

TOWN OF BROOKHAVEN

Stormwater Management Program Plan (SWMP Plan)

Required under the New York State Department of Environmental Conservation
SPDES General Permit for Stormwater Discharges from
Small Municipal Separate Storm Sewer Systems (GP-0-10-002).

Town of Brookhaven
One Independence Hill
Farmingville, NY
11738-2150

SPDES Permit Number: NYR20A411

Last Updated: May 6, 2016

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Introduction

This SWMP Plan has been developed to comply with Part IV.A. of the NYSDEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002). The purpose of this plan is to document planned and implemented Stormwater Management Program (SWMP) elements. This SWMP Plan is reviewed on an annual basis and updated as necessary in order to document progress and changes made in the program.

The Town of Brookhaven is located in central Suffolk County, New York. At the time of the 2010 census, the population was 486,040. It is the largest town (by area, if including water area) in the state of New York, and the second most populous. The town covers an approximate area of 262.5 square miles and has approximately 153 miles of shoreline. Brookhaven is surrounded by water bodies of regional significance including the Long Island Sound to the north, the South Shore Estuary Reserve to the south, and to the east parts of Brookhaven feed into tributaries of the Peconic Estuary.

Stormwater is precipitation (rain or snow) that runs off surfaces such as roof tops, driveways, roads, parking lots and even lawns. As stormwater runs off these surfaces it can pick up pollutants such as oil, litter, sediment, fertilizers, pesticides, nutrients, and pathogens; resulting in polluted runoff. Eventually this runoff makes its way into our lakes, rivers, streams and estuaries, and since it is often contaminated with pollutants, it is one of the major contributors to water pollution in the United States. It is also of special concern to local waters such as the Long Island Sound and the South Shore Estuary Reserve, which surround the Town of Brookhaven. Polluted stormwater runoff, also known as non-point source pollution, often results in shellfish bed closures, restricted bathing beach access, poor water quality, declining shoreline aesthetics, reduced navigability, impaired recreational opportunities, and degraded wetlands and wildlife habitats.

In 1972, the Federal Clean Water Act was adopted to improve the quality of our Nation's waters. The Act sought to accomplish this by minimizing and eliminating what are commonly referred to as "point sources" of pollution, sources of pollution that originate from a pipe or other specific points of discharge. Though there were significant improvements in water quality since the inception of this Act, water pollution remained a problem in our local waterways. The Clean Water Act was subsequently amended to address non-point sources of pollution, and beginning in 1990, any municipality with a population greater than 100,000 was required to implement programs and practices targeted at reducing non-point sources of pollution. This was referred to as Phase I. In 2003 Phase II was implemented which required all municipalities, including the Town of Brookhaven, to implement programs and practices which combat non-point source pollution.

The goal of the Phase II program is to reduce the impacts of stormwater runoff thereby improving water quality, enhancing recreational enjoyment of our waterways, preventing beach closures, and ensuring that seafood is safe for human consumption. In New York, the Phase II program requires all regulated municipalities to maintain a permit from the New York State Department of

Environmental Conservation (NYSDEC) for the discharge of stormwater runoff into their surface waters. This permit is commonly referred to as the SPDES (State Pollutant Discharge Elimination System) General Permit. As a condition of this permit, regulated municipalities must develop and implement a comprehensive stormwater management program that includes mandated programs and practices in the following six categories:

- Public education and outreach on stormwater impacts
- Public involvement / participation
- Illicit discharge detection and elimination
- Construction site stormwater runoff control
- Post-construction stormwater management in new development / redevelopment
- Pollution prevention / good housekeeping for municipal operations

Pollutants of Concern (POC)

Pollutants of concern addressed through this SWMP include nutrients, sediment, pathogens, oil, grease, metals, debris and litter. Of particular concern to the water bodies surrounding Long Island are pathogens, sediment and nitrogen. Pathogens are of particular concern in Brookhaven Town, whereby disease causing organisms regularly result in beach and shellfishing closures when washed into surface waters.

Stormwater Committee

The Town of Brookhaven has an internal Stormwater Committee that meets approximately once a year to address the goals of the SWMP. Committee members are in contact with each other on specific topics and projects on a more frequent basis. Topics of discussion at meetings include updates to retrofit projects, compliance with New York State permit conditions, and goals related to existing water quality conditions. Committee members include staff from the following departments: Highway, Parks and Recreation, Planning, Environmental Protection and Engineering, Waste Management, and the Supervisor's Office.

Program Administration

The Stormwater Program is administered by the Town's Stormwater Manager. The following chart identifies specific Town departments with responsibility for implementing the various components of the Town's stormwater program.

**Town of Brookhaven Stormwater Program
Organizational Chart**



The Six Minimum Control Measures of the NYSDEC MS4 Permit are implemented by the various Town departments as indicated below:

Minimum Control Measure 1: Public Education and Outreach
Environmental Protection, Waste Management and Highway

Minimum Control Measure 2: Public Involvement / Participation
Environmental Protection, Parks, Waste Management and Highway

Minimum Control Measure 3: Illicit Discharge Detection & Elimination (IDDE)
Engineering, Highway and Information Technology (GIS)

Minimum Control Measure 4: Construction Site Stormwater Runoff Control
Highway and Engineering

Minimum Control Measure 5: Post-Construction Stormwater Management
Environmental Protection, Highway and Engineering

Minimum Control Measure 6: Pollution Prevention / Good Housekeeping for Municipal Operations
Environmental Protection, Parks, Waste Management and Highway

Definitions

Best Management Practices (BMPs): Structural improvements or non-structural activities that help reduce the quantity and/or improve the quality of stormwater runoff.

U.S. Environmental Protection Agency (EPA): Federal body of government which instituted and has jurisdiction over the Phase II Stormwater Management Program.

Minimum Control Measure (MCM): Elements of the MS4 stormwater management program. There are a total of six elements and when implemented together are expected to result in significant reductions of pollutants discharged into receiving water bodies.

Municipal Separate Storm Sewer Systems (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. owned or operated by a State, city, town, village, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA, that discharges to surface waters of the State;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

New York State Department of Environmental Conservation (NYSDEC): State body of government that is the Stormwater NPDES Permitting Authority.

State Pollutant Discharge Elimination System (SPDES): The State system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Stormwater Pollution Prevention Plan (SWPPP): A site-specific, written document that:

- Identifies potential sources of stormwater pollution at the construction site
- Describes practices to reduce pollutants in stormwater discharges from the construction site.
- Identifies procedures the operator will implement to comply with the terms and conditions of a construction general permit.

Stormwater Management Program (SWMP): The program implemented by the covered entity. A SWMP is designed to address pollutants of concern (POCs) and reduce the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of The Environmental Conservation Law and

Clean Water Act. The SWMP must address all six MCMs. The SWMP needs to include measurable goals for each of the *BMPs* that are implemented. The SWMP should:

1. describe the BMP / measurable goal;
2. identify time lines / schedules and milestones for development and implementation;
3. include quantifiable goals to assess progress over time; and
4. describe how the covered entity will address POCs.

Stormwater Management Program Plan (SWMP Plan): Document used by the covered entity to record developed, planned and implemented SWMP elements. The SWMP plan must describe how pollutants in stormwater runoff will be controlled.

Total Maximum Daily Load (TMDL): A calculation of the maximum amount of a pollutant that a water body can receive and still safely meet water quality standards.

Minimum Control Measure 1: Public Education and Outreach on Stormwater Impacts

1.1 Description of Minimum Control Measure

An informed and knowledgeable community is crucial to the success of a stormwater management program since it helps to ensure the following:

- Greater support for the program as the public gains a greater understanding of the reasons why it is necessary and important. Public support is particularly beneficial when operators of small MS4s attempt to institute new funding initiatives for the program or seek volunteers to help implement the program; and
- Greater compliance with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters.

1.2 General Permit Requirements

- a) Identify POCs (pollutants of concern), water bodies of concern, geographic areas of concern, target audiences;
- b) Implement an ongoing public education and outreach program designed to describe to the general public and target audiences:
 - i. the impacts of stormwater discharges on water bodies;
 - ii. POCs and their sources;
 - iii. steps that contributors of these pollutants can take to reduce pollutants in stormwater runoff; and
 - iv. steps that contributors of non-stormwater discharges can take to reduce pollutants;
- c) Record, periodically assess, and modify as needed, measurable goals; and
- d) Select and implement appropriate education and outreach activities and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP (maximum extent practical).

1.3 Watershed Improvement Strategy Requirements - Pathogens

- a. Plan and conduct an ongoing public education and outreach program designed to describe the impacts of Pathogens (the POC) on water bodies. The program must identify potential sources of Pathogens in stormwater runoff and describe steps that contributors can take to

reduce the Pathogens in stormwater runoff. The program must also describe steps that contributors of non-stormwater discharges can take to reduce Pathogens.

- b. Develop, or acquire if currently available, specific educational material dealing with sources of Pathogens in stormwater and pollutant reduction practices. At a minimum, the educational material should address the following topics:
 - i. where, why, and how Pathogens pose threats to the environment and to the community;
 - ii. septic systems, geese and pets as a source of pathogens;
 - iii. dissemination of educational materials / surveys to households/businesses in proximity to Pathogen TMDL water bodies; and
 - iv. education for livestock / horse boarders regarding manure BMPs.

1.4 Methodology for Compliance with Permit Requirements

The Town of Brookhaven has developed and implemented various BMPs in order to address the Public Education and Outreach MCM. Implemented BMPs include brochures, displays at municipal buildings, web pages, televised Public Service Announcements and published articles. The BMPs are updated, altered or expanded as needed in response to SWMP programmatic needs, and evolving permit requirements.

1.5 Best Management Practices Implemented or Underway

1.5.1 Printed Materials/Displays

Stormwater sources, impacts and preventative BMPs are presented through brochures and educational displays. Sample literature can be found in Appendix A.

The following efforts have been conducted as part of the SWMP:

- At Brookhaven's Cedar Beach Nature Center there are informational kiosks with stormwater related educational information. Approximately 5,000 people pass through the center each year.
- The Cedar Beach Nature Center also distributes brochures which list numerous BMPs that homeowners can employ to minimize their impact to the environment (see Appendix A-2).
- Fact sheets, tailored for specific programs and target audience, are distributed throughout the Town. Examples include a brochure which describes the adopt-a-highway program, and an information card which answers the "why's" and "how's" of recycling.

1.5.2 Webpage

The Town of Brookhaven maintains and periodically updates a web page specific to stormwater management. The website can be found at:

<http://www.brookhaven.org/Departments/HighwayDepartment/StormwaterManagement.aspx>.

The stormwater page includes information on:

- The causes and impacts of stormwater runoff
- Federal and State regulations
- What Brookhaven is doing with respect to Stormwater Management
- Describes what homeowners can do to minimize their impact
- Provides supporting links for additional information

The website has supporting downloadable documentation including:

- All annual reports.
- Watershed management plans such as the Forge River Watershed Management Plan: http://www.brookhaven.org/DesktopModules/Bring2mind/DMX/Download.aspx?DMXModule=1576&Command=Core_Download&EntryId=561&PortalId=0&TabId=134
- Waste Management provides educational information on recycling, hazardous waste disposal, community clean up events, household waste and business waste reduction. They also sponsor the Greenhaven program. More information on his initiative can be found on the Waste Management website at: <http://www.brookhaven.org/TownDepartments/WasteManagement/Greenhaven/tabid/590/Default.aspx>. The Green Gazette periodically runs articles with stormwater related themes. An example is an article describing the importance of the “pooper scooper law” (Appendix A-3).

1.5.3 Public Presentations/School Programs

The Town of Brookhaven conducts various public presentations, group activities, and school programs, which include stormwater curricula. The following are examples of the Town’s outreach efforts:

- Environmental Protection conducts programs at Cedar Beach Nature Center which include pollution activities that raise awareness to the problems associated with litter. As of the time of this revision, the Town is undergoing a major redesign of the physical exhibit space at the Cedar Beach Nature Center (now known as the Mt. Sinai Marine Stewardship Center). One whole room will be dedicated to stewardship and the actions we can take to minimize our impacts on the environment. Water conservation and stormwater protection are the focal points for this room.
- Environmental Protection also conducts outreach programs at West Meadow Beach for adults and children. Stormwater issues are discussed as part of the Salt Marsh Ecology Program.

- Waste Management conducts numerous workshops/presentations to various groups on related curricula such as recycling.

1.5.4 Direct Mailings

- The Town conducts audience-specific mailings to targeted demographics. For example a boater BMP brochure was created for inclusion in the boat slip renewal notices. These are sent to approximately 750 boat slip renters annually. (Appendix A -6)

1.6 Best Management Practices for Future Consideration

The Town continually seeks to improve the SWMP by considering new tasks which could be implemented. The most recent additions include a Public Service Announcement regarding the importance of annual inspections and maintenance of septic systems, and a brochure for boaters with information regarding BMPs.

1.7 Measurable Goals

1.7.1 Printed Media

The Town seeks to educate as many residents as possible through educational brochures, literature and articles. The goal is to inform residents on how to limit or modify behaviors which may result in pollutant-generating activities.

1.7.2 Outreach

The Town seeks to educate as many citizens as possible through public education and outreach programs. Education and outreach programs are conducted through the Holtsville Ecology Site, at community events through Waste Management, through Environmental Protection's programs conducted at West Meadow Beach and the Cedar Beach Nature Center, and through other Town-sponsored events and festivals.

1.8 Minimum Reporting Requirements

- i) List education / outreach *activities* performed for the general public and target audiences and provide any results (for example, number of people attended, amount of materials distributed, etc.);
- ii) *Covered entities* performing the education and outreach activities required by other MCMs (listed below), may report on those activities in MCM 1 and provide the following information applicable to their program:

- IDDE education *activities* planned or completed for public employees, businesses, and the general public, as required by Part VII.A.3;
- construction site *stormwater* control training planned or completed, as required by Part VII.A.4 of GP-0-10-002; and
- employee pollution prevention / good housekeeping training planned or completed, as required by Part VII.A.6 of GP-0-10-002; and

To facilitate shared annual reporting, if the education and outreach activities above are implemented by a third party, and the third party is completing the associated portions of the annual report, that third party may report on the education and outreach activities within MCM 1 of the annual report and not within the MCMs that the education and outreach activities are required by,

- iii) Report on effectiveness of program, *BMP* and *measurable goal* assessment; and
- iv) Maintain records of all training activities.

Minimum Control Measure 2: Public Involvement and Participation

2.1 Description of Minimum Control Measure

The EPA believes that the public can provide valuable input and assistance to a regulated small MS4's municipal stormwater management program and therefore suggests that the public be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a stormwater management program because it allows for:

- Broader public support since citizens who participate in the development and decision making process are partially responsible for the program and therefore may be less likely to raise legal challenges to the program and more likely to take an active role in its implementation;
- Shorter implementation schedules due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers;
- A broader base of expertise and economic benefits since the community can be an available, and free, intellectual resource; and
- A conduit to other programs as citizens involved in the stormwater program development process provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a stormwater program on a watershed basis, as encouraged by EPA.

2.2 General Permit Requirements

- a) Comply with the State Open Meetings Law and local public notice requirements, such as Open Meetings Law, when implementing a public involvement / participation program.
- b) Implement a public involvement/participation program that:
 - i identifies key individuals and groups, public and private, who are interested in or affected by the SWMP;
 - ii identifies types of input the covered entity will seek from the key individuals and groups, public and private, to support development and implementation of the SWMP program and how the input will be used; and
 - iii describes the public involvement / participation activities the covered entity will undertake to provide program access to those who want it and to gather the needed input. The activities included, but are not limited to a water quality hotline (report spills, dumping, construction sites of concern, etc.), stewardship activities like stream cleanups, storm drain marking, and volunteer water quality monitoring; and

- iv provides the opportunity for the public to participate in the *development, implementation, review, and revision* of the *SWMP*.

- c) Local stormwater public contact.
Identify a local point of contact for public concerns regarding *stormwater* management and compliance with this *SPDES general permit*. The name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the *Department* on the MCC form.

- d) Annual report presentation. Below are the requirements for the annual report presentation:
 - i Prior to submitting the final annual report to the *Department*, by June 1 of each reporting year (see Part V.C. of GP-0-10-002), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:
 - at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for *stormwater*. If multiple *covered entities* are working together, they may have a group meeting (refer to Part V.C.2 of GP-0-10-002); or
 - on the internet by;
 - making the annual report available to the public on a website;
 - providing the public the opportunity to provide comments on the internet or otherwise; and
 - making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the covered entity must hold such a meeting. However, the covered entity need only hold a public meeting once to satisfy this requirement.

 - ii Provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the local public notice requirements:
 - the placement of the annual report on the agenda of this meeting or location on the internet;
 - the opportunity for public comment. This *SPDES general permit* does not require a specified time frame for public comments, although it is recommended that *covered entities* do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. *Covered entities* must take into account those comments in the following year;
 - the date and time of the meeting or the date the annual report becomes available on the internet; and

- the availability of the draft report for review, prior to the public meeting or duration of availability of annual report on the internet.

iii The *Department* recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the *covered entity's SWMP*.

iv Include a summary of comments and (intended) responses with the final annual report. Changes made to the *SWMP* in response to comments should be described in the annual report.

v Ensure that a copy of the final report and the *SWMP* plan are available for public inspection.

e) Record, periodically assess and modify as needed *measurable goals*.

f) Select and implement appropriate public involvement / participation *activities* and *measurable goals* to ensure the reduction of *POCs* in *stormwater discharges* to the maximum extent practical (MEP).

2.3 Watershed Improvement Strategy Requirements - Pathogens

No additional requirements proposed at this time.

2.4 Methodology for Compliance with Permit Requirements

The Town of Brookhaven has developed and implemented various BMPs in order to address the Public Involvement and Participation MCM. Implemented BMPs include providing the opportunity for the public to comment on the draft annual report, and volunteer based events such as clean-ups or plantings. BMPs are updated, altered or expanded as needed in response to *SWMP* programmatic needs and evolving permit requirements.

2.5 Best Management Practices Implemented or Underway

2.5.1 Opportunity for Public Review of Annual Reports

Documentation related to the *SWMP* is available to interested members of the public. Annual reports are posted on the Town's *SWMP* web page which can be found at the following URL:

<http://www.brookhaven.org/Departments/HighwayDepartment/StormwaterManagement.aspx>. In addition, residents may contact the Town's Stormwater Manager, Veronica King at vking@brookhaven.org.

The following procedure allows for comment on the draft Annual Reports:

1. The draft annual report is posted on the Town's website no later than May 1st of each year.
2. An announcement is posted on the Town's website announcing the availability of the draft report for public review and/or comment.
3. If public comments are received, they are incorporated into the current annual report or the next year's report in accordance with the requirements of the MS4 General Permit.
4. The final Annual Stormwater Report is submitted to the NYSDEC by June 1st of each year.

2.5.2 Citizen Volunteer Events

Various stormwater related volunteer opportunities exist within the Town of Brookhaven. Examples include:

- Site specific periodic clean-up events. Examples include the annual West Meadow Beach Cleanup, Port Jefferson Harbor Cleanup, and Carmans River Cleanup.
- Stewardship based programs. The Town manages an adopt-a-highway program where 120 miles of roadway are cleaned (e.g. 4 times per year) by 120 groups. Similarly, there are also adopt-a-spot and adopt-a-park programs.
- The Great Brookhaven Clean-up is conducted each spring. During the most recent event 2,435 people collected over 600 tons of trash.
- The Great Brookhaven Plant-in is also conducted each spring. During the most recent event, 1,565 volunteers conducted plantings at 77 locations.

2.6 Best Management Practices for Future Consideration

The Town continually seeks to improve the SWMP by considering new tasks which could be implemented. At the time of this report, there were no specific plans to develop and implement additional BMPs for MCM2.

2.7 Measurable Goals

2.7.1 Volunteer Clean-ups

The Town seeks to recruit citizen volunteers to assist with clean up events, thus preventing debris from entering local water bodies. This is accomplished through various efforts including adopt-a-highway and adopt-a-spot programs. In addition, the Town has organized the annual "Great Brookhaven Clean Up" which is conducted each spring.

2.7.2 Volunteer Plant-ins

The Town seeks to recruit citizen volunteers to assist with green initiatives such as a large scale plant-in. For example, the Town organizes “The Great Brookhaven Plant-in” each spring from March to June.

2.7.3 Watershed Management Plan Committees

The Town seeks to provide an opportunity for the public to participate in the development and implementation of watershed management plans by participating in citizen advisory committees.

2.8 Minimum Reporting Requirements

- i) annual report presentation information (date, time, attendees) or information about how the annual report was made available for comment;
- ii) comments received and intended responses (as an attachment);
- iii) public involvement / participation activities; and
- iv) report on effectiveness of program, *BMP* and *measurable goal* assessment.

Minimum Control Measure 3: Illicit Discharge Detection and Elimination

3.1 Description of Minimum Control Measure

Federal regulations define an illicit discharge as "...any discharge to an MS4 that is not composed entirely of stormwater..." with some exceptions. These exceptions include discharges from NPDES-permitted industrial sources and discharges from fire-fighting activities. Illicit discharges are considered "illicit" because MS4s are not designed to accept, process, or discharge such non-stormwater wastes. Examples of illicit discharges include:

- Sanitary wastewater
- Effluent from septic tanks
- Car wash wastewaters
- Improper oil disposal
- Radiator flushing disposal
- Laundry wastewaters
- Spills from roadway accidents
- Improper disposal of automotive liquids
- Household toxics

Discharges from MS4s often include wastes and wastewater from non-stormwater sources. A study conducted in 1987 in Sacramento, California, found that almost one-half of the water discharged from a local MS4 was not directly attributable to precipitation runoff. A significant portion of these dry weather flows were from illicit and/or inappropriate discharges and connections to the MS4.

Illicit discharges enter the system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the MS4 from cracked sanitary systems, spills collected by drain outlets, or paint or used oil dumped directly into a drain). The result is untreated discharges that contribute high levels of pollutants, including heavy metals, toxics, oil, grease, solvents, nutrients, viruses, and bacteria to receiving water bodies. Pollutant levels from these illicit discharges have been shown in EPA studies to be high enough to significantly degrade receiving water quality and threaten aquatic wildlife, and human health.

3.2 General Permit Requirements

- a) Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 40CFR 122.26(b)(2)) into the small MS4;

- b) Maintain a map, at a minimum within the covered entity's jurisdiction in the urbanized area and additionally designated area, showing:
 - i the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls;
 - ii the preliminary boundaries of the covered entity's storm sewer sheds using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the covered entity's jurisdiction; and
 - iii when grant funds are made available or for sewer lines surveyed during an illicit discharge track down, the covered entity's storm sewer system in accordance with available State and EPA guidance;
- c) Field verify outfall locations;
- d) Conduct an outfall reconnaissance inventory, as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, addressing every outfall within the urbanized area and additionally designated area within the covered entity's jurisdiction at least once every five years, with reasonable progress each year;
- e) Map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area;
- f) Prohibit, through a law, ordinance, or other regulatory mechanism, illicit discharges into the small MS4 and implement appropriate enforcement procedures and actions. This mechanism must be equivalent to the State's model IDDE local law "NYSDEC Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems". The mechanism must be certified by the attorney representing the small MS4 as being equivalent to the State's model illicit discharge local law. Laws adopted during the GP-02-02 permit cycle must also be attorney-certified as effectively assuring implementation of the State's model IDDE law;
- g) Develop (for newly authorized MS4s) and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4 in accordance with current assistance and guidance documents from the State and EPA. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions;
- h) Inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste, and maintain records of notifications;

- i) Address the categories of non-stormwater discharges or flows listed in Part I.A.2 as necessary;
- j) Develop, record, periodically assess, and modify as needed, measurable goals; and
- k) Select and implement appropriate IDDE BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

3.3 Watershed Improvement Strategy Requirements – Pathogens

- a) Develop, implement, and enforce a program to detect and eliminate discharges to the municipal separate storm sewer system from on-site sanitary systems in areas where factors such as shallow groundwater, low infiltrative soils, historical on-site sanitary system failures, or proximity to pathogen-impaired water bodies, indicate a reasonable likelihood of system discharge.

In such areas, ensure that on-site sanitary systems designed for less than 1000 gallons per day (septic systems, cesspools, including any installed absorption fields) are inspected at a minimum frequency of once every five years and, where necessary, maintained or rehabilitated. Conduct regular field investigations/inspections in accordance with the most current version of the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, to detect the presence of ongoing and/or intermittent on-site sanitary discharges to the storm sewer system. An advanced system inspection requiring completion by a certified professional is not required by this permit, but may be used where site specific conditions warrant.

