

# **Village of Lake Success Stormwater Management Program Plan**

Prepared in accordance with the  
New York State Department of Environmental Conservation  
SPDES General Permit for Stormwater Discharges from  
Municipal Separate Storm Sewer System (MS4s)  
Permit No. GP-0-24-001

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# 1 Introduction

## 1.1 Purpose

The purpose of the Village's Stormwater Management Program (SWMP) is to reduce the number of pollutants discharged into the municipal stormwater system and to protect surface water quality to the maximum extent practical. The New York State Department of Environmental Conservation (NYSDEC) focuses on the leading forms of pollutants within waterbodies which include pathogens, nitrogen, phosphorus, silt and sediment, and floatables.

- Pathogens refer to the release of bacteria or viruses through animal waste, which then can cause disease and health complications for humans based on exposure levels. This may also be referred to as fecal coliform in NYSDEC references.
- Nitrogen and phosphorous are nutrients commonly used in fertilizers and other residential and industrial products which can cause algal blooms. This in turn leads to oxygen depletion and fishkills or other mass die-offs of marine life.
- Silt and sediment pollution is a result of erosion carried by stormwater. The eroded material can clog drainage ways and destroy natural habitats.
- Floatables are materials that tend to lie on the surface of water bodies. They tend to remain on the water's surface and break down, causing harm to marine life.

The sources of these pollutants are typically found in urban runoff which mixes with and carries human waste from failing septic systems, erosion from construction sites, fertilizers, animal wastes including pet and goose droppings and horse manure, and litter discarded by people. Within the Village, the municipal drainage system (gutters, manholes, and catch basin inlets) follows the roadway network.

Since 2003, the Village has participated in the Phase II Stormwater Management Program. As part of an amendment to the federal Clean Water Act, the USEPA required a reduction in pollutants to stormwater discharges. New York State's General Permit for Stormwater Discharges requires that operators of Municipal Separate Storm Sewer Systems (MS4s) develop, implement and enforce a Stormwater Management Program by January 8, 2008. The program has six major components, known as the Minimum Control Measures (MCMs), including:

- Public Education and Outreach Program
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollutant Prevention and Good Housekeeping

The 2024 New York State General Permit for Stormwater Discharge (GP 0-24-001) created additional updates to the MS4 requirements. Within 6 months of the effective date of coverage (EDC), municipalities must make their SWMP available during normal business hours for the MS4 operator's management and staff responsible for implementation as well as the public and must be documented in the SWMP Plan (Location must be kept current). The purpose of this document is to summarize all of the Village's operations on stormwater and facilitate the onboarding of new staff.

## 1.2 Municipal Background Information

### 1.2.1 MS4 Description

MS4 is an acronym that stands for Municipal Separate Storm Sewer System. An MS4 is a municipality with such a storm system, in this case, the Village of Lake Success.

#### 1.2.1.1 Village Location

The Village of Lake Success is a municipality located on the Great Neck Peninsula in Nassau County, Town of North Hempstead. It is bordered on the north by unincorporated University Gardens; on the east by the Village of North Hills and unincorporated Manhasset; on the south by unincorporated North New Hyde Park; and on the west by Queens County.

#### 1.2.1.2 Village Demographics

The Village encompasses approximately 1.9 square miles in area. According to the 2020 U.S. Census, the Village has a population of approximately 2,825, residing in approximately 740 households. There are approximately 811 housing units, most of which are single family households. The population density is approximately 1,526.6 people per square mile (or 2.3 people per acre). These demographics have remained consistent with the 2000 U.S. Census results.

#### 1.2.1.3 Village Land Use

The Village is primarily zoned single family residential with some commercial or industrial properties. Lot sizes generally range from ¼ acre to 1 acre.

#### 1.2.1.4 Village Administration

The Village government consists of three boards, namely, the Board of Trustees, the Board of Zoning Appeals, and the Planning Board. The three boards each have different purposes and act independently of each other.

The Board of Trustees is the legislative body of the Village and has a broad grant of power that enables it to adopt a wide range of local laws to address Village concerns. The Village Board of Trustees consists of a Mayor and six Village Trustees. The general public elects the Mayor and other members of the Board of Trustees. The Mayor is the chief executive officer of the Village and presides over the Board of Trustees.

The Board of Zoning Appeals and Planning Board members are officials appointed by the Mayor with the approval of the Board of Trustees. The Board of Zoning Appeals and the Planning Board each have five members and a liaison Trustee. The Planning Board reviews site plans, subdivisions plans, and oversees the aesthetics of the buildings that are erected within the Village, both residential and commercial. The Board of Zoning Appeals acts in a semi-judicial capacity. It hears appeals to applications that have been denied by the building inspector or Planning Board because they do not comply with the zoning ordinance. This Board interprets of zoning laws and amendments that are enacted by the Board of Trustees and can issue variances from the zoning law.

In addition, the Village Board of Trustees established the Environmental Commission. Its purpose is to study the environment in and around the Village, and to make recommendations to the Board of Trustees regarding actions to be taken by the Village to protect and improve the environment. There

are eight Commissioners, a Trustee Chairperson and Trustee Deputy. The Commission meets monthly and the public is invited to participate. The Village has a full-time staff of 58. See **Section 5** for details.

#### *1.2.1.5 Village Facilities and Infrastructure*

The following facilities and infrastructure are owned by the Village:

Administrative: Village Hall serves as the meeting location of the Village government body and day-to-day administrative operations. Village Hall is located at 318 Lakeville Road.

Enforcement/Judicial: The Village operates the Village of Lake Success Justice Court is located at 15 Vanderbilt Drive, which also serves as the Police Station.

Public Works: The public works facilities include a main garage with offices, vehicle storage bays and maintenance bays. This facility is located at 308 Lakeville Road.

Parks: The Village has a 3-acre park with a swimming pool, eleven tennis courts (eight clay and three all weather), a playground, two baseball fields, and basketball, handball and volleyball courts. The park is called “Village Park of Lake Success” and sits immediately north of the Village of Lake Success Justice Court.

Golf Course: The Village has a golf course and clubhouse at 318 Lakeville Road. The Village practices Integrated Pest Management (IPM) on its properties to minimize the risk of environmental impacts from pesticides. The Village follows the Audubon Plan for goose management.

Streets & Street Drainage: The Village has 11.7 miles of roads. There are 5.98 miles of County Highways, and 2.83 miles of State Highways (i.e. the Long Island Expressway and the Northern State Parkway) within the Village borders. Stormwater runoff flows to and from the highways of the three jurisdictions. Drainage infrastructure on Village roads is owned and maintained by the Village.

Sewers: The Village operates and maintains a sewer system for wastewater collection within its borders. This system is connected to the Nassau County sewer system or the Belgrave sewer system. Treatment and disposal are provided by those agencies.

Separate Parking Lots: The Village has no separate parking fields or parking structures.

#### *1.2.1.6 Village Services*

The following services are operated by the Village:

Highway, Drainage, and Sewer Maintenance: Sweeping, snow and ice control, and drainage maintenance is provided by Village forces. Streets are swept at a frequency needed to keep the streets clean. A sand/salt mixture is applied to the Village streets as required to assure the safety of motorists. Drains are cleaned as needed to prevent street and property flooding. Sewers are cleaned and maintained to provide proper collection and transmission to the County or Belgrave District systems.

Parks and Recreation: Landscaping, and maintenance of the Village golf course, parks, open space and rights-of-way are provided by Village forces.

Village Vehicle Fleet Maintenance: The Village has its own DPW equipment. Village personnel perform preventative maintenance on the equipment. Used oil, antifreeze, and batteries are recycled by the Village maintenance staff. Absorbent materials are available in the event of a petroleum spill.

Solid Waste Services: Residential solid waste and disposal is managed by the Village. Trash is collected five days per week by a private carter and taken to the Town of North Hempstead solid waste facility. The Village lists the pick-up schedule on its web site. The Village has a recycling program for newspapers, magazines, plastics, glass, and metals. The Village has provided residents with reusable recycling containers. These materials are collected at curbside weekly and taken to the Town recycling center. The Village residents use the household hazardous waste (S.T.O.P.) program of the Town of North Hempstead. Residents bring their household hazardous wastes to designated Town locations. Village residents also use the Town recycling facility to dispose of used automotive oil. The Village promotes this program on its website.

#### *1.2.1.7 Other Service Providers*

The following services are operated by other entities within the Village right-of-way:

Sewage Treatment and Disposal: Sewage treatment and disposal is provided Nassau County Sewage Disposal District of the Belgrave Sewer District.

Water Supply: Water is supplied by the Manhasset Lakeville Water District. The water supplier promotes the County water conservation ordinance, which bans the use of lawn sprinklers between the hours of 10 AM and 4 PM and has an odd/even day restriction for watering depending on house number.

Natural Gas: National Grid provides natural gas to Lake Success.

Internet Providers: Optimum and Verizon are the major internet providers to Lake Success.

Electricity: PSEG provides electricity to the various entities of Lake Success.

## 2 Applicable Local Laws and Other Legal Authorities

### 2.1 Illicit Discharge Detention and Elimination Law

The legal authority to control pollutant discharges is identified within the Village Code. The Village adopted a local law to prohibit illicit connections to the municipal stormwater system on April 10, 2006. This law is Chapter 88 of the Village Code.

A copy of the Village's local law pertaining to Illicit Discharges to Storm Sewers is contained in **Appendix A**. The law is based on the NYSDEC's model local law, released by the DEC in April 2006.

## 2.2 Erosion and Sedimentation Control Law

The Village adopted a local law to require erosion control and stormwater management on construction sites on April 10, 2006. The law is Chapter 87 of the Village Code. This law applies to all activities within the Village that cause the land disturbance of an acre or more. A copy of the Village's local law pertaining to Erosion Control and Stormwater Management is contained in **Appendix B**. The law is based on the NYSDEC's model local law, released by the DEC in March 2006 and updated in October 2006.

## 3 Inter-Municipal Agreements and the Nassau County Stormwater Coalition

The Village of Lake Success is a coalition member as a partner with Nassau County in the Phase II Stormwater Program. The Village is located within Nassau County, and there are County roads within and bordering the Village. A portion of the runoff from some Village streets could flow onto County roads. The County has a much larger government system than the Village, and the County has the means and manpower to do a number of activities related to the stormwater program that the Village simply could not do. The County has worked with funding that the Village was not eligible to receive regarding the stormwater program. In fact, the Village signed an agreement with the County for "in kind services" to help the County obtain NYSDEC grant money to implement the County's Phase II Stormwater Program to benefit all municipalities in the County as participants (see attached copy of Village Resolution).

As part of their obligation to the Coalition members, the County provided the following on a Countywide basis:

- conducted educational programs pertaining to stormwater quality for municipal employees, consultants and high school students;
- provided storm drain medallions;
- provided stormwater related literature to its residents;
- conducted public participation programs such as logo and slogan contests, and shoreline and beach cleanups;
- developed a model Drainage Use Ordinance;
- mapped outfalls along the County shoreline and stream corridors; and
- provided training for construction contractors and municipal officials regarding erosion and sediment control and good housekeeping for municipal operations.

A copy of the Nassau County Certification page from their annual report to the NYSDEC which is a coalition partnership acknowledgement is contained in **Appendix C**. Additional information pertaining to the Nassau County Phase II Stormwater Program efforts may be found on the Nassau County website at: [www.nassaucountyny.gov/agencies/dpw/stormwater.html](http://www.nassaucountyny.gov/agencies/dpw/stormwater.html).

## 4 Staffing, Staff Development Programs, and Staff Organization

The Village has 58 full-time staff which are distributed amongst the following departments,

- |                                       |    |
|---------------------------------------|----|
| - Clerical and Administrative:        | 7  |
| - Police:                             | 26 |
| - Building Dept and Code Enforcement: | 1  |



- Public Works: 10
- Golf Course and Club House: 14

The primary Village staff involved with the Stormwater Program are listed below. All have the issues as an additional duty to the regular roles and functions.

Position	Name	Email	Phone
Mayor	Adam Hoffman		516 482-4411
Village Administrator	Patrick Farrell	vlsadmin@villageoflakesuccess.com	516 482-4411
Secretary	Patty Santomauro	vlsgs@villageoflakesuccess.com	516 482-4411
Superintendent of Public Works	Pat McDermott	vlspdw@villageoflakesuccess.com	516 482-4411
Building Inspector and Code Enforcement Officer	Robert Bonnie	VLSBuilding@VillageofLakeSuccess.com	516 482-4411
Golf Course Superintendent	Jonathan Price	<a href="mailto:lspro18@aol.com">lspro18@aol.com</a>	516 482-1742
MS4 Engineer	Daniel Loscalzo	loscalzod@liro-hill.com	516 636-3729

- Mayor: The mayor serves as the official authorized to sign MS4 compliance documents.
- Village Administrator: The Village Administrator serves as Owner/Operator for most stormwater tasks. The Administrator's primary duty is to carry out the policies of the Mayor and Trustees, supervise the various departments, coordinate all activities of the Village government and approve all purchases. The Village Administrator-Clerk is in charge of the Village Office and issues licenses and permits, and is the custodian of all Village records.
- Village Clerk: The Village Clerk serves as the Local Stormwater Public Contact for receiving public comment or illicit discharge. The Clerk assists the Administrator in coordinating and facilitating MS4 operations.
- Superintendent of Public Works: The Superintendent of Public Works is Stormwater Management Program (SWMP) Coordinator and the Stormwater Management Officer (SMO) for Illicit Discharge Detection and Elimination (IDDE). DPW is responsible for maintenance of the Village streets, drains, sewers, parks, and other property, except the golf course. The Public Works crew plows the snow and sands the ice, and cleans the streets; cuts the grass and removes refuse on the shoulders of roadways and islands and park areas; plants and maintains trees and shrubs; fabricates and installs street and traffic signs and pavement markings; clears and maintains storm drains and sanitary sewers, cleans up leaves, removes fallen branches and storm debris; and does a variety of other maintenance and repair work on the swimming pool and the many village buildings.
- Building Inspector/Code Enforcement Officer: The Building Inspector/Code Enforcement Officer serves as the SMO for Erosion and Sediment Control (ESC) for construction sites as an additional duty. His primary function is to review plans and issue permits to build, extend, or improve property. He inspects for conformance with the Building Zone Ordinance and Building Code and

issues certificates of occupancy. All plumbing and electrical construction work must be done pursuant to a permit either issued by the building inspector or authorized by the Board of Zoning Appeals. LiRo-Hill provides site plan reviews and code enforcement in support of the Building Department on an as-needed basis.

- Golf Course Superintendent: The Golf Course Superintendent operates and maintains the Village Golf Course. Integrated Pest Management (IPM) is practiced, and chemicals are used only when needed and in accordance with manufacturer's instructions. Only organic chemicals are used in landscaped areas. The Superintendent and Assistant Superintendent are licensed by NYSDEC to apply chemicals. Chemicals are stored where spills can be contained, and spill kits are available when needed.
- MS4 Engineer: The MS4 Engineer is responsible for submitting the MS4 annual reports to NYSDEC and assisting the various personnel at the Village in MS4 compliance.

The Village's MS4 compliance activities are distributed to various departments, which are outlined in the table below. For descriptions of the activities listed below, please refer to sections 6.6 and 7.6.

ACTIVITY	MECHANISM	FREQUENCY
Street Sweeping	DPW	Weekly
Drain system, catch basin inlet cleaning (in conjunction with street sweeping)	DPW	Weekly
Drain system catch basin subsurface inspection & maintenance	DPW	Annually
Sewer System Maintenance	DPW	As required
Snow and Ice Control	DPW	As needed
Building Maintenance	DPW	Daily
Parks & ROW Maintenance	DPW	Seasonal – weekly mowing
Golf Course Maintenance	Golf Staff	Seasonal - daily
Solid Waste	3 <sup>rd</sup> Party Carter	Garbage & Yard Waste: 5 days/wk Recycling: 1 day/week
Household Hazardous Waste (S.T.O.P.)	Town of North Hempstead	Information on Town program is posted on Village web-site

Any maintenance work in the Village contracted to others must comply with the NYSDEC's third party contractor agreement. Third party contractors should sign this using the form in **Appendix D**.

