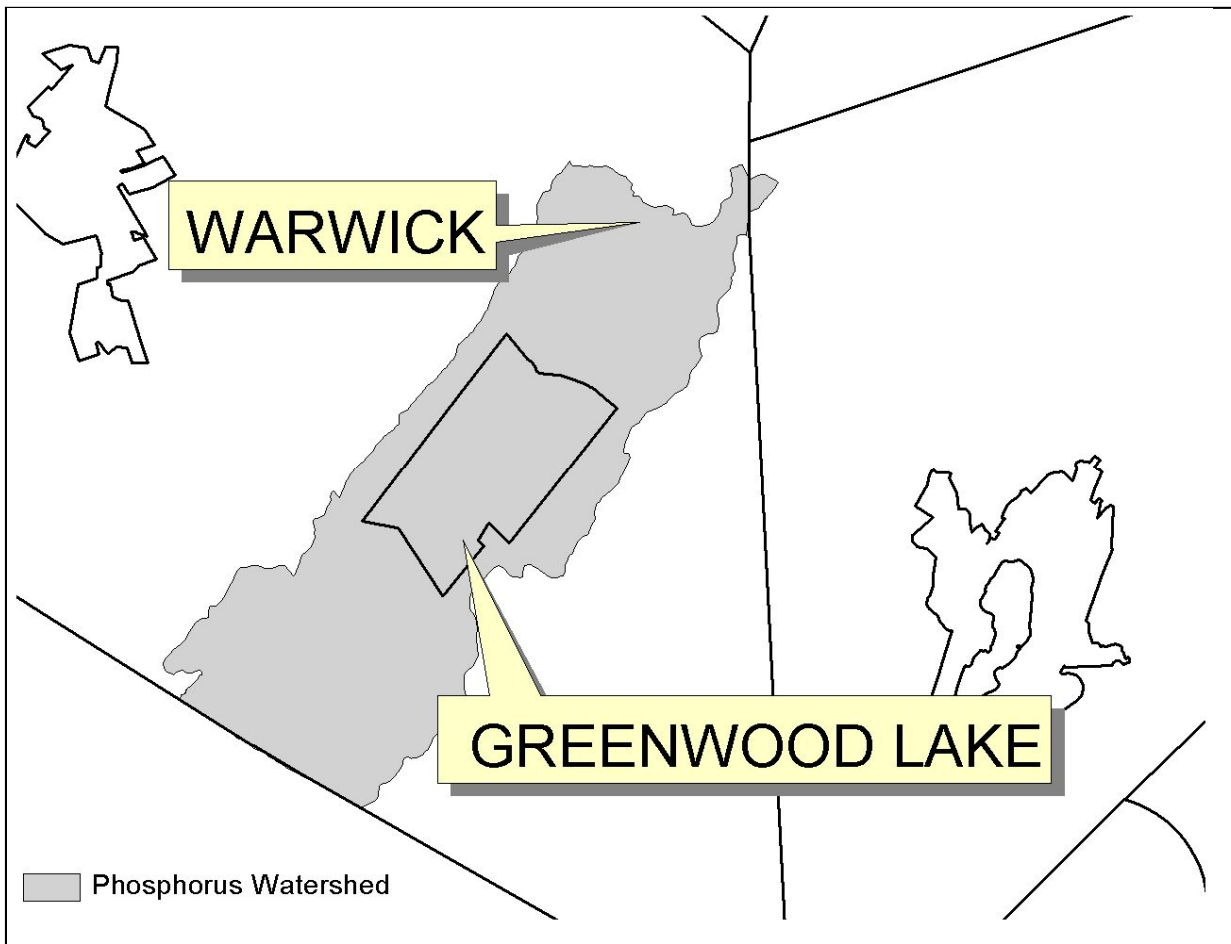


Figure 3. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 6. OYSTER BAY WATERSHED MAP