On-site sanitary system IDDE program development shall include the establishment of the necessary legal authority (such as new or revised local laws) for implementation and enforcement.

- b) Develop and maintain a map showing the entire *small MS4* conveyance system. The *covered entity* shall complete the mapping of approximately 20% of the system every year, with the entire system being mapped by May 1, 2015. At a minimum, the map and/or supportive documentation for the conveyance system shall include the following information:
 - i) type of conveyance system - closed pipe or open drainage;
 - ii) for closed pipe systems - pipe material, shape, and size;
 - iii) for open drainage systems - channel/ditch lining material, shape, and dimensions; location and dimensions of any culvert crossings;
 - iv) drop inlet, catch basin, and manhole locations; and
 - v) number and size of connections (inlets/outlets) to catch basins and manholes, direction of flow.

All information shall be prepared in digital format suitable for use in GIS software and in accordance with the *Department's* guidance on Illicit Discharge Detection and

Elimination. The scale shall be 1:24000 or better.

3.4 Methodology for Compliance with Permit Requirements

The Town of Brookhaven has developed and implemented various BMPs in order to address the Illicit Discharge Detection and Elimination MCM. Implemented BMPs include mapping all of the Town's outfalls, mapping conveyance systems, incorporating all mapping into a GIS database, searching for illicit discharges, and adopting an IDDE ordinance.

3.5 Best Management Practices Implemented or Underway

3.5.1 Outfall Reconnaissance

The Town maintains an outfall reconnaissance inventory, as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*. The outfall reconnaissance inventory is updated at least once every five years, with reasonable progress each year. There are approximately 330 outfalls that fall within the Town's jurisdiction. (A sample outfall map can be found in Appendix B-1).

3.5.2 Mapping Stormwater Systems & Conveyances

Mapping of the Town's stormwater infrastructure and conveyances is an ongoing effort. All stormwater structures such as leaching basins, catch basins, recharge basins and pipes are being mapped. Structure locations are being recorded by GPS along with attribute data for each structure. Attribute data includes material, dimensions, type, physical condition, and presence of incoming piping.

3.5.3 Illicit Discharge Detection Efforts

Brookhaven conducted a study specifically designed to search for illicit discharges. In 2011, the Town completed its assessment of all outfalls for their likelihood to have an illicit discharge. Once all the outfalls were field visited, it was determined that 5.6% of the outfalls had an increased potential to have an illicit discharge. These outfalls were monitored for dry weather flow (DWF) on three separate occasions. If flow was present, qualitative parameters were noted such as turbidity, odor, deposits, color, floatables, and vegetation growth. (See Appendix B-3 for a sample data sheet.) Of the 20 outfalls assessed, 4 samples were preserved for potential DNA source tracking analysis. Of the 4 samples preserved, only 1 was found to have elevated coliform counts. DNA source tracking identified the source as "wildlife with a chance of dog"; **therefore it was determined that no illicit discharges existed system-wide.**

3.5.4 Creation and Maintenance of GIS-based Structure Inventory

All stormwater related data, including outfalls, structures and conveyances, is incorporated into a GIS database. Data includes location, size, material, capacity, and condition. The Town uses ArcGIS for all GIS applications. Appendix B-1 and B-2 maps were exported from the GIS stormwater database.

3.5.5 Adoption of the IDDE Stormwater Management Ordinance

The Town of Brookhaven officially enacted an ordinance in 2008 which prohibits illicit discharges. Specifically, the ordinance (see Appendix B-4) seeks to:

- Meet the requirements of the SPDES General Permit for Stormwater Discharges.
- Regulate the contribution of pollutants to the MS4.
- Prohibit illicit connections, activities and discharges to the MS4.
- Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with the ordinance.
- 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.

3.6 Best Management Practices for Future Consideration

3.6.1 Expand Efforts to Map Conveyance Systems

The Town has taken a watershed approach to mapping its infrastructure by the deadline established in the MS4 general permit. The Town completed the Forge River Watershed stormwater mapping in 2010, and the Carmans River Watershed mapping in 2011. Once the Town-wide base mapping project is completed, the dataset will be maintained and updated through the Town's electronic maintenance tracking system (work order system).

3.6.2 Expand Illicit Discharge Detection Efforts

The Town will continue with the IDDE investigations on a regular basis as required by the MS4 general permit.

3.7 Measurable Goals

3.7.1 Map Conveyance Systems

The Town seeks to map all stormwater structures and conveyances, and to perform outfall reconnaissance inventories at least once every five (5) years with reasonable progress every year, as required by Part VII.A.6 of the Permit.

3.8 Minimum Reporting Requirements

- i. number and percent of outfalls mapped;
- ii. number of illicit discharges detected and eliminated;
- iii. percent of outfalls for which an outfall reconnaissance inventory has been performed ;
- iv. status of system mapping;
- v. activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
- vi. regulatory mechanism status - certification that law is equivalent to the State's model IDDE law (if not already completed and submitted with an earlier annual report); and
- vii. report on effectiveness of program, BMP and measurable goal assessment.

Minimum Control Measure 4: Construction Stormwater Management

4.1 Description of Minimum Control Measure

Polluted stormwater runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. The pollutants most commonly discharged from construction sites include:

- Sediment
- Solid and sanitary wastes
- Phosphorous (fertilizer)
- Nitrogen (fertilizer)
- Pesticides
- Oil and grease
- Concrete truck washout
- Construction chemicals
- Construction debris

Of the pollutants listed above, sediment is usually the main pollutant of concern. According to the 2000 National Water Quality Inventory, it is reported that sedimentation is one of the most widespread pollutants affecting assessed rivers and streams, second only to pathogens (bacteria). Sedimentation impairs 84,503 river and stream miles (12% of the assessed river and stream miles and 31% of the impaired river and stream miles). Sources of sedimentation include agriculture, urban runoff, construction, and forestry. Sediment runoff rates from construction sites, however, are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our nation's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.

4.2 General Permit Requirements

- a) Develop, implement, and enforce a program that:
 - i provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001).
 - ii addresses stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from construction activity disturbing less than one acre must be included in the program if:

- that construction activity is part of a larger common plan of development or sale that would disturb one acre or more;
- iii includes a law, ordinance or other regulatory mechanism to require a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State’s most current technical standards:
 - this mechanism must be equivalent to one of the versions of the “NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control”; and
 - equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or
 - by adoption of a modified version of the sample law, or an alternative law, and, in either scenario, certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws.
 - iv contains requirements for construction site operators to implement erosion and sediment control management practices;
 - v allows for sanctions to ensure compliance to the extent allowable by State law;
 - vi contains requirements for construction site operators to control waste such a discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, pursuant to the requirement of construction permit;
 - vii describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPPs to ensure consistency with State and local sediment and erosion control requirements;
 - ensure that the individuals performing the reviews are adequately trained and understand the State and local sediment and erosion control requirements;
 - all SWPPPs must be reviewed for sites where the disturbance is one acre or greater; and
 - after review of SWPPPs, the covered entity must utilize the “MS4 SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity when notifying construction site owner / operators that their plans have been accepted by the covered entity;
 - viii describes procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site storm water runoff;
 - ix describes procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water;
 - the covered entity must ensure that the individual(s) performing the inspections are adequately trained and understand the State and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a Department sponsored or approved training;

- all sites must be inspected where the disturbance is one acre or greater;
- covered entities must determine that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the Department by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the SPDES General Permit for Stormwater Discharges from Construction Activity. The principal executive officer, ranking elected official, or duly authorized representative (see Part VI.J.) shall document their determination by signing the “MS4 Acceptance” statement on the NOT.
- x educates construction site owner / operators, design engineers, municipal staff and other individuals to whom these regulations apply about the municipality’s construction stormwater requirements, when construction stormwater requirements apply, to whom they apply, the procedures for submission of SWPPPs, construction site inspections, and other procedures associated with control of construction stormwater;
- xi ensures that construction site operators have received erosion and sediment control training before they do work within the covered entity’s jurisdiction and maintain records of that training. Small home site construction (construction where the Erosion and Sediment Control Plan is developed in accordance with Appendix E of the “New York Standards and Specifications for Erosion and Sediment Control”) is exempt from the requirements below:
 - training may be provided by the Department or other qualified entities (such as Soil and Water Conservation Districts);
 - the covered entity is not expected to perform such training, but they may co-sponsor training for construction site operators in their area;
 - the covered entity may ask for a certificate of completion or other such proof of training; and
 - the covered entity may provide notice of upcoming sediment and erosion control training by posting in the building department or distribute with building permit application;
- xii establishes and maintains an inventory of active construction sites, including the location of the site, owner / operator contact information;
- xiii develop, record, periodically assess and modify as needed measurable goals; and
- xiv select and implement appropriate construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

4.3 Watershed Improvement Strategy Requirements - Pathogens

No additional requirements at this time.

4.4 Methodology for Compliance with Permit Requirements

The Town of Brookhaven has developed and implemented various BMPs in order to address the Construction Stormwater Management MCM. Implemented BMPs include passing a stormwater

construction ordinance, implementing a SWPPP review procedure, and conducting SWPPP construction site inspections.

4.5 Best Management Practices Implemented or Underway

4.5.1 Stormwater Discharges from Construction Activities Ordinance

The Town of Brookhaven successfully drafted and passed an ordinance for stormwater and construction activities (see Chapter 86 in Appendix C-1). The specific intent of the ordinance is to:

- 1) Meet the requirements of minimum measures four and five of the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-10-002 or as amended or revised;
- (2) Require land development activities to conform to the substantive requirements of the NYSDEC SPDES General Permit for Construction Activities GP-10-001 or as amended or revised;
- (3) Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;
- (4) Minimize increases in pollution caused by stormwater runoff from land development activities, which would otherwise degrade local water quality;
- (5) Minimize the total annual volume of stormwater runoff, which flows from any specific site during and following development to the maximum extent practicable; and
- (6) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety

4.5.2 SWPPP Review Procedure

The Town of Brookhaven has a protocol for review and approval of SWPPPs. Initial review is conducted by a qualified engineering firm, which makes recommendations to the Town. The Town's Stormwater Manager subsequently determines if a SWPPP is approved, denied, or recommends changes to bring it into compliance. Once approved, applicants are required to show proof of filing with the State by providing a copy of the NYSDEC acknowledgement letter with their permit number.

The Town has established a SWPPP Conditional Release program. The program allows for applicants to provide documentation to prove that their project will not impact surface waters. SWPPP Conditional Release requirements can be found in Appendix C-3.

4.5.3 SWPPP Construction Site Inspections

The Town of Brookhaven has contracted with an engineering firm to assist with construction site municipal inspections. The firm inspects all construction sites with SWPPP coverage at the frequency required by the NYCDEC construction permit (GP-0-10-001). A sample construction site inspection form can be found in Appendix C-4.

4.5.4 Education and Training for Contractors

Since 2010, a brochure has been distributed through the Planning Department's front counter which educates contractors and construction site operators on the SWPPP process, and suggests best management practices designed to minimize construction site erosion and sedimentation wash out. (See Appendix C-2) In addition, the Stormwater Manager and Division of Engineering staff are available to answer questions and assist local contractors with SWPPP procedures and permit requirements. In 2013, the Town sponsored a NYSDEC erosion and sediment control conference, with 112 individuals in attendance. Attendees included contractors, members of engineering firms, representatives from various agencies and relevant Town employees.

4.6 Best Management Practices for Future Consideration

The Town continually seeks to improve the SWMP by considering new tasks which could be implemented. At the time of this report, there were no specific plans to develop and implement additional BMPs for MCM4.

4.7 Measurable Goals

4.7.1 SWPPP Review

The Town seeks to incorporate SWPPP review procedures into all relevant applications for construction sites disturbing one acre or greater.

4.7.2 Educate Construction Contractors

The Town seeks to educate construction site owners and operators on erosion and sediment control BMPs; and to provide contractor education regarding the SWPPP process and procedures.

4.8 Minimum Reporting Requirements

- i) number of SWPPPs reviewed;

- ii) number and type of enforcement actions;
- iii) percent of active construction sites inspected once;
- iv) percent of active construction sites inspected more than once;
- v) number of construction sites authorized for disturbances of one acre or more; and
- vi) report on effectiveness of program, BMP and measurable goal assessment.

Minimum Control Measure 5: Post-Construction Stormwater Management

5.1 Description of Minimum Control Measure

Post-construction stormwater management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving water bodies. Many studies indicate that prior planning and design for the minimization of pollutants in post-construction stormwater discharges is the most cost-effective approach to stormwater quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in stormwater runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds, and streams. Once deposited, these pollutants can enter the food chain through small aquatic life, eventually entering the tissues of fish and humans. The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the water body during storms. Increased impervious surfaces (e.g., parking lots, driveways, and rooftops) interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which often lead to a loss of aquatic life and damage to property.

5.2 General Permit Requirements

- a) *Implement*, and enforce a program that:
 - i provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001);
 - ii addresses stormwater runoff from new development and redevelopment projects to the small MS4 from projects that result in a land disturbance of greater than or equal to one acre. Control of stormwater discharges from projects of less than one acre must be included in the program if:
 - that project is part of a larger common plan of development or sale;
 - iii includes a law, ordinance or other regulatory mechanism to require post construction runoff controls from new development and re-development projects to the extent allowable under State law that meet the State’s most current technical standards:
 - the mechanism must be equivalent to one of the versions of the “NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control”; and
 - equivalence must be documented
 - by adoption of one of the sample local laws without changes;
 - by using the NYSDEC Gap Analysis Workbook; or

- by adoption of a modified version of the sample law, or an alternative law, and, in either scenario and certification by the attorney representing the small MS4 that the adopted law is equivalent to one of the sample local laws;
- iv includes a combination of structural or non-structural management practices (according to standards defined in the most current version of the NYS Stormwater management Design Manual) that will reduce the discharge of pollutants to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider principles of Low Impact Development (LID), Better Site Design (BSD), and other Green Infrastructure practices to the MEP. In the development of the watershed plans, municipal comprehensive plans, open space preservation programs, local law, ordinances and land use regulations, covered entities must consider smart growth principles, natural resource protection, impervious area reduction, maintaining natural hydrologic conditions in developments, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands, and erodible soils.
 - covered entities are required to review according to the Green Infrastructure practices defined in the Design Manual at a site level, and are encouraged to review, and revise where appropriate, local codes and laws that include provisions that preclude green infrastructure or construction techniques that minimize or reduce pollutant loadings.
 - if a stormwater management practice is designed and installed in accordance with the New York State Stormwater Management Design Manual or has been demonstrated to be equivalent and is properly operated and maintained, then MEP will be assumed to be met for post-construction stormwater discharged by the practice;
- v describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPPs to ensure consistency with state and local post-construction stormwater requirements;
 - ensure that the individuals performing the reviews are adequately trained and understand the State and local post construction stormwater requirements;
 - ensure that the individuals performing the reviews for SWPPPs that include post-construction stormwater management practices are qualified professionals or under the supervision of a qualified professional;
 - all SWPPPs must be reviewed for sites where the disturbance is one acre or greater;
 - after review of SWPPPs, the covered entity must utilize the “MS4 SWPPP Acceptance Form” created by the Department and required by the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) when notifying construction site owner / operators that their plans have been accepted by the covered entity;
 - utilize available training from sources such as Soil and Water Conservation Districts, Planning Councils, The New York State Department of State, USEPA, and/or the Department to educate municipal boards and Planning and Zoning Boards on low impact development principles, better site design approach, and green infrastructure applications.

- vi maintain an inventory of post-construction stormwater management practices within the covered entities jurisdiction. At a minimum, include practices discharging to the small MS4 that have been installed since March 10, 2003, all practices owned by the small MS4, and those practices found to cause or contribute to water quality standard violations.
 - the inventory shall include at a minimum: location of practice (street address or coordinates); type of practice; maintenance needed per the NYS Stormwater Management Design Manual, SWPPP, or other provided documentation; and dates and type of maintenance performed; and
 - vii ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff, including inspection to ensure that practices are performing properly.
 - The inspection shall include inspection items identified in the maintenance requirements (NYS Stormwater Management Design Manual, SWPPP, or other maintenance information) for the practice. Covered entities are not required to collect stormwater samples and perform specific chemical analysis.
- b) Implement, and provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;
 - c) Record, annually assess and modify as needed measurable goals; and
 - d) Select and implement appropriate post-construction stormwater BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP.

5.3 Watershed Improvement Strategy Requirements - Pathogens

Develop and commence implementation of a Retrofit Program that addresses runoff from sites to correct or reduce pollutant loading problems, with a particular emphasis placed on the pollutant Pathogens. At a minimum, the MS4 shall:

- a. establish procedures to identify sites with erosion and/or pollutant loading problems;
- b. establish policy and procedures for project selection. Project selection should be based on the Pathogen reduction potential of the specific retrofit being constructed/installed; the ability to use standard, proven technologies; and the economic feasibility of constructing/installing the retrofit. As part of the project selection process, the *covered entity* should participate in locally based watershed planning efforts which involve the *Department*, other *covered entities*, stakeholders and other interested parties;
- c. establish policy and procedures for project permitting, design, funding, construction and maintenance; and

- d. by September 30, 2012, develop and submit approvable plans and schedules for completing retrofit projects. Upon DEC approval of those plans and schedules and identification of funding sources, the plans and schedules shall become enforceable requirements of this permit.

5.4 Methodology for Compliance with Permit Requirements

The Town of Brookhaven has developed and implemented various BMPs in order to address the Post-Construction Stormwater Management MCM. Implemented BMPs include structural (retrofit program) and non-structural (e.g. watershed management plans, building codes) practices.

5.5 Best Management Practices Implemented or Underway

5.5.1 Structural Practices

- Stormwater conveyance/structure retrofit program.
The Town of Brookhaven has a comprehensive effort to minimize the impact of stormwater runoff by increasing storage capacity and thus decreasing direct discharges. Reducing the volume of directly discharged stormwater will significantly reduce the pollutant loading to a water body. Funding for retrofit projects is often obtained through grants. There are currently over a dozen projects in the planning or construction phase.
- Stormwater management conditions in building permit.
The Town of Brookhaven uses the building permit process as a way to require that homeowners minimize the amount of stormwater which leaves their property. For example, a building permit application for a residential expansion may be granted on the condition that drywells be installed to prevent stormwater from leaving the property. Natural buffers are also required on all properties adjacent to surface waters.
- Maintaining Stormwater Structures.
The Town of Brookhaven has equipment and personnel dedicated to maintaining stormwater structures. These are cleaned on an as-needed basis. Alternative practices (such as filtrations or separation devices) are maintained as per the manufacturer's recommendations.

5.5.2 Non-Structural Practices

- Open space preservation program
The Town has an aggressive open space program. Millions of dollars are regularly dedicated to the purchase and protection of sensitive lands. Highlights of the Town's open space program can be found on the Town's website at:
<http://www.brookhaven.org/Departments/LawDepartment/LandManagement.aspx>.

- The Town of Brookhaven develops and implements watershed management plans that aim to manage and protect natural resources. The Town is currently developing a Watershed Management Plan for the Tuthills Creek Watershed. The Forge River Watershed Management Plan was completed in 2012.

5.6 Best Management Practices for Future Consideration

5.6.1 Digital Inventory and Maintenance Log of Management Practices.

The Town of Brookhaven is developing a system which will log all stormwater structure maintenance activities. The goal is to produce a simplified system which can be accessed in the field in real time.

5.7 Measurable Goals

5.7.1 Continue Implementing Retrofit Program

The Town seeks to conduct as many stormwater retrofit projects as possible using vegetated retention areas and proprietary products.

5.7.2 Stormwater Management through Town Permitting

The Town seeks to use its permitting process to require property owners to manage and contain runoff on site.

5.7.3 Property Acquisition

The Town seeks to acquire property in sensitive areas which will reduce or prevent the direct discharge of stormwater into surface waters.

5.8 Minimum Reporting Requirements

- number of SWPPPs reviewed;
- number and type of enforcement actions;
- number and type of post-construction stormwater management practices inventoried;
- number and type of post-construction stormwater management practices inspected;
- number and type of post-construction stormwater management practices maintained;
- regulatory mechanism status - certification that regulatory mechanism is equivalent to one of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control" (if not already done); and
- report on effectiveness of program, BMP and measurable goal assessment.

Minimum Control Measure 6: Pollution Prevention and Good Housekeeping for Municipal Operations

6.1 Description of Minimum Control Measure

The Pollution Prevention/Good Housekeeping for municipal operations minimum control measure is a key element of the small MS4 stormwater management program. This measure requires the small MS4 operator to examine and subsequently alter their own actions to help ensure a reduction in the amount and type of pollution that collects on streets, parking lots, open spaces, and storage and vehicle maintenance areas and is discharged into local waterways; and results from actions such as environmentally damaging land development and flood management practices or poor maintenance of storm sewer systems.

While this measure is meant primarily to improve or protect receiving water quality by altering municipal or facility operations, it also can result in a cost savings, since proper and timely maintenance of storm sewer systems can help avoid repair costs from damage caused by age and neglect.

6.2 General Permit Requirements

- a) Develop and implement a pollution prevention / good housekeeping program for municipal operations and facilities that:
 - i addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. The operations and facilities may include, but are not limited to: street and bridge maintenance; winter road maintenance; stormwater system maintenance; vehicle and fleet maintenance; park and open space maintenance; municipal building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other;
 - ii at a minimum frequency of once every three years, perform and document a self-assessment of all municipal operations addressed by the SWMP to:
 - determine the sources of pollutants potentially generated by the covered entity’s operations and facilities; and
 - identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program;
 - iii determines management practices, policies, procedures, etc. that will be developed and implemented to reduce or prevent the discharge of (potential) pollutants. Refer to management practices identified in the “NYS Pollution Prevention and Good Housekeeping Assistance Document” and other guidance materials available from the EPA, State, or other organizations;
 - iv prioritizes pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and covered entity’s capabilities;
 - v addresses pollution prevention and good housekeeping priorities;

- vi includes an employee pollution prevention and good housekeeping training program and ensures that staff receive and utilize training;
 - vii requires third party entities performing contracted services, including but not limited to street sweeping, snow removal, lawn / grounds care, etc., to meet permit requirements as the requirements apply to the activity performed ; and
 - viii requires municipal operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-06-002) for industrial stormwater discharges to prepare and implement provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Discharge monitoring reports must be attached to the MS4 annual report. Those operations or facilities are not required to gain coverage under the MSGP. Implementation of the above noted provisions of the SWMP will ensure that MEP is met for discharges from those facilities;
- b) Consider and incorporate cost effective runoff reduction techniques and green infrastructure in the routine upgrade of the existing stormwater conveyance systems and municipal properties to the MEP. Some examples include replacement of closed drainage with grass swales, replacement of existing islands in parking lots with rain gardens, or curb cuts to route the flow through below grade infiltration areas or other low cost improvements that provide runoff treatment or reduction;
 - c) Develop, record, periodically assess and modify as needed measurable goals;
 - d) Select and implement appropriate pollution prevention and good housekeeping BMPs and measurable goals to ensure the reduction of all POCs in stormwater discharges to the MEP; and
 - e) Adopt techniques to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impact to surface water.

6.3 Watershed Improvement Strategy Requirements – Pathogens

- a) Develop, enact and enforce a local law prohibiting pet waste on municipal properties and prohibiting goose feeding.
- b) Develop and implement a pet waste bag program for collection and proper disposal of pet waste.
- c) Develop a program to manage goose populations.

6.4 Methodology for Compliance with Permit Requirements

At least once every three years the Town completes and documents a self-assessment of municipal facilities and operations as specified in Part VII.A.6.a.ii of the permit. The Town completed a self-assessment in 2012 and is in the process of implementing BMPs to address the pollutants of

concern that may be generated from Town facilities. BMPs that were previously implemented include road and stormwater structure maintenance efforts, limited application of fertilizers/pesticides, employee training, and adopting ordinances related to cleanup of pet waste and prohibiting feeding of waterfowl (including geese).

6.5 Best Management Practices Implemented or Underway

6.5.1 Roadway and Parking Lot Maintenance

The Town of Brookhaven has a comprehensive program to clean Town roads and parking lots. At least once per year 2,100 miles of Town roadways are swept. Additionally, municipal parking lots are swept at least once per year.