## 5 MS4 Program Budget

There is no line item in the Village budget for the required compliance with the Phase II Stormwater Program. The Village pays for the program out of its operating budget, and, to a limited extent, from available funding.

## 6 Policies, Procedures and Practices for Each Minimum Control Measure (MCM's)

### 6.1 Public Education and Outreach Program

The Village uses its website, and the Village newsletters as its methods of reaching residents with stormwater quality related information. Residents have access to information provided by the various village governments. Several villages air stormwater related information to increase public awareness of the sources of stormwater pollution and how to prevent pollution.

Additionally, as a Coalition Partner, Nassau County addresses the same issue watershed-wide including residents of Lake Success. Please see the County Stormwater Management Program Annual Report (SWMPAR) on the County website.

### 6.2 Public Involvement/Participation

The Village Environmental Commission conducts an advertised public meeting each year at the Village Hall on the SWMPAR.

Other participatory activities include the advertised public meetings for

- The Board of Trustees, for policy and
- The Planning Board for hearings held for site plan review for construction projects, and
- Environmental Commission meetings covering environmental issues in the Village.

These meetings are generally held monthly, and times and dates of the meetings are posted on the Village web site.

While there have been discussions about the Stormwater Management Program and the annual reports at the Environmental Commissions meeting and questions of the board members have been answered, there have been no comments from the general public at any of the annual report hearings, or at the hearings held to adopt the local laws pertaining to illicit discharges, erosion control and stormwater management.

The Manhasset Bay Protection Committee, Hempstead Harbor Protection Committee, Coalition to Save Hempstead Harbor, Oyster Bay-Cold Spring Harbor Protection Committee, Friends of the Bay (Oyster Bay), Nassau County and the Towns of North Hempstead and Oyster Bay provide public involvement and participation activities for residents along the north shore of Long Island. See the respective websites for details of the dates, locations and number of participants. The Village complies with the public involvement and participation requirements and is not planning additional duplicative and redundant efforts.

### 6.3 Illicit Discharge Detection and Elimination

According to federal regulations, an illicit stormwater discharge is a discharge that is not composed entirely of stormwater. They are considered "illicit" because the municipal stormwater system is not designed to accept, process or dispose of non-stormwater wastes.

The Village staff person responsible for the Village Illicit Discharge Detection and Elimination Program is the Stormwater Management Officer (Public Works Director), available by using the contact information provided in **Section 4**.

One method of detecting illicit discharges is to conduct inspections of the stormwater system during dry periods, when there should be no flow due to precipitation. The Village has identified four (4) outfalls and eight (8) locations where the Village system connects to another municipal system. The Village is served by a municipal separate sanitary sewer system, so private septic systems are not an issue. The Village monitors the street sides for signs of potential illicit discharges to its system. If moisture or other indicators are found, the Village will find the source and take appropriate action.

The Village has prepared an Illicit Discharge Track Down and Elimination Program which is identified in **Appendix E**. This program provides standard tables to log and track outfall illicit discharge field investigations and a standard form to be used for site reconnaissance. Illicit discharges will be logged when found.

#### 6.4 Construction Site Stormwater Runoff Control

One of the primary pollutants of concern is sediment from construction sites that enter the storm system due to erosion from rainfall on unvegetated and unprotected surfaces. The Village adopted a local law to require erosion control and stormwater management on construction sites as indicated in **Section 3** of this document. This law applies to all activities within the Village that cause land disturbance of an acre or more. A copy of the Village's local law pertaining to Erosion Control and Stormwater Management is included in **Appendix B** of this plan.

According to the Nassau County land records on its GIS system, there are a total of 943 land parcels in the Village and of those only 67 are greater than or equal to one acre (and several of those are owned by the Village, or the Great Neck Park District). Since the Village is already completely developed, the conditions for the new local law will rarely be met.

The Village required erosion control and stormwater management for construction projects prior to the adoption of the local laws, based on the New York State Guidelines for Urban Erosion and Sediment Control (aka, the Blue Book). Procedures have been formalized, updated and checklists are used because of the passing of the local laws. As a result of the adoption of the local laws, the Village has increased its inspection frequency of construction related activities for conformance to accepted erosion control and stormwater management standards.

Although the NYSDEC requires that the owner's professional conducts inspections of erosion control measures on a weekly basis and after ½-inch rainfall events, the Village Building Inspector periodically checks for flooding, evidence of flooding, erosion gullies, and checks the condition of Stormwater Pollution Prevention Plan (SWPPP) Best Management Practices (BMPs) for active construction sites. Information from the public concerning construction activities is routed through the Village Secretary or Administrator (see Section 4). Depending on the type of concern, the Secretary or Administrator may respond to the issue or refer the issue to the Building Inspector/Code Enforcement Officer (who is also the SMO), or possibly the MS4 Engineer (engineering consultant).

The Construction Oversight Program (COP) provides in greater detail the Village's operations for before, during, and closing out SWPPPs and construction activities. The COP is found in **Appendix F** and identifies the procedure for receiving, reviewing, and inspecting SWPPPs within the Village along with a list of all SWPPPs. The Village Building Department oversees the inspections since the local law was adopted in April 2006 that involved an acre or more of solid disturbance. As a local practice, the Village requires sediment and erosion control on projects below the acre regulatory threshold when in the

opinion of the building Department such measures are warranted. In addition, the Village requires a minimum of 3 inches of runoff storage as a post construction management practice on all new construction and substantial renovations.

### 6.5 Post-Construction Stormwater Management

The Village requires that those responsible for construction activities be required to construct, install and maintain stormwater management facilities. The Village's requirement is that the systems must be designed with the minimum storage capacity for the runoff from a 3-inch rainfall event. This requirement helps ensure that properties located downstream from construction sites are not impacted by stormwater. When there are basement porches or there are potential impacts onto neighboring properties the design rainfall capacity may be increased to 5-inch or 8-inch events, to limit negative impacts that would have occurred. As a matter of practice, the Village requires this level of storage for projects below 1 acres of soil disturbance. This local storage requirement exceeds the Water Quality Volume (WQ<sub>v</sub>) published in the NYS Stormwater Management Design Manual by one and three-quarters inch (1-3/4") and Stream Channel Protection Volume (Cp<sub>v</sub>) by one-half inch (1/2"), and assures the all pollutants carried by stormwater runoff by a one-year 24-hour storm are retained on-site.

The Village is responsible for maintenance of their stormwater system, located within the Village roads and streets. Procedures for ensuring long-term operation and maintenance include the annual cleaning of each catch basin. During cleaning, catch basins are inspected for structural soundness. The Village owns three dry wells and they are at the Village Police Station. The DPW forces maintain these wells twice a year and the Police continuously monitor them. The Village does this as a matter of practice because these dry wells were not installed as a part of the post construction management practice under a SWPPP pursuant to the MS4 SPDES permit. The Village has prepared a Post-Construction SWP Inspection and Maintenance Program which provides greater detail on Village operations to ensure the long-term operation, maintenance, and cleaning for drainage infrastructure. See **Appendix G**.

### 6.6 Pollutant Prevention and Good Housekeeping

The following is a table that shows who is responsible for the maintenance of the various activities within Village operations.

Activity	Responsibility	Mechanism
Street sweeping	Village activity	Village forces
Garbage collection	Village activity	3 <sup>rd</sup> party by contract
Building maintenance	Village activity	Village forces
Storm drain inspection & maintenance	Village activity	Village forces
Parks maintenance	Village activity	Village forces
Landscaping & golf course pest control	Village activity	Village forces, pest control by DEC-licensed employee.
Vehicle maintenance (light)	Village activity	Village forces
Snow & ice control	Village activity	Village forces
Municipal construction	Bid by Village	Outside contractor

- Street Sweeping: The Village sweeps its streets weekly unless snow and ice operations prevent sweeping. The Village inspects and cleans catch basin at least once each year and catch basins that accumulate additional sand and sediment are cleaned more often. It is the practice to apply a 2:1 sand-salt mix to Village streets for the welfare of the traveling public. The County has prepared a guidance document that contains best management practices for sand and salt use. Sand and salt are stored in a building in the Village Maintenance Yard.
- Storm drain inspection and maintenance: The Village annually inspects drainage structures and responds to residents who have observed slow-draining structures.
- Building Maintenance: The Village cleans buildings and correctly disposes of used chemicals.
- Vehicle Maintenance: The maintenance vehicles are kept in good condition to lessen the potential of a pollution event. Appropriate materials management is practiced, and recycling of used products is accomplished. Lubricants and solvents are stored in appropriate cabinets. Used oil, antifreeze, solvents, batteries, and tires are recycled. Secondary containment is provided for used fluids. Spill kits are available, and all vehicle wash water is contained on site.
- Parks, Pool, and Golf Course: Village staff maintain the golf course, Village Park, and pool. Chemical applications are performed by employees with appropriate NYSDEC licenses.

The right-of-way along Village streets is maintained by the abutting property owners. The Village performs limited street side mowing in areas that do not abut private property. The Village has a series of standard forms to track municipal operations to ensure that good housekeeping is practiced within the Village. The third-party certification requires that the provider adhere to the Phase II pollution prevention requirements. State and Federal environmental laws dictate how the contractors store, transfer, and dispose of street sweepings, silt/sediment removed from drainage systems, and other solid wastes. Although the Village does not enforce these environmental laws, the Village contracts with its contractors specifically states that state and federal laws must be adhered to. The Village assesses its facilities and infrastructure programs annually and takes corrective action when appropriate. Should Village forces perform new construction, appropriate erosion and sediment control measures would be taken. It is more likely that any significant municipal construction will be performed by an outside contractor and the Village Building Inspector will require a SWPPP as a part of the project.

## 7 Management Practice Selection and Measurable Goals

The following is a table of best management practices for each of the six minimum control measures, listed with responsible party, measurable goals and a timetable

### 7.1 Public Education and Outreach

BMP	Responsible Party	Measurable Goals	Time Frame
Village Newsletter	Village	Mailed to each resident	Annually
Village Website	Village	Available continuously for everyone	On-going
Printed Literature, Brochures, Bookmarks, Handouts	Nassau County and Watershed Groups	30,000 pieces distributed	Current practice

BMP	Responsible Party	Measurable Goals	Time Frame
Nassau County Soil & Water Conservation District Newsletter	Nassau County	3,680 in circulation	Quarterly
Educational Courses, Seminars, and Outreach to Schools	Nassau County		Ongoing activity
Storm Drain Awareness Medallions	Nassau County	3,100 medallions distributed	Ongoing activity

## 7.2 Public Involvement/Participation

BMP	Responsible Party	Measurable Goals	Time Frame
Public Meetings for Stormwater Program	Village	Annually	On-going
Public Meetings for Construction Projects	Village Planning Board	10 per year	As applications are heard before various Boards
Public Meetings on Environmental issues	Village Environmental Commission	Quarterly	On-going
Cleaning Preserves, Beaches and Shorelines	Nassau County	20 miles of shoreline and 7,000 pounds of litter in 2005 and 10,000 pounds in 2006 and	
Education Courses in Schools	Nassau County	See County SWMP-Plan	
Nassau County Logo and Slogan Contest	Nassau County	See County SWMP-Plan	

## 7.3 Illicit Discharge Detection and Elimination

BMP	Responsible Party	Measurable Goals	Time Frame
Adopted Local Law	Village	completed	April 2006
Watershed Mapping	County	Watershed boundary identified	Completed prior to 2003 and updated per GP 0-24-001 requirements
Outfall Mapping	Village and Nassau County	3 outfalls & 7 interconnections mapped	Completed in 2008 and updated per GP 0-24-001 (see map in Appendix I)
Drainage System and Storm sewershed Mapping	Village	Complete task in program Yr 7	Completed in 2009 and updated per GP 0-24-001 (see map in Appendix I)
Dry Weather Flow inspections	Village	Perform annually	On-going activity since 2009 and updated per GP 0-24-001
Drainage Use Ord.	Nassau County	Completed	July 2007



#### 7.4 Construction Site Stormwater Runoff Control

BMP	Responsible Party	Measurable Goals	Time Frame
Adopted Local Law	Village	Complete	April 2006
SWPPP Review	Village	For all projects with $\geq$ 1 acre of soil disturbance	Ongoing practice
Construction Site Monitoring	Village	For all projects with SWPPS	Ongoing practice

#### 7.5 Post-Construction Stormwater Management

BMP	Responsible Party	Measurable Goals	Time Frame
Adopted Village Standard	Village	Store runoff from a 3" rain event	On-going Practice
Post Construction Site Monitoring	Village	Inspect for flooding after major storms	On-going activity
Stormwater Basin Maintenance	Nassau County		On-going activity

#### 7.6 Pollutant Prevention and Good Housekeeping

BMP	Responsible Party	Measurable Goals	Time Frame
Street Sweeping and catch basin inlets	Village	Weekly, unless blocked by snow & ice	On-going
Storm System Maintenance	Village	All structures in system inspected and cleaned annually as required	On-going since 2006
Snow and Ice Control, proper materials management	Village	- All Village streets, -sand & salt stored indoors	As required
Vehicle and Fleet Maintenance, proper materials management	Village	-100% recycling of: used oil, antifreeze, spent solvents, batteries, and tires -secondary containment for all fluids -spill kits on hand -100% containment of vehicle wash water	On-going
Golf Course Maintenance, proper materials management	Village	-have IPM plan in practice - goose management with dog - chemicals applied by DEC licensed person - proper storage of chemicals in cabinets	On-going



BMP	Responsible Party	Measurable Goals	Time Frame
Park and Open Space, ROW Maintenance, only organic chemicals used	Village	No toxic chemicals used, use corn gluten for weed control	On-going practice
Building Maintenance	Village	-recycle all paper -use “green” products	On-going
Solid Waste Management	Village	Have no loose trash by collecting residential garbage & yard waste, and recycle, plastics, glass, metals & paper	On-going by 3 <sup>rd</sup> party contract

## 8 Enforcement Measures and Tracking

When stormwater non-compliance is identified by the Village, enforcement actions will be taken promptly but no later than 7 days following identification of the non-compliance. The Village will take appropriate sanctions against the applicant based on the nature and severity of the situation. Non-compliance will be classified as a minor or major violation. The level of enforcement response will depend upon several of the following factors:

- Severity of the violation
- The violator’s knowledge of the regulations being violated.
- A history of violations and/or enforcement actions against the individual or contractor.
- The potential deterrent value of the enforcement action.

The Village will use a progressive enforcement policy, escalating the response when an applicant fails to respond in a timely manner. If the Village identifies a deficiency in the implementation of the approved SWPPP or amendments and the deficiency is not corrected immediately or by a date requested by the Village, the project is in non-compliance. The recommended sequence of enforcement actions is listed below:

1. Verbal Warning
2. Written Warning
3. Stop Work Order
4. Temporary Suspension of Work
5. Require Corrective Action
6. Revocation of Permit
7. Abatement

The Village has taken a comprehensive approach to enforcement through the Enforcement Response Plan, identified in **Appendix H**. The Enforcement Response Plan also identifies how measures taken by the Village will be tracked.

## 9 GIS, Outfall, and System Mapping

The 2024 General Permit updates the requirements for mapping to include GIS solutions. The following maps are included under Appendix I and identify the following:

- Identifies the watershed boundaries within the Village and the MS4 storm sewershed. This is based on a topographic ridgeline.
- The Village has mapped the storm drain network within its limits. It includes not only Village drains but County and NYSDOT Drains as well. The map identifies the conveyance system, culvert crossings, and stormwater structures. Surface flow heads from the edges of the storm sewersheds towards the drainage system.
- The Village interconnections and outfalls are shown and numbered. There are 3 outfalls, and 7 interconnections are mapped within the Village. The part of the Village that is in the Cutter Mill Watershed, is mapped in greater detail.

# Appendix A

## Illicit Discharge Detection & Elimination Law

## **Chapter 88, §TORM §SEWER§**

**[HISTORY: Adopted by the Board of Trustees of the Village of Lake Success as indicated in article histories. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Environmental quality review -- §see Ch. 52.**

**Stormwater management and erosion and sediment control -- §see Ch. 87.**

**Subdivision of land -- §see Ch. 93.**

**Zoning -- §see Ch. 105.**

**Flood damage prevention -- §see Ch. A113.**

### **ARTICLE I, Illicit Discharges, Activities and Connections [Adopted 4-10-2006 by L.L. No. 2-2006]**

#### **§ 88-1. Purpose and intent.**

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Lake Success through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- A. To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

#### **§ 88-2. Definitions.**

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have meanings set forth below:

**BEST MANAGEMENT PRACTICES (BMPs)** -- Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

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

**CONSTRUCTION ACTIVITY** -- Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**DEPARTMENT** -- The New York State Department of Environmental Conservation.

