



Soil & Water Conservation Districts in New York State

Proposal to provide Stormwater Management Technical Assistance to Municipalities and NYSDEC

Background

Pollution from stormwater runoff constitutes the largest single water quality impact to New York State's lakes and streams. Managing runoff from new development is a tremendous issue in New York, and one which has come to the forefront of environmental awareness.

To begin to address this issue, in 2003 the DEC radically changed the way of doing business in New York with regards to construction and its resulting environmental impact. With the advent of "Phase II Stormwater Regulations" (General Permit 02-01) administered by NYS DEC, any new construction over one acre in size was required to comply with strict new environmental regulations. In addition to this, hundreds of local municipalities in New York over a certain population density were now required to manage stormwater runoff through local programs. The potential and intent of these regulations is very positive. There is no provision for financial and local partnering support to make this program effective at the local level where the work is done.



Unchecked stormwater runoff from new development

The NYS DEC Division of Water has developed a stormwater management program to the best of its ability given financial, personnel, and logistical constraints. Shortfalls in the current program must be addressed if it is to be successful in protecting New York State's lakes, rivers, and streams. To help build the stormwater program at the local level, the DEC has worked to partner with the State's Soil and Water Conservation Districts (SWCDs). SWCDs have strong contacts with local contractors, municipal officials, and developers, which are the crux of local stormwater management. SWCDs have significant skills and abilities in the

stormwater management field and stand ready to play a much larger role in stormwater management in New York.

This proposal outlines how New York State's Soil and Water Conservation Districts can build upon an existing, effective partnership with the NYS DEC regarding Stormwater Management. This program will close the gap between the development community and the state regulating agency, by providing the essential technical assistance at the county and local level.



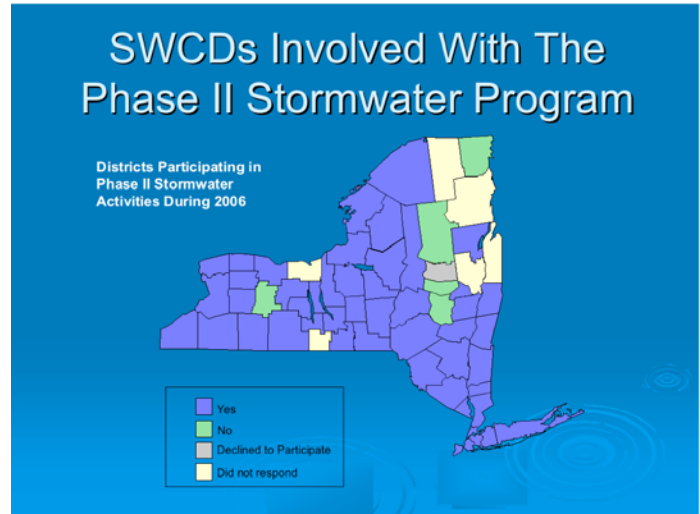
SWCD Staff reviewing a Stormwater Management Plan for a proposed development

Proposal

Soil and Water Conservation Districts will develop local (county and multi-county level) Stormwater Management Programs. These will provide direct support at the local level to municipalities, the NYS DEC, and the development sector to implement the Phase II Stormwater program in New York. SWCDs propose to be responsible for four program elements:

1. Technical Assistance for Development Site Plan Reviews

As new development proposals are reviewed by Local Planning Boards and DEC regional staff, significant deficiencies are often found in the stormwater plans. To help address these deficiencies, these entities can come to the local SWCD office for assistance prior to re-submitting plans. Upon request from a municipality or DEC, certified SWCD employees will work with construction permit applicants to improve Erosion & Sediment Control/Stormwater plans. SWCDs will provide consultation, make suggestions for Stormwater Management Practices (SMPs) and provide program education & outreach to builders and developers to improve future planned developments.



Construction and Inspection of a new stormwater management system for a new development



2. Construction Site Compliance Checks

In order for the NYS Phase II Stormwater Program to achieve the water quality benefits it has been designed to achieve, a field presence is needed to ensure permitting requirements are being adhered to for construction projects disturbing one or more acres of ground. With the limited resources at NYS DEC regional offices, routine spot checks on regulated development activities are sporadic at best. This situation severely compromises the effectiveness of the Stormwater Program. Currently, NYS SWCDs employ natural resource professionals in all 62 counties in New York. These individuals have expertise

in erosion and sediment control, are active in the field on a daily basis and are aware of many of the construction activities taking place in their respective counties. This makes SWCDs ideal partners for performing compliance checks and site visits. SWCDs are currently filling this role in most counties in New York, but on a very limited basis due to lack of funding.

3. Technical Assistance to regulated MS4 Municipalities

Due to federal Clean Water Act Regulations, discharges from Municipal Separate Stormwater Systems (MS4s) are regulated, and large municipalities must maintain stormwater permit coverage. These regulations require MS4 municipalities to develop and implement proactive Stormwater Management Programs. Each Stormwater Management Program must include six minimum control measures including:

1. Public Education and Outreach on Stormwater Impacts

2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control (Enforcement Ordinance)
5. Post-Construction Stormwater Management
6. Pollution Prevention for Municipal Operations

This program will allow SWCDs to provide technical assistance to regulated MS4 municipalities for Minimum Measures 4-6. SWCDs will perform site plan reviews, construction site inspections consistent with the NYSDEC construction site checklist, make recommendations on long-term stormwater systems, and inspect municipal operations for the MS4s within their geographic area of responsibility. This assistance will be performed by, or under the supervision of, certified SWCD employees. SWCDs will provide recommendations for improvement where plans are found to be deficient. NYS DEC may then choose to require specific project changes based on these reviews and recommendations.



4. Provide Technical assistance to Municipalities on Planning and Zoning

Assistance here will help local decision-makers understand how stormwater hydrology and the natural environment impact planning and zoning decisions. These impacts typically include increased runoff to sensitive areas, soil erosion, flooding and degradation of waters or other resources. An effective stormwater management program will use "risk findings" to identify environmentally sound areas for future development and vulnerable areas that need to be protected. This program area, as well as the other three, will be coordinated with Regional Planning Councils, Regional NYS DEC, watershed groups, and County Water Quality Coordinating Committees; all of which provide a valuable expertise that will be needed to ensure programmatic success.

Program Cost: \$3,000,000 to Soil and Water Conservation Districts

The annual cost of implementation of the SWCD Local Stormwater Management Program on a statewide basis is \$3,000,000. This funding would be provided to local Soil and Water Conservation Districts through an existing funding allocation structure with the NYS Soil and Water Conservation Committee and the NYS DEC. As such, there is no need for any new legislation or budgetary processes. Once initiated, this program will begin immediately. Partnership meetings will be held on a regular basis with NYS DEC to ensure program consistency on both a regional and statewide level.

This program will be in full partnership with the NYS Department of Environmental Conservation. Soil and Water Conservation Districts are cognizant that additional financial resources to the NYS DEC are imperative to address stormwater issues in New York State. Districts fully support initiatives to attain these additional needed resources.

Summary

Stormwater management in New York State is one of the largest environmental issues facing us today. The NYS Department of Environmental Conservation realizes that, for this program to be successful, local partners are an essential. Utilizing existing relationships with Soil and Water Conservation Districts across the state, the Local Stormwater Management Program described herein is a cost-effective means to address the current shortfalls in local stormwater management implementation. By working together at both the state and local levels, we can significantly improve the protection of New York State's waters from its number one impact; pollution from stormwater runoff.