Village of Flower Hill
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

Prepared By:

LiRo Engineers, Inc.
A LiRo-Hill Company

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

Prepared For:

Village of Flower Hill

Village of Flower Hill
100 East Shore Road
Great Neck, NY, 11023

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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, 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. The Storm Water Management Plan (SWMP) is available at Village Hall located 100 East Shore Road, Great Neck, NY 11023 and available online at the attached link(vclerk@villageflowerhill.org/rule/).

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 Flower Hill.

1.2.1.1 Village Location

The Village of Flower Hill is a municipality located on the north shore of Long Island in the Town of North Hempstead. It sits at the base of the Cow Neck Peninsula from Leeds Pond in the west to Hempstead Harbor in the east. Flower Hill is bordered by several MS4 jurisdictions which include unincorporated regions of North Hempstead (to the north and southwest), Plandome Manor (to the west), Plandome (to the west), Munsey Park (to the southwest), Roslyn Estates (to the south), and Roslyn (to the southeast).

1.2.1.2 Village Demographics

The Village encompasses approximately 1.61 square miles in area. According to 2024 survey estimates, the Village has a population of approximately 4,762, residing in 1,449 households. The population density is approximately 2,954 people per square mile.

1.2.1.3 Village Land Use

The Village is primarily zoned residential with some commercial properties and St. Francis Hospital. Per the Nassau County land use database, there are 1600 lots within the Village and 26 are commercial. Commercial lots are located on the Southern border along the State right-of-way of Northern Blvd and the county right-of-way on Old Northern Blvd and Middle Neck Rd. The lot sizes are typically smaller than an acre with only 3 vacant parcels. The Village is completely developed and there are only 147 lots that are greater than or equal to one acre, so the likelihood of the MCM4/5 soil disturbance threshold being reached is minimal. There are no industrial properties in the Village.

Land Use Classification (chart last updated 1/1/2025)	Parcels Greater than or Equal to 1 Acre			All Parcels	
	Parcel Count	Acreage		Parcel Count	Acreage
Residential >=1 Acre	130	155		1489	666
Community Services >=1 Acre	4	21		11	24
Not Categorized >= 1 Acre	4	14		62	30
Commercial >=1 Acre	3	4.6		26	15
Public Services >=1 Acre	2	14		6	15
Recreation and Entertainment >=1 Acre	2	115		2	115
Vacant Land >=1 Acre	1	1.1		3	2.4
Wild / Conservation >= 1 Acre	1	6.2		1	6.2
Parcel Count 1 Acre or more	**147**	**330**		**1600**	**872**

1.2.1.4 Village Administration

The Village government consists of the Mayor and six Trustees, one of which is the Deputy Mayor. Each position is elected for two-year terms.

The Mayor and Trustees appoint the other Village officials, including the Village Administrator, Village Clerk, Court Clerk, Assistant to the Building Department, Building Superintendent, Code Enforcer, and the Superintendent of Highways. Three additional personnel serve in the Public Works Department on various operational tasks. There is also the Architectural Review Committee, made up of four members, and the Board of Zoning Appeals, comprised of seven members, which are appointed positions.

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, adopt budgets and levy taxes. The mayor is the chief executive officer of the Village and presides over the Board of Trustees.

The Board of Zoning Appeals is responsible for the interpretation of zoning laws and amendments that are enacted by the Board of Trustees. The Board of Zoning Appeals is authorized to hear appeals from a decision made by the Building Inspector and issue variances from the zoning law. The Architectural Review Board reviews proposed buildings to ensure that the proposed building and site improvements are in keeping with the character of the Village.

The Village has a full time Administrator, Treasurer, and Clerk to facilitate operations. The Village Clerk/Treasurer, subject to direction of the mayor, is responsible for a variety of administrative duties related to municipal government, including day-to-day Village business, coordination of all Board meetings, and communications. The Treasurer is responsible for accounting, fiscal record keeping, and tax collection.

The Village has a part time Building Inspector who is responsible for oversight of the NY State Building Code relating to building permits and construction within the Village, and the Village has a part-time Code-Enforcement Officer.

Village Public Works activities are performed by four full-time employees.

1.2.1.5 Village Facilities and Infrastructure

The following facilities and infrastructure are owned by the Village:

- Administrative: The Village has one administrative building, the Village Hall.
- Public Works: DPW has a three-bay vehicle storage and a maintenance shed co-located with Village Hall on the lower level.
- Parks: The Village owns Flower Hill Village Park across the street from Village Hall. The park contains walking trails, playgrounds, and a basketball court.
- Streets & Street Drainage: The Village has over 22 miles of roads. The County owns 1.1 miles of the system, which includes Middle Neck Road, portions of Old Northern Boulevard, and portions of West Shore Rd. The State owns 2.3 miles of the system, which includes Port Washington Blvd (Route 101) and Northern Blvd (Route 25A). The road networks and drainage systems are interconnected.
- Separate Parking Lots: The Village has no separate parking fields or parking structures.

1.2.1.6 Village Services

The Village of Flower Hill provides municipal services to operate, maintain and rehabilitate the facilities and infrastructure under its jurisdiction. Other municipalities that have facilities/infrastructure at the Village borders (i.e. County and/or State, etc.) are the service providers for their facilities/infrastructure.

A listing of services that the Village provides follows,

- Village Street Maintenance: Village sweeping, snow, and ice control are provided by Village forces, along with drainage maintenance. Streets are swept every other week. The Village cleans drainage structures once or twice a year. During snowstorms, a sand/salt mixture is applied to the Village streets as required to assure the safety of motorists. The Village gets sand/salt from the County storage shed.

- Landscaping and Lawn Maintenance: Grass cutting, and general landscaping is provided by the Department of Public Works. This includes maintenance of the Village Hall grounds, Flower Hill Village Park, and traffic islands (Boulder Rd at Elderfields Rd, Waring Dr median, Dogwood Lane at Dartmouth Rd, Parkwoods Rd median, Mason Dr at Pinewood Rd, . No pesticides are used.

- Municipal Vehicle Storage and Maintenance: Maintenance is provided in a lot and a three-bay garage on the ground level of Village Hall. Village forces do minor maintenance and major repairs are outsourced. The Village recycles its used oil, antifreeze, and batteries.

- Solid Waste Services: the Village manages residential solid waste recycling and disposal. Trash is collected by a private carter and taken to the Town of North Hempstead solid waste facility.
  - 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 and taken to the Town Recycling Center by the carter.
  - The Village residents use a household hazardous disposal program run by the Town of North Hempstead. Residents bring their household hazardous waste to designated Town locations. Village residents also use the Town recycling facility to dispose of used automotive oil.

1.2.1.7 Other Service Providers

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

- Sanitary Waste Services: Wastewater disposal services are provided by a separate sanitary sewage system and onsite systems. The Port Washington Pollution Control District provides sewage collection, treatment, and disposal for approximately 146 properties with the rest having onsite systems.

- Water Supply: the Manhasset Lakeville Water District and the Water Authority of Great Neck North supply water. The water suppliers promote the County water conservation ordinance, which bans the use of lawn sprinklers between the hours of 10 AM and 4 PM, and has on odd/even day restriction for watering depending on house number. Applicable Local Laws and Other Legal Authorities

- Natural Gas: National Grid provides natural gas for heating and cooking.

- Internet Providers: Optimum and Verizon are the major internet providers.

- Electricity: PSEG provides electricity to the various properties.

2 Applicable Local Laws and Other Legal Authorities

2.1 Illicit Discharge Detention and Elimination Law

The Village adopted a local law to prohibit illicit connections to the municipal stormwater system identified in Chapter 240-49 Article XI, *Storm Sewer Illicit Discharges, Activities and Connections* 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 identified in Chapter 240-68, Article XII, *Stormwater Management and Erosion and Sediment Control* 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 Flower Hill 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 several 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.

4 Staffing, Staff Development Programs, and Staff Organization

The entire Village staff consists of a full time Village Clerk/Treasurer, a Deputy Clerk/Treasurer, and a three-man public works department. The Phase II Stormwater Program is administered by the Clerk (who is the New York State Department of Environmental Conservation contact person) and elected officials (who make decisions regarding Village program requirements). Coordination of the program is through the Village Clerk and DPW.

The Village has ten staff (including full and part-time employees) which are distributed amongst the following departments,

- Clerical and Administrative: 3
- Building Dept and Code Enforcement: 3
- Public Works: 4

The primary Village staff involved with the Stormwater Program are listed below. All have these additional responsibilities in addition to their regular roles and functions.

Position	Name	Email	Phone Number
Mayor	Randall Rosenbaum	mayor@villageflowerhill.org	516-627-5000
Village Administrator	Marla Wolfson	vclerk@villageflowerhill.org	516-627-5000
DPW	Richard Falcones	hwydept@villageflowerhill.org	516-627-5000
Building Inspector	Peter Albinski	buildinginsp@villageflowerhill.org	516-627-5000
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 oversees the Village Office and issues licenses and permits and is the custodian of all Village records. The Village Administrator serves as the Local Stormwater Public Contact for receiving public comment or illicit discharge, coordinating and facilitating MS4 operations.

- Superintendent of Public Works: The four-man Public Works crew is responsible for the sweeping and maintenance of the road system, including snow and ice removal and pocket park maintenance. The Superintendent of Public Works is Stormwater Program Coordinator and the Stormwater Management Officer (SMO) for Illicit Discharge Detection and Elimination (IDDE [i.e. MCM 3]) and is responsible for investigating any illicit discharge reported to the Village. The SMO contacts the County Health Department on matters that involve an illicit discharge of a sanitary nature. The Village is proactive in the detection of illicit discharges by having the storm system inspected periodically by the Highway Department. 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 village infrastructure.