**DESIGN PROFESSIONAL** -- A New York State licensed professional engineer or licensed architect.

**HAZARDOUS MATERIALS** -- Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLICIT CONNECTIONS** -- Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

A. Any conveyances which allow any non-stormwater discharge, including treated or untreated sewage, process wastewater, and wash water, to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**ILLICIT DISCHARGE** -- Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 88-5.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM** -- A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, including septic systems and cesspools, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

**INDUSTRIAL ACTIVITY** -- Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

**MS4** -- Municipal separate storm sewer system.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM** -- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

A. Owned or operated by the Village of Lake Success;

B. Designed or used for collecting or conveying stormwater;

C. Which is not a combined sewer; and

D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

**MUNICIPALITY** -- The Village of Lake Success.

**NONSTORMWATER DISCHARGE** -- Any discharge to the MS4 that is not composed entirely of stormwater.

**PERSON** -- Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT** -- Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

**PREMISES** -- Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**SPECIAL CONDITIONS**

A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) LISTED WATERS -- The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

#### STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER

DISCHARGE PERMIT -- A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER -- Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) -- An employee, the municipal engineer or other public official(s) designated by the Village of Lake Success to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

303(D) LIST -- A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL -- Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD -- The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER -- Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

#### § 88-3. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

#### § 88-4. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized

enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 88-5. Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 88-6. Prohibition against failing individual sewage treatment systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

A. The backup of sewage into a structure.

B. Discharges of treated or untreated sewage onto the ground surface.

C. A connection or connections to a separate stormwater sewer system.

D. Liquid level in the septic tank above the outlet invert.

E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.

F. Contamination of off-site groundwater.

§ 88-7. Prohibition against activities contaminating stormwater.

A. Activities that are subject to the requirements of this section are those types of activities that:

- (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
- (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 88-2 (Definitions) of this article.

B. Such activities include failing individual sewage treatment systems as defined in § 88-6, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 88-8. Requirement to prevent, control and reduce stormwater pollutants by use of best management practices.

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 88-2 or activities contaminating stormwater as defined in § 88-6, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

(1) The owner or operator of a commercial or industrial establishment shall provide, at his/her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.

(2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 88-2 or an activity contaminating stormwater as defined in § 88-7, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

(3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

B. Individual sewage treatment systems; response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 88-2 of this article, the owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

(a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;

(b) Avoid the use of septic tank additives;

(c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and

(d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

(2) Repair or replace individual sewage treatment systems as follows:

(a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.

(b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

[1] Relocating or extending an absorption area to a location not previously approved for such.



[2] Installation of a new subsurface treatment system at the same location.

[3] Use of alternate system or innovative system design or technology.

(c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 88-9. Suspension of access to MS4; illicit discharges in emergency situations.

A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have his/her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

§ 88-10. Industrial or construction activity charges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 88-11. Access and monitoring of discharges.

A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

(2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.

(3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the municipality access to a facility subject to this article is a violation of the provisions of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.

(6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

#### § 88-12. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### § 88-13. Enforcement; penalties for offenses.

A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person.

(1) Such notice may require, without limitation:

- (a) The elimination of illicit connections or discharges;
- (b) That violating discharges, practices, or operations shall cease and desist;
- (c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (d) The performance of monitoring, analyses, and reporting;
- (e) Payment of a fine; and
- (f) The implementation of source control or treatment BMPs.

(2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a

fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

**§ 88-14. Appeal of notice of violation.**

Any person receiving a notice of violation may appeal the determination of the SMO to the Village Board of Trustees within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal and, within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

**§ 88-15. Corrective measures after appeal.**

A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger,

**§ 88-16. Injunctive relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**§ 88-17. Alternative remedies.**

A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the municipal attorney and concurrence of the Municipal Code Enforcement Officer, where:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this article.
- (3) Environmental damage was minimal.
- (4) The violator acted quickly to remedy the violation.
- (5) The violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

**§ 88-18. Violations deemed public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**§ 88-19. Remedies not exclusive.**

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

# Appendix B

## Erosion & Sedimentation Control Law

## **Chapter 87, STORMWATER MANAGEMENT AND SEDIMENT CONTROL**

**[HISTORY: Adopted by the Board of Trustees of the Village of Lake Success 4-10-2006 by L.L. No. 1-2006. Amendment; noted where applicable.]**

### **GENERAL REFERENCES**

**Environmental quality review -- See Ch. 52.**

**Subdivision of land -- See Ch. 93.**

**Zoning -- See Ch. 105.**

**Flood damage prevention -- See Ch. A113.**

§ 87-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 87-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 87-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 87-3. Statutory authority.

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

§ 87-4. Applicability.

- A. This local law shall be applicable to all land development activities as defined in § 87-6.
- B. The municipality shall designate a Stormwater Management Officer, who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
  - (1) Review the plans;
  - (2) Upon approval by the Village Board of Trustees of the Village of Lake Success, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
  - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.
- C. All land development activities subject to review and approval by the Planning Board of the Village of Lake Success under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter.
- D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter.

§ 87-5. Exemptions.

The following activities may be exempt from review under this chapter:

- A. Routine maintenance activities that disturb fewer than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- B. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- C. Any part of a subdivision if a plat for the subdivision has been approved by the Village of Lake Success on or before the effective date of this chapter.
- D. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
- E. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- F. Emergency activity immediately necessary to protect life, property or natural resources.
- G. 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.
- H. Landscaping and horticultural activities in connection with an existing structure.

§ 87-6. Definitions.

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

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

**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.

**CLEARING** -- Any activity that removes the vegetative surface cover.

**DEDICATION** -- The deliberate appropriation of property by its owner for general public use.

**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 serves as the official guide for stormwater management principles, methods and practices.

**DEVELOPER** -- A person who undertakes land development activities.

**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."

**GRADING** -- Excavation or fill of material, including the resulting conditions thereof.

**IMPERVIOUS COVER** -- Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

**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** -- The process of percolating stormwater into the subsoil.

**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** -- 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.

**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.

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

**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.

**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 OF CONCERN** -- Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that



has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**PROJECT** -- Land development activity.

**RECHARGE** -- The replenishment of underground water reserves.

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

**SENSITIVE AREAS** -- Coldwater fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, 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.

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

**STORMWATER** -- Rainwater, surface runoff, snowmelt and drainage.

**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 nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**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** -- An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

**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 nonpoint 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.

**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 man-made 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.

**WATERCOURSE** -- A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

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

**§ 87-7. Stormwater pollution prevention plans.**

**A.** Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

**B.** Contents of stormwater pollution prevention plans.

**(1)** All SWPPPs shall provide the following background information and erosion and sediment controls:

**(a)** Background information about the scope of the project, including location, type and size of project.

**(b)** Site map/construction drawing(s) 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 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) Land development activities as defined in § 87-6 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 Subsection B(3) below as applicable:
  - (a) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
  - (b) Condition B: Stormwater runoff from land development activities disturbing five or more acres.
  - (c) Condition C: Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (3) SWPPP requirements for Conditions A, B and C:
  - (a) All information in Subsection B(1);
  - (b) Description of each post-construction stormwater management practice;
  - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
  - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
  - (e) Comparison of post-development stormwater runoff conditions with pre-development conditions;
  - (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
  - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
  - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
  - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 87-9.
- C. Plan certification. The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.
- 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.

§ 87-8. Performance and design criteria.

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

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

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

(2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. 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.

§ 87-9. Maintenance and repair of stormwater facilities.

A. Maintenance during construction.

(1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) The applicant or developer or his/her 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. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

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 Lake Success to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Lake Success.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall be operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 87-8B.

D. Maintenance agreements. The Village of Lake Success shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter, entitled "Sample Stormwater Control Facility Maintenance Agreement."EN The Village of Lake Success, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 87-10. Construction inspection.

A. Erosion and sediment control inspection.

(1) The Village of Lake Success Stormwater Management Officer may require such inspections as are necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Lake Success enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- (a) Start of construction.
- (b) Installation of sediment and erosion control measures.
- (c) Completion of site clearing.
- (d) Completion of rough grading.
- (e) Completion of final grading.
- (f) Close of the construction season.
- (g) Completion of final landscaping.
- (h) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Village of Lake Success Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water,

groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

D. Submission of reports. The Village of Lake Success Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

E. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Lake Success the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

#### § 87-11. Performance guarantee.

A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Lake Success in its approval of the stormwater pollution prevention plan, the Village of Lake Success may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Lake Success as the beneficiary. The security shall be in an amount to be determined by the Village of Lake Success based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Lake Success, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village of Lake Success. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Lake Success with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Lake Success may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Record keeping. The Village of Lake Success may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

#### § 87-12. Enforcement; penalties for offenses.

A. Notice of violation. When the Village of Lake Success determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) The name and address of the landowner, developer or applicant;
- (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;

(5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

(6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of the notice of violation.

B. Stop-work orders. The Village of Lake Success may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Lake Success confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter, may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter the Stormwater Management Officer may prevent the occupancy of said building or land.

F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Lake Success may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

#### § 87-13. Fees for services.

The Village of Lake Success may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Lake Success or performed by a third party for the Village of Lake Success.

# Appendix C

## Intermunicipal Agreements



## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Phase II SPDES General Permit for

Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-02-02

## MUNICIPAL COMPLIANCE CERTIFICATION (MCC) FORM

Regulated MS4: County of Nassau SPDES Permit Number: NYR20A022

See information packet for information to help complete this form.

MCC Form for year ending: March 9, <u>2006</u> (Year 3) <u>2007</u> (Year 4) <u>X</u> <u>2008</u> (Year 5)			
<b>Section A. MS4 Owner/Operator and Contact Person Information</b> (contact persons explained in instructions)			
Owner/Operator Is information below new or changed? <u>Yes</u> <u>X</u> No			
Name: Kenneth G. Arnold		Title: Sanitary Engineer IV	
		Department: Public Works	
Mailing Address:	Street or P.O. Box: 1194 Prospect Avenue		City: Westbury
	County: Nassau	State: New York	Zip Code: 11590
Phone: ( 516 ) 571-6850		E-mail Address: Karnold@nassaucountyny.gov	
<b>Local Stormwater Public Contact</b> (Required by Minimum Measure 2)			
Is information below: 1) new or changed? <u>Yes</u> <u>X</u> No			
2) same as: <u>X</u> Owner/Operator			
Name:		Title:	
		Department:	
Mailing Address:	Street or P.O. Box:		City:
	County:	State:	Zip Code:
Phone: ( )		E-mail Address:	
<b>Stormwater Management Program (SWMP) Coordinator</b> (Responsible for implementation/coordination of SWMP)			
Is information below: 1) new or changed? <u>Yes</u> <u>X</u> No			
2) same as: <u>Owner/Operator</u> <u>Local Stormwater Public Contact</u>			
Name:		Title:	
		Department:	
Mailing Address:	Street or P.O. Box:		City:
	County:	State:	Zip Code:
Phone: ( )		E-mail Address:	
<b>Annual Report Preparer</b>			
Is information below: 1) new or changed? <u>Yes</u> <u>X</u> No			
2) same as: <u>X</u> Owner/Operator <u>Local Stormwater Public Contact</u> <u>SWMP Coordinator</u>			
Name:		Title:	
		Department:	
Mailing Address:	Street or P.O. Box:		City:
	County:	State:	Zip Code:
Phone: ( )		E-mail Address:	

**IMPORTANT NOTE:** Rows can be added to the tables in the following sections by going to the rightmost cell in the bottom row of the table and hitting tab. Hitting return in a given row will make the row wider, creating more room to type or write.

### Section B. Local Water Quality Information

Information to help complete this section can be found in the instructions.

1. Does the MS4 discharge to 303(d) listed waters or is it in a TMDL watershed?

☒ Yes (complete the table below) ☐ No ☐ Not Yet Determined

(Put an X in the 'Classification' cell to indicate if the MS4 discharges to a waterbody on the 303(d) list and / or if it is in a TMDL watershed.)

Impaired Waters Name (from 303 (d) list and/or TMDL)	Pollutant(s) of Concern (from 303 (d) list and/or TMDL)	Classification	
		303 (d)	TMDL
East Bay	Pathogens	X	
South Oyster Bay	Pathogens	X	
Middle Bay	Pathogens	X	
East Rockaway Inlet	Pathogens	X	
Reynolds Channel, East	Pathogens	X	
Hempstead Bay	Pathogens	X	
Woodmere Channel	Pathogens	X	
Long Island Sound, Nassau County Waters	Pathogens, PCB's	X	
Manhasset Bay	Pathogens, PCB's	X	
Hempstead Harbor	Pathogens, PCB's	X	X
Dosoris Pond	Pathogens	X	
Cold Spring Harbor	Pathogens	X	
Oyster Bay Harbor	PCB's	X	X
Massapequa Reservoir	Chlordane	X	
Freeport Reservoir	Chlordane	X	
Smith/Roosevelt Pond	Chlordane	X	
Lofts Pond	Chlordane	X	
Smith Pond	Chlordane	X	
Halls Pond	Chlordane	X	
Grant Park Pond	Phosphorus	X	
Whitney Lake	Chlordane	X	
Glen Cove Creek	PCB's	X	
Hempstead Lake	Phosphorous	X	
East Meadow Brook	Silt/Sediment	X	
Mill Neck Creek	PCB's	X	
Ridders Pond	Chlordane	X	
Little Neck Bay	Pathogens, PCB's	X	

2. Have you received notification from the Department that you are subject to the special conditions in Part III.B. of the permit?

☒ Yes  
☐ No

3. Have all necessary changes been made to the Stormwater Management Program (SWMP) to ensure compliance with Part III.B. of the MS4 permit for discharges to 303(d) or TMDL waters?

☒ Yes  
☐ No (explain below)

Explanation:

### Section C. Partnership Information

<b>Section C. Partnership Information</b> Information to help complete this section can be found in the instructions.
1. Does your MS4 work with partners? <u>  X  </u> Yes (complete table below) <u>      </u> No (Proceed to Section D)
<b>List MS4 Partners with Legally Binding Agreements or Contracts in Place</b>
See attached list.
<b>List MS4 Partners with Planned Legally Binding Agreements or Contracts</b>
N/A
<b>List MS4 Partners with Other Agreements in Place</b>
South Shore Estuary Reserve Council Long Island Sound Study Citizens Advisory Committee Manhasset Bay Protection Committee Hempstead Harbor Protection Committee Meadowbrook Task Force

#### Section C Attachment:

##### List of MS4 Partners with Agreements:

City of Glen Cove NYR20A100  
City of Long Beach NYR20A189  
County of Nassau NYR20A022  
Town of Hempstead NYR20A390  
Town of North Hempstead NYR20A318  
Town of Oyster Bay NYR20A371  
Village of Atlantic Beach NYR20A097  
Village of Baxter Estates NYR20A174  
Village of Bayville NYR20A304  
Village of Bellerose NYR20A388  
Village of Brookville NYR20A439  
Village of Cedarhurst NYR20A010  
Village of Cove Neck NYR20A440  
Village of East Rockaway NYR20A410  
Village of East Hills NYR20A001  
Village of Farmingdale NYR20A  
Village of Floral Park NYR20A347  
Village of Flower Hill NYR20A171  
Village of Garden City NYR20A070  
Village of Great Neck NYR20A453  
Village of Great Neck Estates NYR20A321  
Village of Great Neck Plaza NYR20A366  
Village of Hewlett Bay Park NYR20A085  
Village of Hewlett Harbor NYR20A062  
Village of Island Park NYR20A384  
Village of Kensington NYR20A452

Municipality: County of Nassau

Permit Number: NYR20A022

Village of Kings Point NYR20A451

Village of Lake Success NYR20A034

Village of Lattingtown NYR20A

Village of Laurel Hollow NYR20A441

Village of Lawrence NYR20A336

Village of Lynbrook NYR20A169

Village of Malverne NYR20A450

Village of Manorhaven NYR20A338

Village of Massapequa Park NYR20A063

Village of Matinecock NYR20A437

Village of Mill Neck NYR20A449

Village of Mineola NYR20A111

Village of Muttontown NYR20A448

Village of New Hyde Park NYRA20014

Village of Old Brookville NYR20A447

Village of Old Westbury NYR20A434

Village of Plandome NYR20A066

Village of Plandome Heights NYR20A162

Village of Plandome Manor NYR20A360

Village of Port Washington North NYR20A438

Village of Roslyn NYR20A071

Village of Roslyn Estates NYR20A446

Village of Roslyn Harbor NYR20A059

Village of Russell Gardens NYR20A016

Village of Saddle Rock NYR20A445

Village of Sands Point NYR20A444

Village of Sea Cliff NYR20A075

Village of South Floral Park

Village of Stewart Manor NYR20A011

Village of Thomaston NYR20A443

Village of Upper Brookville NYR 20A442

Village of Valley Stream NYR20A002

Village of Westbury NYR20A408

Village of Williston Park NYR20A068

Village of Woodsburgh NYR20A107

**Section D. Geographic Areas Addressed by Stormwater Management Program (SWMP)**

Information to help complete this section can be found in the instructions.

