

# Ulster County Stormwater Management Program Plan

SPDES ID NYR20A367

Revised: July 2024

Photo by Aaron Bennett



Jen Metzger  
County Executive

# Ulster County Stormwater Management Program (SWMP)



## Stormwater Management Program and Stormwater Management Program Plan MS4 SPDES Registration Number: NY20A367

### Introduction and Acknowledgements

The purpose of this document, the Ulster County Stormwater Management Plan, is to describe Ulster County's Stormwater Management Program (SWMP), the specific practices and policies that the County undertakes to reduce the discharge of pollutants into waterbodies and meet the requirements of the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

As a regulated Traditional Non-land Use Control MS4 Operator, Ulster County is required to develop, implement, and revise as needed a Stormwater Management Program (SWMP) that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs). Revisions occur when goals are met or updated, staffing changes, or funding changes. A Traditional Non-Land Use Control MS4 refers to a municipal entity without land use control (usually a county). The MS4 Operator must identify Pollutants of Concern (POCs), waterbodies of concern, and specific practices that reduce pollutants in stormwater to the maximum extent practicable (MEP). Measurable goals must be established, and management practices have to be implemented to achieve those goals for each of the MCMs.

#### MS4 Minimum Control Measures (MCMs)

- 1. Public Education and Outreach on Stormwater Impacts**
- 2. Public Involvement/Participation**
- 3. Illicit Discharge Detection and Elimination (IDDE)**
- 4. Construction Site Stormwater Runoff Control**
- 5. Post-Construction Stormwater Management**
- 6. Pollution Prevention/Good Housekeeping for Municipal Operations**

This plan describes the goals established under each MCM and the activities that Ulster County engages in to meet these goals. There is an Implementation Framework included for each MCM that lists the specific activity, the measurable parameter for that activity, who is responsible for ensuring compliance, and who will be involved in the activity. Also included in the SWMP Plan are supporting documents, charts, maps, tables, and descriptions of abbreviations and terms used throughout the document.

Ulster County Departments of the Environment (DoEnv), Public Works (DPW), Information Services (IS), Health, and Planning work together to implement the Stormwater Management Program (SWMP) (see Figure 1.). This document provides specific details of the efforts that Ulster County undertakes to ensure that pollution

## ULSTER COUNTY STORMWATER MANAGEMENT PROGRAM

from stormwater runoff to our surface waterbodies is reduced or eliminated “to the maximum extent practicable (MEP).”

We would like to acknowledge the great contributions made by our partner agencies Ulster County Soil and Water Conservation District (UCSWCD), Cornell Cooperative Extension-Ulster County (CCE-UC), Ulster County Resource Recovery Agency (UCRRA), and Ulster County’s local watershed groups in helping us to achieve our goals.

The SWMP is an evolving program. We encourage your comments and especially your suggestions on ways that we can improve the Ulster County Stormwater Program.

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## Public Contact Information

The public contact for general information on Ulster County Stormwater Management Program:

Department of the Environment  
17 Pearl Street  
PO Box 1800  
Kingston, NY 12402  
(845) 338-7287

The public contact for SWPPP reviews and enforcement actions:

Stormwater Management Officer  
Ulster County DPW  
317 Shamrock Lane  
Kingston, NY 12401  
(845) 340-3123

The dedicated stormwater hotline to report suspected illicit discharges and other stormwater violations and concerns: (845) 334-8510

The dedicated stormwater email to report complaints related to construction stormwater activity:  
[stormwater@co.ulster.ny.us](mailto:stormwater@co.ulster.ny.us)

Or for any concerns or comments, including comments on this SWMP Plan and the MS4 Annual report you can email: [stormwater@co.ulster.ny.us](mailto:stormwater@co.ulster.ny.us)

The Ulster County Stormwater webpage is at: <https://ulstercountyny.gov/environment/stormwater-management>.

## Record Keeping

All records (except for SWPPPs, SWPPP reviews, IDDE inspections, and post construction practices inspections) are kept and can be reviewed at:

Ulster County Department of the Environment  
17 Pearl Street  
Kingston, NY 12401  
(845) 338-7287

The most up-to-date version of the Notice of Intent (NOI) can be found at [https://ulstercountyny.gov/sites/default/files/enviroment\\_council/UlsterCountyNOI\\_2024.pdf](https://ulstercountyny.gov/sites/default/files/enviroment_council/UlsterCountyNOI_2024.pdf)

Stormwater Pollution Prevention Plans (SWPPPs), and SWPPP reviews, can be reviewed at:

Ulster County Department of Planning  
244 Fair Street  
Kingston, NY 12402

(845) 340-3340

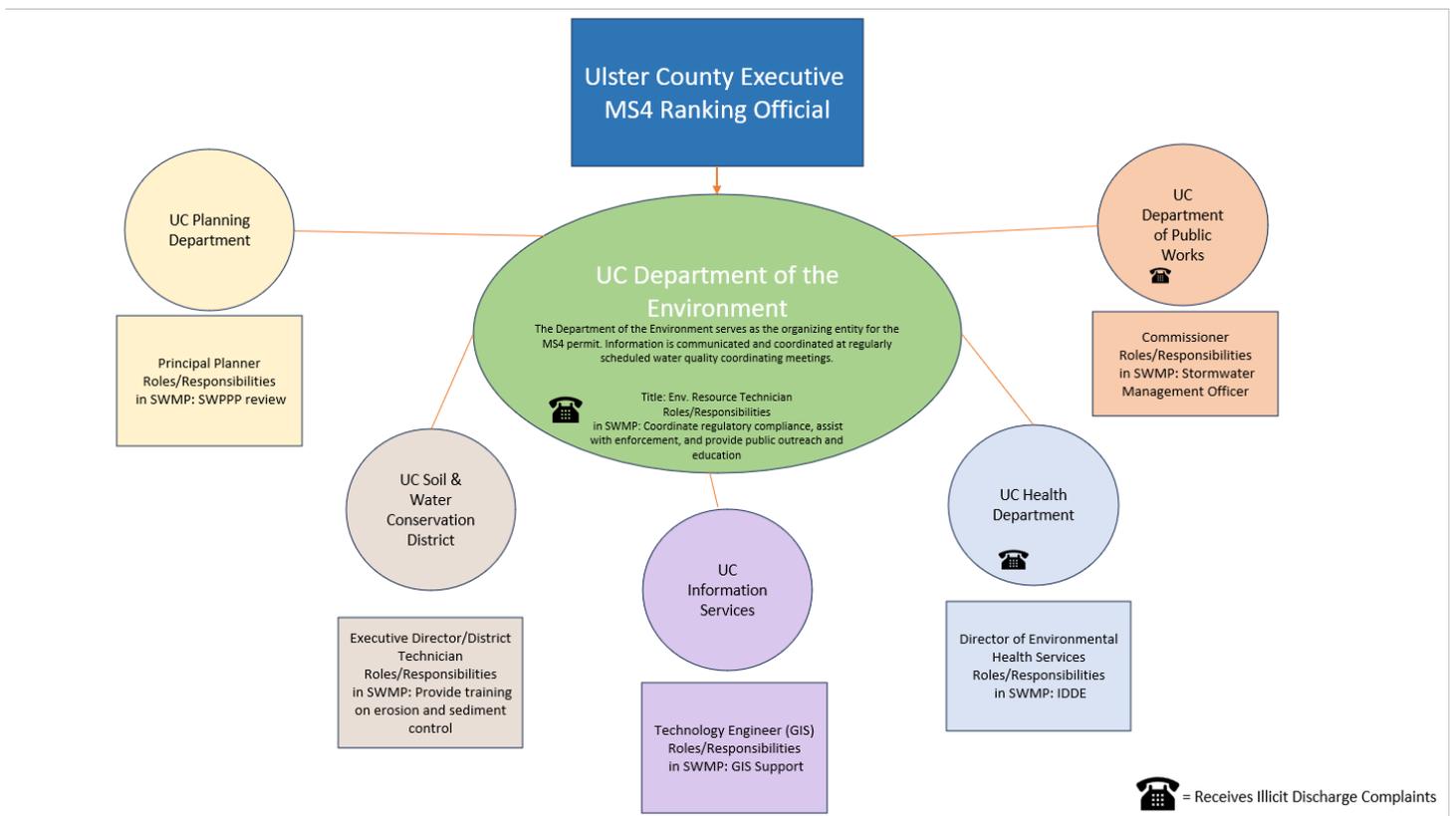
IDDE inspections, construction and post construction practices inspection reports can be reviewed at:

Ulster County Department of Public Works  
 317 Shamrock Lane  
 Kingston, NY 12401  
 (845) 340-3123

Records on chemical inventories from, and building inspections of all County facilities are kept at:

Ulster County Safety Office  
 9 Development Court  
 Suite #321  
 Kingston, NY 12401  
 845-340-3410

Under the auspices of the County Executive,



**Figure 1- Organization Chart**

## Background Information

The Clean Water Act (CWA) was developed in 1972 as sweeping amendments to the Federal Water Pollution Control Act of 1948, the first major law to address water pollution. The US Environmental Protection Agency (EPA) developed Phase I of the National Pollutant Discharge Elimination System (NPDES) Stormwater Program in 1990, in response to the 1987 amendments to the CWA.

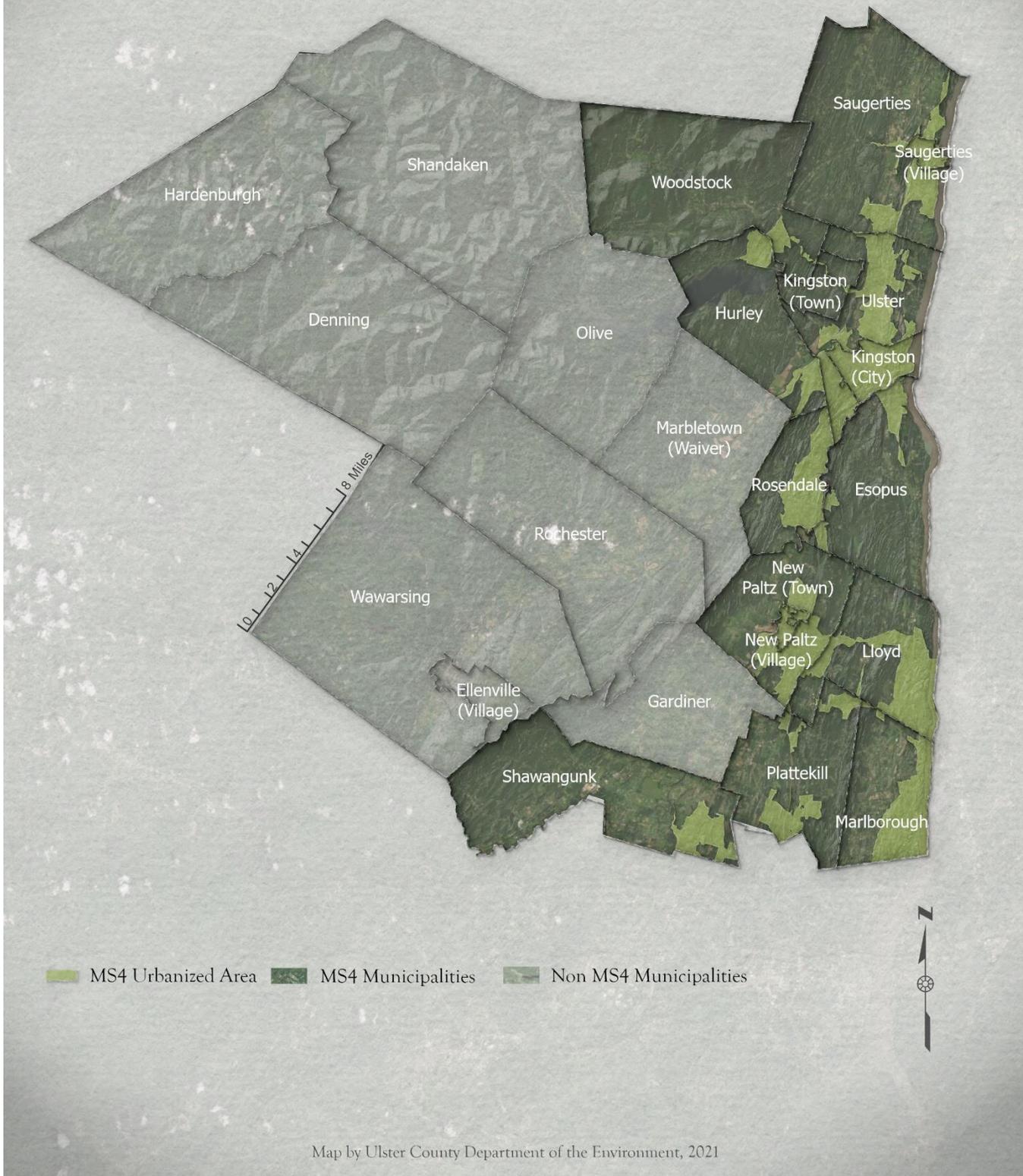
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In New York State, the Department of Environmental Conservation (DEC) is responsible for administering the program under the State Pollutant Discharge Elimination System (SPDES) permit program. Phase I required SPDES permit coverage for stormwater discharges from medium and large Municipal Separate Storm Sewer Systems (MS4s), construction activities that disturbed five or more acres of land, and eleven categories of industrial activity.

In 2003, Phase II expanded the SPDES stormwater permit program to include stormwater discharges from certain regulated small MS4s and construction activities that disturb one or more acre of land. The SPDES MS4 permit required regulated MS4s to develop and fully implement a stormwater management program by 2008. The MS4s under Phase II were required to provide an initial outline of planned management practices and to identify measurable goals that could be used to assess progress towards full implementation of an appropriate stormwater management program. The DEC specified a few required actions and provided a list of approved practices, but the individual MS4s were encouraged to tailor development of their Stormwater Management Programs to best address local stormwater concerns. The most recent permit (GP-0-24-001) provides more specific guidelines for compliance and the County will be working to update the SWMP over the next 5 years in accordance with the new permit requirements and deadlines.

Municipal areas that meet certain population density criteria, based on the US Census, are required to gain coverage for the discharge of stormwater by the DEC under Phase II of the SPDES General Permit for Stormwater Discharges from MS4s. The original Phase II MS4 regulated area, based on the Urbanized Area from the 2000 Census, included part of Ulster County and parts of the Towns of Esopus, Hurley, Kingston, Lloyd, Marbletown, Marlborough, Plattekill, Rosendale, Saugerties, Shawangunk, Ulster, the Village of Saugerties, and the City of Kingston. The 2010 census Urbanized Area expanded to include parts of the Towns of New Paltz, Woodstock, and the Village of New Paltz (Figure 2).

# Regulated MS4 Area in Ulster County



## Waterbodies of Concern

In Ulster County we are fortunate to have an abundance of water resources. From the Hudson River to our mountain streams, lakes, ponds, reservoirs, wetlands, and breathtaking waterfalls, we can enjoy our water resources for fishing, swimming, boating, and generally enhancing our lives. These waters are also used to provide drinking water to a large segment of our population as well as to millions of downstate residents through the New York City Department of Environmental Protection drinking water supply system (Rondout and Ashokan Reservoirs). Our wetlands and waterways also provide habitat and nourishment for a variety of animal and plant species.

Ulster County contains many important waterbodies. The County borders the Hudson River which runs 315 miles from Lake Tear of the Clouds in the Adirondacks to Upper New York Bay in New York City. Much of the County's MS4 regulated urbanized area is located along the Hudson River corridor. The Hudson River is used for commerce, transportation, recreational activities (including fishing, boating, and swimming), and also serves as a source of drinking water. The Hudson River, the Esopus Creek, and the Wallkill River are included in the NY Department of State's Coastal and Inland Waterways program which was established to ensure the protection and best use of coastal and inland water resources and promote the revitalization of waterfront communities.

The Rondout Creek, starting in the Catskill Mountains and flowing into the Rondout Reservoir then winding its way through several Ulster County towns before ending up at the Hudson River at Kingston, is also a significant waterbody: providing for drinking water, recreational activities, and beautiful vistas.

In addition to the Ashokan and Rondout Reservoirs that are part of the New York City water supply, the County contains several other reservoirs that provide drinking water to our population. Most notable among these are Cooper Lake in Woodstock, which provides water to Kingston, and the Blue Mountain Reservoir supplying the Village and part of the Town of Saugerties with water.

Ulster County contains several renowned trout fishing streams and lakes, most notably in the Catskills, but some are in the urbanized regulated MS4 area including parts of the Esopus, Sawkill, Plattekill, Black, and Lattintown Creeks.

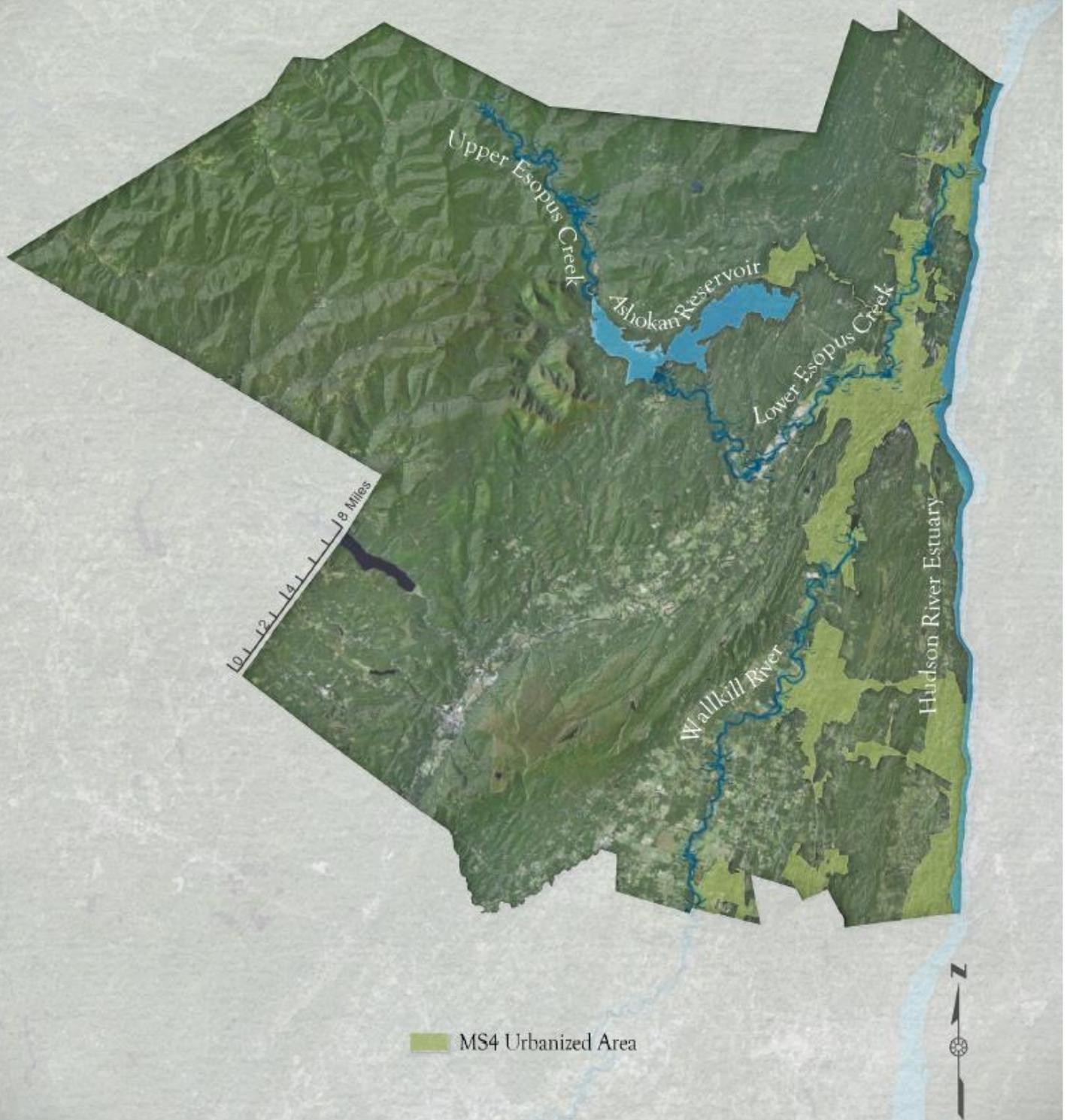
Ulster County also contains many wetlands, providing essential habitat for many species of fish, birds, mammals, amphibians, reptiles, insects, and plants. Wetlands can assist with flood control by attenuating water and slowing it down. Wetlands also clean water by serving as a filter for silt, and sediment, as well as nutrients and chemicals that can otherwise pollute rivers and ponds downstream. Wetlands also provide recreational opportunities such as fishing, canoeing, and birdwatching.

All waterbodies are classified by designated use: a goal for water quality that is attainable for that waterbody. Designated uses include drinking water supply, swimming, boating, fishing, and/or aquatic life support. Waters that do not meet their designated use are considered impaired. Ulster County contains three interconnected waterbodies that are listed by the NYSDEC on the Section 303(d) list as impaired. They are the Upper Esopus Creek, the Ashokan Reservoir (both listed for silt/sediment), and the Lower Esopus Creek (listed for turbidity). Of these, only the Lower Esopus is in the regulated MS4 area. The Upper Esopus and the Ashokan Reservoir are in the NYC water supply watershed, outside of the regulated MS4 area. The Lower Main Stem of the Wallkill River (Phosphorus) was listed in 2018 as an impaired waterbody for which a TMDL is in development. The County also contains the East Branch Neversink River and Tributaries, listed for Acid/Base (pH) from suspected atmospheric deposition and outside of the MS4 area. The County also contains some lakes and

streams that are impaired for mercury and for low pH due to atmospheric deposition (acid rain). Part of the Hudson River is impaired from PCB contaminated sediment.

**Figure 3- Waterbodies of Concern**

# Ulster County 303(d) Impaired Waters



MS4 Urbanized Area

## Pollutants of Concern (POCs)

The SPDES MS4 permit requires that municipalities identify pollutants of concern (POCs) in the regulated MS4 area. POCs are pollutants that have the potential to produce the greatest impact on our waterbodies, keeping them from meeting their designated use.

### Silt/Sediment

One of the most common POCs to our waterbodies is sediment: the loose material that can be carried by stormwater to a waterbody. Nutrients and other chemical pollutants can adhere to the sediment and get carried along with it into nearby waters. Suspended sediment can cause turbidity, limiting the distance that light can penetrate into the water, inhibiting the growth of aquatic plants that other species depend on. Sediment can also settle and smother aquatic habitats that fish rely on for depositing eggs. Anytime soil is exposed to stormwater, erosion can occur, which can lead to more sediment in our waterbodies, and thus more turbidity.

In Ulster County, sediment is generated from a variety of sources. It can come from the soil erosion that occurs when bare soil on construction sites is exposed to stormwater or from the natural erosion of stream banks. Sediment is present in runoff from urban areas and agricultural lands, as well as from natural areas.

Ulster County has policies in place to control sediment runoff from construction sites. These are further described in MCMs 4&5. Ulster County Soil and Water Conservation District (UC SWCD) works with local farmers to develop plans to reduce erosion and control other pollutants on agricultural sites.

The three interconnected waterbodies listed as impaired on the DEC 303(d) list are all impaired due to silt/sediment or turbidity. The Upper Esopus Creek has high levels of sediment due to the highly erodible clay soils in the Upper Esopus watershed. The Upper Esopus carries these sediments as it flows directly into the Ashokan Reservoir. Water then flows from the Ashokan Reservoir through the spillway or is released through the release channel into the Lower Esopus Creek, contributing to the turbidity impairment of this waterbody.

NYS DEC required NYC DEP to evaluate the environmental impacts these releases have on the Lower Esopus Creek and its communities, while preserving the water quality of the drinking water that flows from the Ashokan Reservoir to quench the thirst of downstate residents. NYC DEP completed a Draft Environmental Impact Statement (DEIS) in 2020, an extensive number of comments were received and upon state review NYS DEC is requiring the NYC DEP to undertake additional analysis and prepare a Supplemental Draft Environmental Draft Impact Statement (SDEIS) for release from the city's Ashokan Reservoir.

Ulster County SWCD and Cornell Cooperative Extension (CCE-UC) through the Ashokan Watershed Stream Management Program are working on streambank restoration projects to reduce the erosion of the stream banks and streambeds along the Upper Esopus Creek, thereby reducing turbidity and sediment that is carried and deposited downstream.

Many of the POCs to Ulster County can be generated from the activities associated with maintaining County owned highways, buildings, and lands. The County uses salt on our roadways in the winter and paves with oils and asphalt products in the summer. The County cleans and paints buildings, and mows and maintains its properties in the spring, summer, and fall. All of these activities have potential to release pollutants into the stormwater system.

### **Salt**

Road salt is used as a deicer on County roads and parking lots. Salt can be toxic to freshwater organisms as stormwater from rain and snow melt washes the roads and carries any pollutants with it to waterbodies. Road salt can destroy protective roadside vegetation, degrade soil, and corrode vehicles, bridges, and other infrastructure. The County will continue to look for alternatives to salt that are economically feasible and minimize the application of salt to produce less concentrated runoff without compromising public safety. One possible alternative that the County is exploring is the use of brine as a deicer. Until safe, effective substitutes are found, following best management practices (BMPs) and recommendations can help in effective and efficient use of deicing materials while reducing the impact and preserving the quality of our streams and lakes. Some of the BMPs for proper salt storage and application are addressed in MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations.

### **Heavy Metals and Hydrocarbons**

Other POCs that can occur with County maintenance operations are heavy metals (such as lead, zinc, and mercury) found in many products (such as batteries, fuels, paints, pesticides, and cleaners) and hydrocarbons (from oils, grease, fuels, hydraulic fluids, pesticides, and engine emissions). As these products are used, spilled, or breakdown, they can leave behind pollutants that can be carried by stormwater into waterbodies. Metals are toxic to aquatic organisms and tend to bioaccumulate, meaning that they increase in concentration in an organism with continued exposure over time. Metals and other chemicals are often the cause of fish advisories—health warnings about eating certain fish. And they have the potential to contaminate drinking water supplies. Some of the maintenance practices that help control these pollutants are covered in MCM 6. Illicit discharges and dumping of petroleum products are addressed in MCM 3: Illicit Discharge Detection and Elimination (IDDE).

### **Nutrients and Pathogens**

Nutrients, such as nitrogen, phosphorous, potassium, and ammonia, can be found in fertilizers, livestock, and pet waste, decaying vegetation (such as grasses and leaves), as well as sewer and septic system overflows and leaks. These wastes can also leave pathogens (harmful bacteria and viruses) in our waters. Nutrients can lead to an excess growth of weeds and algae whose decay can lead to a depletion of oxygen in waterbodies, as well as potential formation of hazardous toxins. Dissolved oxygen depletion in waterbodies can lead to fish die-offs and other negative impacts. MCM 3: IDDE covers some efforts to track down and eliminate nutrients and pathogens generated from septic system and sanitary waste leakage and cross connections.

Figure 4- Common Pollutants in Stormwater Runoff

<p><b>Pollutants in stormwater runoff</b> (from LakeSuperiorStreams.org)</p>	
POLLUTANT	WHAT DOES IT DO?
<p><b>Increased Runoff</b> Land alterations increases the rate and amount of runoff from the watershed entering the stream.</p> 	<p>Carries pollutants, erodes stream channel and banks, and destroys instream habitat</p>
<p><b>Sediment</b> Dirt and sand on roads, driveways, and parking lots or eroded sediment from disturbed surfaces (e.g. construction sites) enters stream with stormwater runoff; increased flow causes stream bank erosion</p> 	<p>Smothers aquatic habitat, depletes oxygen, reduces water clarity, and carries nutrients and toxic contaminants</p>
<p><b>Nutrients</b> Excess fertilizers on lawns or fields, failing septic systems, and animal waste</p> 	<p>Stimulates excessive plant growth, lowers dissolved oxygen levels, degrades aesthetics and destroys native aquatic life</p>
<p><b>Temperature</b> Warmer water caused by runoff from impervious surfaces, removal of streamside vegetation, and reduction in groundwater flows</p> 	<p>Harmful to trout and other cold water species, promotes spread of invasive species and excessive plant growth, reduces dissolved oxygen levels in water</p>
<p><b>Bacteria</b> Potentially pathogenic microscopic organisms in failing septic systems, sewer overflows, and animal (including pet) waste</p> 	<p>Harmful to humans; untreated waste can cause numerous diseases.</p>
<p><b>Toxic Contaminants/Heavy Metals</b> Heavy metals such as Mercury, cleaning compounds, pesticides and herbicides, industrial by-products such as dioxin, and vehicle leakage of oil, gas, etc.</p> 	<p>Harmful to humans and aquatic life at fairly low levels; many resist breakdown and some accumulate in fish and other animal tissues (including human), and can lead to mutations, disease, or cancer</p>

## Mapping

The MS4 Operator (Ulster County) has developed and maintains a comprehensive system mapping for the designated area. In accordance with the permit the current mapping includes MS4 outfalls, interconnections, preliminary storm-sewershed boundaries, and MS4 infrastructure details, such as conveyance systems, culvert crossings, and stormwater structures

## MCM 1: Public Education and Outreach on Stormwater Impacts

Under the SPDES MS4 regulations, Ulster County is considered a “Traditional Non-land Use Control MS4” (a municipal entity that does not have jurisdiction over land use issues—e.g., zoning and building permit issuance). As such, our public includes our staff, contractors, and visitors. The County’s education efforts focus on internal staff development and educating the visitors to our county facilities on pollution prevention. The County is also very committed to providing technical, mapping, and GIS support to all of the municipal MS4 communities within Ulster County.

### Key Goals

The goal for MCM 1 is to ensure that our employees, contractors, and visitors to our facilities are aware of the most prevalent pollutants and how our daily work activities can have an impact on reducing the pollutants that enter our waterbodies. To reach this goal, the County engages in a variety of educational activities.

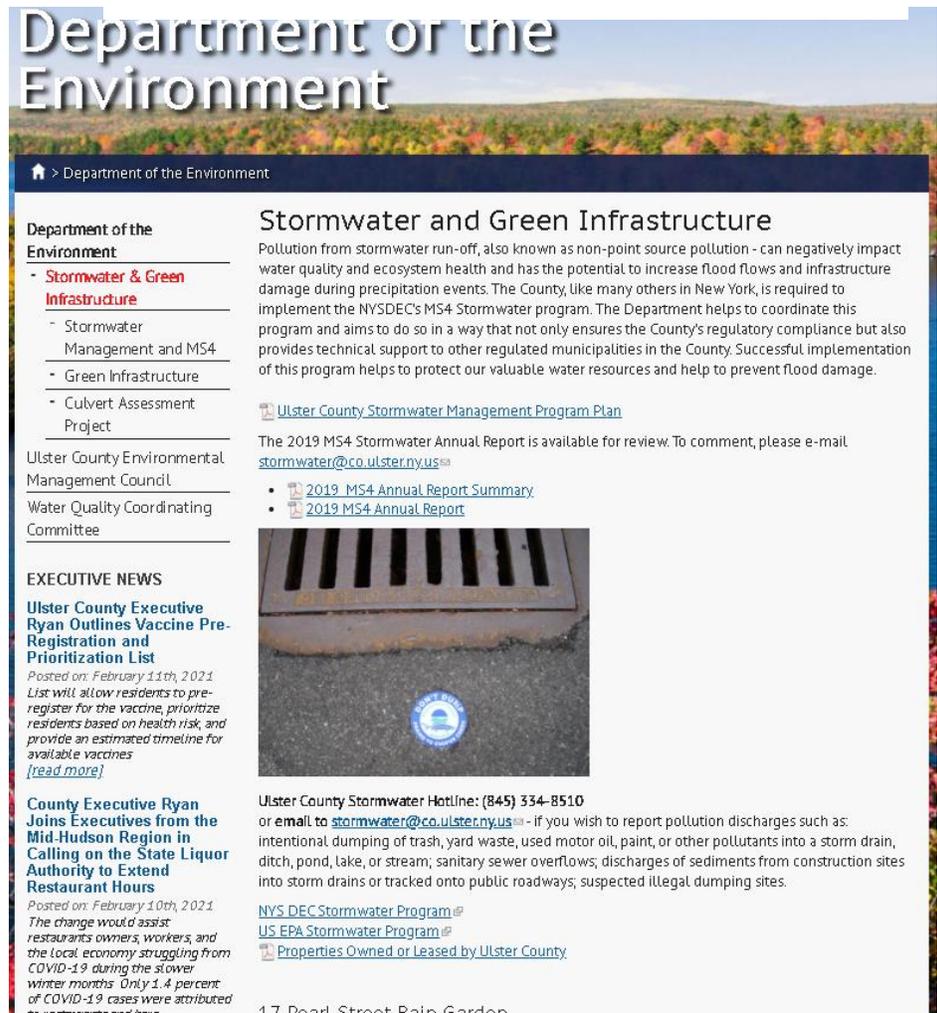
### Activities/Practices

The County provides brochures on a variety of stormwater topics for the general public at the County Office Building (COB) lobby as well as at the annual Ulster County Fair. Brochure topics include proper lawn care, pet waste management, household hazardous waste disposal, low impact development, waste oil disposal, water conservation, vehicle washing, fish advisories, values of wetlands and riparian buffers, permit requirements for construction sites, and other areas of stormwater pollution impact.

All Ulster County Department of Public Works (DPW) and other relevant staff are trained annually on MS4 SPDES permit information, IDDE, pollution

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Figure 5-UC Dept of Environment Webpage



prevention practices for municipal operations, construction site stormwater pollution prevention, and green infrastructure practices.

Ulster County provides workshops upon request on various topics of interest to other MS4 municipal stormwater officers, building inspectors, and planning board members. Some past topics have included: MS4 Permit Updates from the DEC, MS4 Audit Process and Results, MS4–Compliance Doesn’t Have to be Difficult, Construction Site Inspections for Code Enforcement Officers, Green Infrastructure Jobs and Practices, and Stormwater Management Program Plans–Basic Elements and Tips from the Field. In addition, the County and Ulster County Soil and Water Conservation District co-sponsor the NYS DEC endorsed: 4-hour Contractors Training in Erosion and Sediment control every three years to enable local contractors to maintain their certification.

The County also offers a lending library of training videos and materials in support of municipal employee training, as well as providing training directly to municipal staff involved with maintenance of roads, buildings, parks, or water departments as requested by municipalities.

The County provides technical assistance and GPS/GIS mapping support to MS4 communities to assist them in meeting their permit obligations.

Ulster County maintains a webpage at <http://ulstercountyny.gov/environment/stormwater-and-pollution-prevention> within the Department of the Environment site that contains a variety of stormwater pollution prevention information as well as our Stormwater Management webpage at <https://ulstercountyny.gov/environment/stormwater-management> that contains additional information and links to additional websites (Figure 5).

Ulster County developed a brochure to educate restaurant professionals on practices that they can implement to reduce stormwater pollution. This brochure is sent out annually with Food Service Permit Renewals from Ulster County Department of Health.

Ulster County maintains a social media presence reaching hundreds of individuals. Campaign topics have included Bring Your Own Bag Act outreach, information on Local Law No. 5 of 2018, banning the use of single use plastic bags, and outreach on Local Law No. 7 of 2019, the Skip the Straw law requiring restaurants and food service providers to provide single use plastic straws, stirrers, cutlery, and condiment packets, only on request. Social media posts will continue to educate the general public on related issues. *See Appendix pages D38 and D51 for local laws mentioned.*

### **Further Course of Action**

- Continue to educate our public, our employees, contractors, and municipalities on the impact that all of us can have to decrease the harmful pollutants stormwater carries to our waterways.
- Increase the sharing of information on social media regarding stormwater and related water quality topics.
- Integrate MS4 program training into existing County employee training days for relevant staff.
- Continue to examine more effective ways to educate the public on stormwater pollution.

## MCM 2: Public Involvement/Participation

As previously discussed in MCM 1, the County as a traditional non-land use control MS4 is not required to provide participation opportunities to the general public. The County is, however, required to provide opportunities for public participation and involvement to our public (County employees, visitors, municipal partners, and watershed groups). Additionally, County agencies have continued to involve the general public and reduce potential pollutants through various efforts. These efforts not only strengthen the County's stormwater program but help the local MS4 municipalities, which do have an explicit requirement to involve and educate the general public.

### Key Goals

The goal for MCM 2 is to involve more people in learning about and taking stewardship of the environment. With our partner agencies, we will continue to expand and increase the public participation in the programs that are described below.

### Activities/Practices

The County works closely with the Ulster County Environmental Management Council (EMC), which consists of representatives from municipal conservation and environmental councils.

The County has hosted a number of community outreach and public education events in connection with the Lower Esopus Stream Management Plan. For information about the project can be found here: <https://loweresopusmp-ulstercounty.hub.arcgis.com>.

Ulster County maintains a Stormwater Management Program webpage, <https://ulstercountyny.gov/environment/stormwater-management>, with a direct link to our dedicated stormwater email and the phone number for our dedicated Stormwater hotline, as well as providing additional contact information. This webpage also serves as a public link to the Stormwater draft annual

report and summary. There are additional Ulster County stormwater document links on this webpage and links to other stormwater resources. Ulster County also maintains the Ulster County Parcel Viewer, <https://ulstercountyny.gov/maps/parcel-viewer/> which includes stormwater resource layers (Figure 6). The County publishes a public notice in two local papers on the availability of our draft annual report, and emails



**Volunteers maintaining trails at Sojourner Truth Ulster Landing County Park**



**River Seining in the Hudson**

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are sent to the municipal MS4 contacts directly to notify them of the availability of the draft annual report. The draft report is also presented at a meeting of the EMC.

The County promotes employee recycling through posters, emails, and desk side recycling trays. The Ulster County Resource Recovery Agency conducts at least two household hazardous waste/pharmaceutical/e-waste collection days annually. These events are open to Ulster County residents and registration is strongly encouraged, providing further opportunities for public outreach and education. Additionally, electronics are accepted for recycling year-round.

