

**Draft Proposed Local Law #4-2010 enacting a new
Chapter 294 entitled, “Stormwater Management and
Erosion & Sediment Control”**

Chapter 294

**STORMWATER MANAGEMENT AND EROSION & SEDIMENT
CONTROL**

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

§294-1. Findings of Fact

Due to its location, the Village of Mamaroneck is faced with great challenges relative to the management of stormwater and the prevention of flooding and there is a pressing need for additional and innovative stormwater management. It has been determined by the New York State Department of Environmental Conservation that uncontrolled drainage and runoff associated with land development have a significant impact upon the health, safety and welfare of the community. Specifically:

- A. Improperly managed stormwater can increase the incidence of flooding and the levels of floods which occur, endangering property and human life.
- B. 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;
- C. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- D. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- E. Improper design and construction of stormwater management practices can increase the

- velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- F. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
 - G. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
 - H. Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
 - I. 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 non-point source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
 - J. 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.
 - K. The Village of Mamaroneck, as the community at the bottom of the watershed, is faced with additional challenges relative to the management of stormwater runoff in that the floodway and overall floodplain receives significant contributions from the upstream communities. For this reason, certain unique approaches to the management of stormwater, especially within the 100-yr floodplain, as well as carefully regulated management practices outside of the floodplain need to be implemented.

§294-2. Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in §294-1 hereof. This

local law seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the State Pollution Discharge Elimination System (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 all 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. Require calculation for stormwater detention and retention on existing properties with proposed improvements/modifications by a Licensed Engineer to upgrade the stormwater management practices on these properties, by requiring property owners to upgrade stormwater management systems in accordance with the requirements of this chapter and subject to the approval of the Stormwater Management Officer (SMO) and/or Village Engineer, in connection with the construction of an addition to an existing structure or other land disturbing activity so that stormwater management practices for the entire site (including retention, run-off and discharge into a public storm drain) are in full compliance with this chapter.
- E. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- F. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

- G. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, and ensure that these management practices are properly maintained and eliminate threats to public safety wherever possible, through stormwater management practices.
- H. Control erosion and sedimentation so as to prevent it from being deposited in streams, brooks, rivers, watercourses and other receiving water bodies.
- I. Facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological and recreation functions of streams, rivers, water bodies and wetlands.
- J. Regulate discharge of pollutants to the MS4 and promote public awareness of the hazards of the improper discharge of pollutants into the MS4.

§294-3. Statutory Authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of Mamaroneck has the authority to enact and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of Mamaroneck and for the protection and enhancement of its physical environment. The Board of Trustees of the Village of Mamaroneck 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.

§294-4. Applicability.

- A. This local law shall be applicable to all land development activities as defined in §294-6.
- B. The Building Inspector shall be designated as the local Stormwater Management Officer who shall accept and review all Stormwater Pollution Prevention Plan (SWPPP) and forward such plans to the applicable local land use board. The Stormwater Management Officer may (1) review the plans; (2) engage the services of the Village Engineer to review the plans, specifications and related documents at a cost to be reimbursed to the Village for such services. In either case, said SWPPP shall be certified by a licensed

professional under the employ of the applicant

- C. All land development activities subject to review and approval by any Village board of the Village of Mamaroneck under the Village's Code shall be reviewed subject to the standards contained in this Chapter. The Village Engineer, the cost of which shall be reimbursed to the Village for such services, shall carry out such review.
- D. All land development activities not subject to review as stated in Section 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 law as outlined in B. above.

§294-5. Exemptions.

The following activities may be exempt from review under this law.

- A. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- B. Land development activities for which a building permit has been approved on or before the effective date of this law.
- C. Cemetery graves.
- D. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- E. Emergency activity immediately necessary to protect life, property or natural resources as determined by the SMO.
- F. 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 and as further defined as being excepted from the requirements of a Site Development Permit in §186.10, B. 3.
- G. Landscaping and horticultural activities in connection with an existing structure and as further defined as being excepted from the requirements of a Site Development Permit in

§186.10, B. 3.

§294-6. Definitions.

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

ADDITION – Any work on an existing structure that changes the external dimensions of such structure.