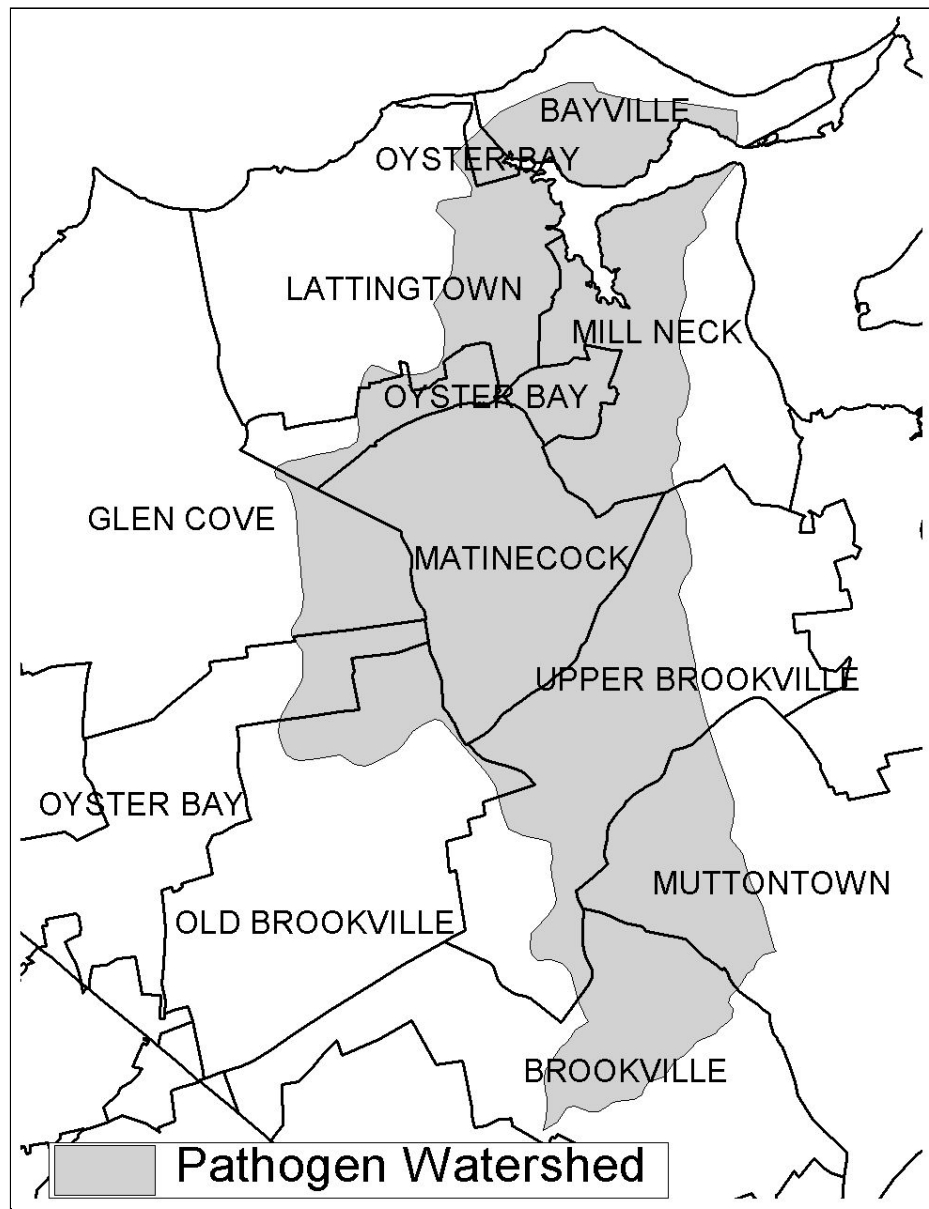


Figure 4. The requirements of watershed improvement strategies apply to the sewer sheds within the shaded areas.