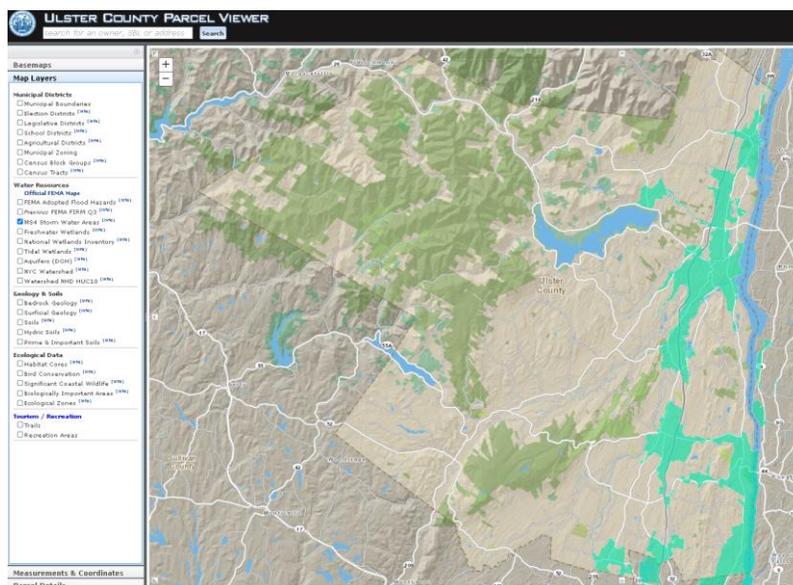
The County's Water Quality Coordinating Committee (WQCC) meets every two months, the Committee's mission is to provide a coordinated and collaborative approach to protect and improve the waters of Ulster County and ensure the resilience of our watershed systems. This is accomplished by coordinating amongst County departments, Ulster County Soil and Water Conservation District, and Cornell Cooperative Extension of Ulster County. Every other meeting is open to local partners including municipalities, local agencies, non-profits, and other groups working on water quality. These open partner meetings feature presentations on relevant water quality related topics. Past topics have included turbidity and sediment, stream classification protections, source water protections, and more. The WQCC maintains a website at <https://ulstercountyny.gov/environment/ulster-county-water-quality-coordinating-committee>.

Ulster County also supports local watershed groups, providing them with technical and mapping assistance, management plan reviews, and lending out water examination and testing equipment.

### Further Course of Action

- Share this SWMP plan and incorporate comments or suggestions from the public into the next revision.
- Update this document as necessary to reflect the changes in the Stormwater Management Program, incorporating any changes called for as updated MS4 SPDES General Permits are issued.
- Continue to offer and update the Parcel Viewer, making it more accessible and improving functionality.
- Work with our partner agencies and environmental groups to expand opportunities for the public to get involved with understanding, cleaning up, and protecting our cherished waters.
- Continue to offer assistance and support to local watershed groups.
- Continue the work of the WQCC and continue offering open meetings to interested and relevant parties, including MS4 municipalities.

Figure 6-Ulster County Web Mapper screengrab



### **MCM 3: Illicit Discharge Detection and Elimination (IDDE)**

An illicit discharge is defined as any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater; except for discharges allowed under a NPDES (or SPDES) permit or waters used for firefighting operations. As a result of these illicit connections, contaminated wastewater can enter into storm drains or directly into local waters without receiving treatment from a wastewater treatment plant. Illicit connections may be intentional or may be unknown to the business owner and often are due to the connection of floor drains to the storm sewer system. Additional sources of illicit discharges can be failing septic systems, illegal dumping practices, and the improper disposal of sewage from recreational practices such as boating or camping.

#### **Key Goals**

The goal for MCM 3 is to identify and eliminate all illicit discharges that are entering the County's storm sewer system. There are a number of steps that will help us to meet this goal: mapping, training, inspections, reporting, tracking, and follow through.

#### **Activities/Practices**

Illicit discharge detection and elimination programs are designed to prevent contamination of ground and surface water resources by the monitoring, inspection, and removal of these illegal non-stormwater discharges. An essential element of this program is an ordinance granting the authority to inspect properties suspected of releasing contaminated discharges into storm drain systems. Another important factor is the establishment of enforcement actions for those properties found to be in noncompliance or that refuse to allow access to their facilities. The County Legislature of the County of Ulster has enacted "Local Law Number 18 of 2007: A Local Law of the County of Ulster, NY, Prohibiting Illicit Discharges, Activities and Connections to the Ulster County Separate Storm Sewer System." This local law prohibits anyone from having illicit connections or discharges to the County storm sewer system (MS4). The law also establishes the authority of the Stormwater Management Officer (SMO) to access and inspect any facility that discharges to the MS4 and to enforce this law through issuing notices of violation or to take other remedial actions as required. *See Appendix page B4: Local Law Number 18 of 2007.*

Illicit discharges are often detected by conducting dry weather inspections of outfalls; called outfall reconnaissance inventory (ORI). An inspection of each of the County outfalls is conducted at least once every five years. The purpose of these inspections is to detect and eliminate any illicit connections or discharges to the County storm drainage system.

Employees in relevant positions receive training annually on illicit discharge detection and reporting protocols. The County also maintains a stormwater hotline and dedicated stormwater email address for the public to report suspected illicit discharges or other stormwater concerns.

The County updates the outfall maps as needed when changes are discovered through the ORI or when structures are added or removed. Ulster County has collected data and produced a stormwater drainage system map; this consisted of collecting GPS locations and physical structure information on components of the County's storm sewer system. This will assist with the track down of illicit discharges. Additionally, Ulster County is migrating to an online, cloud-based GIS stormwater management application created by ESRI. This will allow for the navigation to, and inspections of outfalls and other stormwater assets. This online tool will enable the County to store locations, inspection records, photographs, and other related information regarding

outfalls and other stormwater assets such as green infrastructure practices and stormwater management practices.

**Contact For Reporting Illicit Discharge**

Stormwater Hotline: 845-334-8510

Email: [stormwater@co.ulster.ny.us](mailto:stormwater@co.ulster.ny.us)

**Further Course of Action**

- Complete the adoption of a cloud-based stormwater management application for stormwater inspections to improve the County’s IDDE program.
- Improve procedures for tracking all illicit discharges and their elimination by using cloud-based mapping.
- Develop/clearly define the monitoring plan

Samples of Illicit Discharges and Outfalls



Oil spill



Illicit Discharge



Dry Weather Flow



Illicit Discharge or Natural Foam?

## MCM 4: Construction Site Stormwater Runoff Control

Ulster County, as a traditional non-land use control MS4, does not have jurisdiction over building permits and other land use issues. Therefore, the County cannot enact local laws or ordinances (as other MS4 municipalities are required to do) to regulate construction activities. The County has, however, established a procedure to ensure that pollutants from construction activities requiring coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (any activity disturbing one acre or more of land or less than one acre if part of a larger common plan of development or sale) do not enter the County stormwater drainage system. This construction and post-construction runoff control mechanism is used to make sure that the Ulster County Stormwater Management Specialist (SWMS) has an opportunity to review all Stormwater Pollution Prevention Plans (SWPPPs) that could have an impact on the County’s stormwater drainage system. *See Appendix page C26: Ulster County Development Review Statement of Policy: Construction Site and Post-Construction Stormwater Runoff Control – Site Plan Review Procedure.*

### Key Goals

The goal for MCM 4 is to ensure that all construction projects requiring a NYS SPDES permit on County owned property, or that have stormwater drainage into the County storm sewer system, have proper plans, measures, and inspections in place to minimize erosion and contain all sediment onsite during construction.

### Activities/Practices

For construction projects that occur on County owned property that require coverage under the SPDES Permit, the SWPPP is reviewed by the SWMS and, if located in an MS4 municipality, the SWPPP is submitted to the municipality for SWPPP acceptance prior to submitting a Notice of Intent (NOI) to the DEC for SPDES permit coverage. The SWMS, or a qualified inspector hired by the project manager (if a private firm is managing the project), conducts and records weekly site inspections as required by the SPDES permit. *See Appendix page C22: Ulster County Municipal Separate Storm Sewer Systems (MS4) Ulster County Construction Projects-Statement of Policy.*

The SPDES permit for Construction Activity requires that all developers, contractors, and subcontractors identify at least one trained individual from their company that is responsible for SWPPP implementation and is on site daily when there is soil disturbance activity. In order to ensure that contractors in our area have the opportunity to get proper training and certification, Ulster County sponsors the “NYS DEC Endorsed: 4-Hour Contractor Training in Erosion and Sediment Control” every three years. The Ulster County Soil and Water Conservation District also provides the NYS DEC Endorsed: 4-Hour Training at other times each year. The County provides additional training to County personnel (and municipal employees when requested) on Stormwater Pollution Prevention for Construction Sites.

Ulster County establishes and maintains an inventory of active construction sites located on County property or having direct impact to the County’s stormwater drainage system as identified by the DEC NOI inventory <https://extapps.dec.ny.gov/fs/projects/constructionstormwater/NOISpreadsheets/>. As a Traditional Non-Land Use Control there are very few applicable sites in the County. The only currently applicable site in Ulster County is the Golden Hill Facility at 63 Golden Hill Drive in Kingston New York. Ulster County took on this project in order to transfer this parcel to a developer for a residential construction project.

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Owner/Operator Contact	Receiving Waterbody Info	SPDES ID #	SWPPP Approval Date	Inspection History*	Current Status
Brendan Masterson bmas@co.ulster.ny.su	Twaalfskill Creek and Tribs WI/PWL Segment ID 1301-0199	NYR11K124	06/16/2022	Weekly from 10/19/22-5/17/23 All inspections were satisfactory.	Complete

\*Inspections records can be reviewed at the Department of the Environment

The County also maintains a hotline for reporting construction site stormwater activity complaints and keeps a record of all construction site complaints.

### Contact For Construction Stormwater Activity Complaints

Email: [stormwater@co.ulster.ny.us](mailto:stormwater@co.ulster.ny.us)

### Further Course of Action

- Work with designers, developers, and contractors, through all the stages of development (planning, construction, completed development) to ensure that construction sites do not contribute pollutants to our MS4.
- The Stormwater Management Specialist maintains, and updates, when necessary, a document for tracking SWPPP reviews, approvals, and inspections.

### Some Construction Site Stormwater Runoff Control Measures



**Hydroseeded Slope Stabilization**



**Silt Fence**



**Hydroseeding Stormwater Pond Embankment**

## MCM 5: Post-Construction Stormwater Management

Post-construction stormwater management practices are those constructs, devices, features, practices, etc. that remain as a permanent part of a site after all construction activities have been completed. They can include a combination of structural and non-structural practices that are designed according to the standards from the *NYS Stormwater Design Manual* to reduce the discharge of pollutants to the maximum extent practicable (MEP).

### Key Goals

The goals for MCM 5 are: to ensure that all post-construction stormwater practices on County sites are functioning well; to increase the awareness and utilization of Green Infrastructure practices on County owned construction, renovation and retrofit projects; and to encourage the utilization of Green Infrastructure techniques for both public and private development and redevelopment projects.

### Activities/Practices

Through guidance from the Planning Department, Ulster County encourages all development and redevelopment plans to incorporate the principles of Low Impact Development (LID), Better Site Design (BSD), and Green Infrastructure (GI) practices whenever practical. These are practices that preserve or mimic natural processes, and can include natural resource protection, maintaining natural buffers to protect streams and wetlands, the reduction of impervious areas, installing vegetated swales, bioretention areas, rain gardens, green roofs, porous pavement, and other such practices.

Ulster County will strive to implement these greener stormwater practices on all County sponsored construction and redevelopment projects to the maximum extent practicable. These projects will serve as demonstrations for other municipalities, developers, contractors, and the general public of how to incorporate green infrastructure practices into new and existing sites. Projects have included a rain garden installation at the Department of the Environment building, parking lot retrofits with permeable pavers and bioretention areas at the County Office Building, and a large pervious pavement parking lot, along with a green wall at the Kingston Center of SUNY New Paltz.

Ulster County Soil and Water Conservation District has established a plant materials center. These materials are available for use throughout Ulster County for buffer establishment, roadside, and streamside stabilization via streamside and riparian plantings and light bioengineering practices. Streamside buffers help to reduce pollutants from entering waterbodies and streambank restoration efforts reduce erosion. Ulster County along with the UC SWCD will continue to look for new opportunities for additional planting areas.

The County keeps an inventory, inspection, and maintenance records for all post-construction stormwater management practices on its property. These practices include dry ponds, wet ponds, Vortechs unit, permeable pavers, and rain gardens. These practices, as well as all site drainage systems, are inspected annually for system function and integrity. Any concerns identified during these inspections are referred to the Stormwater Management Specialist. The rain gardens and bio-retention areas at the County Office Building are inspected and maintained annually by Department of the Environment staff.

**Further Course of Action**

- Continue to inspect and monitor our post-construction practices.
- Incorporate Green Infrastructure practices and tree plantings into all applicable Ulster County facility construction, reconstruction, renovation, and retrofit projects.
- Identify two County sites that would benefit from a feasibility analysis of Green Infrastructure planning.
- Map all stormwater management practices on County owned property and include in the cloud-based stormwater management application.

**Sample Green Infrastructure Practices**



**Rain Garden**



**Permeable Pavers**



**Bioretention Strip**



**Tree Pit**

## MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

Municipal facilities and operations can generate and release many pollutants into the stormwater drainage system. This minimum control measure addresses policies and practices that Ulster County has taken to reduce the generation and minimize the impact of these potential pollutants.

### Key Goals

The goal of MCM 6 is to ensure, through the use of laws, resolutions, training, policies, and procedures, that the County reduces pollutants generated “to the maximum extent practicable” through the use of best management practices (BMPs) in carrying out the day-to-day activities of providing services to the people of Ulster County.

### Activities/Practices

The Ulster County Legislature has passed resolutions and enacted local laws that reduce the pollutants generated by various maintenance activities. These measures include:

- *Local Law No. 4 of 2009: A Local Law Requiring Non-Toxic Landscape Maintenance on Land Owned or Leased by the County of Ulster* which ensures that pesticides and herbicides are not used on County lands except in unique circumstances when waivers are necessary. *See Appendix page D2.*
- *Resolution No.282, November 16, 2010: Requiring the Purchase and Use of Green Cleaning Products in All County Facilities.* *See Appendix page D9.*
- *Resolution No. 283, November 16, 2010: Requiring the Purchase and Use of Low or No Volatile Organic Compounds (VOC) Paints and Coatings in All County Facilities.* *See Appendix page D13.*
- *Resolution No. 74, March 15, 2011: Prohibiting the Leasing of any County-Owned Lands, including but not limited to County Parks for High-Volume Chemical Slick-Water Hydraulic-Fracturing to Extract Natural Gas.* *See Appendix page D16.*
- *Local Law No. 6 of 2012: A Local Law of the County of Ulster, New York Known as the “Hydraulic Fracturing Brine Prohibition Act”* a law banning the use of Hydraulic fracturing (fracking) brine on any property or roadway owned or controlled by the County, by any party. *See Appendix page D19.*
- *Local Law No. 4 of 2015: A Local Law of the County of Ulster, New York Known as the “Food Service Waste Reduction Act”* a law regulating the use of polystyrene foam disposable food service ware by food service establishments in Ulster County. *See Appendix page D23.*
- *Local Law No. 9 of 2015: A Local Law of the County of Ulster, New York Establishing a Sustainable Green Fleet Policy* a law to take steps in reducing the environmental impacts and cost of fleet operations in Ulster County. *See Appendix page D30.*
- *Local Law No. 5 of 2018: A Local Law of the County of Ulster, New York Known as “The ‘Bring Your Own Bag’ (BYOBag) Act.”* a law promoting the use of Reusable Bags and Regulating the Use of Plastic Carryout Bags and Recyclable Paper Carryout Bags. *See Appendix page D38.*

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- *Local Law No. 2 of 2019: A Local Law of the County of Ulster, New York Known as “Skip the Straw Law a law Requiring Restaurants and Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request. Including Local Law No 7. Of 2019: A Local Law of the County of Ulster, New York Amending Local Law No. 2 of 2019. See Appendix page D46 & D51.*

These efforts illustrate the commitment of Ulster County government to protecting our citizens, our employees, and our environment by reducing or eliminating the use of pollutants that could otherwise end up in our waters.

Ulster County, as a result of Local Law No 9. Of 2015, has established a Green Fleet Policy with initiatives to move towards a more sustainable vehicle fleet for County operations. These initiatives (including increased electric vehicle usage) will decrease the number of internal combustion engine vehicles operated by the County, and thus reduce associated maintenance activities and the potential for stormwater pollution. As of 2023 the County’s fleet is composed of ~20% electric vehicles.

The Ulster County Department of Public Works (including both the Highways & Bridges and the Buildings & Grounds divisions) continues to examine maintenance practices to find ways to reduce pollutants in our stormwater drainage system. Ulster County's soil testing initiative prior to applying fertilizer on County property has led to a current policy of no fertilizer, herbicides, or pesticides on County property, reducing the number of chemical pollutants entering the MS4 waterbodies. Additionally, the county has drastically reduced its use of sand on roads in the winter. DPW has a schedule to sweep roads and parking lots annually and information about this schedule/routes can be found in Pubworks. All County building drainage systems are inspected monthly and catch basins in the MS4 regulated area are inspected and cleaned as needed. The catch basins in the vehicle wash bay at the main highway garage are inspected and cleaned frequently in the winter and quarterly the rest of the year.

The County continues to assess maintenance operations to find opportunities to implement environmentally friendly practices; all solvent based parts washers in the Highway Garage have been replaced with Bio-circle parts washers—using microorganisms to biodegrade the greases and oils. County highway vehicles are washed at the Quarry facility on Shamrock Lane with a Vortech unit to prevent pollutants entering the MS4 waterbodies. Chemical storage is inspected and inventoried annually at all Ulster County facilities and all records are filed with the County Safety Office. Ulster County Highway Substations diesel tanks located at have all been replaced with new double walled diesel tanks.

Ulster County holds an auction of surplus or obsolete vehicles that are stored at the main highway facility as well as at the County’s Central Auto facility. These vehicles are then repaired and reutilized or scrapped and recycled by the purchasers – reducing the burden of these vehicles and waste products going to landfills and potentially leaking pollutants.

Ulster County has generated a Government Operations Climate Action Plan. Action recommendations include exploring transitioning to renewable heating and cooling systems such as geothermal. This would remove or downsize fuel oil storage tanks on County owned parcels, thus limiting the potential for pollution and spills. Other recommendations include switching to electronic methods for grounds maintenance and increasing electric vehicle usage and EV charging stations (also initiatives included in the Green Fleet Policy). Also recommended in the plan are carbon sequestration planning efforts which could include riparian planting projects.

The County is in the process of completing a Greenhouse Gas Emissions Inventory (GHG Inventory) and developing a Community Climate Action Plan (CCAP). The purpose of the CCAP is to establish GHG emissions reduction goals (as identified in the GHG Inventory) and identify initiatives to achieve those goals based on feedback from stakeholders.

Ulster County is developing a program to inspect Highway Sub-Stations annually in order to minimize pollution potential at these facilities. These inspections will identify BMPs in place for pollution prevention at each Sub-Station, and any issues identified will be reported to the Stormwater Management Specialist. In addition, the initial inspections will form the basis of a site assessment and a spill response and prevention plan. This effort will build on previous work done as part of the “Ulster County Stormwater Infrastructure Assessment” in the West-Of-Hudson NYC Reservoir Watershed, part of a 2004-2005 grant to the Ulster County Environmental Management Council/Water Quality Management Agency, funded by the Catskill Watershed Cooperation. As part of the assessment, potential for stream bank riparian plantings will be visually assessed at each Sub-Station.

In the year 2020, Ulster County, in partnership with Cornell Cooperative Extension of Ulster County assessed all road stream crossings in the Lower Esopus Watershed (303d waterbody listed for turbidity), including the Sawkill and Plattekill Sub-Watersheds. Town owned crossings were assessed in the towns of Kingston, Saugerties, and Woodstock, as well as all County owned crossings in the watershed. In 2023 this work continued in the towns of Marbletown, Olive, Hurley, Ulster, and the City of Kingston. In depth information about this project can be found here: <https://road-stream-crossings-ulstercounty.hub.arcgis.com>. This work served as an important gateway in assisting the Towns with their infrastructure and prioritizing crossings based on factors such as flooding and structural condition. This project was funded by NEIWPC and the NYSDEC Hudson River Estuary Program. These assessments utilized an expanded protocol developed by the Ashokan Watershed Stream Management Program and included a geomorphic analysis which is important given the Lower Esopus is a listed waterway for turbidity. This analysis included assessment of erosion and deposition in relationship to the crossing. Ulster County will continue to explore opportunities to expand this assessment protocol to the rest of the County and MS4 area. Projects such as these strengthen the relationships between the County and Municipalities.

Ulster County is participating in the NYS Climate Smart Communities Program and as of the time of this revision is a Silver Level certified community. The County has begun to compile documentation to apply for Gold Certification when the application opens. Thus, Ulster County has completed and documented many actions to mitigate and adapt to climate change. Many of these actions are related to stormwater, especially under Pledge Element 6: Implement Climate-Smart Land Use, and Pledge Element 7: Enhance Community Resilience to Climate Change. Actions under these Elements include Green Parking Lot Standards, a Local Forestry or Tree Planting Project or Program, a Hazard Mitigation Plan, Green Infrastructure, Culverts and Dams (including inventories, plans, and replacement or right-sizing), Riparian Buffers, Watershed Plan for Water Quality, Source Water Protection, Water Conservation and Reuse, and Water Smart Landscaping. Completing actions like these can have direct stormwater reduction benefits and Ulster County is committed to maintaining the current Silver Level certification and increasing our level in the future.

### **Further Course of Action**

- Continue to explore road de-icing alternatives to salt, addressing the storage, handling, mixing, calibration of spreaders, and the application of road deicing materials. The County will continue to research environmentally safer, but equally effective, products and procedures to reduce the usage of salt.

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- Expand efforts to increase the awareness, policies, and utilization of green procurement to ensure that all departments are using the most effective, cost effective, safest (both for personnel and the environment) products that are readily available.
- Continue proper maintenance practices to reduce pollutants to the maximum extent practicable, leading to cleaner waterbodies that fully support their designated uses for us all to enjoy.
- Inspect all highway Sub-Station during the 2023 reporting year. including developing topographical layouts, site assessments, and spill response and prevention plans.
- Continue to look for funding opportunities to assess, design, and replace road stream crossings to enhance geomorphic compatibility and reduce erosion.
- As part of the County's Green New Deal, the County will continue to assess road stream crossings.

### Some Pollution Prevention/Good Housekeeping Practices for Municipal Operations



Catch Basin Cleaning



Vacuum Streetsweeper



Salt Storage Shed

## Irrelevant Sections

The SPDES general permit covers the entirety of the NYS MS4 system, and as such there are some sections in the permit that are not applicable for Ulster County, as a Traditional Non-Land Use Control. Part IV.A.B of the permit requires the MS4 Operator (in this case Ulster County) to identify which sections (Parts VI – IX) are not applicable and provide justification for why these sections are not relevant.

- The entirety of Part VI Minimum Control Measures (MCMs) for Traditional Land Use Control MS4 Operators does not apply because the county is a Traditional Non-Land Use Control.
- The entirety of Part VIII Enhanced Requirements for Impaired Waters does not apply because Ulster County does not currently contain any applicable impaired waters per Appendix C.
- The entirety of Part IX Watershed Improvement Strategy Requirements for TMDL Implementation does not apply because Ulster County does not currently have any TMDLs.

This document is constantly being updated with new information. In the coming months/years this document will continue to undergo changes as it is updated to be in compliance with the new permit.

## Updated Sections

The following chart identifies the updates made to the SWMP plan in accordance with the July 3<sup>rd</sup> deadline.

Reference	Deliverable	Action
IV.A.2.	Staffing plan/Organizational chart	This has been updated in the SWMP to reflect the most up to date structure of the Counties MS4 organization.
IV.B.1	Stormwater Program Coordinator name, title, and contact information	The SWMP is coordinated by Ulster County Department of the Environment in collaboration with various County departments (see org. chart).
IV.B.2.a.	The current SWMP Plan, and documentation associated with the implementation of the SWMP Plan, available during normal business hours to the MS4 Operator’s management and staff responsible for implementation as well as the Department and United States Environmental Protection Agency (USEPA) staff	The most up to date plan is available online at <a href="https://ulstercountyny.gov/environment/stormwater-management">https://ulstercountyny.gov/environment/stormwater-management</a> .
IV.B.2.b.	The current SWMP Plan available for public inspection during normal business hours at a location that is accessible to the	The most up to date plan is available online at <a href="https://ulstercountyny.gov/environment/stormwater-management">https://ulstercountyny.gov/environment/stormwater-management</a> .

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public or on a public website

IV.D.	Comprehensive system mapping	The 6 month mapping requirements have been met.
IV.F.1.	Enforcement response plan (ERP)	The County has prepared an Enforcement Response Plan that is based on local law and complies with the permit requirements. The ERP can be found in the Appendix.
VII.A.1.e.	Information related to the prevention of illicit discharges has been made available	Information about the prevention of illicit discharge is available here <a href="https://ulstercountyny.gov/environment/stormwater-management">https://ulstercountyny.gov/environment/stormwater-management</a> .
VII.B.1.c.	Name/Title and contact information of local point of contact to receive and respond to public concerns regarding stormwater management and compliance with permit requirements	The plan identifies the Ulster County Stormwater hotline as the point of contact for all public comments and concerns.
VII.C.1.a.i.	Email or phone number used for the public to report illicit discharges	The plan includes the email address and phone number for the public to report illicit discharge.
VII.D.2.a.	Email or phone number used for the public to report complaints related to construction stormwater activity	The plan identifies an email address for people to report complaints related to construction stormwater activity.
VII.D.2.b.	Reports of construction site complaints	The plan identifies provisions for tracking complaints of construction site issues.
VII.D.4.a.	Inventory of construction sites	An inventory of construction sites has been created and will be maintained as new sites become applicable.
VII.F.3.d.i.	Roads, bridges, parking lots, and right of way sweeping procedures	The plan describes the Counties sweeping schedule and tracking.

## Implementation Framework- MCM 1: Public Education and Outreach on Stormwater Impacts

Item #	Required Elements	Activities/Practices	Measurable parameter	Participants/Responsible Party	Reporting
1.01	Education of the public* about the hazards associated with illegal discharges and improper disposal of waste as required by MCM 3	Set up printed stormwater information brochure rack in the lobby of the County Office Building. Brochure topics include proper lawn and garden care, pet waste management, low impact development, water conservation, waste oil disposal, and car washing and maintenance.	Numbers and titles of brochures restocked.	Department of the Environment (DoEnv)	DoEnv; samples of brochures and distribution spreadsheet are kept in Stormwater Binder or digitally or digitally at DoEnv (Binder or digitally). Ongoing— updated annually in March
1.011	Education of the public* about the hazards associated with illegal discharges and improper disposal of waste as required by MCM 4	Maintain a stormwater website within the Ulster County Government website: <a href="http://ulstercountyny.gov/public-works/stormwater-management">http://ulstercountyny.gov/public-works/stormwater-management</a> . Share stormwater educational material on social media	Website produced and maintained. Number of social media posts.	Information Services (IS) / DoEnv	DoEnv; samples of brochures and distribution spreadsheet are kept in Stormwater Binder or digitally at DoEnv (Binder or digitally). Number of social media posts and screengrabs. Ongoing
1.02	IDDE education activities planned or completed, as required by MCM 3	Training of UC staff on identifying and reporting illicit discharges.	All county employees in relevant positions are trained annually	Department of Public Works (DPW), Health Department, Ulster County Area Transit (UCAT) / DoEnv	DoEnv; training agenda, presentation, and attendance sheets are kept in Binder or digitally at DoEnv. Ongoing. DOH reports to DoE on related PE trainings.
1.03	Construction site stormwater control training planned or completed, as required by MCM 4	Training of UC staff in relevant positions on erosion and sediment control on construction sites and on green infrastructure practices for stormwater and pollution reduction. 4- Hour DEC Certified Contractor Training in Erosion and Sediment Control to be offered every three years.	All county employees in relevant positions are trained every three years. Number of employees and people trained and certified.	Ulster County Soil and Water Conservation District / Department of Public Works (DPW) / DoEnv	Copy of attendance sheet with certification numbers are kept in Binder or digitally, DoEnv; training agenda, presentation, and attendance sheets are kept in Binder or digitally.
1.04	Employee pollution prevention/good housekeeping training planned or completed,	Training of UC staff in relevant positions.	All county employees in relevant positions are trained annually	Department of Public Works (DPW), Health Department, Ulster County Area Transit (UCAT) / DoEnv	DoEnv; training agenda, presentation, and attendance sheets are kept in Binder or digitally.

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	as required by MCM 6				
1.05		Stormwater storm drain marker installation for all catch basins when practical in MS4 area.	Number of markers placed/replaced.	Ulster County Soil and Water Conservation District (SWCD) and DoEnv	DoEnv reports on any markers placed.
1.06		Stormwater training presentations for MS4 municipalities' staff, on request.	Number of MS4 municipalities assisted. Number of employees trained.	MS4 Municipal employees / DoEnv	DoEnv; training agenda, presentation, and attendance sheets are kept in Binder or digitally.
1.07		Provide workshops on stormwater management or related water quality topics relevant to MS4 municipalities.	Provide at least two workshops annually. Number of participants.	DoEnv, DEC, others / DoEnv	DoEnv; flyers, agendas, and attendance sheets are kept in Binder or digitally. Ongoing
1.08		Maintain a lending library of stormwater training videos and various water testing equipment and supplies. Inform other Ulster County MS4 municipalities that these items are available.	Number of municipalities borrowing videos or equipment.	MS4 Municipalities / DoEnv	DoEnv; list of materials available and sign-out logs are kept in Binder or digitally. As needed.
1.09		Provide technical assistance and support to MS4 communities in meeting their municipal SPDES obligations.	Number of municipalities assisted.	DoEnv and IS	DoEnv reports on any assistance provided. Ongoing report on activity annually.
1.10		Provide access to general rain garden information on Ulster County stormwater webpage.	Number of visitors were introduced to rain gardens.	DoEnv	DoEnv reports on website visits
1.11		Participate in meetings of stormwater related organizations within the county.	Log participation in and details of stormwater related public meetings.	DoEnv, EMC, and others	DoEnv; agendas and meeting notes, including attendance, are kept in Binder or digitally.

**Implementation Framework- MCM 2: Public Involvement/Participation**

2.01	Provide public notice of annual report's availability.	Prepare the Annual report and publicize it on the county website for public review and comments.	Number of comments received. Number of attendees at annual report presentation.	DoE / EMC, MS4 Municipalities, General Public	DoEnv; copies of Public Notice, attendance list, and comments received are kept in Binder or digitally. Draft and final Annual Report and past Annual Reports are available online and at DoEnv office.
2.01	Provide public access to annual report. Provide comment mechanism for annual report.	Post the annual report on the stormwater website by mid-May to allow sufficient time for public comment.	Number of comments received. Number of attendees at annual report presentation.	DoE / EMC, MS4 Municipalities, General Public	<a href="https://ulstercountyny.gov/environment/stormwater-management">https://ulstercountyny.gov/environment/stormwater-management</a>
2.01	If there is a public presentation of annual report, provide timely public meeting notice in relevant media.	Place legal notice in local newspapers to announce annual report's availability. Present annual report at meeting of Ulster County Environmental Management Council (EMC). Use the dedicated telephone hotline: (845) 334-8510 and dedicated email address: stormwater@co.ulster.ny.us to receive public comments.	Number of comments received. Number of attendees at annual report presentation.	EMC, MS4 Municipalities, General Public / DoEnv	Draft Annual Report posted in April. Final report posted in May.
2.02	Provide public notice of and access to stormwater management documents.	Stormwater management documents are available for public review and comment on the stormwater website. Use the dedicated telephone hotline and dedicated email address to receive public comments.	Number of comments received.	Public / DoEnv, DPW	DPW Stormwater Management Specialist (SWMS) maintains hotline log. Comments are logged. SWMS provides copy of log to DoEnv annually in March to be posted in Binder or digitally.

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2.03	Present Stormwater Management Program (SWMP) to the public	Present draft SWMP to Ulster County Departments and Agencies for review and revision. Present draft SWMP at meeting of EMC. Place the Stormwater Management Program plan on the Ulster County stormwater website.	Number of meetings/attendees with relevant Departments and Agencies. Number of attendees at EMC meeting.	DoEnv / EMC, Municipal MS4 Stormwater contacts, DPW, Planning, IS, Health Department, UCAT, SWCD, UCRRA	DoEnv; meeting documentation is kept in Binder or digitally.
2.04		A dedicated telephone hotline and dedicated email address were established in 2007 for the public inquiries about or comments on stormwater concerns. These are listed on the county stormwater webpage: <a href="https://ulstercountyny.gov/environment/stormwater-management">https://ulstercountyny.gov/environment/stormwater-management</a>	Stormwater related phone calls and emails and the status and resolution of complaints are recorded in a dedicated log.	DPW Stormwater Management Specialist (SWMS) / DoEnv	SWMS and DoE maintain hotline phone log. SWMS provides copy of phone log including status of any complaints to DoEnv to post in Binder or digitally annually in March.
2.05		Ulster County Resource Recovery Agency (UCRRA), an Ulster County agency, conducts Household Hazardous and pharmaceutical and E-waste events annually.	Report on number of participants and amount of material collected.	General public / UCRRA	UCRRA reports annual data to DoEnv in March to post in Binder or digitally.

**Implementation Framework- MCM 3: Illicit Discharge Detection and Elimination (IDDE)**

3.01	Update and map stormwater outfalls.	Map new outfall locations.	Number of new outfalls mapped.	DPW / DoEnv and IS	DPW reports any changes to DoEnv. DoEnv or IS updates in GIS. Ongoing.
3.02	Illicit discharge detection and elimination.	IDDE procedure has been extended to all Ulster County facilities. Ulster County DPW administers IDDE reporting.	An IDDE log was prepared to record the number of suspected illicit discharges reported, confirmed, and eliminated.	DPW, Health Department / SWMS	SWMS maintains IDDE log at DPW. Log is provided to DoEnv annually in March for posting in Binder or digitally. DOH maintains complaint log, including IDDE.
3.03	Outfall reconnaissance inventory (ORI) and outfall inspections.	Inspect outfalls for dry weather discharges and other signs of illicit discharges. Maintain log of inspected outfalls.	Number and percentage of outfalls inspected each year. 20% of the outfalls are scheduled for inspection per year. All outfalls are inspected at least once every five years.	DoEnv	DoEnv; Inspection reports are stored in a cloud-based mapping application. Past inspection reports are kept in a dedicated ORI Binder or digitally at DoEnv. Ongoing.
3.04	MS4 must adopt a local law to prohibit illicit discharges, and certify that this law is equivalent to the NYS Model IDDE Local Law.	Ulster County must adopt and the County Attorney must certify the IDDE law.	Local Law Number 18 of 2007 was adopted ( <i>see appendix B1</i> ). Certification was documented in the 2009 Annual Report.	Ulster County Legislature Ulster County Attorney	DoEnv; copy of local law and attorney certification are kept in Binder or digitally. Permanent.
3.05	Storm sewershed mapping.	Prepare maps in GIS format and conduct field verification.	Completed sewershed mapping by March 9, 2010.	IS prepared maps, posted online / DoEnv	IS; storm sewershed (subwatershed) maps are included online in parcel viewer. DoEnv has copy of sewershed maps in Binder or digitally. Permanent
3.06	Inform public of hazards from illegal discharges and improper waste disposal.	Employee training includes IDDE information.	Relevant County employees are trained annually. Number of employees trained. Number of restaurants and homeowners given illicit discharge information by Health Department	Department of Public Works (DPW), Health Department, Ulster County Area Transit (UCAT) / DoEnv	DoEnv; training agenda, presentation, and attendance sheets are kept in Binder or digitally.

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3.06	Inform public of hazards from illegal discharges and improper waste disposal.	Health Department personnel will incorporate this information into their restaurant and septic system inspections.	Relevant County employees are trained annually. Number of employees trained. Number of restaurants and homeowners given illicit discharge information by Health Department	Department of Public Works (DPW), Health Department, Ulster County Area Transit (UCAT) / DoEnv	Health Department maintains an internal log of complaints and violations, as well as entering information in a NYS database for permitted facilities. Number of educational Brochures sent to food service providers.
3.07		Map storm drainage system for UC MS4 in the urbanized area.	Maintain storm drainage map and integrate into cloud-based stormwater map	DoEnv, DPW, IS / DoEnv	DoEnv conducts mapping, data is shared with DPW and IS. DPW furnishes comments and corrections to DoEnv. Data corrections made/remapped as necessary. Copy of mapbooks are maintained in SWMS office. DoEnv reports on progress annually.
3.08		Maintain dedicated stormwater hotline and e-mail address.	Number of calls to hotline. Number of emails received	SWMS, DoEnv	SWMS maintains spreadsheet of activity. SWMS provides spreadsheet to DoEnv annually in March to include in Binder or digitally.

**Implementation Framework- MCM 4: Construction Site Stormwater Runoff Control**

4.01	Status of regulatory mechanism. Certify that the mechanism will assure compliance with the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.	The county Stormwater Management Specialist (SWMS) receives SWPPPs from the Ulster County DPW, Health Department, and the Planning Department for review. The county SWMS reviews county-owned projects as well as other construction projects discharging stormwater to county property.	In the review process, the SWMS follows the requirements of the SPDES permits for Stormwater Discharges from Construction Activities and MS4s.	DPW, Health Department, and the Planning Department / SWMS	SWMS maintains spreadsheet of SWPPPs reviewed and their status. SWMS furnishes spreadsheet to DoEnv annually in March for reporting and posting in Binder or digitally.
4.02	Maintain log of construction sites authorized for land disturbances of one acre or more.	The county SWMS reviews SWPPPs and maintains a log of active construction sites which discharge water to the county drainage system.	Create and maintain a dedicated log for regulated construction sites. Update it as necessary.	SWMS	SWMS furnishes log of active construction sites to DoEnv annually in March for reporting and posting in Binder or digitally.
4.021	Maintain log of construction sites authorized for land disturbances of one acre or more.	The county SWMS reviews SWPPPs and maintains a log of active construction sites which discharge water to the county drainage system.	Number of SWPPPs reviewed.	SWMS	SWMS furnishes log of active construction sites to DoEnv annually in March for reporting and posting in Binder or digitally.

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4.03	Education of construction site operators, design engineers, municipal staff about the stormwater related construction requirements.	Training of staff in relevant positions and, on request, for town DPW employees on erosion and sediment control practices on construction sites. 4-Hour DEC certified Contractor training in Erosion and Sediment control offered every three years.	County employees receive training every three years. Number of employees trained and certified.	Department of Public Works (DPW) / DoEnv Ulster County Soil and Water Conservation District (SWCD) and DoEnv	DoEnv; training agenda, presentation, and attendance sheets are kept in Binder or digitally. Ongoing.
4.04	Procedure of enforceable mechanisms for construction runoff control from new development and re-development projects.	Receive complaints from employees, private organizations and concerned citizens through the stormwater hotline: (845)334-8510 or e-mail: <a href="mailto:stormwater@co.ulster.ny.us">stormwater@co.ulster.ny.us</a> . Evaluate complaints. Work with land use MS4s to enforce runoff control.	Number of complaints.	SWMS	SWMS investigates and maintains log of construction runoff complaints and status. SWMS furnishes log to DoEnv annually in March for reporting and posting in Binder or digitally.
4.05		The Ulster County Planning Board's Referral Guide (Guide) was developed in November of 2008 and took effect on January 1, 2009. The Guide includes SWPPP review requirements for all projects within 500 feet of state, county, and municipal properties anywhere in the County. See the Guide at: <a href="http://www.co.ulster.ny.us/planning/pdoc.html">http://www.co.ulster.ny.us/planning/pdoc.html</a>	Guide will be reviewed and revised as needed. Develop and maintain separate log sheets of the submitted SWPPPs for projects within Ulster County. Update log sheets as needed.	Planning, DPW, SWMS / SWMS	SWMS maintains spreadsheet of SWPPPs reviewed and their status. SWMS furnishes spreadsheet to DoEnv annually in March for reporting and posting in Binder or digitally.