1. Does your SWMP cover all jurisdictional (automatic and additionally designated) areas within the MS4, as required by 40 CFR 122.32(a)?   X   Yes        No (Explain below)

Explain:

**Section E. Funding and Resource Allocation**

Information to help complete this section can be found in the instructions.

1. Are adequate resources (funding mechanism, equipment, staff, etc.) planned or in place to fully implement your SWMP no later than January 8, 2008?   X   Yes        No (explain below)

Explain:

2. If the MS4 is receiving funding through the municipal budget, a grant, or other source, briefly explain below: what are the sources, estimated amounts, and frequency of funding for the MS4?

Explain:

**Municipal Budget:**

Nassau County Operating Budget

Source: Nassau County General Operating Funds

Estimated Amount: \$1,000,000

Funding Frequency: Annual Basis

Nassau County Storm Water Management Program Budget

Source: Capital Project Funds

Estimated Amount: \$700,000

Funding Frequency: part of the Annual Capital Project Appropriation

Grants: Implementation of the Nassau County Storm Water Management Program

Source: NYS Department of Environmental Conservation

Estimated Amount: \$500,000.00

Funding Frequency: Apply for grants on annual basis or as announced.

3. If the MS4 is not receiving funding, briefly explain below: plans the MS4 has for obtaining future funding?

Explain: N/A

### Section F. Compliance Certification

**Compliance Assessment** - For each of the minimum control measures, indicate below if your program has made steady progress toward full implementation *and* has achieved all measurable goals scheduled to be completed **during this reporting year**. Refer to the NOI and prior Annual Reports for information about measurable goals scheduled for this reporting year.

Permit Part	Minimum Control Measure	ANSWER BOTH COLUMNS FOR THIS REPORT YEAR <u>ONLY</u>			
		Steady Progress		Goals Achieved	
IV.C.1.	Public Education and Outreach on Stormwater Impacts	<u>X</u> Yes	No	N/A	<u>X</u> Yes No N/A
	Explain 'no' / 'N/A' answer:				
IV.C.2.	Public Involvement / Participation	<u>X</u> Yes	No	N/A	<u>X</u> Yes No N/A
	Explain 'no' / 'N/A' answer:				
IV.C.3.	Illicit Discharge Detection and Elimination	<u>X</u> Yes	No	N/A	<u>X</u> Yes No N/A
	Explain 'no' / 'N/A' answer:				
IV.C.4.	Construction Site Stormwater Runoff Control	<u>X</u> Yes	No	N/A	<u>X</u> Yes No N/A
	Explain 'no' / 'N/A' answer:				
IV.C.5.	Post-Construction Stormwater Management	<u>X</u> Yes	No	N/A	<u>X</u> Yes No N/A
	Explain 'no' / 'N/A' answer:				
IV.C.6.	Pollution Prevention / Good Housekeeping for Municipal Operations	<u>X</u> Yes	No	N/A	<u>X</u> Yes No N/A
	Explain 'no' / 'N/A' answer:				

### Certification Statement

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

Print Name: Raymond A. Ribeiro, P.E. Title: Commissioner of Public Works

Signature: \_\_\_\_\_ Date: 5/30/08

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in Part VII.2. of the permit. See instructions for more information about who can sign this form.

Send two completed **hard copies** (an original and a photocopy) of this form, the Annual Report Table and any attachments to the DEC Central Office (MS4 Permit Coordinator, 625 Broadway, Division of Water - 4<sup>th</sup> Floor, Albany, NY 12233-3505). **DO NOT SUBMIT REPORTS IN THREE-RING BINDERS.**

**Section C. Partnership Information**

FROM NASSAU COUNTY YR 5 SWMPAR

**Section C. Partnership Information**

Information to help complete this section can be found in the instructions.

1. Does your MS4 work with partners? ☒ Yes (complete table below) ☐ No (Proceed to Section D)

**List MS4 Partners with Legally Binding Agreements or Contracts in Place**

See attached list.

**List MS4 Partners with Planned Legally Binding Agreements or Contracts**

N/A

**List MS4 Partners with Other Agreements in Place**

South Shore Estuary Reserve Council  
Long Island Sound Study Citizens Advisory Committee  
Manhasset Bay Protection Committee  
Hempstead Harbor Protection Committee  
Meadowbrook Task Force

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**List of MS4 Partners with Agreements:**

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Village of Brookville NYR20A439  
Village of Cedarhurst NYR20A010  
Village of Cove Neck NYR20A440  
Village of East Rockaway NYR20A410  
Village of East Hills NYR20A001  
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Village of Great Neck Estates NYR20A321  
Village of Great Neck Plaza NYR20A366  
Village of Hewlett Bay Park NYR20A085  
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Municipality: County of Nassau

Permit Number: NYR20A022

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Village of Kings Point NYR20A451  
Village of Lake Success NYR20A034  
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Village of Lawrence NYR20A336  
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Village of Old Brookville NYR20A447  
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Village of Plandome Manor NYR20A360  
Village of Port Washington North NYR20A438  
Village of Roslyn NYR20A071  
Village of Roslyn Estates NYR20A446  
Village of Roslyn Harbor NYR20A059  
Village of Russell Gardens NYR20A016  
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Village of Sea Cliff NYR20A075  
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Village of Thomaston NYR20A443  
Village of Upper Brookville NYR 20A442  
Village of Valley Stream NYR20A002  
Village of Westbury NYR20A408  
Village of Williston Park NYR20A068  
Village of Woodsburgh NYR20A107



## **CERTIFICATION**

I, Carol L. Pogrell, Village Administrator and Clerk of the Inc. Village of Lake Success do hereby certify that the following resolution was adopted by the Board of Trustees on January 10, 2005.

On motion of Trustee Handsman, seconded by Mayor Robert Bernstein,

WHEREAS Nassau County has submitted a storm water management program grant application to the NYS Dept. of Environmental Conservation on behalf of Nassau County and the Municipalities within the County AND

WHEREAS Nassau County has informed the Inc. Village of Lake Success that this grant has been approved for the total amount requested, \$500,000 AND

WHEREAS the grant requires a match of \$500,000 that can include in-kind services and/or cash expenditures AND

WHEREAS Nassau County included in the grant that each municipality would furnish in-kind services match that corresponds to 75 hours per year for two years and the County would provide 400 hours per year for two years and a monetary match of \$100,000 AND

WHEREAS in-kind services can be any activity that our municipality does or pays for to comply with the Phase II Permit Requirements AND

WHEREAS a major requirement of the contract requires each participating municipality to furnish a signed commitment letter outlining that it will deliver its share of the in-kind services to the Lead Agency, the County

NOW, THEREFORE be it resolved, the Board of Trustees of the Inc. Village of Lake Success will agree to provide in-kind services as outlined about.

Call of the Roll:

Mayor Robert S. Bernstein:	Aye
Deputy Mayor Steve Lam:	Aye
Trustee Ron Cooper:	Aye
Trustee Fred Handsman:	Aye
Trustee Adam Hoffman:	Aye
Trustee Robert Kraus:	Absent

# Appendix D

## Third Party Certification Statement

Contract Number: \_\_\_\_\_ Date: \_\_\_\_\_  
Contractor Name: \_\_\_\_\_

Services to be provided which pertain to MS4 Compliance:

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---

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Potential areas of Non-compliance to prevent:

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Contracted Entity Certification Statement:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the (permittee's name) stormwater management program and agree to implement any corrective actions identified by the (permittee's name) or a representative.

I also understand that the (permittee's name) must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems ("MS4s") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any noncompliance by (permittee's name) will not diminish, eliminate, or lessen my own liability."

Responsible Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature of Responsible Person: \_\_\_\_\_ Date: \_\_\_\_\_

Notarized by: \_\_\_\_\_

# Appendix E

## Illicit Discharge Track Down & Elimination Program

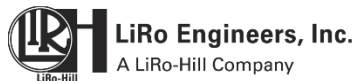
(Under Development, to be  
completed by 1/3/2026)

# Appendix F

## Construction Oversight Program

**Village of Lake Success  
Municipal Separate Storm Sewer System  
Appendix F  
Construction Oversight Program**

**Prepared By:**



**LiRo Engineers, Inc.  
235 E Jericho Turnpike  
Mineola, NY, 11501**

**Prepared For:**

*Incorporated Village of Lake Success*

**Village of Lake Success  
318 Lakeville Road  
Lake Success, NY, 11020**

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# 1 Introduction

Municipal Separate Storm Sewer Systems (MS4s) are publicly owned drainage systems which include streets, ditches, catch basins, curbs, gutters, and storm drains that are designed for collecting stormwater from built up areas and discharge it into local streams and rivers. MS4s are applicable in urbanized areas where stormwater runoff management is critical to protect water quality. The overall goal of the MS4 program is to reduce the discharge of pollutants from the drainage systems into surface waters, which will enhance water quality in natural ecosystems. The Village of Lake Success's stormwater discharges are regulated by the New York State Department of Environmental Conservation.

## 1.1 Purpose

The MS4 program is divided into several Minimum Control Measures (MCMs) which create quantitative and qualitative benchmarks for the Village to obtain. The Construction Oversight Program ensures compliance with MCM 4 for Construction Site Stormwater Runoff Control. The program identifies planning, oversight, and enforcement of construction activities to ensure they do not compromise water quality. The COP oversees the construction process from the pre-construction meeting to the final site walkthrough and identifies the various roles of key personnel. The overall goal of this MCM is to protect and maintain water quality throughout the various phases of construction and maintain comprehensive record of any activity.

The COP should be followed by the Post-Construction SMP Inspection and Maintenance Plan (Post-Construction Plan) in **Appendix G** of the Stormwater Management Program (SWMP). The Post-Construction Plan ensures compliance with MCM 5 for Post-Construction Stormwater Management.

## 1.2 Applicability

Private land developers are required to obtain a Stormwater Pollution Prevention Plan (SWPPP) permit for construction activities that disturb one acre or more of land, or those less than one acre that are part of a larger common plan of development that ultimately disturbs one or more acres. The COP ensures that the SWPPP is implemented. While smaller developments will not obtain a SWPPP the village can use the COP as a template for the inspection procedure to ensure private developments are conducting proper erosion control.

## 1.3 Prior to Construction Approval

The Village conducts site plan reviews of all developments within the Village, regardless of whether they require a SWPPP. The Village Engineer will review the plans as part of this process for grading, drainage, and erosion control measures. When a SWPPP is required the owner's design professional will prepare it in accordance with the Village's SWMP and best management practices. The approval of the erosion control or SWPPP will coincide with the approval of the construction drawings. The construction site inventory will be completed in accordance with Section 3 of the COP at this time, including the prioritization.



## 2 Responsibilities of Personnel

The following summarizes the responsibilities of the various individuals/entities/roles in their implementation of the SWPPP or enforcement of the COP:

- **Owner** – The owner of any private development and/or site disturbance is ultimately responsible for ensuring the SWPPP is implemented in its entirety. It is the owner's responsibility to identify whether a SWPPP permit, or any other permits, are required prior to entering construction with the assistance of their design professionals or project manager.
- **Design Professional** – An Engineer or Architect is often responsible for producing a site design and ensures that the plans comply with the Village requirements and permits. They are often responsible for the SWPPP's preparation along with the construction drawings approved by the Village. There may be more than one design professional involved in the process, so it is important to identify which company/professional is responsible for the preparation of the SWPPP or erosion control.
- **Project Manager** – The Project Manager represents the owner on site and is often a general contractor or owner's representative. They will oversee the work that is occurring and maintain overall responsibility for contract administration. As such, the Project Manager is responsible for executing the SWPPP, as prepared by the designer and approved by the Village, prior to commencing work. Like a design team, the Project Manager is likely to oversee several trades or construction companies to complete the entire project. They must ensure that every construction company who is responsible for conducting the SWPPP's requirements is aware of their responsibilities.
- **Building Inspector** – The Building Inspector is the Village's representative who will monitor all aspects of the SWPPP, reviewing materials for acceptance, ensuring erosion control measures are properly installed, and enforcing general maintenance. They will conduct construction site inspections as detailed in the COP and deemed necessary.
- **Public** – The public may report failures in the SWPPP or erosion control procedures through the channels detailed in the SWMP. This includes contacting Village Hall by phone or email as well as the Nassau County hotline.

### 2.1 Qualified Inspectors

Anyone tasked with implementing the COP inspections must be trained in accordance with the MS4 general permit requirements. These include the following:

- A four (4) hour Department of Environmental Conservation endorsed course in proper erosion and sediment control principles. This course must be completed every three years.
- Qualified professionals or qualified inspectors who are knowledgeable in stormwater management best practices and the Village's Stormwater Management Plan. This may include licensed Engineers, Architects, or Landscape Architects along with others.

Construction site inspectors must receive the training identified to be considered qualified to ensure implementation of the COP.

### 3 Construction Site Characteristics, Prioritization Methodology, and Inventory

The Construction Oversight Plan establishes a tracking system for active construction sites which includes physical characteristics and tracking information which help to actively manage the sites.

**Appendix F-a** is to be actively filled out by the Village Administrator and covers the required inventory items.

Inventoried physical characteristics for the site include the following:

- i. Location
- ii. Receiving Waterbody
- iii. Receiving Waterbody WI/PWL Segment ID

The receiving waterbody and segment ID can be gathered from the NYSDEC GIS Database (<https://gisservices.dec.ny.gov/gis/stormwater/>). This information is critical into identifying the site's prioritization which is identified in Appendix F-a. The prioritization will be classified as "high" or "low" based on whether the site fulfills one of the requirements below which would designate it as being a high priority location:

- i. Locations which outfall to a waterbody that are listed in Appendix C of the MS4 General Permit, are classified as AA-S, AA, or A, and are classified with a trout or trout spawning designation are given a high priority.
- ii. Sites which are greater than 5 acres will be given a high priority.
- iii. Sites within 100 feet of a lake/pond or within 50 feet of a river/stream.

These above policies prioritize sites which have a larger impact on water quality for ecological communities. Per the MS4 general permit, this prioritization must be completed within 30 days of the project's initiation but should be completed at the time of site approval being granted.

Regulatory information and oversight information will be taken as part of the project record, which will include the following:

- i. Owner/Operator
- ii. SPDES Identification Number
- iii. SWPPP Approval Date
- iv. Inspection history including dates and ratings (satisfactory, marginal, or unsatisfactory)
- v. Current status of construction site/project (active, temporarily shut down, complete)

The inventory must be annually updated to ensure project records are up-to-date and accurate.

## 4 Construction Inspection Procedure

The following section describes the various inspections and steps that are to be taken throughout a construction project's duration as part of the COP.

### 4.1 Pre-construction Oversight Requirements

As part of the site plan review process applicants must provide the necessary plans for Village's, or the Village Engineer's approval. The plans are reviewed for grading and drainage of the site after construction is completed. A demolition plan is also provided along with the SWPPP plan where relevant. This review ensures that the construction plans conform to the Village's MS4 requirements and that the owner, design professional, and project manager are identified. The applicant is further notified of their responsibility to implement the SWPPP as identified, otherwise their permit can be revoked. They are also advised that the COP will be used to maintain these requirements and the rights of the Village to inspect the property.