APPENDIX 7. PECONIC ESTUARY PATHOGEN WATERSHED MAP

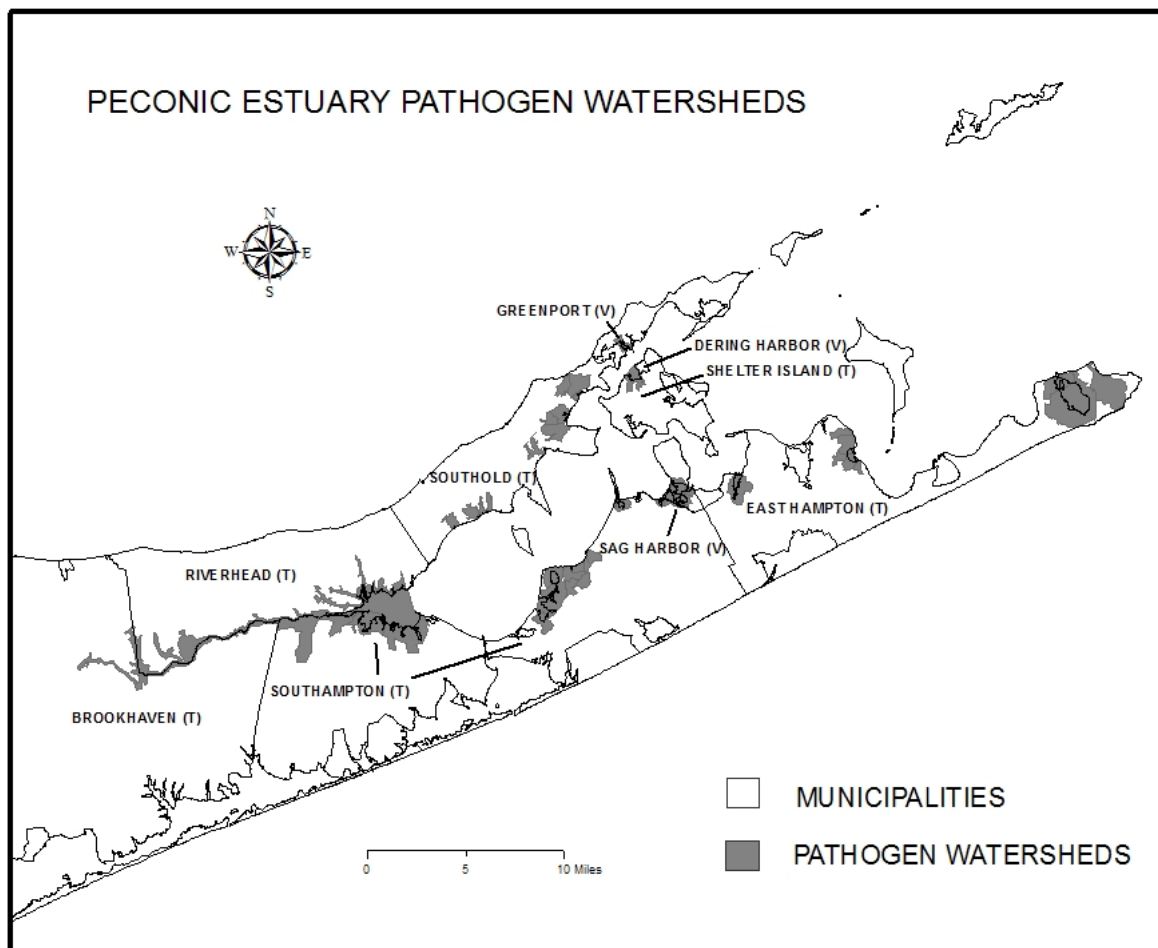


Figure 5. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 8. PECONIC ESTUARY NITROGEN WATERSHED MAP