**Implementation Framework- MCM 5: Post-Construction Stormwater Management**

5.01	Inspect stormwater management practices.	Develop and implement a cloud-based GIS program to inspect development and re-development stormwater management practices.	The inspection shall be conducted in accordance with the “Maintenance Inspection Checklist.”	DoEnv / DPW (B&G)	Inspection reports are stored in ArcGIS online or digitally.
5.02	Maintain stormwater management practices.	Inspection detects problems, stormwater management practices will be repaired.	Number and type of post-construction management practices needing maintenance and repaired.	DoEnv / SWMS	DoEnv maintains log with practice type, location, inspection, and maintenance activity and refers any maintenance needs to SWMS. DoEnv reports annually, number of practices inspected and any maintenance activities.
5.03	Status of regulatory mechanism: Ensure that the regulatory mechanism complies with the “NYS Stormwater Management Design Manual.”	The county Stormwater Management Specialist (SWMS) reviews the SWPPPs for compliance and conducts site inspections to ensure compliance with the “NYS Stormwater Management Design Manual” available at: <a href="http://www.dec.ny.gov/chemical/29072.html">http://www.dec.ny.gov/chemical/29072.html</a>	Number of full SWPPPs reviewed by SWMS. Number of site inspections	SWMS	SWMS maintains spreadsheet of SWPPPs reviewed and their status. SWMS furnishes spreadsheet to DoEnv annually in March for reporting and posting in Binder or digitally.
5.04	Procedure of enforceable mechanisms for post-construction runoff control from new development and re-development projects.	Receive complaints from employees, private organizations and concerned citizens through the stormwater hotline or e-mail. Evaluate complaints. Work with land use MS4s to enforce runoff control.	Number of complaints.	SWMS	SWMS investigates and maintains log of post-construction runoff complaints. SWMS furnishes spreadsheet to DoEnv annually in March for reporting and posting in Binder or digitally.

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5.05		Ulster County will employ Green Infrastructure practices for post-construction stormwater management for development and redevelopment projects on County owned property when practicable. The County will plant trees where applicable.	Number of practices employed and maintained. Number of trees planted.	DoEnv, DPW, Planning,	DoEnv maintains information on GI practices. DoENV will pilot an online map including inspection reports.
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**Implementation Framework- MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations**

6.01	Assessment of municipal operations and facilities.	Municipal operations and facilities are assessed, and procedures are developed to achieve maximum pollution prevention.	Spill response and Pollution Prevention Plans updated and implemented for DPW Highway sub-stations.	DoEnv, DPW / SWMS	Spill Response and Pollution Prevention Plans to be revised and kept onsite for each DPW facility and in the office of the SWMS with copies in the DoEnv. DoEnv/DPW conducts facility assessments once at least every three years and updates plans as needed. Sub-station assessment records and photos are stored in the cloud-based GIS program.
6.02	Parking lot sweeping. Road sweeping. Catch basin inspection and cleaning.	All Ulster County maintained parking lots are swept as needed. All Ulster County maintained roads in MS4 regulated area are swept annually. All Ulster County maintained catch basins in MS4 regulated area are inspected and cleaned as needed.	Parking lots and roads swept, measured hourly. Number of catch basins inspected and, where necessary, cleaned. Schedule adjusted as needed	DPW / SWMS	SWMS furnishes sweeping status reports to DoEnv annually in March for reporting and posting in Binder or digitally. Road and parking lot sweeping typically occurs in the spring.
6.03	Inspection of post-construction control stormwater management practices.	Use the “Maintenance Inspection Checklist” provided in the “NYS Stormwater Management Design Manual” when appropriate to inspect function of post-construction stormwater management practices. <a href="http://www.dec.ny.gov/chemical/29072.html">http://www.dec.ny.gov/chemical/29072.html</a>	Number of post-construction control stormwater management practices inspected and, where necessary, cleaned	DoEnv, DPW / SWMS	DoEnv inspects post-construction control stormwater management practices and stores inspection reports in arcgis.com.

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6.04	Phosphorus and nitrogen application in chemical fertilizer.	Conduct soil test to determine need prior to application of fertilizer on all County maintained property. Application by county employees who have received stormwater and good housekeeping training.	Effective and minimum use of phosphorus. Number of soil tests conducted. Total pounds of phosphorus used. Total pounds of nitrogen used.	DPW (B&G)	B&G maintains log of soil tests and any fertilizer used for all County property (SWMS keeps log for Highway division usage) and furnishes copy of log to DoEnv annually in March for reporting and posting in Binder or digitally. Copies of soil tests are also kept in Binder or digitally.
6.05	Pesticides/herbicides application.	Utilize procedure established by Non-toxic Pest Management policy and Local Law No. 4 of 2009 ( <i>see appendix D1</i> ) for application of pesticides or herbicides on all County maintained property.	Minimize use of pesticides/herbicides on County maintained property. Number of pesticides/herbicides applied as pure product. Number of acres treated. Number of Waivers granted.	DoEnv, DPW (B&G) and SWMS	All use of pesticides/herbicides must follow Local Law. B&G keeps log on any usage of pesticides/herbicides (SWMS keeps log for Highway division usage) and furnishes to DoEnv annually in March for reporting and posting in Binder or digitally. Number of Waivers granted (NPM Committee activity)
6.06	Employee training in pollution prevention/good housekeeping.	Employee training on municipal pollution prevention/good housekeeping practices is conducted for all County employees in relevant positions.	All county employees in relevant positions receive training annually.	Department of Public Works (DPW), Ulster County Area Transit (UCAT) / DoEnv	DoEnv; training agenda, presentation, and attendance sheets are kept in Stormwater Binder or digitally at DoEnv.
6.07	Winter road maintenance.	Utilize BMPs for road salt storage and usage. Continue to explore alternatives to road salt, including switching deicing practices to brine application. Continue to examine creating a Road Salt Management Plan.	Road Salt Management plan to be examined, feasibility of switching to brine application to be examined. Track amount of salt used annually.	DPW / SWMS	SWMS reports effectiveness of BMPs to DoEnv in March for reporting and posting in Binder or digitally.

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6.08	Solid waste management.	Ulster County Department of Buildings and Grounds conducts monthly inspection and trash removal on County properties.	Number of sites maintained. Number of acres maintained.	DPW (B&G)	B&G maintains property maintenance list. Number of properties maintained regularly.
6.09	Right of way (ROW) maintenance.	Ditch cleaning and shaping	Number of acres mulched/hydr mulched and seeded/hydroseeded.	DPW / SWMS	SWMS maintains log of ROW maintenance activity.
6.10	Municipal buildings.	Ensure that all the roof drains, gutters, and downspouts are free from debris and pollutants. Prevent leaks and contaminants from entering the drainage system.	Number of buildings inspected. Number of problems corrected.	DPW (B&G)	B&G maintains property maintenance list. Number of properties maintained regularly.
6.11	Chemical storage.	Store all chemicals in closed shelters with concrete floors. Use appropriate labels and containers. Maintain accurate inventory of chemicals. Provide spill kits and spill response training, including spill reporting training.	Number of facilities inventoried and inspected for proper chemical storage. Number of incidents reported.	DPW, UCAT, Safety	DPW, UCAT maintain chemical storage inspection logs. Spills and issues reported to Safety. Copy of logs and reports furnished to DoEnv annually in March for reporting and posting in Binder or digitally.
6.12	Fleet maintenance.	Auction of unused/obsolete vehicles and equipment. Provide every highway garage with spill kit(s) to clean up oil, lubricants, and fuel. Replace spill kits/sorbent as needed.	Auction to be conducted as needed. Number of vehicles/pieces of equipment sold. Number of spill kits replaced. Additional pounds of ChemOil-Away sorbent distributed.	DPW / Equipment Maintenance Leader and Fleet Manager	Equipment Maintenance Leader maintains list of vehicles/equipment slated for auction. Post auction list is furnished to DoEnv for reporting and posting in Binder or digitally.
6.12	Fleet maintenance.	Provide every highway garage with spill kit(s) to clean up oil, lubricants, and fuel. Replace spill kits/sorbent as needed. Furnish foreman pick-up trucks with spill kits.		DPW / SWMS	SWMS reports activity to DoEnv.
6.13		Assess, identify, and implement opportunities for environmentally friendly operational and maintenance practices.	Number of practices implemented/utilized.	DPW and All Departments as appropriate/ DoEnv	SWMS reports on any new practices implemented to DoEnv for reporting.



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**Appendix A:  
SPDES General Permit for Stormwater  
Discharges from MS4  
(excerpt)**

## Part VII. Minimum Control Measures (MCMs) for *Traditional Non-Land Use Control & Non-Traditional MS4 Operators*

In addition to the requirements contained in Part I. through Part V, *traditional non-land use* and *non-traditional MS4 Operators* must comply with the MCMs contained in this Part. These *MS4 Operators* should consider their public to be:

- Employees (i.e., staff, faculty);
- User population/visitors;
- Students;
- Tenants; and
- Contractors & developers working for *MS4 Operator*.

### A. MCM1 – Public Education and Outreach Program

The *MS4 Operator* must *develop* and implement an education and outreach program to increase public awareness of *pollutant* generating activities and behaviors. This MCM is designed to inform the public about the impacts of *stormwater* on water quality, the general sources of *stormwater pollutants*, and the steps the general public can take to reduce *pollutants* in *stormwater* runoff.

#### 1. Development

##### a. Focus Areas

Within three (3) years of the EDC, the *MS4 Operator* must identify and document the focus areas in the *SWMP Plan*. The focus areas to be considered are as follows:

- i. Areas *discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a));
- ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.c. for *MS4 Operators* continuing coverage and Part IV.D.2.a.ii. for newly designated *MS4 Operators*);
- iii. *TMDL* watersheds (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
- iv. Areas with *construction activities*;
- v. Areas with on-site wastewater systems (subject to Part VIII. or Part IX. requirements);
- vi. Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.e.iii.);
- vii. *Stormwater hotspots*; and
- viii. Areas with *illicit discharges*.

### b. Target Audiences and Associated *Pollutant* Generating Activities

Within three (3) years of the EDC, the *MS4 Operator* must identify and document the applicable target audience(s) and associated *pollutant* generating activities that the outreach and education will address for each focus area identified by the *MS4 Operator* in Part VII.A.1.a. in the *SWMP Plan*. The target audiences are as follows:

- i. Residents;
- ii. Commercial:<sup>37</sup> Business owners and staff;
- iii. Institutions:<sup>38</sup> Managers, staff, and students;
- iv. Construction: Developers, contractors, and design professionals;
- v. Industrial:<sup>39</sup> Owners and staff; and
- vi. *MS4 Operator's municipal* staff.

### c. Education and Outreach Topics

Within three (3) years of the EDC, the *MS4 Operator* must identify and document in the *SWMP Plan* the education and outreach topics and how the education and outreach topics will reduce the potential for *pollutants* to be generated by the target audience(s) (Part VII.A.1.b.) for the focus area(s) (Part VII.A.1.a.).

### e. *Illicit Discharge* Education

Within six (6) months of the EDC, the *MS4 Operator* must make information related to the prevention of *illicit discharges*, available to *municipal* employees, businesses, and the public and document the completion of this requirement in the *SWMP Plan*. The information related to the prevention of *illicit discharges* must include the following:

- i. What types of *discharges* are allowable (Part I.A.3.);
- ii. What is an *illicit discharge* and why is it prohibited (Part VII.C.);
- iii. The environmental hazards associated with *illicit discharges* and improper disposal of waste;
- iv. Proper handling and disposal practices for the most common behaviors within the community (e.g., septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in *illicit discharges* to the *MS4*); and
- v. How to report *illicit discharges* they may observe (Part VII.C.1.a.).

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<sup>37</sup> Business, retail stores, and restaurants.

<sup>38</sup> Hospitals, churches, colleges, and schools.

<sup>39</sup> Factories, recyclers, auto-salvage, and mines.

## 2. Implementation and Frequency

### a. Distribution Method of Educational Messages

Once every five (5) years, the *MS4 Operator* must identify and document in the *SWMP Plan* which of the following method(s) are used for the distribution of educational messages:

- i. Printed materials (e.g., mail inserts, brochures, and newsletters);
- ii. Electronic materials (e.g., websites, email listservs);
- iii. Mass media (e.g., newspapers, public service announcements on radio or cable);
- iv. Workshops or focus groups;
- v. Displays in public areas (e.g., town halls, library, parks); or
- vi. Social Media (e.g., Facebook, Twitter, blogs).

### b. Frequency

Following the completion of Part VII.A.1.a, Part VII.A.1.b, and Part VII.A.1.c, within five (5) years of the EDC, and once every five (5) years, thereafter, the *MS4 Operator* must:

- i. Deliver an educational message to each target audience(s) (Part VII.A.1.b.) for each focus area(s) (Part VII.A.1.a.) based on the defined education and outreach topic(s) (Part VII.A.1.c.); and
- ii. Document the completion of this requirement in the *SWMP Plan*.

### c. Updates to the Public Education and Outreach Program

Following the completion of Part VII.A.1.a, Part VII.A.1.b, and Part VII.A.1.c, annually, by April 1, the *MS4 Operator* must:

- i. Review and update the focus areas, target audiences, and/or education and outreach topics; and
- ii. Document the completion of this requirement in the *SWMP Plan*.

## B. MCM 2 - Public Involvement/Participation

The *MS4 Operator* must provide opportunities to involve the public in the development, review, and implementation of the *SWMP*. This MCM is designed to give the public the opportunity to include their opinions in the implementation of this *SPDES* general permit.

### 1. Public Involvement/Participation

- a. Annually, the *MS4 Operator* must provide an opportunity for public involvement/participation in the development and implementation of the *SWMP*. The *MS4 Operator* must document the public involvement/participation opportunities in the *SWMP Plan*. The opportunities for public involvement/participation are as follows:

- i. Citizen advisory group on *stormwater* management;
  - ii. Public hearings or meetings;
  - iii. Citizen volunteers to educate other individuals about the *SWMP*;
  - iv. Coordination with other pre-existing public involvement/participation opportunities;
  - v. Reporting concerns about activities or behaviors observed; or
  - vi. Stewardship activities.
- b. Annually, the *MS4 Operator* must inform the public of the opportunity (Part VII.B.1.a.) for their involvement/participation in the development and implementation of the *SWMP* and how they can become involved. The *MS4 Operator* must document the method for distribution of this information in the *SWMP Plan*. The methods for distribution are as follows:
- i. Public notice;
  - ii. Printed materials (e.g., mail inserts, brochures and newsletters);
  - iii. Electronic materials (e.g., websites, email listservs);
  - iv. Mass media (e.g., newspapers, public service announcements on radio or cable);
  - v. Workshops or focus groups;
  - vi. Displays in public areas (e.g., town halls, library, parks); or
  - vii. Social Media (e.g., Facebook, Twitter, blogs).
- c. Within six (6) months of the EDC, the *MS4 Operator* must identify a local point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the *SWMP Plan*.

## 2. Public Notice and Input Requirements

### a. Public Notice and Input Requirements for *SWMP Plan*

Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* (Part IV.B.2.b.). The public must have the ability to ask questions and submit comments on the *SWMP Plan*. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by Part VII.B.1.

## b. Public Notice and Input Requirements for Draft Annual Report

- i. Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the draft Annual Report. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by either:
  - a) Presentation of the draft Annual Report at a regular meeting of an existing board (e.g., administrative, planning, zoning) or a separate meeting specifically for *stormwater*, as designated by the *MS4* or if requested by the public. The public must have the ability to ask questions about and make comments on the draft annual report during that presentation; or
  - b) Posting of the draft Annual Report on a public website. The website must provide information on the timeframes and procedures to submit comments and/or request a meeting. However, if a public meeting is requested by two or more persons, the *MS4 Operator* must hold such a meeting.

## c. Consideration of Public Input

- i. Annually, the *MS4 Operator* must include a summary of comments received on the *SWMP Plan* and draft Annual Report in the *SWMP Plan*.
- ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update the *SWMP Plan*, where appropriate, based on the public input received.

## C. MCM 3 - *Illicit Discharge Detection and Elimination*

The *MS4 Operator* must *develop*, implement, and enforce a program which systematically detects, tracks down, and eliminates *illicit discharges* to the *MS4*. This MCM is designed to manage the *MS4* so it is not conveying *pollutants* associated with flows other than those directly attributable to *stormwater* runoff.

### 1. *Illicit Discharge Detection*

#### a. Public Reporting of *Illicit Discharges*

- i. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report *illicit discharges*.
- ii. Within thirty (30) days of an *illicit discharge*, the *MS4 Operator* must document each report of an *illicit discharge* in the *SWMP Plan* with the following information:
  - a) Date of the report;
  - b) Location of the *illicit discharge*;
  - c) Nature of the *illicit discharge*;

- d) Follow up actions taken or needed (including response times); and
- e) Inspection outcomes and any enforcement taken.

#### b. Monitoring Locations

The monitoring locations used to detect *illicit discharges* are identified as follows:

- i. *MS4 outfalls*;<sup>40</sup>
- ii. *Interconnections*;<sup>41</sup> and
- iii. *Municipal facility intraconnections*.<sup>42</sup>

#### c. Monitoring Locations Inventory

- i. Within three (3) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of the monitoring locations in the *SWMP Plan*. The following information must be included in the inventory:<sup>43</sup>

##### a) Inventory information for *MS4 outfalls*

- i) ID;
- ii) Prioritization (high or low) (Part VII.C.1.d.);
- iii) Type of monitoring location (Part VII.C.1.b.);
- iv) Name of *MS4 Operator's municipal facility*, if located at a *municipal facility*;<sup>44</sup>
- v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
- vi) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
- vii) Land use in drainage area;
- viii) Type of conveyance (open drainage or closed pipe);
- ix) Material;
- x) Shape;
- xi) Dimensions;
- xii) Submerged in water; and
- xiii) Submerged in sediment.

##### b) Inventory information for *interconnections*

- i) ID;
- ii) Prioritization (high or low) (Part VII.C.1.d.);
- iii) Type of monitoring location (Part VII.C.1.b.);
- iv) Name of *MS4 Operator* receiving *discharge* or private storm system;

<sup>40</sup> *MS4 outfalls* can be found at a *municipal facility*.

<sup>41</sup> *Interconnections* can be found at a *municipal facility*.

<sup>42</sup> *Municipal facility intraconnections* can be found only at a *municipal facility*.

<sup>43</sup> The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) unless otherwise specified by the permit conditions.

<sup>44</sup> This information is collected as part of the *municipal facility* inventory.

- v) Name of *MS4 Operator's municipal facility*, if located at a *municipal facility*; and
- vi) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

c) Inventory information for *municipal facility intraconnections*

- i) ID;
  - ii) Prioritization (high or low) (Part VII.C.1.d.);
  - iii) Type of monitoring location (Part VII.C.1.b.);
  - iv) Name of *MS4 Operator's municipal facility*; and
  - v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).
- ii. Annually, the *MS4 Operator* must update the inventory if monitoring locations are created or discovered.

d. Monitoring Locations Prioritization

- i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize monitoring locations which are included in the monitoring locations inventory (Part VII.C.1.c.) as follows:
  - a) High priority monitoring locations include monitoring locations:
    - vi) At a high priority *municipal facility*, as defined in Part VII.F.2.c;
    - vii) *Discharging* to impaired waters (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.e.ii.b));
    - viii) *Discharging* within a TMDL watershed (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
    - ix) *Discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a)); and/or
    - x) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
  - b) All other monitoring locations are considered low priority.
- ii. Within thirty (30) days of when a monitoring location is constructed or the *MS4 Operator* discovers it, the *MS4 Operator* must prioritize those monitoring locations; and
- iii. Annually, after the initial prioritization (Part VII.C.1.d.i.), the *MS4 Operator* must update the monitoring location prioritization in the inventory (Part VII.C.1.c.) based on information gathered as part of the monitoring location inspection and sampling program (Part VII.C.1.e.). The completion of this permit requirement must be documented in the *SWMP Plan*.

### e. Monitoring Locations Inspection and Sampling Program

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement a monitoring locations inspection and sampling program. The monitoring locations inspection and sampling program must be documented in the *SWMP Plan* specifying:

- i. The monitoring locations inspection and sampling procedures including:
  - a) During *dry weather*,<sup>45</sup> one (1) inspection of each monitoring location identified in the inventory (Part VII.C.1.c.) every five (5) years following the most recent inspection;
  - b) Documentation of all monitoring location inspections, including any sampling results, using the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or an equivalent form containing the same information and include the completed monitoring location inspections and sampling results in the *SWMP Plan* (e.g., the completed Monitoring Locations Inspection and Sampling Field Sheets);
  - c) Provisions to sample all monitoring locations which had inspections which resulted in a *suspect* or *obvious illicit discharge* characterization. The sampling requirement is based on the number and severity of *physical indicators present in the flow* to better inform track down procedures (Part VII.C.2.). If the source of the *illicit discharge* is clear and discernable (e.g., sewage), sampling is not necessary;
  - d) Sampling may be done with field test kits or field instrumentation that are sufficiently sensitive to detect the parameter below the sampling action level used<sup>46</sup> and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;
  - e) Provisions to initiate, or cause to initiate,<sup>47</sup> track down procedures (Part VII.C.2.a.), in accordance with the timeframes specified in Part VII.C.2.a.iii, for monitoring locations with an overall characterization<sup>48</sup> as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;
  - f) Provisions to re-inspect the monitoring location within thirty (30) days of initial inspection if there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges*, utilizing techniques described in Chapter 12.6 of the Center for Watershed

<sup>45</sup> MS4 Operators can reference the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) for other factors to consider when determining when to conduct monitoring location inspection and sampling.

<sup>46</sup> Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.

<sup>47</sup> If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.

<sup>48</sup> Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) or equivalent.

- i) If those same physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VII.C.2.a.).
- ii. The training provisions for the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.).
  - a) If new staff are added, training on the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling procedures;
  - b) For existing staff, training on the *MS4 Operator's* monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling and once every five (5) years, thereafter; and
  - c) If the monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) are updated (Part VII.C.1.e.iv.), training on the updates must be given to all staff prior to conducting monitoring locations inspections and sampling.
- iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the monitoring location inspection and sampling procedures (Part VII.C.1.e.i.) based on monitoring location inspection results (e.g., trends, patterns, areas with *illicit discharges*, and common problems); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

## 2. *Illicit Discharge Track Down Program*

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* track down program to identify the source of *illicit discharges* and the responsible party. The *illicit discharge* track down program must be documented in the *SWMP Plan* specifying:

- a. The *illicit discharge* track down procedures including:
  - i. Procedures as described in Chapter 13 of CWP 2004 or equivalent;
  - ii. Steps taken for *illicit discharge* track down procedures;
  - iii. The following timeframes to initiate *illicit discharge* track down:

- a) Within twenty-four (24) hours of discovery, the *MS4 Operator* must initiate track down procedures for flowing *MS4* monitoring locations with *obvious illicit discharges*;<sup>49</sup>
  - b) Within two (2) hours of discovery, the *MS4 Operator* must initiate track down procedures for *obvious illicit discharges* of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the Regional Water Engineer and local health department; and
  - c) Within five (5) days of discovery, the *MS4 Operator* must initiate track down procedures for *suspect illicit discharges*.
- b. The training provisions for the *MS4 Operator's illicit discharge* track down procedures (Part VII.C.2.a.).
    - i. If new staff are added, training on the *MS4 Operator's illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to conducting *illicit discharge* track downs;
    - ii. For existing staff, training on the *MS4 Operator's illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to *conducting illicit discharge* track downs and once every five (5) years, thereafter; and
    - iii. If the *illicit discharge* track down procedures (Part VII.C.2.a.) are updated (Part VII.C.2.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* track downs.
  - c. The names, titles, and contact information for the individuals who have received *illicit discharge* track down procedures training and update annually; and
  - d. Annually, by April 1, the *MS4 Operator* must:
    - i. Review and update the *illicit discharge* track down procedures (Part VII.C.2.a.); and
    - ii. Document the completion of this requirement in the *SWMP Plan*.

### 3. *Illicit Discharge Elimination Program*

Within two (2) years of the EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* elimination program. The *illicit discharge* elimination program must be documented in the *SWMP Plan* specifying:

- a. The *illicit discharge* elimination procedures including:
  - i. Provisions for escalating enforcement and tracking, both consistent with the ERP required in Part IV.F. of this *SPDES* general permit;
  - ii. Provisions to confirm the corrective actions have been taken;

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<sup>49</sup> Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

- iii. Steps taken for *illicit discharge* elimination procedures; and
- iv. The following timeframes for *illicit discharge* elimination:
  - a) Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*;
  - b) Within five (5) days of identification of an *illicit discharge* that does not have a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*; and
  - c) Where elimination of an *illicit discharge* within the specified timeframes (Part VII.C.3.a.iv.) is not possible, the *MS4 Operator* must notify the Regional Water Engineer.
- b. The training provisions for the *MS4 Operator's illicit discharge* elimination procedures (Part VII.C.3.a.).
  - i. If new staff are added, training on the *MS4 Operator's illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations;
  - ii. For existing staff, training on the *MS4 Operator's illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations and once every five (5) years, thereafter; and
  - iii. If the *illicit discharge* elimination procedures (Part VII.C.3.a.) are updated (Part VII.C.3.d.), training on the updates must be given to all staff prior to conducting *illicit discharge* eliminations.
- c. The names, titles, and contact information for the individuals who have received *illicit discharge* elimination procedures training and update annually; and
- d. Annually, by April 1, the *MS4 Operator* must:
  - i. Review and update the *illicit discharge* elimination procedures (Part VII.C.3.a.); and
  - ii. Document the completion of this requirement in the *SWMP Plan*.

#### **D. MCM 4 - Construction Site Stormwater Runoff Control**

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure construction sites are effectively controlled. This MCM is designed to prevent *pollutants* from construction related activities,<sup>50</sup> as well as promote the proper planning and installation of post-construction *SMPs*.

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<sup>50</sup> Projects that comply with the terms and conditions of the CGP or an individual *SPDES* permit for *stormwater* for which they obtained coverage and local erosion and sediment control requirements are effectively controlled.

## 1. Applicable Construction Activities/Projects/Sites

- a. The construction site *stormwater* runoff control program must address *stormwater* runoff to the *MS4* from sites with *construction activities* permitted, approved, funded, or owned/operated by the *MS4 Operator* that:
  - i. Result in a total land disturbance of greater than or equal to one acre; or,
  - ii. Disturb less than one acre if part of a larger common plan of development or sale.
- b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP:
  - i. The *MS4 Operator* must ensure compliance with the CGP; and
  - ii. The additional requirements for construction oversight described in Part VII.D.6 through Part VII.D.9 are not required.

## 2. Public Reporting of Construction Site Complaints

- a. Within six (6) months of the EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.
- b. The *MS4 Operator* must document reports of construction site complaints in the *SWMP Plan* with the following information:
  - i. Date of the report;
  - ii. Location of the construction site;
  - iii. Nature of complaint;
  - iv. Follow up actions taken or needed; and
  - v. Inspection outcomes and any enforcement taken.

## 3. Construction Oversight Program

Within one (1) year of the EDC, the *MS4 Operator* must *develop* and implement a construction oversight program. The construction oversight program must be documented in the *SWMP Plan* specifying:

- a. The construction oversight procedures including:
  - i. When the construction site *stormwater* control program applies (Part VII.D.1.);
  - ii. What types of *construction activity* require a SWPPP;
  - iii. The procedures for submission of SWPPPs;
  - iv. SWPPP review requirements (Part VII.D.6.)
  - v. Pre-construction oversight requirements (Part VII.D.7.)

- vi. Construction site inspection requirements (Part VII.D.8.);
  - vii. Construction site close-out requirements (Part VII.D.9.);
  - viii. Enforcement process/expectations for compliance; and
  - ix. Other procedures associated with the control of *stormwater* runoff from applicable *construction activities*.
- b. The training provisions for the *MS4 Operator's* construction oversight procedures (Part VII.D.3.a.).
    - i. If new staff are added, training on the *MS4 Operator's* construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities;
    - ii. For existing staff, training on the *MS4 Operator's* construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities and once every five (5) years, thereafter; and
    - iii. If the construction oversight procedures (Part VII.D.3.a.) are updated (Part VII.D.3.a.), training on the updates must be given to all staff prior to conducting construction oversight.
  - c. The names, titles, and contact information for the individuals who have received construction oversight training and update annually;
  - d. Procedures to ensure those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) have received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity; and
  - e. Annually, by April 1, the *MS4 Operator* must:
    - i. Review and update the construction oversight procedures (Part VII.D.3.a.); and
    - ii. Document the completion of this requirement in the *SWMP Plan*.

#### 4. Construction Site Inventory & Inspection Tracking

- a. Within six (6) months of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VII.D.1.a.) in the *SWMP Plan*. The following information must be included in the inventory:
  - i. Location of the construction site;
  - ii. Owner/operator contact information, if other than the *MS4 Operator*;
  - iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
  - iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

- v. Prioritization (high or low) (Part VII.D.5.);
  - vi. Construction project *SPDES* identification number;
  - vii. SWPPP approval date;
  - viii. Inspection history, including dates and ratings (satisfactory, marginal, or unsatisfactory, when available); and
  - ix. Current status of the construction site/project (i.e., active, temporarily shut down, complete<sup>51</sup>).
- b. Annually, the *MS4 Operator* must update the inventory if construction projects are approved or completed.

## 5. Construction Site Prioritization

- a. Within one (1) year of the EDC, the *MS4 Operator* must prioritize all construction sites which are included in the construction site inventory (Part VII.D.4.) as follows:
- i. High priority construction sites include construction sites:
    - a) With a direct conveyance (e.g., channel, ditch, storm sewer) to a *surface water of the State* that is:
      - i) Listed in Appendix C with silt/sediment, phosphorus, or nitrogen as the POC;
      - ii) Classified as AA-S, AA, or A (mapped in accordance with Part IV.D.1.e.ii.a)); or
      - iii) Classified with a trout (T) or trout spawning (TS) designation (mapped in accordance with Part IV.D.1.e.ii.a));
    - b) With greater than five (5) acres of disturbed earth at any one time;
    - c) With earth disturbance within one hundred (100) feet of any lake or pond (mapped in accordance with Part IV.D.1.e.ii.b)); and/or
    - d) Within fifty (50) feet of any rivers or streams (mapped in accordance with Part IV.D.1.e.ii.b));
  - ii. All other construction sites are considered low priority.
- b. Within thirty (30) days of when a construction site becomes active, the *MS4 Operator* must prioritize those construction sites; and
- c. Annually, after the initial prioritization (Part VII.D.5.a.), the *MS4 Operator* must update the construction site prioritization in the inventory (Part VII.D.4.a.) based on information gathered as part of the construction oversight program (Part VII.D.3.). The completion of this permit requirement must be documented in the *SWMP Plan*.

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Construction projects listed on the inventory must be inspected and tracked as described in Part VII.D.8. until a final site inspection has been completed as specified in Part VII.D.9. and the construction site status changes to complete.

- i. If the prioritization of the construction site changes priority based on information gathered as part of the construction oversight program, the *MS4 Operator* must comply with the requirements that apply to that prioritization.

## 6. SWPPP Review

The *MS4 Operator* must:

- a. Ensure individual(s), responsible for reviewing SWPPPs for acceptance, receive:
  - i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be completed within three (3) years of the EDC and every three (3) years thereafter.
  - ii. Document the completion of this requirement in the *SWMP Plan*.
- b. Ensure SWPPP reviewers receive this training (Part VII.D.6.a.) prior to conducting SWPPP reviews for acceptance.
  - i. Individuals without these trainings cannot review SWPPPs for acceptance.
  - ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.
- c. Ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable *construction activities* (Part VII.D.1.) and for conformance with the requirements of the CGP, including:
  - i. Erosion and sediment controls must be reviewed for conformance with the NYS E&SC 2016, or equivalent;
  - ii. Individuals responsible for review of post-construction *SMPs* must be *qualified professionals* or under the supervision of a *qualified professional*; and
  - iii. Post-construction *SMPs* must be reviewed for conformance with the NYS SWMDM 2015 or equivalent, including:
    - a) All post-construction *SMPs* must meet the *sizing criteria* contained in the CGP and NYS SWMDM 2015.
    - b) Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.
    - c) The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction *SMP*. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

- d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.6.a.
- e. In the *SWMP Plan*, document the SWPPP review including the information found in Part III.B. of the CGP;
- f. Prioritize new *construction activities* (Part VII.D.5.a.); and
- g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4 SWPPP Acceptance Form*<sup>52</sup> created by the *Department* and required by the CGP, signed in accordance with Part X.J.

## 7. Pre-Construction Meeting

Prior to commencement of *construction activities*, the *MS4 Operator* must ensure a pre-construction meeting is conducted. The date and content of the pre-construction inspection/meeting must be documented in the *SWMP Plan*. The owner/operator listed on the CGP NOI (if different from the *MS4 Operator*), the *MS4 Operator*, contractor(s) responsible for implementing the SWPPP for the *construction activity*, and the *qualified inspector* (if required for the *construction activity* by Part IV.C. the CGP) must attend the meeting in order to:

- a. Confirm the approved project has received, or will receive<sup>53</sup>, coverage under the CGP or an individual *SPDES* permit;
- b. Verify contractors and subcontractors selected by the owner/operator of the *construction activity* have identified at least one individual that has received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP and Part VII.D.3.d; and
- c. Review the construction oversight program (Part VII.D.3.) and expectations for compliance.

## 8. Construction Site Inspections

The *MS4 Operator* must:

- a. Ensure individuals(s), responsible for construction site inspections, receive:
  - i. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be complete, within three (3) years of the EDC and every three (3) years thereafter.
  - ii. Document the completion of this requirement in the *SWMP Plan*.

<sup>52</sup> The *MS4 SWPPP Acceptance Form* can be found on the Department's website.

<sup>53</sup> Preconstruction meetings may occur prior to the issuance of the *MS4 SWPPP Acceptance Form*, however, the *MS4 Operator* must confirm coverage under the CGP will be applied for by the construction site owner/operator prior to commencement of construction of *construction activities*.

- b. Ensure all *MS4* Construction Site Inspectors receive this training prior to conducting construction site inspections.
  - i. Individuals without these trainings cannot inspect construction sites.
  - ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* are exempt from this requirement.
- c. Annually inspect all sites with *construction activity* identified in the inventory (Part VII.D.4.) during active construction after the pre-construction meeting (Part VII.D.7.), or sooner if deficiencies are noted that require attention.
  - i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the CGP and the *MS4 Operator's ERP* (Part IV.F.1.).
- d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.8.a.
- e. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information. The *MS4 Operator* must include the completed Construction Site Inspection Reports in the *SWMP Plan*.

## 9. Construction Site Close-out

- a. The *MS4 Operator* must ensure a final construction site inspection is conducted and documentation of the final construction site inspection must be maintained in the *SWMP Plan*. The final construction site inspection must be documented using the Construction Site Inspection Report Form (Appendix D), or an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.
- b. The Notice of Termination (NOT)<sup>54</sup> must be signed by the *MS4 Operator* as required by the CGP for projects determined to be complete. The NOT must be signed in accordance with Part X.J.

## E. MCM 5 – Post-Construction Stormwater Management

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure proper operation and maintenance of post-construction *SMPs* for new or redeveloped sites. This MCM is designed to promote the long-term performance of post-construction *SMPs* in removing *pollutants* from *stormwater* runoff.

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<sup>54</sup> The NOT can be found on the Department's website.

## 1. Applicable Post-Construction SMPs

The post-construction *SMP program* must address *stormwater* runoff to the *MS4* from *publicly owned/operated* post-construction *SMPs* that meet the following:

- a. Post-construction *SMPs* that have been installed as part of any CGP covered construction site or individual *SPDES* permit (since March 10, 2003); and
- b. All new post-construction *SMPs* constructed as part of the construction site *stormwater* runoff control program (Part VII.D.).

## 2. Post-Construction *SMP* Inventory & Inspection Tracking<sup>55</sup>

- a. The *MS4 Operators* continuing coverage must:
  - i. Maintain the inventory from previous iterations of this *SPDES* general permit for post-construction *SMPs* installed after March 10, 2003; and
  - ii. *Develop* the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs*:
    - a) As they are approved or discovered; or
    - b) After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).
- b. The newly designated *MS4 Operators* must *develop* and maintain the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs*:
  - i. As they are approved or discovered; or
  - ii. After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).
- c. Annually, the *MS4 Operator* must update the inventory of post-construction *SMPs* to include the post-construction *SMPs* in Part VII.E.2.a. and Part VII.E.2.b.
- d. Within five (5) years of the EDC, the following information must be included in the inventory either by using the *MS4 Operator* maintenance records or by verification of maintenance records provided by the owner of the post-construction *SMP*:
  - i. Street address or tax parcel;
  - ii. Type;<sup>56</sup>
  - iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

<sup>55</sup> Post-construction *SMPs* can be found at a *municipal facility*.

<sup>56</sup> Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

- iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
  - v. Date of installation (if available) or discovery;
  - vi. Ownership;
  - vii. Responsible party for maintenance;
  - viii. Contact information for party responsible for maintenance;
  - ix. Location of documentation depicting O&M requirements and legal agreements for post-construction *SMP*;
  - x. Frequency for inspection of post-construction *SMP*, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.);
  - xi. Reason for installation (e.g., new development, redevelopment, *retrofit*, flood control), if known;
  - xii. Date of last inspection;
  - xiii. Inspection results; and
  - xiv. Any corrective actions identified and completed.
- e. *MS4 Operators* must document the inventory of post-construction *SMPs* in the *SWMP Plan*.

### 3. SWPPP Review

For post-construction *SMP* SWPPP review requirements, see Part VII.D.6.