ADJOINING PROPERTY - Any property facing a work site across any right-of-way, street or highway shall be deemed "adjoining property," as well as any property contiguous on any side

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

AUTHORIZED ENFORCEMENT AGENCY - Employees or a designee of the municipal agency designated to enforce this chapter.

BEST MANAGEMENT PRACTICES (BMPs) - Schedule of activities, prohibitions, general housekeeping practices, pollution prevention and educational practices, maintenance procedures and other practices to prevent or reduce the discharge of other pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems; procedures and methods pertaining to construction activities which are intended to minimize water pollution, retain valuable topsoil and prevent erosion and sedimentation and include, but are not limited to, those practices contained in the most recent versions of the New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control. BMPs are to be complied with on all plans submitted with an application for a stormwater management permit regardless of the size of the land disturbance.

BEST MANAGEMENT PRACTICES MANUALS - The most recent editions of a series of

manuals published by the State of New York, consisting of various volumes on best management practices for certain described activities and, specifically, the publications titled "New York State Stormwater Management Design Manual" and the "New York Standards and Specifications for Erosion and Sediment Control."

BUILDING - Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL- A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEAN WATER ACT - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

CLEARING - Any activity that removes the vegetative surface cover.

CONNECTION PERMIT - An authorization for the connection as well as the discharge permitted under § 294-13 of this chapter, as well as a discharge permitted under a SPDES permit, waiver, or waste discharge order issued by the NYSDEC. This permit is subject to special terms and conditions set by the Village or its designated consultant. This permit expires on or before the expiration of the NYSDEC SPDES permit, waiver or order or upon changes of ownership or use of the property.

CONSTRUCTION ACTIVITY - Includes activities subject to NYSDEC permits and SPDES permits or activities covered by erosion and sediment control and pollution prevention laws. These activities include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT - The New York State Department of Environmental Conservation

DESIGN MANUAL - The New York State Stormwater Management Design Manual, most

recent version including applicable updates that serve as the official guide for stormwater management principles, methods and practices.

DETENTION - A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release; a practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

DEVELOPER- A person who undertakes land development activities.

DEVELOPMENT - To make a site or area available for use by physical alteration. Development includes but is not limited to providing access to a site, the clearing of vegetation, grading, earth moving, providing utilities and other services such as parking facilities, stormwater management and erosion control systems, altering landforms or construction of a structure on the land.

DISCHARGER - Any person or entity, permitted by law or not, that is releasing, emptying, conveying or unloading fluids and materials, including but not limited to hazardous materials and illicit discharges, as defined by this chapter, into the municipal storm sewer system.

EMERGENCY RESPONSE AGENCY - Any governmental agencies, including but not limited to the New York State Department of Environmental Conservation, the Westchester County Department of Health and the Village of Mamaroneck Police and Fire and other appropriate Village departments.

EROSION - The removal of soil particles by the action of water, wind, ice or other meteorological or geological agents.

EROSION CONTROL MANUAL - The most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

EXISTING GRADE - The vertical location of the existing ground surface prior to excavation or filling.

FINAL GRADE - The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

FLOODPLAIN - For a given flood event, that area of land temporarily covered by water which adjoins a watercourse. Land within the floodplain is property within the onehundred-year flood boundary as shown on Flood Insurance Rate Map (FIRM) dated September 28, 2007, for the Village of Mamaroneck as issued by the Federal Emergency Management Agency (FEMA) as amended from time to time.

FOREBAY - An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

GRADING - Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

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 CONNECTION - An illicit connection is defined as any of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm sewer system, including, but not limited to, any conveyances which allow any non-stormwater discharge, including treated or untreated sewage, process wastewater and wash water, to enter the storm sewer system; any connections to the storm sewer 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; any drain or conveyance connected from a commercial or industrial land use to the storm sewer system

which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE - Any discharge through an unauthorized connection, including a direct or indirect non-stormwater discharge to the storm sewer system, except as exempted in this chapter.

IMPERVIOUS - Surfaces, such as, but not limited to, pavement, walks, patios, terraces, decks, rooftops, gravel surfaces, tennis courts and swimming pools, which prevent or inhibit the percolation of water into the soil.