- Building Inspector: The Village Building Inspector is a part-time employee of the Village and 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 issued by the building inspector. The Building Inspector is also the Stormwater Management Officer (SMO) for the Erosion and Sediment Control (ESC [i.e. Minimum Control Measures 4 & 5]). The Building Inspector reviews Stormwater Management Pollution Prevention Plans (SWPPPs) for conformance with the Village Local Law and assures that developers are putting their SWPPPs into practice. The Building Inspector is also responsible for the completion of the NYSDEC SWPPP Acceptance Form, which the Village provides to the applicant. However, since there are only 147 lots in the Village that are an acre or more in area, and since the Village is completely developed, the SWPPP conditions are rarely met.

- 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, please refer to **Sections 6.6 and 7.6**.

Activity	Mechanism	Frequency
Street Sweeping	DPW,	Every other week
Drain system inspection	DPW	Quarterly
Drain system maintenance	DPW	Twice per year or as needed
Snow and Ice Control	DPW	As needed
Building Maintenance, trash removal, vacuuming and cleaning	By Village forces	Daily on business days
Parks Maintenance and Landscaping	DPW	Seasonal mowing
Vehicle and fleet maintenance	Minor- by village forces Major - off-site by 3rd party	As required by manufacturer's maintenance schedules
Solid Waste	3rd party carter	Garbage & Trash 3 days/wk, yard waste and Recycling: 1 day/week
Household Hazardous Waste (S.T.O.P.)	Town of North Hempstead	Information on Town program is posted on Village website

The Village evaluates its programs annually to determine if modifications are needed. The Village has determined that the current program is effective in reducing surface water pollution from its storm drainage system to the maximum extent practicable. Any maintenance work in the Village contracted to others must comply with the NYSDEC's third party contractor agreement, which is attached to the SWMP in **Appendix D** and requires their signature.

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 as its primary method of reaching residents with stormwater quality and solid waste related information, and a newsletter is mailed to each resident annually. The Village provides educational information pertaining to recycling, household hazardous wastes, litter, debris, pet waste, not feeding waterfowl, erosion control and the need for construction permits within the Village.

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.

The Village is a member of the Hempstead Harbor Protection Committee and the Manhasset Bay Protection Committee, watershed groups that conduct Public Education and Outreach, Public Involvement/ Participation, and Illicit Discharge Detection and Elimination activities. Various educational materials are regularly updated on each Protection Committee's website.

Additionally, as a Coalition Partner, Nassau County is addressing the same issue watershed-wide including residents of Flower Hill. Please see the County Stormwater Management Program Annual Report (SWMPAR) on the County website. For example, the Nassau County Soil and Water Conservation District and the NYS Dept. of Environmental Conservation released their educational film titled *Stormwater Pollution and Green Infrastructure Solutions* on January 28, 2016. This film highlights stormwater runoff impacts throughout New York State and showcases several green infrastructure solutions, It is available to view at this website: https://www.youtube.com/watch?v=ATNy-vaIPXI&feature=youtu.be&t=3s

6.2 Public Involvement/Participation

The Village Board of Trustees conducts an advertised public meeting each year at the Village Hall on the Stormwater Management Program Annual Report (SWMPAR) and the Village's Phase II Stormwater Program.

The public has been invited to advertised public hearings on the local laws pertaining to the Detection and Elimination of Illicit Discharges and requirements for Erosion Control and Stormwater Management on construction sites when the Village Code was adopted.

Other participatory activities include the advertised public meetings held for site plan review for construction projects within the Village. The Board of Zoning Appeals and the Architectural Review Board meet monthly.

The Village Board of Trustees, the governing body of the Village, holds monthly meetings on matters of policy, local laws and codes, and budgeting. Agendas are published and the public is welcome.

While there have been discussions about the Stormwater Management Program and the annual reports during board meetings and questions from board members have been answered, there have been no comments from the 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 Village is an "MS4 Partner" in the Nassau County Stormwater Coalition. The Coalition conducts public participation and involvement activities for residents throughout the County.

The Hempstead Harbor Protection Committee and Manhasset Bay Protection Committee perform public involvement and participation activities for residents along the north shore of Nassau County. See the respective websites for details of the dates, locations and number of participants. The Village is a municipal member of the Committee.

The Village follows 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 (SMO), which is communicated by using the contact information provided in **Section 4.** The Village adopted a local law to prohibit illicit connections to the municipal stormwater system on November 8th, 2010. A copy of the Village's local law pertaining to Illicit Discharges to Storm Sewers is included in **Appendix A** of this plan.

There is a minimal risk of a sewer discharge from the region serviced by the Port Washington Water Pollution Control District. The village regularly regulates onsite septic systems when development is proposed as part of the approval process. Older systems are updated when major building upgrades are observed or if there is an observed system failure. Outfalls and interconnections were mapped in 2009 and 2010 and updated in 2017. Storm sewersheds were delineated in 2010. Dry weather screening for signs of illicit discharges are done at least 20% per year or once every 5 years. This has been integrated into the GIS mapping, identified in **Section 9**. The Village monitors the street sides for 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 if found.

6.4 Construction Site Stormwater Runoff Control

One of the primary pollutants of concern is sediment from construction sites that enters 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 on November 8th, 2010. 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 included in **Appendix B** of this plan.

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 November 2010 that involved an acre or more of solid disturbance. As explained in **Section 7**, 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. Information from the public concerning construction activities is routed through the Village Secretary or Administrator (see **Section 4**).

6.5 Post-Construction Stormwater Management

As indicated in the previous section, it is unlikely that the soil disturbance threshold for post construction stormwater management will be reached, so that this minimum control measure will seldom apply. As a local practice however, calls for stormwater runoff to be retained in drywells for smaller projects.

The Village requires that those responsible for construction activities 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, and it applies to major renovation and new construction with less than an acre of soil disturbance. This exceeds the Stream Channel Protection Volume (Cp_v) published in the NYS Stormwater Management Design Manual by one-half inch, and assures the all pollutants carried by stormwater runoff by a one-year 24-hour storm are retained on-site. When basement porches are present 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. This requirement helps ensure that properties located downstream from construction sites are not impacted by stormwater.

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	By Village Forces
Right-of Way (ROW)	Abutting owner	Abutting Property Owner
Garbage collection	Village activity	3rd party by contract
Building maintenance	Village activity	By Village Forces
Storm drain inspection	Village activity	By Village Forces
Storm drain maintenance	Village activity	By Village Forces
Vehicle Maintenance	Village Activity	Routine- by Village forces Major-by 3rd party
Parks maintenance	Village activity	By Village Forces

Landscaping	Village activity	By Village Forces
Pest Control	Village has no need	N/A
Snow & ice control	Village activity	By Village Forces, salt/sand received from the County or Town
Municipal construction	Bid by Village	Outside contractor

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 and 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.

- Street Sweeping: The Village rotates its street sweeping according to a schedule. It is the practice to apply a 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. The Village obtains sand and salt storage from a Town shed. Schedule provided on the next page.
- Storm Drain Inspection and Maintenance: A vendor inspects the drainage structures two to four times each year, and a vendor cleans catch basins that require cleaning.
- Vehicle Maintenance: The maintenance vehicles are kept in good condition to lessen the potential of a pollution event. Major vehicle maintenance is performed at a qualified facility off the premises. Village forces perform routine vehicle maintenance. Used oil, antifreeze, automotive batteries and tires are recycled.
    - 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
    - All vehicle wash water is contained on site
- Building Maintenance: The Village cleans buildings and correctly disposes of used chemicals.

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. Structures are cleaned on an as-needed basis by a third-party contractor.

The Village does not use pesticides on its traffic islands or medians. Road ROW is maintained by abutting property owners.

The Village is responsible for the maintenance of village streets and the State or County being responsible for their respective roadway networks. The LIRR is responsible for the maintenance of their track right-of-way on the western edge of the Village per the NYS RR Law.

For any municipal construction subject to MCM 4/5, Construction Activity SPDES Permit coverage will be obtained prior to commencement of work. Since the Village infrastructure and facilities are fully developed, there are no plans for any municipal construction. Any significant improvements will be made through an outside contract.

The Village assesses its municipal operations and maintenance program annually and makes appropriate adjustments when needed. The program is effective for infrastructure and facilities under Village jurisdiction.