### 4. Post-Construction *SMP* Inspection & Maintenance Program

Within one (1) year of the EDC, the *MS4 Operator* must *develop* and implement a post-construction *SMP* inspection and maintenance program. The post-construction *SMP* inspection and maintenance program must be documented in the *SWMP Plan* specifying:

- a. The post-construction *SMP* inspection and maintenance procedures including:
  - i. Provisions to ensure that each post-construction *SMP* identified in the post-construction *SMP* inventory (Part VII.E.2.) is inspected at the frequency specified in the NYS DEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.), if available;

- ii. Documentation of post-construction *SMP* inspections using the Post-Construction *SMP* Inspection Checklist<sup>57</sup> or an equivalent form containing the same information. The *MS4 Operator* must include the completed post-construction *SMP* inspections (i.e., the completed Post-Construction *SMP* Inspection Checklist) in the *SWMP Plan*;
  - iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and
  - iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.
- b. The training provisions for the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.).
- i. If new staff are added, training on the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance;
  - ii. For existing staff, training on the *MS4 Operator's* post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance and once every five (5) years, thereafter; and
  - iii. If the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) are updated (Part VII.E.4.d.), training on the updates must be given to all staff prior to conducting post-construction *SMP* inspection and maintenance.
- c. The names, titles, and contact information for the individuals who have received post-construction *SMP* inspection and maintenance procedures training and update annually; and
- d. Annually, by April 1, the *MS4 Operator* must:
- i. Review and update the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.); and
  - ii. Document the completion of this requirement in the *SWMP Plan*.

## F. MCM 6 – Pollution Prevention and Good Housekeeping

The *MS4 Operator* must *develop* and implement a pollution prevention and good housekeeping program for *municipal facilities* and *municipal operations* to minimize

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<sup>57</sup> The *Department* developed checklist forms specific to each post-construction *SMP* designed to assist *MS4 Operators* in conducting inspections and maintenance activities of standard practices. The Post-Construction *SMP* Inspection Checklist, March 31, 2017, can be found on the *Department's* website.

*pollutant discharges*. This MCM is designed to ensure the *MS4 Operator's* own activities do not contribute *pollutants to surface waters of the State*.

### 1. **Best Management Practices (BMPs) for Municipal Facilities & Operations**

Within three (3) years of the EDC, the *MS4 Operator* must incorporate *best management practices (BMPs)* into the *municipal facility* program and *municipal operations* program to minimize the *discharge of pollutants* associated with *municipal facilities* and *municipal operations*, respectively. The *BMPs* to be considered are as follows and must be documented in the *SWMP Plan*:

#### a. Minimize Exposure

- i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following *BMPs*:
  - a) Locate materials and activities inside or protect them with storm resistant coverings;
  - b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
  - c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;
  - d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the *discharge of pollutants*;
  - e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
  - f) Use spill/overflow protection equipment;
  - g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also captures any overspray;
  - h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and/or
  - i) Minimize exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners).
- ii. *No Exposure Certification for High Priority Municipal Facilities*
  - a) *Municipal facilities* may qualify for *No Exposure Certification* (Appendix D) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.

- b) High priority *municipal facilities* (Part VII.F.2.c.i.a)) with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority *municipal facility* (Part VII.F.2.c.i.c)) if only routine maintenance is performed inside and all other no *exposure* criteria are met.
- c) *Municipal facilities* accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure Certification*.
- d) *Municipal facilities* must maintain the *No Exposure Certification* and document in the *SWMP Plan*. The *No Exposure Certification* ceases to apply when activities or materials become exposed.

b. Follow a Preventive Maintenance Program

- i. Implement a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and equipment and systems to prevent leaks, spills and other releases. This includes:
  - a) Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and plant equipment and systems;
  - b) Maintaining non-structural *BMPs* (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas); and
  - c) Ensure vehicle washwater is not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or *discharged* to the sanitary sewer (Part I.B.2.d.).
- ii. Routine maintenance must be performed to ensure *BMPs* are operating properly.
- iii. When a *BMP* is not functioning to its designed effectiveness and needs repair or replacement:
  - a) Maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of *stormwater* controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable; and
  - b) Interim measures must be taken to prevent or minimize the *discharge* of *pollutants* until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be *discharged* during subsequent storm events.

### c. Spill Prevention and Response Procedures

- i. Minimize the potential for leaks, spills and other releases that may be exposed to *stormwater* and *develop* plans for effective response to such spills if or when they occur. At a minimum, the *MS4 Operator* must:
  - a) Store materials in appropriate containers;
  - b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - c) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the *discharge* of *pollutants* from these areas;
  - d) *Develop* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
  - e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;
  - f) *Develop* procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the *stormwater* pollution prevention team (Part VII.F.2.d.i.a)). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and
  - g) Following any spill or release, the *MS4 Operator* must evaluate the adequacy of the *BMPs* identified in the *municipal facility* specific SWPPP. If the *BMPs* are inadequate, the SWPPP must be updated to identify new *BMPs* that will prevent reoccurrence and improve the emergency response to such releases.
- ii. Measures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage, or hazardous waste management regulations at 6 NYCRR Parts 596-599, 613 and 370-373.
- iii. This *SPDES* general permit does not relieve the *MS4 Operator* of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

### d. Erosion and Sediment Controls<sup>58</sup>

- i. Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation.

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<sup>58</sup> The use of the term “controls” in Part VII.F.1.d. aligns with the use of the term “controls” in the CGP.

- ii. The *MS4 Operator* must consider:
  - a) Structural and/or non-structural controls found in the NYS E&SC 2016;
  - b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;
  - c) Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;
  - d) Whether velocity dissipation devices (or equivalent measures) are needed at *discharge* locations and along the length of any channel to provide a non-erosive flow velocity from the structure to a water course; and
  - e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (50) feet of a *surface water of the State*.
- e. Manage Vegetated Areas and Open Space on *Municipal Property*
  - i. Maintain vegetated areas on *MS4 Operator* owned/operated property and right of ways:
    - a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction;
    - b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);
    - c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and
    - d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the *MS4*.
- f. Salt<sup>59</sup> Storage Piles or Pile Containing Salt
 

Enclose or cover storage piles of salt, or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.
- g. Waste, Garbage, and Floatable Debris
  - i. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that *discharges* have a control (e.g., secondary containment, treatment); and

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<sup>59</sup> For purposes of this *SPDES* general permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

- ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:
  - a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);
  - b) Pick up trash and debris on *MS4 Operator* owned/operated property and rights of way; and
  - c) Clean out *catch basins* within the appropriate timeframes (Part VII.F.3.c.iii.).

#### h. Alternative Implementation Options

When alternative implementation options (Part IV.A.1.) are utilized, require the parties performing *municipal operations* as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed.

## 2. Municipal Facilities<sup>60</sup>

### a. Municipal Facility Program

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal facility* program. The *municipal facility* program must be documented in the *SWMP Plan* specifying:

- i. The *municipal facility* procedures including:
  - a) The *BMPs* (Part VII.F.1.) incorporated into the *municipal facility* program;
  - b) The high priority *municipal facility* requirements (Part VII.F.2.d.) as applied to the specific *municipal facility*; and
  - c) The low priority *municipal facility* requirements (Part VII.F.2.e.) as applied to the specific *municipal facility*.
- ii. The training provisions for the *MS4 Operator's municipal facility* procedures (Part VII.F.2.a.i.).
  - a) If new staff are added, training on the *MS4 Operator's municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures;
  - b) For existing staff, training on the *MS4 Operator's municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures and once every five (5) years, thereafter; and

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<sup>60</sup> *Municipal facilities* that have coverage under a separate *SPDES* permit (either individual or MSGP) must comply with the terms and conditions of that permit and the requirements set forth in this Part are not applicable.

- c) If the *municipal facility* procedures (Part VII.F.2.a.i.) are updated (Part VII.F.2.a.iv.), training on the updates must be given to all staff prior to conducting *municipal facility* procedures.
- iii. The names, titles, and contact information for the individuals who have received *municipal facility* training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the *municipal facility* procedures (Part VII.F.2.a.i.); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

**b. *Municipal Facility Inventory***

- i. Within two (2) years of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all *municipal facilities* in the *SWMP Plan*. The following information must be included in the inventory:
  - a) Name of *municipal facility*;
  - b) Street address;
  - c) Type of *municipal facility*;
  - d) Prioritization (high or low) (Part VII.F.2.c.);
  - e) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
  - f) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
  - g) Contact information;
  - h) Responsible department;
  - i) Location of SWPPP (if high priority; when completed);
  - j) Type of activities present on site;
  - k) Size of facility (acres);
  - l) Date of last assessment;
  - m) *BMPs* identified; and
  - n) Projected date of next comprehensive site assessment (Part VII.F.2.d.ii.c) or Part VII.F.2.e.ii.c), depending on the *municipal facility* prioritization (Part VII.F.2.c.)).
- ii. Annually, the *MS4 Operator* must update the inventory if new *municipal facilities* are added.

**c. *Municipal Facility Prioritization***

- i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize all known *municipal facilities* as follows:

- a) High priority *municipal* facilities include *municipal* facilities that have one or more of the following on site and exposed to *stormwater*:
  - i) Storage of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris;
  - ii) Fueling stations; and/or
  - iii) Vehicle or equipment maintenance/repair.
- b) Low priority *municipal* facilities include any *municipal* facilities that do not meet the criteria for a high priority (Part VII.F.2.c.i.a)) *municipal facility*.
- c) High priority *municipal* facilities (Part IV.F.2.c.i.a)) which qualify for a *No Exposure Certification* (Part VII.F.1.a.ii.) are low priority *municipal* facilities.
- ii. Within thirty (30) days of when a *municipal facility* is added to the inventory, the *MS4 Operator* must prioritize those *municipal* facilities; and
- iii. Annually, after the initial prioritization (Part VII.F.2.c.i.), the *MS4 Operator* must update the *municipal facility* prioritization in the inventory (Part VII.F.2.b.i.) based on information gathered as part of the *municipal facility* program (Part VII.F.2.a.), including cases where a *No Exposure Certification* (Part VII.F.1.a.ii.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

#### d. High Priority *Municipal Facility* Requirements

##### i. *Municipal Facility Specific SWPPP*

Within five (5) years of the EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VII.F.2.c.i.a)) and retain a copy of the *municipal facility* specific SWPPP on site of the respective *municipal facility*. The SWPPP must contain:

##### a) *Stormwater* Pollution Prevention Team

The *municipal facility* specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in *developing*, implementing, maintaining, and revising the *municipal facility* specific SWPPP. The activities and responsibilities of the team must address all aspects of the *municipal facility* specific SWPPP.

##### b) General Site Description

A written description of the nature of the activities occurring at the *municipal facility* with a potential to *discharge pollutants*, type of *pollutants* expected, and location of key features as detailed in the site map (Part VII.F.2.d.i.e)).

##### c) Summary of potential *pollutant* sources

The *municipal facility* specific SWPPP must identify each area at the *municipal facility* where materials or activities are exposed to *stormwater* or from which authorized *non-stormwater discharges* (Part I.A.3.) originate, including any potential *pollutant* sources for which the *municipal facility* has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

- i) Materials or activities include: machinery; raw materials; intermediate products; byproducts; final products or waste products; and material handling activities which includes storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product or waste product.
- ii) For each separate area identified, the description must include:
  - (a) Activities - A list of the activities occurring in the area (e.g., material storage, equipment fueling and cleaning);
  - (b) Pollutants - A list of the associated *pollutant(s)* for each activity. The *pollutant(s)* list must include all materials that are exposed to *stormwater*, and
  - (c) Potential for presence in *stormwater* - For each area of the *municipal facility* that generates *stormwater discharges*, a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or *discharged*, the likelihood of contact with *stormwater*, and history of leaks or spills of toxic or hazardous *pollutants*.

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* general permit, the *municipal facility* specific SWPPP must include a list of spills or releases<sup>61</sup> of petroleum and hazardous substances or other *pollutants*, including unauthorized *non-stormwater discharges*, that may adversely affect water quality that occurred during the last three-year period. The list must be updated when spills or releases occur.

e) Site Map

The *municipal facility* specific SWPPP must include a site map identifying the following, as applicable:

- i) Property boundaries and size in acres;

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<sup>61</sup> This may also include releases of petroleum or hazardous substances that are not in excess of reporting quantities but which may still cause or contribute to significant water quality impairment.

- ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;
- iii) Monitoring locations (mapped in accordance with Part IV.D.2.a.i.) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;
- iv) Location of all post-construction *SMPs* (mapped in accordance with Part IV.D.2.a.iv.) and *MS4* infrastructure (mapped in accordance with Part IV.D.2.b.i.);
- v) Locations of *discharges* authorized under other *SPDES* permits;
- vi) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;
- vii) Locations of haul and access roads;
- viii) Rail cars and tracks;
- ix) Arrows showing direction of *stormwater* flow;
- x) Location of all receiving waters in the immediate vicinity of the *municipal facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them (mapped in accordance with Part IV.D.1.e.ii.);
- xi) Locations where *stormwater* flows have significant potential to cause erosion;
- xii) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the *municipal facility*; and
- xiii) Locations of the following areas where such areas are exposed to precipitation or *stormwater*:
  - (a) Fueling stations;
  - (b) Vehicle and equipment maintenance and/or cleaning areas;
  - (c) Loading/unloading areas;
  - (d) Locations used for the treatment, storage or disposal of wastes;
  - (e) Liquid storage tanks;
  - (f) Processing and storage areas;
  - (g) Locations where significant materials, fuel or chemicals are stored and transferred;
  - (h) Locations where vehicles and/or machinery are stored when not in use
  - (i) Transfer areas for substances in bulk;
  - (j) Location and description of non-*stormwater discharges* (Part I.A.3.);

- (k) Locations where spills<sup>62</sup> or leaks have occurred; and
- (l) Locations of all existing structural *BMPs*.

f) *Stormwater Best Management Practices (BMPs)*

The *municipal facility* specific SWPPP must document the location and type of *BMPs* implemented at the *municipal facility* (Part VII.F.1). The *municipal facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments

The *municipal facility* specific SWPPP must include a schedule for completing and recording results of routine and comprehensive site assessments (Part VII.F.2.d.ii.c)).

ii. *Municipal Facility Assessments*

a) Wet Weather Visual Monitoring

- i) Once every five (5) years, the *MS4 Operator* must conduct wet weather visual monitoring of the monitoring locations (Part VII.C.1.b.) and other sites of *stormwater* leaving the site that are *discharging stormwater* from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential *pollutant* generating areas (Part VII.F.2.d.i.e)xiii)).

- (a) All samples must be collected from *discharges* resulting from a *qualifying storm event*. The storm event must be documented using the Storm Event Data Form (Appendix D) and kept with the *municipal facility* specific SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the *discharge* at the monitoring location.
- (b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.
- (c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of *stormwater* pollution.
- (d) The visual examination of the sample must be conducted in a well-lit area.
- (e) Where practicable, the same individual should carry out the collection and examination of *discharges* for the entire permit term for consistency.

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<sup>62</sup> A spill includes: any spill of a hazardous substance that must be reported in accordance with 6 NYCRR 597.4 and any spill of petroleum that must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

- (f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D) and keep it with the *municipal facility* specific SWPPP to record:
  - (i) Monitoring location ID;
  - (ii) Examination date and time;
  - (iii) Personnel conducting the examination;
  - (iv) Nature of the *discharge* (runoff or snowmelt);
  - (v) Visual quality of the *stormwater discharge* including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of *stormwater* pollution; and
  - (vi) Probable sources of any observed *stormwater* contamination.
  - (vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of *stormwater* pollution, the *MS4 Operator* must, at minimum, complete and document the following actions:
    - (1) Evaluate the facility for potential sources;
    - (2) Remedy the problems identified;
    - (3) Revise the *municipal facility* specific SWPPP; and
    - (4) Perform an additional visual inspection during the first *qualifying storm event* following implementation of the corrective action. If the first *qualifying storm event* does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.
- b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).
- c) Comprehensive Site Assessments
  - i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *municipal facility* specific SWPPP and *SWMP Plan* that:

- (a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;
- (b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or
- (c) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

#### e. Low Priority *Municipal Facility* Requirements

- i. The *MS4 Operator* must identify procedures outlining *BMPs* for the types of activities that occur at the low priority *municipal facilities* as described in Part VII.F.1. A *municipal facility* specific SWPPP is not required.
- ii. *Municipal Facility* Assessments
  - a) Low priority *municipal facilities* are not required to conduct wet weather visual monitoring.
  - b) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).
  - c) Comprehensive Site Assessments
    - i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the Municipal Facility Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *SWMP Plan* that:
      - (a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;
      - (b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

- (i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or
- (c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;
  - (i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

### 3. *Municipal Operations & Maintenance*

#### a. *Municipal Operations Program*

*Municipal operations* are: street and bridge maintenance; winter road maintenance; *MS4* maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

Within three (3) years of the EDC, the *MS4 Operator* must *develop* and implement a *municipal operations* program. The *municipal operations* program must be documented in the *SWMP Plan* specifying:

- i. The *municipal operations* procedures including:
  - a) The *BMPs* (Part VII.F.1.) incorporated into the *municipal operations* program;
  - b) The *municipal operations* corrective actions requirements (Part VII.F.3.b.);
  - c) *Catch basin* inspection and maintenance requirements (Part VII.F.3.c.);
  - d) Roads, bridges, parking lots, and right of way maintenance requirements (Part VII.F.3.d.); and
  - e) All other *municipal operations* maintenance requirements.
- ii. The training provisions for the *MS4 Operator's municipal operations* procedures (Part VII.F.3.a.i.).
  - a) If new staff are added, training on the *MS4 Operator's municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting *municipal operations* procedures;
  - b) For existing staff, training on the *MS4 Operator's municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting

*municipal operations* procedures and once every five (5) years, thereafter; and

- c) If the *municipal operations* procedures (Part VII.F.3.a.i.) are updated (Part VII.F.3.a.iv.), training on the updates must be given to all staff prior to conducting *municipal operations* procedures.
- iii. The names, titles, and contact information for the individuals who have received *municipal operations* training and update annually; and
- iv. Annually, by April 1, the *MS4 Operator* must:
  - a) Review and update the *municipal operations* procedures (Part VII.F.3.a.i.); and
  - b) Document the completion of this requirement in the *SWMP Plan*.

#### b. *Municipal Operations Corrective Actions*

- i. For *municipal operations*, *MS4 Operators* must either:
  - a) Ensure compliance with the terms and conditions of this *SPDES* general permit; or
  - b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this *SPDES* general permit:
    - i) Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment;
    - ii) Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment; and
    - iii) For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time.

#### c. *Catch Basin Inspection and Maintenance*

Within three (3) years of the EDC, the *MS4 Operator* must:

- i. Identify when *catch basin* inspection is needed with consideration for:
  - a) Areas with *construction activities* (mapped in accordance with Part IV.D.2.a.iii.);
  - b) Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.d.iii.);
  - c) Recurring or history of issues; or

- d) Confirmed citizen complaints on three or more separate occasions in the last twelve (12) months.
- ii. Inventory *catch basin* inspection information including:
  - a) Date of inspection;
  - b) Approximate level of trash, sediment, and/or debris captured at time of clean-out (no trash, sediment, and/or debris, <50% of the depth of the *sump*, >50% of the depth of the *sump*);
  - c) Depth of structure;
  - d) Depth of *sump*; and
  - e) Date of clean out, if applicable (Part VII.F.3.c.iii.).
- iii. Based on inspection results, clean out *catch basins* within the following timeframes:
  - a) Within six (6) months after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris exceeding 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out;
  - b) Within one (1) year after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris at less than 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out; and
  - c) MS4 Operators are not required to clean out *catch basins* if the *catch basins* are operating properly and:
    - i. There is no trash, sediment, and/or debris in the *catch basin*; or
    - ii. The *sump* depth of the *catch basin* is less than or equal to two (2) feet.
- iv. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:
  - a) Water removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*;
  - b) Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and
  - c) Material removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*.
- v. Determine if there are signs/evidence of *illicit discharges* and procedures for referral/follow-up if *illicit discharges* are encountered.

#### d. Roads, Bridges, Parking Lots, & Right of Way Maintenance

##### i. Sweeping

Within six (6) months of the EDC, the *MS4 Operator* must *develop* and implement procedures for sweeping and/or cleaning *municipal* streets, bridges, parking lots, and right of ways owned/operated by the *MS4 Operator*. The procedures and completion of permit requirements must be documented in the *SWMP Plan* specifying:

- a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement is not applicable to:
  - i) Uncurbed roads with no *catch basins*;
  - ii) High-speed limited access highways; or
  - iii) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.
- b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement is not applicable to:
  - i) Uncurbed roads with no *catch basins*;
  - ii) High-speed limited access highways; or
  - iii) Roads defined as interstates, freeways and expressways, or arterials by the USDOT 2013.

##### ii. Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VII.F.1.), the *MS4 Operator* must implement the following provisions:

- a) Pave, mark, and seal in dry conditions;
- b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the *MS4* or *surface waters of the State*;
- c) Restrict the use of herbicides/pesticide application to roadside vegetation; and
- d) Contain *pollutants* associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

##### iii. Winter Road Maintenance

Within five (5) years of the EDC, in addition to the *BMPs* (Part VII.F.1.), the *MS4 Operator* must implement the following provisions:

- a) Routinely calibrate equipment to control salt/sand application rates; and

- b) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.<sup>63</sup>

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<sup>63</sup> The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found on the Department's website.

**Appendices B1-B3:  
Illicit Discharge Detection and Elimination**

**Adopting Introductory Local Law No. 20 Of 2007 (A Local Law Of The County Of Ulster, New York Prohibiting Illicit Discharges, Activities And Connections To The Ulster County Separate Storm Sewer System), Hereinafter Known As Local Law Number 18 Of 2007**

The Environmental Committee (Chairman Shapiro and Legislators Bartels, Distel, R.A. Parete, Rodriguez, Fabiano and McAfee) and Legislator Lomita offer the following:

WHEREAS, Resolution No. 376, dated November 14, 2007, set the date for Public Hearing on Introductory Local Law No. 20 Of 2007 (A Local Law Of The County Of Ulster, New York Prohibiting Illicit Discharges, Activities And Connections To The Ulster County Separate Storm Sewer System), to be held on Wednesday, December 5, 2007 at 6:00 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York, and

WHEREAS, said Public Hearing was held on Wednesday, December 5, 2007 at 6:00 PM, Ulster County Office Building, 244 Fair Street, Kingston, New York, and

WHEREAS, said Public Hearing was duly advertised in the official newspapers of the County of Ulster together with a supplemental newspaper of the County of Ulster and posted on the signboard maintained by the Clerk of the Legislature situated in the Ulster County Office Building, and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, and

WHEREAS, pursuant to Resolution No. 371, adopted by the Ulster County Legislature on November 14, 2007, the Ulster County Legislature declared itself the lead agency under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the County of Ulster has identified interested agencies and has circulated the subject proposed Local Law here in together with its notice to serve as Lead Agency and Part 1 of the Short Environmental Assessment Form, upon those interested agencies, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to SEQRA regarding the consideration of said Local Law, the County of Ulster has determined that the proposed Local Law constitutes an Unlisted Action as defined under said SEQRA regulations.

Resolution No. 425 December 12, 2007

**Adopting Introductory Local Law No. 20 Of 2007 (A Local Law Of The County Of Ulster, New York Prohibiting Illicit Discharges, Activities And Connections To The Ulster County Separate Storm Sewer System), Hereinafter Known As Local Law Number 18 Of 2007**

RESOLVED, that the Ulster County Legislature hereby finds and determines that: (a) it has considered the action, reviewed the Short Environmental Assessment Form for unlisted actions, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed Local Law; (b) the project, to wit: the adoption by the Ulster County Legislature will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment, and, therefore, a negative declaration will be prepared; and (c) the reasons supporting this determination are set forth on Part 2 of the Short Environmental Assessment Form with respect to this project (a copy of which said form is on file in the Office of the Clerk of the Ulster County Legislature), and

FURTHER RESOLVED, that the County of Ulster as Lead Agency with reference to the above-described project, hereby: (a) adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the project; (b) authorizes the Chairman of the Ulster County Legislature to sign a negative declaration determination of non-significance with respect to the Local Law; and (c) authorizes the Clerk of the Ulster County Legislature to forward a copy of said negative declaration determination of non-significance to the appropriate agencies, and

FURTHER RESOLVED, that Introductory Local Law No. 20 herein is hereby adopted by the Ulster County Legislature, and herein after known as Local Law Number 18 of 2007,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 27                      NOES: 0  
(Absent: Legislators Aiello, Every, Fabiano,  
Felicello, Roberti and Stoeckeler)

FINANCIAL IMPACT:

\$300.00 – APPROXIMATE ADVERTISING COSTS

1224

# Local Law Number 18 Of 2007

## County Of Ulster

### **A Local Law Of The County Of Ulster, New York, Prohibiting Illicit Discharges, Activities And Connections To The Ulster County Separate Storm Sewer System**

BE IT ENACTED, by the County Legislature of the County of Ulster, as follows:

#### **SECTION 1. PURPOSE/INTENT AND FINDINGS.**

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

- 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;
- c. To prohibit Illicit Connections, Activities and Discharges to the MS4;
- d. To establish legal authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this law; 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.

Based upon the Record had before this Legislature, the following findings are made in consideration of this Local Law:

- f. This Legislature finds and determines that the regulation of non-stormwater discharges to the County-owned municipal separate

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storm sewer system, to the maximum extent practicable, is essential to protect the health, safety and general welfare of the citizens of Ulster County.

- g. This Legislature further finds and determines that controlling the introduction of polluted stormwater and non-storm water pollutants into the County-owned municipal separate storm sewer system is critical in order to comply with requirements of the State Pollution Discharge Elimination System General Permit No. GP-02-02 for Municipal Separate Storm Sewer Systems.
- h.. In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Local Law, which is deemed to be an imminent threat to public health, safety, and/or welfare, may further be 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 violation and/or nuisance may be taken in accordance with the procedures set forth within this Local Law.
- i. This Local Law shall apply to all MS4 designated areas situated within the County of Ulster.

**SECTION 2. DEFINITIONS.**

Whenever used in this Local Law, unless a different meaning is stated in a definition applicable to only a portion of this Local Law, the following terms will be defined and shall have meanings set forth below:

**AGRICULTURE:** All agricultural operations and activities related to a "farm operation" as such term is defined in Section 301(11) of the Agricultural and Markets Law (AML) or governed by the AML of the State of New York and the guidelines and opinions issued by the New York State Commissioner of Agriculture and Markets to the extent that such practices are consistent with

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6 NYCRR Section 663.2 and not excluded thereby.

**AGRICULTURAL STORMWATER RUNOFF:** Means any stormwater runoff from farm operations, and other non-point source agriculture and agricultural uses, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

**BEST MANAGEMENT PRACTICES (also referred to as BMPs):** Schedules of activities, prohibitions of practices, general good house-keeping 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 and GP-02-02, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres unless otherwise excluded from regulation under GP-02-01 and/or GP-02-02. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**COUNTY-OWNED MUNICIPAL SEPARATE STORM SEWER SYSTEM (also referred to as MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, manholes, gutters, ditches, man-made channels, or storm drains) owned or operated by the County of Ulster, which includes roads, infrastructure and facilities, designed or used for collecting or conveying stormwater, that is not a combined sewer, and which is not part of a Publicly Owned Treatment Works

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(POTW) as defined at 40 CFR 122.2. A copy of a listing of County owned roads and properties shall be included herein as Exhibit "A" and a copy shall be kept on file with the Clerk of the Ulster County Legislature. Said listing shall include any and all new roadways and County owned properties as required under the MS4 Regulations.

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

**DEPARTMENT OF PUBLIC WORKS:** The Ulster County Department of Public Works is the County Department of which the Stormwater Management Office forms a part in accordance with the provisions of this Local Law.

**DISCHARGE:** Means any addition or introduction of any pollutant, stormwater, or any other regulated substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

**EPA:** The Environmental Protection Agency of the United States of America.

**DISCHARGER:** Means any person as defined herein, who causes, allows, permits, or is otherwise responsible for a discharge into a municipal storm sewer.

**FACILITY:** Any lands and appurtenances, including but not limited to, construction sites, required by the Federal Clean Water Act to have a permit to discharge stormwater associated with industrial activity and/or any other regulated activity.

**FARM OPERATION:** The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other [See Section 301(11) of the Agriculture and Markets Law and the definition herein contained for "Agriculture"].

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**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 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 County-owned municipal separate storm sewer system, including but not limited to:

- a. Any conveyances as regulated under this Local Law which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the County-owned municipal separate storm sewer system 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 County-owned municipal separate storm sewer system that has not been (1) documented in plans, maps, or equivalent records and (2) lawfully approved by an authorized enforcement agency.

**ILLICIT DISCHARGE:** Any direct or indirect regulated non-stormwater discharge to the County-owned municipal separate storm sewer system, except as exempted in Section 6 of this Local Law.

**ILLICIT DISCHARGE BOARD OF APPEALS:** A County of Ulster appeals board consisting of, at minimum, one (1) representative of each of the following Departments and which representatives shall be appointed by the Department Heads of each of the Departments so designated:

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a) The Department of the Environment; b) The Department of Health; and c) The Planning Department. Said board shall follow the procedures set forth within Section 15 of this Local Law.

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

**MUNICIPALITY OR COUNTY:** The County of Ulster.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances (including, but not limited to, sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and/or operated and/or maintained by the County and designed or used for collecting or conveying stormwater.

**NON-POINT SOURCE:** Means any source of any discharge that is not a “point source”.

**NON-STORMWATER DISCHARGE:** Any discharge to the County-owned municipal separate storm sewer system that is not composed entirely of stormwater.

**OPERATOR:** Means the party or parties that either individually or taken together meet the following two criteria: 1) They have operational control over the site activities (including the ability to make modifications in activities); and 2) they have such operational control to those activities at the site necessary to ensure compliance with SWPPP requirements and any related permit conditions.

**PERSON:** Any individual, association, organization, partnership, firm, company, corporation, trust, estate, governmental entity [including the County of Ulster], or other entity recognized by law and acting as either the owner or as the owner’s agent. This term shall also include owners, operators, dischargers and all other entities as set forth within this Local Law.

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**POINT SOURCE:** Means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, fissure, container, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged and as regulated under this Local Law and/or the Clean Water Act.

**POLLUTANT:** Includes, but is not limited to, dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; hazardous waste; chemical wastes; biological materials; toxic materials; radioactive materials; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, recreational, regulated, agricultural waste and other regulated wastes discharged into the municipal separate storm sewer system, which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards, set forth within this Local Law and the Clean Water Act. [33 CFR Part 1251, et seq.].

**PREMISES:** Any building, structure, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks, parking strips, roadways and other appurtenances.

**RELEASE:** Means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of illicit discharges into surface water, ground-water, subsurface soils, surface soils and/or by any other direct or indirect discharge which is made to the municipal separate stormwater sewer system (MS4), the Water of New York State and/or the Waters of the United States.

**SPECIAL CONDITION DISCHARGE COMPLIANCE WITH WATER QUALITY STANDARDS:** The condition that applies where a municipality has been notified pursuant to this law that the discharge of stormwater authorized under its County-owned municipal separate storm sewer system 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.

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**SPECIAL CONDITION 303(D) LISTED WATERS:** The condition in the County-owned municipal separate storm sewer system permit that applies where the County-owned municipal separate storm sewer system discharges to a 303(d) listed water. Under this condition the County Stormwater Management Program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

**SPECIAL CONDITION TOTAL MAXIMUM DAILY LOAD (TMDL) STRATEGY:** The condition in the County-owned municipal separate storm sewer system permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a waterbody or watershed into which the County-owned municipal separate storm sewer system discharges.

**SPECIAL CONDITION:** The condition in the County-owned municipal separate storm sewer system permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which a County-owned municipal separate storm sewer system 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 (6) months of the TMDL's approval, modify its stormwater management program to take all necessary actions to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

**STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (also referred to as 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 OFFICE:** The County Office that is responsible for administering, enforcing and promulgating regulations and fees pursuant to this Local Law, upon adoption of this Local Law, said office shall be designated by the County Legislature as being a part of and organized as a Division of and under the County of Ulster Department of Public Works and the

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Stormwater Management Officer shall be appointed by the department head of the Ulster County Department of Public Works. Budgetary, employment and other customary administrative procedures associated with the Stormwater Management Office shall be the responsibility of the Ulster County Department of Public Works.

**STORMWATER MANAGEMENT OFFICER (also referred to as SMO):** A person, persons, or other public official(s) designated by the Stormwater Management Office to monitor activities, inspect areas and enforce this Local Law. The Stormwater Management Officer may also be designated to accept, review, and inspect stormwater pollution prevention plans, among his/her other responsibilities.

**STORMWATER POLLUTION PREVENTION PLAN:** Means a plan required by a SPDES permit to discharge stormwater associated with regulated activities, including but not limited to industrial activities and construction, and which describes and provides for pollutants in stormwater discharges associated with regulated activities.

**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.

**TOTAL MAXIMUM DAILY LOAD (also referred to as TMDL):** The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

**WASTEWATER:** Any water that is not stormwater, is contaminated with pollutants and is or will be discarded. This term shall not include stormwater which is not contaminated by pollutants.

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**SECTION 3. APPLICABILITY.**

This Local Law shall apply to all water entering the County-owned municipal separate storm sewer system within MS4 designated areas as generated on any developed and undeveloped lands unless explicitly exempted hereunder or unless explicitly exempted by the Department acting as the authorized enforcement agency.

**SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The Stormwater Management Officer (SMO) shall administer, implement, and enforce the provisions of this Local Law. Such powers granted or duties imposed upon and granted to the authorized enforcement official may be delegated in writing by the Stormwater Management Officer as may be authorized by the Stormwater Management Office. Such written delegation shall be kept and maintained within the Stormwater Management Officer's files and copies shall further be provided by the Stormwater Management Officer to the County Attorney. The Stormwater Management Office shall possess the authority to promulgate rules and regulations as necessary to administer, enforce and forward this Local Law and its purposes, including but not limited to, the institution and use of permits, forms, fees and other regulatory mechanisms to advance the purposes of this Local Law.

**SECTION 5. PROHIBITION OF ILLEGAL DISCHARGES.**

No person shall discharge or cause to be discharged into the County-owned municipal separate storm sewer system any materials other than lawful discharges of stormwater, except as provided in Section 6. The commencement, conduct or continuance of any illegal discharge to the County-owned municipal separate storm sewer system is prohibited except as described in Section 6.

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**SECTION 6. DISCHARGE EXEMPTIONS.**

- a. The following discharges are exempt from discharge prohibitions established by this Local Law, unless the Department or the County has, pursuant to law, officially determined such discharges to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, agricultural stormwater runoff from lawful agricultural practices and any other water source not containing pollutants. In no event shall this Local Law be read to create, permit or authorize agriculture discharge exemptions beyond those which are in effect pursuant to the Clean Water Act.
- b. Discharges approved in writing by the Stormwater Management Officer to protect life or property from imminent harm or damage, provided that, such approvals 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 Stormwater Management Officer may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this Local Law.
- c. Dye testing in compliance with applicable State and local laws.
- d. The prohibition shall not apply to any discharge permitted under a 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

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#### **A Local Law Of The County Of Ulster, New York Prohibiting Illicit Discharges, Activities And Connections To The Ulster County Separate Storm Sewer System**

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 County-owned municipal separate storm sewer system. A lawfully issued SPDES permit shall constitute compliance with this sub-paragraph in all manner and respects, provided the person and/or discharger to which the permit is issued is fully compliant therewith.

- e. Activities and uses essential to ensure emergency police, fire, rescue functions and emergency response undertaken by either the County, or by a non-profit organization authorized by contract with the County to provide these public services. Essential activities to promote public health, safety, and well-being of persons and property therein, and to implement orders and regulations of the Ulster County Department of Health, the Ulster County Emergency Management Agency and/or the New York State Department of Health with notification to the County Stormwater Management Officer and any actual and ongoing emergency activity which directly addresses an imminent threat to life, property or structures of any kind. Such emergency activities may include, but are not limited to: fire suppression operations, preventative or remedial activities related to mitigation, cleanup, or control of stormwater and/or the contamination or threatened contamination of ground and/or surface water; response to imminent floods, hurricanes and all other storms that follow established emergency response plans, fire fighting and public health emergencies.

#### **SECTION 7. PROHIBITION OF ILLICIT CONNECTIONS.**

The construction, use, maintenance or continued existence of illicit connections to the County-owned municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law and whether all lawful approvals were granted and/or regardless of whether the connection was previously unregulated pursuant to practices applicable or prevailing at the time of connection. A person is considered to be in violation of

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this Local Law if the person illegally connects a line conveying sewage to the County-owned municipal separate storm sewer system, or allows such an illegal connection to continue.

**SECTION 8. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER.**

- a. Activities are prohibited that cause or contribute to a violation of the County-owned municipal separate storm sewer system MS4 SPDES permit or cause or contribute to the County being subject to the Special Conditions as defined in Section 2 of this Local Law.
- b. Upon written notification to a person that they are engaged in activities that cause or contribute to violations of the County-owned municipal separate storm sewer system SPDES permit authorization, that person shall, upon receipt of such notice, immediately take all reasonable actions to correct such activities such that they no longer cause or contribute to violations of the County's MS4 SPDES permit authorization.

**SECTION 9. REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

- a. Where the Stormwater Management Officer has identified illicit discharges as defined in Section 2 or by way of activities contaminating stormwater as defined in Section 8, the County may, among other remedies as set forth within this Local Law, require the implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
- b. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the

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County-owned municipal separate storm sewer system through the use of structural and non-structural BMPs.

- c. Any owner, discharger or operator, or other person responsible for a property or premises, which is or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in this Local Law, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the County-owned municipal separate storm sewer system.
- d. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial and/or other regulated activities, shall be deemed compliance with the provisions of this section.

**SECTION 10. SUSPENSION OF ACCESS TO COUNTY-OWNED MUNICIPAL SEPARATE STORM SEWER SYSTEM. ILLICIT DISCHARGES IN EMERGENCY SITUATIONS.**

- a. Imminent danger. The Stormwater Management Officer may, without prior notice, suspend County-owned municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and/or substantial danger to the environment, to the health or welfare of persons, or to the County-owned municipal separate storm sewer system. The Stormwater Management Officer 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 Stormwater Management Officer may take such steps as deemed necessary to prevent or minimize damage to the County-owned municipal separate storm sewer system or to minimize and abate any and all danger to persons.

