

# **Local Government Assistance Phase II Storm Water Rule**

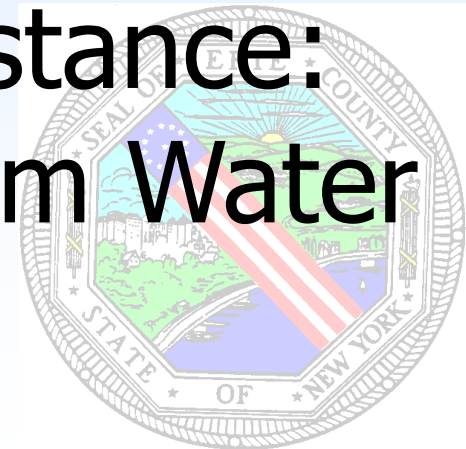
**Erie County  
Department of Environment & Planning**



# Agenda

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- Brief Overview of Phase II
- Impact on Municipal Separate Storm Sewer Systems (MS4s)
- Local Government Assistance:  
Western New York Storm Water Coalition



# Overview

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## Phase I

- **instituted in 1990**
- **Covered municipalities with populations > 100,000 (large & medium MS4s)**
- **Construction activity disturbing >5 acres**
- **Certain industrial activities**



# Overview

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## Phase II

- **Extends the regulations to small MS4s located in U.S. Census-defined “Urbanized Areas”**
- **Broadens the scope of construction activity requiring a permit to projects disturbing >1 acre**



# Phase II Regulated Municipalities

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## Erie County MS4s

**ALDEN(T)**

**ALDEN(V)**

**AMHERST(T)**

**ANGOLA(T)**

**AURORA(T)**

**BLASDELL(V)**

**BOSTON(T)**

**BUFFALO(C)**

**CHEEKTOWAGA(T)**

**CLARENCE(T)**

**DEPEW(V)**

**E. AURORA(T)**

**EDEN(T)**

**ELMA(T)**

**EVANS(T)**

**GRAND ISLAND(T)**

**HAMBURG(T)**

**HAMBURG(V)**

**KENMORE(V)**

**LACKAWANNA(C)**

**LANCASTER(T)**

**LANCASTER(V)**

**MARILLA(T)**

**NEWSTEAD(T)**

**ORCHARD PARK(T)**

**ORCHARD PARK(V)**

**SLOAN(V)**

**TONAWANDA(T)**

**TONAWANDA(C)**

**WEST SENECA(T)**

**WILLIAMSVILLE(V)**

# Phase II Regulated Municipalities

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## Niagara County MS4s

**CAMBRIA(T)**

**LEWISTON(T)**

**LEWISTON(V)**

**NIAGARA(T)**

**NIAGARA FALLS(C)**

**NO. TONAWANDA(C)**

**PENDLETON(T)**

**PORTER(T)**

**WHEATFIELD(T)**

**YOUNGSTOWN(T)**



# What do the Phase II Regulations Require?

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## Small MS4

- **Develop, implement & enforce a storm water management program**
- **The program must include six minimum control measures**

**Small Construction Activity (>1 acre)**



# **Six Minimum Control Measures**

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- 1. Public Education and Outreach**
- 2. Public Participation/Involvement**
- 3. Illicit Discharge Detection & Elimination**
- 4. Construction Site Runoff Control**
- 5. Post-construction Runoff Control**
- 6. Pollution Prevention/ Good Housekeeping for Municipal Operations**



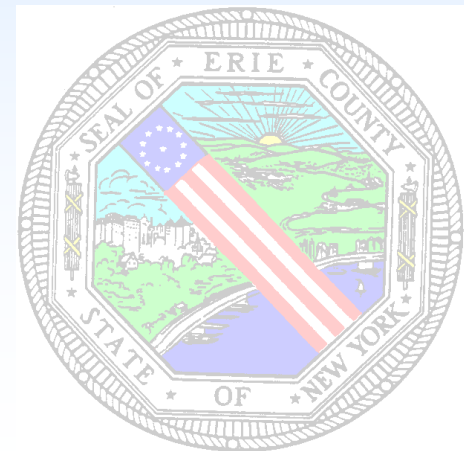


# **NYSDEC Required Management Practices**

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## **1. Public Education and Outreach on Storm Water Impacts**