Each year, the Highway Department uses varying amounts of salt/sand material in order to maintain safety on the roadways during the winter months. In the spring, the Highway department begins the process of removing this material from the roads, as it becomes a slip hazard and can make its way into our drains causing flooding and other problems. The following is a brief description of how the process works:

Sweeping usually begins sometime in early April. The general foremen prioritize sweeper assignments. Main roadways are done first, secondary and tertiary roads are done last. It can take anywhere from 3 to 6 months to sweep the entire town. Once an area is completed, sweepers unload the material at designated areas. The material is then loaded into dump trucks and transported to the landfill for proper disposal.

6.5.2 Catch Basin Cleaning

The Town also has a comprehensive program to clean catch basins. In the prior year, 2,000 catch basins were inspected and approximately 1,000 of them were cleaned. The Town's catch basin cleanout process is further described in Appendix D-2

6.5.3 Catch Basin Protection

The Town has an inlet protection program that requires contractors and employees to protect all catch basins during road pavement projects. The requirement includes the following specification:

“All basins must have a temporary protective device installed before work begins, and shall not be removed until the project is completed. Periodic maintenance of the device may be required for the duration of the project. Upon completion of the project, all devices must be removed and cleaned in a protected area away from catch basins. Any sediment that accumulates must be disposed of properly. Under no circumstances shall waste material be disposed in a catch basin.”

Product specifications are included in Appendix D-3.

6.5.4 Limited Chemical Fertilizer/Pesticide Application

The Town of Brookhaven has made efforts to limit the amount of fertilizers and pesticides used. The Parks Department only uses organic fertilizers. The only Town property that uses chemical fertilizers is Town Hall; however there are no surface waters in the vicinity. The Town does not apply fertilizers between November 1 and April 1, in compliance with Suffolk County law. The Town has adopted a Turf Management Plan designed to minimize the use of fertilizer, pesticide and herbicide on Town properties. The Town's Turf Management Plan can be found in Appendix D-6. The Town also has a pest management plan that is designed to minimize the use of herbicides and pesticides on Town property. The Pest Management Plan can be found in Appendix D-7.

6.5.5 Employee Training

Stormwater training activities take place throughout the year. Training is provided to all employees responsible for implementing the daily maintenance and emergency response functions that may have a potential to impact the stormwater program, e.g. Highway work crews. Employee participation in pollution prevention training is validated by pre-printed sign in sheets, requiring a signature next to the name and title of each employee. Employees from the Planning Department regularly attend conferences, participate in webinars and access online resources, in particular those provided by the Center for Watershed Protection, the USEPA, and the NYSDEC. Staff from the Planning Department also took the NYSDEC-endorsed training on sediment and erosion control.

The Town has training materials that include a power point presentation, a copy of the California Stormwater Quality Association Stormwater Best Management Practice Handbook- Municipal (which is housed in each department with involvement in the stormwater program), and a series of NPDES fact sheets pulled from EPA's stormwater menu of BMPs. The power point presentation addresses the goals of the stormwater program; vehicle maintenance; spill response; hazardous material storage; landscaping and lawn care; street and parking lot maintenance (including stormwater system maintenance); road salt application/storage; vehicle washing; marine operations; and fueling. The NPDES fact sheets are targeted for use by managers and crew leaders, and include the following topics:

- Pollution Prevention I Good Housekeeping for Municipal Operations
- Municipal Landscaping
- Municipal Vehicle Fueling
- Municipal Vehicle and Equipment Maintenance
- Municipal Vehicle and Equipment washing
- Parking Lot and Street Cleaning

- Road Salt Application and Storage
- Roadway and Bridge Maintenance
- Storm Drain System Cleaning
- Hazardous Materials Storage
- Materials Management
- Municipal Facilities Management
- Spill Response and Prevention

NPDES Fact sheets were downloaded from EPA's website at <http://www.epa.gov>. The California Stormwater Quality Association Stormwater Best Management Practice Handbook - Municipal, was downloaded from the following website: <http://www.cabmphandbooks.com/documents/Municipal/Municipal.pdf>. A print copy of the Town's power point presentation is included in Appendix D-1.

6.5.6 Stop Throwing Out Pollutants (STOP) Program

The Town's Department of Waste Management operates a program aimed at ensuring the proper disposal of household hazardous waste in order to reduce the potential for pollution. This program is located at the Town land fill on Horseblock Road in Yaphank. Information on the program is located on the Town website at:

<http://www.brookhaven.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=CoreDownload&EntryId=1692&PortalId=0&TabId=134>

The program is available to the public year round, and accepts automotive products, lawn and garden care products, household products and other miscellaneous products such as batteries and swimming pool chemicals. For further details please see Appendix D-8.

6.5.7 Equipment List Inventory

The Town maintains a list of all vehicles and small equipment. The list is compiled by the individual departments with access to fleets and small equipment. A Town-wide master list is housed with the Town's Stormwater Manager.

6.5.8 Pet Waste Ordinance

In 2008, the Town modified the existing Dog Control and Animal Welfare Ordinance to include a provision for pet waste (see Appendix D-4, Section §23-3-M). The ordinance requires that pet owners immediately pick up after pets and properly dispose of the feces in a garbage receptacle. This applies to public property or private property owned by other individuals.

6.5.9 Feeding of Waterfowl Ordinance

Feeding waterfowl may cause water quality problems due to increased fecal coliform loading. In 2006, the Town of Brookhaven passed an ordinance to restrict feeding of waterfowl. The purpose of the ordinance is to protect the health, safety and welfare of the

community by prohibiting the feeding of waterfowl and pigeons within Town of Brookhaven parks.

6.5.10 Municipal Facilities

The following Town facilities are situated near surface waters and thus may have operations that impact surface waters. These facilities are part of the Town-wide assessment that is conducted every three years as required by the MS4 general permit.

1. Artist Lake Park
2. Atlantic Avenue Park
3. Blue Point Avenue Fishing Pier
4. Cedar Beach East
5. Cedar Beach Marina
6. Cedar Beach Nature Center
7. Cedar Beach West
8. Cedar Beach Parks Facility & Mariculture Facility
9. Corey Creek Marina North
10. Corey Creek South
11. Davis Park Beach
12. Forge River Marina
13. Great Gun Beach
14. Kalers Pond Park
15. Lake Ronkonkoma Beach
16. Longwood Estate – Smith Estate
17. Mary Bayles Dock
18. Miramar Beach
19. Osprey Park
20. Pine Neck Marina
21. Port Jefferson Marina
22. Sandspit Marina
23. Shoreham Beach
24. Shirley Beach – Smith Landing
25. Stony Brook Beach – Smith Landing
26. Swan River Park
27. Sweezey Avey – Yaphank Lake Park
28. Vehicle Control – Cassel Building
29. Webby Beach – Bellview Beach
30. West Meadow Beach

6.6 Best Management Practices for Future Consideration

The Town continually seeks to improve the SWMP by considering new tasks which could be implemented. The Town is engaged in self-assessments and various other programs that identify additional BMPs for future implementation.

6.7 Measurable Goals

6.7.1 Town Facilities Evaluation

The Town seeks to continually evaluate Town facilities and operations to determine if BMPs are being properly implemented, therefore minimizing the potential for pollutants to find their way into local water bodies. The Town has developed a SWMP for all Highway Department yards and is in the process of taking a prioritized approach to implementing the BMPs identified in the SWMP.

6.7.2 Inventory of Stormwater Structures

The Town has mapped 100% of its stormwater infrastructure, and seeks to continually update and maintain the GIS data associated with its stormwater infrastructure.

6.7.3 Green Infrastructure Staff Training

The Town seeks to provide staff training on current green infrastructure techniques and requirements, and maintenance practices.

6.7.4 New Initiatives

The Town seeks to periodically develop and implement new programs and initiatives aimed at protecting surface water.

6.8 Minimum Reporting Requirements

- i. indicate the municipal operations and facilities that the pollution prevention and good housekeeping program assessed;
- ii. describe, the management practices, policies and procedures that have been developed, modified, and / or implemented and report, at a minimum, on the items below that the covered entity's pollution prevention and good housekeeping program addressed during the reporting year:
 - acres of parking lot swept;
 - miles of street swept;
 - number of catch basins inspected and, where necessary, cleaned;
 - post-construction control stormwater management practices inspected and, where necessary, cleaned; pounds of phosphorus applied in chemical fertilizer
 - pounds of nitrogen applied in chemical fertilizer; and

- acres of pesticides / herbicides applied.
- iii. staff training events and number of staff trained; and
- iv. report on effectiveness of program, BMP and measurable goal assessment. If the pollution prevention and good housekeeping program addresses other operations than what is listed above in Part VII.A.6.a (ii), the covered entity shall report on items that will demonstrate program effectiveness.

7.0 Annual Evaluation of Stormwater Management Program Compliance

The Town recognizes that the process to conduct an annual assessment of the Stormwater Management Program, including compliance with MS4 General Permit requirements, is directly related to program planning and annual goal-setting, and that assessment can occur throughout the year to determine whether established goals are being achieved. The Town's goals with respect to stormwater generally address the following categories:

- Water Quality Trends
- Education and Outreach
- Public Involvement
- Illicit Discharge Detection and Elimination
- Construction Stormwater Requirements
- Pollution Prevention and Housekeeping
- Training and Reinforcement
- Assessment of BMPs
- Compliance with MS4 General Permit Requirements

The Town conducts its Stormwater Management Program assessment utilizing a varied approach. Applicable departments are asked to identify goals that they would like to attain as it relates to stormwater and pollution prevention. As the year progresses, the Stormwater Manager communicates with applicable departments to discuss progress toward achieving the identified goals.

Information that is gathered to develop the Town's Annual Stormwater Report is used to assess the Stormwater Management Program. A sample of the assessment questionnaire is included in Appendix E.

In connection with this ongoing assessment, applicable guidance documents are also utilized to effectively evaluate those activities which are successful in reducing pollutant discharges. The Town fully anticipates its annual assessment process to continually evolve, and that changes and enhancements may be considered in future years to address specific results and changes in goals.

Appendices

Appendix A: Educational Outreach Supporting Documentation

Appendix A-1: Summer Pollution Solutions Part 1 (2007)

Town of Brookhaven Summer Pollution Solutions - Part 1

Noting that our health and the great outdoors will only remain great if we take good care of them, Brookhaven Town Officials urged residents to pursue the following summer pollution solutions to avoid contaminating our drinking water and our environment:

Stormwater Run-off:

One of the most under-reported and easiest to remedy water pollution sources is stormwater runoff. The major cause of pollution in the waters we use for swimming and fishing is stormwater, which runs over our roads and parking lots, and discharges directly into our surface waters. Flowing stormwater picks up debris, chemicals, dirt, and other pollutants and flows into lakes, streams, rivers, wetlands, coastal waters and storm sewer systems.

Residents can significantly reduce the negative environmental effects of stormwater run-off by carefully using and disposing of polluting products as follows:

RESIDENTIAL

Lawn Care

Excess fertilizers and pesticides applied to lawns and gardens wash off and pollute. In addition, yard clippings and leaves can wash into storm drains and contribute nutrients and organic matter to water bodies.

- Don't over-water your lawn. Consider using a soaker hose instead of a sprinkler.
- Use pesticides and fertilizers sparingly. When use is necessary, use chemicals in the recommended amounts. Use organic mulch or safer pest control methods whenever possible.
- Consider using native vegetation and plants that don't need a lot of water for landscaping. Native vegetation grows well with less fertilizer and water.
- Compost or mulch yard waste. Don't leave it in the street or sweep it into storm drains or streams. Compost piles should be set back from the edge of streams and other water bodies.
- Cover piles of dirt or mulch being used in landscaping projects.

Auto Care

Washing your car and degreasing auto parts at home can send detergents and other contaminants

through the storm sewer system. Dumping automotive fluids into storm drains has the same result as dumping the materials directly into a water body.

- Use a commercial car wash that treats or recycles its wastewater, or wash your car on your lawn so the water infiltrates into the ground.
- Repair leaks and dispose of used auto fluids and batteries at designated drop-off or recycling locations.

Fecal Waste

Septic Systems

Leaking and poorly maintained septic systems release nutrients, bacteria and viruses that can be picked up by stormwater and discharged into nearby water bodies causing public health and environmental problems.

- Inspect your system every 3 years and pump your tank as necessary (every 3 to 5 years).
- Don't dispose of household hazardous waste in sinks or toilets.

Pet Waste

Pet waste can be a major source of bacteria and excess nutrients in local waters.

- When walking your pet, remember to pick up the waste and dispose of it properly. Flushing pet waste is the best disposal method. Leaving pet waste on the ground increases public health risks by allowing harmful bacteria and nutrients to wash into storm drains and eventually into local water bodies.

Geese and Duck Waste

Feeding ducks and geese introduces an outside source of waste into the waterways. Ducks and geese should not be fed by people.

Permeable Pavement – Traditional concrete and asphalt don't allow water to soak into the ground. Instead these surfaces rely on storm drains to divert unwanted water. Permeable pavement systems such as gravel, wood chips, pea-stone, and brick or stone with sand instead of mortar, allow rain and snowmelt to soak through, decreasing stormwater runoff.

Rain Barrels – You can collect rainwater from rooftops in mosquito proof containers. The water can be used later on lawn or garden areas.

Rain Gardens and Grassy Swales – Specially designed areas planted with native plants can provide natural places for rainwater to collect and soak into the ground. Rain from rooftop areas or paved areas can be diverted into these areas rather than into storm drains.

Vegetated Filter Strips – Filter strips are areas of native grass or plants created along roadways or streams. They trap the pollutants stormwater picks up as it flows across driveways and streets.

Medications

Prescription drugs and over the counter medications should not be flushed down toilets or poured into sinks. These items should be disposed of in your regular household garbage where they will be incinerated. Residue from drugs and medications, recently found in fish and wildlife, are entering the food chain.

Household

Recycle or properly dispose of household products that contain chemicals, such as insecticides, pesticides, paint, solvents, used motor oil and other auto fluids. Don't pour them onto the ground or into storm drains. Household chemicals can be brought to the Town Landfill on Horseblock Rd. in Yaphank on Wednesday and Saturday mornings. Containers must be labeled and left at the site. There is no charge for household chemical disposal. Used motor oil can be brought to your local service station for safe disposal.

COMMERCIAL

Parking Lots and Paved Areas

Dirt, oil, and debris that collect in parking lots and paved areas can be washed into the storm sewer system and eventually enter local water bodies.

- Sweep up litter and debris from sidewalks, driveways and parking lots, especially around storm drains.
- Cover grease storage and dumpsters and keep them clean to avoid leaks.
- Report any chemical spill to the local hazardous waste cleanup team. They'll know the best way to keep spills from harming the environment.

Erosion controls that aren't maintained cause excessive amounts of sediment and debris to be carried into the stormwater system. Construction vehicles can leak fuel, oil, and other harmful fluids that can be picked up by stormwater and deposited into local water bodies.

- Divert stormwater away from disturbed or exposed areas of construction sites.
- Install silt fences, vehicle mud removal areas, vegetative cover, and other sediment and erosion controls and properly maintain them, especially after rainstorms.
- Prevent soil erosion by minimizing disturbed areas during construction projects, and seed and mulch bare areas as soon as possible.

Automotive Facilities

Uncovered fueling stations allow spills to be washed into storm drains. Cars waiting to be repaired can leak fuel, oil, and other harmful fluids that can be picked up by stormwater.

- Clean up spills immediately and properly dispose of cleanup materials.
- Provide cover over fueling stations and design or retrofit facilities for spill containment.
- Properly maintain fleet vehicles to prevent oil, gas, and other discharges from being washed into local water bodies.
- Install and maintain oil/water separators.

The Environmental Effects of Polluted Stormwater Runoff

Polluted stormwater runoff affects people, plants, animals, and fish.

- Polluted stormwater often affects drinking water sources. This, in turn, affects human health and increases drinking water treatment costs.
- Household hazardous wastes like insecticides, pesticides, paint, solvents, used motor oil, and other auto fluids poison aquatic life. Land animals and people can become sick or die from eating diseased fish and shellfish or ingesting polluted water.
- Bacteria and other pathogens wash into swimming areas and create health hazards, often making beach closures necessary.
- Debris (plastic bags, six-pack rings, bottles, and cigarette butts) washed into water bodies choke, suffocate, or disable aquatic life like ducks, fish, turtles, and birds.
- Excess nutrients from lawn fertilizers cause algal blooms. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water. Fish and other aquatic organisms can't exist in water with low oxygen levels.
- Sediment clouds the water and makes it difficult or impossible for aquatic plants to grow. Sediment also destroys aquatic habitats.

For information please contact the Town of Brookhaven Department of Environmental Protection at 451-6455.

**Town of Brookhaven
Summer Pollution Solutions – Part 2**

Noting that our health and the great outdoors will only remain great if we take good care of them, Brookhaven Town Officials urged residents to pursue the following summer pollution solutions to avoid contaminating our drinking water and our environment:

Parks and Recreation Recycling

Summer Recreation activities produce a significant amount of recyclable waste. Cans and bottles, containers, newspapers and flyers are easily recycled when placed in recycling containers. Red recycling dumpsters or green CURBY cans are located at most parks for easy drop-off. If you are aware of a location in need of a recycling container, please notify the Town of Brookhaven Department of Waste Management at 451-6222.

Summer Recyclables you never thought of...

The following discarded items will be collected from curbside for recycling by the Brookhaven Town Department of Waste Management upon resident's telephone request:

- aluminum lawn furniture
- metal pool frames
- metal ladders
- lawn mowers (fuel removed)
- metal gym frames (must be broken down and tied together)
- metal grills
- metal tent poles
- air conditioners

To schedule collection of recyclable metals, call 451-6222

Tires / Standing Water

Water accumulated in old tires, citronella candles, garbage can lids, and other outdoor receptacles provides breeding grounds for mosquitoes carrying West Nile Virus. Be sure to empty standing water after rainstorms and use of lawn sprinklers.

Boating Garbage and Recyclables:

Boaters and their guests need to dispose of their garbage carefully. Most marinas provide containers for garbage and recyclables. A couple of plastic bags on board enable boaters to store garbage and recyclables until they can properly dispose of them on shore.

Pump-Out Stations

In an effort to continue to improve water quality in our harbors and bays, the Town Of Brookhaven has increased the number of pump-out facilities for boats and has extended the times they are available. This effort was started on the north shore this year.

North Shore Locations provide expanded operation of two pump-out boats, Friday thru Sunday, from 8:00 AM to 6:00 PM. monitoring VHF radio channel 73. Use of the pump-out boats is free.

- Port Jefferson Harbor
- Mt Sinai Harbor

South Shore Pump Out Facilities:

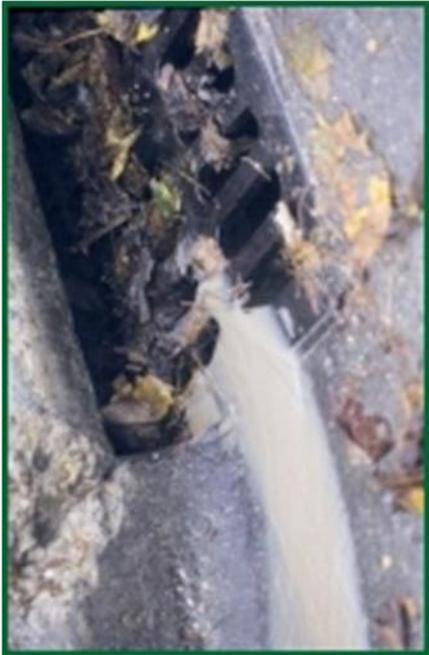
- Corey Creek Marina
- Davis Park Marina
- Sandspit (Patchogue River) Marina
- Forge River Marina

Future Pump-Out Expansion

The Town of Brookhaven has also created a new pump-out station in Mount Sinai Harbor, to be complete for use in the 2006 boating season, to compliment the already existing station in Port Jefferson Harbor. In an effort to look towards the future the Town of Brookhaven has applied and received grants to build two pump-out barges which should be ready for the 2006 boating season and will be located such that they can be used at any time and allow boaters easier access to pump-out facilities. This has become even more essential since the E.P.A. has made Port Jefferson Harbor an official “No Discharge Area” making it mandatory to either pump-out your waste to a legal pump-out facility or store it in a certified holding tank on board.

With these advances and additional efforts in the future the Town of Brookhaven hopes to continue to improve coastal water quality for the benefit of the many species of wildlife dependent on these areas as well as for the residents of Brookhaven who enjoy swimming, boating and fishing.

*Environmental Stewardship
It Starts With You!!*



**Town of Brookhaven
Long Island**

Town of Brookhaven
Division of
Environmental Protection
One Independence Hill
Farmingville, NY 11738



“Alternative Products”

Try these— They are safe for the environment and economical too!!

ALL PURPOSE CLEANERS— Mix one cup of baking soda in one gallon of hot water, or try 1/4 cup borax and one tablespoon liquid soap in one gallon of hot water.

PEST CONTROL— Eliminate food and water sources such as crumbs and leaky faucets. Caulk openings around windows, floor and pipes. Use non-toxic traps. Boric acid is a good, less toxic powder to apply along cracks and baseboards.

DISINFECTANTS— Plain soap and hot water kill some bacteria. Citrus based products have antifungal antimicrobial, antibacterial properties and act as solvents. Mix 1/4 cup borax with 1/4 cup white vinegar in hot water for all-purpose disinfectant.

DRAIN CLEANERS—Use 1/4 cup baking soda, followed by 1/2 cup vinegar and cover until fizzling stops, then flush with boiling water. A weekly dose of boiling water poured down the drain will help prevent clogging. Use a plunger or drain snake for major clogs.

GLASS CLEANER— Mix vinegar and water, 50/50, in a pump bottle, spray surfaces, then clean and dry with crumpled newspaper.

LAUNDRY PRODUCTS—Use soap flakes and borax or washing soda and borax instead of detergent. Use borax instead of bleach. Treat stains immediately when possible.

Blood Stains—Soak in cold water, club soda or hydrogen peroxide.

Perspiration Stains—Dab with a sponge soaked in a weak solution of vinegar and water or lemon juice and water.

Ink Stains—Cream of tartar and lemon juice.

Chocolate stains—Soak in club soda.

METAL POLISHES

Brass—Rub with olive oil to retard tarnish.

Chrome—Polish with baby oil.

Silver—Soak in boiling water with baking soda, salt and aluminum foil.

Copper—Use a paste of lemon juice and cream of tartar, leave on for 5 minutes, wash in warm water, then rub dry with a soft cloth.

OVEN CLEANERS—Cover the soiled oven surface with a baking soda paste, let stand for one hour to overnigh, then scrub with a sponge or abrasive pad.

TOILET BOWL CLEANERS—Leave borax to soak in the toilet, then scrub. Pumice stone will remove stains. For rings, mix borax and lemon juice into a paste, let sit for two hours, then scrub with a good brush.

- **Be a Responsible Pet Owner**

Harness your house pets. Free roaming animals can create negative effects on the environment. Animal waste that is not cleaned up may find its way into water systems contaminating the very water we drink. It is also estimated in the United States alone that 45 million free-roaming cats kill nearly 5 million songbirds everyday. Harnessing will not only protect the environment, it will also protect your pet.

- **Don't Be a Litter Bug.**

Litter hurts wildlife, fouls land and water and harms the environment in other ways. So, please be kind.



Pump Out Boats

Help the Town of Brookhaven By keeping our coastal water clean.
Boaters especially should be concerned with keeping these natural resources free from potential pollution from sewage discharge. This waste may contain bacteria and viruses harmful to marine life and humans.
Boat pumpouts are available at **NO CHARGE!!** For information on availability please call the Department of Aviation and Transportation at 281-5205.

Shore facilities are available in both Port Jefferson and Mount Sinai. For information and availability please call the Department of Parks and Recreation at 451-6133.

Make a World of Difference

In Your Home

- Composting is a way to handle yard waste that would otherwise burden landfills. It is easy and inexpensive.
- Use compost to improve soil structure, increase water retention and to fertilize.
- Mulch around plants to retain moisture and reduce watering needs.
- Use drought-tolerant plants in landscape to save water.
- Plant bare areas to prevent erosion.
- Keep yard free of debris to eliminate hiding places for pests.
- Install splash guards at the base of rain gutters to slow the force of water to prevent erosion.
- Direct water from gutters across grassy or otherwise vegetated areas to encourage infiltration.
- Never dump used auto fluids down drains or ground; recycle instead.
- Wash the car on the grass to promote infiltration of wash water into the soil.