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- b. Suspension due to the detection of illicit discharge. Any person discharging to the County-owned municipal separate storm sewer system in violation of this Local Law may have their County-owned municipal separate storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The Stormwater Management Officer will notify an alleged violator in writing of the proposed termination of its County-owned municipal separate storm sewer system access and the reasons therefor. Within fifteen (15) days of the issuance of such Notice, the alleged violator may petition the Stormwater Management Officer for a reconsideration and hearing. Access to the MS4 may be granted by the Stormwater Management Officer if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access to the MS4 may be denied if the Stormwater Management Officer determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates County-owned municipal separate storm sewer system access to premises terminated pursuant to this Section, without the prior approval of the Stormwater Management Officer, or a court of competent jurisdiction.

**SECTION 11. 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 reasonably acceptable to the Stormwater Management Officer prior to the allowing of discharges to the County-owned municipal separate storm sewer system. Upon such proof being provided, the Stormwater Management Officer shall render his/her determination as to acceptability and shall provide the person with a written confirmation of such determination.

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**SECTION 12. ACCESS AND MONITORING OF DISCHARGES.**

- a. Applicability. This section applies to all facilities that the Stormwater Management Officer must inspect to enforce any provision of this Local Law, or whenever the authorized enforcement agency has probable cause to believe that there exists, or potentially exists, in or upon any premises, any condition that constitutes a violation of this Local Law.
- b. Access to Facilities. Upon compliance with the requirements of this Local Law, the Stormwater Management Officer shall be permitted to enter and inspect facilities subject to regulation under this Local Law as often as may be necessary to determine compliance with this Local Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the reasonable and necessary arrangements to allow access to the Stormwater Management Officer.
  1. Facility operators shall allow the Stormwater Management Officer 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 Local Law.
  2. Unreasonable delays in allowing the County access to a facility subject to this Local Law is a violation of this Local Law. A person who is the operator or owner or discharger of a facility subject to this Local Law commits an offense if the person denies the Stormwater Management Officer reasonable access to the facility for the purpose of conducting any activity authorized or required by this Local Law.

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3. If the Storm water Management Officer 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 Local Law, or that there is a need to inspect and/or sample as part of such inspection and sampling program designed to verify compliance with this Local Law or any order issued hereunder, then the Stormwater Management Officer may seek issuance of a search warrant from a any court of competent jurisdiction.
- c. **Monitoring.** Following an y adjudicated violation of this Local Law, the County shall have the right to set up on any facility subject to this Local Law s uch devices as are necessary in the reasonable determination of the Storm water Management Officer to conduct monitoring and/or sampling of the facility's stormwater discharge. In connection therewith, the County has the right to require the facilities subject to this Local Law to install monitoring equipment as is reasonably necessary to determine compliance with this Local Law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger or the owner at its own expense. All devices used to measure stormwater flow and quality shall be properly calibrated to ensure their accuracy and proof of such calibration shall be furnished to the Stormwater Management Officer following request therefor.

**SECTION 13. NOTIFICATION OF SPILLS.**

Notwithstanding any 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

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materials which are resulting or may result in illicit discharges or pollutants discharging into the County-owned municipal separate storm sewer system, said person shall take such 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 and/or the County Stormwater Management Officer. In the event of a release of non-hazardous materials, said person shall notify the County Stormwater Management Officer 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 County within three (3) 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 promptly provided to the Stormwater Management Officer and such records shall be retained on site for at least five (5) years.

**SECTION 14. ENFORCEMENT.**

When the County's Stormwater Management Officer determines that a person has violated a prohibition or failed to meet a requirement of this Local Law, he/she may order compliance by written notice of violation to the owner and the discharger, if different than the owner, as the alleged responsible person. Such notice and/or subsequent enforcement remedies 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 and/or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- d. The performance of monitoring, analyses and reporting;

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- e. Payment of a fine; and/or recoupment of all quantified County expenditures as necessary to abate the violation.
- f. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is ultimately required, written confirmation 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 may be undertaken and completed by a designated County governmental agency or a County retained contractor and all expenses thereof shall be charged to the discharger and/or the owner as the violator.
- g. Order that all permits, approvals and/or authorizations be obtained, if lawfully permitted by statute, for any continuing discharges, practices and/or operations; and

Prior notice shall not be required in the event the Stormwater Management Officer reasonably determines that an imminent threat to life may exist as a result of the violation of this Local Law.

**SECTION 15. APPEAL OF NOTICE OF VIOLATION.**

- a. Procedure. Any person receiving a Notice of Violation may appeal the determination of the Stormwater Management Officer within 15 days of its issuance. Said appeal shall be filed with the Stormwater Management Officer who shall transmit his original findings, and the appeal to the Illicit Discharge Board of Appeals, which shall consist of one representative of each of the following County Departments: a) The Department of the Environment; b) The Department of Health; c) The Planning Department. Such board members shall be appointed by the department heads of each of the foregoing agencies. The Illicit Discharge Board of Appeals shall hear the appeal within 30 days after the filing of the appeal, and within five (5) days of making its written decision, file its decision in

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the office of the County Clerk and mail a copy of its decision by certified mail to the discharger.

- b. Relief. Persons who may be individually, jointly or severally aggrieved by any determination made by the Stormwater Management Officer and/or the Appeals Board may apply to the Supreme Court of the State of New York for review of such decision under Article 78 of the Civil Practice Laws and Rules of the State of New York.

**SECTION 16. CORRECTIVE MEASURES AFTER APPEAL.**

- a. If an appeal under this Local Law has been pursued and the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, which has been administratively adjudicated under this Local Law, then within five (5) business days of the decision of the County authority upholding the decision of the Stormwater Management Officer, the Stormwater Management Officer 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 Stormwater Management Officer may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property, make any and all determinations which are authorized pursuant to this Local Law. Upon determination that a violation has occurred, and/or is continuing, the Stormwater Management Officer 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 as set forth within Section 14.

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- c. Nothing in this section shall be read to limit, abrogate or otherwise affect the authority possessed by the Stormwater Management Officer pursuant to Section 10(a) of this Local Law.

**SECTION 17. PENALTIES.**

A. Administrative Sanctions.

- 1. Any person who violates the provisions of this Local Law, including any provision of any authorization issued, any condition set or fee required pursuant to this Local Law, shall be liable to the County of Ulster for a civil penalty of not more than \$3,000.00 (Three Thousand Dollars) for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil penalty may be recovered in any action brought by the County at the request and in the name of the County in any court of competent jurisdiction. Such civil penalty may be released or compromised by action of the County and any action commenced to recover the same may be settled and discontinued by the County. Any such penalty of the County shall be enforceable in an action brought in any court of competent jurisdiction. Any civil penalty or order issued by the County pursuant to the criteria set forth herein shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.

B. Criminal Sanctions.

- 1. Any person who violates the provisions of this Local Law, including any provision of any authorization issued, any condition set or fee required pursuant to this Law, shall, in addition, for the first offense, be guilty of violation punishable by a fine of not less than \$500.00 (Five Hundred Dollars) and not more than \$1,000.00 (One Thousand Dollars); for a second and

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each subsequent offense he/she shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000.00 (One Thousand Dollars) nor more than \$2,000.00 (Two Thousand Dollars) or a term of imprisonment of not less than 30 (thirty) days or more than 6 (six) months or both. Each violation shall be deemed a separate and distinct offense, and in the case of continuing violation, each day in continuance thereof shall be deemed a separate and distinct offense.

- C. Final Determination/Costs.
1. In addition to the foregoing remedies, any person who violates the provisions of this Local Law and is found guilty by a final administrative determination and/or a final adjudicated determination by a Court of competent jurisdiction shall be responsible for paying over to and reimbursing the Stormwater Management Office for all quantified costs, penalties and/or fines as may result from, or be imposed by, the Department, the EPA and/or any other enforcement agency pursuant to the Clean Water Act, the SPDES Regulatory and/or any other applicable statutory authority for such violation.

**SECTION 18. INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Local Law. If a person has violated or continues to violate the provisions of this Local Law, the Stormwater Management Officer 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 and/or remediation of the violation, and/or for such other further relief as any court of competent jurisdiction may order.

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**SECTION 19. ALTERNATIVE REMEDIES.**

- a. Where a person has been charged with violations of this Local Law and/or when a person has been determined to have violated a provision of this Local Law, he/she may be eligible for alternative remedies in lieu of a civil and/or criminal penalty, upon written recommendation of the County Attorney and concurrence of the Stormwater Management Officer, where a written determination is made that:
  1. the violation was unintentional;
  2. the violator has no history of previous violations of this Local Law;
  3. any environmental damage was minimal;
  4. the violator acted quickly to remedy violation; and
  5. the violator cooperated in investigation and resolution.
  
- b. Alternative remedies may consist of one or more of the following:
  1. Attendance at Stormwater Management compliance workshops.
  2. Storm drain stenciling and/or storm drain marking.
  3. Participation in community outreach programs concerning stormwater management. In the event of non-compliance with the foregoing alternative remedies, the County reserves the right to enforce any and all provisions of this Local Law.

**SECTION 20. REMEDIES NOT EXCLUSIVE.**

The remedies listed in this Local Law are not exclusive of any other remedies available under any applicable Federal, State or Local Law and it is within the discretion of the Stormwater Management Office. Nothing in this Local Law shall be read to preclude the enforcement by the County of Ulster of any other laws as may be applicable to illicit discharges, including but not limited

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to, statutory authorizations as set forth within the New York State Highway Law, the New York State County Law and the New York State Public Health Law.

**SECTION 21. ANNUAL REVIEW.**

The Stormwater Management Officer shall submit an annual report to the County Legislature not later than the first day of November of each year, concerning the administration, efficacy and enforcement of this Law. Such reports and recommendations shall assist the County to monitor and evaluate the extent to which the intent and purpose of this Local Law have been served.

**SECTION 22. COMPLIANCE WITH STATE ENVIRONMENTAL QUALITY REVIEW ACT.**

This Local Law has been duly reviewed and a determination as to significance upon the environment and associated Findings have been rendered by the County in accordance with SEQRA prior to this Law's adoption by the County [6 NYCRR Part 617, et seq].

**SECTION 23. CONFLICT WITH OTHER REGULATIONS.**

Where the standards and legal requirements of this Law are in conflict with other environmental and/or land use regulations, and/or other environmental protective measures, the more restrictive standards and legal requirements shall apply.

**SECTION 24. SEVERABILITY.**

If any article, section, subsection, paragraph, phrase or sentence of this Local Law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

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**SECTION 25. GOVERNING LAW.**

This Local Law shall be interpreted under, construed by and governed pursuant to the Laws of the State of New York.

**SECTION 26. EFFECTIVE DATE.**

This Local Law shall take effect immediately.

**Adopted: December 12, 2007**

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**Exhibit A**

**COUNTY PROPERTIES WITHIN THE MS4 AREA**

<b>Building Name</b>	<b>Address</b>	<b>Property by SBL</b>	<b>Within Municipality of</b>
Information Services	27 South Manor Avenue	48.82-1-34	City of Kingston
Carr Building	1 Pearl Street	48.331-5-20	City of Kingston
Hutton Building	Golden Hill Lane	56.40-1-19	City of Kingston
Persen House	74 John Street	48.331-7-1	City of Kingston
Flatbush Annex	300 Flatbush Ave	48.74-3-14.100	City of Kingston
Probation Building	17 Pearl Street	48.331-5-16	City of Kingston
Public Works Building	313-317 Shamrock Lane	48.79-1-1	City of Kingston
Court House	285 Wall Street	48.331-7-5	City of Kingston
Ulster Avenue Office Complex	Development Court	48.66-1-6	Town of Ulster
U.C Probation Department	733 Broadway	56.92-2-19.111	City of Kingston
U.C.A.T	1 Danny Circle, Golden Hill	56.40-1-19	City of Kingston
Mental Health Building	Golden Hill Drive	56.40-1-19	City of Kingston
Infirmery	Golden Hill Drive	56.40-1-19	City of Kingston
Health Related Facility	Golden Hill Drive	56.40-1-19	City of Kingston
Ulster County Jail	Golden Hill Drive	56.40-1-19	City of Kingston
U.C Law Enforcement Center	380 Boulevard	56.48-2-6	City of Kingston
Community Correctional Facility	Golden Hill Drive	56.40-1-19	City of Kingston
Emergency Management	Golden Hill Drive	56.40-1-19	City of Kingston
Ulster County Office Building	244 Fair Street	48.331-5-1	City of Kingston
U.C Record Storage	300 Foxhall Avenue	48.82-1-27	City of Kingston
UC Highland Substation	171 Chapel Hill Rd	95.2-6-13	Town of Lloyd

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**ROAD LIST WITHIN MS4 AREA**

COUNTY ROAD #	COUNTY ROAD NAME	MILEAGE	TOWN	CATCH BASIN
89	Malden Tpk.	1.0	Saugerties	22
32	Kings Highway	0.5	Saugerties	4
118	Glasco Tpk.	1.5	Saugerties	47
34	Glasco Tpk.	1.6	Saugerties	6
33	Kings Highway	1.5	Saugerties	8
41	Leggs Mill Rd.	3.0	Ulster	11
90	Sawkill Rd.	0.1	Ulster	0
42, 10	Sawkill Rd.	1.0	Ulster/Kingston	17
157	Boices Lane	0.9	Ulster	47
152	Kukuk Lane	0.7	Ulster	1
124	Ulster Avenue	0.2	Esopus	0
151	Hurley Ave. Ext.	3.0	Ulster/Hurley	45
94	Zendhoak/DeWitt Mills Rd.	3.5	Hurley	17
50	Lucas Ave. Ext.	3.4	Ulster/Hurley	14
59	Lucas Tpk.	0.6	Rosendale	0
123	Lucas Tpk.	0.7	Rosendale	0
147	Kallop Rd.	0.5	Rosendale	0
8	Hurley Mtn. Rd.	0.1	Hurley	2
65	DeWitt Lake Rd.	1.5	Ulster/Rosendale	0
153	Eddyville Mountain Rd.	0.6	Ulster	0
146	Eddyville-Creek Locks Rd.	1.5	Ulster/Rosendale	0
73	Bloomington-Creek Locks-Rosendale Rd.	3.8	Rosendale	11
57	New Salem St.	0.7	Esopus	28
81	River Rd.	0.5	Esopus	4
113	Elting Rd.	1.5	Rosendale	28
18A	Springtown Rd.	0.6	Rosendale	12
11	South St.	0.6	Lloyd	3
159	New Paltz Rd.	3.3	Lloyd	20
84	Riverside Rd	1.4	Lloyd	3
24A	Tuckers Corners Rd.	0.3	Plattekill	0
67	Pancake Hollow Rd	0.3	Plattekill/Lloyd	0
116	Crescent Ave.	0.1	Plattekill/Lloyd	1
55	Orchard Rd.	0.8	Marlborough/Lloyd	3
108	Chapel Hill Rd.	1.1	Lloyd	15
16	Milton Tpk.	0.1	Marlborough	0
119	Milton-Milton Landing Rd.	0.1	Marlborough	5

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85	Lattintown Rd.	1.2	Marlborough	4
17	Lattintown Rd.-Western Ave.	1.5	Marlborough	43
69	Marlborough-Plattekill Rd.	2.3	Marlborough	11
25	Plattekill-Ardonia Rd.	1.0	Plattekill	2
112	Plains Rd.	0.8	Shawangunk	0
122	Wallkill Ave.	0.1	Shawangunk	15
<b>Total mileage within the MS4 area</b>		<b>49.5</b>	<b>Ulster County</b>	<b>449</b>

**BRIDGE LIST WITHIN THE MS4 AREA**

BRIDGE NO.	NAME	FEATURE CROSSED	TOWN	ROAD NAME
30	Mt. Marion	Plattekill Creek	Ulster/Saugerties	Leggs Mill Rd. (Co.Rd.41)
70	Sauer	Esopus Creek	Saugerties	Glasco Tpk. (Co.Rd.34)
77	Conyes	Plattekill Creek	Saugerties	Snyder Rd. (Town Rd.)
179	Bert Law	Plattekill Creek	Saugerties	Glasco Tpk. (Co.Rd.34)
152	Leggs Mill	Esopus Creek	Ulster	Leggs Mill Rd. (Co.Rd.41)
169	Sawkill School	Sawkill Creek	Ulster	Sawkill Rd. (Co.Rd.42)
149	Sawkill Church	Sawkill Creek	Kingston	Sawkill Rd. (Co.Rd.10)
74	Hurley	Esopus Creek	Hurley	Wynkoop Lane (Co.Rd.8)
71	Port Ewen	Mill Brook	Esopus	Salem St. (Co.Rd.57)
143	Rosendale	Rondout Creek	Rosendale	Elting Rd. (Co.Rd.113)
206		Abandoned RR ROW - West	Lloyd	Old New Paltz Rd. (Co.Rd.159)
207		Abandoned RR ROW - East	Lloyd	Old New Paltz Rd. (Co.Rd.159)
127	Wallkill	Wallkill River	Shawangunk	Hoagerburgh Rd. (Co.Rd.70)

## Ulster County

# Illicit Discharge Detection & Elimination Procedure

As required by New York State Department of Environmental Conservation (DEC) *SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) Permit No. GP-02-02* and subsequently issued permits, MS4s must have a procedure to detect and eliminate illicit discharges to the storm drainage system operated and maintained by the municipality within the designated MS4 area. This procedure is divided into the following steps:

1. Reporting
2. Investigating
3. Remediation
4. Follow Up

### **1. Illicit discharge reporting procedure:**

- a. All field personnel of Ulster County Department of Public Works receive IDDE training. Upon finding suspected illicit discharges, employees in the Highway Department notify their Section Supervisor. The Supervisor completes the Ulster County Stormwater Incident Report Sheet and forwards it to the Stormwater Management Specialist (SWMS).
- b. In Buildings & Grounds (B&G), personnel at each building site conduct monthly monitoring at each location. Additionally, all drainage structures on County grounds are inspected annually. Any problems discovered are reported to the B&G Maintenance Coordinator and the SWMS.
- c. For suspected illicit discharges discovered during outfall monitoring, Department of the Environment Field Resource Technician fills out Incident Report and submits it to the SWMS.
- d. For all referrals from the Stormwater Hotline, Stormwater e-mail, B&G personnel, or other sources, the SWMS fills out the Report Sheet.
- e. The SWMS maintains an IDDE log of all reported incidences including date incident was reported, location, description of discharge, any action taken, and current status.

### **2. Investigation:**

- a. The SWMS or the Environmental Resource Technician conducts the preliminary investigation.
- b. If septic, sewage, or grey water discharges are suspected, the investigator refers the incident to the Ulster County Health Department. The Health Department then uses dye testing or other means to determine if the assumed illicit discharge has originated from a sanitary sewer failure, cross connection, failed septic system, or other source. If they have negative findings (not sewage) they refer the incident back to the SWMS for further determination.
- c. If oil, grease, or other potentially hazardous spill or dumping is suspected (in quantities of five gallons or greater) the investigator contacts the DEC spill response hotline. The DEC will issue a spill number for future reference.
- d. The SWMS as the Stormwater Management Officer (SMO) has the jurisdiction under **Local Law Number 18 of 2007, County of Ulster, A Local Law of the County of Ulster New York Prohibiting Illicit Discharges, Activities and Connections to the Ulster County Separate Storm Sewer System** (Local Law #18) to investigate discharges to the County storm drainage system.

### **3. Remediation**

- a. The Health Department is responsible for the resolution of all cases involving sewage or septage. The SWMS is to be kept informed of all findings and actions taken.
- b. The DEC's Department of Solid Waste and Hazardous Materials conducts appropriate enforcement actions on spill cases referred to it.
- c. The SWMS takes the necessary actions to eliminate all other illicit discharges as allowed under Local Law #18

### **4. Follow-up**

- a. The SWMS collects the information from Ulster County Health Department and from the DEC about their determination with regards to the assumed illicit discharges and actions that have been taken.
- b. The SWMS is responsible for tracking all reported illicit discharges from first report through incident resolution.

# Ulster County Enforcement Response Plan

## For Stormwater Management

### Effective as of July 3<sup>rd</sup> 2024

#### Introduction

In accordance with section IV.E.F.1. of the GP-0-24-001 SPDES General Permit for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4), issued by the New York State Department of Environmental Conservation (DEC), the Ulster County is required to develop and implement an Enforcement Response Plan (ERP) to ensure compliance with stormwater regulations. The purpose of this permit is to provide guidance on the appropriate enforcement measures when instances of non-compliance occur. This ERP addresses the DEC MS4 General Permit's requirements for the following Minimum Control Measures (MCM's):

- MCM 3: Illicit Discharge\* Detection & Elimination (IDDE) (Part VII.C)
- MCM 4: Construction Site Stormwater Runoff Control (Part VII.D)
- MCM 5: Post-Construction Stormwater Management (Part VII.E)

**\*Illicit *discharge*** - Defined by local law number 18 of 2007 as “Any direct or indirect regulated non-stormwater discharge to the County-owned municipal separate storm sewer system, except as exempted in section 6 of this local law (P5).”

This ERP sets forth a protocol to address repeat and continuing violations through progressively stricter responses (i.e., escalation of enforcement) as needed to achieve compliance with the terms and conditions in the GP-0-24-001 SPDES General Permit.

Additional objectives of this plan include:

- Prevention of pollutants entering the MS4 and causing environmental harm
- Clear communication of the definition of non-compliance
- Promotion of clear and consistent enforcement actions (as defined by Local Law 18 of 2007)

#### Acronyms

DEC	Department of Environmental Conservation
ERP	Enforcement Response Plan
IDDE	Illicit Discharge Detection and Elimination
MCM	Minimum Control Measures
MS4	Municipal Separate Storm Sewer Systems
SMP	Stormwater Management Practices
SWPPP	Stormwater Pollution Prevention Plan

## **1– Identifying/Investigating Non-Compliance**

There are several ways for the County to become aware of storm water non-compliance or violations. During the MS4 permit required routine inspections and monitoring of outfalls, construction sites, and post construction sites, County employees may identify illicit connections or illicit discharges. Staff from other agencies may identify illicit discharges or illicit connections during routine work. The County maintains a hotline for the public to report illicit discharge. The phone number for reporting illicit discharge is 845-334-8510 and the email address is [stormwater@co.ulster.ny.us](mailto:stormwater@co.ulster.ny.us). Complaints of construction stormwater activity can be reported to [stormwater@co.ulster.ny.us](mailto:stormwater@co.ulster.ny.us).

This section discusses the County’s plan for inspection in each of the three regulatory programs required by the MS4 permit: IDDE, Construction, and Post-Construction.

### **Illicit Discharge Detection and Elimination (IDDE)**

If the County identifies an illicit discharge or connection during routine inspection or receives a report from another agency or the illicit discharge hotline, an IDDE investigation is conducted by a qualified individual (someone who has received IDDE training). A dry weather surface inspection is conducted to identify the source of discharge/pollutants of concern entering the MS4. The full IDDE can be found ([link here](#)).

### **Construction/Post-Construction**

The MS4 permit requires the County to address stormwater runoff at sites with construction activities that are permitted, approved, funded, or owned/operated by the MS4 Operator that result in soil disturbance of 1 acre or more. Sites that are less than 1 acre but are part of a larger common plan of development or sale should also be included. The County inspects sites that have received a stormwater permit approval under the County’s MS4 construction/post-construction permitting, inspection, and enforcement program. These inspections can be part of the NYSDEC Construction General Permit or triggered by a complaint. If the construction activity has an Ulster County highway work permit it can be revoked for non-compliance, but as a Traditional Non-Land Use Control MS4 Operator issues of non-compliance are deferred to the local MS4 municipalities.

## **2 – Identifying the Appropriate Level of Response**

Once a potential violation is identified, the appropriate level of response should be determined and implemented. These responses can be identified from Local Law Number 18 of 2007. These enforcement responses are based on the type, magnitude, and duration of the violation, the effect of the violation on the receiving water, the compliance history of the operator, and the good faith of the operator in compliance efforts. Per the

permit, voluntary corrections of deficiencies through informal enforcement, such as verbal warnings or written notice, will not exceed sixty (60) days in duration (from the time of the MS4 Operator's initial determination until a return to compliance.)

- Verbal warnings:

A verbal warning or notice to remedy may be given if a responsible party is present when a field team identifies and illicit discharge or illicit connection. If a verbal warning is given it will be documented for the record and will be followed up with a written notice.

- Written notices:

Section 8 of Local Law Number 18 of 2007 states that "Upon written notification to a person that they are engaged in activities that cause or contribute to violations of the County-owned municipal separate storm sewer system SPDES permit authorization, that person shall, upon receipt of such notice, immediately take all reasonable actions to correct such activities such that they no longer cause or contribute to violations of the County's MS4 SPDES permit authorization.

Section 14 of Local Law Number 18 states that "When the County's Stormwater Management Officer determines that a person has violated a prohibition or failed to meet a requirement of this Local Law, he/she may order compliance by written notice of violation to the owner and the discharger, if different than the owner, as the alleged responsible person. Such notice and/or subsequent enforcement remedies 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 and/or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- d. The performance of monitoring, analyses and reporting; Payment of a fine; and/or recoupment of all quantified County expenditures as necessary to abate the violation.
- f. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is ultimately required, written confirmation 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 may be undertaken and completed by a designated County governmental agency or a County retained contractor and all expenses thereof shall be charged to the discharger and/or the owner as the violator.
- g. Order that all permits, approvals and/or authorizations be obtained, if lawfully permitted by statute, for any continuing discharges, practices and/or operations; and

Prior notice shall not be required in the event the Stormwater Management Officer reasonably determines that an imminent threat to life may exist as a result of the violation of this Local Law

- Withholding of plan approvals or other authorizations affecting the ability to *discharge* to the *MS4*:

Section 18 of Local Law Number 18 of 2007 states that “It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Local Law. If a person has violated or continues to violate the provisions of this Local Law, the Stormwater Management Officer 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 and/or remediation of the violation, and/or for such other further relief as any court of competent jurisdiction may order (p.22).”

### ***Penalties***

- Financial Penalties

Section 17 of Local Law Number 18 of 2007 provides provisions for penalties/fines for continued noncompliance and can be in the form of:

#### A. Administrative Sanctions.

1. Any person who violates the provisions of this Local Law, including any provision of any authorization issued, any condition set or fee required pursuant to this Local Law, shall be liable to the County of Ulster for a civil penalty of not more than \$3,000.00 (Three Thousand Dollars) for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil penalty may be recovered in any action brought by the County at the request and in the name of the County in any court of competent jurisdiction. Such civil penalty may be released or compromised by action of the County and any action commenced to recover the same may be settled and discontinued by the County. Any such penalty of the County shall be enforceable in an action brought in any court of competent jurisdiction. Any civil penalty or order issued by the County pursuant to the criteria set forth herein shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.

#### B. Criminal Sanctions.

1. Any person who violates the provisions of this Local Law, including any provision of any authorization issued, any condition set or fee required pursuant to this Law, shall, in addition, for the first offense, be guilty of violation punishable by a fine of not less than \$500.00 (Five Hundred Dollars) and not more than \$1,000.00 (One Thousand Dollars); for a second and each subsequent offense he/she shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000.00 (One Thousand Dollars) nor more than \$2,000.00 (Two Thousand Dollars) or a term of imprisonment of not less than 30 (thirty) days or more than 6 (six) months or both. Each violation shall be deemed a separate and

distinct offense, and in the case of continuing violation, each day in continuance thereof shall be deemed a separate and distinct offense.

#### C. Final Determination/Costs.

1. In addition to the foregoing remedies, any person who violates the provisions of this Local Law and is found guilty by a final administrative determination and/or a final adjudicated determination by a Court of competent jurisdiction shall be responsible for paying over to and reimbursing the Stormwater Management Office for all quantified costs, penalties and/or fines as may result from, or be imposed by, the Department, the EPA and/or any other enforcement agency pursuant to the Clean Water Act, the SPDES Regulatory and/or any other applicable statutory authority for such violation

#### D. Alternative Remedies

In some cases, the violator may be eligible for alternative remedies. As defined in section 19 of Local Law Number 18 of 2007, alternative remedies may apply:

Where a person has been charged with violations of this Local Law and/or when a person has been determined to have violated a provision of this Local Law, he/she may be eligible for alternative remedies in lieu of a civil and/or criminal penalty, upon written recommendation of the County Attorney and concurrence of the Stormwater Management Officer, where a written determination is made that:

1. the violation was unintentional;
2. the violator has no history of previous violations of this Local Law;
3. any environmental damage was minimal;
4. the violator acted quickly to remedy violation; and
5. the violator cooperated in investigation and resolution.

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

1. Attendance at Stormwater Management compliance workshops.
2. Storm drain stenciling and/or storm drain marking.
3. Participation in community outreach programs concerning stormwater management. In the event of non-compliance with the foregoing alternative remedies, the County reserves the right to enforce any and all provisions of this Local Law.

#### ***Emergency Measure***

In Emergency situations Section 10 of Local Law Number 18 of 2007 states that if there is imminent danger of illicit discharge "The Stormwater Management Officer may, without prior notice, suspend County-owned municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and/or substantial danger to the

environment, to the health or welfare of persons, or to the County-owned municipal separate storm sewer system. The Stormwater Management Officer 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 Stormwater Management Officer may take such steps as deemed necessary to prevent or minimize damage to the County-owned municipal separate storm sewer system or to minimize and abate any and all danger to persons.”

### ***Additional Measure***

Section 10 of Local Law Number 18 of 2007 states that if there is detection of active illicit discharge “Any person discharging to the County-owned municipal separate storm sewer system in violation of this Local Law may have their County-owned municipal separate storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The Stormwater Management Officer will notify an alleged violator in writing of the proposed termination of its County-owned municipal separate storm sewer system access and the reasons therefor. Within fifteen (15) days of the issuance of such Notice, the alleged violator may petition the Stormwater Management Officer for a reconsideration and hearing. Access to the MS4 may be granted by the Stormwater Management Officer if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access to the MS4 may be denied if the Stormwater Management Officer determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates County-owned municipal separate storm sewer system access to premises terminated pursuant to this Section, without the prior approval of the Stormwater Management Officer, or a court of competent jurisdiction.”

[The full law can be viewed here.](#)

### **3 – Tracking**

The County is required to track instances of non-compliance. When there is an issue of non-compliance it will be tracked in the SWMP plan. This tracking will include the name of the owner/operator of the facility or site of the violation, the location of the stormwater source, a description of the violation, and a schedule for returning to compliance. It will also include a detailed description of the enforcement response(s) used, accompanying documentation of enforcement responses, any referrals to different departments or agencies, and date the violation was resolved.

- ***MCM 3 – IDDE***

Within thirty (30) days of an illicit discharge, the County will document each report of an illicit discharge in the SWMP plan to include the date of the report, the location and nature of the discharge, the follow up action taken/needed (including response times), and the inspection outcomes and any enforcement taken.

- ***MCM 4 – Construction***

The County will document any reports of construction site complaints in the SWMP Plan with the date of the report, location of the construction site, nature of the complaint, follow up actions taken or needed, and inspection outcomes and any enforcement taken.

- ***Inventory of Construction Sites & Inspection Tracking***

The County has developed and will maintain an inventory of all applicable construction sites in the SWMP plan. This inventory include the location of the construction site, the owner/operator contact information (if other than the MS4 Operator), receiving waterbody name and class, receiving waterbody WI/PWL Segment ID, prioritization, construction project SPDES identification number, SWPPP approval date, inspection history (including dates and ratings), and current status of the construction site/project.

- ***MCM 5 – Post Construction***

The County has developed and will maintain an inventory for post-construction SMPs installed after March 10<sup>th</sup>, 2003. This inventory must be updated to include newly approved or discovered SMPs or after the owner/operator of the construction activity has filed the NOT.

<b>Reported by:</b>		
<b>Date:</b>	<b>County Rd#:</b>	<b>Town:</b>
<b>Time:</b>	<b>Rd Name:</b>	

**Directions to source:** Be specific enough so investigator can relocate source by following these.

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**Notes:**

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<b>Temp/Rainfall</b>	24hrs prev.	day temp(f)	rain inches
	48 hrs. prev.	day temp(f)	rain inches

**Surrounding area land use: check all that apply**

<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Residential	<input type="checkbox"/>	Commercial	<input type="checkbox"/>	Wooded
<input type="checkbox"/>	Rural	<input type="checkbox"/>	Suburban	<input type="checkbox"/>	Institutional	<input type="checkbox"/>	Open Space
<input type="checkbox"/>	Agricultural	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

**Indicator(s)**

<input type="checkbox"/>	odor	<input type="checkbox"/>	suds	<input type="checkbox"/>	debris
<input type="checkbox"/>	oil slick	<input type="checkbox"/>	turbidity	<input type="checkbox"/>	sediment
<input type="checkbox"/>	water color - specify				

**Was active discharge observed?**

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No		
<input type="checkbox"/>	trickle	<input type="checkbox"/>	moderate	<input type="checkbox"/>	heavy

**Source Description:**

**Pipe**

<input type="checkbox"/>	metal	<input type="checkbox"/>	plastic	<input type="checkbox"/>	other
<input type="checkbox"/>	single	<input type="checkbox"/>	multiple(number)		
<input type="checkbox"/>	On surface	<input type="checkbox"/>	Submerged	<input type="checkbox"/>	Size estimate:

**Ditch**

<input type="checkbox"/>	dirt	<input type="checkbox"/>	vegetation	<input type="checkbox"/>	rip rap		
<input type="checkbox"/>	cobble	<input type="checkbox"/>	gravel	<input type="checkbox"/>	concrete	<input type="checkbox"/>	paved
size estimate: (WidthxDepth)		W		D			

**Container**

<input type="checkbox"/>	drum/barrel(s)	<input type="checkbox"/>	metal	<input type="checkbox"/>	plastic
<input type="checkbox"/>	other (specify)				

<b>GATEHOUSE USE ONLY:</b>	Received:	entered to system:	Faxed to Health Dep:
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**Action taken by Health Dept.:**

<b>Date of action:</b>	<b>Result:</b>
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**Proposed Remedy:**

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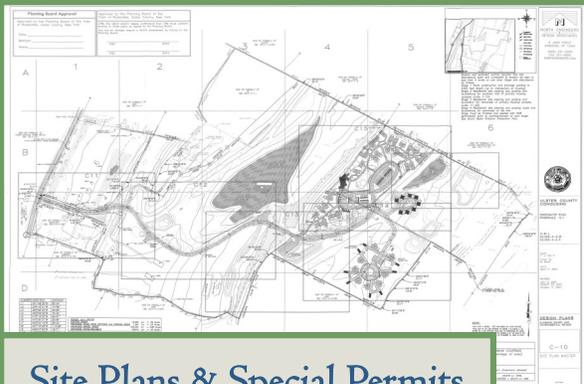
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**Date remedy information received by Highways and Bridges:**

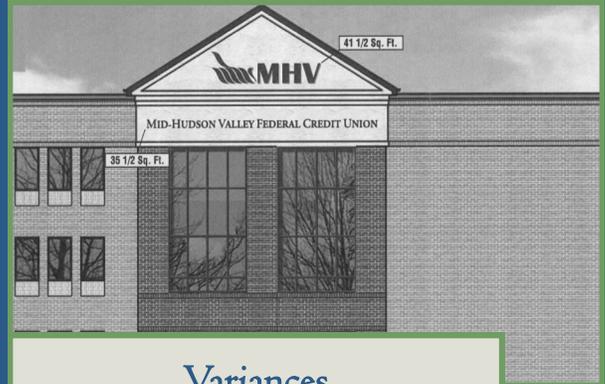
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**Appendices C1-C3:  
Construction and Post-Construction SWPPP  
Review and Referral**

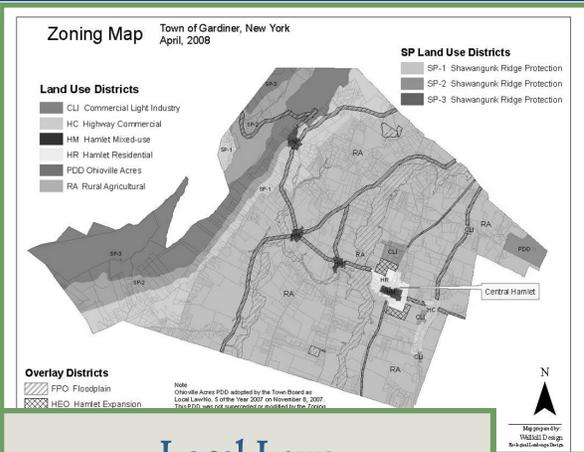
# Land Use Referral Guide



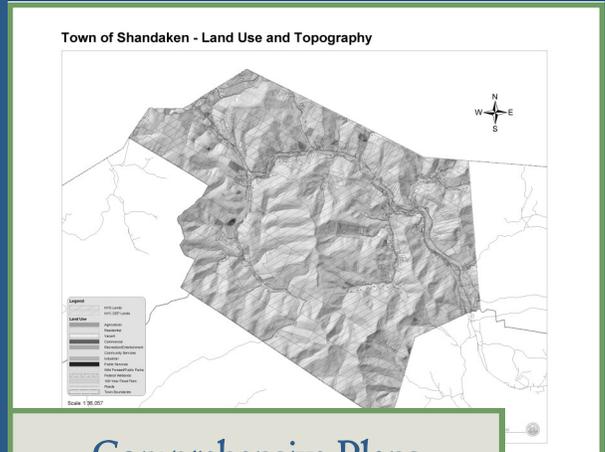
Site Plans & Special Permits



Variances



Local Laws



Comprehensive Plans

Ulster County



Planning Board

November 2008

# Acknowledgements

The Ulster County Planning Board's Referral Guide was developed by staff with the input of the Referral Guide Subcommittee and the Planning Board itself. We gratefully acknowledge all those who participated in the creation of this guide.

## **Ulster County Planning Board Staff: Guide Management Team**

Dennis Doyle - Project Director  
Robert Leibowitz, AICP - Project Manager, Author  
Jennifer Schwartz Berky - "Ulster County Comprehensive Planning: How UCPB Policies Relate to Referrals"  
Virginia Craft, Marianne Davis, Burt Samuelson - Proofreading

## **Ulster County Planning Board: Referral Guide Technical Committee**

Toni Hokanson  
Richard Praetorius  
Robert Pritchard

## **The Ulster County Planning Board**

Toni Hokanson, Chairperson, Town of New Paltz  
Elizabeth Hooper, Vice Chairperson, Village of Ellenville  
Robert Oakes, Secretary, Town of Olive  
Harry Anderson, Town of Hurley  
Melinda Beuf, Town of Gardiner  
Lisa Biggin, Town of Marlborough  
Renno Budziak, Town of Ulster  
Ruth Elwell, Village of New Paltz  
Stephen Finkle, City of Kingston  
Fred Greitzer, Town of Rosendale  
Keith Holmquist, Town of Shandaken  
Stanley Hudson, Town of Rochester

John Konior, Town of Kingston  
Dominick Martorana, Town of Lloyd  
Georgine Matichuk, Town of Wawarsing  
Todd Natale, Town of Marbletown  
Roxanne Pecora, Town of Esopus  
Richard Praetorius, Town of Saugerties  
Robert Pritchard, City of Kingston  
Mark Watkins, Town of Shawangunk  
Thomas Wilkin, Town of Plattekill  
Anita Yuran, Town of Woodstock

The Ulster County Planning Board Referral Guide was approved by the Ulster County Planning Board on November 5th, 2008.