**Plan and conduct an ongoing public education and outreach program**



# Required Management Practices

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## 2. Public Participation/Involvement

- **Public notice and access to documents and information**
- **Public presentation and comments received on Storm Water Management Plan and on annual reports**
- **Public involvement/participation program**
- **Contact person identified**



# Required Management Practices

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## 3. Illicit Discharge Detection & Elimination

- **Develop a program to detect and eliminate illicit discharges**
- **Map outfalls**
- **Adopt an ordinance prohibiting illicit discharges**
- **Inform public, employees, businesses of hazards from illicit discharges**



# Required Management Practices

## **4. Construction Site Runoff Control**

- Require erosion and sediment controls through ordinance or other regulatory mechanism**
- Provide opportunity for public comment on construction plans**
- Construction site plan review**
- Overall construction site waste management**
- Site inspections and enforcement**
- Education & training of construction site operators**

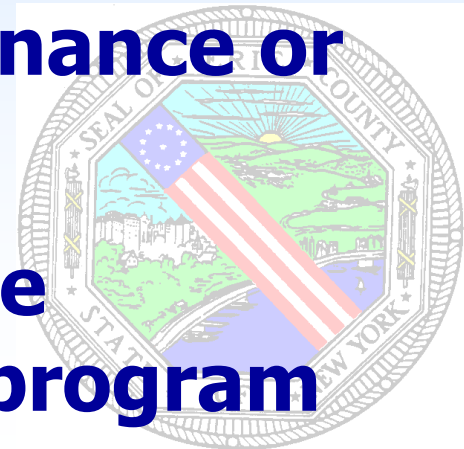


# Required Management Practices

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## 5. Post-Construction Runoff Control

- **Assess existing conditions throughout the MS4 & identify appropriate management practices to reduce pollutant discharges to the maximum extent practicable**
- **Regulate post-construction runoff from development through an ordinance or other regulatory mechanism**
- **Develop management practice inspection and maintenance program**



# Required Management Practices

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## 6. Pollution Prevention/Good Housekeeping for Municipal Operations

- Prevent discharge of pollutants from municipal operations
- Follow DEC Non-Point Source Management Practices Catalog, or equivalent
- Conduct employee pollution prevention training



# Implementation Schedule

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**March 10, 2003** Operators of regulated small MS4s and small construction activity are required to submit a Notice of Intent (NOI) to obtain permit coverage.

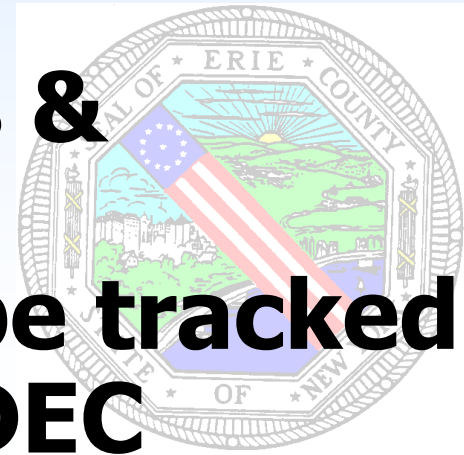
**2008** By the end of their first 5 year permit, operators of regulated small MS4s would have to fully implement their storm water management programs.



# Impacts on MS4s

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- **To date, Phase II regulations are an unfunded mandate**
- **U.S. EPA has estimated MS4s will spend \$3.00 - \$60.00 per capita**
- **A written Storm Water Management Program is required**
- **Implementation of BMPs & attainment of identified measurable goals must be tracked & reported annually to DEC**