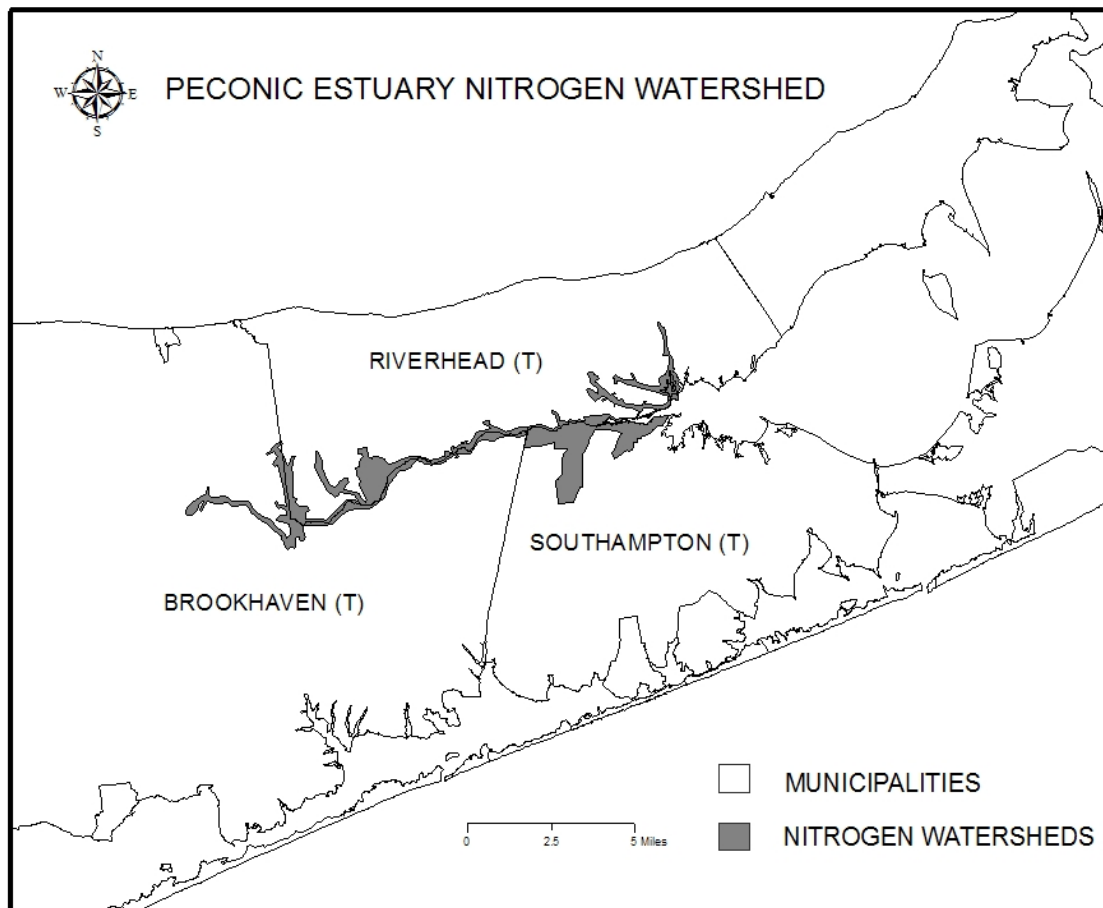


Figure 6. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 9. THE 27 LONG ISLAND SHELLFISHING IMPAIRED EMBAYMENT MAP

