

Local Law Gap Analysis Worksheet 2

Sample Local Law for Stormwater Management and Erosion & Sediment Control - Article 2

- **Check Yes** if language identical to the provision of the Sample Local Law for Stormwater Management and Erosion & Sediment Control occurs in local land use regulation. Place your checkmark in the box under the type of code that contains the identical language.
- **Check Equivalence** if local land use regulation contains language that you consider equivalent (accomplishing the same intent) to the Sample Local Law. A **Demonstration of Equivalence of Local Law Provisions** worksheet linked to each provision states the intent of the provision, and provides space to show how existing local codes meet that intent.
- **Check Legislative Agenda** if identical or equivalent language is not in the regulation. A check in Legislative Agenda is a reminder to amend the local code to include either identical language or an equivalent provision.
- **Sections preceded by a star (*)** are not required for compliance, but are recommended for program effectiveness and workability.

<p style="text-align: center;">Article 2. Zoning Law Amendment: Stormwater Control</p> <p style="text-align: center;"><i>Articles 1 and 2 or their equivalents must be adopted for proper implementation. Municipalities that do not have zoning should add the language in Article 2 to Article 3 (Subdivision Regulation Amendment) or Article 4 (Site Plan Review Law Amendment) as applicable for their municipality.</i></p>	<p>Yes</p> <p><i>Check the Type of Local Code Where the Identical Provision is Found.</i></p>					<p>Equivalence</p> <p><i>1. Place Checkmark in Box.</i> <i>2. Explain on Worksheet linked from Section number.</i></p>	<p>Legislative Agenda</p> <p><i>Check this Box if Code is to be Developed or Amended</i></p>
	Zoning	Subdivision	Site Plan	E&SC	Other		
<p>Article 2. Zoning Law Amendment: Stormwater Control The Zoning Law is hereby amended to include Article __, a new supplemental regulation titled Stormwater Control.</p>						Not Applicable	
<p>Section 1. 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. Definitions in the stormwater management local law cannot be less strict than the definitions given below. Localities may add definitions not given in the Sample Local Law . <i>Note: Only key definitions are given in this checklist. For the remaining terms, DEC recommends that if the local law uses a term, they use the definition as given in the Sample Local Law .</i></p>							

Article 2. Zoning Law Amendment: Stormwater Control <i>Articles 1 and 2 or their equivalents must be adopted for proper implementation. Municipalities that do not have zoning should add the language in Article 2 to Article 3 (Subdivision Regulation Amendment) or Article 4 (Site Plan Review Law Amendment) as applicable for their municipality.</i>	Yes <i>Check the Type of Local Code Where the Identical Provision is Found.</i>					Equivalence 1. Place Checkmark in Box. 2. Explain on Worksheet linked from Section number.	Legislative Agenda Check this Box if Code is to be Developed or Amended
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<u>Agricultural Activity</u> - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.							√
<u>Design Manual</u> - the <i>New York State Stormwater Management Design Manual</i> , most recent version including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.							√
<u>Erosion Control Manual</u> - the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.							√
<u>Land Development Activity</u> - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules. <i>Note: MS4s should review site plan, subdivision, zoning and erosion & sediment control laws and ordinances to see if minimum land disturbance requirements already are specified. To meet SPDES guidelines under GP-02-02, the municipality must require SWPPPs for construction activities that result in land disturbance equal to or greater than one acre, or for activities disturbing less than one acre if part of a larger common plan of development or sale or in a specified watershed. The municipality may wish to reduce this threshold to conform to local standards that may be stricter than the standards in state regulation. Many communities regulate land disturbance of more than 5000 square feet (1/8 acre), exempting those where impervious cover does not exceed 1000 square feet.</i>							√

Article 2. Zoning Law Amendment: Stormwater Control <i>Articles 1 and 2 or their equivalents must be adopted for proper implementation. Municipalities that do not have zoning should add the language in Article 2 to Article 3 (Subdivision Regulation Amendment) or Article 4 (Site Plan Review Law Amendment) as applicable for their municipality.</i>	Yes <i>Check the Type of Local Code Where the Identical Provision is Found.</i>					Equivalence 1. Place Checkmark in Box. 2. Explain on Worksheet linked from Section number.	Legislative Agenda Check this Box if Code is to be Developed or Amended
	Zoning	Subdivision	Site Plan	E&SC	Other		
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.							√
Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.							√
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.							√