Around the Yard

- Reduce water flow by installing low-flow fixtures including shower-heads, faucet aerators and toilet dams.
- Take short showers instead of baths.
- Turn water off while tooth brushing, shaving and dish washing.
- Check for and repair leaks in toilets and faucets.
- Wash dishes in a wash pan rather than under running water.
- Wash only full loads in the washing machine and dishwasher and use low water settings.
- Avoid using sink garbage grinders, which add solids to the sewage system.
- Spread laundry loads out over the week to avoid stressing the sewage system.
- Use non-phosphate detergents.
- Wash dishes and laundry during off-peak water use hours to lessen the load on local sewage plants.



In the Garden

- Monitor pest population and kill pests by hand when possible.
- Plant varieties that are disease and pest resistant.
- Rotate plantings in your garden space yearly.
- Have soil tested before fertilizing to find out what the soil needs to support healthy plants.
- Slowly water using soaker hoses and mulch around plants to save water.
- If chemicals must be used, follow directions exactly, more is not better.
- Drive less and keep car tuned up to reduce emissions.
- Sweep driveway rather than hosing it down when dirty.
- Use sand instead of salt to prevent slipping when icy.
- Set mower to 2 1/2 inches mowing height; keeping the grass longer shades the ground and reduces the need for watering.
- Do not bag your grass clippings; leaving them where they fall will add nutrients to your lawn and won't cause thatch build up.
- Water lawns only if less than one inch of rain fell that week, making sure you don't over water by measuring what your sprinkler applies.
- Use a pulsating type sprinkler, making sure you're not watering the driveway or the street.
- Water during early morning hours to reduce evaporation.



More Helpful Things You Can Do

- **Reduce, Reuse, Recycle**
If you choose not to turn on a light, you save energy. If you reuse a jacket handed down by a brother or sister, you've saved all the resources that would have gone into a new jacket. When you recycle, you save energy, electricity, water and many other resources too. Earth keepers always remember the 3 R's.
- **Leave wild things in the wild.**
Watch wild things, but don't bring them home. Plants and animals often die outside their habitats. Even if they live, they can't reproduce to do their "jobs" in the natural world.
- **Be a role model. Pass knowledge along.**
Kindly show your friends and family how to take care of the earth.
- **Protect Habitats.**
Explore habitats in your area. Help clean up and protect beaches, parks, reserves and fields where wild plants and animals live.
- **Volunteer your time.**
Find out about environmental organizations in your area. Maybe you can help care for injured animals, clean up a habitat, or even answer the phone. Join efforts to preserve open spaces.
- **Be a Smart Shopper.**
Buy things you really need, not just want, so you don't waste Earth's resources on unnecessary items. Shop for good quality, so you can use toys, clothes, and supplies many times, then pass them on to someone else. When you travel, avoid buying souvenirs that cost an animal its life or might have harmed a habitat.

How to Dispose of Hazardous Waste

The following items CANNOT be poured down drains, toilets, poured on the ground or thrown in regular household waste.

- Paint (Latex)
- Aerosol cans (empty)
- Oven cleaner (Lye based)
- Nail polish
- Nail polish remover (dried)
- Fertilizer
- Auto body repair products
- Shoe polish



These items should be saved for community wide collection day or given to a licensed hazardous waste contractor. (Even empty containers should be taken to a licensed contractor if one is available.) Many towns organize regular collection days. Call Waste Management for details: 451-6222.

- Paint (oil)
- Paintbrush cleaner solvent
- Paint thinner
- Paint stripper
- Primer

Turpentine
Varnish
Bug sprays
Floor care products
Furniture polish
Metal polish with solvent
Fungicide
Herbicide
Insecticide
Automatic transmission fluid
Batteries
Battery acid
Brake fluid
Car wax and Solvent
Gasoline
Kerosene
Diesel
Motor oil
Artists paint and supplies
Dry cleaning solvents
Lighter fluid and mothballs

Appendix A-3: Sample of Green Gazette (Spring 2009)

Brookhaven's Green Gazette



Town of Brookhaven
Department of Waste Management
One Independence Hill
Farmingville, NY 11738

PRSET STD
U.S. Postage
PAID
Permit No. 63
Patchogue, NY 11772

ECRWSS

POSTAL CUSTOMER

Important
Environmental
Information from
the
**Town of
Brookhaven**
Spring
2009

Join good people doing great things again... The 2nd Great Brookhaven Cleanup and Plant-In



Kicking off the 2009 Great Brookhaven Cleanup, Commissioner of Waste Management Ed Hubbard and Councilman Timothy P. Mazzei joined Department of Waste management crews and volunteers from Gershov Recycling and other local businesses for a major cleanup along Peconic Avenue in Medford.



451-Town

If you would like to receive periodic announcements regarding Town issues, register to be added to our e-mail list at

www.brookhaven.org

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Each spring individual volunteers and groups across the country join the Great American Cleanup™, the nation's largest organized cleanup, beautification and community improvement program. Last year we joined the crew.

Keep Brookhaven Beautiful's Great Brookhaven Cleanup and Plant-In was a huge success. More than 4,000 volunteers collected in excess of TWO MILLION POUNDS of litter from roadways, parks, shorefronts, and hundreds of other cleanup sites. They also helped renew parks, plant community gardens, and clean up rivers, lakes and seashores.

The volunteers know that they make a difference, and the results are dramatic! The communities look clean and beautiful, and there is a new sense of hometown pride and accomplishment.

This year the Town of Brookhaven will again participate in The Great American Cleanup™ through Keep Brookhaven Beautiful, the Town's certified Keep America Beautiful affiliation.

Two event days are planned, but individuals and groups can also register for other clean-up and beautification initiatives during this time.

Turn the page for information on how you can participate...



Great Brookhaven Cleanup April 18th

Litter cleanups

- River, lake and seashore cleanups
- Nature trail / woodland cleanups
- Graffiti paintovers / removals
- Park renewals
- School cleanups
- Shopping center cleanups
- Commercial site cleanups

Great Brookhaven Plant-In May 16th

Take part in beautification and community improvement planting projects

Register at
www.brookhaven.org

The Great Brookhaven Cleanup...Pick a project, make a difference!

Collective volunteer action adds up to positive community change

Great Brookhaven Cleanup

April 18th

- Identify a specific site that you would like to improve. Visit the site to plan your event and get permission from the property owner if necessary.
- Litter cleanups (streets, etc.)
- River, lake and seashore cleanups
- Commercial Sites / Shopping Center cleanups
- Woodland trail and field cleanups
- Graffiti paintovers / removals
- Beautification/community improvement projects
- Nature trail and woodland cleanups
- Recruit family members, friends or neighbors to help
- Register your individual or group's participation at www.brookhaven.org. Online registration is required. If you do not have access to a computer, call 451-6222 and we will register you.
- Pick up your trash bags, gloves and tee shirts. Pick-up times and locations will be emailed to you upon registration.
- Attend Orientation Meeting. It's recommended that at least one member of each group attend this meeting to be scheduled the week before the event.

Great Brookhaven Plant-In

May 16th

- Beautification and community improvement planting projects to make Brookhaven a greener, more beautiful Town
- Parks, shopping centers and vacant corners are just some of the areas that can benefit from the addition of decorative plants and landscaping.
- Groups and individuals are invited to join the Great Brookhaven Plant-In to help identify and remediate those areas that need the boost of a makeover.
- Plants, compost and wood chips will be provided.

Register for Cleanup and Plant-In at www.brookhaven.org
Online registration is required. If you do not have access to a computer, call 451-6222 and we will register you.

Local businesses can also participate...

Across the nation local supporters join with national sponsors to assist community volunteers. It's not only a way to gain recognition for your business but also a way to give back to the community that you serve. Donations have ranged from bugels and coffee to equipment and services, and monetary contributions. There are no donations too small. We hope that you will participate in this amazing event and become part of Keep Brookhaven Beautiful's good people doing great things. There are many ways to get involved:

- donate refreshments
- donate bugels
- donate coffee
- donate equipment
- donate monetary contributions
- donate services
- donate supplies (gloves, bags, pickers, etc)
- donate refreshments
- donate bugels
- donate coffee
- donate equipment
- donate monetary contributions
- donate services
- donate supplies (gloves, bags, pickers, etc)
- donate refreshments
- donate bugels
- donate coffee
- donate equipment
- donate monetary contributions
- donate services
- donate supplies (gloves, bags, pickers, etc)

Secure Paper Shredding Event

May 8th and 9th

Residents and a limited number of small businesses* can bring old files, sensitive papers, family records, etc. to the Town's Materials Recycling Facility for secure shredding and recycling. Paper can be brought in boxes or bags. Documents can remain stapled together, but paper clips and other metal and plastic must be removed along with any other contaminants such as rubber bands, etc. *Businesses must register in advance.

Brookhaven's New Clean, Green and Economical Curbside Collection

Notice the absence of waking up to loud, dirty diesel-fueled refuse trucks spewing black smoke into the morning air? It's not your imagination. New, environmentally friendly compressed natural gas (CNG) fueled vehicles have replaced the old standard garbage trucks collecting garbage and recyclables from your curb. In January all vehicles collecting the Town's municipal solid waste and recyclables switched from diesel power to CNG as required in their seven-year contracts with the Town. Eleven independent curbside collection vehicles are operating in Brookhaven's 35 collection zones. The 67 truck fleet is the largest powered by CNG on Long Island. The new trucks are quieter, cleaner, and create much less pollution than the diesel trucks they replaced.

To supply fuel for the 67 trucks serving the Town, Brookhaven entered into an agreement with Clean Energy Fuels Corp. to operate a fueling station outside the gates of the Town landfill in Yaphank. The facility benefits the Town by providing a stable fuel cost for the first seven years of the contract, enabling curbside collection pricing, low and stable over that period of the contract. Residents, businesses and other municipalities with CNG vehicles can also fill up at the four fuel pumps at the station.

Brookhaven estimates that this effort, over the first seven years, will displace 4.9 million gallons of diesel fuel, largely imported, reduce nitrogen oxide emissions by 304 tons and particulate matter by 12 tons, and reduce greenhouse gases by over 20 percent. The reduction in pollution is comparable to removing 21,775 cars from the road. Residents will enjoy important environmental and quality of life benefits with no appreciable additional investment on the part of the Town.

The Town received a prestigious 2008 National Natural Gas Vehicles for America Award in recognition of its outstanding contribution to the advancement of natural gas as a vehicular fuel.

Yard Waste Collection Change Saves Residents Over \$1 Million

A change in the yard waste collection schedule began in January and will result in a savings of over \$1 million in brush and leaf collection costs in 2009.

Under the new program, leaves and brush will both be collected during each of the scheduled 19 weeks of yard waste service. Residents no longer have to wait for the separate brush collection weeks previously on the schedule. Bundling and bagging requirements remain the same. Leaves and brush may not be mixed together in the same containers.

In addition to the 19 weeks of brush and leaf collection, the Town will be able to schedule three weeks of additional yard waste pick-up to handle heavy leaf periods or storms that result in higher levels of brush. The new schedule of yard waste collection will save taxpayers \$1,013,000 even if the additional three weeks of collection are needed.

Local Electronics Recycling Drop-Off Schedule

Local drop-off days for recyclable electronics have been scheduled at various locations throughout the Town. Check the list below for the location most convenient to you.

- MAY 16
Ward Middle
High School
East of Main
- JUNE 13
Brookhaven Town
Ferryville
- AUGUST 22
Check website for location
- SEPTEMBER 26
Rose Conroy
Center,
Mt. Zion
- OCTOBER 17
William Floyd
Middle School
Mastic
- NOVEMBER 21
Ward Middle
High School
East of Main

Residents can recycle electronic items at the Brookhaven Town Landfill on Forestblock Road in Yaphank during regular operating hours.

It's Tuesday night... Are your recyclables at the curb?



The 2008 Great Brookhaven Cleanup and Plant-In Receives National Recognition

The Town of Brookhaven, its residents and the Keep Brookhaven Beautiful Anti-Litter Task Force were honored in Washington D.C. with the Keep America Beautiful President's Order Recognition Award for their efforts in cleaning up Brookhaven during last spring's Great Brookhaven Cleanup and Plant-In. Over 4,000 volunteers picked up over 2 million lbs. of litter. At the January 6th Town Board meeting Councilwoman Connie Keper presented proclamations to the anti-litter task force for their nationally recognized work. In the photo, from left to right: Brookhaven Town Clerk Pamela Bethell, Deputy Supervisor (Acting Supervisor) Lori Baldassarre, Keep Brookhaven Beautiful Executive Director Chris O'Connor, Anti-Litter Task Force Chairman Tom Talbot, Councilman Steve Fires-Rosefield, Anti-Litter Task Force member Pat Matthews, Town of Brookhaven's liaison to Keep America Beautiful Rosemary Wiesner, Councilwoman Jane Bomier, Councilwoman Connie Keper, Councilman Timothy Muzzei, Councilman Keith Romaine, Councilwoman Kathleen Walsh, Anti-litter task force member Laurie Lemow.

Debunking Common Recycling Myths...



You heard what...???

Myth

Recycling is a waste of time; it all goes into the landfill anyway, so why should I do it?

Response

Recycling is not only the law in Brookhaven, but also our civic duty. Residents should do their duty to source separate their recyclables from their garbage at curbside.

By simply taking a few minutes to separate recyclables from the normal trash stream residents can take an active role in helping to cut down on greenhouse gases, save energy, save our natural resources, reduce air and water pollution and create jobs in the recycling industry for other town residents. Where else can we make such an impact on our world with such a small change in the way we do things?

The Town of Brookhaven does its part by operating one of the largest Material Recycling Facilities (MRF) in the State. ALL recyclable material that gets collected on Wednesday goes to the MRF, gets sorted and is sold to markets. By recycling, residents also help the town to keep garbage disposal costs down. Each ton of recyclables that is taken out of the waste stream saves hundreds of dollars in disposal costs.

If everyone did their part, the town could reduce the amount of material that goes to the incinerator and save hundreds of thousands of dollars on disposal costs and truck transportation.

Objects de Garbage Contest Create art or useful items out of used and/or recycled materials. Entries will be judged at **September 12 & 13*** the Town's Country Fair in September. Items should be no bigger than 2'x2'x2'.

Brookhaven Adopts "Pooper-Scooper" Law

The Brookhaven Town Board has adopted legislation requiring dog owners to pick up their pet's waste from Town roads, right of ways, and recreational areas, including dog parks.

Dogs can harbor organisms that are pathogenic to humans, spreading contamination when it rains on uncollected dog waste, and the storm water washes to water that we use for swimming and recreation. Although these pathogens are not normally life threatening, they can be dangerous to vulnerable people.

Controlling pet waste is part of an overall strategy to protect the ecosystems of our rivers, lakes, and bays. The United States Environmental Protection Agency, the Long Island Sound Study, and the South Shore Estuary Reserve Comprehensive Management Plan, regional environmental planning initiatives on the north and south shores of Long Island, all advocate for measures to control pet waste.

Clean Energy Task Force

The Town's Clean Energy Task Force, chaired by Councilman Steve Fiore-Rosenfeld, meets at least quarterly to recommend Town Code amendments concerning retrofitting existing buildings or new construction to include solar, wind, other renewable energy sources, and energy conservation.

Its members include representatives of many leading environmental agencies and companies—Sierra Club, Neighborhood Network, Brookhaven National Lab, KeySpan/ Greater Long Island Clean Cities Coalition, Renewable Energy Long Island, LIPA, and the Green Building Council. In addition, the Task Force includes members of the Town Council, the Planning Department, the Division of Environmental Protection, and a representative from the Supervisors office.

As an outgrowth of this task force, the Town recently joined ICLEI, an international organization that will help us survey and define Brookhaven's town-wide carbon footprint.

 <p>Town of Brookhaven Long Island</p>	<p>Brookhaven Town Council Steve Fiore-Rosenfeld CD1 Jane E. Bonner CD2</p>	<p>Kathleen A. Walsh CD3 Constance M. Kepert CD4</p>	<p>Timothy P. Mazzei CD5 Keith Romaine CD6</p>
	<p>Town Clerk Pamela Bethell</p>	<p>Superintendent of Highways John Rouse</p>	<p>Receiver of Taxes Louis J. Marcoccia</p>

Printed on recycled paper with soy ink. • Printing partially funded by the New York State Department of Environmental Conservation

Appendix A-4: Waste Management Webpage: Recycling Education

<http://www.brookhaven.org/Departments/WasteManagement/GetInvolved.aspx>



MRF Tours

Brookhaven's Materials Recycling Facility (MRF) is a complex, automated, system that separates glass, paper, corrugated cardboard, plastics and metals from a mixed waste stream and bales each item for market. The MRF can process up to 300 tons of recyclable material per day. All items collected curbside for recycling in Brookhaven are marketed. Tours of the MRF can be arranged by calling 451-TOWN (8696).

Presentations

The Brookhaven Town Department of Waste Management offers speakers on numerous topics related to today's waste management issues and concerns. For information, to book a speaker, or to request a special presentation, please contact the Brookhaven Town Department of Waste Management at 451-6378.



Appendix A-5: Waste Management Webpage: Adopt-a-Highway Program

<http://www.brookhaven.org/Departments/WasteManagement/GetInvolved.aspx>



Photo Gallery

Search Tags



Bagging/Bundling Techniques (9 Photos)



Great Brookhaven Clean Up & Plant In 2008 (9 Photos)



Town Landfill & MRF
1 Sub-Album (20 Photos)

Community Involvement

Adopt-A-Highway

The Town of Brookhaven Adopt-A-Highway program is a partnership between resident volunteers and the Town Department of Waste Management. Designed to improve the quality of Brookhaven's environment by keeping our roads litter free, the program asks residents to take an active role in helping make their neighborhoods better, cleaner places to live.

Under the program guidelines, local organizations and individuals can volunteer to "adopt" a stretch of roadway. The adopting group agrees to pick up litter and debris in their area at least four (4) times a year. The Town provides signs, collection materials, and collection service. For more information, please call 451-TOWN (8696).

The Town of Brookhaven also offers **Adopt-A-Spot** & **Adopt-A-Park** programs. For more information about...

Adopt-A-Spot, contact the Highway Department at 451-9200.

Adopt-A-Park, contact Parks & Recreation at 451-6100.

Appendix A-6: Boater BMP Brochure

Stormwater and You



The purpose of the Town of Brookhaven's Stormwater Program is to protect surface waters. Surface waters include lakes, ponds, rivers, streams, creeks, bays, harbors, and the ocean.

Protecting our surface waters is easier than you might think. Be aware of your actions. Keep garbage, waste and toxic chemicals out of the water.

PUMPOUT FACILITIES

Pumpout Boat
Channel 73

North Shore Self-Service Stations
~Mount Sinai Harbor~
East of Old Man's Boat Yard

~Port Jefferson Harbor~
Moored Barge in Harbor
Danford's Marina

South Shore Self-Service Stations
Corey Creek
Davis Park
Forge River
Sands Pit Marina

Additional Marine Support
Peace Officers—Channel 16
Non-emergency Harbors & Waterways
Office: 631-473-3052



Town of Brookhaven
Boater Awareness



Let's Work Together to
Keep Our Waters Clean



Town of Brookhaven
Division of Environmental Protection
One Independence Hill
Farmingville, NY 11738
(631) 451-6455

Why Boaters?

No one is more aware of the impacts we have to our coastal waters than boaters. Boaters are some of the most conscientious residents in the Town of Brookhaven. Unfortunately the mere act of using and maintaining a boat can result in unintentional sources of pollution.

As a boat owner / operator you have a responsibility to ensure that our coastal waters remain healthy and pristine; for the sake of your community and future generations.



Boat Maintenance

Use biodegradable detergents and cleaning compounds.

Wash by hand above the water line.

Removal of bottom paint **MUST** be done in a contained area, away from the water.

Engine repair and disassembly should be done indoors.



Keep it Clean on the Water



Stow it, don't throw it!

Use absorbent pads around deck fill and no spill devices at the fuel vent.

Use an oil-absorbent bilge sock.

It is illegal to discharge sewage into the water. Take advantage of the Town's free pumpout facilities in your area.

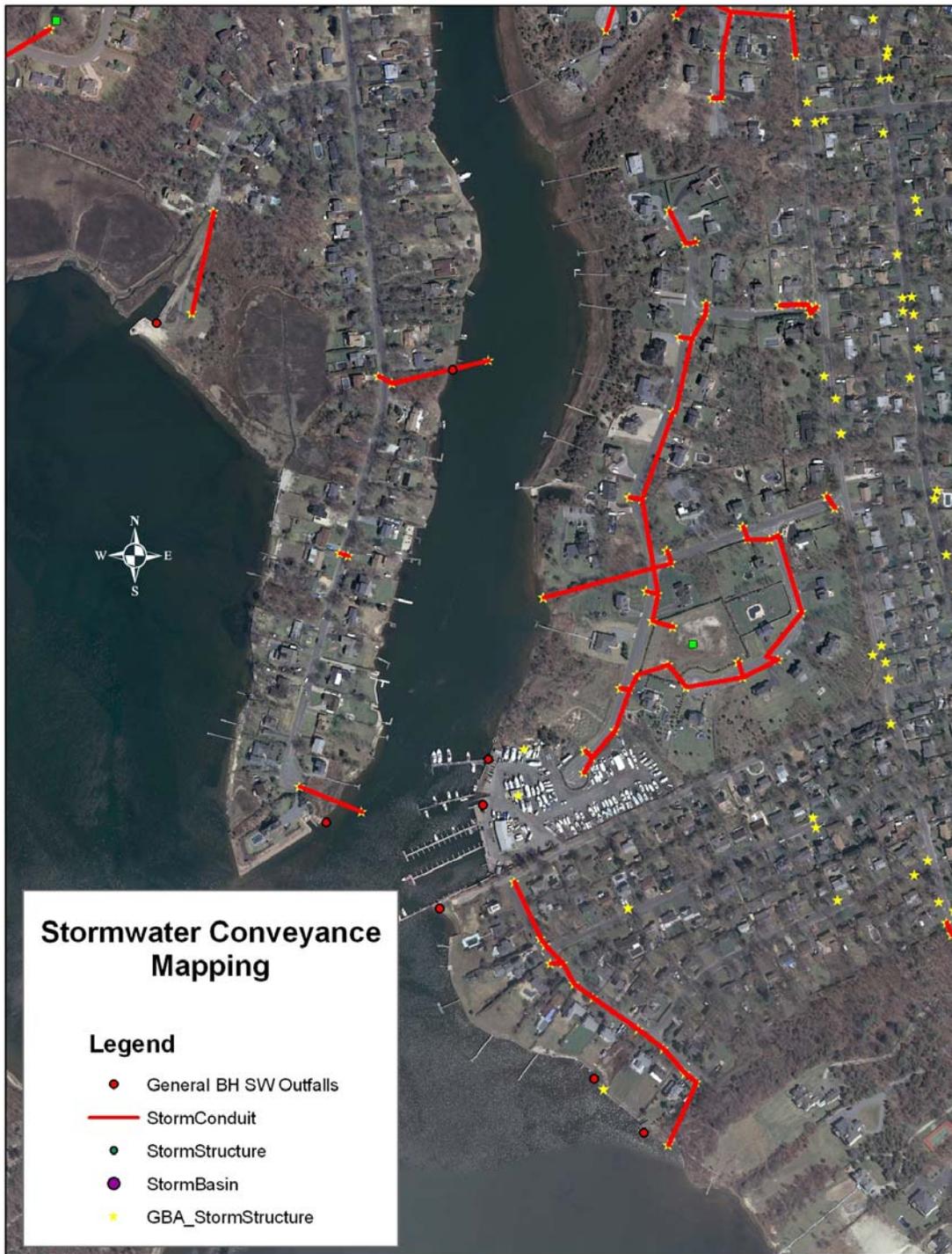
Reduce grey water discharges by doing dishes and showers on shore whenever possible.

Appendix B: Illicit Discharge Detection and Elimination Supporting Documentation

Appendix B-1: Brookhaven Outfalls Map



Appendix B-2: Sample of Conveyance Mapping, Forge River



Appendix B-3: IDDE Dry Weather Flow (DWF) Sample Data Sheet

Town of Brookhaven
Dry Weather Flow Monitoring Form

Date: 4/10/09 Time: 1020 Recorder: JE
Outfall ID: 48
Outfall Layer: Conscience Revisit: 1 2 (3)

Is the outfall accessible for monitoring? yes
Is an adjacent CB monitored instead? _____

Dry weather flow: yes Flow Amount: drip
Turbidity: none Color: none
Odor: none Floatables: none
Deposits: none Veg. growth: some moss + red/brown growth below pipe

Description of dry weather flow: Drip from corrugated metal pipe. Red rust both inside bottom of pipe + on rock below drip.