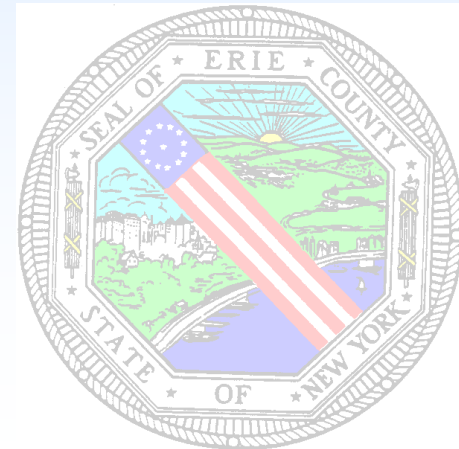




# Local Government Assistance

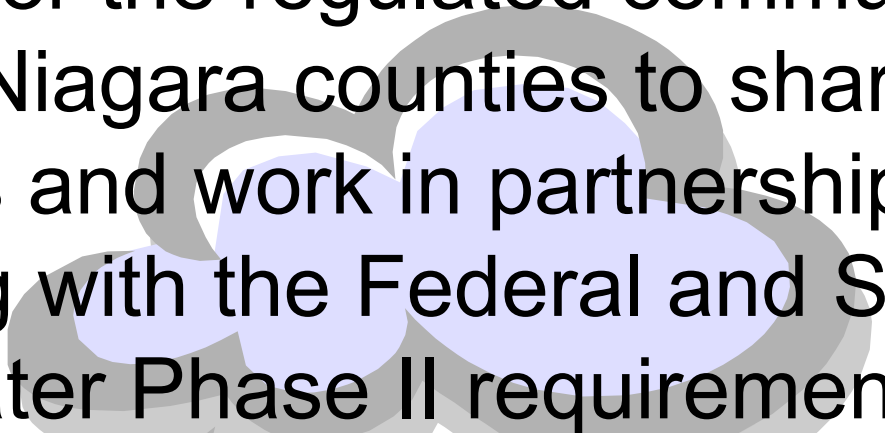
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## Western New York Storm Water Coalition



# **Western New York Storm Water Coalition**

A Forum for the regulated communities in Erie and Niagara counties to share resources and work in partnership toward complying with the Federal and State Storm Water Phase II requirements.



# Western New York Storm Water Coalition

## Goal:

Utilize regional collaboration to identify existing resources and develop mechanisms to meet the requirements set forth in the Phase II Storm Water Rule.

# **Erie County DEP's ROLE**

- Provide outreach & education to the regulated community
- Organize the Coalition and coordinate activities
- Facilitate information dissemination and collaboration

# **Erie County DEP's ROLE**

- Track developments at the state and federal level
- General administration
- Develop grant proposals

# **WESTERN NEW YORK STORM WATER COALITION**

## **Participating Organizations**

Erie County Department of Environment and Planning

Town of Amherst Engineering Department

Parsons

Erie County Health Department

New York State Department of Environmental Conservation

New York State Department of Transportation

Erie County Soil and Water Conservation District


USDA- NRCS

Wendel Duchscherer

Nussbaumer and Clark

O' Brien and Gere

# Coalition: First Steps

- **Bimonthly meetings started February of 2001, utilizing a workgroup format**
  - **Workgroups for each of the six minimum controls**
  - **Initial objective was to research and understand the requirements**
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# Coalition: First Steps