Article 2. Zoning Law Amendment: Stormwater Control <i>Articles 1 and 2 or their equivalents must be adopted for proper implementation. Municipalities that do not have zoning should add the language in Article 2 to Article 3 (Subdivision Regulation Amendment) or Article 4 (Site Plan Review Law Amendment) as applicable for their municipality.</i>	Yes <i>Check the Type of Local Code Where the Identical Provision is Found.</i>					Equivalence 1. Place Checkmark in Box. 2. Explain on Worksheet linked from Section number.	Legislative Agenda <i>Check this Box if Code is to be Developed or Amended</i>
	Zoning	Subdivision	Site Plan	E&SC	Other		
Section 2. Stormwater Pollution Prevention Plans 2.1. 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 local law.						√	
2.2 Contents of Stormwater Pollution Prevention Plans 2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:							√
1. Background information about the scope of the project, including location, type and size of project.							√
2. Site map/construction drawing(s) 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); <i>Note: Site map should be at a scale no smaller than 1"=100' (e.g. 1"=500" is smaller than 1"=100")</i>							√
3. Description of the soil(s) present at the site;							√

Article 2. Zoning Law Amendment: Stormwater Control <i>Articles 1 and 2 or their equivalents must be adopted for proper implementation. Municipalities that do not have zoning should add the language in Article 2 to Article 3 (Subdivision Regulation Amendment) or Article 4 (Site Plan Review Law Amendment) as applicable for their municipality.</i>	Yes <i>Check the Type of Local Code Where the Identical Provision is Found.</i>					Equivalence 1. Place Checkmark in Box. 2. Explain on Worksheet linked from Section number.	Legislative Agenda <i>Check this Box if Code is to be Developed or Amended</i>
	Zoning	Subdivision	Site Plan	E&SC	Other		
<u>4.</u> 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. <i>A municipality may choose to reduce the amount of land that may be exposed at any one time.</i>							√
<u>5.</u> 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;						√	
<u>6.</u> 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;						√	
<u>7.</u> 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;						√	
<u>8.</u> A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;							√
<u>9.</u> Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;							√
<u>10.</u> Temporary practices that will be converted to permanent control measures;						√	
<u>11.</u> 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;							√

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12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;						√	
13. Name(s) of the receiving water(s);						√	
14. Delineation of SWPPP implementation responsibilities for each part of the site;							√
15. 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.							√
16. Any existing data that describes the stormwater runoff at the site							√
2.2.2 Land development activities as defined in Section 1 of this Article and 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 Section 2.2.3 below as applicable: 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 <u>impaired</u> waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment. Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres. Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.							√
2.2.3 SWPPP Requirements for Condition A, B and C:							

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<u>1.</u> All information in Section 2.2 .1 of this local law							√
<u>2.</u> Description of each post-construction stormwater management practice;							√
<u>3.</u> Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;							√
<u>4.</u> Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms							√
<u>5.</u> Comparison of post-development stormwater runoff conditions with pre-development conditions							√
<u>6.</u> Dimensions, material specifications and installation details for each post-construction stormwater management practice;							√
<u>7.</u> Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.						√	
<u>*8.</u> 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.						√	
<u>9.</u> Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.						√	

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<u>10.</u> 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 meets the requirements in this local law.							√
<u>2.3 Other Environmental Permits</u> 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.						√	
<u>2.4 Contractor Certification</u> 2.4.1 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.” 2.4.2 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. 2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity						√	
<u>2.5</u> 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							√
Section 3. 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:							√

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3.1 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: 3.1.1 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) 3.1.2 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).							√
3.2 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 Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.							√
3.3 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.						√	
Section 4. Maintenance, Inspection and Repair of Stormwater Facilities 4.1 Maintenance and Inspection During Construction 4.1.1 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.							√

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<u>4.1.2</u> For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 2.2.2, 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 log book.							√
<u>*4.1.3</u> 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.							√
<u>*4.2 Maintenance Easement(s)</u> 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 ((City/Town/Village) of _____) 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 ((City/Town/Village) of _____).							√