**Photo Credits:** All Photos provided by the Ulster County Planning Board Staff

If you have any questions, comments, or concerns, please contact either:

### **Dennis Doyle, Director:**

845-340-3339  
ddoy@co.ulster.ny.us

### **Robert A. Leibowitz, AICP Principal Planner:**

845-340-3337  
rlei@co.ulster.ny.us

### **Mailing Address:**

Ulster County Planning Board  
244 Fair Street  
P.O. Box 1800  
Kingston, NY 12402

**Main Phone:** 845-340-3340

**Fax:** 845-340-3429

An electronic version of this report is available at <http://www.co.ulster.ny.us/planning>

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NYSDOT Highway Design Manual (Online)	
Ulster County Department of Highway and Bridges: Subdivision Requirements	
Ulster County Department of Highway and Bridges: Private Driveway Requirements	
New York State Realty Subdivision Laws: Article 11, Title II Public Health Law and Article 17, Title 15, Environmental Conservation Law	
Stormwater Pollution Prevention Plan Permit Requirements By Ulster County	

# Goals of this Guide

The Ulster County Planning Board (UCPB) **Land Use Referral Guide** provides information on the General Municipal Law 239 -l, -m, & -n Referral Process that governs reviews by UCPB. This guide contains policies and procedures that should be utilized at the earliest stages of the land use approval process.

The Guide is designed to meet three goals:

- To inform municipalities, applicants, and others of the UCPB's administrative procedures regarding areas of jurisdiction of the UCPB, the manner in which a proposed action is to be referred, and the interaction of the UCPB with applicants and the public.
- To lay out in a concise fashion the policies, standards, guides and criteria used by the UCPB in conducting mandated review of various local land use actions as provided for in state law and the Ulster County Charter.
- To promote sound planning practices that improve the quality of life for residents, protect the environment, and attract businesses and visitors to Ulster County.

# Referral Process Basics:

## Why and What Actions Must Be Referred

### **Actions Subject to Referral**

The establishment of the UCPB and its authority to review land use actions is found in the recently adopted County Charter, Ulster County Code (UCC) §C-51.

As of January 1, 2009, UCC §C-51 grants the UCPB authority to review land use actions as enumerated under Article 12-B of New York State General Municipal Law (GML). This authority now includes review of subdivisions, per GML 239-n, which were not previously subject to referral. In addition the UCC §C-51 gives the UCPB "...the authority to review, with the right to render advisory reports only, other land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B." This extends the UCPB review authority beyond the 500-foot jurisdiction found in GML 239 -m and -n to all locations within Ulster County. In response, the UCPB has developed a two-tiered approach for referrals based on project location either within or outside the 500 foot jurisdiction.

The key sections of Article 12-B of New York State GML cited by the Ulster County Charter that pertain to the referral process are 239 -l, -m, & -n. These sections provide for actions and materials that must be submitted, time frames for review, and the consideration and response of the UCPB. Table 2 provides a summary of the actions subject to referral and the types of response that may be rendered by the UCPB.

### **Referral Review Considerations**

General Municipal Law 239-l "...authorizes the County Planning Board to review proposed actions for inter-community or county-wide considerations..." These considerations are outlined in Table 1 below.

**Table 1: Review Considerations**

- Compatibility of various land uses with one another
- Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities
- Impact of proposed land uses on existing and proposed county or state institutional or other uses
- Protection of community character as regards to predominant land uses, population density and relation between residential and non-residential areas
- Community appearance
- Drainage
- Community facilities
- Official development policies, municipal and county, as may be expressed through their comprehensive plans, capital programs or regulatory measures
- Such other matters as may relate to the public convenience, to governmental efficiency and to the achieving and maintaining of a satisfactory community environment

**Table 2: Summary of UCPB Land Use Referral Authority**

Actions Subject to Referral	In accordance to NYS General Municipal Law Sections 239-m and –n and In accordance to Ulster County Charter Section C-51 A.	In accordance to Ulster County Charter Section C-51 B.
<p><b>Municipal Comprehensive Plans</b></p> <p><b>Zoning Code or Map Enactment or Amendments</b></p> <p><b>Site Plan Review</b></p> <p><b>Subdivisions</b></p> <p><b>Special Permits</b></p> <p><b>Area Variances</b></p> <p><b>Use Variances</b></p> <p><b>Other Special Authorizations</b></p>	<p><b><u>The UCPB has the authority to render the following recommendations:</u></b></p> <ul style="list-style-type: none"> <li>• No County Impact</li> <li>• Approve</li> <li>• Required Modifications</li> <li>• Disapprove</li> </ul> <p><b><u>Within Five Hundred Feet of:</u></b></p> <ul style="list-style-type: none"> <li>• Village, City, Town boundary*</li> <li>• Boundary of county or state park or other recreation area*</li> <li>• Right-of-Way of county or state road*</li> <li>• Right-of-Way of stream or drainage channel owned by the County or within established channel lines;</li> <li>• Boundary of county or state owned land on which public buildings or institutions reside*</li> <li>• Boundary of a farm operation located in an Agricultural District per Article 25 -AA of Ag and Markets Law</li> </ul> <p><i>*Existing or Proposed</i></p>	<p><b><u>The UCPB has the authority to render the following recommendations:</u></b></p> <p>Advisory Opinions Only</p> <p><b><u>Outside Five Hundred Feet of GML Designated Boundaries:</u></b></p> <p>Same as for GML 239-m and –n</p>

**Referral Exceptions for Land Use Actions Deemed Not to Have a County-Wide Impact by the UCPB**

General Municipal Law allows the UCPB to enter into agreements with municipalities to exempt certain actions from the referral process. Currently, the UCPB has existing agreements that exempt residential side-yard and rear-yard set back area variances as well as front-yard residential fence height area variances from being referred.

After review of its referral recommendations over the last 5 years the UCPB has concluded that additional local zoning actions are not likely to have a county-wide impact and should also be exempt from review. **Table 3** is a Referral Submittal Reference Matrix of actions that the UCPB has deemed not required to be referred.

To utilize Table 3 a community **must** enter into an agreement with the UCPB to do so. A sample resolution and agreement can be found in the appendices of this guide.

<b>Table 3: Referral Submittal Reference Matrix</b>	
<b>Type of Referral</b>	<b>Referral Requirements</b>
<b>Site Plans and Special Permits</b>	<b>Within 500 Feet Referral Required - Except For:</b>
	Re-occupancy or reuse of existing structures meet one or both of the following conditions:
	~ An increase in parking spaces is not required by local statute and channelized access to state or county road exists or is proposed
	~ New site lighting, if proposed utilizes full cut off luminaires and does not exceed IESNA lighting levels
	Erection of signs that meet zoning requirements
	Accessory apartments
	<b>Outside 500 Feet Referral Required - Only For:</b>
	Buildings with gross floor area > = 4,000 square feet
	Projects With land disturbance > = 1 acre
	Adult uses
	Mining operations
	Structures greater than 100' in height
	SEQRA Type 1 actions
Structures located within the 100-year Flood Plain	
<b>Area Variances</b>	<b>Within 500' Referral Required - Except For:</b>
	Residential rear yard
	Residential side yard
	Residential fence height - not in front yard
	Residential minimum lot size - If central water or sewer is available
<b>Outside 500 Feet Referral Not Required.</b>	
<b>Use Variances</b>	<b>Within 500 Feet Referral Required - Only For:</b>
	Physical expansions of existing structures/utilities/facilities and/or new uses established on vacant sites.
<b>Outside 500 Feet Referral Not Required.</b>	
<b>Subdivisions</b>	<b>Within 500 Feet Referral Required - Except For:</b>
	Total number of lots created less than 5 and no lots located in the 100-year floodplain.
<b>Outside 500 Feet Referral Required - Only For:</b>	
SEQRA Type 1 actions or where land disturbance is greater than 5 acres and/or lots located in the 100-year floodplain.	
<b>Adoptions and/or Amendments to:</b>	<b>All are required.</b>
• Zoning Statutes, Zoning Maps,	
• Comprehensive Plans,	
• Moratoriums	
• Other Land Use Related Authorizations	

The following are further explanations of the referral matrix in Table 3:

### Site Plans and Special Permits Within 500'

**Internal Modifications:** Site plans and special permits for applications for re-occupancies or reuses of existing structures are in many instances "internal modifications" to the structure with little to no external changes. These actions do not rise to the level of "county-wide impact." Referral is **required** in instances where the above meets any of the following conditions:

- **Increase in parking spaces** is required by local statute
- **Un-channelized access** to the existing structure is to remain
- **New lighting is proposed** that is not glare shielded and has not been developed in accordance with Illuminating Engineering Society of North America's lighting standards.

**Signage:** The UPCB reviews site plans and special permits for signage. As long as a proposed sign meets the standards of the local statute, then it does not rise to the level of "county-wide impact".

### Site Plans and Special Permits Outside 500'

**Only Projects having the following characteristics are required to be referred:**

- Buildings with a gross floor area greater than or equal to 4,000 square feet. In other words, those that exceed a Type II action under SEQRA in terms of gross square footage.
- Land disturbance greater than or equal to one acre
- Adult Uses
- Mining Operations
- Structures greater than or equal to 100 feet in height
- SEQRA Type I Actions
- Structures located within the 100-year floodplain

### Area Variances Within 500'

**Residential Rear Yard and Side Yard:** Do not rise to the level of county-wide impact and are not required to be referred.

- **Residential Fence Height:** Fences in front yards are **required** to be reviewed. However, variances in the side and/or rear of residential lots **do not** rise to the level of county-wide impact and do not require referral.
- **Residential Minimum Lot Size:** In cases where residential lots have either central water or central sewer available to them, this type of variance does not rise to the level of County-wide impact and is excepted from the referral process.

### Use Variances Within 500'

As long as a use variance **does not** involve the physical expansion of an existing structure and/or its associated facilities and utilities, it does not rise to the level of county-wide impact and is therefore excepted from the referral process.

### Subdivisions Within 500'

Subdivision activities involving five or less lots (non-realty subdivisions) and with no lots located in the 100-year floodplain do not constitute a county-wide impact and are excepted from the referral process

### Subdivisions Outside 500'

Only subdivision activities that are Type 1 actions under SEQRA or where land disturbance is greater than five acres, or where the subdivision activity contains located within the 100-year floodplain are required to be referred.

# Referral Process Basics:

## Administrative Procedures and Policies

### Pre-Referral Submittal Meeting

Communities are encouraged to direct applicants to contact the UCPB staff and participate in a pre-referral meeting as early as possible in a project's planning stages. The staff will coordinate these meetings with the referring agency as well as other involved or interested agencies at the county level including Public Works and/or the Health Department. We also can coordinate with NYSDOT and other state agencies where necessary or requested.

Areas where assistance can be offered include:

- Review concept plans for particular sites
- Identify potential issues and solutions/mediations
- Technical assistance with local laws, plans, and comprehensive plans
- Technical assistance with NYS laws and processes
- Technical assistance with GIS mapping

These meetings will provide a better understanding for all parties of the responsibilities and policies of the reviewing agencies, allow the applicant the opportunity to explain a project's design philosophy, site restrictions, alternatives considered and other issues associated with the proposal. It is never too soon for these initial discussions and staff will meet with applicants numerous times as requested.

### Referral Submittal Procedures, Deadlines, and Time Frames

#### Submitting a Referral

**Local Board Responsibilities:** Referrals must be reviewed by the local board responsible for the action's approval prior to submittal. The referring body should by formal action determine the completeness of an application. **A signature by the Chairperson of the referring body certifying that a formal action of completeness is required .**

The UCPB cautions against a policy of having the referring board's secretary, zoning enforcement officer, or attorney submit applications without prior local board review. See GML "full statement" requirements below.

Applicants **are not permitted** to make direct referrals to the Board; they must come from the referring body. Supplemental material may be submitted to the UCPB providing the same material will or has been submitted to the referring body, and it has been informed that the UCPB has been sent materials.

Submittals must be accompanied by the proper UCPB form and paper copies of all materials that meet the "full statement requirements" must be included. Digital copies of materials should also be submitted if available.

Referrals **must** be submitted by mail or hand delivered by the board responsible for approving the action. Fax and email submittals are only permitted **with prior approval of the referral officer** and are limited to supplementary information/amendments to the original referral.

## Full Statement Requirements

GML requires that the UCPB receive a “full statement” of the action being referred. The Board has developed a checklist to guide local boards on the materials that should be included based on the type of approval being requested (see appendix). The UCPB is entitled to **all** of the material submitted to the referring body required in its local statute. Full statements, by their nature, require deliberation and a decision on completeness by the referring body prior to referral. All materials requested, used, or developed by the referring body to make its determination under SEQRA are required to be submitted and an environmental assessment form (EAF) must be submitted. Where a DEIS is required referrals should include it.

## Deadlines for Submittal

In accordance with General Municipal Law 239-m,1(d) the UCPB will require receipt (date of delivery) of referral materials **12 calendar days** prior to its monthly meeting in order for a referral to be placed on its agenda. The Board is also requesting that it be permitted additional time to review certain actions. (See Table 4).

These deadlines represent the minimum submittal requirements. NYS law also sets deadlines for submittals that may differ from these minimums that are dependent on local actions, i.e., site plans and special permits must be submitted to a county planning board 10 days prior to any public hearing on the application.

Requests for waivers from the deadlines may be made, but are at the discretion of the referral officer.

## UCPB Response Timeframe

Once a referral has been received and deemed to constitute a “full statement” by the referral officer, the UCPB has thirty (30) calendar days to issue its recommendations. Should the UCPB not respond within 30 days, the referring body may take final action. A UCPB response received 2 days or more prior to the referring board taking its final action is considered to have met 30 day requirement under GML. Local approvals should only be taken after 30 days of submittal if no response has been received from the UCPB. Actions taken in advance of 30 days have been deemed by the courts to be null and void. Furthermore, failing to consider the recommendation of the UCPB in the decision by the referring body may also render a decision null and void.

<b>Days Receipt Before UCPB Meeting</b>	<b>Type of Action</b>
<b>12 Calendar Days (Required)</b>	<ul style="list-style-type: none"><li>• All Variances</li><li>• Site Plan Review</li></ul>
<b>30 Calendar Days (Requested)</b>	<ul style="list-style-type: none"><li>• Comprehensive Plans</li><li>• Zoning Statute and Map Amendments</li></ul>

## Final Action Reports

**The referring body has 30 days to issue a final action report to UCPB.** Actions contrary to a county planning board's recommendation for approval, required modification or disapproval shall state the reasons for such contrary action. Such contrary final actions require a majority plus one vote of all members of a local board.

## The Referral Submittal Form

The referral submittal form must be used for all submittals. A full size copy of the form is available in the appendices. A PDF version of this form that allows you to type in information directly is available online at <http://www.co.ulster.ny.us/planning>.

**Ulster County Planning Board**  
General Municipal Law 239 M-N Referral Submittal Form

*Please Fill Out All Sections - Type or Print Only*

Municipality:   
 Referring Board:   
 Referring Official:   
 Phone Number:   
 Local File #:   
 Applicant Name:   
 Project Name:

Type of Referral (Check All That Apply)  
 239-M:  Site Plan Review  
 Special Permit  
 Area Variance  
 Use Variance  
 Amend Zoning Statute  
 Amend Zoning Map  
 Comprehensive Plan  
 Other Special Authorizations  
 239-N:  Subdivision

SEQRA Determination  
 Type I Action  
 Type II Action  
 Unlisted Action

GML/Ulster County Charter Referral Criteria: (Choose One)  
 **Within 500 feet of:** County Road or State Road, City, Village, or Town Boundary, County or State Park or Other Recreation Area, Stream or Drainage Channel Owned or Established Channel Line by County, County or State Owned Land with public building or institution Located on it, or Boundary of Parcel with a farm operation  
 **Greater than 500 feet of:** Any of the Above Listed Conditions

Parcel(s) Information  

Section	Block	Lot
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

 Number of Lots:   
 Project Acreage:   
 Zoning District(s) of Project:   
 Parcel Utilities:  
 Central Water  
 Private Water  
 Central Sewer  
 Individual Septic

Location of Project: (Address or Nearest Intersection)  
  
 Project Description: (Please Be As Specific as Possible)

Referring Official - Signature - Certification of Application's Completeness:

UCPB Staff Use Only  
 Received Stamp:   
 Referral #:   
 Agenda Date:   
 Major Project?

Return Form to:  
 Referral Officer  
 Ulster County Planning Board  
 P.O. Box 1800  
 Kingston, NY 12402  
 Mail or Hand Delivery Only Please!  
 Questions? - Call 845-340-3340

One of these two options must be selected.

Please be as specific as possible. For example, indicate the type of proposed or existing use. Also, indicate the gross floor area to be constructed or the amount of a

If more than two parcels are included, note them in the project description

Total acreage to be disturbed

Choose the two that apply.

Application will not be accepted without signature of the local referring official, typically the chairperson.

# Referral Process Basics:

## UCPB Recommendations and Local Approving Board Requirements

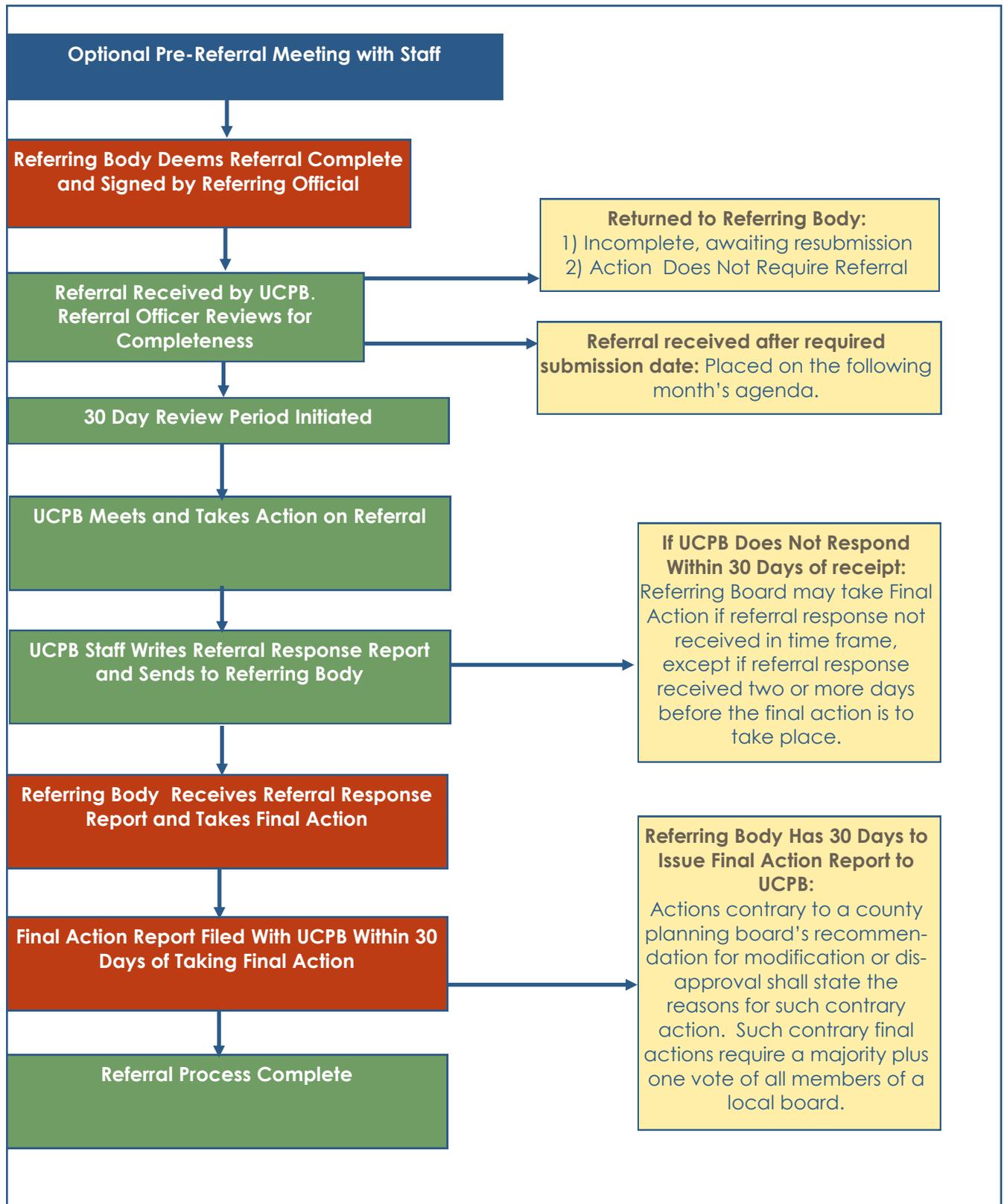
Table 5 summarizes the types of recommendations issued by the UCPB and their impacts.

**Table 5: Recommendations of the Ulster County Planning Board**

Recommendation	Explanation	Vote Impact on Referring Body
<b>No County Impact</b>	The matter is primarily of local concern and involves no countywide or inter-municipal issues or concerns.	<b>None</b> —Simple Majority Vote
<b>Advisory Comments (Within 500ft)</b>	County-wide concerns are not raised. Comments are provided for guidance and technical assistance.	<b>None</b> —Simple Majority Vote
<b>Advisory Comments (Outside 500ft.)</b>	The UCPB can only make advisory comments on these referrals. Comments will reflect the UCPB's concerns and recommendations.	<b>None</b> —Simple Majority Vote
<b>Approve</b>	The matter is consistent with all the goals and objectives of the County Land Use Plan and provides a clear betterment for the community.	<b>None—Simple Majority Vote</b> is required to approve this recommendation.
		A <b>Majority Plus One</b> is required should the referring board take an action <b>contrary</b> to this recommendation.
<b>Required Modifications</b>	The matter contains some significant aspects that are in conflict with County Planning Board policy, County land use plans, state enabling legislation, or local plans. These aspects can be addressed by imposing certain conditions or by altering the proposal.	<b>None—Simple Majority Vote</b> is required to approve this recommendation if the <i>modifications are followed</i> .
		A <b>Majority Plus One</b> is required if the referring board seeks to approve without following the modifications.
<b>Disapprove</b>	The matter will have a significant countywide or inter-community impact and is in direct conflict with the goals and policies of the Board, the local comprehensive plan, or sound planning principals.	<b>None—Simple Majority Vote</b> is required to approve this recommendation if <i>followed</i> .
		A <b>Majority Plus One</b> is required should the referring board take an action <b>contrary</b> to this recommendation.
<b>Incomplete</b>	Local Boards must submit "full statement" materials. No action may be taken. This response is reserved for submittals that do not contain the necessary "full statement" materials.	Sent back and await re-referral.

# Referral Process Basics:

## Referral Process Flowchart



# Meeting Policies and Procedures

## The UCPB's Monthly Meeting

### Time, Date, and Location

The UCPB meets the first Wednesday of every month at 7:30 PM in the Surrogate's Court, located on the third floor of the Ulster County Office Building located at 244 Fair Street in Kingston unless otherwise noted. Refer to our website <http://www.co.ulster.ny.us/planning>.

### The Agenda

The agenda usually consists of 9 areas as follows:

- **Roll Call**
- **Previous Minutes**, approval
- **Financial Report**: An update on the budget
- **Public Comment**: This is the opportunity for members of the public to comment on topics of County-wide planning concern. The public is welcome to offer comment with an amount of time set at the discretion of the UCPB chairperson. Sign-in as a guest is requested.
- **Community Reports**: Opportunity for the members of the UCPB to offer reports from their individual municipalities.
- **Communications**: Materials received by the UCPB staff that need to be brought to the attention of the Board or the municipalities they represent. These typically consist of, but are not limited to, grant opportunities and award announcements, educational opportunities, and SEQRA actions.
- **Old Business**: Previous business of the UCPB is reported and discussed.
- **New Business**: New business of the UCPB is reported and discussed.
- **Environmental Notice Bulletins**: Staff compiles a report of notices which is made available at the night of the meeting.
- **Referrals**: This is the exercise of the UCPB's project review responsibilities under the GML and the Ulster County Charter. A final agenda of specific referrals is made available to the Board at the meeting. **Applicants may address the Board and respond to questions.** Time limits are at the Chair's discretion.
- **Adjournment**

### ULSTER COUNTY PLANNING BOARD

#### Agenda - August 6, 2008

The Ulster County Planning Board Meeting  
7:30 p.m. - Surrogate Courtroom, 3<sup>rd</sup> Floor  
County Office Building

#### The Referral Guide Committee Will Meet at 6:30 PM

Mr. Pritchard, Ms. Hokanson, Mr. Praetorius - Everyone is welcome to attend!

Please contact your alternate as soon as you know you won't be attending a meeting

1. ROLL CALL
2. PREVIOUS MINUTES
3. FINANCIAL REPORT

Account	Budgeted	Expended	Balance
Payroll	\$ 511,344	\$ 272,128	\$ 239,256
Office Equipment	\$ 1,660	\$ 537	\$ 1,123
Supplies, Travel Exp. & Fees for Professional Svc.	\$ 1,178,591	\$ 415,090	\$ 763,501
<b>Totals</b>	<b>\$1,691,595</b>	<b>\$ 687,755</b>	<b>\$1,003,880</b>

#### Revenue Report - 2008

Account	Total Actuals
Transportation	\$ 137,645
Planning	\$ 35

4. PUBLIC COMMENT
5. COMMUNITY REPORT
6. COMMUNICATIONS

- a. NYS Assembly - An Act to amend Ag & Markets Law in relation to providing state assistance payments to not-for-profit conservation organizations.
- b. Recusal & Abstention From Voting - published by NYS Bar Association (f)
- c. Town of Wawarsing Planning Board - Mahamudra Buddhist Hermitage - SEQRA findings
- d. DEIS for Sailor's Cove on the Hudson Received - 76 acres - located north of Delaware Ave and Willow St (200 North Street) Mixed use residential, office, retail, and restaurant with public access to waterfront and on-site recreational amenities
- e. NYS DOT - Re: HWP Application Crossroads at New Paltz - request for information/documentation
- f. NYS Dept of Environmental Conservation - Div of Water - concurs with Reconnaissance Study recommendation that the study proceed into feasibility stage - Rondout Creek & Walkkill River Watersheds and Esopus Creek Watershed. (f)
- g. Rosendale - Lead Agency Designation - Wild Rose Subdivision - 22 lot subdivision on Bruceville Road 80 acres in the "A" Zoning District. - 21 single family homes and one existing/remaining commercial structure.
- h. City of Kingston - Lead Agency Designation - CVS Pharmacy - 416 Washington Avenue - Demolish Existing and Construct 12,900 SF retail pharmacy.
- i. Alexander Grannis, Commissioner - NYSDEC - Commissioner's Determination for Lead Agency for proposed Hudson River Valley Resort, Town of Rosendale (a/k/a: William's Lake, Canopy Development) - Designation of NYSDEC through its Region 3 office is most appropriate lead agency. (f)

#### 7. OLD BUSINESS

- a. 2009 Budget (f)
- b. Ulster Tomorrow Public Information Meetings (m)

#### 8. NEW BUSINESS

- a. Environmental Notice Bulletin - See Separate Agenda
- b. Zoning Referrals - See Separate Zoning Agenda

#### 9. ADJOURNMENT

KEY: (f) = handout will be in folder at meeting  
(m) = handout included in the mailing

# Ulster County Comprehensive Planning

## How UCPB Policies Relate to Referrals

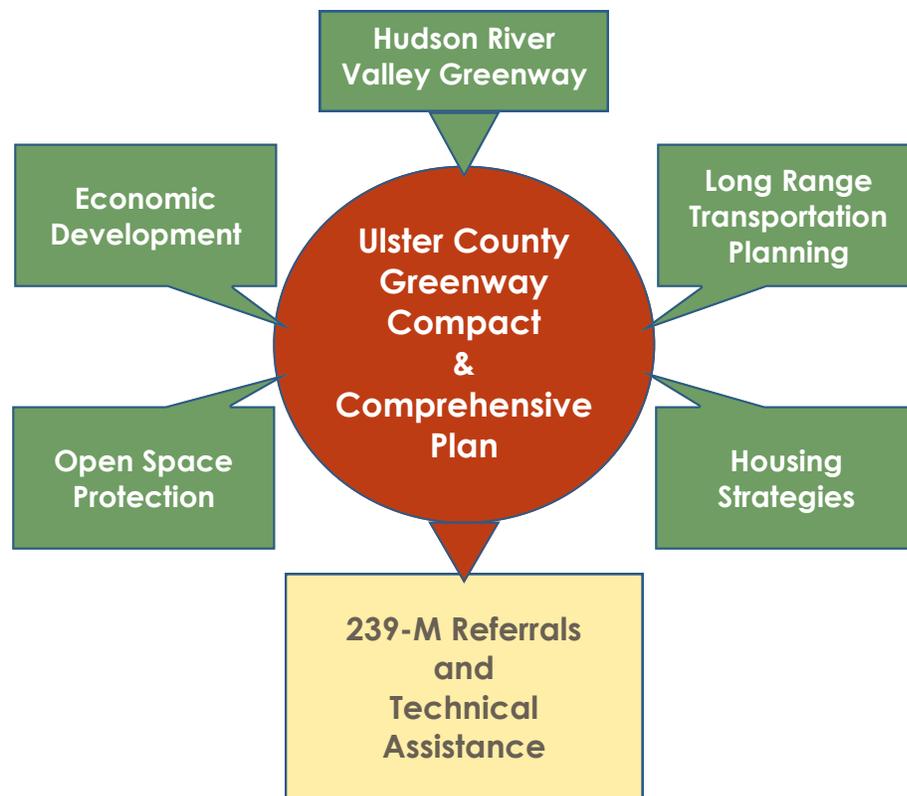
The UCPB comprehensive planning efforts have resulted in the creation and adoption of plans that address housing, economic development, agriculture, open space, transportation, etc. The plans contain policies, goals and objectives that the UCPB utilizes in the referral process.

Recent plans include:

- Ulster County Long Range Transportation Plan (adopted by UC Transportation Council in September 2005),
- Ulster County Housing Strategies Report (adopted by UC Legislature in July 2008),
- Ulster County Open Space Plan (adopted by UC Legislature in December 2007),
- Ulster Tomorrow Sustainable Economic Development Plan, and
- UCPB's current initiative to integrate all these plans into a comprehensive plan and Greenway Compact for the county.

Consistency with these planning documents and the policies they contain often form the basis of UCPB recommendations. The general principles of these plans as they relate to municipal referrals are in the "Policy Guides" in the pages that follow.

The diagram below shows the major components of UCPB's planning and programmatic work, which establishes county policies, informs the referrals process, and provides a basis for technical assistance to communities and UCPB's work with county departments, legislators and programs. Details on each of these planning areas and documents for download are available at the Ulster County Planning website: [www.co.ulster.ny.us/planning](http://www.co.ulster.ny.us/planning).

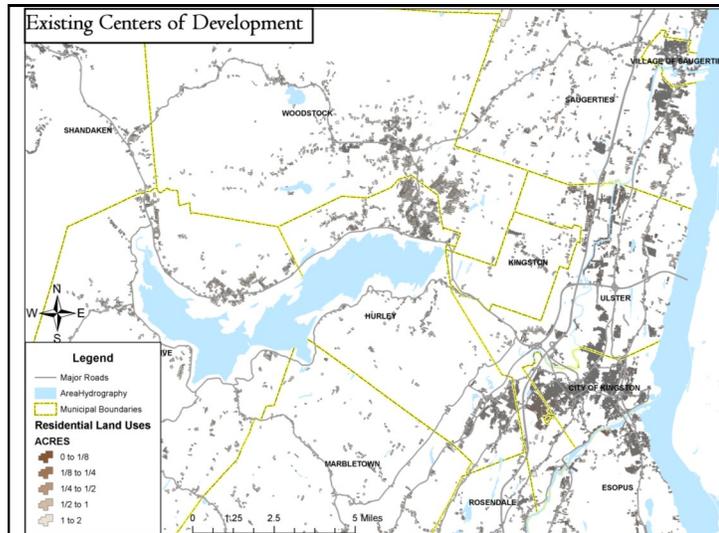


# Policy Guides

## Guidance for UCPB Referral Recommendations

### Guide #1: Concentrate development in and around existing centers

- Create a pattern of development that is sustainable and reduces sprawl by establishing priority areas for growth.
- Provide for appropriate density and uses to reduce the financial costs and environmental impacts associated with expansion of infrastructure (roads, water, sewer, etc.) and take advantage of public investment in this infrastructure.
- Create additional opportunities for residences and commercial development through adaptive re-uses, infill development, and mixed use.
- Develop corridors at depth rather than along their length and maintain a sense of transition from forest, farm, field, hamlet, village, city to create a sense of arrival.
- Move development toward the street and provide appropriate height allowances.
- Reduce the number of persons requiring automobile commutes and increase the opportunities for transit and other alternative transportation methods.



### Guide #2: Foster protection and preservation of the County's environmental resources

- Ensure that development does not impact public drinking water supplies, and protect the quality of ground water and surface water.
- Preserve existing farms and encourage new farming activities through use of cluster development, and purchase of development rights.
- Encourage the formation and continuation of state certified Agricultural Districts, and local land use controls that provide value added non-farm uses with agricultural operations consistent with community goals.
- Ensure that development does not disrupt the county's drainage systems, both natural and man made.
- Avoid or minimize disturbance of wetlands and the impacts of development upon them and encourage communities to address the gaps in federal and state wetland regulations through local controls.
- Restrict development in floodplains to appropriate uses and ensure that all development meets or exceeds the National Floodplain Protection Act requirements.
- Preserve and enhance open space, park systems and neighborhood recreation by developing and maintaining a regional trails network, providing public access along all of the county's waterways, and including considerations and connections to these in development decisions.
- Protect sensitive environmental areas such as habitats, aquifers, and stream corridors.
- Protect important vistas by minimizing the visual impacts associated with development. Including such uses as cellular telecommunication facilities, and consideration of lighting and landscaping,
- Regulate clearing and grading.

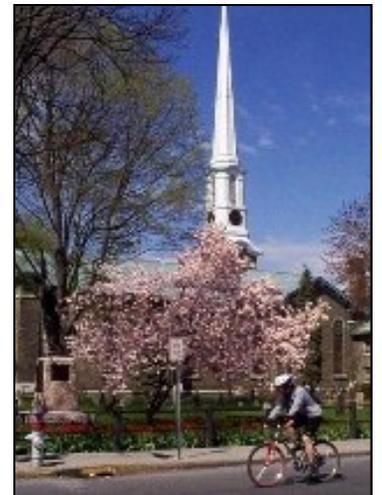


### **Guide #3: Provide for a safe, efficient, and diverse transportation system consistent with the Ulster County Transportation Council's Long Range Transportation Plan**

- Ensure the safe movement of vehicles on the regional road network and provide for connections between modes of transportation.
- Improve traffic safety and preserve road capacity by reducing the number of curb cuts, spacing driveways adequately, combining access points, connecting developments, restricting turning movements, and establishing mitigation measures that exceed those acceptable statewide.
- Avoid placement of curb cuts near intersections and remove existing curb cuts near intersections, when possible.



- Create interconnections via cross access easements and reverse frontage roads wherever possible to reduce the amount of traffic and turning movements on major roadways. Include pedestrian interconnection as well.
- Avoid the use of cul de sacs and where possible require interconnections to adjoining properties, subdivisions, etc.
- Where signalized intersections are needed to serve a private development require a site layout that allows for interconnections to regional or local systems as a condition for signalized access.
- Channelize, curb and pave driveway access to reduce conflicts, improve way finding, and avoid unsafe backing movements.
- Coordinate with local and regional highway agencies to conform to their standards.
- Design access drives so that stacking and queuing occurs on the site and reactions times for entering vehicles are adequate.
- Where appropriate, and especially in neighborhoods and sensitive uses such as schools, utilize traffic calming techniques to slow traffic to speeds that accommodate pedestrians and improve safety.
- Develop master sidewalk plans and sidewalk standards at the local level and require commercial and residential development to link into it.
- Require sidewalks or paths for all residential lot size is less than 1 acre.
- Provide for bike racks and bike storage opportunities.
- Provide transit shelters and pull-offs.
- Require adequate turning radii for transit and delivery vehicles.



- Connect development to open spaces with trails and walkways.

### **Guide #4: Preserve and protect the County's cultural and historical resources by considering these resources when making land use decisions**

- Encourage the use of design guidelines generally, and specifically for historic districts.
- Recognize the role SHPO plays in the land use approval process and coordinate recommendations to ensure their participation.
- Encourage the use of gateway zoning and other land use tools

as it relates to cultural and historic areas.

- Encourage the formation of historic review commissions advisory to local planning boards.

### **Guide #5: Development should be designed to fit the character of the surrounding area with the natural topography and other features of the landscape**

- Minimize clearing and grading and use of fill. Structures should fit in with the topography and locations on ridge tops and steep hillsides should be avoided,
- Minimize removal of existing landscaping and vegetation, and preserve significant trees in context with individual species and local importance,
- Neighborhoods should be created and linked and isolated subdivisions should be avoided,
- Cluster and/or conservation subdivisions should be encouraged and mandated where sensitive natural resources are present or community goals are in effect.
- Amenities such as sidewalks, street trees, trails, and parklands should be integrated into new development as appropriate to the setting and needs of the community.
- Areas of transition or buffers (walls, fencing, combined with landscaping) should be established between commercial and non-commercial uses and between differing intensities of residential development,
- Signage restrictions should be appropriate to the place,
- Design guidelines should be established along major corridors, main streets, and for major developments



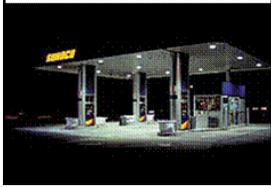
### **Guide #6: Housing opportunities for all should be provided, including workforce “affordable” housing**

- Require new residential development to set aside a portion of the proposed units as affordable and these should be integrated into the fabric of the developments (inclusionary zoning).
- Permit accessory housing units in all districts where single family units are permitted.
- Give multifamily housing special consideration with greater ranges of choice where permitted, appropriate density allowances, predictable approval process, and well articulated design guidelines.
- Require communities to meet their fair share housing needs.