Other Comments: _____

Rainfall in the last: 48 hours: no 72 hours: no

Appendix B-4: IDDE Ordinance

CHAPTER 86A. PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS TO THE TOWN OF BROOKHAVEN MUNICIPAL SEPARATE STORM SEWER SYSTEM

§ 86A-1. Legislative intent.

§ 86A-2. Definitions.

§ 86A-3. Applicability.

§ 86A-4. Stormwater Management Officer's responsibility for administration.

§ 86A-5. Discharge prohibitions; exceptions.

§ 86A-6. Prohibition of illicit connections.

§ 86A-7. Prohibition against activities contaminating stormwater.

§ 86A-8. Requirement to prevent, control, and reduce stormwater pollutants by use of best management practices.

§ 86A-9. Suspension of access to MS4.

§ 86A-10. Industrial or construction activity discharges.

§ 86A-11. Access to facilities; monitoring of discharges.

§ 86A-12. Notification of spills.

§ 86A-13. Enforcement.

§ 86A-14. Penalties for offenses.

§ 86A-15. Appeal of notice of violation.

§ 86A-16. Corrective measures after appeal.

§ 86A-17. Injunctive relief.

§ 86A-18. Alternative remedies.

§ 86A-19. Violations deemed public nuisance.

§ 86A-20. Remedies not exclusive.

§ 86A-21. Severability.

CHAPTER 86A. PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS TO THE TOWN OF BROOKHAVEN MUNICIPAL SEPARATE STORM SEWER SYSTEM

[HISTORY: Adopted by the Town Board of the Town of Brookhaven 1-22-2008 by L.L. No. 2-2008, effective 1-30-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. [33](#).

Grading — See Ch. [35](#).

Coastal erosion hazard areas — See Ch. [76](#).

Water resources — See Ch. [78](#).

Wetlands and waterways — See Ch. [81](#).

Zoning — See Ch. [85](#).

Stormwater management and erosion control — See Ch. [86](#).

Subdivision regulations — See Ch. SR.

§ 86A-1. Legislative intent.

The purpose of this Chapter is to provide for the health, safety, and general welfare of the residents of and general public within the Town of Brookhaven through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this Chapter are as follows:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter; 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.

§ 86A-2. Definitions.

The terms used under this Chapter shall have the meanings as set forth in this section.

BEST MANAGEMENT PRACTICES (BMPs)-Management practices designed to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems; schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. Such practices may include pollution prevention and educational practices, maintenance procedures, treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT-The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY-Activities requiring authorization under the SPDES Permit for Stormwater Discharges from Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT-The New York State Department of Environmental Conservation.

HAZARDOUS MATERIALS-Material, including any substance, waste, or combination thereof, which because of its quantity, concentration, physical, chemical, or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTIONS-Any surface or subsurface drain or conveyance that allows an illegal discharge to enter the MS4, including, but not limited to:

A. Conveyances that allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4; and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. A drain or conveyance connected from a commercial or industrial land use to the MS4, which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE-Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § [86A-5](#) of this Chapter.

INDUSTRIAL ACTIVITY-Activities requiring the SPDES Permit for Discharges from Industrial Activities, except construction, GP-98-03, as amended or revised.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)-A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Town and designed or used for collecting or conveying stormwater; the MS4, as defined, is not a combined sewer or part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

NONSTORMWATER DISCHARGE-Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON-Any individual, owner, entity, corporation, agent, company, parent company, subsidiary, limited-liability company, substantially owned affiliated-entity, successor, partnership, joint venture, association, legal representative, agent, or any other form of doing business.

POLLUTANT-A substance that may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards, including, but not limited to: dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water;

PREMISES-Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS-

A. Discharge compliance with water quality standards: The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters: The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy: The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by the EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT- A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER-Natural discharge, which includes rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO)-An employee or officer designated by the Town to accept and review stormwater pollution prevention plans, forward the plans to the applicable board and inspect stormwater management practices.

303(d) LIST OF IMPAIRED WATERS-NYSDEC published list, and any amendments thereto, of all surface waters in the State for which beneficial uses of the water (i.e., drinking, recreation, aquatic habitat, and industrial) are impaired by pollutants, as required by Section 303(d) of the Federal

Clean Water Act. 303(d) listed waters include 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 (TMDL)-The maximum amount of a pollutant allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER-Water that is not stormwater, which is contaminated with pollutants and is or will be discarded.

§ 86A-3. Applicability.

The requirements under this chapter shall be applicable to all water entering the MS4 generated on any developed and undeveloped lands, unless explicitly exempted by an authorized enforcement agency.

§ 86A-4. Stormwater Management Officer's responsibility for administration.

A. The Commissioner of the Department of Planning, Environment and Land Management (PELM) or his/her authorized designee shall serve as the Stormwater Management Officer, as defined under this chapter.

B. The Stormwater Management Officer(s) [SMO(s)] shall be authorized to administer, implement, and enforce the provisions of this chapter.

§ 86A-5. Discharge prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, except as provided herein. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described herein.

B. Exceptions to discharge prohibitions. The following discharges are exempt from discharge prohibitions established by this chapter, unless the discharges are determined to be substantial contributors of pollutants:

(1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, 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, unchlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants, as approved in writing by the SMO.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to

constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable State and local laws, provided the SMO receives written notification of the test location and duration 48 hours prior to the discharge.

(4) Discharge authorized pursuant to a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NYSDEC, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

§ 86A-6. Prohibition of illicit connections.

The following illicit connections shall be prohibited:

A. The construction, use, maintenance or continued existence of illicit connections to the MS4.

B. This prohibition expressly includes, without limitations, prior illicit connections, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person shall be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 86A-7. Prohibition against activities contaminating stormwater.

A. Activities that are subject to the requirements of this section include any activity that:

(1) Causes or contributes to a violation of the Town's MS4 SPDES permit.

(2) Causes or contributes to the Town being subject to the special conditions as defined by this chapter.

B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Town's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 86A-8. Requirement to prevent, control, and reduce stormwater pollutants by use of best management practices.

A. Best Management Practices. Where the SMO has identified illicit discharges under this chapter or activities contaminating stormwater, the SMO may require implementation of best management practices (BMPs) to control those illicit discharges and activities, which may include the following:

(1) The owner or operator of a commercial or industrial establishment to provide, at his/her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.

(2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge or an activity contaminating stormwater to implement, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

B. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

§ 86A-9. Suspension of access to MS4.

A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter, in writing, of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize hazardous conditions, which may adversely affect the health, safety, welfare, and property of Town residents and the general public.

B. Termination due to the detection of illicit discharge. Any person discharging to the Town's MS4 in violation of this chapter may have his/her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMO for a reconsideration and hearing. The SMO may grant access if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

§ 86A-10. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.

§ 86A-11. Access to facilities; monitoring of discharges.

A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter. The SMO is authorized to make or cause to be made inspections, to determine compliance with the provisions of this chapter and to determine the cause of illicit discharge in order to safeguard the health, safety, and welfare of the Town residents and the general public. The SMO or his/her designated representative is authorized to enter, upon the consent of the owner or facility operator, any premises at any reasonable

time or at such other time as may be necessary in the event of an emergency, without the consent of the owner or facility operator, for the purpose of performing his/her duties under this chapter.

B. Access to facilities.

- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
- (2) Facility operations and/or property owners shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.
- (3) The Town shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The Town has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and the SMO has reasonable cause to believe that a violation of this chapter has occurred, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction. The refusal to allow access to any part of the premises shall be presumptive evidence that a violation exists.

§ 86A-12. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which results or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the source and discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify NYSDEC of the occurrence via emergency dispatch services, 911. In the event of a release of non-hazardous materials, said person shall notify the SMO in person or by telephone or facsimile no later than the next business day. Notifications in person, by telephone, or facsimile shall be confirmed by written notice addressed and mailed to the SMO within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such

establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 86A-13. Enforcement.

A. Notice of violation.

(1) In the event of a violation of this chapter, the SMO may order compliance and issue a written notice of violation, to be served personally or by certified mail, to the violator and the property owner as shown on the last preceding assessment roll of the Town of Brookhaven.

(2) The notice of violation shall contain the following:

- (a) The location of the violation;
- (b) A statement specifying the nature of the violation;
- (c) A description of the corrective measures necessary to bring remedy or abate the illicit discharge, which may include restoration of the property, and a time schedule for the completion of such remedial action;
- (d) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (e) A statement that the determination of violation may be appealed to the SMO by filing a written notice of appeal within 15 days of service of notice of violation.

B. The notice of violation may further order compliance, which may include without limitation the following:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be assessed against the property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment BMPs.

§ 86A-14. Penalties for offenses.

Any person who shall violate any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$500 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$750 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine

not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 86A-15. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO in writing within 15 days of its issuance. The appeal notice shall be directed to the SMO. A hearing officer, as designated by the Director of Environmental Protection and the Town Attorney, shall hear the appeal within 30 days after the filing of the appeal and, within five business days of making his/her decision, issue a decision by certified mail or personal service to the violator and property owner. If the original notice of violation is sustained, the SMO shall issue an order, to be served by certified mail or personal service, which shall state the corrective measures to be taken and required date of completion of the corrective measures. The filing of the appeal shall not stay or prevent the Town from taking all necessary emergency corrective measures.

§ 86A-16. Corrective measures after appeal.

A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the hearing officer's decision upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property, and the cost thereof shall be a charge assessed against the property and lands to be collected in the same manner as real property taxes.

B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger and/or property owner, and shall be a charge assessed the property and lands to be collected in the same manner as real property taxes.

§ 86A-17. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. In addition to any other available remedy at law or as provided under this chapter, the Town may institute a suit in equity, injunction relief, to restrain, correct or abate such violations of this chapter.

§ 86A-18. Alternative remedies.

A. Any provision contained in the Town Code to the contrary notwithstanding, the Town Attorney, or his/her designee, in consultation with the Stormwater Management Officer, in addition to or in lieu of seeking criminal penalties or seeking to restrain or enjoin activity in violation of this chapter, may enter into a civil compromise, whereby the person who committed such violation agrees to pay to the Town a civil penalty in an agreed amount. The payment of a civil penalty must be made in conjunction with an agreement on consent whereby the violator agrees to take steps to comply with the requirements under this chapter.

B. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the SMO, upon a determination that:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this chapter.
- (3) The environmental damage was minimal.
- (4) The violator has acted expeditiously to remedy the violation.
- (5) The violator has cooperated in the investigation and resolution.

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

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.
- (4) Implementing one or more of the recommendations of a watershed management plan that has been adopted by the Town.

§ 86A-19. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 86A-20. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable statute, law and/or rule and regulation and it is within the discretion of the Town to seek cumulative remedies.

§ 86A-21. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter 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, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, 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.

Appendix C: Construction/Post-Construction Supporting Documentation

Appendix C-1: Stormwater Discharges from Construction Activities Ordinance

CHAPTER 86. STORMWATER MANAGEMENT AND EROSION CONTROL

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CHAPTER 86. STORMWATER MANAGEMENT AND EROSION CONTROL

[HISTORY: Adopted by the Town Board of the Town of Brookhaven 1-22-2008 by L.L. No. 1-2008, effective 1-30-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. [33](#).

Grading — See Ch. [35](#).

Coastal erosion hazard areas — See Ch. [76](#).

Water resources — See Ch. [78](#).

Wetlands and waterways — See Ch. [81](#).

Zoning — See Ch. [85](#).

Municipal separate storm sewer system — See Ch. [86A](#).

Subdivision regulations — See Ch. SR.

§ 86-1. Legislative intent.

A. Findings. The State of New York, pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), is authorized to adopt and implement a State Pollutant Discharge Elimination System (SPDES) permit program regulating the discharge of pollutants from new or existing outlets or point sources into the waters of the State. The New York State Legislature enacted Article 17, Title 8, of the Environmental Conservation Law requiring a State Pollution Discharge Elimination System (SPDES) permit prior to the discharge of any pollutants. Under the Federal National Pollutant Discharge Elimination System (NPDES) regulations, as administered by New York State, municipalities are required to obtain a permit for the discharge of stormwater. The Town of

Brookhaven in 2002 obtained a SPDES permit in connection with discharge of stormwater as required pursuant to Environmental Conservation Law. The SPDES permit requires that the Town enact a local law that complies with federal and New York State guidelines for stormwater control, which addresses the following findings of fact as determined by the State and accepted by the Town of Brookhaven:

- (1) Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream bank erosion, or sediment transport and deposition.
- (2) Stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- (3) Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (4) Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.
- (5) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- (6) Substantial economic losses can result from these adverse impacts on the waters of the municipality.
- (7) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- (8) The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream bank erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- (9) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

B. Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the residents of and the general public within the Town of Brookhaven by achieving the following objectives:

- (1) Meet the requirements of minimum measures four and five of the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- (2) Require land development activities to conform to the substantive requirements of the NYSDEC SPDES General Permit for Construction Activities GP-02-01 or as amended or revised;
- (3) Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;

- (4) Minimize increases in pollution caused by stormwater runoff from land development activities, which would otherwise degrade local water quality;
- (5) Minimize the total annual volume of stormwater runoff, which flows from any specific site during and following development to the maximum extent practicable; and
- (6) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 86-2. Definitions.

The terms used under this chapter shall have the meanings as set forth in this section.

AGRICULTURAL ACTIVITY - Activity defined as "open farming" or "other agriculture" in Chapter [85](#) of the Town Code.

A. OPEN FARMING — Includes the cultivation of the soil for food products and other useful or valuable growths of the field.

B. OTHER AGRICULTURE — Agricultural uses not included in the foregoing definition of "open farming," but including greenhouses, dairies and the raising of livestock, roosters and other poultry, except when such poultry consists solely of a total of six or fewer ducks or geese or female chickens or any combination thereof per residential premises, regardless of size.

APPLICANT - A property owner who has filed an application for a land development activity.

BUILDING- Any structure meeting the definition of "building" as defined in Chapter [85](#) of the Town Code. A structure having a roof supported by columns or walls, and when separated by a party wall without openings, it shall be deemed a separate building.

CLEARING- The removal of any existing natural vegetation located on a lot, parcel or site, exclusive of vegetation associated with active agricultural or horticultural activity or formalized landscaped and/or turf areas.

DEDICATION- The deliberate appropriation of property by its owner for general public use.

DEPARTMENT- The New York State Department of Environmental Conservation.

DESIGN MANUAL- The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER- A person who undertakes land development activities.

EROSION CONTROL MANUAL- The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

GRADING- Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER- Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT- A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries, which regulates the pollutant levels, associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION- The process of percolating stormwater into the subsoil.

LAND DEVELOPMENT ACTIVITY- Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a common plan of development, notwithstanding that multiple and distinct activities may occur at different times and/or different schedules.

LANDOWNER- The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT- A legally recorded document that provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION- Pollution, from any sources other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PERSON- One or more of the following: any individual, owner, entity, corporation, agent, company, parent company, subsidiary, limited-liability company, substantially owned affiliated-entity, successor, partnership, joint venture, association, legal representative, agent or any other form of doing business.

PHASING- Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN- Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment to any water body that will receive a discharge from the land development activity.

RECHARGE- The replenishment of underground water reserves.

SEDIMENT CONTROL- Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS- Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01- A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02- A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION- The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER- An order issued that requires that all construction activity on a site be stopped.

STORMWATER- Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOT SPOT- A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants that are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT- The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY- One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER- An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs)- Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies, while minimizing potential flood damage.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)- A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF- Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK- Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or

partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons, which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water, which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

303(d) LIST OF IMPAIRED WATERS- NYSDEC-published list, and any amendments thereto, of all surface waters in the State for which beneficial uses of the water (i.e., drinking, recreation, aquatic habitat, and industrial) are impaired by pollutants, as required by Section 303(d) of the Federal Clean Water Act. 303(d) listed waters include estuaries, lakes, and streams that fall short of State surface water quality standards and are not expected to improve within the next two years.

TMDL (Total Maximum Daily Load)- The maximum amount of a pollutant allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WATERCOURSE- A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY- Any natural or artificial fresh or marine body of water commonly known as a stream, river, creek, lake, pond, estuary, bay, harbor, ocean, and the like. A waterway includes those areas defined as lands underwater.

WETLANDS- Areas that meet the definition of "tidal wetland" or "freshwater wetland" as defined in Chapter [81](#) of the Town Code.

§ 86-3. Applicability and review for compliance.

The requirements under this chapter shall be applicable to all land development activities as follows:

- A. Disturbance of one acre or more; or
- B. Disturbance of less than one acre that is part of a larger common plan of development, notwithstanding multiple and distinct activities may occur at different times and/or different schedules.

§ 86-4. Stormwater Management Officer.

A. The Commissioner of the Department of Planning, Environment and Land Management (PELM) or his/her authorized designee, shall serve as the Stormwater Management Officer, as defined under this Chapter.

B. The Stormwater Management Officer shall be authorized to accept, administer and establish procedures for the review and approval of all stormwater pollution prevention plans (SWPPPs) in accordance with the requirements under this chapter.

C. The Stormwater Management Officer may:

- (1) Review and approve the SWPP;

- (2) Retain the services of a Town Board appointed registered professional engineer to review the plans, specifications and related documents and accept the recommendations of the engineer for approval; or
- (3) Accept the certification of a licensed professional that the stormwater pollution prevention plan (SWPPP) conforms to the requirements of this chapter.

D. The Stormwater Management Officer shall forward an approved SWPPP to the body, board or public official vested with jurisdiction over the land development activities.

§ 86-5. Exemptions.

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

- A. Agricultural activity as defined in this chapter.
- B. Routine maintenance activities that disturb less than two acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- C. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- D. Any part of a subdivision if a plat for the subdivision has been approved by the Planning Board of the Town of Brookhaven on or before the effective date of this chapter.
- E. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
- F. Cemetery graves.
- G. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- H. Emergency measure immediately necessary to protect life, property or natural resources. The Stormwater Management Officer shall be notified in writing within 48 hours of the commencement of the emergency. The Stormwater Management Officer shall review and determine the sufficiency of the emergency measure and advise the landowner and/or developer if additional protective measures are required.
- I. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- J. Landscaping and horticultural activities in connection with an existing structure.
- K. Resurfacing or repair of an existing paved surface, which does not decrease the permeability of the paved surface, nor expand the area of pavement.

§ 86-6. Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirements.

- (1) No application for approval of a land development activity shall receive final approval until the Stormwater Management Officer has received, reviewed and approved a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

(2) Each application for approval of a land development activity shall be accompanied by a filing fee.

B. Contents of stormwater pollution prevention plans.

(1) All SWPPPs shall provide, at the minimum, the following information:

- (a) Background information about the scope of the project, including location, type and size of project;
- (b) The name(s), address(es), telephone and fax number(s) of the applicant, developer, and/or property owner, and the principal contact person of the retained consulting firm responsible for monitoring daily compliance in accordance with the provisions of this chapter;
- (c) Site map/construction drawing(s) for the project, including a general location map at a scale not less than one inch equals 2,000 feet. The site map shall be at a scale no smaller than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s);
- (d) Description of the soil(s) present at the site;
- (e) Construction phasing plans describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (i.e., Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
- (f) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- (g) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- (h) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
- (i) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- (j) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- (k) Temporary practices that will be converted to permanent control measures;

- (l) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- (m) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- (n) Name(s) of the receiving water(s);
- (o) Delineation of SWPPP implementation responsibilities for each part of the site;
- (p) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;
- (q) Any existing data that describes the stormwater runoff at the site.

(2) Land development activities as defined in this chapter, and within one of the classifications, Condition A, B or C as set forth below, shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth below as applicable:

- (a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
- (b) Condition B: stormwater runoff from land development activities disturbing five or more acres.
- (c) Condition C: stormwater runoff from land development activities disturbing between one acre and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(3) SWPPP requirements for Conditions A, B and C:

- (a) All information in § [86-6](#) of this chapter;
- (b) Description of each post-construction stormwater management practice;
- (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (e) Comparison of post-development stormwater runoff conditions with predevelopment conditions;
- (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
- (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property; and

(i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with this chapter.

C. Plan certification. For land development activities within the classification of Condition A, B and/or C, the SWPPP shall be prepared by a New York State registered landscape architect (RLA), a certified professional in sediment and erosion control (CPESC) or a professional engineer (PE) licensed in the State of New York, and must be signed by the professional preparing the SWPPP, which professional shall certify that the design of all stormwater management practices complies with the requirements set forth in this chapter.

D. Other environmental permits. The applicant shall be required to obtain all applicable local, state, and federal environmental permits prior to approval of the SWPPP.

E. Contractor certification.

(1) Each contractor and subcontractor identified in the SWPPP involved in soil disturbance and/or stormwater management practice installation shall provide the following certification statement before undertaking any land development activity:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I further acknowledge that the failure to comply with the terms and conditions of the SWPPP is a violation of Chapter [86](#), which may result in enforcement proceedings and/or the assessment of penalties. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.

(2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the certification date.

(3) The certification statement(s) shall become part of the SWPPP for the land development activity.

F. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 86-7. Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance and design criteria:

A. Technical standards. For the purpose of this chapter, the following documents shall serve as the specifications and standards for stormwater management. Stormwater management practices that

are designed and constructed in accordance with the documents set forth herein shall be presumed to meet the standards imposed by this chapter:

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, or any amendments thereto, hereafter referred to as the "Design Manual").

(2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004 (most current version), or any amendments thereto, hereafter referred to as the "Erosion Control Manual.")

B. Equivalence to technical standards. Where stormwater management practices are not in accordance with the technical specifications or standards, the applicant or developer must demonstrate to the satisfaction of the Stormwater Management Officer that the SWPPP, as prepared by a New York State registered landscape architect (RLA), a certified professional in sediment and erosion control (CPESC) or a professional engineer (PE) licensed in the State of New York, is equivalent to the technical specifications or standards.

C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 86-8. Maintenance, inspection and repair of stormwater facilities.

A. Maintenance and inspection during construction.

(1) The applicant or developer of the land development activity or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) For land development activities as defined under this chapter and meeting Condition A, B or C above, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 14 days and within 24 hours, or the applicable period as may be required by the NYSDEC, of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site logbook.

(3) The applicant or developer or his or her representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

B. Maintenance access agreement. The property owner and the applicant or developer must execute a maintenance access agreement that shall provide for access to the facility at reasonable times for periodic inspection by the Town of Brookhaven to ensure that the stormwater management facility, as required pursuant to an approved SWPPP, is maintained in proper working condition to meet the design standards and any other provisions established by this chapter. The maintenance access agreement shall be in a form as approved by the Town Attorney, and recorded by the grantor in the Office of the Suffolk County Clerk, and said maintenance access agreement shall be binding on all subsequent landowners served by the stormwater management facility.

C. Maintenance after construction. The stormwater management facility owner or operator shall ensure the facility is operated and maintained in accordance with this chapter. Proper operation and maintenance shall also include, at a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the facility shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § [86-9C](#), or any amendments thereto.

D. Maintenance agreements. Prior to any land development activity receiving final approval, the property owner shall be required to execute a Declaration of Covenant for maintenance of the stormwater control facility, in such form as shall be approved by the Town Attorney, which shall be binding on all subsequent landowners, and shall cause said declaration to be filed and recorded in the Office of the Suffolk County Clerk. The maintenance agreement shall be consistent with the terms and conditions of this chapter.

§ 86-9. Construction inspection.

A. Erosion and sediment control inspection.

(1) The Stormwater Management Officer may require such inspections as deemed necessary to determine compliance with the requirements of this chapter and may either approve that portion of the work as completed or notify the applicant where the work fails to comply with the requirements of this chapter and/or the stormwater pollution prevention plan (SWPPP) as approved. The applicant shall notify the Stormwater Management Officer at least 48 hours prior to the occurrence of any of the following:

(a) Installation of sediment and erosion control measures.

(b) Completion of site clearing.

(c) Completion of rough grading.

(d) Inspections of an underground drainage or stormwater conveyance prior to backfilling.

(e) Completion of final grading.

(f) Close of the construction season.

(g) Completion of final landscaping.

(h) Successful establishment of landscaping in public areas.