- **Surveyed the regulated communities to assess needs & identify existing resources**
  - **Identified existing municipal storm water programs for guidance**
  - **Identified opportunities for regional collaboration**
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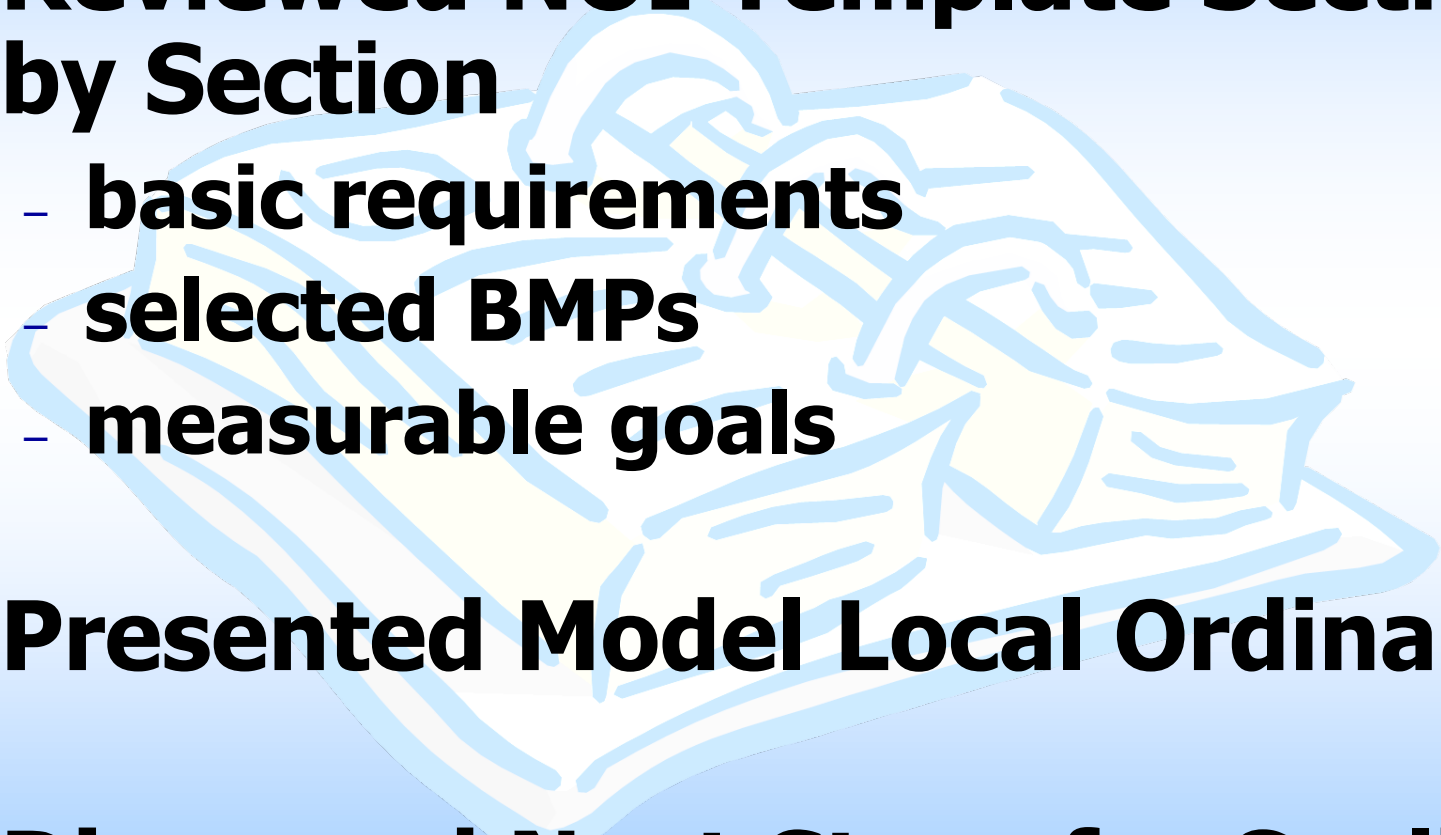


