



Municipalities have the authority to manage stormwater through local codes and ordinances.



New York Sea Grant NEMO Program

Reducing the Impacts of Contaminated Stormwater through Local Authority

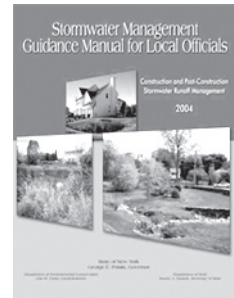
Municipalities in Long Island have the power and responsibility to make land use decisions that determine how their community uses not only its land, but also its water and other natural resources. These decisions directly determine whether the community's resources will support a good quality of life for its citizens. The Stormwater Phase II program provides a framework to help local municipalities manage stormwater effectively and to protect public health, the environment and the local economy.

The New York State Department of Environmental Conservation is responsible for implementing the EPA Phase II stormwater regulations. The new regulations require regulated municipalities to incorporate stormwater management into their local code to control construction site and post-construction runoff. Because stormwater management is a necessary part of all land development projects, the most straightforward way to establish local control of stormwater impacts during and after construction is to amend the existing laws and ordinances that govern zoning, subdivision and site plan review.

The amended local laws must establish the following:

- Operators of construction sites must create and abide by Stormwater Pollution Prevention Plans (SWPPPs) governing the management of stormwater during construction and post-construction and must construct any needed stormwater management facilities as specified in the NYS Stormwater Management Design Manual
- Municipalities must create stormwater management programs to review and enforce developers' SWPPPs and establish responsibility for and ensure ongoing operation and maintenance (O&M) of stormwater management practices after construction is complete

The NYS Stormwater Management Guidance Manual for Local Officials includes a model Stormwater Management Local Law with specific language for amending zoning, subdivision, site plan review and erosion and sediment control laws to include the review of SWPPPs and ensure ongoing O&M measures on developed sites.



Municipal Powers: Tools for Stormwater Management

In addition to the provision for the review of SWPPPs and establishment of O&M procedures, municipalities may also amend their zoning, subdivision, site plan review and erosion and sediment control laws to include innovative land use practices.

Local Authority for Stormwater Management

The New York NEMO Program (Nonpoint Education for Municipal Officials) is an educational program for land use decision makers that strives to reduce nonpoint pollution by illustrating the connection between land use and water quality. Our goal is to provide communities with information that will assist them in protecting their natural resources while meeting land use needs.



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Factsheet information adapted from the NYS Department of State and NYS Department of Environmental Conservation *Stormwater Management Guidance Manual for Local Officials*.

Local Authority for Stormwater Management

Establishing Special Districts and Uses:

Zoning overlay districts and special districts can be used to place conditions on certain uses in sensitive areas. For example, to reduce erosion and sedimentation into a stream during construction, a stream corridor overlay district may restrict land uses within a specified distance from the stream. The provisions of special districts and uses may be amended to require review and approval of SWPPPs to ensure that they meet special district conditions.



CONSERVATION DESIGN
Randall Arendt: Conservation
Design for Subdivisions: A
Practical Guide to Creating
Open Space Networks

Conservation or cluster subdivisions can be used to reduce the percentage of impervious surface and provide open space and natural areas that are useful for managing stormwater runoff.

Low-impact development is a new concept in site planning that may be used to complement other land use tools. By integrating site design and planning techniques such as narrower streets, rain gardens and bioretention areas, local officials can conserve the hydrologic functions at a site.

Stormwater Drainage Districts may be created by a municipality as a vehicle for ongoing funding of stormwater facility operation and maintenance. Municipalities may also enter into intermunicipal drainage district agreements for the purpose of sharing costs and resources.

Adopting Natural Resource Protection Regulations:

Erosion and sediment control laws or filling and grading regulations usually require some type of erosion and sediment control plan. If a municipality has one of these laws in place, it should be amended to reflect the Stormwater Phase II regulations for construction.

Floodplain regulations and wetland and watercourse protection laws are other mechanisms that municipalities can adopt as local laws or ordinances to restrict land uses near streams and wetlands and to control stormwater runoff into water bodies.

Issuing Building Permits and Certificates of Occupancy:

Through adoption of a local law, a municipality may direct the building inspector to require a SWPPP when an application is made for a land use permit such as a site plan, subdivision, zoning change or special use permit. Such a local law may authorize the Building Inspector to require an approved SWPPP before issuing the Certificate of Occupancy.

Operating and Maintaining Stormwater Infrastructure:

Municipalities must ensure the ongoing operation and maintenance of stormwater facilities upon the completion of a development project. Municipalities may either assume direct fulfillment of O&M responsibilities by accepting an easement or ownership of the land on which the structures are located, or alternatively, a municipality and a developer may enter into a maintenance agreement or covenant to ensure the ongoing operation and maintenance of the stormwater management practices.

The New York Sea Grant NEMO Program is delivered in partnership through the New York State Department of Environmental Conservation, the New York State Department of State, the US Environmental Protection Agency, the Long Island Sound Study, the South Shore Estuary Reserve Council, and the Peconic Estuary Program.

The New York Sea Grant NEMO Program is a member of the National NEMO Network.



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New York's Sea Grant Extension Program provides Equal Employment and Equal Employment Opportunities in association with Cornell Cooperative Extension, U.S. Department of Agriculture and U.S. Department of Commerce and cooperating County Cooperative Extension Associations.

NY State Phase II Construction and Post-Construction standards and useful technical guidance with up-to-date practices, checklists and implementation tools:

Stormwater Management Guidance Manual for Local Officials

<http://www.dec.state.ny.us/website/dow/toolbox/ms4toolbox/local.html>

NYS Stormwater Management Design Manual

<http://www.dec.state.ny.us/website/dow/toolbox/swmanual/>

NY Standards and Specifications for Erosion and Sediment Control

<http://www.dec.state.ny.us/website/dow/toolbox/escstandards/>