IMPERMEABLE SURFACE – Any surface not consisting of soil and vegetative cover. For the purpose of this article, pavers, gravel and other “semi-permeable” surfaces shall be considered impermeable to the extent that they alter the surface water runoff characteristics of the site. Calculations as to the difference in stormwater runoff from these surfaces shall use the appropriate TR-55 Curve Numbers for calculation of the amount of surface water being discharged from these areas. Decks constructed above the ground surface, that allow 100 % pass through of stormwater to the ground surface below said decks shall be considered to be permeable.

INDUSTRIAL STORMWATER PERMIT - A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries, which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION - A practice designed to promote the recharge of groundwater by containment and concentration of stormwater into porous soils.

JURISDICTIONAL WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic

vegetation.

LAND DEVELOPMENT ACTIVITY – Any construction activity including clearing, grading, excavating, soil disturbance or placement of fill that that could potentially result in soil erosion and/or any change in movement of stormwater on the site. For the purposes of this article, any new construction on a given lot (or reconstruction which meets the definition of substantial improvement or total reconstruction) shall assume the entire area of the lot to be subject to disturbance.

LAND-DISTURBING ACTIVITY - Any change to land which may result in soil erosion from water or wind and the movement of soil into water or onto lands, alteration of a drainage system, or increased runoff of waters, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

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

LICENSED/CERTIFIED PROFESSIONAL – An Engineer duly licensed by the New York State Department of Education to practice engineering.

MAINTENANCE AGREEMENT - A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MUNICIPAL PERMIT - Any permit or license issued by the Village of Mamaroneck, including, but not limited to, building, grading, demolition, clearing, topsoil removal, excavation, tree removal, and special use permits, and subdivision and site plan approval.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - A conveyance or system of conveyances and retention and infiltration facilities (including roads with drainage systems, curbs and gutters on municipal streets, manholes, catch basins, ditches, man-made channels, storm drains, stormwater basins, drainage reserve areas, dry wells and/or any other

component of a stormwater system) that is owned and/or operated by the Village or another municipal entity, designed and/or used for collecting, conveying, storing, infiltrating, or managing stormwater, which is not a combined sewer and which is not part of a publicly owned treatment works as defined at 40 CFR 122.2.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT - A permit issued by the Environmental Protection Agency (EPA) or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONPOINT SOURCE POLLUTION - Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NONSTORMWATER DISCHARGE - Any discharge to the storm sewer system that is not composed entirely of stormwater.

OUTFALL - The terminus of a storm drain where the contents are released.

OUTFLOW CONTROL STRUCTURE - A permanent structure placed at the discharge point of a stormwater conveyance system designed to control discharge of stormwater from the system.

PEAK FLOW - The maximum rate of flow of water at a given point and time resulting from a storm event.

PEAK FLOW ATTENUATION - The reduction of the peak discharge of stormwater runoff by detention and gradual release of that storage.

PERSON - Any corporation, partnership, association, trust, estate, or any other entity recognized by law and acting as either the owner or the owner's agent, including state and

local governments and agencies, authorities, or other political subdivisions thereof, and one or more individuals.

PHASING - Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT - Anything that causes or contributes to pollution. Pollutants that may cause or might reasonably be expected to cause pollution of the waters within New York State may include, but are not limited to, dredged soil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hazardous materials, heat, wrecked or discarded equipment, rock, sand, industrial and agricultural waste, ballast discharged into water, paints, varnishes and solvents, oil and other automotive fluids, non-hazardous liquid, yard waste, refuse, rubbish, garbage, litter, or other discarded or abandoned

objects and accumulations so that same may cause or contribute to pollution, floatables, pesticides, herbicides, particulate metals, animal waste, waste and residue resulting from constructing a building or structure and noxious or offensive matter of any kind.

PREMISES - Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking areas wholly within the property boundaries of a particular site.

PRIMARY STRUCTURE(S) – All structures on a premises used for the primary use of said premises, including all garages, workshops, basements, pools, cabanas, but excluding sheds used exclusively for incidental storage.