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 Website	Village		Ongoing
Catch Basin Medallions	Village/County	Install aluminum medallions on catch basins that drain to watersheds	Complete
Placing pet waste signs along village streets where people walk dogs	Village	Installed signs in areas heavily trafficked by pets	Complete
Printed Literature, Brochures, Bookmarks, Handouts	Nassau County and Watershed Groups	30,000 pieces distributed	Current practice
Nassau County Soil & Water Conservation District Newsletter	Nassau County	3,680 in circulation	Quarterly
Educational Courses, Seminars, Webinars/Webcasts, and Outreach to Schools	Nassau County and Watershed Groups	Speakers provided upon request to schools and workplace.	Ongoing activity
Watershed Organization Group Public Information Activities	Manhasset Bay Protection Committee	*activities that the Committee will be coordinating* Public Education & Outreach Education Flyers Media Campaigns Informational Displays Speakers to community groups	On-going activity

7.2 Public Involvement/Participation

BMP	Responsible Party	Measurable Goals	Time Frame
Public Comment on Stormwater Program	Village Board of Trustees	Seek Public input on the SWMP	Annually by website posting

Public Meetings on Village policy and budgets	Village Board of Trustees	Invite public input on all processed development	As required (usually monthly)
Public Meetings on Construction Projects	Architectural Review Board	Invite public input on all proposed zoning variances	As required (monthly)
Public Meetings on Zoning Variances	Village Zoning Board of Appeals	Invite public input on all proposed zoning variances	Ongoing
Cleaning Preserves Beaches and Shorelines	Nassau County		Annual Activity
Nassau County Logo and Slogan Contest	Nassau County		Annual Activity
Watershed Organization Group Public Involvement Activities	Manhasset Bay Protection Committee	*Activities that the Committee will be coordinating* Native Plant Garden Website Coordination Public Involvement/ Participation Mailing List Storm Drain stenciling Home assessment Survey Website Coordination Boat trips	Ongoing activity

7.3 Illicit Discharge Detection and Elimination

BMP	Responsible Party	Measurable Goals	Time Frame
Adopted Local Law	Village		11/8/2010
Outfall Mapping	Village		Updated per GP 0-24-001 requirements
Interconnection Mapping	Village		Updated per GP 0-24-001 requirements
Storm Watershed mapping	Village		Updated per GP 0-24-001 requirements
Dry Weather Flow Monitoring	Village		Updated per GP 0-24-001 requirements
Side Street Monitoring	Village		

7.4 Construction Site Stormwater Runoff Control

BMP	Responsible Party	Measurable Goals	Time Frame
Adopted Local Law	Village		11/8/2010

SWPPP Review	Village	All applications with less than or equal to 1 acre of disturbance	Ongoing practice
Silt fence/straw bales for less than one acre of disturbance as a local practice	Village	For all projects with potential for off-site erosion	Ongoing practice
Construction Site Monitoring for SWPPP	Village	All sites that require SWPPP's	Ongoing practice
Construction monitoring of local erosion control BMPs	Village	All sites with local requirement for erosion control	Ongoing practice

7.5 Post-Construction Stormwater Management

BMP	Responsible Party	Measurable Goals	Time Frame
Adopted Village Standard	Village	Storing 3" of runoff on site	Applied to all applications for new buildings and major reconstructions, to existing properties where flood damage to adjacent properties takes place
Post Construction Site Monitoring	Village	No flooding for rain events less than 3"	Ongoing after rain events

7.6 Pollutant Prevention and Good Housekeeping

BMP	Responsible Party	Measurable Goals	Time Frame
Street Sweeping	Village	All Village streets	Weekly
Storm System Inspection	Village	All structures in system	Quarterly
Storm System Maintenance	Village by 3rd party vendor	All structures that inspections flag	Cleaned as required
Snow and Ice control	Village	All Village streets	As required
Building Maintenance	Village	Keep Village Hall Clean, use green products	Clean Daily
Vehicle Maintenance	Routine-Village (DWP) Major- by 3rd party	Recycle all oil, antifreeze, solvents, batteries, and tires	Ongoing
Solid Waste Management	Village (3rd party carter)	Garbage 3x wk Recycle 1x wk	Ongoing
Household Hazardous Waste Collection (S.T.O.P.)	Town of North Hempstead	[See Town Program]	Ongoing

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 (ERP), 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 watershed. 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 watersheds towards the drainage system.
- The Village interconnections and outfalls are shown and numbered.

Appendix A
Illicit Discharge Detention & Elimination Law

ARTICLE XI
Storm Sewer Illicit Discharges, Activities and Connections
[Added 11-8-2010 by L.L. No. 16-2010[1]]

§ 240-49. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Flower Hill through the regulation of nonstormwater 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 nonstormwater 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.

§ 240-50. 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.

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1. **Editor's Note: This local law redesignated former Ch. 192, Storm Sewers, comprised of Art. I, Illicit Discharges, Activities and Connections, adopted 1-8-2008 by L.L. No. 1-2008, as Art. XI in Zoning.**

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN PROFESSIONAL — 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 nonstormwater 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 nonstormwater discharge to the MS4, except as exempted in § 192-5 of this article.

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.

MUNICIPALITY — The Village of Flower Hill.

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 Flower Hill;

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.

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 their 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 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 Flower Hill 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.

§ 240-51. 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.

§ 240-52. 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.

§ 240-53. Discharge prohibitions; exceptions.

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, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, 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. **[Amended 7-6-2010 by L.L. No. 13-2010]**

   (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.

§ 240-54. Failing individual sewage treatment systems prohibited.

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.

§ 240-55. Activities contaminating stormwater prohibited.

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 § 240-50, Definitions, of this article.

B. Such activities include failing individual sewage treatment systems as defined in § 240-54, 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.

§ 240-56. Prevention, control and reduction of stormwater pollutants.

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 240-50 or activities contaminating stormwater as defined in § 240-55, 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 or 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 § 240-50 or an activity contaminating stormwater as defined in § 240-55, 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 § 240-50 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 75-A 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.

§ 240-57. Suspension of access to MS4.

A. Illicit discharges in emergency situations. 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 their 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.

§ 240-58. Industrial or construction activity discharges.

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.

§ 240-59. Applicability; access to facilities; 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 article 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 his or her 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.

§ 240-60. 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.

§ 240-61. Enforcement; penalties for offenses.

A. Notice of violation.

(1) 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. 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.

§ 240-62. 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.

§ 240-63. 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.

§ 240-64. 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.

§ 240-65. 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 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.

§ 240-66. Violations deemed a 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.

§ 240-67. 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

ARTICLE XII
Stormwater Management and Erosion and Sediment Control
[Added 11-8-2010 by L.L. No. 16-2010[1]]

§ 240-68. 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 waterborne 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 streambank 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.

§ 240-69. Purpose.

The purpose of this article 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 § 240-68 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

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1. **Editor's Note: This local law redesignated former Ch. 193, Stormwater Management and Erosion and Sediment Control, adopted 1-8-2008 by L.L. No. 2-2008, as Art. XII in Zoning.**

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 to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 240-70. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Village Board of Trustees of Flower Hill 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 Flower Hill and for the protection and enhancement of its physical environment. The Village Board of Trustees of Flower Hill 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.

§ 240-71. Applicability.

A. This chapter shall be applicable to all land development activities as defined in this article, § 240-73.

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 Flower Hill, 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 article.

C. All land development activities subject to review and approval by the Board of Trustees of the Village of Flower Hill under subdivision, site plan, and/or special permit regulations shall

be reviewed subject to the standards contained in this article. **[Amended 5-6-2019 by L.L. No. 5-2019]**

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 article.

§ 240-72. Exemptions.

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

A. Routine maintenance activities that disturb less 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 Flower Hill on or before the effective date of this article.

D. Land development activities for which a building permit has been approved on or before the effective date of this article.

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.

§ 240-73. Definitions.

The terms used in this article or in documents prepared or reviewed under this article 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, snowmelt 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.

§ 240-74. 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 article.

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 closeout;

(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 § 240-73 and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection C 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 postconstruction stormwater management practice;

(c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction 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 postdevelopment stormwater runoff conditions with predevelopment conditions;

(f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;

(g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;

(h) Maintenance easements 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 § 240-76 of this article.

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 meets the requirements in this article.

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.

§ 240-75. 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 article, 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 article:

(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.

§ 240-76. 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 article. 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 their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. 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 logbook.

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

C. Maintenance after construction. The owner or operator of permanent stormwater

management practices installed in accordance with this article shall be operated and maintained to achieve the goals of this article. 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 article.

(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 § 193-8B(2).

D. Maintenance agreements. The Village of Flower Hill 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 article, entitled "Sample Stormwater Control Facility Maintenance Agreement."[2] The Village of Flower Hill, 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 article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 240-77. Construction inspection.

A. Erosion and sediment control inspection.

(1) The Village of Flower Hill Stormwater Management Officer may require such inspections as necessary to determine compliance with this article 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 article and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Flower Hill 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;

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2. Editor's Note: Said schedule is on file in the Village offices.

(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 Flower Hill 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 Flower Hill Stormwater Management Officer may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.

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 storm water system, the landowner shall grant to the Village of Flower Hill the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 240-78. Performance guarantee; maintenance guarantee; recordkeeping.

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 Flower Hill in its approval of the stormwater pollution prevention plan, the Village of Flower Hill 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 Flower Hill as the beneficiary. The security shall be in an amount to be determined

by the Village of Flower Hill 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 Flower Hill, 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 Flower Hill. 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 Flower Hill 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 Flower Hill may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping. The Village of Flower Hill may require entities subject to this article to maintain records demonstrating compliance with this article.

§ 240-79. Enforcement; penalties for offenses.

A. Notice of violation. When the Village of Flower Hill determines that a land development activity is not being carried out in accordance with the requirements of this article, 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 article 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 notice of violation.

B. Stop-work orders. The Village of Flower Hill may issue a stop-work order for violations of this article. 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 Flower Hill 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 article.

C. Violations. Any land development activity that is commenced or is conducted contrary to this article 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 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.

E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this article, 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 Flower Hill may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 240-80. Fees for services.

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

Appendix C
Intermunicipal Agreements

HEMPSTEAD HARBOR PROTECTION COMMITTEE

Created to Protect and Improve the Water Quality of Hempstead Harbor.

ABOUT US

About HHPC

History of the Hempstead Harbor Protection Committee

Hempstead Harbor was a very different harbor in the 1980s (and earlier).

There were many instances of beach closures due to high bacteria levels, some due to direct discharge of sewage into the harbor from the former aging Roslyn treatment plant. Several superfund sites were discovered along its shores. Rotting wooden barges lined the lower harbor and sat there for decades before funding and responsibility for their removal could be ironed out. The Village of Sea Cliff even resorted to installing “Gunderboom” around its beach in an effort to keep contaminants from interfering with swimmers. Once the most productive oystering harbor in New York, it is now entirely closed to shellfishing. Low oxygen levels led to periodic fish kills.