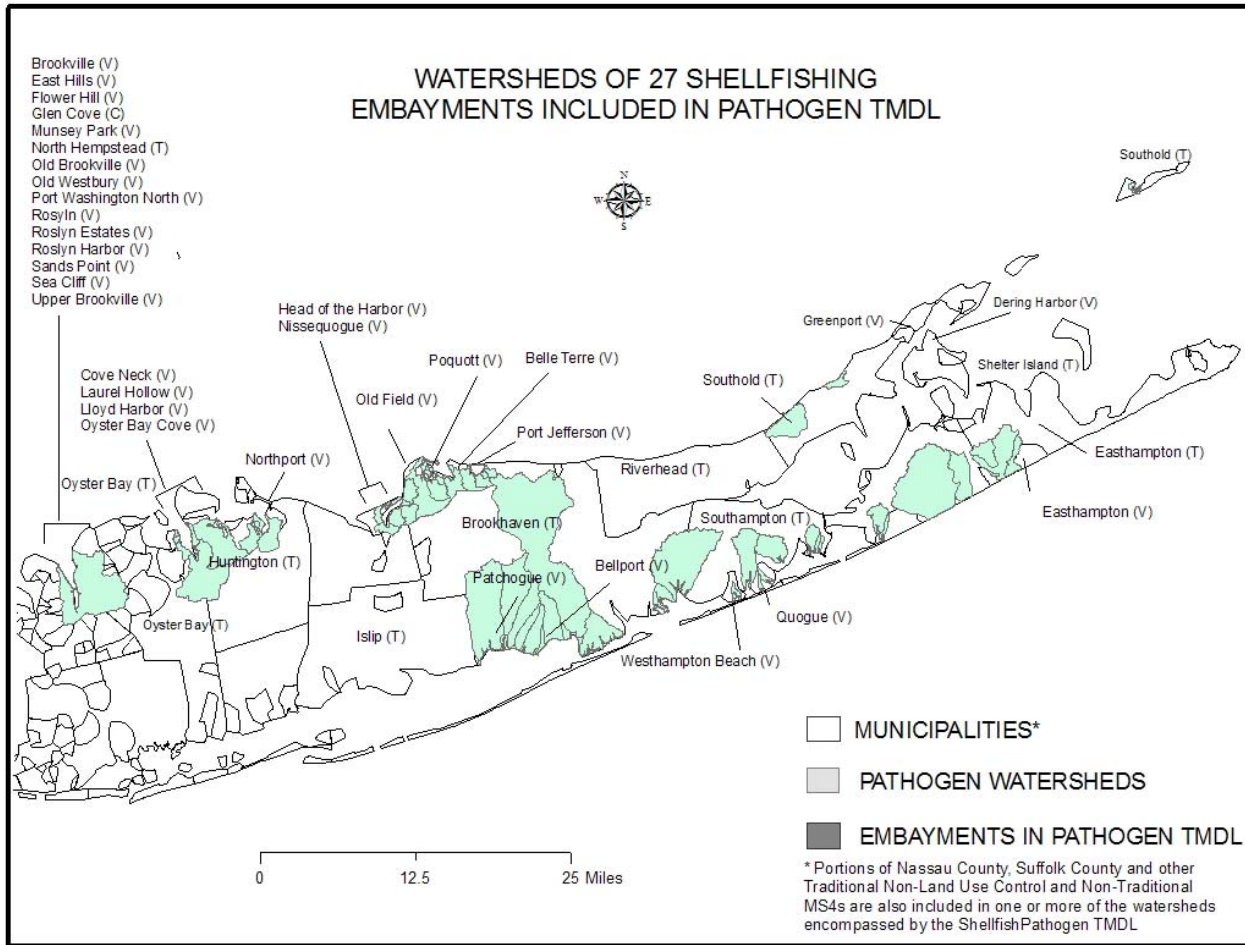


Figure 7. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX 10. LAKE OSCAWANA WATERSHED MAP