(i) A final inspection of all sediment and stormwater management structures and facilities when work on these facilities has been completed.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be permitted, except for site stabilization, until the violations are corrected and the Stormwater Management Officer has approved all work previously completed.

B. Stormwater management practice inspections. The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (Sumps). The Stormwater Management Officer may designate a certified licensed professional to act as an inspector. The designated inspector shall be required to submit a written inspection report to the Stormwater Management Officer.

C. Inspection of stormwater facilities after project completion.

(1) Upon the completion of the stormwater facility, the Stormwater Management Officer may conduct an inspection to ensure compliance with the provisions of this chapter and the approved SWPPP, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

(2) The inspections specified by this section may be performed by any of the following, at the Stormwater Management Officer's discretion on a case-by-case basis:

(a) Designated Town of Brookhaven personnel;

(b) Authorized engineering firms or consultant firms;

(c) Engineering firms or consultant firms employed by a developer.

D. Submission of reports.

(1) The Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

(2) All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plans must show the final construction layout for all stormwater management facilities. The plans must also clearly display any alterations made to the original approved construction details, sections, and/or plan layout. A professional engineer must certify the as-built plans.

E. Right of entry for inspection. Upon the installation of a stormwater management facility on private property or upon any new connection between private property and the public stormwater system, the property owner shall grant and execute an access agreement permitting access to the property for the purpose of inspection by the Town and other governmental review agencies, or authorized engineering firms or consultant firms.

§ 86-10. Performance guarantee.

A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Stormwater Management Officer in his/her approval of the Stormwater Pollution Prevention Plan, the SMO may require the applicant or developer to provide, prior to construction, the required security, in the form of a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Brookhaven as the beneficiary. The security shall be in an amount to be determined by the Town of Brookhaven based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Brookhaven, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Brookhaven.

B. Maintenance guarantee. Stormwater management and erosion and sediment control facilities operated and maintained by any person that owns or manages a commercial or industrial facility, prior to construction may be required to provide the Town of Brookhaven with an irrevocable letter of credit from an approved financial institution or surety, or other approved security, to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If any person fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Brookhaven may default the security in order to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping. Any person operating or maintaining a stormwater management facility shall maintain records demonstrating compliance with this chapter.

§ 86-11. Remedies; penalties.

A. Notice of violation. In the event that a land development activity or stormwater management facility is not in compliance with the requirements of this chapter, the Stormwater Management Officer may issue a written notice of violation, to be served personally or by certified mail, to the property owner as shown on the last preceding assessment roll of the Town of Brookhaven and the owner of record as shown in the records in the Office of the Suffolk County Clerk. The notice of violation shall contain the following:

- (1) The name and address of the property owner and developer or applicant;
- (2) The property's tax identification (i.e., district, section, lot, block), the address or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the corrective, remedial measures necessary to bring the land development activity and/or stormwater management facility into compliance with this chapter and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that in the event that the required corrective measures are not completed within the time specified in the notice, the Town may seek a court order to enter the property, and complete the required corrective measures and assess such costs and expenses against the property;
- (7) A statement that the determination of violation may be appealed to the SMO by filing a written notice of appeal within 15 days of service of a notice of violation.

B. Appeal of notice of violation. Any person receiving a notice of violation may appeal the determination of the SMO in writing within 15 days of its issuance. The appeal notice shall be directed to the SMO. A hearing officer, as designated by the Director of Environmental Protection and the Town Attorney, shall hear the appeal within 30 days after the filing of the appeal and, within five business days of making his/her decision, issue a decision by certified mail or personal service to the violator and property owner. If the original notice of violation is sustained, the SMO shall issue an order, to be served by certified mail or personal service, which shall state the corrective measures to be taken and required date of completion of the corrective measures. The filing of the appeal shall not stay or prevent the Town from taking all necessary emergency corrective measures.

C. Stop-work orders. In addition to any other available remedy at law, the SMO may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except for remediation activities that address the violations

stated in the stop-work order. The stop-work order shall be in effect until the SMO confirms that the land development activity is in compliance with the provisions of this chapter and the violation has been satisfactorily addressed. Failure to adhere to a stop-work order shall result in the Town taking all necessary action, including seeking civil, criminal, or monetary penalties as authorized under this chapter.

D. Withholding of certificate of occupancy. The issuance of a certificate of occupancy may be withheld until compliance with this chapter has been demonstrated to the reasonable satisfaction of the Stormwater Management Officer.

E. Injunctive relief. In addition to any other available remedy at law or as provided under this chapter, the Town may institute a suit in equity, injunction relief, to restrain, correct or abate such violations of this chapter.

F. Any provision contained in the Town Code to the contrary notwithstanding, the Town Attorney, or his/her designee, in consultation with the Stormwater Management Officer, in addition to or in lieu of seeking criminal penalties or seeking to restrain or enjoin activity in violation of this chapter, may enter into a civil compromise whereby the person who committed such violation agrees to pay to the Town a civil penalty in an agreed amount. The payment of a civil penalty must be made in conjunction with an agreement on consent whereby the violator agrees to take steps to comply with the requirements under this chapter.

G. Upon determination that a violation has occurred or is reasonably likely to occur if immediate action is not taken, the Town of Brookhaven may seek a court order permitting the Town of Brookhaven to take any and all corrective measures reasonably necessary to abate the violation and/or prevent the violation from occurring and/or restore the premises, and the cost thereof shall be assessed against the property and lands to be collected in the same manner as real property taxes.

H. Application for search warrant. The Commissioner of Planning, Environment and Land Management or the Stormwater Management Officer or his designated representative is authorized to make application to the District Court or Supreme Court of Suffolk County, or any court of competent jurisdiction, for the issuance of a search warrant in order to conduct an inspection of any premises covered by this chapter where the owner refuses or fails to allow an inspection of the stormwater management facility and practices and where there is reasonable cause to believe that a violation of this chapter has occurred. The applications for a search warrant shall in all respects comply with the applicable laws of the State of New York.

I. Penalties for offenses. Any person who shall violate any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$500 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$750 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable

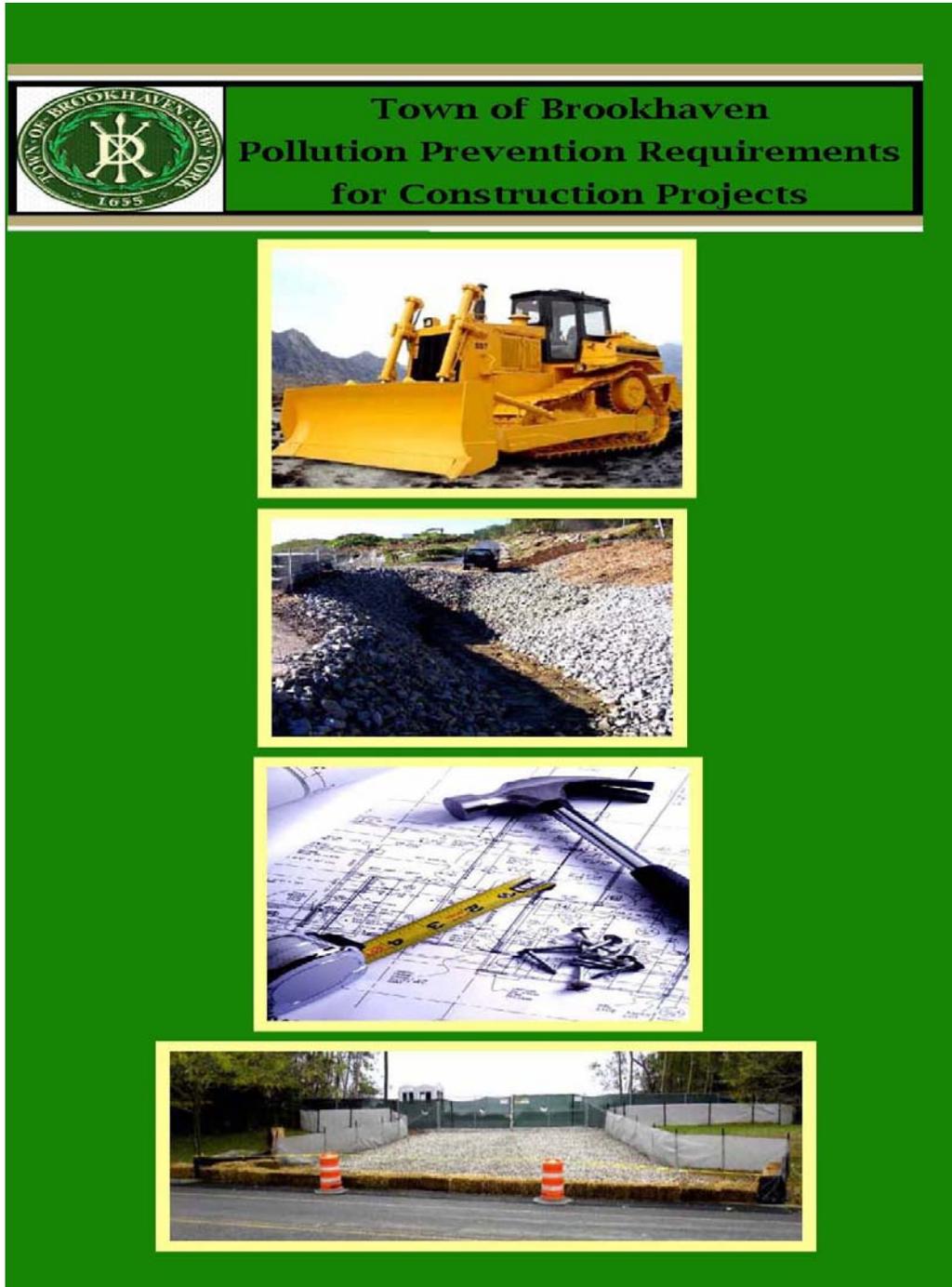
by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

J. Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable statute, law and/or regulation and it is within the discretion of the Town of Brookhaven to seek cumulative remedies.

§ 86-12. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter 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, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, 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.

Appendix C-2: SWPPP Brochure



Storm Water Runoff & Its Impacts at a Construction Site

- Storm water runoff is precipitation that flows over land and does not percolate into the soil.
- Runoff picks up trash, debris, and pollutants such as sediment, oil/grease, and pesticides which have detrimental impacts on habitats, wildlife, and human health.
- Soil exposed at unstabilized construction sites is especially vulnerable to erosion.
- Sediment is the primary storm water pollutant at construction sites; therefore **it is necessary to implement erosion and sediment control measures.**



What are the State and Federal Requirements for Storm Water Runoff from Construction Sites?

- The Clean Water Act and associated federal regulations require nearly all construction site operators engaged in clearing, grading, and excavating activities that **disturb one acre or more, including smaller sites in a larger common plan of development or sale** to obtain authorization for their storm water discharges.
- Under this regulation, New York State requires an owner or operator of a construction project that will involve soil disturbance of **one or more acres** to obtain authorization under the *State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity*.



What construction activities require authorization?

The following construction activities involving soil disturbances of **one (1) or more acres** of land require authorization:



- Construction — residential and commercial
- Subdivisions
- Reconstruction
- New roadways
- Clearing for the creation of open space, including parks, trails, and paths
- Golf courses/athletic fields
- Institutional facilities
- Places of worship
- Parking lot construction or reconstruction
- Campgrounds
- Municipal facilities

What construction activities are exempt from obtaining authorization?

- Agricultural activities of an active farm.
- Routine maintenance activities, disturbing less than two (2) acres to maintain original line and grade, hydraulic capacity, or **original purpose** of facility.
- Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- Emergency measures, approved by the Town of Brookhaven, immediately necessary to protect life, property, or natural resources.
- Activities of an individual engaging in home gardening.
- Landscaping and horticultural activities in connection with an existing structure.
- Resurfacing or repair of an existing paved surface, which does not expand the area of pavement.

Steps to Authorization for Development Projects

Under the *SPDES General Permit for Storm Water Discharge from Construction Activities*, an owner or operator must:

1. **Develop a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the State Permit .*****
 - A SWPPP describes pollution prevention practices and activities which will reduce pollutants leaving the site in stormwater runoff.
 - **Common objectives** include: Stabilize the site as soon as possible; protect slopes and channels; reduce impervious surfaces and promote infiltration; control the perimeter; protect receiving waters adjacent to the site; follow pollution prevention measures; and minimize the area and duration of exposed soils.
 - **Required elements** include: site and activity description; identification of potential pollutant sources; description of controls to reduce pollutants; maintenance/inspection procedures; and SWPPP certification.
2. **Submit a completed Notice of Intent (NOI) to the NYSDEC.**
 - After a SWPPP has been approved, a **NOI** must be submitted to the NYSDEC. Coverage begins **five (5) business days** after the NYSDEC receives this form, upon which a notice of work must be posted on site; and work may begin.
3. **File an electronic Notice of Termination (NOT).**
 - After the project is complete and the property has been stabilized, the **NOT** must be submitted to the NYSDEC.

*** **Construction activities located within watersheds of a state-designated 303(d) List of Impaired Waters must also submit a Water Quality & Quantity Control Plan (WQQCP) ^{§27.5}**



Best Management Practices (BMPs)

The ultimate goal of a SWPPP is to protect water bodies that could be affected by construction projects. An effective SWPPP includes a combination of **erosion** (keeping soil in place) and **sediment control** (capture of sediment in storm water) **practices**.

Keys to Effective Erosion and Sediment Control and Sample BMP Options

- 1. Minimize disturbed areas and protect natural features and soil:** Disturb only areas necessary for construction, establish vegetative buffers.
- 2. Phase construction activity:** Concentrate work in certain areas, minimizing soil exposure at any given time.
- 3. Control storm water flowing through your site:** Establish diversion ditches or berms.
- 4. Stabilize soils promptly:** Temporarily seed to establish vegetative cover.
- 5. Protect slopes:** Install rolled erosion control products (mats, geotextiles, erosion control blankets).
- 6. Protect storm drain inlets:** Place silt fences, rock-filled bags, or gravel to surround or cover inlets to capture sediment.
- 7. Establish perimeter controls:** Install silt fencing and/or fiber rolls as a temporary sediment barrier.
- 8. Retain sediment on-site and control dewatering practices:** Establish sediment basins at low-lying areas and down-gradient of bare soils.
- 9. Establish stabilized construction exits:** A crushed rock exit and a truck wash will remove sediment and prevent it from washing onto public roads.
- 10. Inspect and maintain controls:** Establish an inspection and maintenance approach/strategy. Perform maintenance as soon as problems are noted.



"An effective SWPPP includes a suite of both structural and non-structural BMPs, reflecting site-specific conditions, designed to work together"

Six Key Pollution Prevention Principles

Construction projects generate a large amount of building-related waste which can end up polluting storm water if not properly managed. The suite of BMPs in a SWPPP must include pollution prevention practices, designed to prevent contamination of storm water from a wide range of materials.

- 1. Provide for waste management.**
- 2. Establish proper building material staging areas.**
- 3. Designate paint and concrete washout areas.**
- 4. Establish proper equipment/vehicle fueling and maintenance practices.**
- 5. Control equipment/vehicle washing and allowable non-storm water discharges.**
- 6. Develop a spill prevention and response plan.**



Inspections

- A *qualified inspector* shall conduct site inspections:
 - At least once every **seven (7) calendar days** at sites where soil disturbance activities are on-going.
 - At least **two (2) times** every **seven (7) calendar days**; each separated by a minimum of **two (2) full calendar days** at sites greater than **five (5) acres** where soil disturbance activities are on-going.
 - Within **twenty-four (24) hours** of a storm event with at least **one-half inch (1/2")** of precipitation or more.

Best Management Practices (BMP) Maintenance

- A good BMP maintenance program is essential to the success of a SWPPP. Consider the following points when conducting maintenance:
 - Follow the designer's or manufacturer's recommended maintenance procedures for BMPs.
 - Remove collected sediment as appropriate and properly dispose into controlled areas to prevent excess soil from returning during subsequent rain events.
 - Remove sediment from paved roadways and from protected storm drains.
 - Replace damaged BMPs, such as silt fences, when no longer effective.

Recordkeeping

- Keep copies of the SWPPP, inspection records, copies of all reports required by the permit, and records of all data used to complete the **NOI** to be covered by the permit for a period of at least 3 years from the date that permit authorization expires or is terminated.
- Documentation must be kept on site at all times and available upon request.



Town of Brookhaven
Department of Planning, Environment,
and Land Management
One Independence Hill
Farmingville, NY 11738

Division of Environmental Protection: (631) 451-6455
Division of Engineering: (631) 451-6400

Document prepared with information from the United States Environmental Protection Agency and the New York State Department of Environmental Conservation

Appendix C-3: Conditional Release Requirements

SWPPP Conditional Release Review Requirements

1. Request for a conditional release from SWPPP must be made in writing to the Stormwater Manager.
2. Written request for a conditional release from SWPPP must provide the following information:
 - a. Background information about the scope of the project, including location, type and size of project;
 - b. The name(s), address(es), telephone and fax number(s) of the applicant, developer, and/or property owner, and the principal contact person of the retained consulting firm responsible for monitoring daily compliance in accordance with the provisions of Town code;
 - c. Site map/construction drawing(s) for the project, including a general location map at a scale not less than one inch equals 2,000 feet. The site map must be at a scale no smaller than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s); and
 - d. Description of the soil(s) present at the site.
3. Documentation in support of a conditional release must provide evidence to support the theory that runoff from the project site cannot, by any means, discharge to waters of the state as defined by Town code, or an MS4 system that discharges to waters of the state, and must include:
 - a. project design plans;
 - b. aerial photos of the project area;
 - c. site photos;
 - d. relief maps made from 2007 (or newer) LIDAR digital terrain modeling, or the like;
 - e. existing road plans and profiles, if available; and
 - f. the results of infiltration testing completed in accordance with design manual guidelines.
4. Development activities within TMDL or NYS 303-d listed watersheds do not qualify for a conditional release of SWPPP.
5. Sites are reviewed for the following conditions:
 - a. overflow points;
 - b. road frontage;
 - c. drainage design of road and site;

- d. storage capacity of drainage requiring 5" or 8" of storage (depending on type of application) – pre & post construction conditions under worst case scenarios;
- e. potential overflow to recharge basins; and
- f. recharge basin capacity, if relevant, for existing and future development.

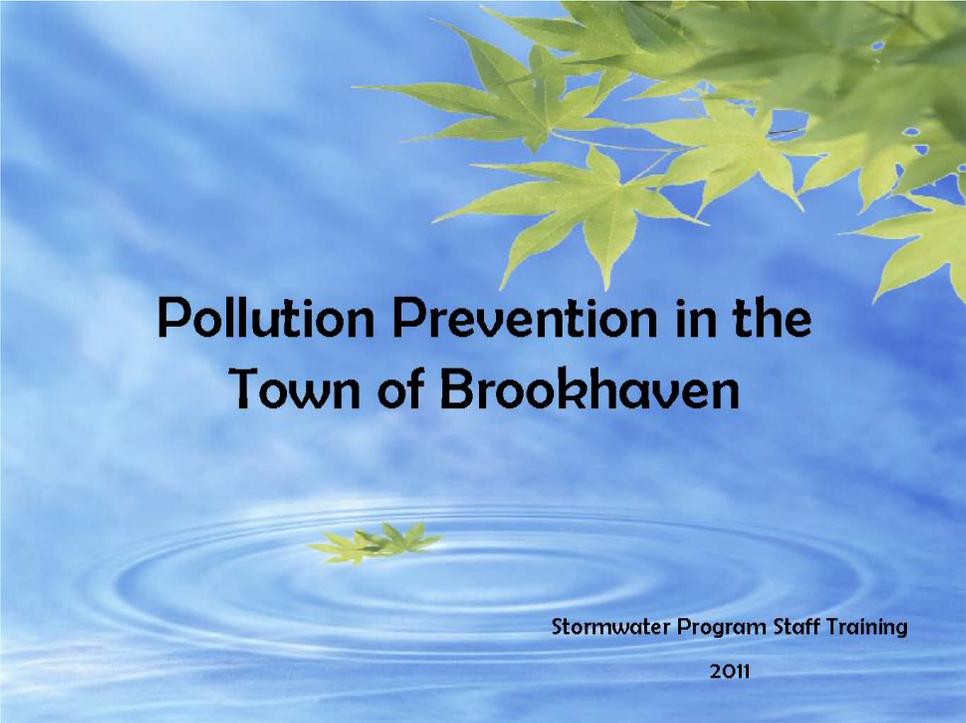
Appendix C-4: SWPPP Site Inspection Report Form

CAMERON ENGINEERING & ASSOCIATES, LLP

SWPPP CONSTRUCTION SITE OBSERVATION REPORT

Project Name:	CEA Project No:	Visit/Report No.																																																
Date of Visit:	Time of Visit:																																																	
Purpose of Visit:	Visit Performed By:	(Signature)																																																
Description of Weather & Soil Conditions:																																																		
INSPECTION CHECKLIST																																																		
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Yes</th> <th style="text-align: left;">No</th> <th style="text-align: left;">N/A</th> <th></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Is an up-to-date copy of the signed SWPPP retained at the construction site?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Is there a copy of the NOI included within the SWPPP?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Is a copy of the NYS DEC "Acknowledgement of Notice of Interest" Letter included within the SWPPP?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Does the SWPPP identify the trained contractor(s)?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Is there a signed and dated certification for each trained contractor in the SWPPP?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Does the signed and dated certification(s) specify SWPPP elements of the SWPPP that each trained contractor will be responsible for?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Is the trained contractor(s) on site?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Does trained contractor(s) have proof of four (4) hours of NYS DEC endorsed training?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Does the SWPPP identify the qualified inspector?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Are the Qualified Inspector's credentials in compliance with the requirements of the General Permit and included in the SWPPP?</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Are Qualified Inspectors reports being kept in the SWPPP?</td> </tr> </tbody> </table>	Yes	No	N/A		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is an up-to-date copy of the signed SWPPP retained at the construction site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a copy of the NOI included within the SWPPP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is a copy of the NYS DEC "Acknowledgement of Notice of Interest" Letter included within the SWPPP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the SWPPP identify the trained contractor(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a signed and dated certification for each trained contractor in the SWPPP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the signed and dated certification(s) specify SWPPP elements of the SWPPP that each trained contractor will be responsible for?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the trained contractor(s) on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does trained contractor(s) have proof of four (4) hours of NYS DEC endorsed training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the SWPPP identify the qualified inspector?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are the Qualified Inspector's credentials in compliance with the requirements of the General Permit and included in the SWPPP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are Qualified Inspectors reports being kept in the SWPPP?		
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Findings/Observations/Notes:																																																		
a) Description of conditions at all points of discharge from the construction site:																																																		
b) Provide description and/or sketch of areas that:																																																		
(1) are disturbed at the time of the inspection and (2) have been stabilized (temporary and/or final) since the last inspection.																																																		

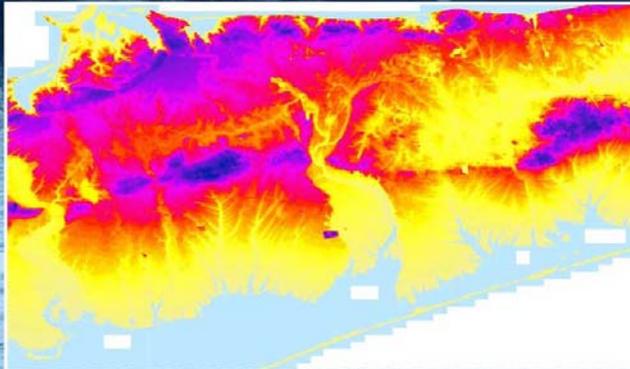
Appendix D: Good Housekeeping/Pollution Prevention Documentation



Pollution Prevention in the Town of Brookhaven

Stormwater Program Staff Training

2011



The goal of the Town's Stormwater Program is to protect surface waters. Surface waters include, but are not limited to, lakes, ponds, rivers, streams, creeks, bays, harbors, estuaries and the ocean.

Consider the following:



- Be aware of your actions.
- Many of us live in the very communities that we work in Your actions have a greater impact than you may be considering.
- Habits are hard to change, but change may be necessary.

- Automobile Maintenance
- Spill Response
- Hazardous Material Storage
- Landscaping & Lawn Care
- Road & Parking Lot Maintenance
- Road Salt Application / Storage
- Vehicle Washing
- Marine Operations
- Fueling



Automobile Maintenance



- ✿ Disconnect floor drains.
- ✿ All liquid cleaning should be done at a centralized station to ensure that solvents and residues stay in one area.
- ✿ Spills should be cleaned up immediately; water should not be used for clean up.
- ✿ Spill kits should be kept nearby and easily accessible.

