

## **Propose Chapter 135 – Stormwater Management Law**

[Draft 12/21/16 – revisions in brackets/italics]

### **Article 1**

#### **§ 135-1 Findings of Fact (l. 36)**

*[lines 45-46: add reference to increased water temperatures]*

*[lines 75-91: add definitions from proposed 2017 model local law]*

#### **§ 135-2 Purpose (l.95)**

*[lines 101-106; 107-111: update references to current MS4 permit]*

*[lines 131-132: add climate change reference]*

*[lines 133-136: add preference to avoid development on environmentally sensitive lands]*

#### **§ 135-3 Statutory Authority (l.138)**

#### **§ 135-4 Applicability (l. 146)**

#### **§ 135-5 Exemptions (l. 171)**

*[line 176: reduce routine maintenance exemption to disturbance of less than one acre]*

*[lines 184-185: limit exemption to construction pursuant to valid building permit]*

*[lines 197-198 limit exemption to activities determined to be necessary by Town Board]*

### **Article 2. Stormwater Control**

#### **§ 135-6 Definitions (l. 206)**

*[lines 215-16; 232; 240-258; 265-66; 289; 299-303; 311-318; 320-327; 329-34; 338; 388-395; 401; 410-411; new or revised definitions incorporated from the proposed 2017 DEC model local law]*

#### **§ 135-7 Stormwater Pollution Prevention Plans (l. 413)**

##### **A. Stormwater Pollution Prevention Plan Requirement (l. 415)**

(1) No application for approval of a land development activity shall be deemed complete until the appropriate board has received a proposed Stormwater Pollution Prevention Plan (SWPPP), prepared in accordance with the DEC General Permit for Discharges of Construction Activities that will be applicable to the proposed land development activity, **as that permit may be amended from time to time, and the supplemental standards set forth below in Paragraph B.**

*[lines 418-422; clarifies that the SWPPP must meet DEC standards and supplementary Town standards]*

**B. Contents of Stormwater Pollution Prevention Plans (l. 431))**

*[lines 431-614 revised by Town engineer to conform with DEC SWPPP standards, supplementary Town standards]*

**§135-8 Plan Certification and MS4 Acceptance (l. 616)**

*[lines 623-26: requires plan to comply with Education Law]*

**§135-9 Other Permits (l. 632)**

*[line 634 requires demonstration of other permit approvals]*

**§135-10 Contractor Certification (l. 638)**

*[Lines 644-46: requires contractor to implement corrective actions]*

**§135-11 SWPPP Copy Availability (l. 655)**

*[Lines 659-65: procedure for terminating coverage, maintaining SWPPP on site]*

**Article 3. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control**

**§135-12 Technical Standards (l. 673)**

*[Lines 682-725; 747-78; Revised technical standards]*

**§135-13 Water Quality Standards (l. 728)**

**Article 4. Maintenance, Inspection and Repair of Stormwater Facilities**

**§135-14 Maintenance During Construction (l. 736)**

*[Lines 739-41: owner to maintain all controls in good condition]*

*[Lines 756-65: soil stabilization procedures]*

*[Lines 767-778: water quality treatment requirements]*

*[Lines 779-783: inspection requirements]*

**§135-15 Registration Statement; Maintenance Easement(s) (l. 785)**

*[Lines 787-801; requirements for maintenance easement, registration of stormwater facilities]*

**§135-16 Maintenance after Construction (l. 824)**

**§135-17 Maintenance Agreements (l. 829)**

**Article 5. Administration and Enforcement**

**§135-18 Construction Inspection** (l. 844)

**A. Inspection Schedule** (l. 846)

**B. Stormwater Management Practice Inspections and As-built Survey** (l. 840)

*[Lines 783-785; 879-884 minor edits]*

**C. Inspection of Stormwater Facilities After Project Completion** (l. 895)

**D. Submission of Reports** (l. 914)

**E. Right-of-Entry for Inspection.** (l. 916)

*[Lines 916-939 authorizes entry to inspect]*

**§135-19 Performance Guarantee** (l. 932)

**A. Construction Completion Guarantee** (l. 934)

**B. Maintenance Guarantee** (l.954)

*[Line 958 minor edit]*

**C. Recordkeeping** (l. 968)

**§135-20 Enforcement and Penalties** (l. 972)

**§135-21 Penalties for offenses** (l. 1023)

**§135-22 Inspections** (l. 1056)

**§135-23. Restoration of lands** (l. 1097)

**§135-24 Fees for Services** (l. 1106)