PROJECT – Any land development activity and/or other construction associated with such land development

RECHARGE - The replenishment of underground water reserves through infiltration.

RETENTION - A practice designed to store stormwater runoff by collection as a permanent

pool or tank of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool or tank.

SEDIMENT CONTROL - Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS - Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

STABILIZATION - The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of utilities, streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and the installation of temporary or accessory buildings such as construction sheds or trailers and garages.

STOP WORK ORDER- An order issued which requires that all construction activity on a site be stopped.

STORM SEWER CONNECTION PERMIT - An authorization for the connection to the MS4 and the discharge of stormwater, or authorized non-stormwater, under Article III of this

chapter from all properties.

STORMWATER - Any surface flow, runoff, and/or subsurface drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER APPURTENANCES - Structures such as dry wells, catch basins, piping, storm drains and detention/retention basins designed to control and manage the flow of stormwater.

STORMWATER CONVEYANCE SYSTEM (DRAINAGE SYSTEM) - Publicly owned facilities on public land or privately owned facilities on private land by which stormwater is collected and/or conveyed, including but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other stormwater appurtenances to control and manage the flow of stormwater.

STORMWATER HOTSPOT - A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT - The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT, EROSION, SEDIMENT AND POLLUTION CONTROL PLAN - A plan prepared or certified by a New York State Licensed Engineer. These plans shall indicate the specific measures and sequencing to be used in controlling erosion, sediment and pollution on a development site during and after construction, showing the proposed use of the site and showing the methods, techniques and improvements that will be employed to control erosion, sedimentation and pollution, which shall employ best management practices.

STORMWATER MANAGEMENT FACILITY - One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER (SMO) – The Building Inspector of the Village of Mamaroneck and/or his designated agent(s) who will review stormwater pollution prevention plans, forward the plans to the applicable municipal board when necessary and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs)- Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - Flow on the surface of the ground, resulting from precipitation

SUBSTANTIAL IMPROVEMENT – Any project or series of projects taken cumulatively for the preceding ten (10) year period whose cost equals or exceeds fifty percent (50%) of the value of the primary structure(s) on said property at the beginning of the first such project as represented in the Village of Mamaroneck Assessment rolls and/or any such project(s) within the same 10-year period which result in 50% or more of the gross floor area of the primary structure(s) on said property being changed and/or renovated.

SURFACE WATERS OF THE STATE OF NEW YORK - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its

jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons, which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to manmade bodies of water, which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TOTAL RECONSTRUCTION – Any project or series of projects taken cumulatively for the preceding ten (10) year period whose cost equals or exceeds fifty percent (50%) of the value of the primary structure(s) on said property at the beginning of the first such project as represented in the Village of Mamaroneck Assessment rolls and/or any such project(s) within the same 10-year period which result in 50% or more of the gross floor area of the primary structure(s) on said property being changed and/or renovated.

VILLAGE ENGINEER - The Village Engineer or Consulting Engineer appointed by the Board of Trustees to function as the Village Engineer.

WATERCOURSE - Any natural or artificial, intermittent, seasonal or permanent and public or private water body or watercourse. A "water body" is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds and lakes. A "watercourse" includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WATERWAY - A channel that directs surface runoff to a watercourse or to the public storm drain.

§294-7. Permit Required

No person shall commence or carry out any development or land disturbing activity on any lot in the Village of Mamaroneck without first obtaining a Stormwater Control Permit from the Building Department, submitting a SWPPP and thereafter complying with the

requirements of this Chapter

§294-8. Stormwater Pollution Prevention Plans (SWPPP)

A. Stormwater Pollution Prevention Plan Requirement

No application for approval of any land development activity that results in the disturbance of land greater than 1,000 square feet shall be reviewed until the SMO and/or appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

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) at a scale not smaller than 1"=50', or as otherwise approved by the SMO, for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

(c) Description of the soil(s) present at the site;

(d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for

Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

- (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- (f) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;
- (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
- (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- (j) Temporary practices that will be converted to permanent control measures;
- (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- (m) Name(s) of the receiving water(s);
- (n) Delineation of SWPPP implementation responsibilities for each part of the site;

- (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- (p) Any existing data that describes the stormwater runoff at the site.