Automobile Maintenance



- ✿ Store cracked batteries in leak proof secondary containers.
- ✿ Baking soda can be used to neutralize spilled acid, but it must be disposed of as hazardous waste.
- ✿ Place pans under vehicles in for leak repair until they can be repaired.

Automobile Maintenance



- ✿ Completely drain oil from oil filters before disposing.
- ✿ Transfer all hazardous materials to recycling drums or hazardous waste containers. Oil is a hazardous waste product.
- ✿ The following materials can be recycled: degreasers, used oil and oil filters, antifreeze, cleaning solutions, automotive batteries and hydraulic fluid.

Spill Response



- ✿ Inspect tanks, valves, pumps, pipes and fittings regularly for leaks and cracks.
- ✿ Designate one or two people per site to be responsible for spill responses.
- ✿ Keep spill kits nearby and easily accessible.
- ✿ Clean spills immediately as per manufacturer guidelines.
- ✿ Dispose of clean up material (rags, solvents, etc.) properly.
- ✿ Reminder: Immediately contact NYSDEC and appropriate Town personnel for spills in excess of 5 gallons.



Hazardous Waste

Hazardous Waste - is waste that is dangerous or potentially harmful to our health or the environment. Hazardous wastes can be liquids, solids, gases, or sludges. They can be discarded commercial products, like cleaning fluids or pesticides, or the by-products of manufacturing processes.



Hazardous Waste

Hazardous waste exhibits at least one of four characteristics: ignitability, corrosivity, reactivity, and toxicity.

Ignitability - Ignitable wastes can create fires under certain conditions, are spontaneously combustible, or have a flash point less than 60 °C (140 °F). Examples include waste oils and used solvents.

Corrosivity - Corrosive wastes are acids or bases (pH less than or equal to 2, or greater than or equal to 12.5) that are capable of corroding metal containers. Battery acid is an example.



Hazardous Waste



Reactivity - Reactive wastes are unstable under "normal" conditions. They can cause explosions, toxic fumes, gases, or vapors when heated, compressed, or mixed with water. Examples include lithium-sulfur batteries and explosives.



Toxicity - Toxic wastes are harmful or fatal when ingested or absorbed (e.g., containing mercury, lead, etc.). When toxic wastes are land disposed, contaminated liquid may leach from the waste and pollute ground water.



Hazardous Material Storage

- ☼ Store hazardous materials in the original container, if available; or clearly label the container with content information: the name of the chemical, expiration date, handling instruction, and health or environmental hazards. This information is available on the material safety data sheets.
- ☼ Use extra precautionary measures when handling, using, storing or disposing of hazardous chemicals.
- ☼ Ensure sufficient aisle space to provide access for inspections and to improve the ease of material transport.



Hazardous Material Storage

- Store materials away from high-traffic areas.
- Stack containers in accordance with the manufacturers' directions to avoid damage to the containers.
- Store containers on pallets or equivalent structures.
- Store materials in covered areas, or enclosed areas as appropriate.

Landscaping & Lawn Maintenance

- Mulching will minimize weed growth.
- Remove weeds by hand.
- Plant native species where feasible.
- Only water plants when needed.



Landscaping & Lawn Maintenance



- ✿ Consider the use of composted organic material in lieu of commercial fertilizers.
- ✿ Soil analysis should be done prior to the application of fertilizers.
- ✿ Pesticides should only be spot-applied by certified professionals.
- ✿ Reduce or eliminate the use of pesticides.

Road & Parking Lot Maintenance



- ✿ Mow / trim vegetated areas.
- ✿ Use sweepers to remove large particles and debris.
- ✿ Clean / remove debris from runoff control structures such as gutter curbs and catch basins.
 - ✿ *Do not* use water to clean sidewalks and paved areas.

Road & Parking Lot Maintenance



- ❁ Inspect catch basins annually; more frequently in "hot spot" areas.
- ❁ Catch basin inlets and manhole covers *MUST* be covered / protected prior to and during all road repair.
- ❁ **NEVER** use catch basins for disposal!

Road Salt Application / Storage



- ❁ Place all material on a protected pad.
- ❁ Sweep up spilled or overflow material immediately.
- ❁ Cover and protect salt and salt/sand mixes from the elements.
- ❁ Routinely calibrate spreaders.

Vehicle Washing



- Wash cars on gravel, grass, or other permeable surfaces, or in areas designated for vehicle washing.
- Use hoses with nozzles that automatically turn off when left unattended.
- Use biodegradable soaps when feasible.
- Use a commercial car wash when feasible.



Marine Operations



- Petroleum products must be stored in a non-leaking container. Contents must be clearly labeled.
- Detergents and cleaning compounds used for washing boats should be biodegradable.
- Removal of boat bottom paint **MUST** be done away from the water in a contained area.
- Engine repair and disassembly should be done indoors or in an area of containment.

Fueling

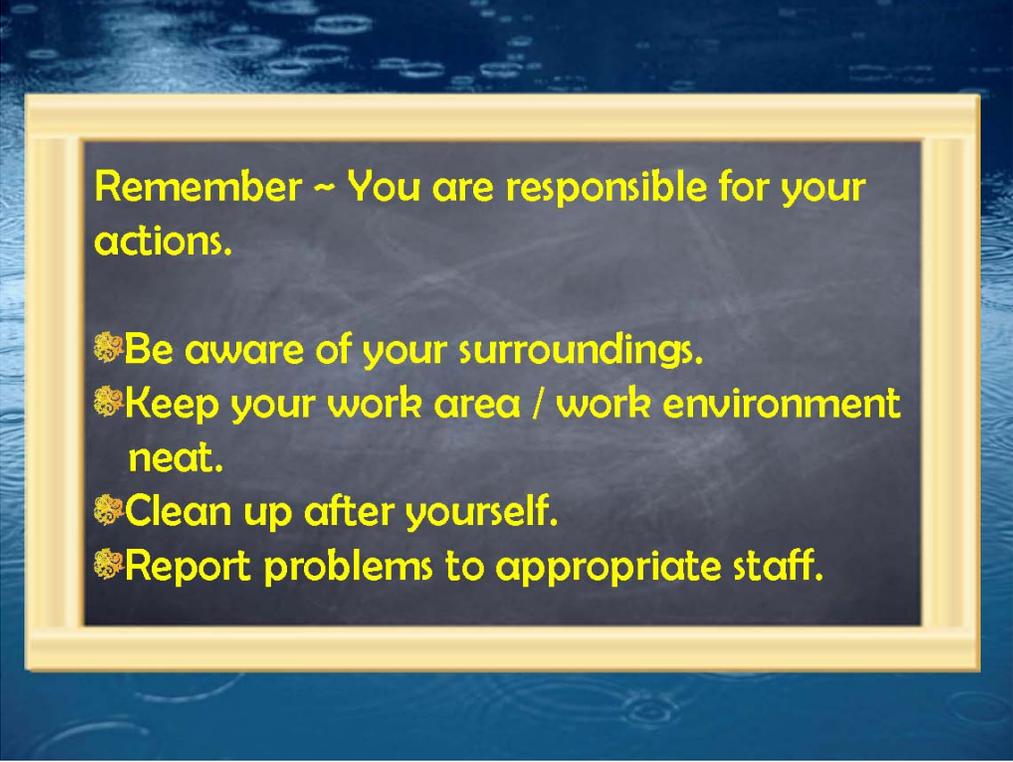


- ❁ Do not remove the gas nozzle until the fuel has completely discharged into the fuel tank. Do not top off!
- ❁ Report fuel spills immediately to the site supervisor (foreman).
- ❁ Filling of small containers or equipment should be done over absorbent pads to collect any spilled material.

Fueling



- ❁ Spill kits should be highly visible at each fueling location.
- ❁ Fuel dispensing areas should be covered.
- ❁ All fueling areas should be designed with a grade break or berm that prevents spills from running off the fueling pad.



Remember ~ You are responsible for your actions.

- ✿ **Be aware of your surroundings.**
- ✿ **Keep your work area / work environment neat.**
- ✿ **Clean up after yourself.**
- ✿ **Report problems to appropriate staff.**



**Please make sure you
sign the sign-in sheet....**

Thank you

Appendix D-2: Catch Basin Cleanout Process

CATCH BASIN CLEANOUT PROCESS AND PROCEDURE TOWN OF BROOKHAVEN HIGHWAY DEPARTMENT

The Brookhaven Highway Department maintains thousands of catch basins throughout the town. The following is a brief description of how our catch basin cleanout process works.

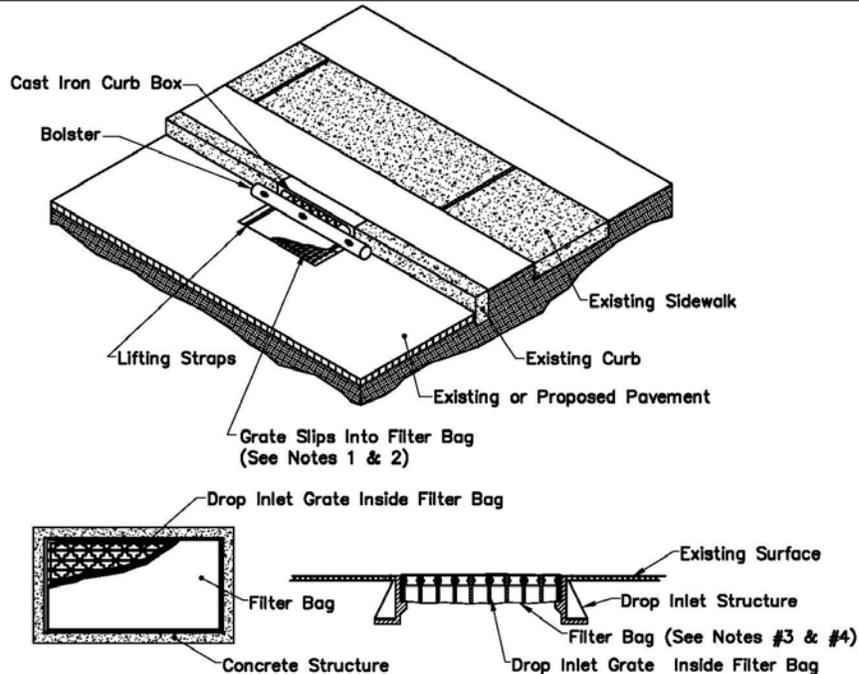
Throughout the year, as crews move through the town, basin covers are routinely cleared if debris is sighted. Resident complaints also help us identify basins that may be blocked, and we take care of those issues expeditiously.

Weather and resident calls generate much of the focus of our catch basin cleanouts. Certain areas of the town, based on topography and groundwater levels, are monitored and inspected regularly to make sure those basins are clear. "Hot Spots" are kept by general foremen within their areas for regular monitoring.

Some routine basin cleanout is also done during the spring due to the material from the winter months making their way into our catch basins. This routine work usually takes place along our primary roadways because of the amount of traffic and debris that can be generated along them.

The town utilizes trucks within our own fleet for some of the basin cleanout work, and we also utilize contracted vacuum trucks as well. The contracted vendors take the material they remove from basins directly to the landfill for disposal. Town vehicles bring materials to a designated location for transfer and disposal of the material that they have collected.

Appendix D-3: Temporary Protection for Drainage Structures



Notes for Item 1DEC-SC:

1. Maintenance: with a stiff bristle broom, sweep silt and other debris off surface after each event.
2. Installation:
 - a. Stand grate on end
 - b. Slide the silt bag on with the dam on top of the grate pull all excess down
 - c. Lay the unit on its side and carefully tuck the flap in
 - d. Press the velcro strips together
 - e. Install the unit making sure the front edge of grate is inserted in the frame first then lower it back in place
 - f. Press the velcro dots that are located under the lifting straps together, this insures that the straps remain flush with the gutter
3. Installation:
 - a. Stand grate on end
 - b. Place the silt bag over grate
 - c. Flip the grate over so that the open end is up
 - d. Pull up the slack and tuck the flap in
 - e. Be sure that the end of the grate is completely covered by the flap or the dandy bag will not fit properly.
 - f. While holding the handles, carefully place dandy bag with the grate inserted into the catch basin frame so that the red dot on the top of the dandy bag is visible
4. Maintenance: with a stiff bristle broom, sweep silt and other debris off surface after each event.
5. Materials shall be as follows, or approved equals:
 - Grate Gator® by ACF Environmental
 - Gutter Buddy® by ACF Environmental
6. All existing and newly installed drainage structures shall have a sediment screen installed per the detail on this plan set at all times during construction. Each screen shall be inspected after every rain event, and cleaned as needed.

Item 1DEC-SC: Temporary Sediment Filter Bag for Drainage Structures Not to Scale

Appendix D-4: Pet Waste Ordinance (see section §23-3-M)

CHAPTER 23. DOG CONTROL AND ANIMAL WELFARE

§ 23-1. Declaration of legislative findings and intent.

§ 23-2. Definitions.

§ 23-3. Licensing and restrictions.

§ 23-4. Seizure of dogs.

§ 23-5. Redemption of dogs.

§ 23-6. Surrender of dogs or cats.

§ 23-7. Adoption of dogs or cats.

§ 23-8. Spay-neuter clinic.

§ 23-9. Presumptions.

§ 23-10. Constables.

§ 23-11. Minimum required humane standards and procedures for guard dog agency kennels.

§ 23-12. Guard dog agency licensing.

§ 23-13. Guard dog working conditions.

§ 23-14. Liability.

§ 23-15. Prohibitions.

§ 23-16. Penalties for offenses.

§ 23-17. Severability.

CHAPTER 23. DOG CONTROL AND ANIMAL WELFARE

[HISTORY: Adopted by the Town Board of the Town of Brookhaven 6-16-1987 by L.L. No. 7-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets — See Ch. [5](#).

Fire prevention — See Ch. [30](#).

Zoning — See Ch. [85](#).

§ 23-1. Declaration of legislative findings and intent.

[Amended 4-17-2001 by L.L. No. 9-2001, effective 4-20-2001]

It is hereby declared and found that the health, welfare and safety of the inhabitants of the Town of Brookhaven require regulations supplementing and superseding Articles 7 and 26 of the New York State Agriculture and Markets Law and pertaining to the licensure, seizure and disposition of privately owned dogs and cats and the humane treatment of animals. Articles 7 and 26 of the New York State Agriculture and Markets Law are incorporated by reference herein. The Town Board of

the Town of Brookhaven has determined that the running at large and other uncontrollable behavior of dogs have caused physical harm to persons and damage to property and have created nuisances within the Town. It is the intent of the Town Board in the enactment of this chapter to protect the health, safety and well-being of persons and property by imposing restrictions on persons owning or possessing dogs within the Town.

§ 23-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURE AND MARKETS LAW-The Agriculture and Markets Law of the State of New York in effect as of the effective date of this chapter and as amended thereafter.

[Added 4-17-2001 by L.L. No. 9-2001, effective 4-20-2001]

AT LARGE- Off the premises of the owner and not under the control of the owner, his agent or a member of his family, whether by rope, leash or similar device.

CAT- Includes both male and female cats.

CLERK- The Clerk of the Town of Brookhaven.

CONSTABLE- A dog control officer specifically designated by the Town Board to enforce the state's humane laws pursuant to Article 26 of the Agriculture and Markets Law and for the purpose of issuing appearance tickets permitted under Article 7 of the Agriculture and Markets Law.

[Amended 12-3-1991 by L.L. No. 9-1991, effective 12-9-1991]

DANGEROUS DOG-Any dog which menaces, threatens, attacks, or bites a person who is peaceably conducting himself or herself in any place where he or she may lawfully be; any dog owned, harbored, or trained primarily or in part for the purpose of dog fighting.

[Added 5-23-2002 by L.L. No. 7-2002, effective 5-28-2002]

DOG- Male and female members of the species canis familiaris.

[Amended 4-17-2001 by L.L. No. 9-2001, effective 4-20-2001]

DOG CONTROL OFFICER- A dog warden of the Town of Brookhaven.

GUARD DOG- Any dog trained to patrol private property, attack intruders on private property, on command or otherwise, or to respond to commands in general for the purpose of patrolling enclosed private lands and for protecting property or people.

[Added 12-18-1990 by L.L. No. 26-1990, effective 11-24-1990]

GUARD DOG AGENCY- Any individual, group or corporation in the business of raising, training or the letting for hire of guard dogs. **Editor's Note: The definition of "noncommercial kennel," which immediately followed this definition, was repealed 6-7-1988 by L.L. No. 10-1988.**

[Added 12-18-1990 by L.L. No. 26-1990, effective 11-24-1990]

NONCONFORMING COMMERCIAL KENNEL- Any premises in a residential district that is used for the commercial breeding or commercial boarding of dogs as a nonconforming use.

OWNER- Any person owning, harboring, having custody of or keeping a dog or cat.

OWNER OF RECORD- The person in whose name a dog was last licensed pursuant to Article 7 of the Agriculture and Markets Law.

[Added 4-17-2001 by L.L. No. 9-2001, effective 4-20-2001]

PERSON- Any person or persons, firm, partnership, association, company or corporation.

PUBLIC PROPERTY- A place to which the public or a substantial group of persons has access and includes, but is not limited to, sidewalks, streets, transportation facilities, schools, places of amusement, parks and playgrounds.

[Added 4-17-2001 by L.L. No. 9-2001, effective 4-20-2001]

RESIDENT- A resident of the Town of Brookhaven.

SIDEWALK- The area between the curb line and the abutting property owner's line.

TOWN- The Town of Brookhaven.

VICIOUS DOGS - [Added 4-17-2001 by L.L. No. 9-2001, effective 4-20-2001; amended 5-23-2002 by L.L. No. 7-2002, effective 5-28-2002]

A. Any dog owned, harbored or trained primarily or in part for the purpose of dog fighting;

B. Any dog owned, harbored or trained primarily or in part for the purpose of attacking a human being or domestic animal upon command; or

C. Any dog that has previously attacked a human being or domestic animal or dog or cat and said attack has been documented.

§ 23-3. Licensing and restrictions.

A. No person shall own or harbor a dog unless licensed pursuant to Article 7 of the New York State Agriculture and Markets Law and this chapter. Licenses shall not be required for dogs:

- (1) Under the age of six months which are not at large.

(2) Possessing a valid purebred license as provided in Article 7 of the New York State Agriculture and Markets Law.

(3) Confined to the premises of an animal shelter or incorporated society devoted to the care or treatment of lost, strayed or homeless animals.

(4) Confined to the premises of a college, educational or research institution for purposes of research.

(5) Confined to the premises of a person, firm or corporation that holds a valid certificate of exemption issued by the New York State Department of Agriculture and Markets.

B. Every person owning or harboring a dog shall make annual application for a license to the Town Clerk. Except as hereinafter provided, the applicant shall pay to the Town Clerk or Dog Control Officer, as the case may be, at the time of making application, the following fees:

[Amended 4-16-1996 by L.L. No. 16-1996, effective 4-22-1996]

(1) The fees associated with making an annual application for owning or harboring a dog in the Town of Brookhaven under § [23-3B](#) shall be consistent with the fees that are propounded by § 110 of the Agriculture and Markets Law of McKinney's Consolidated Laws of New York.

C. If the application shall disclose and the Clerk is satisfied that the dog for which the license is sought is either a guide dog trained to aid the blind or a hearing dog trained to aid the deaf and actually in use for such purpose or owned by a recognized guide dog or hearing dog training center located within the state during the period such dog is being trained or bred for such purpose or a so-called "war dog" honorably discharged from any K-9 section of the United States Armed Forces, or a so-called "police-work dog" trained to aid law enforcement officers and is actually being used for police work purposes, the license shall be issued without the payment of any fee, and the Clerk shall inscribe across the face of the license in red the words "guide dog," "hearing dog," "war dog" or "police-work dog," as the case may be.

D. The applicant for a license for a spayed or neutered dog must file with the Clerk an affidavit made by the owner or a veterinary certificate showing that the dog has been spayed. No such affidavit or certificate shall be required if already on file in connection with an earlier license period.

E. A license shall be renewed after a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually prior to the expiration date.

F. The Clerk, at the time of issuing the license, shall deliver to the applicant a tag bearing the same serial number as the license.

G. The owner shall place and keep on each licensed dog a suitable collar, to which shall be securely attached the license tag issued for such dog. No dog shall be permitted to be at large without a

collar and license tag. No license tag shall be placed on a dog other than the dog described in the license.

H. No person owning, harboring or having control or custody of a dog shall permit such dog, whether licensed or not, to:

(1) Run at large in the unincorporated areas of the Town of Brookhaven elsewhere than on the premises of such person or on the premises of another person with the consent of such other person, unless such person is engaged in hunting wild birds or animals with the aid of such dog during open seasons or unless such person shall take such dog afield for training and hunting.

(2) Be at any time on any sidewalk, street, highway, park or other public place in the unincorporated areas of the Town of Brookhaven unless fully controlled by the owner or some other person by means of a rope, leash or other similar device.

(3) Be taken into any establishment in the unincorporated areas of the Town of Brookhaven where food or food products are kept for sale if legible signs are displayed at each public entrance to such establishment that the entry of dogs is prohibited. No such dog shall be taken upon or permitted in any other establishment where food or food products are kept for sale unless such dog is effectively restrained by a rope, leash or other similar device.

I. The owner, possessor or harbinger of a dog or dogs shall not permit the same to be upon the docks or wharves owned or maintained by the Trustees of the Freeholders and Commonalty of the Town of Brookhaven, Suffolk County, New York, unless such dog or dogs shall be under restraint by means of a rope, line, leash or harness giving such owner, possessor and/or harbinger of such dog or dogs control thereof at all times when such dog or dogs shall be on any such dock or wharf owned and maintained by said Trustees.

J. The owner, possessor or harbinger of a dog or dogs shall not permit the same to be upon any property of the Trustees of the Freeholders and Commonalty of the Town of Brookhaven of which any part is used for bathing purposes.

K. Housing or harboring dogs in residential districts.

(1) The housing or harboring of dogs shall be permitted in any residential district on the following conditions: No more than 10 dogs, six months of age or older, shall be permitted on any plot in a residential district, except that, upon application, the Board of Appeals, at its discretion, may grant a special permit for the housing or harboring of more in a residential district. Nonconforming commercial kennels shall be exempt from these restrictions, but any other nonconforming housing or harboring of dogs existing at the time of the adoption of this chapter shall become illegal six months after the effective date of this chapter.

[Amended 6-7-1988 by L.L. No. 10-1988]

(2) Each application to the Board of Appeals for a special permit shall have a filing fee of \$10. The filing fee for the biennial renewal of the special permit shall be \$10. The Board of Appeals shall be governed by § 85-29B of this Code when issuing a special permit, which special permit shall specify the maximum number and general type of dogs permitted.

[Amended 12-17-2002 by L.L. No. 25-2002, effective 12-20-2002]

L. Any person seeking to obtain a license for a vicious dog must meet the additional requirements set forth as follows:

[Added 4-17-2001 by L.L. No. 9-2001, effective 4-20-2001; amended 5-23-2002 by L.L. No. 7-2002, effective 5-28-2002]

(1) No individual may own or obtain a license for a vicious dog unless the individual is at least 21 years of age. An applicant for a license for a vicious dog must present adequate proof of age to the Town's licensing authority.

(2) With respect to a vicious dog which was licensed as of the effective date of this section, this § [23-3L](#) shall apply as of the expiration date of such license, and any owner seeking to renew such license shall have to satisfy the requirements of this § [23-3L](#).

M. Control of dog waste.

[Added 9-9-2008 by L.L. No. 18-2008, effective 9-17-2008]

(1) No person owning, harboring, keeping, possessing or having control over any dog shall cause, suffer or allow such dog to soil, defile or defecate on any common thoroughfare, sidewalk, passageway, roadway, highway, street, play area, park, dog park, or any place where people congregate or walk, or on any private property without the permission of the owner of said property. The presence of a dog on the private property of a person other than the dog's owner or possessor of such dog shall be presumed unauthorized.

(2) Any person owning, harboring, keeping, possessing or having control over any dog shall be in violation of this section unless all feces are immediately removed by said person in a sanitary manner and then sealed and deposited in a garbage receptacle. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary. The requirements of this subsection shall not apply to a person who is handicapped or who is visually impaired and accompanied by a guide or service dog.

§ 23-4. Seizure of dogs.