In response to these conditions, a citizen’s group, the Coalition to Save Hempstead Harbor was formed in 1986 and they have succeeded in keeping a focus on the needs of the harbor.

At the same time, the nine local governments (including the County) which surrounded the harbor, however, continued to address the harbor issues in their communities independently, as most issues have and continue to be. However, as it became increasingly evident that pollutants know no boundaries and that small villages did not have the resources to tackle large harbor issues and the larger Towns and County had so many other issues to deal with that the tough issues where jurisdiction was complicated or unclear tended to be put on the back burner by all involved. Because of this, it became increasingly evident that there was a need for a mechanism to facilitate a more coordinated government approach to these problems.

The idea for a Hempstead Harbor Protection Committee was conceived by Assemblyman Tom DiNapoli and former Sea Cliff Mayor Ted Blackburn in the mid 1990s. In 1995 funds were sought and received from the New York State Department of State to fund a part time director and to hire coastal experts to prepare an in-depth Water Quality Improvement Plan. Each of the nine municipalities signed memoranda of understandings to work cooperatively and to contribute financially on a pro-rata basis.

Long Island’s first watershed-based inter-municipal coalition was thus born. It has been an unqualified success and has spawned the creation of at least one other inter-municipal effort, the Manhasset Bay Protection Committee.

How We Are Funded

Since 1995, the Committee has received over 20 grants, which have covered much of the Committee's costs. The balance of the Committee's budget (including monetary matches for the grants) is made up from annual contributions ("dues") received from the nine member municipalities. These annual contributions (for calendar year 2018) total $ 90,750.00.

Technical Advisors & Partners

Our efforts would not be possible without the assistance of the following organizations and agencies that work with the Committee as technical advisors and partners:

- The New York State Department of State
- The New York State Department of Environmental Conservation
- The Coalition to Save Hempstead Harbor
- New York Sea Grant / NEMO
- The Glenwood / Glen Head Civic Association
- The North Shore Country Club
- The U.S. Environmental Protection Agency Long Island Sound Study Office
- Residents Forward

Municipal Members

Nassau County
Bruce Blakeman, County Executive
Dan Fucci, Representative

City of Glen Cove
Pamela Panzenbeck, Mayor
Ann Fangmann, Representative
Rocco Graziosi, Representative

Town of North Hempstead

Jennifer DeSeana, Town Supervisor

Kevin Braun, Representative

Town of Oyster Bay

Joseph Saladino, Town Supervisor

Sara Covelli, Representative

Village of Flower Hill

Randall Rosenbaum, Mayor

Gary Lewandowski, Representative

Village of Roslyn

John Durkin, Mayor

Ian Zwerdling, Representative

Village of Roslyn Harbor

Sandy Quentzel, Mayor

Ali Levine, Co-Representative

Adam Levine, Co-Representative

Village of Sands Point

Peter Forman, Mayor

Louis Silfin, Representative

Village of Sea Cliff

Elena Villafane, Mayor

Tom Powell, HHPC Chair and Representative

About the Committee

In recognition of their shared interests and an understanding that water quality and coastal issues are best addressed on a coordinated, watershed level, in 1998 North Hempstead, Nassau County, and 11 of the now 13 watershed villages voluntarily entered into an inter-municipal agreement for water quality planning purposes.

Site Map

Right image: volunteers at Baxter Beach clean-up in October 2023, credit: MBPC. All other images: J. Wilson-Pines

Subscribe to our newsletter.

The Manhasset Bay Protection Committee is an inter-municipal organization focused on addressing water quality and coastal issues with a coordinated, watershed-level approach. The Committee has 15 member municipalities who all voluntarily entered into an inter-municipal agreement. The Committee is funded through annual dues from these members. Membership is open to all local governments in the watershed. A representative from each member-municipality is appointed to serve on the Committee.

The Committee's first project was to complete a Water Quality Improvement Plan (1999). The Committee has just received funding from the NYS Department of State to do a new Plan, which you can contribute to. Visit our "The Plan" page to learn more.

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Manhasset Bay
Protection Committee

The 15 Member Municipalities

The County of

Nassau

The Town of

North Hempstead

The Villages of

Baxter Estates
Flower Hill
Great Neck
Kensington
Kings Point
Manorhaven
Munsey Park
Plandome
Plandome Heights
Plandome Manor
Port Washington North*
Sands Point
Thomaston

**Current Committee Chair*
Image: Mill Pond, MBPC

The Committee's Executive Director is the only staff. Her role is to carry out the mission of the Committee by developing and implementing the various water quality improvement projects and educational programs that are Committee priorities.
The Committee has also recently brought on a Water Quality Monitoring Coordinator to assist with the summer sampling program and volunteer activities.

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Manhasset Bay
Protection Committee

mbpcExec@gmail.com

Appendix D
Third Party Certification Statement

Contract Number:_____ Date:_____
Contractor Name:_____

Services to be provided which pertain to MS4 Compliance:

_____
_____
_____
_____
_____
_____

Potential areas of Non-compliance to prevent:

_____
_____
_____
_____
_____

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

Village of Flower Hill
Municipal Separate Storm Sewer System
Appendix E
Illicit Discharge Detection & Elimination Program

Prepared By:

LiRo Engineers, Inc.
A LiRo-Hill Company

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

Prepared For:

VILLAGE OF FLOWER HILL

Village of Flower Hill
1 Bonnie Heights Rd
Manhasset, NY 11030

February 27

Table of Contents

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. The Village of Flower Hill's (further referred to as the "Village") stormwater discharges are regulated by the New York State Department of Environmental Conversation (NYSDEC). 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 to improve biodiversity, recreational opportunities, and promote ecological and human health.

1.1 Purpose of the Illicit Discharge Detection and Elimination Program

The MS4 program is divided into several Minimum Control Measures (MCMs) which create quantitative and qualitative benchmarks for the Village to obtain. The detection and elimination of illicit discharges is covered under MCM3. The Illicit Discharge Detection and Elimination Program (IDDEP) memorializes and standardizes the village's operation. The program creates a procedure for developing, implementing, and enforcing a program which systematically detects, tracks down, and eliminates illicit discharges to the MS4. The overall intent of the IDDEP is to steadily reduce and eliminate the conveyance of pollutants to major waterbodies and ensure that the MS4 does not convey pollutants associated with flows other than those directly attributable to stormwater runoff.

1.2 Applicability

The IDDEP is implemented closely with the Enforcement Response Plan (ERP) in **Appendix H** of the Stormwater Management Plan (SWMP).

2 Responsibilities of Personnel

The following summarizes the responsibilities of the various individuals/entities/roles in their implementation of the IDDEP:

- **Responsible Party –** The responsible party is a resident, owner, contractor, or other entity responsible for an illicit discharge. In the case of negligent or purposeful illicit discharges, they may be held responsible for helping to eliminate an illicit discharge.
- **Clerk –** The clerk acts as the SWMP contact and is responsible for coordinating the Village's team for a response. They will receive any reports from the public and serve as the control center for IDDEP operations.
- **Commissioner for the Department of Public Works –** As the Stormwater Management Officer (SMO), the Commissioner will direct actions to prevent, eliminate, or contain an illicit discharge within a municipal right-of-way. This may require the dispatch of emergency responders (such as the local fire or police department, Department of Public Works personnel, or a private contractor. The SMO will act in this authority selecting the proper resources for the illicit discharge depending on where, when, and how the illicit discharge occurred along with its

severity. The SMO will oversee the work that is occurring and ensure compliance with the SWMP.

- **Building Inspector –** The Building Inspector should review properties for potential illicit discharges in the form of septic system deficiencies, outfalls that run into a public right-of-way, or unauthorized pumping. The Building Inspector should report any illicit discharges to the SWMP coordinator and will communicate with Department of Public Works, when necessary, to implement the necessary changes. The Building Inspector will oversee illicit discharges associated with a Stormwater Pollution Prevention Plan (SWPPP).
- **Public –** The public may report illicit discharges 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 Training Protocol

Anyone tasked with implementing the IDDEP inspections must be trained in accordance with the MS4 general permit requirements. Any staff conducting illicit discharge track down procedures must be given the training on the IDDEP prior to be tasked with implementing any protocol stipulated within it. Personnel must receive the training applicable to their roles and responsibilities at least every five (5) years to be considered qualified to ensure implementation of the IDDEP.

For new staff, the responsibilities of the IDDEP, and MS4 program at large, should be incorporated in their job description with their training focused on their applicable responsibilities. The Village should arrange for training to occur regularly through their Village Engineer or an MS4 coalition partner. When a training is conducted, the date of the training and the trainer should be recorded along with the names, titles, and contract information of the staff which successfully completed it. That list should be reviewed annually to determine the need to set up additional training.

Alterations and updates to the IDDEP should be conducted regularly to ensure that the IDDEP is kept up to date with MS4 requirements and the specific requirements of the Village. In such cases, an email should be sent to all personnel included in the IDDEP at a minimum. Personnel with an IDDEP role should respond to that email affirming that they understand the requirements. When changes to the IDDEP may be applicable to a larger body of staff, the changes to the program should be sent to all impacted individuals. However, it is not a requirement that such personnel respond affirming they understand the change. Training and tracking of alteration or update affirmations should be conducted under **Appendix E-a**.

3 Monitoring Locations & Inspections Procedure

The following section describes the various monitoring locations and inspections required as part of the IDDEP.