### 4.2 Inspection Requirements

Site inspections shall be conducted at the following frequencies:

- **Daily:** The Project Manager will check the site daily to ensure that the site is clear of unnecessary trash or debris which could impact erosion control performance. This is in accordance with SWPPP best management practices.
- **Weekly and after Heavy Rainstorms:** The SWPPP inspector, typically the Project Manager, will conduct an inspection of all erosion control devices on the site to ensure that they are free of sediment buildup. This inspection will be at least once a week or after 0.5" of rainfall during a 24-hour period in accordance with the SWPPP best management practices.
- **Annually:** The site will be inspected at least once per year by Village officials as part of the COP. This should ensure that all erosion control is properly installed, the SWPPP records are in place, and that personnel on site are qualified. This should be conducted in accordance with **Appendix F-b**.

### 4.3 Close-out Requirements

A final site inspection must be conducted and documented within the SWMP. This is documented on the Construction Site Inspection Report Form provided under the MS4 General Permit. This form is provided in **Appendix F-b**.

A Notice of Termination (NOT) will be signed by the Village when it is considered complete, which will only be signed after the owner provides the Notice of Intent, SWPPP plan, and inspection reports. After that point the Post-Construction SMP Inspection and Maintenance Plan will be considered applicable for oversight and enforcement.

#### 4.4 Construction Enforcement

During construction non-compliance of the SWPPP could be identified by an inspector or the public. When the public identifies a construction site complaint, the Village should identify the date of the complaint, the location on the construction site, the nature of the complaint, follow-up actions taken or needed, the outcome of any follow-up inspections, and any follow-up enforcement taken/needed. Inspectors will also note non-compliance during their inspection procedure. When stormwater non-compliance is identified by the Village, enforcement actions will be taken promptly but no later than 7 days following identification of the non-compliance. The Village will take appropriate sanctions against the applicant based on the nature and severity of the situation. This is further identified in the Enforcement Response Plan in **Appendix H** of the SWMP, but may include verbal warnings, written warnings, or stop work orders which can be used to communicate the need for these requirements.

After construction has been completed owners must maintain crucial documentation, including the Notice of Intent (NOI), SWPPP, and inspection reports, for at least five years following the submission of a Notice of Termination (NOT) (Part VI.A of the SPDES General Permit GP 0-20-001).

## 5 Reporting Requirements

The Village shall regularly maintain the following regarding the COP's implementation:

1. Inspectors who are qualified to perform COP inspections
2. Site Plan and SWPPP approvals
3. Construction Site Inventory
4. Construction Duration Inspections
5. Final Construction Site Inspection Report.

These records shall be updated on a yearly basis at a minimum.

Appendix f-a - Construction Site Characteristics

Location			
Receiving Waterbody(s)			
Receiving Waterbody WI/PWL Segment ID(s)			
Post-Construction SMP			
Owner/Operator			
SPDES Identification Number			
SWPPP Approval Date			
Inspection history including dates and ratings (satisfactory, marginal, or unsatisfactory)			
Current status of construction site/project (active, temporarily shut down, complete)			

---

---

## Appendix F-b: Construction Duration Inspection

Summary of Site Inspection Activities during the construction period.

Name of Facility:	Construction Start Date:	SPDES Permit No: (if applicable)
Location:		
Owner:	Owner Contact Information:	

Date of Inspection	Regular/Rainfall Based Inspection	Name of Inspector	Telephone #

*[Include additional rows or delete as necessary.]*

---

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**Instructions:**

- Inspection Forms will be filled out during the entire construction phase of the project.
- Complete inspections must include:
  - ✓ An inspection form
  - ✓ A site plan showing the areas under active construction
  - ✓ Color Photos with date and time stamps showing any deficiencies or corrections to previous deficiencies
  - ✓ The signature of the QI
  - ✓ If the QI is working under the direction of a PE or RLA, the signature of the PE or RLA.
- **Required Elements:**
  - ✓ On a site map, indicate the extent of all disturbed site areas and drainage pathways.
    - Indicate site areas that are expected to undergo initial disturbance or significant site work within the next 14-day period.
    - Indicate, on a site map, all areas of the site that have undergone temporary or permanent stabilization.
    - Indicate all disturbed site areas that have not undergone active site work during the previous 14-day period.
  - ✓ Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of sediment storage volume (for example, 10 percent, 20 percent, and 50 percent).
  - ✓ Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems (earthen berms or silt fencing) and containment systems (sediment basins and sediment traps).
  - ✓ Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching.
  - ✓ Document any excessive deposition of sediment or ponding water along barrier or diversion systems. Record the depth of sediment within containment structures, any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated risers pipes to pass water.
  - ✓ Immediately report to the Developer any deficiencies that are identified with the implementation of the SWPPP.
  - ✓ Take color photos with time and date stamps of any identified deficiencies or corrections to previous deficiencies
  - ✓ Maintain onsite a record of all inspection documents and reports in the site log book.

---

---

## Duration Inspection Form

### Maintaining Water Quality

Yes No N/A

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there an increase in turbidity causing or reasonably likely to cause a substantial visible contrast to natural conditions? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there residue from oil and floating substances, visible oil film, or globules or grease?                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All disturbance is within the limits of the approved plans.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have receiving lake/bay, stream, and/or wetland been impacted by silt from the project?                                       |

### Housekeeping

#### 1. General Site Conditions

Yes No N/A

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is construction site litter and debris appropriately managed?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are facilities and equipment necessary for implementation or erosion and sediment control in working order and/or properly maintained? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is construction impacting the adjacent property?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is dust adequately controlled?   |

### Runoff Control Practices

#### 1. Excavation Dewatering

Yes No N/A

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Upstream and downstream berms (sandbags, inflatable dams, etc.) are installed per plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Clean water from upstream pool is being pumped to the downstream pool.                  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sediment laden water from work area is being discharged to a silt trapping device.      |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Constructed upstream berm with one-foot minimum freeboard.                              |

### Soil Stabilization

#### Topsoil and Spoil Stockpiles

Yes No N/A

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stockpiles are stabilized with vegetation and/or mulch. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sediment control is installed at the toe of the slope.  |

### Revegetation

Yes No N/A

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Temporary seeding and mulch have been applied to idle areas.          |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6 inches minimum of topsoil has been applied under permanent seeding. |



---

## Sediment Control Practices

### 1. Stabilized Construction Entrance

Yes No N/A

- ☐ ☐ ☐ Stone is clean enough to effectively remove mud from vehicles.
- ☐ ☐ ☐ Installed per standards and specifications?
- ☐ ☐ ☐ Does all traffic use the stabilized entrance to enter and leave site?
- ☐ ☐ ☐ Is adequate drainage provided to prevent ponding at entrance?

### 2. Silt Fence

Yes No N/A

- ☐ ☐ ☐ Installed on Contour, 10 feet from toe of slope (not across conveyance channels).
- ☐ ☐ ☐ Joints constructed by wrapping the two ends together for continuous support.
- ☐ ☐ ☐ Fabric buried 6 inches minimum.
- ☐ ☐ ☐ Post are stable, fabric is tight and without rips or frayed areas. Sediment accumulation is \_\_\_% of design capacity.

### Storm Drain Inlet Protection

(Use for Stone & Block, Filter Fabric, Curb, or Excavated practices)

Yes No N/A

- ☐ ☐ ☐ Installed concrete blocks lengthwise so open ends face outward, not upward.
  - ☐ ☐ ☐ Placed wire screen between No. 3 crushed stone and concrete blocks.
  - ☐ ☐ ☐ Drainage area is 1 acre or less.
  - ☐ ☐ ☐ Excavated area is 900 cubic feet.
  - ☐ ☐ ☐ Excavated side slopes should be 2:1.
  - ☐ ☐ ☐ 2" x 5" frame is constructed and structurally sound.
  - ☐ ☐ ☐ Posts 3-foot maximum spacing between posts.
  - ☐ ☐ ☐ Fabric is embedded 1 to 1.5 feet below ground and secured to frame/posts with staples at max 8-inch spacing.
  - ☐ ☐ ☐ Posts are stable, fabric is tight and without rips or frayed areas.
- Sediments accumulation \_\_\_% of design capacity.

---

---

## CONSTRUCTION DURATION INSPECTIONS

Modifications to the SWPPP (To be completed as described below)

The Developer shall amend the SWPPP whenever:

- There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the SWPPP; or
- The SWPPP proves to be ineffective in;
  - Eliminating or significantly minimizing pollutants from sources identified in the SWPPP and as required by this permit; or
  - Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity; and
  - Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP.

Modification & Reason:

### Qualified Inspector's Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that certifying false, incorrect or inaccurate information is a violation of the laws of the State of New York and could subject me to criminal or civil penalties and/or administrative proceedings.

---

Inspector (Print name)

---

Date of Inspection

---

Qualified Professional (print name)


---

Qualified Professional Signature



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER



 <b>Department of Environmental Conservation</b>			
<b>New York State Department of Environmental Conservation</b>			
<b>Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001</b>			
Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any): <b>NYR</b>	Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entry Time:	Exit Time:
Name of SPDES Permittee:	Inspection Type:	<input type="checkbox"/> NOT <input type="checkbox"/> Complaint	
Phone Number(s):		<input type="checkbox"/> Compliance <input type="checkbox"/> Referral	
On-site Representative(s) and Company(s):		MS4 Operator Name:	
		MS4 Permit ID: NYR20A	

**SPDES Authority**

Yes No N/A

1. ☐ ☐ ☐ Does the project have permit coverage?
2. ☐ ☐ ☐ Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing?
3. ☐ ☐ ☐ Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?
4. ☐ ☐ ☐ Is an up-to-date copy of the signed SWPPP retained at the construction site?
5. ☐ ☐ ☐ Is a copy of the SPDES General Permit retained at the construction site?
6. ☐ ☐ ☐ Does the NOI accurately report the number of acres to be disturbed?

**Citation**

GP-0-20-001: I.A & II. B  
GP-0-20-001: II.D.2  
GP-0-20-001: II.D.2  
GP-0-20-001: II.D.2. & III.A.4  
GP-0-20-001: II.D.2  
GP-0-20-001: II.B.4

**SWPPP Content**

Yes No N/A

7. ☐ ☐ ☐ Does the SWPPP describe and identify the erosion and sediment control measures to be employed?
8. ☐ ☐ ☐ Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?
9. ☐ ☐ ☐ Does the SWPPP describe and identify the stormwater management practices to be employed?
10. ☐ ☐ ☐ Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?
11. ☐ ☐ ☐ Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies?
12. ☐ ☐ ☐ Does the SWPPP include all the necessary Contractor Certification Statements and signatures?
13. ☐ ☐ ☐ Is the SWPPP signed by the permittee?
14. ☐ ☐ ☐ Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?
15. ☐ ☐ ☐ Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)?

**Citation**

GP-0-20-001: III.B.1.e  
GP-0-20-001: III.B.1.i  
GP-0-20-001: III.B.2  
GP-0-20-001: III.A.6  
GP-0-20-001: III.A.6  
GP-0-20-001: VII.H.2  
GP-0-20-001: III.A.3  
GP-0-20-001: III.B.3

**Recordkeeping**

Yes No N/A

16. ☐ ☐ ☐ Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)?
17. ☐ ☐ ☐ Are the self-inspections performed and signed by a qualified inspector and retained on site?
18. ☐ ☐ ☐ Do the qualified inspector's reports include the minimum reporting requirements?
19. ☐ ☐ ☐ Do inspection reports identify corrective measures that have not been implemented or are recurring?

**Citation**

GP-0-20-001:IV.C.2.a. & b  
GP-0-20-001:II.C.2.,IV.C.6 & VII.H.3  
GP-0-20-001: IV.C.4  
GP-0-20-001: IV.C.5



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER



**Visual Observations**

Yes No N/A				Citation	
20.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures installed properly?	GP-0-20-001: VII.L
21.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures being maintained properly?	GP-0-20-001: IV.A.1
22.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was written authorization issued for any disturbance greater than 5 acres?	GP-0-20-001: II.D.3
23.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have stabilization measures been implemented in inactive areas per Permit (>5acres) or ESC Standard?	GP-0-20-001: II.D.3.b & III.B.1.f
24.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are post-construction stormwater management practices constructed/installed correctly?	GP-0-20-001: III.B.2
25.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal?	GP-0-20-001: V.A.2
26.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was there a discharge from the site on the day of inspection?	
27.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there evidence that a discharge caused or contributed to a violation of water quality standards?	ECL 17-0501, 6 NYCRR 703.2 & GP-0-20-001: I.D

**Water Quality Observations**

Describe the discharge(s): location, source(s), impact on receiving water(s), etc.

Describe the quality of the receiving water(s) both upstream and downstream of the discharge:

Describe any other water quality standards or permit violations:



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER



Additional Comments:

☐ Photographs attached

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	
Name/Agency of Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	

# Appendix G

## Post-Construction SWP Inspection & Maintenance Plan

**Village of Lake Success  
Municipal Separate Storm Sewer System  
Appendix G  
Post-Construction SMP  
Inspection and Maintenance Plan**

**Prepared By:**



**LiRo Engineers, Inc.**  
A LiRo-Hill Company

**LiRo Engineers, Inc.  
235 E Jericho Turnpike  
Mineola, NY, 11501**

**Prepared For:**

*Incorporated Village of Lake Success*

**Village of Lake Success  
318 Lakeville Road  
Lake Success, NY, 11020**

Nov 24

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# 1 Introduction

Municipal Separate Storm Sewer Systems (MS4s) are publicly owned drainage systems which include streets, ditches, catch basins, curbs, gutters, and storm drains that are designed for collecting stormwater from built up areas and discharge it into local streams and rivers. MS4s are applicable in urbanized areas where stormwater runoff management is critical to protect water quality. The overall goal of the MS4 program is to reduce the discharge of pollutants from the drainage systems into surface waters, which will enhance water quality in natural ecosystems. The Village of Lake Success's stormwater discharges are regulated by the New York State Department of Environmental Conservation.

## 1.1 Purpose

The MS4 program is divided into several Minimum Control Measures (MCMs) which create quantitative and qualitative benchmarks for the Village to obtain. The Post-Construction SMP Inspection and Maintenance Plan (Post-Construction Plan) ensures compliance with MCM 5 for Post-Construction Stormwater Management. MCM 5 emphasizes the long-term effectiveness of post-construction stormwater management practices (SMPs). Through systematic inventory tracking, regular inspections, and maintenance programs, the MS4 Operator ensures that these SMPs function optimally to reduce pollutants over time. The ongoing training of staff and the documentation of compliance efforts further enhance the program's effectiveness.

The Post-Construction Plan ensures that stabilized construction sites maintain their erosion control measures and follow the Construction Oversight Plan (COP) detailed in **Appendix F** of the Stormwater Management Program (SWMP).

## 1.2 Applicability

The Post-Construction Plan addresses stormwater from publicly owned/operated Stormwater Management Practices (SMPs). This could include Post-Construction SMPs installed as part of a SWPPP or as part of a construction general permit (CGP). Post-Construction SMPs are often required if development during construction increases the impervious area, to reduce the impact of the additional runoff on ecological systems. Private owners and developers are exempt from the Post-Construction Plan, however private properties are encouraged, and in some cases required by law, to maintain SMPs on their property after construction.

# 2 Responsibilities of Personnel

The following summarizes the responsibilities of the various individuals/entities/roles in their implementation of the SWPPP or enforcement of the COP:

- **Owner** – The owner of the site after work has been completed. If the site is sold or transferred, then the current owner is responsible for maintaining the records from the prior owner.
- **Design Professional** – An Engineer or Architect is often responsible for preparing the SWPPP permit, which may include Post-Construction SMPs in their design.

- **Building Inspector** – The Building Inspector is the Village’s representative who will monitor all post-construction SMPs.
- **Public** – The public may report failures in the SWPPP or erosion control procedures through the channels detailed in the SWMP. This includes contacting Village Hall by phone or email as well as the Nassau County hotline.