# **Coalition: Notice of Intent (NOI) Assistance**

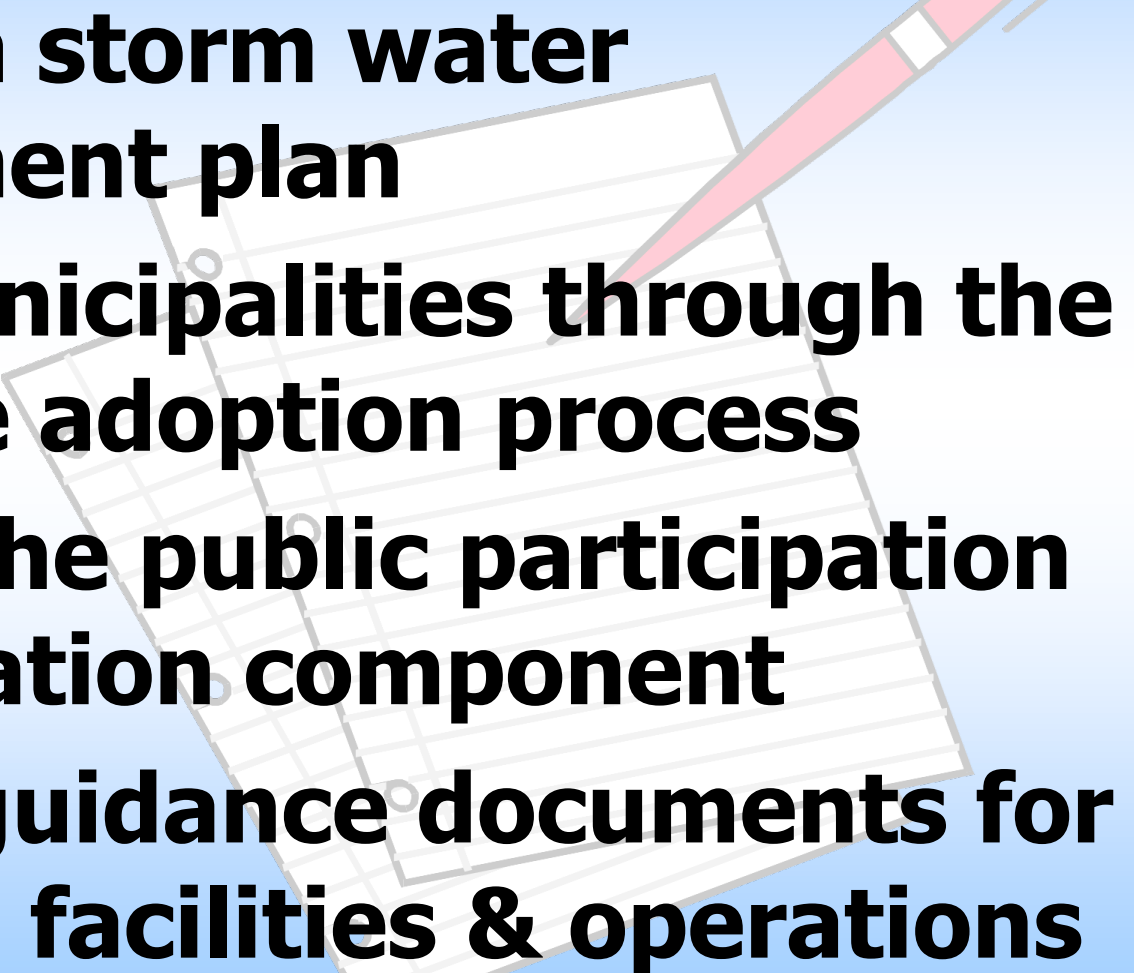
- **Workgroups identified best management practices (BMPs) to meet New York State requirements**
- **Measurable goals were determined for each BMP**
- **An NOI template was developed for Coalition members**
- **An NOI workshop was held**



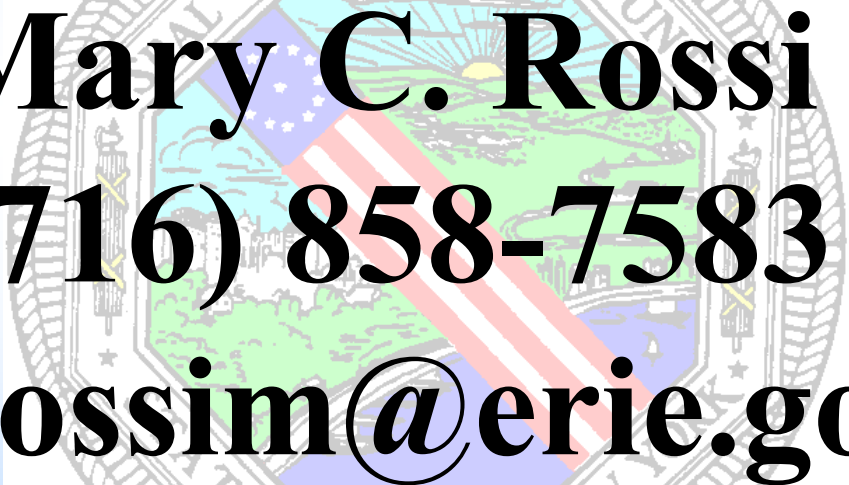
# Coalition: NOI Workshop

- **Reviewed NOI Template Section by Section**
    - **basic requirements**
    - **selected BMPs**
    - **measurable goals**
  - **Presented Model Local Ordinance**
  - **Discussed Next Steps for Coalition**
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# Coalition: Year 1 Activities

- **Develop a storm water management plan**
  - **Guide municipalities through the ordinance adoption process**
  - **Develop the public participation and education component**
  - **Develop guidance documents for municipal facilities & operations**
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# Contact Information Erie County DEP

The seal of Erie County, New York, is a circular emblem. It features a central shield with a landscape scene including a sun rising over a body of water, a bridge, and a cityscape. The shield is set against a background of a blue sky with white clouds and a red and white striped banner. The seal is surrounded by a decorative border with the text "SEAL OF ERIE COUNTY" at the top and "STATE OF NEW YORK" at the bottom, separated by stars.

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