3.1 Monitoring Locations

The primary purpose of monitoring locations is to detect illicit discharges. Monitoring locations can be any location within the stormwater network which are accessible to create a visual observation, conduct sampling, or conduct any protocol required by staff in the implementation of the IDDEP. These locations can be at MS4 outfalls which are typically a catch basin, manhole, ditches and swales or another

drainage structure that is easily accessible without destructive methods and that discharges to surface waters of the State from the MS4. Interconnections are monitoring locations at any point of stormwater discharge from pipes, ditches and swales as well as other points of concentrated flow where the MS4 is discharging to another MS4 or private storm sewer system. Municipal intraconnections are locations where stormwater is conveyed from an MS4 municipal facility to the MS4 Operator's own MS4.

The Village's monitoring locations are identified visually in **Appendix E-b**. The inventory information varies based on the type of monitoring locations as shown in the table below.

Inventory Information	Monitoring Locations		
	MS4 Outfalls	Interconnections	Municipal Facility Intraconnections
ID	X	X	X
Prioritization (high or low)	X	X	X
Type of monitoring location	X	X	X
Name of MS4 Operator receiving discharge or private storm sewer		X	
Name of MS4 Operator's municipal facility	X	X	X
Receiving Waterbody name and class	X	X	X
Receiving Waterbody WI/PWL Segment ID	X		
Land use in drainage area	X		
Types of conveyance (open or closed)	X		
Material	X		
Shape	X		
Dimension	X		
Submerged in Water or Sediment	X		

Table 1 – Monitoring Location Inventory Criteria

The inventory is updated annually to account for new outfalls or monitoring locations being created, discovered, or eliminated.

Monitoring locations are prioritized based on their siting and discharge locations. High priority monitoring locations are those that are located at a high priority municipal facility, discharge to an impaired waterbody, a TMDL watershed, a Class AA-S, A-S, AA, A, B, SA, or SB waters, or have three or more citizen complaints within the last 12 months. Newly discovered or created monitoring locations must be considered a high priority for 30 days. The prioritizations must be updated annually in the inventory based on information gathered during the monitoring location inspection and sampling program. The updated monitoring prioritization information must be documented in the SWMP Plan.

The Village conducts both formal and informal monitoring programs of their drainage system.

Formal monitoring inspections are completed by the SWMP coordinator on an annual basis. Upon completion of a formal inspection, the inspection log form and sampling field sheet should be filled out as provided in Section 3.2. Informal monitoring is conducted during the course of other work items, such

as the cleaning of catch basins, or roadway repairs by road crew personnel. While this can make such operations at irregular intervals, it provides a more frequent understanding of conditions.

Any illicit discharge discovered—whether through a formal or informal inspection—should be followed by completion of all paperwork required for a formal inspection.

3.2 Inspection and Sampling Program

MS4 operator must develop and implement a monitoring locations inspection and sampling program.

During dry weather, one inspection of each monitoring location identified in the inventory must be conducted every five years from the most recent inspection.

The Monitoring locations inspection and sampling program must document all monitoring location inspections, including sampling results, using the Monitoring Location Inspection and Sampling Field Sheet **(Appendix E-c)**.

Sampling must be conducted at all monitoring locations which had inspections result in a suspect or obvious illicit discharge characterization. Sampling is not required if the source of illicit discharge is clear and discernable (i.e. sewage). Sampling requirements are based on the number and severity of physical indicators present in the flow. Physical indications include odor, color, turbidity, floatables, damage to structure, stains and deposits, pipe benthic growth, abnormal vegetation, etc.. Physical indicators are detailed in the Monitoring Locations Inspections and Sampling Field sheet **(Appendix E-c)**.

Sampling may be performed with field test kits or field instrumentations that are sufficiently sensitive to detecting the parameter below the sampling action level used and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories. Refer to the table below for sampling equipment.

Table 40: Equipment Needed for Sample Collection
• A cooler (to be kept in the vehicle) • Ice or "blue ice" (to be kept in the vehicle) • Permanent marker (for labeling the samples) • Labeling tape or pre-printed labels • Several dozen one-liter polyethylene plastic sample bottles • A "dipper," a measuring cup at the end of a long pole, to collect samples from outfalls that are hard to reach • Bacteria analysis sample bottles (if applicable), typically pre-cleaned 120mL sample bottles, to ensure against contamination

Table 2 – Sample Collection equipment

The above table is referenced from chapter 12.2 of the *Center for Watershed (CWP) Illicit discharge Discharge Detection and Elimination: A Guidance Manual*.

Upon completion of sampling, track down procedures in accordance with section 5 of this document will be initiated for monitoring locations with an overall characterization of “suspect illicit discharge” or “obvious illicit discharge” or any characterization that exceeds any sampling action level used.

For monitoring location where physical indicator unrelated to flow are observed, potentially indicating intermittent or transitory discharges, the Village will re-inspect the monitoring location within 30 days of the initial inspection using the techniques listed below or equivalent:

a. Odd hours monitoring
b. Optical brightener monitoring traps
c. Caulk dams
d. Pool sampling
e. Toxicity monitoring

Refer to Chapter 12.6 of the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance for detailed description of each techniques listed above.

The Village will initiate the implementation of track down procedures if the same physical indicators persist following the reinspection.

For Village owned projects located within a phosphorus impaired watershed, on-site wastewater systems (i.e., septic tanks, cesspools, absorption fields, or distribution systems) must be inspected once every five (5) years. The Village must ensure that the system is pumped, and every system component including septic tanks, absorption fields, are inspected. The inspector must document the individual conducting the inspection, inspection date, address and location of the system on the property and any evidence of failed systems. All system failures must be reported to the appropriate agency to ensure that corrective actions are taken.

4 Detection of Illicit Discharges

Detections of illicit discharges can be discovered by the public reporting it or by the Village staff conducting formal or informal inspections. Illicit discharges can be reported by the public through the Village’s website, by phone, or by calling the Nassau County hotline as detailed in the SWMP. Records for an illicit discharge must be documented within 30 days by the MS4 Operator and each report must include the following information:

i. Date of the Report
ii. Location of the illicit discharge
iii. Nature of the illicit discharge
iv. Follow up actions taken or needed (including response times)
v. Inspection outcomes and any enforcement taken

The Village has prepared the Illicit Discharge Inventory Form, identified in **Appendix E-d**, which must be kept and updated as part of the SWMP. This form will be completed by the trained village staff during its routine inspections of the monitoring locations. The MS4 permit does not define any date upon which such records can be discharged. The monitoring locations and inventory will be prepared in accordance with section **3 – Monitoring Location and Inspection Procedures**.

Locations should identify an illicit discharge as the distance from an intersection, residence number, stationing, or utility pole numbers. It should also include the side of the street. Potential illicit discharges likely to be considered are shown below :

i. Pathogens
ii. Silt/sediment
iii. Phosphorus
iv. Floatables
v. Nitrogen
vi. Oils or other miscellaneous materials

5 Illicit Discharge Track Down & Elimination Procedure

The Village will initiate the track down procedure within 24 hours for flowing MS4 monitoring locations with obvious illicit discharges, within 2 hours of an illicit discharge for sanitary waste, or within 5 days of a suspected illicit discharge. By April 1st of every year, the track down procedure shall be updated annually based on "lessons learned" and updates to the operational conditions of other entities (changes in contacts, phone numbers, etc.).

Once an illicit discharge is found and confirmed, the specific source must be isolated using a combination of methods. The methods used to track an illicit discharge include storm drain network investigations, drainage area investigations, on-site investigations, and septic system investigations.

Storm drain network investigations involve strategically inspecting manholes within the storm network to measure physical and chemical indicators that may isolate discharges to specific sections of the network. This message helps to isolate the discharge to an isolated pipe segment. Field crews can decide to inspect a storm drain network in three (3) ways, storm drains can be tracked by starting at the discharge locations and moving up the trunk line, the storm drain network can be split between field crews, or the crew can start at the headwaters and move down the storm network. The method used depends on the size of the system and crew. Once the segment is identified, on-site investigations are used to find the specific discharge or improper connection.

Drainage area investigations rely on analysis of land use and other characteristics of the area that is producing the illicit discharge. These investigations work best if the observed discharge is has distinct and unique characteristics that allow crews to quickly determine the probable operation or business that is likely generating the discharge.

On-site investigations include methods used to trace a source of an illicit discharge in a pipe segment, including dye, video (CCTV) or smoke testing within isolated segments of the storm drain network. The investigations are introduced into the storm system to confirm improper connections into the storm drainage system. The table below shows the applicability and limitation of each on-site investigation technique.

Technique	Best Applications	Limitations
Dye Testing	• Discharge limited to a very small drainage area (<10 properties is ideal) • Discharge probably caused by a connection from an individual property • Commercial or industrial land use	• May be difficult to gain access to some properties
Video Testing	• Continuous discharges • Discharge limited to a single pipe segment • Communities who own equipment for other investigations	• Relatively expensive equipment • Cannot capture non-flowing discharges • Often cannot capture discharges from pipes submerged in the storm drain
Smoke Testing	• Cross-connection with the sanitary sewer • Identifying other underground sources (e.g., leaking storage techniques) caused by damage to the storm drain	• Poor notification to public can cause alarm • Cannot detect all illicit discharges

Table 3 – On-Site Track Down Investigation Techniques

Failing septic systems can be a source of illicit discharge. Homeowner surveys, surface inspections and infrared photography can be implemented to find failing septic systems in low-density watersheds.

Once an illicit discharge has been detected and tracked; enforcement measures will be issued to the responsible party. The enforcement responses are based on type, magnitude and duration of the violation, the effect of the violation on the receiving waterbody, compliance history of the responsible party, and good faith compliance efforts.