<p align="center">Article 2. Zoning Law Amendment: Stormwater Control</p> <p align="center"><i>Articles 1 and 2 or their equivalents must be adopted for proper implementation. Municipalities that do not have zoning should add the language in Article 2 to Article 3 (Subdivision Regulation Amendment) or Article 4 (Site Plan Review Law Amendment) as applicable for their municipality.</i></p>	<p align="center">Yes</p> <p align="center"><i>Check the Type of Local Code Where the Identical Provision is Found.</i></p>					<p align="center">Equivalence</p> <p align="center"><i>1. Place Checkmark in Box.</i></p> <p align="center"><i>2. Explain on Worksheet linked from Section number.</i></p>	<p align="center">Legislative Agenda</p> <p align="center"><i>Check this Box if Code is to be Developed or Amended</i></p>
	Zoning	Subdivision	Site Plan	E&SC	Other		
<p>4.3 Maintenance after Construction</p> <p>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:</p> <p>4.3.1 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.</p> <p>4.3.2 Written procedures for operation and maintenance and training new maintenance personnel.</p> <p>4.3.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.2.</p>							√
<p>4.4 Maintenance Agreements</p> <p>The ((City/Town/Village) of _____) 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 local law entitled Sample Stormwater Control Facility Maintenance Agreement. The ((City/Town/Village) of _____), 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.</p>							√
<p>Severability (Art 2 Section 5) Effective Date (Art 2 Section 5.2)</p> <p><i>Note: This language is required for legal adoption of the local law. All local laws must include an enacting clause.</i></p>							

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2 §2.1

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 local law.

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- The SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01) requires that a Stormwater Pollution Prevention Plan (SWPPP) be prepared for each development project that creates more than one acre of soil disturbance.
- Section 2.2 incorporates the 16 requirements for Part 1 (Erosion and Sediment Control) of a SWPPP from the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). To satisfy the MS4 permit requirements, all 16 minimum requirements for Part 1 of a SWPPP must be included in the local law.
- This section may be interpreted as requiring a **draft** or **preliminary** SWPPP during preliminary approval, since locations of lots and site plan layouts often change during the local board's initial review of the project. The **Final** SWPPP prepared in accordance with DEC specifications and calculations required in GP-02-01 would be submitted for the final approval of the project.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model Ordinance, Section VII Land Disturbance Activity Approval Process, Section A #1-3; Post-Construction Model Ordinance Section VI. Compliance

- 2. Local Code Language: From Construction model ordinance** “1. Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of $\geq 25,000$ square feet of land shall also include with a submission a SWPPP that shall be reviewed and approved by the (*jurisdictional authority*) prior to issuance of the final site plan approval or a permit.
2. No applicant shall be granted site plan approval or a permit which would require the disturbance of $\geq 25,000$ square feet of land without the review and approval of a SWPPP by the (*jurisdictional authority*)
3. Furthermore, prior to the issuance of a permit or site plan approval all projects that would result in the disturbance of $\geq 25,000$ square feet of land will be required to comply with all applicable provisions of the Ordinance for Design and Management of Post-Construction Stormwater Pollution Prevention Measures. As part of the SWPPP the applicant shall include a signed statement that all applicable requirements of the

Ordinance for Design and Management of Post-Construction Stormwater Pollution Prevention Measures have been met to the satisfaction of the (*jurisdictional authority*).

From Post-Construction Model ordinance “Unless specifically excluded by this ordinance, any landowner or operator desiring approval or a permit for a land disturbance activity shall comply with all applicable provisions of this ordinance and shall submit all required plans, documentation and information as required under this ordinance to the (*jurisdictional authority*) for review and approval.