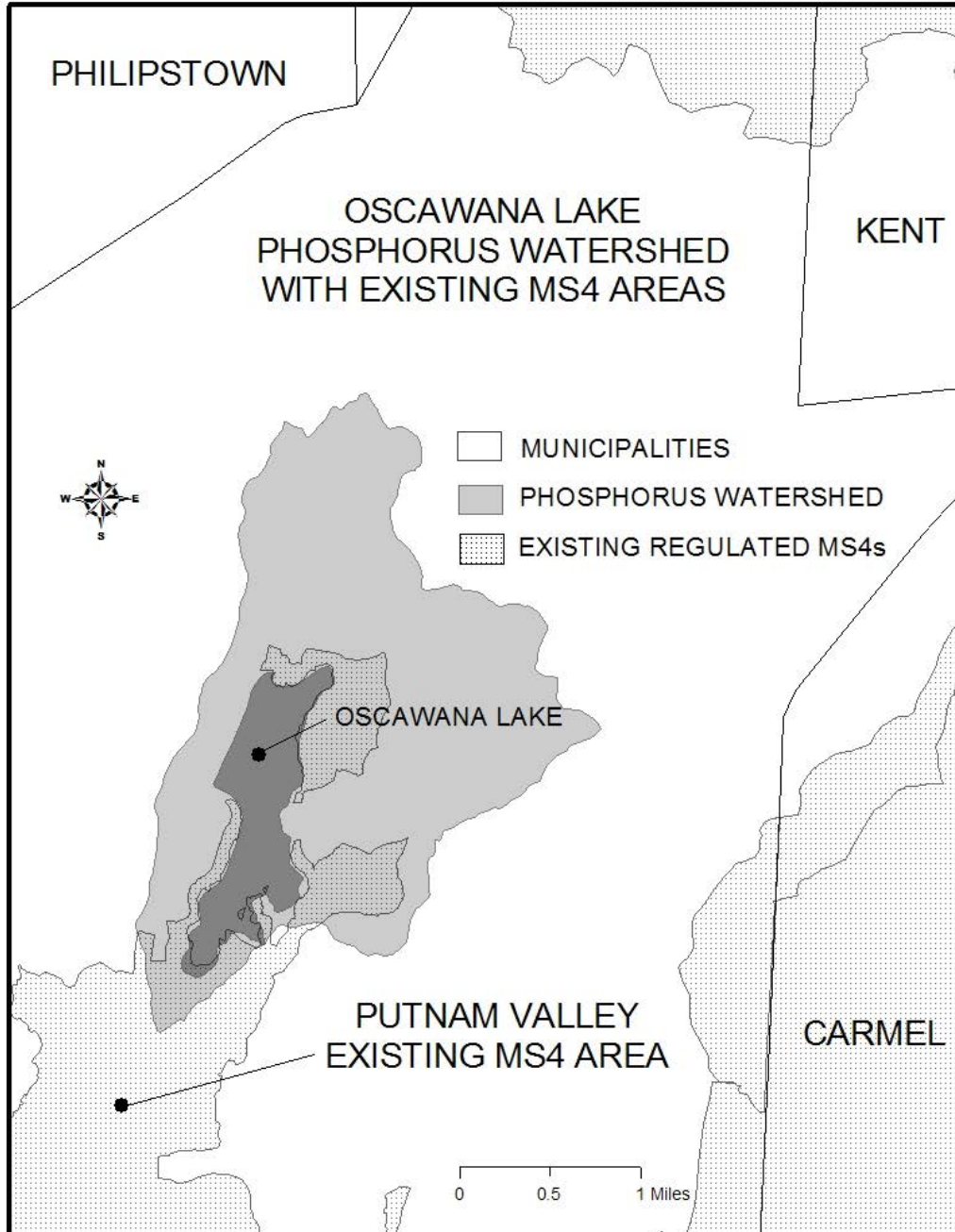


Figure 8. The requirements of watershed improvement strategies apply to the sewersheds within the shaded areas.

APPENDIX H

**Village of Sagaponack
SWPPP Site Inspection Form**

Date _____ Site Owner _____

Building Permit# _____ Site Address _____

| No. | Observation | Yes | No | Comments (see below) |
|-----|---|-----|----|-------------------------|
| 1 | SWPPP NOI Publicly Posted? | | | |
| 2 | Most Current SWPPP and Erosion and Control Plans on-site? | | | |
| 3 | SWPPP Inspection Log kept on-site and indicates Inspections being performed on frequency indicated within the SWPPP? | | | |
| 4 | Are SWPPP Compliance Status summaries being completed as per frequency indicated in SWPPP and copies being kept on-site? | | | |
| 5 | Verify identify of Qualified SWPPP Inspector <i>(must be either a PE or CPESC, or working directly under supervision thereof- credentials shall be on file at Village)</i> | | | |
| 6 | Does area of ground disturbance correspond to that identified on site plans, erosion control plans and in SWPPP? | | | |
| 7 | Any visual evidence of Silt Fence, Concrete Wash-Out Area, Vehicle Tracking Pad and/or other Erosion and Sediment Control measures not being installed or maintained in accordance with the General Permit? | | | |
| 8 | Are there directly adjacent public storm drains, drainage easements, and/or surface waters, that do not have protections installed to prevent contamination? | | | |
| 9 | Any evidence of sediments or pollutants migrating off-site or into adjacent surface waters or drainage systems? | | | |
| 10 | Have inactive areas been stabilized with seeding, plantings or other measures in accordance with approved site plans and SWPPP? | | | |
| 11 | Have any permanent stormwater control measures identified in site plans and/or SWPPP been installed yet? | | | |
| 12 | If permanent controls are installed, do they visually appear to be maintained and in functioning order? | | | |

Comments:

Inspector Signature