The SMO must eliminate an illicit discharge that has a reasonable likelihood of adversely affecting human health or the environment within 24 hours of identification. The SMO must eliminate illicit discharges within 5 days of identification if the discharge does not have a reasonable likelihood of adversely affecting human health or the environment. If the elimination of an illicit discharge is not feasible within 5 days, the SMO must notify the Regional Water Engineer.

Staff responsible for implementing the elimination procedures must be properly trained on such procedures.

The SMO enforcement efforts will begin with a written notice of violation. Such notice may require, without limitation:

1. The elimination of the illicit connection or discharge.
2. Cease and desist of the violating discharges, practices or operations.
3. The abatement, remediation of stormwater pollution or contamination hazards and the restoration of any affected property/
4. The performance of monitoring, analyses and reporting
5. Payment of a fine
6. The implementation of source control or treatment BMPs.

If the abatement of a violation and/or restoration of affected property is required, the notice will set forth a deadline within which remediation must be completed. Progress of remediation efforts as well as a schedule for the implementation of such measures must be provided to the Village by the responsible

party. Failure to adhere to the remediation commitment may result in further enforcement as described below. Furthermore, SMO may request the owner's permission for access to the subject property to take any measures necessary to abate the violation. The cost of implementing and maintaining such measures is the responsibility of the party responsible.

Any violators of the village's illicit discharge regulations are subject to fees and legal repercussions as detailed on the Village's zoning regulations.

Once the source of an illicit discharge has been identified through the Village's track down procedures, the MS4 Operator will begin the elimination phase in accordance with the processes recommended in the Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments (Center for Watershed Protection, 2004), which outlines a systematic approach for characterizing discharge types, identifying contributing conditions, and planning corrective actions. This phase begins with documenting the nature and severity of the discharge, including pollutant characteristics, system entry point, and any contributing site factors, consistent with the broader program structure described in CWP guidance.

Following characterization, the MS4 Operator will work with the responsible party to determine and implement the corrective actions needed to eliminate the discharge. These actions may include removing improper connections, repairing or replacing failing infrastructure, redirecting process wastewater, cleaning impacted areas, or modifying site operations to prevent recurrence. This approach aligns with the corrective action expectations described in municipal IDDE programs that rely on the CWP framework.

In cases where the illicit discharge originates from sanitary, industrial, or otherwise regulated sources, the MS4 Operator will coordinate with the appropriate agencies to ensure corrective measures meet all applicable regulations or permit requirements. This interagency coordination step is emphasized throughout the CWP manual to ensure complete and compliant removal of illicit sources.

As part of the elimination process, the Village will maintain detailed documentation of the discharge characteristics, communication with responsible parties, selected corrective actions, and all observations made during the elimination process. This documentation is incorporated into the SWMP Plan and supports annual reporting requirements described in the MS4 permit. **Table 4** below summarizes the standard corrective action pathways, common pollutant sources, and typical remedial measures used by the Village during illicit discharge elimination, serving as a quick-reference guide to support consistent implementation of these procedures

Technique	Application	Description	Estimated Cost
1. Service Lateral Disconnection, Reconnection	Lateral is connected to the wrong line	Lateral is disconnected and reconnected to appropriate line	$2,500[1]
2. Cleaning	Line is blocked or capacity diminished	Flushing (sending a high pressure water jet through the line); pigging (dragging a large rubber plug through the lines); or rodding	$1/linear foot[1]
3. Excavation and Replacement	Line is collapsed, severely blocked, significantly misaligned, or undersized	Existing pipe is removed, new pipe placed in same alignment; Existing pipe abandoned in place, replaced by new pipe in parallel alignment	For 14" line, $50-$100/linear foot (higher number is associated with repaving or deeper excavations, if necessary)[2]
4. Manhole Repair	Decrease ponding; prevent flow of surface water into manhole; prevent groundwater infiltration	Raise frame and lid above grade; install lid inserts; grout, mortar or apply shortcrete inside the walls; install new precast manhole.	Vary widely, from $250 to raise a frame and cover to ~ $2,000 to replace manhole[2]
5. Corrosion Control Coating	Improve resistance to corrosion	Spray- or brush-on coating applied to interior of pipe.	< $10/linear foot[2]
6. Grouting	Seal leaking joints and small cracks	Seals leaking joints and small cracks.	For a 12" line, ~ $36-$54/linear foot[2]
7. Pipe Bursting	Line is collapsed, severely blocked, or undersized	Existing pipe used as guide for inserting expansion head; expansion head increases area available for new pipe by pushing existing pipe out radially until it cracks; bursting device pulls new pipeline behind it	For 8" pipe, $40-$80/linear foot[2]
8. Slip Lining	Pipe has numerous cracks, leaking joints, but is continuous and not misaligned	Pulling of a new pipe through the old one.	For 12" pipe, $50-$75 /linear foot[2]
9. Fold and Formed Pipe	Pipe has numerous cracks, leaking joints	Similar to sliplining but is easier to install, uses existing manholes for insertion; a folded thermoplastic pipe is pulled into place and rounded to conform to internal diameter of existing pipe	For 8-12" pipe, $60-$78/linear foot[3]
10. Inversion Lining	Pipe has numerous cracks, leaking joints; can be used where there are misalignments	Similar to sliplining but is easier to install, uses existing manholes for insertion; a soft resin impregnated felt tube is inserted into the pipe, inverted by filling it with air or water at one end, and cured in place.	$75-$125/linear foot[3]

Table 4 – Methods to Eliminate Discharges

IDDE Alteration Tracking Log

INSTRUCTIONS

This log provides a chronological record of all alterations made to the IDDEP since adoption. Update this log each time an alteration is finalized and implemented.

IDDE Alteration Tracking Log						
Alteration No.	Date of Alteration	IDDE Sections affected	Trigger/ Reason	Implemented by	Annual Report Year	Brief description of Alteration

*ID is local ID and Number is Outfall Number

VILLAGE OF FLOWER HILL

NO.	ID	Prioritization	Monitoring Location Type	Receiving Waterbody Name	Class	WI/PWL Segment ID	Land Use in Drainage Area	Type of Conveyance	Material	Shape	Dimensions	Submerged in Water or Sediments	Name of MS4 Operator Receiving Discharge or Private Storm System	Notes
107180		High	Interconnect	Leeds Pond	SC	1702-0048	Residential		Reinforced Concrete				State	Doesn't cross munipality lines and leads to an outfall that discharges within Flower Hill. The utilities under Port Washington Blvd owned by state if they tie into these even though it is wholly withing Flower hill does that count as interconnect?
107181		High	Interconnect	Tribs to Manhasset Bay	C	1702-0137	Residential		Reinforced Concrete	Round	24" Diameter			
107178		High	Interconnect	Tribs to Manhasset Bay	C	1702-0137	Residential		Reinforced Concrete	Round	18" Diameter		State	Doesn't cross municipality lines and leads to an outfall that discharges within Flower Hill
107179		High	Interconnect	Tribs to Manhasset Bay	C	1702-0137	Residential		Reinforced Concrete	Round	18" Diameter		State	Doesn't cross munipality lines and leads to an outfall that discharges within Flower Hill.
111945		High	Interconnect	Tribs to Manhasset Bay	C	1702-0137	Residential						State	Doesn't cross munipality lines and leads to an outfall that discharges within Flower Hill.
92294		High	Interconnect	Tribs to Manhasset Bay	C	1702-0138	Residential						State	Doesn't cross munipality lines and leads to an outfall that discharges within Flower Hill.
111944		High	Interconnect	Manhasset Bay	SC	1702-0141	Residential		Reinforced Concrete				Plandome Manor	
122216		High	Interconnect	Manhasset Bay	SC	1702-0142	Residential			Round	36" Diameter		Plandome Manor	Noted as Outfall/ Interconnect.
111942		High	Interconnect	Manhasset Bay	SC	1702-0142	Residential		Reinforced Concrete	Round	24" Diameter		Plandome Manor	
107176			Interconnect				Residential						Port Washington	
107177		High	Interconnect	Hempstead Harbor, south, and tidal tribs	SB	1702-0262	Residential						Roslyn	
121913		High	Interconnect	Hempstead Harbor, south, and tidal tribs	SB	1702-0263	Residential						Roslyn	
107174		High	Interconnect	Tribs to Manhasset Bay	C	1702-0138	Residential						State	Doesn't cross munipality lines and leads to an outfall that discharges within Flower Hill.
103947		High	Interconnect											Located within Flower Hill but is owned by Plandome Manor and comes in from there as well. Not sure if this should be included.
10H0002		High	Outfall								72" Diameter			Owned by State, Discharges on hill with no clear body of water
10H0001		High	Outfall								36" Diameter			Owned by Flower Hill, Discharges on hill with no clear body of water below
10G0004		High	Outfall								24" Diameter			Headwall, Owned by State
10G0003		High	Outfall						Corrugated Plastic		12" Diameter			Discharges on top of hill to no clear body of water
10G0002		High	Outfall						Reinforced Concrete		36" Diameter			Discharges on top of hill to no clear body of water
10G0005		High	Outfall								72" Diameter			Owned by Nassau County, Discharges on top of hill to no clear body of water
69934		High	Outfall	Tribs to Manhasset Bay	C	1702-0136	Transportation	Closed Drainage - Pipe						Headwall, Owned by State
69935		High	Outfall	Tribs to Manhasset Bay	C	1702-0137	Transportation	Closed Drainage - Pipe						Headwall, Owned by State
10G0001		High	Outfall	Tribs to Manhasset Bay	C	1702-0138	Residential	Closed Drainage - Pipe	Reinforced Concrete		15" Diameter			
09G0010		High	Outfall	Tribs to Manhasset Bay	C	1702-0139	Residential	Closed Drainage - Pipe			12" Diameter			ACCW
09F0001		High	Outfall	Tribs to Manhasset Bay	C	1702-0140	Residential	Closed Drainage - Pipe			18" Diameter			ACCW W/ Tree
09F0002		High	Outfall	Tribs to Manhasset Bay	C	1702-0141	Residential	Closed Drainage - Pipe	Reinforced Concrete		24" Diameter			ACCW
09F0003		High	Outfall	Tribs to Manhasset Bay	C	1702-0142	Residential	Closed Drainage - Pipe			18" Diameter			ACCW Broken
107182		High	Outfall	Tribs to Manhasset Bay	C	1702-0143	Residential	Closed Drainage - Pipe	Reinforced Concrete		18" Diameter			Owned by Flower Hill, Discharges along the railroad tracks. The slope at the point of discharge will flow into Manhasset Bay
10F0015		High	Outfall	Tribs to Manhasset Bay	C	1702-0143	Residential	Closed Drainage - Pipe			18" Diameter			ACCW. Owned by Nassau County, Wholly within Flower Hill

