



New York Sea Grant NEMO Program



Sediment from land disturbances can impair aquatic habitats and reduce the navigability of waterways.

The New York NEMO Program (Nonpoint Education for Municipal Officials)

is an educational program for land use decision makers that strives to reduce nonpoint pollution by illustrating the connection between land use and water quality. Our goal is to provide communities with information that will assist them in protecting their natural resources while meeting land use needs.



**New York Sea Grant
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Implementing a Municipal Phase II Construction/Post-Construction Stormwater Management Program

Protecting the water quality of Long Island's streams, estuaries, and open waters calls for smart municipal laws regarding stormwater from land development activities. But it also requires careful implementation of stormwater programs at the local level. This means that the laws are enforced and that Best Management Practices (BMPs) are implemented correctly. This also calls for routine dialogue between developers and local authorities, while citizens become informed and informative partners in the stormwater planning process. Furthermore, such a program will mean that municipalities respond to local stormwater concerns, while coordinating their resources with fellow municipalities and existing programs.

Each community knows how to best handle their unique local issues, and the EPA Phase II regulations seek to ensure both adequate stormwater management *and* implementation flexibility at the local level. For example, existing permit review procedures can be adapted to accommodate new Phase II construction and post-construction review processes. In the end, a diligent assessment of local conditions and existing regulations, together with a clear understanding of Phase II, will help your community best leverage its resources to implement a construction and post-construction program that is compliant and practical. The following points highlight the key features of an effective municipal Phase II construction/post-construction stormwater management program.

Procedures for Construction Site Plan Review, Site Inspection, and Staff Training

Submission and review of construction Stormwater Pollution Prevention Plans (SWPPPs)

- ▶ **Do Not Reinvent the Wheel.** Integrate submission and review of SWPPPs into existing local land use permitting processes (e.g. subdivision review, site plan review).
- ▶ **Clarify Responsibilities.** Designate personnel to review, evaluate, and process SWPPPs. All SWPPPs must present fully designed and engineered stormwater management practices with all necessary maps, plans, and construction drawings. As such, technical competency is required to properly evaluate SWPPPs. For some communities, this will require that they contract for technical review by a qualified professional. In all cases, a municipal official or board member must sign-off on the final local approval.
- ▶ **Know Where the Water Goes.** Phase II regulated municipalities discharging into impaired waters need to assure through their SWPPP review process that construction activity and land development will not result in an increase in listed pollutants of concern of 303(d) listed water bodies and that pollutant reduction targets for TMDL designated water bodies are met.

Establishing Local Procedures
for Stormwater Management

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

Establishing Local Procedures for Stormwater Management

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

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



- **The Public Eye.** SWPPPs must be readily available for public review. Public comments on SWPPPs can be provided for through existing SEQRA procedures.

Construction site inspection and enforcement

- **Ongoing Oversight.** Implement a schedule of periodic visits to construction sites to ensure the continuous and effective operation of each stormwater management practice.
- **Cash Flow.** Ensure that adequate staffing and funding is allocated for effective inspections.
- **Better (and cheaper) Together.** Take advantage of economics of scale by coordinating and sharing costs with neighboring municipalities such as for a joint site inspector to cover a regional area.



Proper installation and regular inspection and maintenance of erosion and sediment controls are essential for effective resource protection. (Pictured in photo: Mr. Dave Gaspar, Long Island Regional Stormwater Control Specialist).

Post-Construction site inspection and enforcement

- **The Long-Haul.** Under Phase II, municipalities are responsible for ensuring the long-term operation and maintenance of stormwater controls, through either municipal oversight or direct control. Ensure that written procedures and a long-term maintenance schedule are in place for all stormwater practices. Where necessary, maintenance easements for personnel access to private property stormwater facilities should be obtained.
- **Site Prioritization.** Prioritize inspections based on the design and extent of construction activities, topography, soil type, the sensitivity of receiving waters, and the potential for post-construction impacts to natural resources.

Ongoing training

- **Construction Site Operators.** Offer educational materials and instruction on Phase II construction/post-construction requirements and adherence to state and local standards and specifications. Training should also emphasize the importance of local stormwater management, proper handling and disposal of construction site waste, and their relation to water quality and natural resource protection.
- **Municipal Officials and Employees.** Conduct instruction that outlines stormwater management duties for employees. Explain how stormwater management is to be incorporated into work plans and protocols. Group instruction and periodic refreshers will help keep stormwater management programs effective.
- **Operations and Maintenance Personnel.** Organize training sessions for personnel with responsibilities for post-construction stormwater management practices on both public and private sites.

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

Stormwater Management Guidance Manual for Local Officials
<http://www.dec.state.ny.us/website/dow/toolbox/ms4toolbox/local.html>

NYS Stormwater Management Design Manual
<http://www.dec.state.ny.us/website/dow/toolbox/swmanual/>

NY Standards and Specifications for Erosion and Sediment Control
<http://www.dec.state.ny.us/website/dow/toolbox/escstandards/>



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