## 2.1 Qualified Inspectors

Anyone implementing the Post-Construction Plan must be trained in accordance with the MS4 general permit requirements. These include the following:

- A four (4) hour Department of Environmental Conservation endorsed course in proper erosion and sediment control principles. This course must be completed every five years (this differs from the COP which requires recertification every three years).
- Qualified professionals or qualified inspectors who are knowledgeable in stormwater management best practices and the Village’s Stormwater Management Plan. This may include licensed Engineers, Architects, or Landscape Architects along with others.

## 3 Post-Construction Site Inventory

The Post-Construction Plan establishes a tracking system for sites after construction is completed which includes physical characteristics of the site and SMP tracking information which help to actively manage the sites. **Appendix G-a** is to be actively filled out by the Village Administrator and covers the required inventory items. Inventoried physical characteristics for the site include the following:

- i. Location (including street address and tax parcel)
- ii. Receiving Waterbody
- iii. Receiving Waterbody WI/PWL Segment ID

The receiving waterbody and segment ID can be gathered from the NYSDEC GIS Database (<https://gisservices.dec.ny.gov/gis/stormwater/>). Regulatory information and oversight information will be taken as part of the project record, which will include the following for every form of Post-Construction SMP prepared:

- i. Owner/Operator
- ii. Responsible party for maintenance
- iii. Contact information for responsible party for maintenance
- iv. Location of documentation depicting Operation and Maintenance requirements and legal agreements for post-construction SMPs.
- v. Frequency of Inspections Required
- vi. Reason for installation (new development, redevelopment, retrofit, flood control)
- vii. Date of last inspection
- viii. Inspection results
- ix. Corrective actions identified
- x. Date corrective action was completed

A single site may have several post-construction SMPs associated with development, and it may be possible that multiple public organizations share ownership of them. The inventory must be annually updated to ensure project records are up-to-date and accurate. In the case of switching ownership, use **Appendix G-b** to maintain a record of the transfer of responsibility between parties.

## 4 Post-Construction Inspection Procedure

Site inspections shall be conducted on an annual basis and those instances recorded in accordance with **Appendix G-c**. The inspector will fill out the form identified in **Appendix G-d**. After construction has been completed owners must maintain crucial documentation, including the Notice of Intent (NOI), SWPPP, and inspection reports, for at least five years following the submission of a Notice of Termination (NOT) (Part VI.A of the SPDES General Permit GP 0-20-001). The inspector will also ensure that soil stabilization, housekeeping, and water quality along with any site-specific post-construction SMPs.

Failure of a post-construction SMP could be identified by an inspector or the public. When the public identifies a failure, the Village should identify the date of the complaint, the location on the construction site, the nature of the complaint, follow-up actions taken or needed, the outcome of any follow-up inspections, and any follow-up enforcement taken/needed. Inspectors will also note non-compliance during their inspection procedure. Corrective actions should be initiated within thirty (30) days of the owner being notified. When stormwater non-compliance is identified by the Village, enforcement actions will be taken promptly but no later than 60 days following identification of the non-compliance. The Village will take appropriate sanctions against the applicant based on the nature and severity of the situation. This is further identified in the Enforcement Response Plan in Appendix H of the SWMP, but may include verbal warnings, written warnings, or punitive measures which can be used to communicate the need for these requirements.

## 5 Reporting Requirements

The Village shall regularly maintain the following regarding the Post-Construction Plan's implementation:

1. Inspectors who are qualified to perform Post-Construction Plan inspections
2. Site Plan, approvals, and inspection reports from Construction for up to 5 years.
3. Post-Construction Site Inventory
4. Post-Construction Site Inspection Reports.

These records shall be updated on a yearly basis at a minimum.

Post-Construction SMP Inspection and Maintenance Plan  
Appendix G-a - Post-Construction SMP Site Inventory

<b>Location:</b>			
Address:		Tax Parcel:	
Receiving Waterbody(s)			
Receiving Waterbody WI/PWL Segment ID(s)			
	<b>Post-Construction SMPs used at site (use additional pages as necessary)</b>		
Owner/Operator			
Party Responsible for Maintenance			
Contact information of Responsible Party			
Frequency of Inspections Required			
Reason for Installation			
Dates of Inspection			
Inspection Results			
Corrective Actions Identified			
Date Corrective Action Completed			

---

---

## Appendix G-b: Certificate of Transfer

As directed by the owner's representative, the copy of the storm water pollution prevention plan retained at the site, along with all signed statements, reports and schedules contained herein for completion by the contractor are to be provided to the new owner at the transfer of ownership. The new owner shall retain the plan, reports and records of all data for a period of five years from the date that the site is stabilized. This period may be extended by the Village at any time upon written notification. The original owner should continue to keep a copy for their records.

Receiving Agency:

Date of Transfer:

Name:

Title:

Firm:

Signature: \_\_\_\_\_

Received from:

Name:

Title:

Address:

Tel. Number(s):

Signature: \_\_\_\_\_

(Note: Inquiries in regard to copies of pollution prevention plan by either the State Director or any local agency having jurisdiction to be directed to owner's project representative.)

---

---

## Appendix G-c: Post-Construction SMP Inspection

Summary of Site Inspection Activities during the post-construction period for publicly owned or operated locations.

Name of Facility:	Construction Completion Date:	SPDES Permit No: (if applicable)
Location:		
Owner:	Owner Contact Information:	

Date of Inspection	Regular/Rainfall Based Inspection	Name of Inspector	Telephone #

*[Include additional rows or delete as necessary.]*

---

---

## Appendix G-d: Post-Construction SMP Inspection Form

Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any):	Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entry Time:	Exit Time:
SPDES Permittee Organization:		Inspection Type:	<input type="checkbox"/> NOT <input type="checkbox"/> Complaint
Phone Number(s):			<input type="checkbox"/> Compliance <input type="checkbox"/> Referral
On-site Representative(s) and Company(s) Present:		MS4 Operator Name:	
		MS4 Permit ID:	

Qualified Professional Certification: A qualified professional shall perform site inspections.

### Maintenance of Records

Yes No N/A

☐ ☐ ☐

If less than 5 years from final stabilization, is the SWPPP and all associated records maintained. If yes, then where:

---

### Maintaining Water Quality

Yes No N/A

☐ ☐ ☐

Is there residue from oil and floating substances, visible oil film, or globules or grease?

☐ ☐ ☐

Are receiving lake/bay, stream, and/or wetland been impacted by silt from the project?

### Housekeeping

Yes No N/A

☐ ☐ ☐

Is site litter and debris appropriately managed?

☐ ☐ ☐

Are facilities and equipment necessary for implementation or erosion and sediment control in working order and/or properly maintained?

☐ ☐ ☐

Is the drainage system impacting the adjacent property?

### Soil Stabilization

Yes No N/A

☐ ☐ ☐

Stabilized regions maintain vegetation and/or mulch coverage.

☐ ☐ ☐

Banks, slopes, and berms are stabilized.

---

---

Please detail any additional Post-Construction SMPs and detail their condition:

Additional Comments:

☐ Photographs attached

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory
--

Qualified Inspector's Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that certifying false, incorrect or inaccurate information is a violation of the laws of the State of New York and could subject me to criminal or civil penalties and/or administrative proceedings.

\_\_\_\_\_  
Qualified Professional (print name)

\_\_\_\_\_  
Qualified Professional Signature



Post-Construction SMP Inspection and Maintenance Plan  
Appendix G-a - Post-Construction SMP Site Inventory

<b>Location:</b>			
Address:		Tax Parcel:	
Receiving Waterbody(s)			
Receiving Waterbody WI/PWL Segment ID(s)			
	<b>Post-Construction SMPs used at site (use additional pages as necessary)</b>		
Owner/Operator			
Party Responsible for Maintenance			
Contact information of Responsible Party			
Frequency of Inspections Required			
Reason for Installation			
Dates of Inspection			
Inspection Results			
Corrective Actions Identified			
Date Corrective Action Completed			

---

---

## Appendix G-b: Certificate of Transfer

As directed by the owner's representative, the copy of the storm water pollution prevention plan retained at the site, along with all signed statements, reports and schedules contained herein for completion by the contractor are to be provided to the new owner at the transfer of ownership. The new owner shall retain the plan, reports and records of all data for a period of five years from the date that the site is stabilized. This period may be extended by the Village at any time upon written notification. The original owner should continue to keep a copy for their records.

Receiving Agency:

Date of Transfer:

Name:

Title:

Firm:

Signature: \_\_\_\_\_

Received from:

Name:

Title:

Address:

Tel. Number(s):

Signature: \_\_\_\_\_

(Note: Inquiries in regard to copies of pollution prevention plan by either the State Director or any local agency having jurisdiction to be directed to owner's project representative.)

---

---

## Appendix G-c: Post-Construction SMP Inspection

Summary of Site Inspection Activities during the post-construction period for publicly owned or operated locations.

Name of Facility:	Construction Completion Date:	SPDES Permit No: (if applicable)
Location:		
Owner:	Owner Contact Information:	

Date of Inspection	Regular/Rainfall Based Inspection	Name of Inspector	Telephone #

*[Include additional rows or delete as necessary.]*

---

---

## Appendix G-d: Post-Construction SMP Inspection Form

Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any):	Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entry Time:	Exit Time:
SPDES Permittee Organization:		Inspection Type:	<input type="checkbox"/> NOT <input type="checkbox"/> Complaint
Phone Number(s):			<input type="checkbox"/> Compliance <input type="checkbox"/> Referral
On-site Representative(s) and Company(s) Present:		MS4 Operator Name:	
		MS4 Permit ID:	

Qualified Professional Certification: A qualified professional shall perform site inspections.

### Maintenance of Records

Yes No N/A

☐ ☐ ☐

If less than 5 years from final stabilization, is the SWPPP and all associated records maintained. If yes, then where:

---

### Maintaining Water Quality

Yes No N/A

☐ ☐ ☐

Is there residue from oil and floating substances, visible oil film, or globules or grease?

☐ ☐ ☐

Are receiving lake/bay, stream, and/or wetland been impacted by silt from the project?

### Housekeeping

Yes No N/A

☐ ☐ ☐

Is site litter and debris appropriately managed?

☐ ☐ ☐

Are facilities and equipment necessary for implementation or erosion and sediment control in working order and/or properly maintained?

☐ ☐ ☐

Is the drainage system impacting the adjacent property?

### Soil Stabilization

Yes No N/A

☐ ☐ ☐

Stabilized regions maintain vegetation and/or mulch coverage.

☐ ☐ ☐

Banks, slopes, and berms are stabilized.

---

---

Please detail any additional Post-Construction SMPs and detail their condition:

Additional Comments:

☐ Photographs attached

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory
--

Qualified Inspector's Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that certifying false, incorrect or inaccurate information is a violation of the laws of the State of New York and could subject me to criminal or civil penalties and/or administrative proceedings.

\_\_\_\_\_  
Qualified Professional (print name)

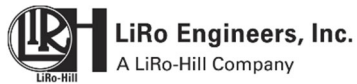
\_\_\_\_\_  
Qualified Professional Signature

# Appendix H

## Enforcement Response Plan

# **Village of Lake Success Municipal Separate Storm Sewer System Appendix H Enforcement Response Plan**

**Prepared By:**



**LiRo Engineers, Inc.  
235 E Jericho Turnpike  
Mineola, NY, 11501**

**Prepared For:**

*Incorporated Village of Lake Success*

**Village of Lake Success  
318 Lakeville Road  
Lake Success, NY, 11020**

May 24

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# 1 Introduction

The Village of Lake Success's stormwater discharges are regulated by the New York State Department of Environmental Conservation. This Stormwater Enforcement Response Plan (ERP) describes procedures implemented by the Village to achieve compliance with legal authority and enforcement requirements stipulated in New York's State Pollutant Discharge Elimination System (SPDES) Municipal Separate Storm Sewer Systems (MS4s) Permit No. GP-0-24-001. This plan is specific to the requirements in the stormwater conveyance system owned, leased, or operated by the Village. The Village uses legal authority delegated within the New York Administrative Code to enforce against illegal encroachments, including spills and illicit discharges, and utilizes contract specifications to leverage authority on contractors performing work administered by the Village.

## 1.1 Purpose

This ERP describes the response measures available to the Village to exercise its authority to control pollutant discharges to its MS4s. Enforcement procedures are designed to encourage timely responses and beneficial coordination with dischargers in order to prevent stormwater pollution. Standard implementation of the measures provides a consistent response across the Village's MS4s to avoid confusion, delays and disputes. The Village's standard process for documentation of possible discharges, subsequent investigations, and follow-up actions is also outlined in this ERP.

## 1.2 Types of Enforcement Actions

The Village will use Village Code, permits, and penalties to enforce illicit discharges to the Village's MS4 system. The Village anticipates two general types of stormwater violations: construction sites and illicit discharges or connections to the Village's MS4. Potential violators include construction contractors, businesses, industries, private citizens, and other governmental agencies which are detailed below.

### 1.2.1 Construction Sites

The Village's construction contractors are required to obtain all required permits pertaining to land disturbance activities from various agencies. Permits could include County, State or Federal permits.

The Village is responsible for inspection oversight responsibility and must ensure that a trained employee inspects construction activity at sites until final stabilization is achieved. The MS4 permit requires the Village to implement a system to monitor contracted construction activities and to enforce Permit provisions. Should any issues with Permit compliance occur, the Village will initiate progressive enforcement action. The Village is required to list and describe all violations and enforcement responses taken for construction activities in the Annual Report to NYSDEC (see **Section 6**).

The Village's authority to take enforcement action at construction sites is derived from its Village code along with permit language.

### 1.2.2 Illicit Discharges and Connections

The Permit also requires the Village to take measures to detect and eliminate illicit discharges and connections to the Village's MS4. An illicit discharge is defined as any discharge to a MS4 that is not entirely composed of stormwater, with the exception of allowable non-stormwater discharges and separately permitted discharges. Illicit connections are defined as any man-made conveyance that connects an illicit discharge directly to the MS4. The Village is required to implement a program to minimize, detect, investigate, and eliminate illicit discharges and connections, including unauthorized non-stormwater discharges and spills, into the MS4 system.

## 2 Methods of Discovery of Non-Compliance

Reports of a stormwater violation or non-compliance may come from one of the following sources:

- Reports from Village Staff – Illicit discharges and discharges of sediment or other pollutants from the construction sites, facilities, or other sources within the Village's MS4 may be observed by Village staff as they conduct normal activities such as driving to or from job sites or when inspecting other activities. Such non-compliances could include water and wind erosion, sediment tracking onto local streets, poor housekeeping, incorrect location of concrete washouts, and failed ineffective best management practices (BMPs).
- Permit Compliance Activities – Non-compliances may be discovered through Permit-required inspections or monitoring, including construction site inspections, dry weather screening, and stormwater sampling.
- Contractor Compliance Activities – A construction contractor's failure to comply with the State's Construction General Permit (CGP) requirements such as conducting and submitting inspection reports, obtaining annual certification, preparing and implementing Stormwater Pollution Prevention Plans (SWPPPs).
- Reports from the Public – Public complaints may come directly to the Village or through other local, state or federal government agencies.

## 3 Construction Site Erosion and Sediment Enforcement and Post-Construction Stormwater Management

This section imposes the obligation of an applicant to perform their duties in an honest, diligent, and cooperative manner.

The following section describes the Village's authority and the mechanisms for enforcing Permit provisions on construction sites within the boundaries of the Village's MS4 jurisdiction.

### 3.1 Compliance Requirements

Compliance with stormwater permits and laws on construction projects within the Village's MS4 must be enforced according to these Enforcement Response Procedures.

Applicants are to comply with the State's SPDES CGP, Village, and County permits for regulated construction projects, including the obligation to file a NOI and obtain authorization under the State CGP for each construction project or site. The applicant shall also file a NOT for each construction project or site, either terminating their responsibility if final stabilization has been achieved or transferring it to another owner for completion.

### 3.2 Construction Enforcement

When stormwater non-compliance is identified by the Village, enforcement actions will be taken promptly but no later than 7 days following identification of the non-compliance. The Village will take appropriate sanctions against the applicant based on the nature and severity of the situation. Non-compliances will be classified as a minor or major violation. Major violations are generally those acts or omissions that lead to a discharge of pollutants to stormwater. Minor violations are generally instances of non-compliance that do not directly result in such a discharge. Serious discharges or an imminent threat of discharge on a project may require an immediate escalation to a higher level of enforcement. The level of enforcement response will depend upon several of the following factors:

- Severity of the violation: the duration, quality, and quantity of pollutants, and effect on public safety and the environment.
- The violator's knowledge (either negligent or intentional) of the regulations being violated.
- A history of violations and /or enforcement actions individual or contractor.
- The potential deterrent value of the enforcement action.