Unless otherwise accepted by this ordinance, the following items shall be submitted prior to the issuance of a permit or site plan approval:

Stormwater Pollution Prevention Plan (SWPPP) (See Section X)

Maintenance Easement(s) (See Section XI)

Maintenance Agreement(s) (See Section XI)

Any Applicable Fees (See Section XVII)

3. How this Language is as Strict as GP-02-01: This language states that no land disturbance activities will be approved until the jurisdictional authority has reviewed and approved the SWPPP that has been prepared in accordance with the ordinance

-The language in both ordinances explicitly states that all land disturbance activities require the jurisdictional authority to review and approve the SWPPP

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Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2 §2.2.1 (5)

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;

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.1(5) is the fifth of 16 requirements for Part 1 (Erosion & Sediment Control) of a Stormwater Pollution Prevention Plan (SWPPP) from the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-02-01).
- To satisfy the MS4 permit requirements, all 16 minimum requirements for Part 1 (Erosion & Sediment Control) of a SWPPP must be included in the local law.
- The purpose of this section is to require construction site waste control to prevent pollution of local waterbodies by materials used in construction.
- Combined with Section 2.2.1(6), this section satisfies the requirement in the SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) for municipalities to control construction site waste at the local level.

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Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model Ordinance Section IX. Stormwater Pollution Prevention Plan Requirements requirement #5

2. Local Code Language: “5. A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges...”

3. How this Language is as Strict as GP-02-01: This language is the same as the NYS DEC sample local law

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Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2 §2.2.1 (6)

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;

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.1(6) is the sixth of 16 requirements for Part 1 (Erosion & Sediment Control) of a Stormwater Pollution Prevention Plan (SWPPP) from the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01).
- To satisfy the MS4 permit requirements, all 16 minimum requirements for Part 1 (Erosion & Sediment Control) of a SWPPP must be included in the local law.
- The purpose of this section is to require a spill prevention and waste material control plan as part of the SWPPP.
- Combined with Section 2.2.1(5), this section satisfies the requirement in the SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) to control construction site waste at the local level.

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Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model Ordinance Section IX. Stormwater Pollution Prevention Plan Requirements, requirement #5

2. Local Code Language: “#5...; a description of construction and waste materials expected to be stored on-site with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.

3. How this Language is as Strict as GP-02-01: This language matches the language from the NYS DEC sample law

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori

(Title) Executive Director M.C. Soil and

Sample Local Law Language - Article 2 §2.2.1 (7)

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;

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.1(7) is the seventh of 16 requirements for Part 1 (Erosion & Sediment Control) of a Stormwater Pollution Prevention Plan (SWPPP) from the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01).
- To satisfy the MS4 permit requirements, all 16 minimum requirements for Part 1 (Erosion & Sediment Control) of a SWPPP must be included in the local law.
- The purpose of this section is to require that erosion and sediment control practices are specified in the SWPPP for every stage of the project, from the initial tree cutting and clearing to the final seeding and stabilization.

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Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model ordinance Section IX. Stormwater Pollution Prevention plan requirements. requirement #6

2. Local Code Language: “6. A description of the 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 disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.”

3. How this Language is as Strict as GP-02-01: This language matched the NYS DEC's local law language and provides further detail for clarification on this requirement

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2 §2.2.1 (10)

Temporary practices that will be converted to permanent control measures;

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.1(10) is the tenth of 16 requirements for Part 1 (Erosion & Sediment Control) of a Stormwater Pollution Prevention Plan (SWPPP) from the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01).
- To satisfy the MS4 permit requirements, all 16 minimum requirements for Part 1 (Erosion & Sediment Control) of a SWPPP must be included in the local law.
- The purpose of this section is to require in the SWPPP that temporary sediment basins or other practices that will be converted to permanent post-construction stormwater management practices are identified. Temporary sediment basins cannot simply be seeded and converted to permanent practices; they must be reconstructed using design specifications in the *New York State Stormwater Design Manual*, in order to handle larger storms and control water quality.

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Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model ordinance Section IX. Stormwater Pollution Prevention plan requirements. requirement #9

2. Local Code Language: “9. Identification of all temporary practices that will be converted to permanent control measures.”

3. How this Language is as Strict as GP-02-01: This language matches the NYS DEC's sample local law language for this requirement

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Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Model Local Law Language - Article 2 §2.2.1 (12)

Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.1(12) is the twelfth of 16 requirements for Part 1 (Erosion & Sediment Control) of a Stormwater Pollution Prevention Plan (SWPPP) from the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01).
- To satisfy the MS4 permit requirements, all 16 minimum requirements for Part 1 (Erosion & Sediment Control) of a SWPPP must be included in the local law.
- The purpose of this section is to require preparation of a maintenance schedule as part of the approved SWPPP, so that maintenance activities will be considered during the design of the erosion and sediment control practices and so that the maintenance schedule may be enforced by the local government.