(2) Post Construction Runoff Controls

- (a) All construction activities resulting in a land disturbance greater than 1,000 square feet and less than 2,000 square feet shall include water quantity controls, as described in the New York State Stormwater Management Design Manual capable of mitigating the water quantity impacts resulting from the increase in impermeable surfaces on the site for twenty-five (25)-year design storm.
- (b) All construction activities resulting in a land disturbance greater than 2,000 square feet and less than one Acre shall include and water quality controls (post-construction stormwater runoff controls), as set forth in Section 3 and described in the New York State Stormwater Management Design Manual and post-construction water quantity controls as described below. Quantity controls shall provide stormwater attenuation methods appropriately sized, to detain on site, the entire volume of site runoff for all (both existing and proposed) impervious surfaces, resultant from the 25-year design storm.
- (c) All construction activities resulting in a land disturbance greater than one acre but less than 5 acres shall include water quantity and water quality controls (post-construction stormwater runoff controls), as set forth in Section 3 and described in the New York State Stormwater Management Design Manual. Quantity controls shall provide stormwater attenuation methods appropriately sized, to detain on site, the entire volume of site runoff for all (both existing and proposed) impervious surfaces, resultant from the 25-year design storm in addition to any

other stormwater quantity controls required for compliance with the NYS DEC Phase II Stormwater Rules.

- (d) All construction activities resulting in a land disturbance greater than 5 acres and/or for any subdivision greater than 3 lots, shall include water quantity and water quality controls (post-construction stormwater runoff controls), as set forth in Section 3 and described in the New York State Stormwater Management Design Manual. Quantity controls shall provide stormwater attenuation methods appropriately sized, to detain on site, the entire volume of site runoff for all (both existing and proposed) impervious surfaces, resultant from the 100-year design storm in addition to any other stormwater quantity controls required for compliance with the NYS DEC Phase II Stormwater Rules.
- (e) Additionally, Stormwater runoff from land development and redevelopment 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 shall comply with the requirements for Post-Construction Stormwater Control as outlined in (c) above

(3) SWPPP Requirements:

- (a) All information in Section 294-7 of this local law;
- (b) Description of each post-construction stormwater management practice (practices shall be as approved in Chapter 4 of the NYS DEC Stormwater Design manual);
- (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 postconstruction stormwater management practice;
- (g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.
- (h) Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management practices in accordance with § 294-9 of this local law.
- (j) The SWPPP shall be prepared by a NY State Licensed 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 local law.

C. Exceptions – Construction and development activities as annotated above may be excepted from the on-site stormwater retention requirements only, if they meet all of the following criteria:

- (1) Lots are located wholly within the 100 year floodplain
- (2) The applicant can show, to the satisfaction of the Village Stormwater Management Officer (SMO), that, to the maximum extent practical, impervious surfaces have been limited on the site.
- (3) In the opinion of the SMO, the retention of stormwater on such site would exacerbate

flooding on the property and/or contribute to an increase in the 100- yr floodplain

- (4) If the applicant can show, to the satisfaction of the SMO, that the release of stormwater from the site, without said retention, will not have an adverse effect on any downstream properties

D. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

E. 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.

- F. 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.

§294-9. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

A. Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

- (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).
- (3) Westchester County Best Management Practices Manual series, specifically the volume for “Construction Related Activities”

B. Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 294-8 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.

§294-10. Maintenance, Inspection and Repair of Stormwater Facilities

A. Maintenance and Inspection During Construction

- (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- (2) For land development activities as defined in Section 6 of this Article and meeting Condition A, B or C in 294-8(B)(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 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 logbook.
- (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 Mamaroneck to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in

the office of the County Clerk after approval by the counsel for the Village of Mamaroneck.

C. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. 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 law.
- (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 §294-8.

B. Maintenance Agreements

The Village of Mamaroneck 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 in a form acceptable to the Village Attorney. The Village of Mamaroneck, 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 local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§294-11. Severability

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such adjudication shall have been rendered.