The Village will use a progressive enforcement policy, escalating the response when an applicant fails to respond in a timely manner. If the Village identifies a deficiency in the implementation of the approved SWPPP or amendments and the deficiency is not corrected immediately or by a date requested by the Village, the project is in non-compliance. The timeframes to complete corrective actions and the name or position title of responsible person(s) for conducting enforcement will be documented in the notice. The recommended sequence of enforcement actions is detailed below.

#### 3.2.1 Verbal Warning

This action is a verbal exchange between an inspector or the resident engineer and the alleged violator. The information exchanged will be documented by the inspector. Typically, no letter is written if the problem is corrected immediately, and the inspector or resident engineer observes the corrective action and deems it appropriate.

#### 3.2.2 Written Warning

A warning letter may be issued if the non-compliance continues for 7 days after the verbal warning is issued, if the non-compliance cannot be corrected while the inspector is on site, or if the non-compliance is a significant violation. The warning letter will document the reasons why the discharge is illegal and will provide a deadline for compliance. Based on the type and severity of the non-compliance, the period between the verbal and written warnings may not wait the full 7 days. Compliance is required within 7 days to avoid additional enforcement actions; however, if the situation warrants it, shorter or longer deadlines may be permissible. A sample letter to violators is provided in **Appendix A**.

### 3.2.3 Stop Work Order

If the verbal and written warnings do not result in corrective action by the documented deadline, the Village may stop work (full or partial shutdown) at the construction site. Upon successful corrective action in response to a stop work order and upon approval by the Village, work may begin at the site. Example Stop Work Orders and Resume Work Orders are provided in **Appendix B**.

#### 3.2.3.1 Temporary Suspension of Work

If immediate action is required due to an imminent threat of discharge, or if the contractor does not respond to the warning letter within the required time frame, the Village may temporarily suspend work on the project until the corrective action has been completed.

#### 3.2.3.2 Require Corrective Action

The Village may require the permit holder to undertake corrective or remedial action to address any release, threatened release, or discharge of the hazardous substance, pollutant or contaminant, water, wastewater, or stormwater.

#### 3.2.3.3 Revocation of Permit

The Village may revoke any permit issued to the permit holder if corrective action is not completed by the documented deadline.

#### 3.2.3.4 Abatement

The Village may correct the deficiency or hire a contractor to correct the deficiency if corrective action is not completed by the documented deadline. The issuance of a permit constitutes a right-of-entry for the Village or its contractor to enter the construction site for the purpose of correcting deficiencies in erosion control. If the Village corrects the deficiency or hires a contractor to correct the deficiency, the Village may require reimbursement to the Village for all costs incurred in correcting stormwater pollution control deficiencies, pursuant to Village Code.

## 4 Illicit Discharges and Connection Enforcement

The Permit requires the Village to implement and enforce a program that ensures that the Village effectively prohibits non-stormwater discharges into its MS4. In addition, neighboring property owners are not allowed to occupy, use, or interfere with public ROW without permission. Any discharge/connection without permission is an illegal encroachment on the Village's MS4. A discharge/connection can be discovered in two ways, either through routine inspection or due to a complaint.

Similarly to the process in **Section 3.2**, notification of observed illicit connections or discharges will be carried forward to the alleged illegal connector/discharger by the inspector or observer. The Village will

use the following progressive enforcement policy, escalating the response when a discharger fails to respond in a timely manner.

#### 4.1 Verbal Warning

When a routine inspection of the drainage system identifies an illegal connection/discharge to the Village's MS4 system, the inspector documents the discharge on a IDDE Inspection Form or in their Village electronic management system, which will be provided to the Village Engineer within 48 hours, as well as notify other departments and agencies as appropriate.

If the source of the connection is evident, the observer/inspector will contact the connector/discharger directly by phone or in person to discuss elimination. The communication will include requesting any permits or other authorizations and providing a follow-up date (within 15 days). If the discharge is permitted or authorized (documentation is required), no further action is required; if the discharge is not authorized, it will need to be addressed or ceased within 15 days.

#### 4.2 Written Warning

If after 15 days of the verbal warning the illicit connection/discharge has not been corrected, the Public Works Director will issue a "Notice of Illegal Discharge and Demand for Corrective Action" letter to the property owner (example letter in **Appendix C**). The letter will request that the connection/discharge be ceased or removed within 30 days. A follow-up inspection will be performed by a Village staff member to ensure compliance. If the connection/discharge has not been corrected, the incident will be referred internally to the Village Engineer for further review.

#### 4.3 Removal of Connection/Discharge

The Village may remove the illegal connection/discharge if it has not been corrected within a suitable timeframe. If the Village removes the illegal connection/discharge, the responsible party is subject to civil action for damages.

#### 4.4 Civil Action

If the illegal connection/discharge is not corrected within 60 days of observation, the Village Engineer may forward the matter to be considered for further legal action. Additional measures will be escalated as needed to achieve compliance.

##### 4.4.1 New York State Department of Environmental Conservation (NYSDEC)

Authority to administer the state MS4 permit in New York rests with the NYSDEC. The NYSDEC has several enforcement mechanisms for violations of SPDES rules, including fines. A sample letter to the NYSDEC asking for enforcement upon the violator is attached in **Appendix D**.

#### 4.4.2 United States Environmental Protection Agency (USEPA)

Although the USEPA delegated authority for the SPDES Program to the state of New York, the USEPA reserves the authority to apply fines in addition to fines issued by the NYSDEC. Federal environmental regulations based on the Clean Water Act allow the USEPA to levy fines on dischargers of up to \$27,500 per day per violation.

## 5 Emergency Response Conditions

The Village's MS4 Permit identifies "discharges from emergency situations where federal rules specify washing as the preferred method to assure public safety" as an authorized non-stormwater discharge. Discharges or flow from firefighting activities and other discharges authorized by the Village and/or State Duty Officer that are necessary to protect public health and safety are not subject to enforcement action.

Ineffective erosion control or an illicit discharge/connection may require coordination with law enforcement and local fire departments if one or more of the following conditions are met:

1. There is a clear and present danger to the public: Contamination can cause significant damage to water quality in the cases of drinking water or recreational purposes. Commensurate action should be taken to ensure that the public is protected from harm.
2. There is an opportunity to contain the discharge: Depending on how quickly an illicit discharge is identified there may be an opportunity to mitigate the impact on the public and the environment. This could include prevention from reaching the outfall, impacting natural ecosystems, or mitigating it from spreading across a greater region.

If one or more of these conditions are met, the local police department and fire departments should be contacted to see if they can mobilize assistance. In addition, based on the location of the illicit discharge and the downstream system, the downstream municipalities should be contacted to communicate a response.

## 6 Reporting Requirements

The Village shall provide a list and description of all violations and their resolutions, including any enforcement actions taken against contractors, corporations, or other entities in the Annual Report to NYSDEC. At a minimum, the inspector should document the source of the complaint, the date, the time, the contact person (if any), a description of the nature of the non-compliance or illicit discharge, actions taken, and final resolution. **Appendix E** has an Enforcement Tracking Form to organize this information.

At a minimum, the Village shall document the following for each violation:

1. Name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s).
2. Date(s) and location(s) of the observed violation(s).
3. Description of the violation(s).
4. Corrective action(s) (including completion schedule) issued by the permittee.
5. Referrals to other regulatory organizations (if any).
6. Date(s) violation(s) resolved.

**APPENDIX A**  
**Non-Compliance Notice to Contractors**

# Appendix A

## Village of Lake Success

### NONCOMPLIANCE NOTICE

FROM: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

CONTRACT NO. \_\_\_\_\_  
PROJECT TITLE \_\_\_\_\_  
CONTRACTOR \_\_\_\_\_

You are hereby notified that ☐ tests, ☐ inspection indicates that the \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

does not conform to the contract requirements.

Refer to ☐ Section \_\_\_\_\_ ☐ Paragraph \_\_\_\_\_ ☐ Drawing No/Detail \_\_\_\_\_  
of the \_\_\_\_\_

Under these provisions, the requirements are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Non complying work shall be removed and replaced at no cost to the Department. It shall be the contractor's responsibility to determine the corrective action necessary and to submit a corrective plan for approval.

\_\_\_\_\_  
INSPECTOR

Noncompliance notice was received by the Contractor on \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_



**APPENDIX B**  
**Stop Work and Resume Work Orders**

# Appendix B

## Village of Lake Success

### STOP WORK ORDER

F.A. Project No. \_\_\_\_\_

Fund Code Order No. \_\_\_\_\_

Project \_\_\_\_\_

Contractor \_\_\_\_\_

Date Effective \_\_\_\_\_

Time of Day \_\_\_\_\_

☐

Work Stopped 100%

☐

Work Stopped Partial

(Check square applicable)

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If partial shutdown, list items affected on  
reverse side or attached sheet

\_\_\_\_\_  
Resident Engineer

# Appendix B

## Village of Lake Success

### RESUME WORK ORDER

Project No. \_\_\_\_\_ A.F.E. No. \_\_\_\_\_ Order No. \_\_\_\_\_

Project \_\_\_\_\_ Contractor \_\_\_\_\_

Date Effective \_\_\_\_\_ Time of Day \_\_\_\_\_

☐

Work 100% Resumed

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Resident Engineer

**APPENDIX C**  
**Notice of Illegal Discharge and Demand**  
**for Corrective Action**

## Appendix C

### Village of Lake Success

318 Lakeville Road  
Great Neck, NY 11021

XXXXXXXXXX

*Mayor*

XXXXXXXXXX

*SWMP Supervisor*

<Insert Date>

XXXXXXXXXX

*Village Clerk*

### NOTICE OF ILLEGAL DISCHARGE OR CONNECTION

Person or Business Name

Address

Oyster Bay, New York

Dear Property Owner:

The Village of Lake Success is responsible for maintaining the extensive storm drain network located within the Town's rights-of-way. The New York State Pollutant Discharge System (SPDES), which is a component of the Clean Water Act of 1972, requires the Town to control the amount of pollutants entering the drainage system. Part of this charge is the detection and elimination of illegal discharges or connections to the system that may contain pollutants or are otherwise not allowed. Left uncorrected, any pollutants entering the system will ultimately impact nearby streams, as storm drainage is not treated at any sort of treatment facility. In addition, neighboring property owners are not allowed to occupy, use or interfere with public right of way without permission. Any discharge/connection without permission is an illegal encroachment on the Town's right of way.

An inspection of the drainage system has occurred in the vicinity of your property and an illegal connection/discharge was discovered entering into the Town's system. The discharge/connection was discovered on <insert date> at <insert business name or address>.

Indicators or Source include piping and staining.

Photographs of this discharge/connection are enclosed with this letter. In addition, I have enclosed an aerial photograph showing the location of this discharge/connection.

This discharge or connection must be ceased or removed within 30 days. A follow-up investigation will be conducted after that time to ensure compliance. If the situation is not corrected, the Town will take corrective measures, including but not limited to sending this matter to the New York State Department

## Appendix C

of Environmental Conservation so that additional penalties/fines may be levied on you. In the alternative, the Town may remove the discharge/connection and bill you directly.

If the illegal discharge/connection cannot be removed within 30 days, you do not understand this notice, or you disagree that an illegal discharge/connection exists at your property, please contact me with further details or explanation by calling XXX.XXX.XXXX or by email at [XXXXXXX@XXXX.gov](mailto:XXXXXXX@XXXX.gov).

Sincerely, XXXXXXXXXXXX

<Insert Title>

<Insert Address>

Enclosure (photographs)

cc: XXXXXXXXXXXXXXXX

**APPENDIX D**  
**Letter to New York State Department of  
Environmental Conservation**

## Appendix D

### Village of Lake Success

318 Lakeville Road  
Great Neck, NY 11021

XXXXXXXXXX

Mayor

XXXXXXXXXX

SWMP Supervisor

<Insert Date>

XXXXXXXXXX

Village Clerk

Mr. XXXXXXXXXXXX

New York State Department of Environmental Conservation  
Address

Dear Mr. XXXXXXXXX:

The Village of Lake Success is responsible for maintaining the extensive storm drain pipe network located within the Town's rights-of-way. On <insert date>, an illegal connection/discharge was discovered entering into the Town's system at <insert location>. A Notice of Illegal Discharge and Demand for Corrective Action letter (attached) was sent to the property owner <insert name> on <Insert date>. Thirty days have elapsed since the issuance of the letter and the Town conducted a follow-up inspection on <insert date>, where it was discovered that the illegal connection/discharge has not ceased or been removed.

This letter is to request assistance from the New York State Department of Environmental Conservation's Office in the removal of the discharge/connection and to provide additional penalties/fines on the violator. If you have any questions or need further information, please contact me by calling XXX.XXX.XXXX or by email at [XXXXXXX@XXXX.gov](mailto:XXXXXXX@XXXX.gov).

Sincerely, XXXXXXXXXXXX

<Insert Title>

<Insert Address>

cc: XXXXXXXXXXXXXXXX



**APPENDIX E**  
**Enforcement Tracking Form**

Village of Lake Success  
Stormwater Management Program Enforcement Tracking Form

<b>Report/Violation Information:</b>				
Report ID #:	Date Reported:	Time Reported:		
Reported By:	Phone:	Email:		
* Public may designate to report anonymously. Identify as anonymous in this case				
Initially Inspected By:	Phone:	Email:		
Owner/Operator:	Phone:	Email:		
Contractor:	Phone:	Email:		
Address:				
Violation Type (check one):	Illicit Discharge	Erosion and Sediment Control		
Description of Violation:				
Overall Status Dates (EA represents Enforcement Action:				
Reported:	EA1:	EA2:	EA3:	Resolved:

<b>Enforcement Action 1 Date:</b>		<b>60 days from Enforcement Action:</b>		
Compliance must be achieved within 60 days of a verbal or written notice, otherwise, escalate enforcement measure				
Enforcement Type (check one):    Verbal Warning        Written Notice        Stop Work Order        Citation				
Withholding Auth.        Other: _____				
Responsible Department:				
Responsible Person:	Phone:	Email:		
Description of Enforcement Action:				
Actions and Schedule to Achieve Compliance:				
Was Violation corrected within 60 days:    Y    N        Photos Taken:    Y    N				
Inspected By:	Signature:		Date:	