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Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model ordinance Section IX. Stormwater Pollution Prevention plan requirements. requirement #11

2. Local Code Language: “11. Identification of the parts or components of the SWPPP that require maintenance. Furthermore it shall also provide a schedule of required maintenance and identify the party responsible for such work.”

3. How this Language is as Strict as GP-02-01: This language matches the NYS DEC's sample local law language for this requirement

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Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori

(Title)Executive Director M.C. Soil and

Sample Local Law Language - Article 2 §2.2.1 (13)

Name(s) of the receiving water(s);

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.1(13) is the thirteenth of 16 requirements for Part 1 (Erosion & Sediment Control) of a Stormwater Pollution Prevention Plan (SWPPP) from the SPDES General Permit for Stormwater Discharges from Construction Activity, (GP-02-01).
- To satisfy the MS4 permit requirements, all 16 minimum requirements for Part 1 (Erosion & Sediment Control) of a SWPPP must be included in the local law.
- The purpose of this section is to specifically require the applicant to identify by name the local waterbodies that will receive stormwater discharge from the proposed project. This information is important for the local reviewing board to use when considering the impact of the project on local water resources.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model ordinance Section IX. Stormwater Pollution Prevention plan requirements. requirement #2

2. Local Code Language: "...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) including receiving waters (name of the water), streams, ponds, culverts..."

3. How this Language is as Strict as GP-02-01: This language matches the language from the NYS DEC sample local law for this requirement

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori

(Title) Executive Director M.C. Soil and

Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2 §2.2.3 (7)

Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.3 (7) is the seventh of eight requirements specifying water quality and water quantity controls for a full SWPPP from the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). To satisfy the MS4 permit requirements, these eight minimum requirements for full SWPPPs must be included in the local law.
- The intent of this section is to require preparation of a maintenance schedule as part of the approved SWPPP so that maintenance activities will be considered during the design of the facility and so that the maintenance schedule may be enforced by the local government.
- Combined with Sections 2.2.3(8) (Maintenance easements) and 2.2.3(9) (Maintenance agreement), Section 2.2.3(7) provides language to meet the MS4 permit (GP-02-02) requirement for long-term operation and maintenance of post-construction stormwater management practices.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Post-Construction Model Ordinance- Section X: Stormwater Pollution Prevention Plan Requirements, requirement #7

2. Local Code Language: “7.The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures including a schedule to ensure their continued function...”

3. How this Language is as Strict as GP-02-01: This language matches the language from the NYS DEC sample local law for this requirement, the post-construction model ordinance is actually more strict because a repair plan, and a list of components and skills to maintain the facilities is also required

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County **Date June 2007**

By (Name) C. Myers & K. Paris Tuori **(Title)Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff**

Sample Local Law Language - Article 2 §2.2.3 (8)

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.

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Section 2.2.3(8) is the eighth of eight requirements specifying water quality and water quantity controls for a full SWPPP from the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). To satisfy the MS4 permit requirements, these eight minimum requirements for full SWPPPs must be included in the local law.
- The intent of this section is to provide long-term access to the stormwater management practices as part of the approved SWPPP. Access easements recorded on the plan will ensure that the municipality will be able to enforce maintenance of the facility by present and future owners.
- Combined with Sections 2.2.3(7) (Maintenance schedule) and 2.2.3(9) (Maintenance agreement), Section 2.2.3(8) (Maintenance easements) provides language to meet the MS4 permit requirement for long-term operation and maintenance of post-construction stormwater management practices.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Post-Construction Model Ordinance- Section X: Stormwater Pollution Prevention Plan Requirements, requirement #8

2. Local Code Language: “8.The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property...”

3. How this Language is as Strict as GP-02-01: The language from the model ordinance matches the language from the NYS DEC’s sample local law for this requirement.