Monitoring Locations Inspection and Sampling Field Sheet

Section 1: Background Data

Subwatershed:		Monitoring Location ID:	
Today's date:		Time (Military):	
Investigators:		Form completed by:	
Temperature (°F):	Rainfall (in.): Last 24 hours: Last 48 hours:		
Latitude:	Longitude:	GPS Unit:	GPS LMK #:
Camera:		Photo #s:	

Land Use in Drainage Area (Check all that apply):

☐ Industrial	☐ Open Space
☐ Ultra-Urban Residential	☐ Institutional
☐ Suburban Residential	Other: _____
☐ Commercial	Known Industries: _____

Notes (e.g., origin, if known):

Section 2: Monitoring Location Description

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
☐ **Closed Pipe**	☐ RCP ☐ CMP ☐ PVC ☐ HDPE ☐ Steel ☐ Other: _____	☐ Circular ☐ Single ☐ Elliptical ☐ Double ☐ Box ☐ Triple ☐ Other: _____ ☐ Other: _____	Diameter/Dimensions: _____	In Water: ☐ No ☐ Partially ☐ Fully With Sediment: ☐ No ☐ Partially ☐ Fully
☐ **Open drainage**	☐ Concrete ☐ Earthen ☐ Rip-Rap ☐ Other: ____	☐ Trapezoid ☐ Parabolic ☐ Other: ____	Depth: ____ Top Width: ___ Bottom Width: ____	
☐ **In-Stream**	**(applicable when collecting samples)**			
Flow Present?	☐ Yes ☐ No	***If No, Skip to Section 5***		
Flow Description (If present)	☐ Trickle ☐ Moderate ☐ Substantial			

Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING MONITORING LOCATIONS				
PARAMETER		**RESULT**	**UNIT**	**EQUIPMENT**
☐ Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
☐ Flow #2	Flow depth		In	Tape measure
	Flow width	____' ____"	Ft, In	Tape measure
	Measured length	____' ____"	Ft, In	Tape measure
	Time of travel		S	Stopwatch
Temperature			°F	Thermometer
pH			pH Units	Test strip/Probe
Ammonia			mg/L	Test strip

Monitoring Locations Inspection and Sampling Field Sheet

Section 4: Physical Indicators for Flowing Monitoring Locations Only

Are Any Physical Indicators Present in the flow? ☐ Yes ☐ No (*If No, Skip to Section 5)*

INDICATOR	CHECK if Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	☐	☐ Sewage ☐ Rancid/sour ☐ Petroleum/gas ☐ Sulfide ☐ Other:	☐ 1 - Faint	☐ 2 – Easily detected	☐ 3 – Noticeable from a distance
Color	☐	☐ Clear ☐ Brown ☐ Gray ☐ Yellow ☐ Green ☐ Orange ☐ Red ☐ Other:	☐ 1 – Faint colors in sample bottle	☐ 2 – Clearly visible in sample bottle	☐ 3 – Clearly visible in flow
Turbidity	☐	See severity	☐ 1 – Slight cloudiness	☐ 2 - Cloudy	☐ 3 – Opaque
Floatables -Does Not Include Trash!!	☐	☐ Sewage (Toilet Paper, etc.) ☐ Suds ☐ Petroleum (oil sheen) ☐ Other:	☐ 1 – Few/slight; origin not obvious	☐ 2 - Some; indications of origin (e.g., possible suds or oil sheen)	☐ 3 - Some; origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

Section 5: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations

Are physical indicators that are not related to flow present? ☐ Yes ☐ No (*If No, Skip to Section 6)*

INDICATOR	CHECK if Present	DESCRIPTION	COMMENTS
Monitoring Location Damage	☐	☐ Spalling, Cracking or Chipping ☐ Peeling Paint ☐ Corrosion	
Deposits/Stains	☐	☐ Oily ☐ Flow Line ☐ Paint ☐ Other:	
Abnormal Vegetation	☐	☐ Excessive ☐ Inhibited	
Poor pool quality	☐	☐ Odors ☐ Colors ☐ Floatables ☐ Oil Sheen ☐ Suds ☐ Excessive Algae ☐ Other:	
Pipe benthic growth	☐	☐ Brown ☐ Orange ☐ Green ☐ Other:	

Section 6: Overall Monitoring Location Characterization

☐ Unlikely ☐ Potential (presence of two or more indicators) ☐ Suspect (one or more indicators with a severity of 3) ☐ Obvious

Section 7: Data Collection

1.	Sample for the lab?	☐ Yes	☐ No		
2.	If yes, collected from:	☐ Flow	☐ Pool		
3.	Intermittent flow trap set?	☐ Yes	☐ No	If Yes, type: ☐ OBM	☐ Caulk dam

Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?

Illicit Discharge Inventory Form

INSTRUCTIONS

Open a new Investigation Log for each discrete illicit discharge investigation. Assign a unique Case Number (format: IDDE-YYYY-###).

Update this form as the investigation progresses. Document all field visits, observations, lab results, contacts, and enforcement actions.

GP-0-24-001 requires the MS4 Operator to document each reported illicit discharge in the SWMP Plan within 30 days of receipt of the report.

Initial Illicit Discharge Complaint / Report Information						
Case Number	Date/Time of Report	Name of Complainant	Complainant Phone/Email	Location of Suspected discharge	Assigned investigator	Description of Reported Discharge

Appendix F
Construction Oversight Program

Village of Flower Hill
Municipal Separate Storm Sewer System
Appendix F
Construction Oversight Program

Prepared By:

LiRo Engineers, Inc.
A LiRo-Hill Company

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

Prepared For:

VILLAGE OF FLOWER HILL

Village of Flower Hill
1 Bonnie Heights Rd
Manhasset, NY 11030

May 24

Table of Contents

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 Flower Hill's stormwater discharges are regulated by the New York State Department of Environmental Conversation.

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 oversite 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.]

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

☐ ☐ ☐ Is there an increase in turbidity causing or reasonably likely to cause a substantial visible contrast to natural conditions?

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

☐ ☐ ☐ All disturbance is within the limits of the approved plans.

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

Housekeeping

1. General Site Conditions

Yes No N/A

☐ ☐ ☐ Is construction 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 construction impacting the adjacent property?

☐ ☐ ☐ Is dust adequately controlled?

Runoff Control Practices

1. Excavation Dewatering

Yes No N/A

☐ ☐ ☐ Upstream and downstream berms (sandbags, inflatable dams, etc.) are installed per plan.

☐ ☐ ☐ Clean water from upstream pool is being pumped to the downstream pool.

☐ ☐ ☐ Sediment laden water from work area is being discharged to a silt trapping device.

☐ ☐ ☐ Constructed upstream berm with one-foot minimum freeboard.

Soil Stabilization

Topsoil and Spoil Stockpiles

Yes No N/A

☐ ☐ ☐ Stockpiles are stabilized with vegetation and/or mulch.

☐ ☐ ☐ Sediment control is installed at the toe of the slope.

Revegetation

Yes No N/A

☐ ☐ ☐ Temporary seeding and mulch have been applied to idle areas.

☐ ☐ ☐ 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

New York State Department of Environmental Conservation

Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001

Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any): **NYR**	Contacted: ☐Yes ☐No	Entry Time:	Exit Time:
Name of SPDES Permittee:		Inspection Type:	☐NOT ☐ Complaint
Phone Number(s):			☐ Compliance ☐ Referral
On-site Representative(s) and Company(s):		MS4 Operator Name:	
		MS4 Permit ID: NYR20A	

SPDES Authority

	Yes	No	N/A		Citation
1.	☐	☐	☐	Does the project have permit coverage?	GP-0-20-001: I.A & II. B
2.	☐	☐	☐	Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing?	GP-0-20-001: II.D.2
3.	☐	☐	☐	Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?	GP-0-20-001: II.D.2
4.	☐	☐	☐	Is an up-to-date copy of the signed SWPPP retained at the construction site?	GP-0-20-001: II.D.2. & III.A.4
5.	☐	☐	☐	Is a copy of the SPDES General Permit retained at the construction site?	GP-0-20-001: II.D.2
6.	☐	☐	☐	Does the NOI accurately report the number of acres to be disturbed?	GP-0-20-001: II.B.4