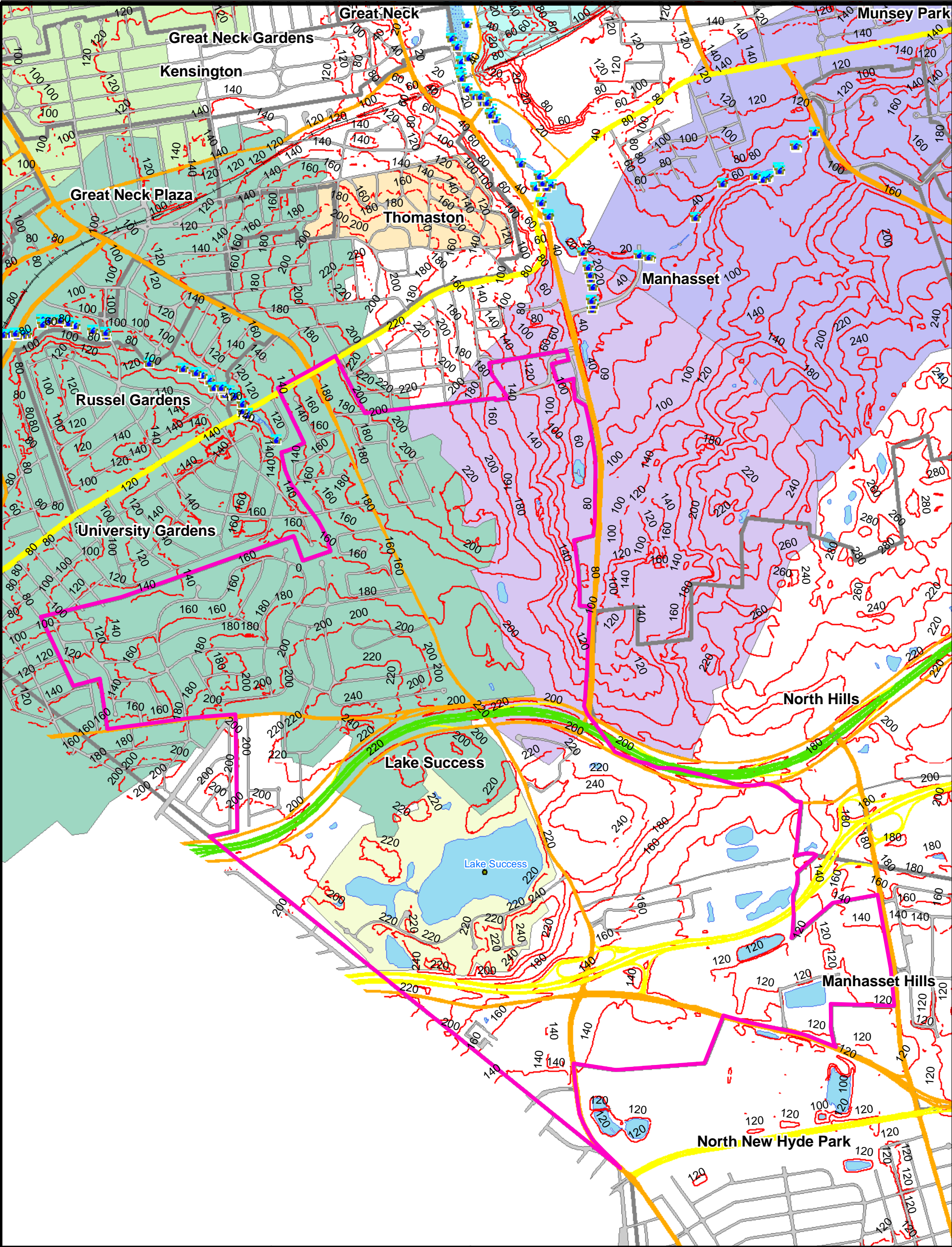
Village of Lake Success  
Stormwater Management Program Enforcement Tracking Form

<b>Enforcement Action 2 Date:</b>			<b>60 days from Enforcement Action:</b>		
Compliance must be achieved within 60 days of a verbal or written notice, otherwise, escalate enforcement measure					
Enforcement Type (check one):    Verbal Warning            Written Notice            Stop Work Order            Citation					
Withholding Auth.            Other: _____					
Responsible Department: _____					
Responsible Person:		Phone:		Email:	
Description of Enforcement Action:					
Actions and Schedule to Achieve Compliance:					
Was Violation corrected within 60 days:    Y   N            Photos Taken:    Y   N					
Inspected By:		Signature:		Date:	
<b>Enforcement Action 3 Date:</b>			<b>60 days from Enforcement Action:</b>		
Compliance must be achieved within 60 days of a verbal or written notice, otherwise, escalate enforcement measure					
Enforcement Type (check one):    Verbal Warning            Written Notice            Stop Work Order            Citation					
Withholding Auth.            Other: _____					
Responsible Department: _____					
Responsible Person:		Phone:		Email:	
Description of Enforcement Action:					
Actions and Schedule to Achieve Compliance:					
Was Violation corrected within 60 days:    Y   N            Photos Taken:    Y   N					
Inspected By:		Signature:		Date:	

# Appendix I

## GIS, Outfall, and System Mapping

### Documentation



**Legend**

Lake Success	Cutter Mill Brook
Elevation Contour	Whitney Pond
Railroad	Udalls Mill Pond
Drainage Outfall	Manhasset Valley Park
Shoreline	Lake Success
Water	

Village of Lake Success

Figure 2

0 1,200 Feet

Geographic Information System

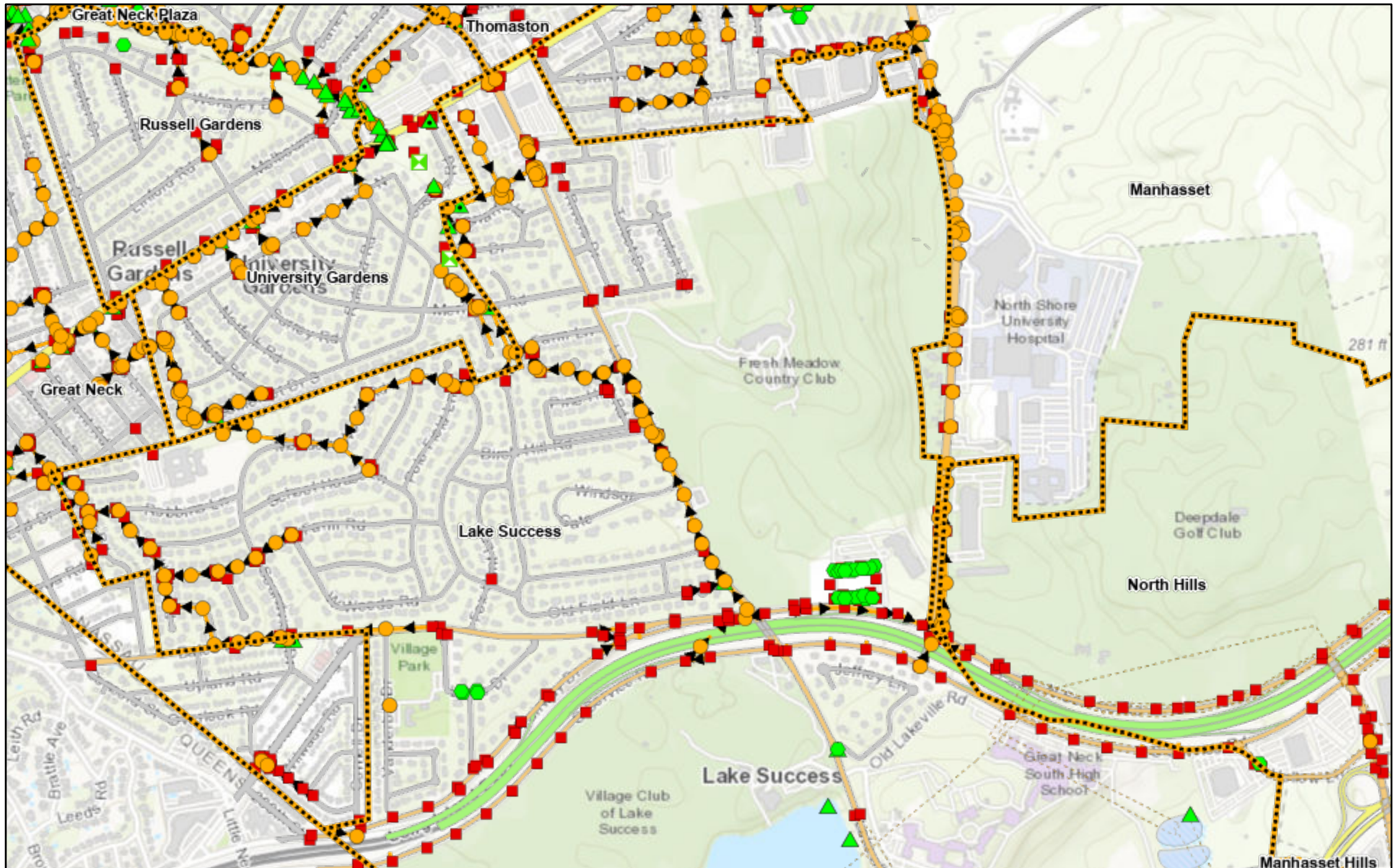
**BOWNE**  
A&T GROUP  
Where Experience Empowers Vision

**Bowne Management Systems, Inc.**  
235 East Jericho Turnpike  
Mineola, NY 11501  
Phone: 516-746-2350  
Fax: 516-747-1396  
[www.bownegroup.com](http://www.bownegroup.com)

Date: March 7, 2003  
Copyright 2001, County of Nassau, New York



# Lake Success North



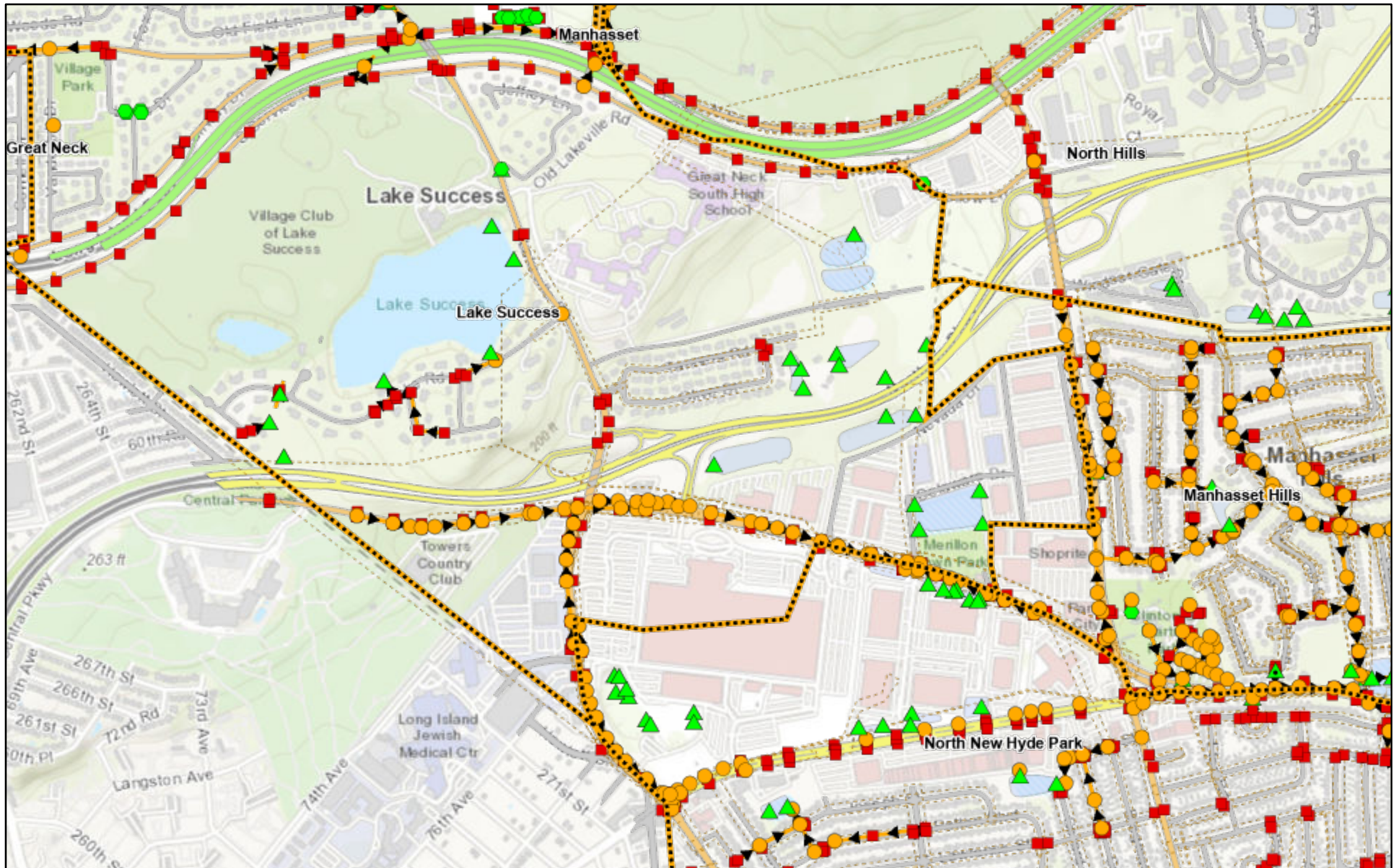
December 17, 2024



1:18,056  
 0 500 1,000 2,000 ft  
 0 190 380 760 m  
 NYC OpenData, Nassau County, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, (C) Copyright Nassau County



# Lake Success South



December 17, 2024

Roadway      State

Other      Sewer Contract Drawing Outlines

County      Recharge Basins

Federal

Nassau Drainage Pipes

Nassau Drainage Structures

Catch Basin

Outfall / Interconnect

Drywell

Manhole

Outfall

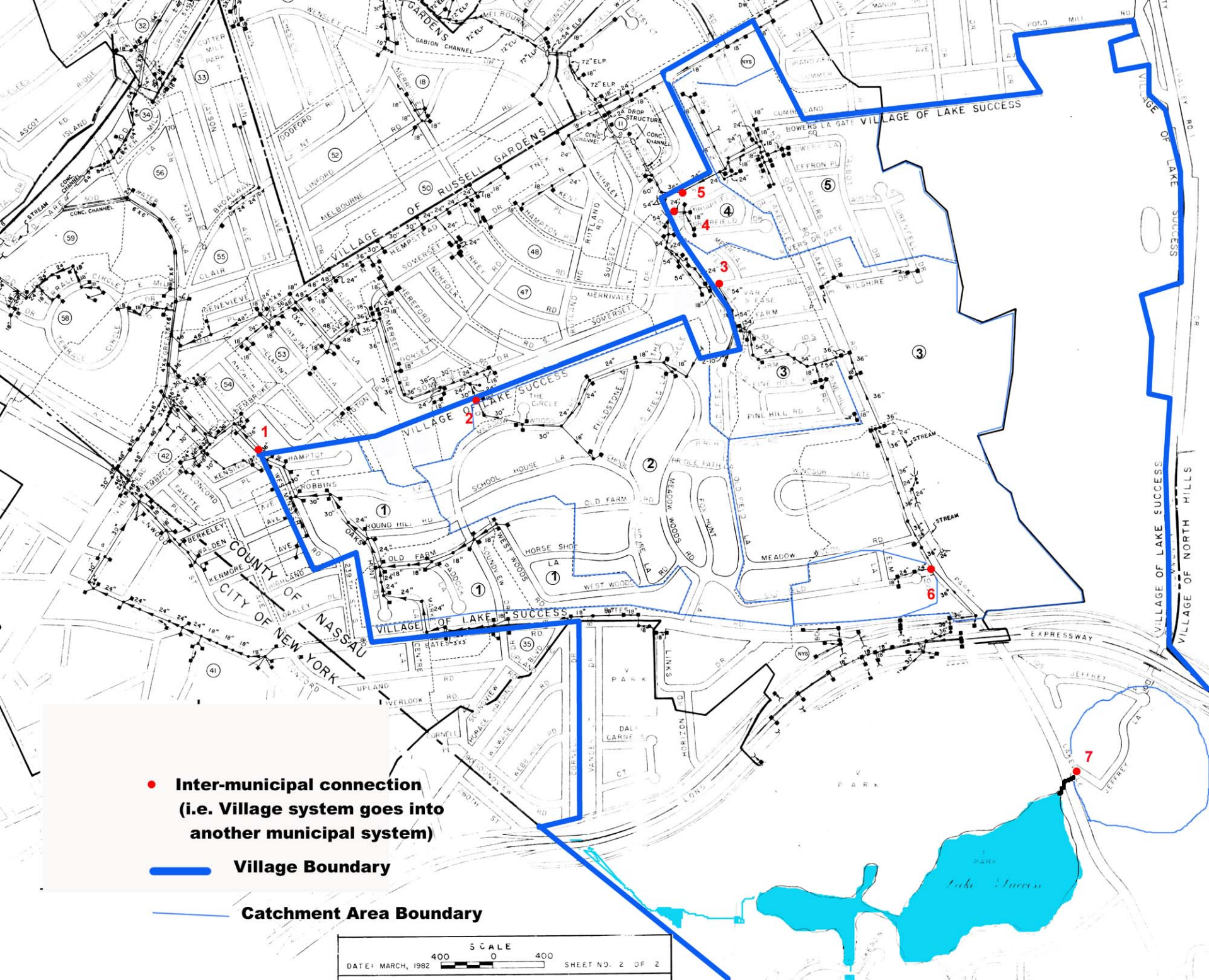
1:18,056

0 500 1,000 2,000 ft

0 190 380 760 m

NYC OpenData, Nassau County, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, (C) Copyright Nassau County





- Inter-municipal connection  
(i.e. Village system goes into  
another municipal system)

— Village Boundary

— Catchment Area Boundary