### **Guide #7: Site development should follow well established planning principles**

- Landscaping should use native species where appropriate and be designed to accomplish multiple objectives of screening, shade, edge definition, and aesthetics.
- Drainage structures and designs should not only conform with water quality mandates but also add value and aesthetics to the site,
- Structure placement should define edges and compliment both internal and external land uses.
- Design guidelines should be put in place to address not only the context of the built environment but also a site's natural environment.



- Lighting should be in conformance with IESNA standards and utilize full cut-off luminaires.
- Sustainable building materials should be utilized and energy efficiency should be part of the details.

**Guide #8 Variances should be granted in accordance with the criteria established through state enabling legislation and through judicial decisions.**

- Area variances should be limited to the minimum variance necessary.
- Use variances must meet the significant economic hardship test.

Ulster County



Planning Board

November 2008

# Ulster County Municipal Separate Storm Sewer Systems (MS4)

## Ulster County Construction Projects

### STATEMENT OF POLICY

The term **MS4** includes both municipal and other publically owned systems of underground pipes, and also systems of streets and roads with drainage, catch basins, curbs, gutters, ditches, man-made channels or storm drains. An **MS4** may be a city, town, village, county, or state system, or one serving a large publicly-owned complex such as a military base, hospital, school or prison

The County of Ulster, in accordance with federal and state requirements as a Phase II participant in the MS4 program, has adopted the following Statement of Policy to implement a pre and post construction site plan approval and inspection program on construction projects that it undertakes or authorizes to occur on lands that it owns. The policy covers construction projects where land disturbance of one acre or more will occur or where federal and state stormwater requirements are otherwise applicable. For each applicable construction project Ulster County will require the following:

#### Stormwater Pollution Prevention Plan (SWPPP)

Preparation of a SWPPP that contains the elements described in SPDES Permit No. GP-0-10-001 and Permit No. GP-0-10-002 or subsequent permits. Where necessary the SWPPP will indicate if it contains an Erosion and Sediment Control Plan, Water Quality and Quantity Control, or both.

#### Review Procedure

All SWPPPs will be submitted to the Ulster County Stormwater Management Specialist (SWMS). The SWMS will review the plans and inspect the county-owned construction projects for compliance. SWMS's approval is required prior to the submission of the Notice of Intent (NOI) to the NYS DEC.



stormwater detention on Golden Hill

#### MS4 SWPPP Acceptance

For construction projects located in a regulated, traditional land use control MS4, the SWPPP has to be reviewed and accepted by the MS4 prior to submitting the NOI to the NYS DEC.

#### Notice of Intent (NOI)

After the approval of the SWPPP by the SWMS and the MS4, if applicable, *(continued pg.2)*

#### TABLE OF CONTENTS

Contractors Certification 2

Permit Coverage 3

Repaving and Reconstruction of Parking Lots 3

Proper Operation and Maintenance 3

References 4

Contact Information 4

### APPLICABLE LAWS & REGULATIONS

In New York State, Article 17, Titles 7, 8 and Article 70 of the Environmental Conservation Law regulate stormwater discharge activities. State Pollutant Discharge Elimination System (SPDES) permits are issued by the New York State Department of Environmental Conser-

vation (NYS DEC) under these statutes. DEC has issued the following two general SPDES permits regulating the discharge of stormwater:

Permit No. GP-0-10-001: SPDES General Permit For Stormwater Discharges From Construction Activity

Permit No. GP-0-10-002: SPDES General Permit for Stormwater Discharges From Municipal Separate Stormwater Sewer Systems (MS4s).

These permits require that every construction site with 1 (one) acre or more of land disturbance have a *(continued pg.2)*

## STATEMENT OF POLICY (continued)

a NOI and certification will be filed with the NYSDEC. The NOI will identify the individual that has reviewed the SWPPP. Submittal of the NOI is an affirmation by Ulster County that a SWPPP has been prepared for the site.

### Site Inspection

Prior to commencement of construction the SWMS will conduct an assessment of the site and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented. Following the

commencement of construction, site inspections will be conducted at least every 7 calendar days or as required by SPDES permit in effect.

### Contractor Certification

Where identified contractors or subcontractors are on-site, Ulster County will require at least one employee on site to have received four (4) hours of training, endorsed by NYS DEC, from a Soil and Water Conservation District, CPESC, Inc. or other NYS DEC endorsed entity in proper erosion and sediment control principals in the last three (3) years.

### Notice of Termination (NOT)

Where the site has been finally stabilized, Ulster County will submit a NOT form prescribed by the NYSDEC for use of Permit No. GP-0-10-001 and subsequent permits.

### Signatory Requirements

NOIs and NOTs will be signed by either a principal executive officer or ranking elected official of Ulster County

SWPPPs and all reports required by the permit and other information requested by NYSDEC will be signed by the SWMS

**Ulster County has a Stormwater Management Specialist (SWMS) with the required expertise and certifications to perform site inspections and review SWPPs**

## CONTRACTORS CERTIFICATION

The following certification will be required from contractors as part of all Ulster County contracts for construction projects that meet the threshold criteria of the applicable SPDES Permits:

“In accordance with EPA regulations as a Small Municipal Separate Storm Sewer System (MS4) area; Ulster County con-

struction projects must comply with the federally mandated EPA Regulation 40 CFR 122.34 and the State Pollutant Discharge Elimination System General Permits (SPDES) for stormwater discharges for construction activities. The successful bidder certifies to Ulster County that its operators and construction site personnel have the certified training in accept-

able standards and practices for controlling construction site stormwater and managing post-construction stormwater. The successful bidder also certifies that they will be responsible for any waste generated from the construction project that would have adverse impacts to water quality.”

Signature \_\_\_\_\_

**On site construction personnel must have certified training in stormwater management**

## APPLICABLE LAWS (continued)

Stormwater Pollution Prevention Plan (SWPPP). The permit requirements apply to both new construction and additions to existing county owned facilities. Additionally, NYSDEC may require the preparation of the SWPPP even for less than 1 acre on a case by case basis.

Ulster County has developed and will implement procedures for site plan and SWPPP review process, inspection, as well as post-construction management practices for county-owned construction projects, equivalent to SPDES permit #GP-0-10-001 and permit #GP-0-10-002 and all subsequent

applicable SPDES permits. These procedures will meet the requirements of Minimum Control Measure #4: Construction Site Runoff Control and Minimum Control Measure #5: Post-Construction Runoff Control of the SPDES General Permit for Stormwater Discharges from MS4s.

## PROPER OPERATION AND MAINTENANCE

### Proper Operation and Maintenance

The SWPPP must include the type, number and frequency of maintenance actions required for stormwater management and erosion control during construction and for permanent practices that remain on the site once construction is finalized. Routine maintenance must be

identified on a maintenance schedule and performed on a regular basis or when a problem is identified.

Ulster County recognizes that the submittal of SWPPP requires that it must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which

are installed and used to achieve compliance with the conditions of the permit and with the requirements of SWPPP. Proper operation and maintenance may include the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit.

The person responsible for conducting the maintenance actions during construction and post-construction will be identified in the SWPPP.

## REPAVING & RECONSTRUCTION OF ROADS & PARKING LOTS

### Repaving of Roads and Parking Lots

Repaving is defined as the resurfacing of an existing pavement/concrete road or parking lot, or resurfacing of a road or parking lot that has undergone grinding or milling operations, where a layer of pavement or concrete remains after the grinding or milling. Construction activity that does not result in land disturbance (soil exposure) is not required to obtain coverage under a SPDES General Permit for Stormwater Discharges from Construction Activity.

### Road and Parking Lot Reconstruction

Road and parking lot recon-

struction is defined as removal of the full depth of the pavement/concrete layer(s) with varying levels of disturbance of the subbase and subgrade layers. Road or parking lot reconstruction may or may not require permit coverage. The need for permit coverage is based on factors such as the type and thickness of the subbase layer and the level of disturbance of the subbase layer. Ulster County will use the following criteria to determine which road and parking lot reconstruction projects are considered regulated land disturbances that require permit coverage:

Permit coverage will be required for disturbances of one acre or more (including other site disturbances):

1. if the existing subbase material is not a processed crushed stone (e.g. mixed ones and twos), or a material equivalent to NYS DOT subbase course (see Section 304 of NYS DOT Standard Specifications);
2. if the existing subbase layer on the road or parking lot reconstruction project is less than 6 inches in depth; and
3. if the road or parking lot reconstruction involves the complete removal of the sub-

base layer or disturbance of the bottom 6 inches of the subbase layer (less than 6 inches of subbase would remain after removal of pavement/concrete).

For the 1, 2, and 3 above—if the subbase layer is six inches or more in depth after the removal of the pavement/concrete layer(s) and the subbase material is equivalent to one of the materials specified in No.1 above, the area is not considered a regulated disturbance and should not be included when calculating the total disturbance.

## PERMIT COVERAGE

### Five Day Permit Coverage

Stormwater discharges from construction activity may obtain coverage under the general permit in 5 (five) business days after the NYSDEC's receipt of the NOI and the MS4 SWPPP Acceptance if project is located in a regulated, traditional land use control MS4;

Or, for construction activity that is not subject to the requirements of a regulated, traditional land use control MS4, if all of the following are true :

1. Ulster County certifies that the SWPPP has been developed in conformance with the NYS-

DEC's technical standards;

2. The activity is eligible for coverage under the general permit.

Applicants must allow 5 days after the NYSDEC receives a completed NOI and certification before gaining coverage under the permit and before initiating any construction activity.

### Sixty Day Permit Coverage

There are conditions where coverage under a general permit will not occur until 60 business days from the NYS DEC's re-

ceipt of a completed NOI. Projects requiring 60 day review period prior to obtaining coverage include those where:

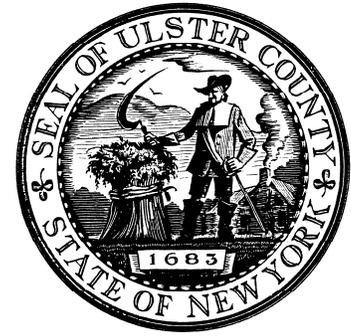
1. Construction activity is not subject to the requirements of a regulated, traditional land use control MS4, and
2. The SWPPP deviates from the DEC's technical standards.

Applicants must allow 60 days after the NYSDEC receives a completed NOI and certification before gaining coverage under the permit and before initiating any construction activity.

The NYSDEC's technical standards for erosion and sediment controls are contained in the document, *New York State Standards and Specifications for Erosion and Sediment Control*. For the design of water quantity and water quality controls (post-construction stormwater control practices), the NYSDEC's technical standards are detailed in the *New York State Stormwater Design Manual*.

## Ulster County Department of Public Works

Brendan Masterson  
Stormwater Management Specialist  
317 Shamrock Lane  
Kingston NY 12401



Phone: 845-340-3123

E-mail: [bmas@co.ulster.ny.us](mailto:bmas@co.ulster.ny.us)  
[stormwater@co.ulster.ny.us](mailto:stormwater@co.ulster.ny.us)

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## REFERENCES

### Federal Regulations

U.S. EPA, National Pollutant Discharge Elimination System (NPDES)  
<http://cfpub.epa.gov/npdes/index.cfm>

Phases of the NPDES Stormwater Program <http://cfpub.epa.gov/npdes/stormwater/swphases.cfm>

Stormwater Pollution Prevention Plans for Construction Activities  
<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>

### New York State Regulations

New York State Department of Environmental Conservation (NYS DEC), home page  
<http://www.dec.ny.gov/>

NYS DEC, State Pollutant Discharge Elimination System (SPDES)  
<http://www.dec.ny.gov/permits/6054.html>

NYS DEC, SPDES Construction Stormwater Information (Links)  
<http://www.dec.ny.gov/chemical/8694.html>

### New York State Technical Standards

New York State Standards and Specifications for Erosion and Sediment Control  
<http://www.dec.ny.gov/chemical/29066.html>

New York State Stormwater Design Manual  
<http://www.dec.ny.gov/chemical/29072.html>

### Ulster County Stormwater website

<http://www.co.ulster.ny.us/stormwater.html>

## **Ulster County Development Review Statement of Policy**

### **Construction Site and Post-Construction Stormwater Runoff Control Site Plan Review Procedure**

#### **NARRATIVE**

Ulster County, as a traditional non-land use control Municipal Separate Storm Sewer System (MS4), does not have jurisdiction over building permits and certain other land use issues. Therefore, we cannot enact local laws or ordinances, as other MS4 municipalities are required to do, to regulate construction activities. We are required, however, to establish a procedure to ensure that pollutants from construction activities requiring coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (any activity disturbing one acre or more of land) do not enter our stormwater drainage system. This construction and post-construction runoff control mechanism is used to make sure that the Ulster County Stormwater Management Specialist (SWMS) has an opportunity to review all Stormwater Pollution Prevention Plans (SWPPPs) that could have an impact on the County's stormwater drainage system.

#### **Stormwater Runoff Control Mechanism**

Ulster County established this control mechanism to comply with the requirements of the SPDES General Permit for Stormwater Discharges from MS4s —Minimum Control Measures 4 and 5 (Construction site stormwater runoff control and Post-construction stormwater management). This procedure covers development and implementation procedures for site plan review for pre-construction sites and site inspection during the construction work and post-construction runoff control.

The Stormwater Pollution Prevention Plans (SWPPPs) will be reviewed by Ulster County's Stormwater Management Specialist (SWMS). The erosion control and water quality plans for review will be obtained by cooperation within the County's Departments (Public Works, Health, and Planning) based on an Inter-Office Agreement.

In cases where the proposed development requires access to the property from a county road, the developer will need to obtain a driveway or roadway permit from the Ulster County Dept. of Public Works, Engineering Department. In cases where the proposed development does not require access from a county road, a permit from Ulster County Health Department for proposed water supply and sewage disposal may be required. In either of these situations, the County is notified about the proposed development. The Storm Water Management Specialist would receive the Stormwater Pollution and Prevention Plan (SWPPP) for review from either the Highway Department or the Health Department. These Departments have the authority to issue or deny the permit application. A permit will be issued only if, besides other requirements, the SWPPP was submitted, reviewed, and approved by the County SWMS, and satisfies the erosion control, pollution prevention, and water quality requirements established by the SPDES permits for Stormwater Discharges as well as Ulster County's design requirements. In cases where no County permit is required, the Ulster County Planning Department will notify the SWMS about proposed developments. This will allow the SWMS to contact the designer and developer in an early stage of the design work and expedite the permit procedure.

**Design Requirements for SWPPP by Ulster County**

The designer/developer shall submit 1 (one) complete copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Ulster County Stormwater Management Specialist (SWMS) for review. To expedite the permit procedure, it is recommended to schedule a meeting with the Ulster County SWMS prior to the submittal of a SWPPP to Ulster County.

Stormwater Management Specialist  
Ulster County, Department of Public Works  
317 Shamrock Lane, Kingston, NY 12401;  
Ph #: (845)340-3123

The designer of a development should consider the following principle requirements during the design and the implementation of a Stormwater Pollution Prevention Plan (SWPPP):

1. Satisfy all the requirements of the SPDES permit(s) for Construction Activities and for MS4
2. Show the MS4 boundary line on the plans
3. Only stormwater can be discharged to the county drainage system
4. Determine the acreage of the proposed land disturbance
5. Provide construction sequence and phasing (the latter is needed only for 5 acres or more land disturbance)
6. Based on the SPDES requirements submit the Erosion and Sediment Control (ESC) Plans or the full SWPPP as needed
7. As a design principle, the post-development stormwater discharge cannot exceed the pre-development conditions at any design point along the perimeter of the property. For easy comparison, prepare a summary table for the pre- and post-development stormwater discharges for the 1 year (Cp<sub>v</sub>), 10 year (Q<sub>p</sub>), and the 100 year (Q<sub>f</sub>) design conditions
8. The county right-of-way and drainage system should be shown on the plan along the entire frontage of the property
9. If any part of the county drainage system will be used by the developer, show the direction of flow (including elevations and slopes) within the county right-of-way from the discharge point to the point where the stormwater from the development will leave the county right-of-way. Both the inflow and outflow locations shall be mapped by the designer using GPS or standard survey methods and will be provided to the Ulster County SWMS.

10. In case any alteration of the existing county drainage system is necessary (i.e., culvert size increase), an explanation of the necessity of the change and a relevant hydraulic calculation should be submitted to justify the alteration of the drainage feature(s) within the county right-of-way
11. Check the capacity of the existing culvert pipe(s) you want to use under the county road. In case any new culvert pipe is needed, size the pipe for the 25 year storm ( $Q_{25}$ ) and obtain all necessary easements and permits along the water course on the downstream side of the culvert
12. Check the capacity of the county ditch line if any part of this ditch line is used in the design. If a new ditch line is proposed, size it to the 10 year storm ( $Q_p$ )
13. The applicant is responsible for the design, construction, and maintenance of the drainage appurtenances necessary to be built or altered because of the proposed development
14. It is the applicant's responsibility to correct erosion problems during and after the construction. The erosion and sediment devices cannot be removed before the final stabilization of the disturbed land
15. The applicant is responsible for the design, replacement and/or installation of the necessary drainage appurtenances if the proposed drainage system, for any reason and any level, adversely affects the existing county drainage system or the water course on the downstream side of the culvert
16. Use standard symbols for stormwater management practices
17. Provide stabilized construction entrance (s) and show its location on the ESC plan (where applicable).

**Appendices D1-D5:  
Good Housekeeping/Pollution Prevention  
Practices**

# Local Law No. 4 Of 2009

## County Of Ulster

### **A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances**

**BE IT ENACTED**, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. NAME OF LOCAL LAW.**

This law shall be known as “The Ulster County Non-Toxic Landscape Maintenance Act.”

#### **SECTION 2. DEFINITIONS.**

For the purpose of this local law the following are defined as follows:

“Natural, Non-Toxic, Least Toxic or Biological Pesticide” shall mean a pesticide that is a naturally occurring substance or microorganism that controls pests in a non-toxic manner, or, if approved by the Department of the Environment or the Advisory Committee, the least toxic method possible.

“Integrated Pest Management” shall mean technique for agricultural disease and pest control in which as many pest control methods as possible are used in an ecologically harmonious manner to keep infestation within manageable limits.

“Non-toxic Pest Management (“NPM”)” shall mean a problem-solving strategy that prioritizes a natural, non-toxic approach to turf grass and landscape management without the use of toxic and synthetic pesticides. It mandates the use of natural, non-toxic, or, as a last resort with the Advisory Committee approval, least toxic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

Essential NPM practices include, but are not limited to:

- regular soil testing;
- addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Northeast Organic Farmers’ Association Massachusetts and Connecticut Chapters Organic Land Care Program and/or the Organic Material Review Institute of Eugene, or;
- selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance;

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**A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances**

- using, with the Advisory Committee approval, the least toxic organic, or non-toxic non-organic, products as some organic products are toxic;
- modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- the use of physical controls, including hand-weeding and over-seeding;
- the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and
- eliminating pest habitats and conditions supportive of pest population increases.

“Pest” shall mean (1) any insect, rodent, fungus, weed or (2) any other form of terrestrial or aquatic or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms ordinarily present on or in humans or living animals) which the commissioner of the New York State Department of Environmental Conservation declares to be a pest.

“Pesticide” shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant. It shall include all pesticide products registered as such by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation, and all products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

“Toxic” shall mean any substance that is harmful to humans. It is recognized that, by their very nature, pesticides and herbicides are toxic to those pests they are designed to eliminate. Obviously, the concern of this local law is to limit pesticides' toxicity to humans while preventing pests from multiplying and thereby endangering humans. A pesticides' relative toxicity to humans is the

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standard that should govern the determination as to which pesticides should be utilized. Measures of relative toxicity have been determined by measuring their effect upon adult humans, who have greater mass and weights than children. Thus, children are at greater risk from exposures to even low levels of pesticides.

**SECTION 3. LEGISLATIVE INTENT.**

The County of Ulster agrees with the U.S. Environmental Protection Agency (EPA) that “all pesticides are toxic to some degree..., and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue.”

The County of Ulster recognizes that all residents, (particularly children), as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular.

The County of Ulster recognizes that a balanced and healthy ecosystem is vital to the health of the town and its citizens; and as such is also in need of protection from exposure to hazardous chemicals and pesticides, in particular.

Furthermore, the County of Ulster recognizes that it is in the best interest of public health to eliminate the use of toxic pesticides on County-owned land; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural, non-toxic, or as a last resort and with the Advisory Committee approval, least toxic management practices to prevent and, when necessary, control pest problems on County-owned and leased land.

Therefore, the County of Ulster seeks to implement non-toxic pest management (NPM) on County-owned and leased lands.

**SECTION 4. DECLARATION OF PHILOSOPHY AND PRINCIPLES.**

The County of Ulster hereby adopts the precautionary principle (as defined by the Wingspread statement) as the basis for its non-toxic pest management (NPM) policy. The precautionary principle states:

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“When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established.”

**SECTION 5. ENACTMENTS.**

The County of Ulster hereby adopts an NPM policy that mandates the following on all properties where the County is responsible to maintain the outside areas, including lawns and grassy areas:

1. that the use and application of toxic chemical pesticides, either by County of Ulster employees or by private contractors, for the purpose of turf and landscape maintenance, is prohibited on all lands maintained by the County of Ulster;
2. that, if toxic products must be used, based upon a waiver or exemption, then natural, least toxic turf and landscape cultural practices and maintenance shall be the method of choice to understand, prevent, and control potential pest problems;
3. that all control products used under the terms of this policy shall be in keeping with, but not limited to, those products on the approved list of the Northeast Organic Farming Association Connecticut and Massachusetts Chapters' Organic Land Care Program or approved by the Advisory Committee;
4. that County of Ulster employees who work with turf grass and the landscape receive education and training in natural, least toxic turf and landscape management to be coordinated by the Advisory Committee, if, in its opinion and discretion, such training is necessary;
5. that a listing of all County-maintained lands affected by this policy be made available to the public by posting a list on the County website.

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**SECTION 6. ADVISORY COMMITTEE ON NON-TOXIC PEST MANAGEMENT.**

1. An Advisory Committee on Non-toxic Pest Management will be formed with the following members: Commissioner of Public Works or designee, Coordinator of the Department of the Environment or designee, Executive Director of the Soil and Water Conservation District or designee, Director of Cornell Cooperative Extension or designee, and the Chairman of the Environmental Management Council or designee.

The Advisory Committee will oversee and assist in the implementation of the NPM policy, to develop an NPM program consistent with this local law, and to advise the Chairperson of the Ulster County Legislature's Committee responsible for environmental issues of any problems encountered or amendments required to achieve the full and successful implementation of this policy.

2. The Advisory Committee shall seek the participation, advice, and counsel of experts in the fields of non-toxic turf and landscape management and NPM protocol. Broad community participation, including parents, schools, advocates, and local landscaping businesses shall be encouraged on a non-voting basis.

3. Any decision by the Advisory Committee, pursuant to this local law shall be by majority vote of the entire committee membership, and not merely a majority or those present and voting.

**SECTION 7. EXEMPTIONS.**

All turf and landscape pest management activities taking place on land maintained by the County of Ulster land shall be subject to this local law, except as follows:

1. Pesticides or classes of pesticides classified by the United States environmental protection agency as not requiring regulation under the federal insecticide, fungicide and rodenticide act under 40 CFR § 152.25, and therefore exempt from such regulation when intended for use, and used only in the manner specified.

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**A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances**

2. Biological pesticides, such as bacillus thuringiensis or milky spore, that are not genetically modified.
3. Pesticides in contained baits for the purpose of rodent control.
4. Poison ivy and poison oak that constitutes a health hazard.
5. Tick control.
6. Any property, or categories of properties, as recommended from time to time by the Ulster County coordinator of environmental resources and approved by the Ulster County Legislature by mere resolution.

**SECTION 8. WAIVERS.**

1. Any County agency or contractor may apply to the Advisory Committee for a single-use waiver of the restrictions established pursuant to this local law. Such application shall be in a form and manner prescribed by the Advisory Committee and shall contain such information as the committee deems reasonable and necessary to determine whether such waiver should be granted. The Advisory Committee may grant such waivers by a majority vote of the voting membership, not merely a majority of those present and voting. In determining whether to grant or deny a request for a waiver, the Advisory Committee shall consider (i) the magnitude of the infestation, (ii) whether the pest situation poses an immediate threat to public health, property, or the environment (iii) the availability of effective alternatives consistent with this local law, and (iv) the likelihood of exposure of humans to the pesticide.

No waiver shall be approved unless the following conditions have been met: (i) Any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and, (ii) The applicant must submit a plan demonstrating how underlying causes of the pest outbreak will be addressed in a manner consistent with this local law to prevent future outbreaks.

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2. If a pest situation poses an immediate threat to human health and warrants the use of pesticides that would otherwise not be permitted under this local law, the Ulster County Commissioner of Health or Public Health Director shall have the authority to grant a temporary emergency waiver for a period of thirty days. Notice of the waiver request shall be given to the Advisory Committee for advice on resolving the problem without the use of pesticides. The Commissioner or Public Health Director may extend the waiver for one additional period not to exceed six months. Nothing in this waiver provision prohibits the County of Ulster from adopting additional waivers via resolution for as long as the condition exists.

Any County Department using a pesticide under such a waiver must comply with all applicable federal and state laws regarding pesticide use and the Ulster County pesticide neighbor notification law.

**SECTION 9. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**SECTION 10. EFFECTIVE DATE.**

This local law shall take effect immediately upon filing with the New York State Secretary of State.

**Adopted by the County Legislature: June 10, 2009**

## Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities

Legislator Robert Parete, Co-Sponsors: The Environmental Subcommittee (Co-Chairmen Petit and Shapiro and Legislators Belfiglio, Robert Parete and Rodriguez), and Multi-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) and Legislators Briggs, Donaldson, Gregorius, Hochberg, Lomita, Loughran, Madsen, Richard Parete, Provenzano, Sheeley, Stoeckeler and Zimet offer the following:

WHEREAS, the Ulster County Legislature's Governmental Services, Environmental and Administrative Committee is tasked with setting policies that pertain to environmental issues, and

WHEREAS, the Ulster County Legislature is committed to providing safe and healthy facilities for employees, customers and visitors, and

WHEREAS, Green cleaning products are cleaning and maintenance products that minimize adverse impacts on human health and the environment and yet clean effectively, and

WHEREAS, a Green Cleaning policy can reduce the levels of cleaning chemicals, mold, and airborne dust, major indoor triggers of asthma attacks, and

WHEREAS, as the green cleaning product market continues to expand, more cleaning products and competition are available in the marketplace which will lower costs, and

WHEREAS, facilities that implement a Green Cleaning Program may realize a reduction in overall cleaning cost due to:

- Reducing chemical waste and waste disposal requirement;
- Reducing the amount and number of cleaning products needed;
- Causing a reduction in sick time and at-work injuries; and
- Instituting an overall green cleaning training program that includes training about product use to reduce waste and obtain the best results.

WHEREAS, Green Seal is an Independent, non-profit organization, "Third Party Certifying" organization, and

WHEREAS, Third Party Certified (TPC) products are cleaning products have been certified by an established and legitimate, nationally-recognized program developed for the purpose of identifying environmentally preferable products. Any such TPC certification program shall:

**Resolution No. 282 November 16, 2010**

**Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

- Have an open, transparent process for setting standards that involves the public and key stakeholders
- Clearly define the fees a manufacturer must pay for certification;
- Clearly identify any potential conflicts of interest;
- Have criteria for certification that are publicly available and transparent;
- Certification is based on consideration of human health and safety, ecological toxicity, other environmental impacts, and resource conservation, as appropriate, for the product and its packaging, on a life cycle basis;
- Require periodic revisions and updates of the standards;
- Monitor and enforce the standards, provide for the authority to inspect the manufacturing facilities, and periodically do so;
- Have a registered/legally protected certification mark;
- Make the standards easily accessible to purchasers and manufacturers (e.g. available for download on the program's website);
- Be developed by consensus, if possible;
- Establish leadership levels in standards for products, and

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, the Ulster County Legislature hereby establishes a "green" cleaning policy that mandates the purchase and use of cleaning products in all county facilities. Green Cleaning Products shall meet GS-37 standard as provided by Green Seal or equivalent. Green Seal, a non-profit organization that provides science-based environmental certification standards, has developed the "Environmental Standard for General-Purpose, Bathroom, Glass, and Carpet Cleaners Used for Industrial and Institutional Purposes"(GS-37), which establishes certification requirements for safer and less harmful cleaning products. Under the GS-37 standard for Green Seal Certification, products must meet requirements for toxic compounds, carcinogens and reproductive toxins, skin and eye irritation, skin sensitization, and combustibility, as well as life cycle analysis from production to disposal, and be it further

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**Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

RESOLVED, product categories certified under GS-37 include the following:

- General Purpose Cleaners
- Glass Cleaners
- Bath Cleaners
- Carpet Cleaners
- Carpet Spot Removers
- Toilet Bowl Cleaners

and, be it further

RESOLVED, the Ulster County policy on green cleaning does not supersede or change existing health, labor, education and environmental regulations related to cleaning and maintenance practices and disposal of hazardous chemicals. However, in certain locations (e.g., food service areas) and for special circumstances (e.g., blood spills) different products and practices may be needed to satisfy the requirements of existing public health, labor, education and environmental conservation regulations, and, be it further

RESOLVED, the Purchasing Department shall issue an Annual report to the Legislative Committee responsible for Environmental issues on the procurement of green cleaning products, and, be it further

RESOLVED, Ulster County staff is permitted to deplete existing inventories of cleaning products. Implementation shall take effect by June 1, 2011,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32                      NOES: 0  
Legislator Shapiro)

(Absent:

FINANCIAL IMPACT:  
NONE

**Resolution No. 282 November 16, 2010**

**Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of November, 2010, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of November in the year Two Thousand and Ten.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

18<sup>th</sup> Day of November, 2010.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

23<sup>rd</sup> Day of November, 2010.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

**Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities**

Legislator Robert Parete, Co-Sponsors: The Environmental Subcommittee (Co-Chairmen Petit and Shapiro and Legislators Belfiglio, Robert Parete and Rodriguez), and Multi-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) and Legislators Briggs, Donaldson, Gregorius, Hochberg, Lomita, Loughran, Madsen, Richard Parete, Provenzano, Sheeley, Stoeckeler and Zimet offer the following:

WHEREAS, the Ulster County Legislature endeavors to provide a healthy work environment for all employees, and

WHEREAS, estimates demonstrate that Americans spend up to 90% of their time indoors. Many common items contain toxic chemicals that may lead to a variety of health problems, and

WHEREAS, as an operator of public buildings, Ulster County has an important responsibility to adopt and implement public policies and practices that seek to protect the long-term health of all those who work in and visit these properties, and

WHEREAS, according to the United States Environmental Protection Agency (EPA) website, "Volatile organic compounds (VOCs) are emitted as gases from certain solids or liquids. VOCs include a variety of chemicals, some of which may have short- and long-term adverse health effects. Concentrations of many VOCs are consistently higher indoors (up to ten times higher) than outdoors", and

WHEREAS, VOCs are emitted by a wide array of products numbering in the thousands, including traditional paints, and

WHEREAS, as the "green" product market continues to expand, more products and competition are available in the marketplace which will lower costs, and

WHEREAS, avoidance of toxic substances and conditions, as they might influence not only the environment but human health more directly, is a longstanding concern of the Ulster County Legislature, and

WHEREAS, Green Seal is an independent non-profit organization dedicated to safeguarding the environment and transforming the marketplace by promoting the manufacture, purchase, and use of environmentally responsible products and services, and

**Resolution No. 283 November 16, 2010**

**Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities**

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, Ulster County shall procure and use low- or no-VOC paints and sealers on all new, renovation and repair projects in County-owned and leased facilities, and, be it further

RESOLVED, Ulster County shall procure and use low- or no VOC paints and coatings that meet Green Seal GS-11 Standards or equivalent. Green Seal establishes requirements and GS-11 Standard for paints and coatings, and, be it further

RESOLVED, the Director of Purchasing shall report to the Environmental Committee of the County Legislature on the procurement of low- or no-VOC paints on an annual basis, and, be it further

RESOLVED, Ulster County staff is permitted to deplete existing inventories. Implementation shall take effect by June 1, 2011.

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32                      NOES: 0  
Legislator Shapiro)

(Absent:

FINANCIAL IMPACT:  
NONE

**Resolution No. 283 November 16, 2010**

**Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of November, 2010, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of November in the year Two Thousand and Ten.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

18<sup>th</sup> Day of November, 2010.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

23<sup>rd</sup> Day of November, 2010.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

**Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas**

Legislators Zimet, Petit, Aiello, Bernardo, Gregorious and Madsen and Co-Sponsors: Legislators Briggs, Donaldson, Hochberg, Lomita, Loughran, Richard Parete, Robert Parete, Provenzano, Rodriguez, Shapiro, Sheeley and Stoeckeler offer the following:

WHEREAS, it is increasingly clear that drilling for natural gas using slick-water hydraulic-fracturing (hydrofracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, the process of pumping chemicals under intense pressure into an underground shale formation to release gas for extraction may contaminate drinking water supplies, including the New York City system in the Catskills, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, past Governor David A. Paterson had issued Executive Order 41 - Requiring Further Environmental Review of High Volume Hydraulic Fracturing in the Marcellus Shale directing the Department of Environmental Conservation (DEC) to conduct further comprehensive review and analysis of high-volume horizontal hydraulic fracturing in the Marcellus Shale thereby requiring that high-volume, horizontal hydraulic fracturing would not be permitted until July 1, 2011, at the earliest, and

WHEREAS, Executive Order No. 41 does not include low volume vertical hydraulic fracturing which allows 16 wells for every single horizontal well, and utilizes similar toxic compounds to extract gases, and

WHEREAS, similar extraction practices in a township in Susquehanna County, Pennsylvania, contaminated the drinking water supply and subsequent litigation and a settlement of 4.1 million dollars was awarded to the residents, and

WHEREAS any economic boost to the state's economy from development and sale of natural gas from Marcellus Shale is short term at best, and will foreclose the long-term economic benefit to the county of tourism and agriculture, and

WHEREAS, the Ulster County Legislature adopted Resolution 378 - County of Ulster Energy Policy on December 10, 2008, which included minimizing greenhouse gas emissions, that would be impossible to meet if natural gas drilling occurred on County-owned land, and

Resolution No. 74 March 15, 2011

**Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas**

WHEREAS, improving and protecting the quality of life, Open Space and Waterways concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, now, therefore, be it

RESOLVED, that Ulster County will not lease any county-owned lands, including but not limited to County park lands, for high-volume, **chemical** slick-water hydraulic-fracturing to extract natural gas, and be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senate Majority Leader Dean G. Skelos, Senate Minority Leader John L. Sampson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestari, Assembly Minority Leader Brian M. Kolb, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Thomas Kirwan, New York State Department of Environmental Conservation Acting Commissioner Joseph Martens, and the New York State Association of Counties,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0  
(Absent: Legislators Felicello and Shapiro)

Legislator Zimet motioned, seconded by Legislator Madsen to amend the resolution adding the word "chemical" to the title and the first "RESOLVED" and adding New York State Assemblyman Cahill to the second "RESOLVED".

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0  
(Absent: Legislators Felicello and Shapiro)

Resolution No. 74 March 15, 2011

**Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas**

FINANCIAL IMPACT:  
NONE

0301

STATE OF NEW YORK  
ss:  
COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 15<sup>th</sup> day of March, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of March in the year Two Thousand and Eleven.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
18<sup>th</sup> Day of March, 2011.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this  
22<sup>nd</sup> Day of March, 2011.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

# Local Law Number 6 Of 2012

## County Of Ulster

### **A Local Law Of The County Of Ulster, New York Known As The “Hydraulic Fracturing Brine Prohibition Act”**

**BE IT ENACTED**, by the County Legislature of the County of Ulster, New York, as follows:

A new Chapter, Chapter 306 is added to the Code of the County of Ulster to read as follows.

#### §306-1

Title. This Local Law shall be known by and may be cited as the “Hydraulic Fracturing Brine Prohibition Act”.

#### §306-2

Definitions. As used in this Chapter, the following terms shall have the following meanings:

“Application” shall mean the physical act of placing Brine on one or more County roads or one or more pieces of County property. Each physical act shall be deemed separate when the person committing the act stopping for any reason the placement of the Brine for any purpose, including but not limited to stopping a vehicle used in the placement of the Brine, stopping work for any reason, re-loading or replacing any material or equipment necessary to apply the brine.

“Brine” shall mean: (a) production brine; or (b) produced waters; or (c) flowback; or (d) flowback fluids; or (e), hydraulic fracturing fluid, any or all, which are generated as a result of drilling for, or seeking gas in wells including but not limited to High Volume Hydraulic Fracturing, as defined herein.

“Commissioner” shall mean: The Commissioner of the Department of Public Works except for the use of the word “commissioner” in Section 306-5 may mean any other commissioner designated by the County Executive or may mean the Commissioner of Public Works as determined by the County Executive.

“Flowback” shall mean liquids and solids produced during initial completion and clean-up of the well or clean-up of a well following a re-fracture or workover.

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**A Local Law Of The County Of Ulster, New York Known As The  
“Hydraulic Fracturing Brine Prohibition Act”**

“Flowback fluids” shall mean liquids produced following drilling and initial completion and clean-up of the well or clean-up of a well following a re-fracture of workover.

“High Volume Hydraulic Fracturing” shall mean a natural gas well stimulation technique consisting of the injection into the earth of a water and chemical mix with the intent of increasing the ability to extract natural gas from very tight rock.”

“Hydraulic fracturing fluid” shall mean fluid used to perform hydraulic fracturing and includes the primary carrier fluid and all applicable additives.

“Municipality” shall mean the County of Ulster

“Production brine or produced waters” shall mean liquids co-produced during oil and gas production.

“Property” shall mean real property, improved or otherwise, which the County of Ulster owns or controls.

“Roads” shall mean public roads, streets, or bridges owned or controlled by the municipality.

§306-3

Use of Brine prohibited. No Brine shall be applied to or placed upon property or roads of the municipality. In any bid for materials, services, or equipment which relate to property maintenance or road improvements or road construction, the municipality in a bid specification or bid document describing the nature of the services or equipment sought, and any agency or division of the municipality, shall expressly state in capitalized, bold font, “THE PLACEMENT OF BRINE ON ANY ROAD OR PROPERTY OF THE COUNTY OF ULSTER IS UNLAWFUL. ANY BIDDER SHALL FILE A SWORN STATEMENT WITH THEIR BID THAT NO BRINE AS DEFINED BY LOCAL LAW OF THE MUNICIPALITY WILL BE SOLD TO THE MUNICIPALITY AS PART OF THE BID, OR UTILIZED ON OR PLACED ON ANY

PROPERTY OR ROAD OF THE COUNTY OF ULSTER. BIDDERS ARE DIRECTED TO CHAPTER 306 OF THE LAWS OF THE COUNTY OF ULSTER FOR THE DEFINITION OF BRINE.”