SWPPP Content

	Yes	No	N/A		Citation
7.	☐	☐	☐	Does the SWPPP describe and identify the erosion and sediment control measures to be employed?	GP-0-20-001: III.B.1.e
8.	☐	☐	☐	Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?	GP-0-20-001: III.B.1.i
9.	☐	☐	☐	Does the SWPPP describe and identify the stormwater management practices to be employed?	GP-0-20-001: III.B.2
10.	☐	☐	☐	Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?	GP-0-20-001: III.A.6
11.	☐	☐	☐	Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies?	GP-0-20-001: III.A.6
12.	☐	☐	☐	Does the SWPPP include all the necessary Contractor Certification Statements and signatures?	GP-0-20-001: III.A.6
13.	☐	☐	☐	Is the SWPPP signed by the permittee?	GP-0-20-001: VII.H.2
14.	☐	☐	☐	Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?	GP-0-20-001: III.A.3
15.	☐	☐	☐	Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)?	GP-0-20-001: III.B.3

Recordkeeping

	Yes	No	N/A		Citation
16.	☐	☐	☐	Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)?	GP-0-20-001:IV.C.2.a. & b
17.	☐	☐	☐	Are the self-inspections performed and signed by a qualified inspector and retained on site?	GP-0-20-001:II.C.2.,IV.C.6 & VII.H.3
18.	☐	☐	☐	Do the qualified inspector's reports include the minimum reporting requirements?	GP-0-20-001: IV.C.4
19.	☐	☐	☐	Do inspection reports identify corrective measures that have not been implemented or are recurring?	GP-0-20-001: IV.C.5

Visual Observations

	Yes	No	N/A		Citation
20.	☐	☐	☐	Are all erosion and sediment control measures installed properly?	GP-0-20-001: VII.L
21.	☐	☐	☐	Are all erosion and sediment control measures being maintained properly?	GP-0-20-001: IV.A.1
22.	☐	☐	☐	Was written authorization issued for any disturbance greater than 5 acres?	GP-0-20-001: II.D.3
23.	☐	☐	☐	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.	☐	☐	☐	Are post-construction stormwater management practices constructed/installed correctly?	GP-0-20-001: III.B.2
25.	☐	☐	☐	Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal?	GP-0-20-001: V.A.2
26.	☐	☐	☐	Was there a discharge from the site on the day of inspection?	
27.	☐	☐	☐	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:

Additional Comments:

☐ Photographs attached

Overall Inspection Rating: ☐ Satisfactory ☐ Marginal ☐ 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 Flower Hill
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:

VILLAGE OF FLOWER HILL

Village of Flower Hill
1 Bonnie Heights Rd
Manhasset, NY 11030

Nov 24

Table of Contents

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 Flower Hill's stormwater discharges are regulated by the New York State Department of Environmental Conversation.

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 oversite 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

Location:			
Address:		Tax Parcel:	
Receiving Waterbody(s)			
Receiving Waterbody WI/PWL Segment ID(s)			
	Post-Construction SMPs used at site (use additional pages as necessary)		
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: ☐Yes ☐No	Entry Time:	Exit Time:
SPDES Permittee Organization:		Inspection Type:	☐NOT ☐ Complaint
Phone Number(s):			☐ Compliance ☐ 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: ☐ Satisfactory ☐ Marginal ☐ 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 Flower Hill
Municipal Separate Storm Sewer System
Enforcement Response Plan

Prepared By:

LiRo Engineers, Inc.
A LiRo-Hill Company

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

Prepared For:

VILLAGE OF FLOWER HILL

Village of Flower Hill
1 Bonnie Heights Road
Manhasset, NY, 11030

May 24

Table of Contents

1 Introduction

The Village of Flower Hill's stormwater discharges are regulated by the New York State Department of Environmental Conversation. 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. The inspector should log that a verbal warning was given in their records.

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. The inspector should log that a verbal warning was given in their records.

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.

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 Flower Hill

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 Flower Hill

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

_____
Superintendent of Public Works
or Building Inspector

Appendix B

Village of Flower Hill

RESUME WORK ORDER

Project No. _____ A.F.E. No. _____ Order No. _____

Project _____ Contractor _____

Date Effective _____ Time of Day _____

☐ Work 100% Resumed

Reason: _____
_____
_____
_____
_____

_____
Superintendent of Public Works
or Building Inspector

APPENDIX C
Notice of Illegal Discharge and Demand for Corrective Action

Village of Flower Hill

100 East Shore Road
Great Neck, NY 11023

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 Flower Hill is responsible for maintaining the extensive storm drain network located within the Village'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 Village 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 Village'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 Village'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 Village will take corrective measures, including but not limited to sending this matter to the New York State Department

of Environmental Conservation so that additional penalties/fines may be levied on you. In the alternative, the Village 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.

Sincerely, XXXXXXXXXXX
<Insert Title>
<Insert Address>

Enclosure (photographs)

cc: XXXXXXXXXXXXXXX

APPENDIX D
Letter to New York State Department of Environmental Conservation

Village of Flower Hill

100 East Shore Road
Great Neck, NY 11023

XXXXXXXXXX
Mayor

XXXXXXXXXX
SWMP Supervisor

<Insert Date>

XXXXXXXXXX
Village Clerk

Mr. XXXXXXXXXX
New York State Department of Environmental Conservation
Address

Dear Mr. XXXXXXXXX:

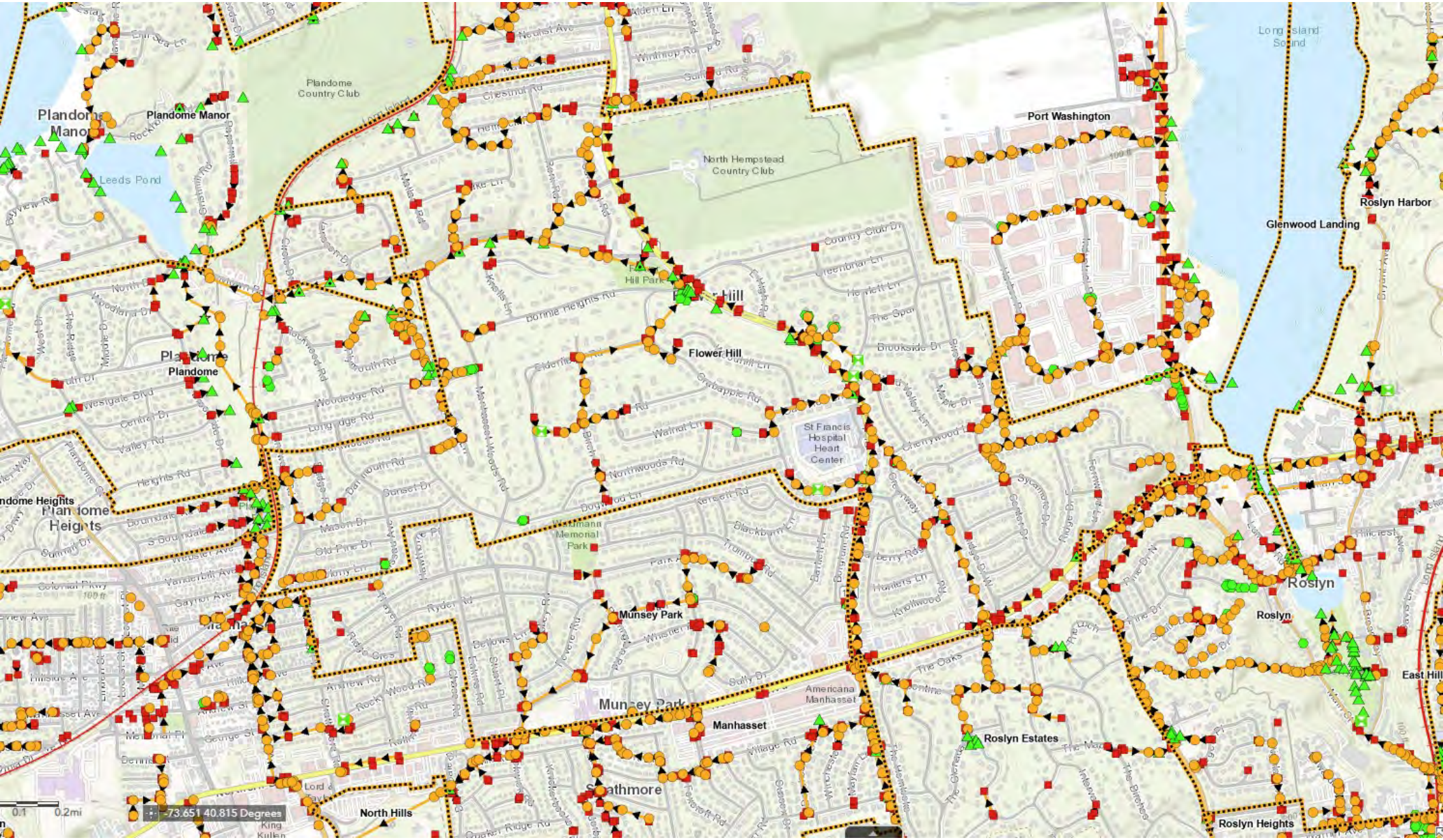
The Village of Flower Hill is responsible for maintaining the extensive storm drain pipe network located within the Village's rights-of-way. On <insert date>, an illegal connection/discharge was discovered entering into the Village's system at <insert location>. A Notice of Illegal Discharge and Demand 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 Village 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.

Sincerely, XXXXXXXXXXX
<Insert Title>
<Insert Address>

cc: XXXXXXXXXXXXXXX

Appendix I
GIS, Outfall, and System Mapping Documentation


Plandome Country Club
Plandome Manor
Leeds Pond
North Hempstead Country Club
Port Washington
Long Island Sound
Roslyn Harbor
Glenwood Landing
Flower Hill
Plandome
Plandome Heights
St Francis Hospital Heart Center
Munsey Park
Manhasset
Americana Manhasset
Roslyn
Roslyn Estates
East Hills
Roslyn Heights
North Hills
Strathmore
Weitzman Memorial Park
-73.651 40.815 Degrees
0.1
0.2mi