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori
Water Conservation District & Stormwater Coalition staff

(Title) Executive Director M.C. Soil and

Sample Local Law Language - Article 2 §2.2.3 (9)

Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- Combined with Sections 2.2.3(7) (Maintenance schedule) and 2.2.3(8) (Maintenance easements), Section 2.2.3(9) (Maintenance agreement) provides language to meet the MS4 permit (GP-02-02) requirement for long-term operation and maintenance of post-construction stormwater management practices.
- The purpose of this section is to put in place a maintenance agreement as part of the SWPPP and development approval process so that responsibility for long-term maintenance of stormwater management practices will be clearly defined and may be enforced by the municipality.
- The cross-reference to Article 2, Section 4 is important because Section 4 provides more detail on the maintenance agreement process and content.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Post-Construction Model Ordinance- Section X: Stormwater Pollution Prevention Plan Requirements, requirement #9

2. Local Code Language: “The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by the on-site stormwater management measure(s) in accordance with the specifications of this ordinance”

3. How this Language is as Strict as GP-02-01: The language from the model ordinance matches the language from the NYS DEC’s sample local law for this requirement.

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2. §2.3

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.

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- The SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01) specifies that applicants must obtain other DEC permits before coverage is issued under the GP-02-01 General Permit. (The reason for this is that discharge of untreated stormwater into regulated wetlands is not allowed, and certain discharges into streams, rivers and lakes are regulated.) In some cases, coordination must be also considered with other SPDES discharge permits such as wastewater treatment permits.
- Both DEC and local boards must follow the State Environmental Quality Review Act (SEQRA) by considering all environmental impacts together.
- To be equivalent, the local law must require the applicant to demonstrate that they have applied for or plan to apply for other environmental permits.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Post-Construction Model Ordinance- Section X: Stormwater Pollution Prevention Plan Requirements, requirement #14

2. Local Code Language: “14.The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

3. How this Language is as Strict as GP-02-01: The language from the model ordinance matches the language from the NYS DEC’s sample local law for this requirement.

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2. §2.4

§2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practices 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.”

§2.4.2 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.

§2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- The SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01) requires all contractors and subcontractors to sign a certification statement. The purpose of the certification statement is to make sure that contractors and subcontractors will be aware of and comply with the requirements of the SWPPP.
- For the Sample Local Law, language pertaining to GP-02-01 has been removed from the certification statement and the statement has been rewritten to be applicable to local government. By making this certification statement part of the SWPPP, local governments can make it enforceable by the local code enforcement officer.
- To be equivalent, the local law must require contractors to sign a certification statement that they will comply with the SWPPP and understand that they must not violate water quality standards. The language in 2.4 has been reviewed by the New York State Department of State and found to be consistent with municipal authority to enforce local laws.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model Ordinance Section IX: Stormwater Pollution Prevention Plan Requirements, requirement #16

2. Local Code Language: “Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be

identified in the SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land disturbance activity at the site:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of the water quality standards."

3. How this Language is as Strict as GP-02-01: The language from the model ordinance matches the language from the NYS DEC's sample local law for this requirement.

Demonstration of Equivalence of Local Law Provisions

Municipality: Stormwater Coalition of Monroe County

Date June 2007

By (Name) C. Myers & K. Paris Tuori (Title) Executive Director M.C. Soil and Water Conservation District & Stormwater Coalition staff

Sample Local Law Language - Article 2. §3.3

3.3 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.

Intent of this Section of the Sample Local Law:

Note: The SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) requires that the provisions of local laws governing stormwater management be as strict as the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01.

- The purpose of this section is to provide a minimum water quality standard for determining violations of the local law that is the same for local governments and New York State. Most local governments do not have the resources to develop their own water quality standards. NYSDEC can provide technical information on how to interpret and enforce this standard.
- The SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01) states, "There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions," and references Title 6, Parts 700-706 of NY Codes, Rules and Regulations, where water quality standards for New York State are defined.
- This water quality standard is DEC's basis for determining violations of GP-02-01 and the Stormwater Pollution Prevention Plan (SWPPP) that the owner/operator has prepared for the site. The standard provides a basic level of protection for aquatic habitat in our waterways.

Local Law Deemed Equivalent (attach extra sheets if necessary)

1. Local Code Citation: Construction Model Ordinance, Section XI. Duration, Maintenance and Closeout Section B.1

2. Local Code Language: "...The land disturbance 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."

3. How this Language is as Strict as GP-02-01: The language from the model ordinance matches the language from the NYS DEC's sample local law for this requirement.