**Local Law Number 6 Of 2012**

**County Of Ulster**

**A Local Law Of The County Of Ulster, New York Known As The  
“Hydraulic Fracturing Brine Prohibition Act”**

§306-4

Statement to be included in Bid. The Statement provided for in §306-3, which shall be a sworn statement under penalty of perjury, shall read substantially as follows:

“We, \_\_\_\_\_ hereby submit a bid for materials, equipment, or labor for the \_\_\_\_\_ of \_\_\_\_\_. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no Brine will be used by the undersigned bidder or any contractor, sub-contractor, agent, or vendor thereof in connection with the bid; nor will the undersigned Bidder or any sub-contractor, agent, or vendor thereof and/or therefor apply or supply any Brine to any property or road(s) of the County of Ulster as a result of the submittal of this bid if selected.” The Statement shall otherwise be sworn to under penalty of perjury in a form satisfactory to the County Attorney.

§306-5

Duty of Employees to be Familiar with this Chapter. The County Executive or, at the County Executive’s option, a department head or a commissioner of any Department appointed by the County Executive is authorized to develop policies to ensure county employees are familiar with this Chapter and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this Law. This shall not excuse non-compliance by a contractor or vendor of the County.

§306-6

Penalties for Violations.

- A. Breach of Contract. A violation of the provisions of this Chapter shall be deemed a breach of contract and shall authorize the Director of Purchasing in cooperation with the County Attorney and any other officer or employee of the County deemed necessary by the County Attorney, commence a civil Breach of Contract action against the violator of the provisions of this Chapter. Damages sought shall be determined by the County Attorney but may include, but shall not be

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**A Local Law Of The County Of Ulster, New York Known As The  
“Hydraulic Fracturing Brine Prohibition Act”**

limited to the cost of any consequential damages of the breach of contract. In addition, a determination by the Director of Purchasing that the contract was awarded through shall make a finding that the Contractor was not a responsible bidder and shall cause notice of such irresponsibility to be circulated in a form approved by the County Attorney to each other County in New York State. The County Attorney is further authorized to commence any necessary action to enjoin any violation of this Chapter he or she believes to be occurring.

- B. Criminal Penalties. In addition to prosecution for Perjury as determined by the District Attorney, any person who violates this article shall be guilty of an unclassified misdemeanor and subject to a fine not to exceed \$25,000.00 per violation and/or up to fifteen days' imprisonment. Each application of brine shall constitute a separate and distinct violation.

§306-7. Separability. If any sentence, clause, paragraph, subdivision, subparagraph, part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances and the Legislature hereby declares that it would have enacted this article or the remainder thereof had the invalidity of such provision or application thereof been apparent.

§306-8

Effective Date. This act shall take effect 30 days after it shall have been filed with the Secretary of State.

# Local Law Number 4 Of 2015

## County Of Ulster

### **A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

**BE IT ENACTED**, by the County Legislature of the County of Ulster, New York, as follows:

#### **SECTION 1. TITLE.**

This local law shall be known as “Food Service Waste Reduction Act.”

#### **SECTION 2. LEGISLATIVE INTENT AND FINDINGS.**

The Legislature finds and determines that polystyrene foam is a common environmental pollutant and non-biodegradable substance commonly used as food service ware and that there is no meaningful recycling or reuse of polystyrene foam food service ware.

The Legislature further finds and determines that the Environmental Protection Agency has found that the polystyrene manufacturing process is the fifth largest creator of hazardous waste in the United States.

The Legislature further finds and determines that evidence suggests that a component of polystyrene foam, styrene, is a carcinogen and neurotoxin. According to EPA studies, styrene is now detectable in the fat tissue of every man, woman and child in the United States.

The Legislature further finds and determines that alternative cost-effective biodegradable, compostable and/or reusable food service ware is readily available. Such alternatives are less toxic and more environmentally friendly than polystyrene foam.

The Legislature further finds and determines that the use of biodegradable, compostable food, and/or re-useable service ware will reduce the waste stream and reduce waste costs. Therefore, the purpose of this local law is to eliminate the use of polystyrene foam food service ware by Food Service Establishments within Ulster County.

Therefore, the Legislature hereby finds and determines that the prohibition of the use of polystyrene foam disposable food service ware in Ulster County is in the best interests of the citizens of Ulster County.

**Local Law Number 4 Of 2015**

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**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

**SECTION 3. DEFINITIONS.**

As used in this local law, the following terms shall have the meanings indicated:

“Chain Food Service Establishment” – means a food service establishment or food service establishments operating in Ulster County that is or are part of a group of fifteen or more food service establishment locations nationally, doing business under the same trade name, offering predominantly the same types of meals, foods or menus regardless of the type of ownership of the individual food service establishment locations.

“County” – The County of Ulster.

“Customer(s)” – Any person(s) obtaining Prepared Food from any Food Service Establishment.

“Disposable Food Service Ware” – All bowls, plates, cartons, cups, other containers, trays, or other items designed for one time use on or in which any Food Service Establishment directly places and/or packages food or provides same to Customer(s) to place and/or package food or which are used by Customer(s) to consume or transport food. This includes, but is not limited to, service ware for takeout Prepared Food and/or leftovers from partially consumed meals prepared at or by Chain Food Service Establishments for consumption at a specific location. This does not include single-use disposable items such as straws, cup lids, or utensils.

"Food Service Establishment" means any establishment, located or providing food within the County of Ulster, which sells or otherwise provides prepared food and/or beverages for public consumption on or off its premises and includes, but is not limited to, any store, shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, super market, delicatessen, catering truck, mobile food truck, cart or vehicle, or any other person who provides prepared food; and any organization, group or individual which regularly provides food as a part of its services.

“Health Commissioner” – The Commissioner of Health for Ulster County.

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**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

“Polystyrene Foam” – Any blown polystyrene, expanded, and extruded foams (commonly referred to as Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion blow molding (extruded from polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

“Prepared Food” – Any food or beverage which is (1) served in Ulster County or (2) which is packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises. Prepared food does not include raw meats, poultry and/or seafood sold for the purpose of cooking off premises.

**SECTION 4. PROHIBITION ON THE USE OF DISPOSABLE POLYSTYRENE FOAM FOOD SERVICE WARE.**

A. No Chain Food Service Establishment shall sell or otherwise provide prepared food in any disposable food service ware that contains polystyrene foam.

B. No Food Service Establishment shall sell or otherwise provide prepared food in any disposable food service ware that contains polystyrene foam.

C. No County facilities, County managed concessions, County sponsored events or County permitted events shall distribute or utilize disposable food service containers containing expanded polystyrene or non-recyclable plastic.

**SECTION 5. EXEMPTIONS TO THE POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE PROHIBITION.**

A Chain Food Service Establishment or Food Service Establishment may seek an exemption from the prohibition under Section 5 due to a “unique packaging hardship” under Subsection A of this Section or a “financial hardship” under Subsection B of this Section.

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**County Of Ulster**

**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

- A. The Chain Food Service Establishment or Food Service Establishment must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for a “unique packaging hardship” exemption.
- B. The Chain Food Service Establishment or Food Service Establishment must demonstrate both of the following to qualify for a “financial hardship” exemption: (1) a gross income under \$300,000 on their annual income tax filing for the most recent tax year, and (2) with respect to each specific and necessary polystyrene foam disposable food service ware, that there is no feasible alternative that would cost the same or less than the polystyrene foam disposable food service ware.
- C. The Chain Food Service Establishment or Food Service Establishment may submit a written application for an exemption on a form provided by the Department of Health. The Commission of Health or designee (“Commissioner”) may require the applicant to submit additional information or documentation to make a determination regarding the exemption request. Within thirty (30) days of receiving a completed application and supporting documentation, if any, the Commissioner must either grant or deny the applicant’s request for an exemption and must notify the applicant of his or her determination. A request for exemption shall be reviewed on a case by case basis, and may be granted in whole or in part, with or without conditions, for a period of up to twelve (12) months. The Chain Food Service Establishment or Food Service Establishment must apply for a new exemption period no later than sixty (60) days prior to the expiration of the then current exemption period to preserve a continuous exemption status. Each application shall be reviewed anew and will be based on the most current information available. The determination of the Commissioner shall be final and is not subject to appeal.

**SECTION 6. ENFORCEMENT AND NOTICE OF VIOLATION.**

- A. The Commissioner of Health or designee shall have responsibility for notification and enforcement of this local law. The Commissioner of Health or designee is authorized to promulgate rules and regulations and take any

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**County Of Ulster**

**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

and all other reasonable actions necessary to implement and enforce this local law. Any rules and regulations so promulgated shall be made available on the County of Ulster website in a manner approved by the Commissioner of Health.

- B. Anyone violating or failing to comply with any of the requirements of this Chapter or of any regulation or administrative procedure authorized by it shall be guilty of an infraction.
- C. The County Attorney may seek legal, injunctive, or any other relief to enforce this Chapter and any regulation or administrative procedure authorized by it.
- D. The remedies and penalties provided in this Chapter are cumulative and not exclusive of one another.

**SECTION 7. PENALTIES.**

Violations of this local law shall be enforced as follows:

- A. For the first violation, the Commissioner of Health, or designee, upon determination that a violation of this local law has occurred, shall issue a written warning notice to the Chain Food Service Establishment or Food Service Establishment which will specify the violation and the appropriate penalties in the event of future violations.
- B. Thereafter, the following penalties shall apply:
  - 1. First Offense. Any Chain Food Service Establishment or Food Service Establishment guilty of a first offense shall be guilty of a violation and shall be fined an amount not to exceed two hundred and fifty (\$250) dollars.
  - 2. Second Offense. Any Chain Food Service Establishment or Food Service Establishment guilty of a second offense shall be guilty of a violation and shall be fined an amount not to exceed five hundred (\$500) dollars.

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**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

3. Third and Subsequent Offense. Any Chain Food Service Establishment or Food Service Establishment guilty of a third or subsequent offense shall be guilty of a violation and shall be fined an amount not to exceed one thousand (\$1,000) dollars.
4. Fines are cumulative and each day that a violation occurs shall constitute a separate violation.

For the purpose of this section, each physical location or establishment shall be treated individually, and offenses and fines for separate locations shall be considered individually.

**SECTION 8. REVERSE PREEMPTION.**

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**SECTION 9. SEVERABILITY.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

**Local Law Number 4 Of 2015**

**County Of Ulster**

**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

**SECTION 10. EFFECTIVE DATE AND APPLICABILITY.**

This local law shall be effective six (6) months subsequent to filing in the Office of the Secretary of State for Chain Food Service Establishments, County facilities, County managed concessions, County sponsored events and County permitted events, and one (1) year subsequent to filing in the Office of the Secretary of State for Food Service Establishments. The local law shall apply to all transactions occurring on or after the effective dates referenced above.

**Adopted by the County Legislature: March 17, 2015**

**Approved by the County Executive: April 16, 2015**

# Local Law No. 9 Of 2015

## County Of Ulster

### A Local Law Establishing A Sustainable Green Fleet Policy

**BE IT ENACTED**, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE INTENT AND PURPOSE.**

The Ulster County Legislature finds that government must be innovative, efficient, and cost effective.

Ulster County recognizes that energy use associated with the operation of its motor vehicle fleets exacerbates local air quality problems and results in greenhouse gas emissions that contribute to global climate change. While the operation and maintenance of the County vehicle fleet is essential to the ability to provide a wide range of services to the public, the fleet represents a significant environmental and financial cost to Ulster County.

In 2012, the County's baseline year for its Greenhouse Gas (GHG) Inventory, the fleet consumed 201,000 gallons of gasoline and over 306,000 gallons of diesel fuel and was responsible for the emission of approximately 4,899 metric tons of CO<sub>2</sub> equivalent or approximately 35% of the County's total GHG emissions.

Energy costs represent a significant amount of spending for Ulster County government and Ulster County desires to continue in its leadership role in environmental stewardship. The County's energy costs totaled \$4,178,670 in fiscal year 2014 of which \$1,734,637 is vehicle energy costs.

Ulster County recognizes that its agencies and/or departments have a significant role to play in improving local air quality and reducing greenhouse gas emissions by improving the energy efficiency of its Fleet and reducing emissions from fleet operations.

Ulster County recognizes that improving the energy efficiency of its fleet can lead to significant long-term monetary savings.

Ulster County wishes to exercise its power as a participant in the marketplace to ensure that purchases and expenditures of public monies are made in a manner consistent with the policy of improving local air quality and reducing greenhouse gas emissions.

Ulster County wishes to establish a "Green Fleet" policy addressing the vehicles of the fleet under the control of the County in order to improve vehicle fuel efficiency and reduce greenhouse gas emissions.

**Local Law No. 9 Of 2015**

**County Of Ulster**

**A Local Law Establishing A Sustainable Green Fleet Policy**

A Green Fleet Policy involves a number of different steps to reduce emissions, decrease costs, and increase efficiency. These steps include:

- a. the downsizing of vehicles
- b. the optimization of vehicle use
- c. incorporate efficiency into bid specifications
- d. maximize vehicle efficiency through maintenance and operation
- e. the elimination of vehicles
- f. where possible encourage the use of transit systems, bike riding, walking, & telecommuting

Ulster County is committed to using electric, hybrid-electric, hybrid and sustainable green vehicles across the fleet. Any initiative to introduce alternative fuel technologies will consider the sustainability of the fuel including lifecycle energy and emissions, as well as the renewability of the fuel source.

Additionally Ulster County seeks to move toward zero emission vehicles by promoting the use of electric, hybrid-electric, hybrid, and sustainable green vehicles by residents and will do so by:

1. Giving priority to purchasing hybrid, hybrid-electric, and sustainable green vehicles; and
2. Installing electric vehicle charging stations at County-owned facilities.
3. Supporting initiatives and research which will lead to the further deployment of electric, hybrid-electric, hybrid, and sustainable green vehicles across the community.

**SECTION 2. DEFINITIONS.**

1. “**Green Vehicle**” refers to any vehicle that employs technology that reduces fuel consumption or emissions and shall include, but is not limited to, vehicles that have electric drive trains (EVs), hybrid-electric, and hybrid vehicles that use both a rechargeable energy storage system and combustible fuel (HVs).

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**County Of Ulster**

**A Local Law Establishing A Sustainable Green Fleet Policy**

2. **“Passenger Vehicle”** means any motor vehicle designed primarily for the transportation of persons and having a design capacity of twelve persons or less.
3. **“Light Duty Truck”** means any motor vehicle, with a manufacturer’s gross vehicle weight rating of 6,000 pounds or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.
4. **“Medium Duty Vehicle”** means any vehicle having a manufacturer’s gross vehicle weight rating of 14,000 pounds or less and which is not a light-duty truck or passenger vehicle.
5. **“Heavy Duty Vehicle”** means any motor vehicle, licensed for use on roadways, having a manufacturer’s gross vehicle weight rating greater than 14,000 pounds.

**SECTION 3. FLEET INVENTORY.**

1. In order to establish a baseline of data so that the "Green Fleet" policy can be established, implemented, and monitored, the Fleet Manager, in consultation with the Coordinator of the Department of Environment, shall develop an inventory and assessment of the fleet vehicles within each department or agency. This inventory shall include:
  - a. Number of vehicles classified by the model year, make, model, engine size, vehicle identification number (VIN), drivetrain type (2-wheel drive or 4-wheel drive), and the rated vehicle weight and classification (light-duty, medium-duty, heavy-duty);
  - b. Miles per gallon (or gallon equivalent) per vehicle;
  - c. Type of fuel (or power source, e.g., electricity) used;
  - d. Average cost per gallon (or gallon equivalent) of fuel;
  - e. Average fuel cost per mile;

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**County Of Ulster**

**A Local Law Establishing A Sustainable Green Fleet Policy**

- f. Annual miles driven per vehicle;
  - g. Total fuel (or power) consumption per vehicle;
  - h. Vehicle function (i.e., the tasks associated with the vehicle's use);
  - i. Estimated emissions per mile for each pollutant by vehicle type/class based on EPA tailpipe standards for the following: Carbon Monoxide (CO), Nitrogen Oxides (NOx), and Particulate Matter (PM).
  - j. Carbon Dioxide (CO<sub>2</sub>) calculations based on gallons (or gallon equivalent) of fuel consumed.
2. Once the Fleet Inventory from each department is submitted, an assessment on vehicular use will be performed by the Fleet Manager, in consultation with the Coordinator of the Department of Environment. The assessment will examine;
- a. vehicle needs;
  - b. the use of the smallest, most efficient vehicle to carry out necessary tasks; and
  - c. replacing existing vehicles with Green vehicles that will accomplish substantially the same tasks.

**SECTION 4. THE ULSTER COUNTY GREEN FLEET POLICY.**

It is the policy of Ulster County:

- 1. to purchase, lease, or otherwise obtain the most energy efficient and cost effective vehicles possible that meet the operational needs of the County.
- 2. to purchase vehicles that are appropriately sized for the purposes to which they are intended.

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3. to manage and operate its fleet in a manner that is energy efficient and minimizes emissions.
4. that all County employees in Ulster County owned vehicles at any time, or in personal vehicles while on County property during work shifts, shall not allow a vehicle to be left to idle for any period of time greater than five minutes. This policy shall not apply during times of emergency response or for vehicles which require longer idling periods for equipment operations needs.

**SECTION 5. GREEN FLEET POLICY STRATEGIES.**

In order to accomplish the goals stated in Section 4 above, the following policies shall be implemented:

1. Include a minimum efficiency standard in miles per gallon (or gallon equivalent) for each vehicle class for which the County has a procurement specification for and include such a standard in any new vehicle procurement specification.
2. Include a minimum emissions standard for each vehicle class for which the County has a procurement specification for and include such a standard in any new vehicle procurement specifications.
3. Ensure a minimum of 5% of the fleet by 2020 are Green vehicles. Thereafter, annually, a minimum of 20% of passenger vehicles purchased, leased or otherwise obtained will be Green and Green vehicles that qualify in another vehicle weight class may, for the purposes of this requirement, qualify as a passenger vehicle on a one vehicle for one vehicle basis.
4. Review all vehicle procurement specifications and modify them as necessary to ensure that the specifications are written in a manner flexible enough to allow the purchase or lease of green vehicles.
5. Review every new vehicle purchase request and modify them as necessary to ensure that the vehicle class to which the requesting vehicle belongs is appropriate for the duty requirements that the vehicle will be called upon to perform.

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6. Review the fleet inventory taken in Section 3 above to identify older vehicles that are used infrequently (or not at all), as well as those vehicles that are disproportionately inefficient, and schedule their elimination or replacement.
7. Implement a program that will train County employees to drive efficiently and utilize efficient operating techniques such as route optimization.
8. Reduce motor vehicle use by the utilization of fleet-management software, optimizing vehicle use, the selection of the right vehicle for the employees' tasks, and encourage transit use, bicycle riding, walking, and ride sharing and telecommuting where feasible.
9. Maximize efficiency of the vehicles by having them regularly maintained and checking tire pressure and keeping them aerodynamic (putting racks, ladders and tools on vehicle roofs only when necessary).
10. Procure and utilize Green vehicles when their use is appropriate to the application and a life-cycle cost analysis demonstrates the procurement and utilization of the vehicle to be economically feasible.
11. Purchase the right size vehicle for the job.
12. Keep apprised of the technological advances and product innovations for fleet vehicles such as, but is not limited to, the use of low rolling resistance tires and using nitrogen to inflate tires.

**SECTION 6. MONITORING OF THE GREEN FLEET POLICY.**

In order to determine whether the goals outlined in Section 4 above and the actions outlined in Section 5 above, have been reached, and/or whether or not they should be modified or amended, annually, on or before March 1<sup>st</sup> of each year, a report, prepared by the Coordinator of the Ulster County Department of the Environment, in conjunction with the Ulster County Fleet Manager and any other department of the County that the Coordinator of the Department of Environment may deem necessary, shall be filed with the County Executive and the Ulster County Legislative Standing Committee assigned with the Department of the Environment and any other Committee as determined by the Clerk of the Legislature.

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The annual report shall include, but not be limited to:

- a. Information addressing the criteria of Sections 1, 3 and 5 above;
- b. Documentation of the fuel use and emissions associated with the ulster county fleet;
- c. An assessment of whether or not the goals set forth in the policy have been attainable; and if not, the reasons relevant;
- d. Recommendations regarding actions to be taken in order to meet the goals set forth in the Policy; and
- e. Recommendations as to specific changes or modifications to the Policy that would promote the goals of the Policy.

The Legislative Standing Committee(s) as designated, having reviewed the information and recommendations set forth in the annual report, shall, if it deems necessary, propose to the full Legislature any changes or modifications to this Policy.

**SECTION 7. WAIVER**

The County Executive may request a waiver of the purchase requirements of Section 5 of this Law by resolution of the County Legislature if he/she determines that such a waiver is in the best interest of the taxpayers and residents of Ulster County. No such waiver shall take effect unless such a resolution is deemed passed with a majority of the County Legislature voting in the affirmative.

**SECTION 8. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this regulation, or its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order of judgment shall be rendered.

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**SECTION 9. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the New York State Secretary of State.

**Adopted by the County Legislature: August 18, 2015**

**Approved by the County Executive: September 17, 2015**

**Filed with New York State Department of State: September 28, 2015**

# **Local Law No. 2 Of 2019**

## **County Of Ulster**

### **A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request**

**BE IT ENACTED**, by the County Legislature of the County of Ulster, New York, as follows:

#### **SECTION 1. TITLE.**

This Local Law shall be known and referred to as the “Skip the Straw Law.”

#### **SECTION 2. LEGISLATIVE INTENT AND FINDINGS.**

The County of Ulster is dedicated to conserving resources and reducing greenhouse gas (GHG) emissions, waste, litter, and pollution. The Ulster County Legislature has actively been considering and implementing laws aimed at protecting our environment. In 2015, Ulster County began regulating the use of polystyrene foam disposable food service ware by food service establishments in the County. Regulating the use of plastic carryout bags is another measure aimed at reducing the amount of plastic that can end up in our environment through litter, windblown debris, and over-flowing trash cans.

Millions of plastic straws are used each day in the United States. This equates to billions of straws per year filtering into landfills and littering our waterways and oceans. Less consumption equals less waste. The Ulster County Legislature desires to increase awareness in our community of the simple decisions we can all make to reduce waste.

The Ulster County Legislature recognizes that making straws available upon request will drastically reduce the plastic put into our environment, helping to preserve our community. Allowing customers to make a choice regarding whether or not they want a straw for their beverage empowers each patron to choose to help eliminate plastic pollution, and is a small step towards the elimination single use plastic.

#### **SECTION 3. DEFINITIONS.**

As used in this local law, the following terms shall have the meanings indicated:

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**A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request**

"Beverage Straw" shall mean a tube for transferring a beverage from its container to the mouth of the drinker.

"Dine-In Customer" shall mean a customer that orders and consumes Prepared Food on a Restaurant's premises.

"Fast Food Service Establishment" shall mean food service establishments located within the County of Ulster that serve food and/or beverages (1) via a drive-through; (2) in a packaged form for take-out/take-away; or (3) from stands or kiosks which provide no shelter for customers.

"Prepared Food" shall mean food or beverage prepared for consumption on the Restaurant's premises, using any cooking or food preparation technique.

"Restaurant" shall mean any vendor located or providing food within the County of Ulster which provides Prepared Food for public consumption on its premises.

"Single-Use" shall mean a product that is designed to be only used one time in its same form by the customer, food vendor or other entity.

"Take-Out Food Orders" shall mean prepared meals or other food or beverage items that a customer purchases at a Restaurant and intends to eat elsewhere.

**SECTION 4. REGULATION OF SINGLE-USE BEVERAGE STRAWS.**

A. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw to a Dine-In Customer upon the customer's request.

B. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw to a customer purchasing a Take-Out Food Order upon the customer's request.

Nothing in this law shall prevent any establishment from providing paper or non-plastic straws without a request.

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**A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request**

**SECTION 5. NOTIFICATION REQUIREMENT.**

A. Each Restaurant and Fast Food Service Establishment that provides single-use plastic beverage straws shall post a sign in a location easily visible to each customer which shall state: "SINGLE-USE PLASTIC BEVERAGE STRAW AVAILABLE UPON REQUEST."

B. Signs shall be protected from tampering, damage, removal, or concealment.

**SECTION 6. PENALTIES.**

Violations of this local law shall be enforced as follows:

A. For the first violation, the Commissioner of Health, or designee, upon determination that a violation of this local law has occurred, shall issue a written warning notice to the Fast Food Service Establishment or Restaurant which will specify the violation and the appropriate penalties in the event of future violations.

B. Thereafter, the following penalties shall apply:

1. First Offense. Any Fast Food Service Establishment or Restaurant guilty of a first offense shall be guilty of a violation and shall be fined an amount not to exceed twenty five (\$25) dollars.

2. Second Offense. Any Fast Food Service Establishment or Restaurant guilty of a second offense shall be guilty of a violation and shall be fined an amount not to exceed fifty (\$50) dollars.

3. Third and Subsequent Offense. Any Fast Food Service Establishment or Restaurant guilty of a third or subsequent offense shall be guilty of a violation and shall be fined an amount not to exceed one hundred (\$100) dollars for each offense.

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For the purpose of this section, each physical location or establishment shall be treated individually, and offenses and fines for separate locations shall be considered individually.

**SECTION 7. REVERSE PREEMPTION.**

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**SECTION 8. SEVERABILITY.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

**SECTION 9. EFFECTIVE DATE.**

This local law shall be effective three (3) months subsequent to filing in the Office of the Secretary of State.

**Local Law No. 2 Of 2019**

**County Of Ulster**

**A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request**

**Adopted by the County Legislature: May 21, 2019**

**Approved by the County Executive: June 20, 2019**

**Filed with New York State Department of State: July 3, 2019**

# **Local Law Number 7 Of 2019**

## **County Of Ulster**

### **A Local Law Amending Local Law No. 2 of 2019, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Include Plastic Stirrers, Plastic Cutlery And Condiment Packets**

**BE IT ENACTED**, by the County Legislature of the County of Ulster, New York, as follows:

#### **SECTION 1. TITLE**

The title of Local Law No. 2 of 2019 shall be amended to read as follows:

A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws, Plastic Stirrers, Plastic Cutlery, And Condiment Packets Only Upon Request

#### **SECTION 2. LEGISLATIVE INTENT AND FINDINGS.**

Ulster County continues to be a leader in environmental management. The Ulster County Legislature recognizes that making certain single-use plastic items available upon request will drastically reduce the plastic put into our environment, helping to preserve our community. Allowing customers to make a choice empowers each patron to choose to help eliminate plastic pollution, and is a small step towards the elimination single use plastic.

#### **SECTION 3. DEFINITIONS.**

Section 3. Definitions of Local Law No. 2 of 2019 shall be amended to include the following definitions to be inserted alphabetically. As used in the local law, the following terms shall have the meanings indicated:

“Condiment Packet” shall mean any spice, sauce, or seasoning packaged in a single-serving packet that is intended to be added to food to impart a particular flavor, to enhance its flavor, or to complement a dish.

“Cutlery” shall mean knives, forks, and spoons used for eating food.

“Stirrer” shall mean an object or device used to mix something, frequently offered at establishments that serve coffee.

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**A Local Law Amending Local Law No. 2 of 2019, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Include Plastic Stirrers, Plastic Cutlery And Condiment Packets**

**SECTION 4. REGULATION OF SINGLE-USE BEVERAGE STRAWS, SINGLE-USE CUTLERY, SINGLE-USE STIRRERS, AND SINGLE-USE CONDIMENT PACKETS.**

Section 4. REGULATION OF SINGLE-USE BEVERAGE STRAWS of Local Law No. 2 of 2019 shall be amended to reflect the title above and read as follows:

A. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw, Single-Use Plastic Cutlery, and Single-Use Plastic to a Dine-In Customer upon the customer's request.

B. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw, Single-Use Plastic Cutlery, and Single-Use Plastic Stirrers to a customer purchasing a Take-Out Food Order upon the customer's request.

C. Restaurants and Fast Food Service Establishments shall provide Single-Use Condiment Packets to a Dine-In Customer and/or a customer purchasing a Take-Out Food Order upon the customer's request, however the establishment may display Single-Use Condiment Packets allowing for a customer to help oneself without a request.

Nothing in this law shall prevent any establishment from providing paper or non-plastic straws or biodegradable alternatives to plastic stirrers and cutlery without a request.

**SECTION 5. NOTIFICATION REQUIREMENT.**

Section 5. NOTIFICATION REQUIREMENT of Local Law No. 2 of 2019 shall be amended to read as follows:

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**County Of Ulster**

**A Local Law Amending Local Law No. 2 of 2019, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Include Plastic Stirrers, Plastic Cutlery And Condiment Packets**

A. Each Restaurant and Fast Food Service Establishment that provides single-use plastic beverage straws, single-use plastic cutlery, single-use plastic stirrers, and/or single-use condiment packets shall post a sign in a location easily visible to each customer which shall state: "SINGLE-USE PLASTIC BEVERAGE STRAW, SINGLE-USE PLASTIC CUTLERY, SINGLE-USE PLASTIC STIRRERS, AND/OR SINGLE-USE CONDIMENT PACKETS AVAILABLE UPON REQUEST." Items mentioned above that are not offered by the Restaurant or Fast Food Service Establishment shall not be included in signage.

B. Signs shall be protected from tampering, damage, removal, or concealment.

**SECTION 6. SEVERABILITY.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

**SECTION 7. EFFECTIVE DATE.**

This local law shall be effective subsequent to filing in the Office of the Secretary of State.

**Adopted by the County Legislature: October 15, 2019**

**Approved by the County Executive: November 13, 2019**

**Appendices E1-E2:  
Common Terms  
Abbreviations and Definitions**

## List of Commonly Used Abbreviations

<b>BMPs</b>	–	Best Management Practices
<b>CCE-UC</b>	–	Cornell Cooperative Extension of Ulster County
<b>COB</b>	–	County Office Building (244 Fair St., Kingston, NY)
<b>CWA</b>	–	Clean Water Act
<b>DEC</b>	–	New York State Department of Environmental Conservation
<b>DoEnv</b>	–	Ulster County Department of the Environment
<b>DPW</b>	–	Ulster County Department of Public Works
<b>EPA</b>	–	U.S. Environmental Protection Agency
<b>GIS</b>	–	Geographic Information System
<b>GPS</b>	–	Global Positioning System
<b>IDDE</b>	–	Illicit Discharge Detection and Elimination
<b>IS</b>	–	Ulster County Department of Information Services
<b>MCC</b>	–	Municipal Compliance Certification form
<b>MCM</b>	–	Minimum Control Measure
<b>MEP</b>	–	Maximum Extent Practicable
<b>MS4</b>	-	Municipal Separate Storm Sewer System
<b>NOI</b>	–	Notice of Intent
<b>NPS</b>	–	Non-Point Source Pollutants
<b>NPDES</b>	–	National Pollution Discharge Elimination System
<b>NYC DEP</b>	–	New York City Department of Environmental Protection
<b>POC</b>	–	Pollutants of Concern
<b>SMO</b>	–	Stormwater Management Officer
<b>SOP</b>	–	Standard Operating Procedures
<b>SPCC</b>	–	Spill Prevention and Control Countermeasures
<b>SPDES</b>	–	State Pollution Discharge Elimination System
<b>SWMP</b>	–	Stormwater Management Program
<b>SWPP</b>	–	Stormwater Pollution Prevention
<b>SWPPP</b>	–	Stormwater Pollution Prevention Plan
<b>TMDL</b>	–	Total Maximum Daily Load
<b>UCRRA</b>	–	Ulster County Resource Recovery Agency
<b>UC SWCD</b>	–	Ulster County Soil and Water Conservation District

## General Definitions and Requirements

**Best Management Practices (BMPs)** – Activities or structural improvements that help reduce the quantity and improve the quality of stormwater runoff. BMPs include public education and outreach, treatment requirements, operating procedures, and practices to control runoff, spillage, leakage, sludge and waste disposal, and drainage from raw material storage.

**Clean Water Act** – Amendments made to the Federal Water Pollution Control Act in 1972 to establish water quality standards and to create the National Pollutant Discharge Elimination System to protect the waters and waterways of the U.S. by regulating the discharge of pollutants from point source discharges and municipal separate storm sewer systems.

**Combined Sewer System** – A sewer system designed to convey both sanitary wastewater and stormwater.

**Detention Pond** – Pond that stores a volume of water for a given period of time and then discharges the water downstream.

**Discharge** – An outflow of water from a stream, pipe, ground water system or watershed.

**Ecosystem** – All of the plants and animals in an area that interact to make up the local environment.

**Erosion** – The overall process of the transport of material on the earth's surface including the movement of soil and rock by agents such as water, wind, or gravity.

**Groundwater** – All of the water contained in void space beneath the earth's surface.

**Heavy Metals** – Metals such as zinc, copper, lead, mercury, chromium, cadmium, iron, manganese, nickel, molybdenum and silver that, even in low concentrations can be toxic or lethal to humans, animals and aquatic life.

**Illicit Discharge** – The term refers to any discharge to an MS4 that is not composed entirely of stormwater unless authorized via an NPDES permit or otherwise excluded from regulation. Thus, not all illicit discharges are illegal or prohibited.

**Industrial Waste** – Unwanted materials from an industrial operation, this may include liquids, sludge, solids, or hazardous waste.

**Large Municipal Separate Storm Sewer System (Large MS4)** – All municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more according to the latest Census.

**Maximum Extent Practicable (MEP)** – A water quality standard that applies to all MS4 operators under NPDES permits. The standard has no exact definition, as it was intended to be flexible to allow operators to tailor their stormwater programs to their particular site.

**Medium Municipal Separate Storm Sewer System (Medium MS4)** – This includes all municipal separate storm sewers that are located in an incorporated place with a population of more than 100,000 but less than 250,000.

**Municipal Separate Storm Sewer Systems (MS4)** – Areas with a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) that are not a combined sewer or part of a publicly owned treatment system

and are owned or operated and regulated by a municipality or authorized agency. MS4s may be small, medium or large with the medium or large MS4s being principally determined by population size.

**Non-Point Source Pollutants (NPS)** – Pollution coming from many diffuse sources whose origin is often difficult to identify. This pollution occurs as rain or snowmelt travels over the land surface and picks up pollutants such as fertilizer, pesticides, and chemicals from cars. This pollution is difficult to regulate due to its origin from many different sources. These pollutants enter waterways untreated and are a major threat to aquatic organisms and people who fish, use waters and waterways for recreational purposes or as an untreated drinking water source.

**National Pollutant Discharge Elimination System (NPDES)** – This is the EPA’s regulatory program to control the discharge of pollutants to waters and waterways of the United States.

**Notice of Intent (NOI)** – An application to notify the permitting authority of a facility’s intention to be covered by a general permit. This exempts a facility from having to submit an individual or group application.

**Nutrients** – The term typically refers to nitrogen and phosphorus or compounds containing free amounts of the two elements. These elements are essential for the growth of plant life, but can create problems in the form of algal blooms, depletion of dissolved oxygen and pH changes in streams and other water bodies when higher concentrations are allowed to enter drainage systems and lakes.

**Ordinance** – A law based on state statutory authority developed and approved by a governmental agency to allow them to regulate the enforcement of criteria contained within the specific law and to invoke sanctions and other enforcement measures to ensure facilities comply with the criteria.

**Outfall** – the point where a sewer or drainage discharges into a receiving waterway.

**Point Source Pollution** – This is pollution coming from a single, definable source, such as a factory.

**Retention Pond** – Pond that stores a volume of water without allowing it to discharge downstream.

**Runoff** – Any drainage that leaves an area as surface flow.

**Sanitary Sewer** – Is an underground pipe system that carries sanitary waste and other wastewater to a treatment plant.

**Sediment** – Material derived from the weathering of rock such as sand and soil. This material can be detrimental to aquatic life and habitats if too much is allowed to wash into rivers and ponds.

**Site Plan** – Is a geographic representation of the layout of buildings and other important features on a tract of land.

**Small Municipal Separate Storm Sewer Systems (SMS4s)** – Are MS4s that are not merely determined by population, but are much broader in scope, they are land areas with conveyances that are designated because of one or more of the following criteria: 1) they discharge to sensitive waters; 2) they are experiencing high growth or have a high growth potential; 3) they are contiguous to urbanized areas and other MS4s; 4) they are a significant contributor of pollutants to the waters of the U. S.; or 5) they have ineffective protection of water quality through other programs.

**State Pollutant Discharge Elimination System (SPDES)** – The state’s regulatory program to control the discharge of pollutants to waters of the United States.

**Storm Drain** – Any drain which drains directly into the storm sewer system, usually found along

roadways or in parking lots.

**Storm Sewer** – Is an underground pipe system that carries runoff from streets and other surfaces.

**Stormwater** – Stormwater or snow melt runoff, and surface runoff and drainage.

**Stormwater Management** – Any measure associated with the planning, maintenance, and regulation of facilities which collect, store, or convey stormwater.

**Stormwater Pollution Prevention Plan (SWPPP)** – A plan developed by a facility or entity that thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate best management practice measures designed to prevent or control the discharge of pollutants in stormwater runoff.

**Surface Runoff** – Is the flow of water across the land surface that occurs when the rainfall rate exceeds the ability of the soil to absorb the water. This is of primary concern when dealing with impervious surfaces, such as parking lots, roofs, roads, or driveways where water cannot infiltrate at all.

**Surface Water** – Is any water that remains on the earth's surface, such as ponds, rivers, streams, impoundments, wetlands, oceans, etc.

**Total Maximum Daily Load (TMDL)** – Is a regulatory limit of the maximum amount of a pollutant type that can be released into a body of water in a twenty-four hour period without adversely affecting water quality.

**Tributary** – A stream which drains into another larger stream or body of water.

**Urbanized Area (UA)** – Is a land area consisting of one or more central places and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and a minimum average population density of at least 1,000 people per square mile.

**Watershed** – A geographic area in which water flowing across the surface will drain into a certain stream or river and flow out of the area via that stream or river, or all of the land that drains to a particular body of water, also known as a catchment or drainage basin.

**Waters of the US** – These are surface waters defined as wetlands, lakes (including dry lakes), rivers, streams (including intermittent streams, ephemeral washes and arroyos), mudflats, sandflats, sloughs, wet meadows, playa lakes, natural ponds, and man-made impoundments.

**Wetlands** – Is an area of land where part of the surface is covered with water or the soil is completely saturated with water for a large majority of the year. Wetlands provide an important habitat for many different types of plant and animal species. Wetlands are also natural stormwater control areas, since they filter out pollutants and are able to retain large amounts of water during storm events.