[Amended 2-20-1997 by L.L. No. 1-1997, effective 2-24-1997]

A. Except as hereinbefore provided, the Dog Control Officer or peace officer shall:

(1) Seize any dog running at large.

(2) Seize any dog which is not licensed, whether on or off the owner's premises.

(3) Issue summonses to the owners of all dogs seized.

B. Except as hereinbefore provided Constables (as defined in § [23-2](#)), officers of duly constituted humane societies and peace officers shall:

(1) Seize and remove any animal found on a premises when such premises is the location of a humane law violation.

(2) Seize and remove any unattended animal from a premises when directed to do so by a police officer.

C. Every dog seized shall be properly fed and cared for at the expense of the Town until redemption or disposition thereof is made as hereinafter provided.

§ 23-5. Redemption of dogs.

[Amended 9-3-1996 by L.L. No. 19-1996, effective 9-6-1996; 2-20-1997 by L.L. No. 1-1997; effective 2-24-1997; 12-9-2008 by L.L. No. 24-2008, effective 12-17-2008]

A. Any dog seized pursuant to § [23-4A](#) may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and pays the impoundment fee, which fee shall be the amount of any veterinarian charges applicable to the redeemed animal, plus:

(1) Twenty-five dollars for the first impoundment of any dog owned by that person.

(2) Fifty dollars for the first 24 hours or part thereof and \$10 for each additional 24 hours or part thereof for the second impoundment within one year of the first impoundment of any dog owned by that person.

(3) Seventy-five dollars for the first 24 hours or part thereof and \$10 for each additional 24 hours or part thereof for the third impoundment within one year of the second impoundment of any dog owned by that person.

(4) One hundred dollars for the first 24 hours or part thereof and \$10 for each additional 24 hours or part thereof for the fourth impoundment if it occurs within one year of the third impoundment of any dog owned by that person.

(5) One hundred dollars for the first 24 hours or part thereof and \$10 for each additional 24 hours or part thereof for the fifth impoundment within one year of the fourth impoundment of any dog owned by that person.

B. Any animal seized pursuant to § [23-4B](#) may be redeemed by its owner, provided that such owner produces proof that the animal is properly licensed and vaccinated, as required by law, all necessary veterinarian fees are paid, plus:

(1) Thirty-five dollars per day per dog, horse, swine, goat or other large animals for room and board.

(2) Ten dollars per day per cat, bird, fowl, fox, mink, pigeon or other small animals for room and board.

C. In the event an animal seized pursuant to § [23-4B](#) is not redeemed by its owner, then the seizing agency, or if the seizure is at the direction of a police officer, then the Police Department, shall be responsible for the fees set forth above in § [23-5B](#).

§ 23-6. Surrender of dogs or cats.

A. The Dog Control Officer, in addition to the powers granted to him by law, may, upon the application of a resident and the surrender of a dog or cat, accept:

(1) Any dog or cat owned by such resident for immediate destruction provided that such resident executes a release.

(2) Any dog or cat for immediate adoption, in which case such dog or cat shall be kept for a maximum of five days and, if not adopted, shall be disposed of at the discretion of the shelter supervisor.

B. A resident who shall surrender a dog pursuant to this section shall pay to the shelter clerk a fee as may be established by the Town Board from time to time.

C. A resident who shall surrender a cat pursuant to this section shall pay to the shelter clerk a fee as may be established by the Town Board from time to time.

§ 23-7. Adoption of dogs or cats.

[Amended 9-1-1987 by L.L. No. 20-1987, effective 9-9-1987; 9-3-2002 by L.L. No. 18-2002, effective 9-6-2002]

A. In the event an animal seized or surrendered to the Animal Shelter pursuant to this Chapter [23](#) and not identified shall be held for a period of three days. Thereafter, said animal shall become the property of the Animal Shelter and shall be made available for adoption.

B. Any person wishing to adopt a dog or cat from the animal shelter shall pay to the shelter clerk a fee as may be established by the Town Board from time to time.

§ 23-8. Spay-neuter clinic.

[Added 9-1-1987 by L.L. No. 20-1987 Editor's Note: This local law also renumbered former §§ [23-8](#) through [23-11](#) as §§ [23-9](#) through [23-12](#), respectively.]

A. The animal shelter shall operate a spay-neuter clinic to alter all dogs and cats adopted from the animal shelter and also to alter dogs and cats owned by Brookhaven residents to the extent

possible. The fees for altering dogs and cats shall be set by the Commissioner of Public Safety, subject to resolution of the Town Board.

B. All dogs and cats adopted from the animal shelter which are of sufficient age and have not been altered shall be altered prior to delivery to the individual adopting the animal. The fee for altering the animal shall be paid in full prior to the operation.

C. In cases where the animal is too young to be altered, a bond shall be posted equal to the appropriate fee for altering the animal and the animal shall be altered at the animal shelter spay-neuter clinic within six months of its adoption unless the animal dies or is surrendered to the animal shelter, in which case the bond shall be refunded.

D. Dogs and cats owned by Brookhaven residents shall be altered to the extent the spay-neuter clinic's personnel and space are available, provided that all fees for altering the animal have been paid in advance.

§ 23-9. Presumptions.

A. The fact that a dog is without a tag attached to a collar, as provided by Article 7 of the New York State Agriculture and Markets Law, shall be presumptive evidence that the dog is unlicensed.

B. The person who last obtained a license for a dog pursuant to the provisions of Article 7 of the New York State Agriculture and Markets Law shall be presumed, for purposes of this chapter, to be the owner of such dog.

C. For purposes of this chapter, it shall be presumed that any unlicensed dog harbored in a one-family dwelling is owned by all adults residing in the one-family dwelling.

§ 23-10. Constables.

[Amended 8-2-1988 by L.L. No. 17-1988; 12-3-1991 by L.L. No. 9-1991, effective 12-9-1991]

A. The Town Board may designate one or more Dog Control Officers to be Constables for the sole purpose of enforcing the state's humane laws pursuant to Article 26 of the Agriculture and Markets Law and for the purpose of issuing appearance tickets permitted under Article 7 of the Agriculture and Markets Law.

B. Each designated employee prior to assuming the duties as a constable, shall meet the applicable training requirements for peace officers set forth in § 2.30 of the Criminal Procedure Law.

C. Constables shall have the powers of peace officers set forth in § 2.20 of the Criminal Procedure Law only to the extent reasonably necessary to enforce Articles 7 and 26 of the Agriculture and Markets Law. Constables shall not have the right to carry, possess, repair or dispose of firearms unless authorized by the Town Board and unless the appropriate license therefore has been issued pursuant to § 400.00 of the Penal Law.

§ 23-11. Minimum required humane standards and procedures for guard dog agency kennels.

Editor's Note: Former § 23-11, Liability, was re-designated as § [23-14](#) by L.L. No. 26-1990, adopted 12-18-1990, effective 11-24-1990.

[Added 12-18-1990 by L.L. No. 26-1990, effective 11-24-1990]

A. Animal separation: males separate from females; injured animals separate from uninjured animals; aggressive animals and nursing animals are to be kept separate from all other animals.

B. Cages and kennels.

(1) Cages and kennels must provide a minimum of 24 square feet of floor space for each dog.

(2) Each kennel can contain no more than two dogs, each cage can contain no more than one dog.

(3) Cages and kennels to have water and bedding available at all times.

C. Runs. There must be sufficient four-foot-by-ten-foot outdoor runs to allow every adult dog to be exercised twice daily; runs to be at least partially shaded.

D. Training areas and other outside areas routinely accessible to the guard dogs must be totally enclosed by a chain link fence at least eight feet in height with privacy slats.

E. Heating, ventilation, cleaning, construction.

(1) Heat must be forced hot air or equivalent capable of maintaining a constant minimum floor level temperature of 65° for adult animals and 75° for infant animals unless the type of breed would indicate a different temperature range.

(2) Ventilation must be adequate to provide a sufficient supply of fresh or air conditioned air, especially in hot weather.

(3) Cleaning. All cages, kennels, runs, dishes, litter pans, etc. must be scrubbed with hot water and soap every day and a disinfectant effective for disease control must be used twice a week in cleaning. Entire premises must be kept in sanitary condition. Animals must be removed from cage, kennel or run while it is cleaned and not returned thereto until it is dry.

(4) Construction. Floors and walls (to a height of four feet) in kennels and runs must be of or coated with an impervious material to facilitate cleaning and runs must be sloped sufficiently to provide drainage.

§ 23-12. Guard dog agency licensing.

Editor's Note: Former § 23-12, Penalties for offenses, was re-designated as § [23-15](#) by L.L. No. 26-1990, adopted 11-18-1990, effective 11-24-1990.

[Added 12-18-1990 by L.L. No. 26-1990, effective 11-24-1990]

Any guard dog agency operating in or located in the Town of Brookhaven must annually obtain a license from the Town Clerk. The requirements to obtain a license are as follows:

- A. Each guard dog must have and wear a current license tag and a current rabies tag at all times.
- B. The premises used as home kennel for housing the guard dogs must meet the minimum standards set forth in § [23-11](#) if located in the Town of Brookhaven. The premises must be available for inspection prior to licensing and quarterly thereafter.
- C. The home kennel premises, if located in the Town of Brookhaven, must comply with the requirements of § [30-44](#) of the Code of the Town of Brookhaven and in addition the following organizations shall be notified as specified therein: Suffolk County Police Department and Brookhaven Animal Shelter.
- D. The home kennel, if located in the Town of Brookhaven, shall not be located in a residential district. Any home kennel located in a residential district at the time of the adoption of this section shall become illegal six months after the adoption of this section.
- E. The license fee shall be \$200 per year, payable in advance.

§ 23-13. Guard dog working conditions.

[Added 12-18-1990 by L.L. No. 26-1990, effective 11-24-1990]

When guard dogs are on assignment the following working conditions must be met:

- A. The assigned location must meet the minimum standards set forth in § [23-11](#) and be available for routine inspection by the Town.
- B. The assigned location must comply with § [30-44](#) of the Code of the Town of Brookhaven and in addition the following organizations shall be notified as specified therein: Suffolk County Police Department and Brookhaven Animal Shelter.
- C. Guard dogs on assignment must be in good physical condition and of a breed suitable to the working conditions of the particular location.

§ 23-14. Liability.

No liability shall be imposed upon the Dog Control Officer nor the Town nor any employee of the Town for destruction of any animal or animals pursuant to the provisions of this chapter.

§ 23-15. Prohibitions.

[Added 5-23-2002 by L.L. No. 7-2002, effective 5-28-2002]

A. If any dog shall attack any domestic animal, as defined in § [23-2](#) of this chapter, while such animal is in any place where it may lawfully be present, the owner or caretaker of such, or any other person witnessing such attack may, for the purpose of preventing the killing or injury of such domestic animal, destroy such dog while so attacking, and no liability in damages or otherwise shall be incurred on account of such destruction.

B. Any person may make a complaint of an attack upon a domestic animal to a Town of Brookhaven Dog Control Officer. Such officer shall immediately inform the complainant of his right to commence a proceeding as provided in Subsection [C](#) of this section, and, if there is reason to believe the dog is a dangerous dog, the officer shall forthwith commence such proceeding himself.

C. Any person may, and any Town of Brookhaven Dog Control Officer shall, make a complaint under oath or affirmation to any municipal judge or justice of such attack. The judge or justice shall then immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to any Town of Brookhaven Dog Control Officer; acting pursuant to his special duties; or police officer, directing such officer to immediately seize such dog and hold the same pending judicial determination as herein provided. Whether or not the judge or justice finds there is probable cause for such seizure, he or she shall, within five days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint. If satisfied that the dog is a dangerous dog, the judge or justice shall then order any Town of Brookhaven Dog Control Officer; acting pursuant to his special duties; or police officer to cause the dog to be euthanized immediately, or shall order the owner to securely confine such dog permanently, except as provided in Subsection [E](#) of this section. The owner shall confine the dog indoors or in an enclosed and locked pen or structure as provided for in the order. Such pen or enclosure shall have a secure top and sides and shall be designed to prevent an unauthorized entry of a person, the escape of the dog, and provide protection from the elements. If the owner fails to confine the dog as required by such order, any Town of Brookhaven Dog Control Officer, acting pursuant to his special duties; or police officer, shall destroy such dog on or off the premises of the owner.

D. A dog shall not be declared dangerous if the court determines that the conduct of the dog:

(1) Was justified because the threat, injury, or damage was sustained by a domestic animal under the dominion and control of a person who, at the time, was committing a crime or offense upon the owner or custodian of the dog or upon the property of the owner or custodian of the dog;

(2) Was justified because the injured domestic animal was tormenting, abusing, or assaulting the dog or has in the past, tormented, abused, or assaulted the dog; or

(3) Was responding to pain or injury, or was protecting itself, its kennels, or its offspring.

E. Confinement.

(1) In addition to an order of confinement, issued pursuant to Subsection [C](#) of this section, the judge or justice may order the owner or custodian to securely chain and muzzle the dog and require that the dog be under physical restraint of a responsible person when:

(a) Confined in the presence of persons other than the owner or custodian; and

(b) Outside such enclosure for brief periods only when and for the period necessary to urinate, defecate, or receive medical treatment.

(2) The muzzle described in Subsection [E\(1\)](#) above shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

F. Nothing contained herein shall limit or abrogate any claim or cause or action under common law or by statute. The provisions of this section shall be in addition to such common law and statutory remedies.

G. Nothing contained herein shall restrict the rights and powers derived from the provisions of Title 4, Article 21 or the New York Public Health Law relating to rabies and any rule and regulation adopted pursuant thereto.

§ 23-16. Penalties for offenses.

[Amended 5-23-2002 by L.L. No. 7-2002, effective 5-28-2002]

A. Any person who shall own or harbor a dog, unless such dog is licensed pursuant to Article 7 of the New York State Agriculture and Markets Law, shall be guilty of a violation and subject to a penalty in accordance with the provisions of § 119 of the Agriculture and Markets Law as follows for each such violation:

(1) Upon a first conviction hereof, by a fine of not more than \$25.

(2) Upon a second conviction hereof within five years, by a fine of not more than \$50.

(3) Upon a third or each subsequent conviction hereof within five years, by a fine of not more than \$100 or imprisonment for not more than 15 days, or both.

B. Any person who shall violate [§ 23-3K](#) of this chapter shall be guilty of an offense and, upon conviction thereof, shall be guilty of a misdemeanor and subject to a fine not exceeding \$500 or imprisonment for a period of not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

C. Any person who shall violate any provisions of this chapter for which violation no penalty is specifically provided herein shall be guilty of a violation and punishable as follows:

[Amended 9-9-2008 by L.L. No. 18-2008, effective 9-17-2008]

(1) Upon a first conviction hereof, by a penalty of not more than \$100 for each violation.

(2) Upon a second conviction hereof within five years, by a penalty of not less than \$100 but not exceeding \$250.

(3) Upon a third or each subsequent conviction hereof, by a penalty of not less than \$250 but not exceeding \$500 or imprisonment for not more than 15 days, or both.

D. Appearance tickets. For any violation of any provision of this chapter except a violation of § [23-3K](#), an appearance ticket shall be issued pursuant to Article 150 of the New York Criminal Procedure Law. Answer to such appearance ticket may be made by registered or certified mail, return receipt requested, within five days of the violation in lieu of personal appearance on the return date at the time and court specified in such appearance ticket.

E. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a domestic animal causing physical injury shall be subject to a civil penalty not to exceed \$400 in addition to any other applicable penalties.

F. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a domestic animal causing serious physical injury shall be subject to a civil penalty not to exceed \$800 in addition to any other applicable penalties.

G. The owner of a dog who, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to state or local law, to bite a domestic animal, or a person, causing serious physical injury, shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000, or by a period of imprisonment not to exceed 90 days, or by both such fine and imprisonment in addition to any other applicable penalties.

H. If any dog, which had previously been determined by a judge or justice to be a dangerous dog as defined in § [23-2](#) of this chapter, shall, without justification, kill or cause the death of any domestic animal, or a person, who is peaceably conducting himself, herself, or herself in any place where it, he, or she may lawfully be present, regardless of whether such dog escaped without fault of the owner, the owner shall be guilty of a Class A misdemeanor in addition to any other penalties.

I. The owner shall not be liable pursuant to Subsections [E](#), [F](#), [G](#), and H of this section if the dog was coming to the aid or defense of a person during the commission or attempted commission of a murder, robbery, burglary, arson, rape in the first degree as defined in § 130.35(1) or (2) of the New York State Penal Law, sodomy in the first degree as defined in § 130.50(1) or (2) of the New York Penal Law, or kidnapping within the dwelling or upon the real property of the owner of the dog if the dog injured or killed the person committing such criminal activity.

§ 23-17. Severability.

[Added 5-23-2002 by L.L. No. 7-2002, effective 5-28-2002]

If any clause, sentence, paragraph, subdivision, section, or part of this chapter 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, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, 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.

Appendix D-5: Feeding of Waterfowl Ordinance

CHAPTER 10A. FEEDING OF WATERFOWL AND PIGEONS

[§ 10A-1. Purpose.](#)

[§ 10A-2. Definitions.](#)

[§ 10A-3. Prohibited acts.](#)

[§ 10A-4. Exceptions.](#)

[§ 10A-5. Penalties for offenses.](#)

[§ 10A-6. Severability.](#)

CHAPTER 10A. FEEDING OF WATERFOWL AND PIGEONS

[HISTORY: Adopted by the Town Board of the Town of Brookhaven 11-15-2005 by L.L. No. 27-2005, effective 5-18-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Beaches — See Ch. [9](#).

Parks and recreation areas — See Ch. [10](#).

Dog control and animal welfare — See Ch. [23](#).

Sanitation — See Ch. [45](#).

Nuisance abatement — See Ch. [49B](#).

§ 10A-1. Purpose.

It is the purpose of this chapter to protect the health, safety and welfare of the community by prohibiting the feeding of waterfowl and pigeons within Town of Brookhaven parks. Feeding waterfowl and pigeons increases the potential for damage to public parks, may cause water quality problems and may increase the potential for the spread of disease to residents caused by increased rodent populations.

§ 10A-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FEED or FEEDING- To place, deposit, scatter or distribute in a location accessible to waterfowl or migratory birds any type of food, including but not limited to corn, wheat or other grains, bread, popcorn, scraps or any substance liable to be eaten by the waterfowl or migratory birds.

PARK or PARKS- Includes all parks, playgrounds, athletic fields, swimming pools, beaches, boardwalks, marinas and any and all recreation areas under the ownership and jurisdiction of the Town of Brookhaven, its Town Board or the Trustees of the Freeholders and Commonalty of the Town of Brookhaven supervised by the Commissioner of the Department of Parks, Recreation and Sports and Cultural Resources and any other duly designated Town officials and such other rights

and appurtenances whether the same be now or hereafter owned or acquired by the Town of Brookhaven in fee or otherwise, including all land under and space above the surface of the ground.

PERSON- Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PIGEONS- Those domestic varieties belonging to the order Columbiformes.

WATERFOWL- Those species belonging to the order Anseriformes, including but not limited to mute swans, Canada geese, and mallards.

§ 10A-3. Prohibited acts.

It shall be unlawful for any person to feed any waterfowl or pigeon within any Town of Brookhaven park.

§ 10A-4. Exceptions.

The above prohibition shall not apply to the feeding of confined waterfowl or pigeons confined in zoos or rehabilitation centers, specifically at Holtsville Ecology Park.

§ 10A-5. Penalties for offenses.

Any violation of this chapter shall be deemed to be an offense punishable by a fine not to exceed \$250 or imprisonment for a period not to exceed 10 days for each such offense, or by both such fine and imprisonment.

§ 10A-6. Severability.

If any clause, sentence, paragraph or section of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

Appendix D-6: Turf Management and Procedures Policy

Turf Management Procedures

It is important for the Town's maintenance activities to set a good example for residents. Landscaping and vegetated area maintenance can protect the environment through careful planning and design. Healthy and well-managed vegetated areas can actually slow runoff and trap pollutants. Site development considerations for landscaped areas should aim to protect local water bodies by avoiding sensitive areas, providing sufficient buffers and ensuring erosion and sediment control during construction and maintenance activities.

BMPs for landscaping maintenance include the following:

- **Limit mowing:** Mowing is a stress-creating activity for grasses. When grass is mowed too short its productivity and root growth decreases. The turf becomes less tolerant of environmental stresses, more disease prone and more reliant on outside means such as pesticides, herbicides, fertilizers and irrigation. Tall turf competes more vigorously against weeds and can usually tolerate more insect and disease pressure. Set the mowing height at the highest acceptable level. Do not cut grass shorter than 3 to 4 inches in height. Be aware that grass grows at different rates throughout the seasons.
- **Maintain cover:** Vegetative cover in critical areas should be maintained and inspected on a regular basis (at least annually) to ensure the reestablishment of vegetation in exposed soils is stabilized and preventing erosion. Inspections in late winter provide a good opportunity to identify areas that need to be reseeded so that plantings can occur by mid-spring. If reseeding is necessary, preparation of the seedbed, mulching, installation of silt fences and other measures may be necessary. Protect seeded areas for one year to allow development of a dense sod. Re-vegetation of disturbed areas is an effective practice in preventing soil erosion.
- **Restrict fertilizer use:** Discourage the use of fertilizers on Town properties. Use fertilizers on an as-needed basis. Test soils every one to three years to determine the need for and the amount of fertilizers necessary, if any. Use less-toxic alternatives and slow release fertilizers. In any instance where a landscaped area requires re-planting or treatment by fertilizers, care should be given to the appropriate selection of chemicals, methods and timing of application, and appropriate storage of materials in indoor or covered areas. Till fertilizers into the soil rather than dumping or broadcasting onto the surface.
- **Store and handle properly:** If chemicals are required, construct or purchase chemical load/mix/wash down pads for each facility that handles fertilizers. Install backflow prevention devices to contain liquid chemical spills. Keep the federal labels and the Material Safety Data

Sheets with the containers at all times in case of an emergency. Fertilizers should always be transported in spill-resistant containers or boxes in the trunk of the bed of a vehicle.

- **Train employees:** Only properly trained and certified persons should apply fertilizers. Ensure that employees understand, through restrictions and training, the proper handling and application of chemicals to prevent contamination of stormwater runoff. Do not apply chemicals if rainfall or wind is expected. The longer the period between fertilizer application and rainfall or irrigation, the less fertilizer runoff will occur. Handle all chemicals, utilize the appropriate protective equipment, and dispose of unused chemicals and wash water according to manufacturer's labeling.

- **Plan sites:** Proper site planning can reduce soil erosion and maintenance requirements. Locate plants in optimal growth areas. Minimize turf area by replacing it with ground cover, wildflowers, shrubs and trees to reduce mowing requirements, which subsequently reduces air, water and noise pollution. However, avoid planting trees and shrubs with deep root systems directly over or near water, gas, oil and sewer lines or buried telephone, data and power cables. If planting along roads or paved areas, select species with higher salt tolerances. In addition, adequate site distance for road safety requires low growing plants and turf. Otherwise the vegetative cover has to be maintained mechanically.

- **Limit watering:** Efficient watering practices reduce pollutant transport and erosion from runoff of wasted water. Use low-volume watering approaches, such as drip-type or sprinkler systems, to prevent the loss of water and soil. The amount of water applied depends on the normal rooting depth of the species used, the available water holding capacity of the soil and the efficiency of the irrigation system. Irrigation systems should be designed to have an average application rate that is less than the infiltration capacity of the soil to avoid surface ponding and to maximize water percolation. Carefully calibrate sprinklers to wet the soil to a depth of 6 inches without causing runoff. Water plants only when needed to enhance plant root growth and avoid runoff problems. Watering should be done in the early morning or overnight to reduce evaporation. Control the direction of the water to reduce runoff. Inspect irrigation system periodically to ensure that the right amount of water is being applied and that excessive runoff is not occurring.

- **Aerate:** Heavy traffic soils are often compacted, increasing runoff to the point that it is comparable to runoff on some pavements. Aerate lawns regularly in areas of heavy use where the soil tends to become compacted. Aeration should be conducted while the grasses in the lawn are growing most vigorously. Remove thatch that is deeper than ¾- inch.

- **Use mulch:** Mulches stabilize exposed soils, retain moisture, prevent growth of nuisance vegetation and improve soil fertility through the slow release of nutrients from decomposition. Mulches usually contain wood bark chips, wood grindings, pine straws, nutshells, small gravel or shredded landscape clippings.

Appendix D-7: Pest Management Procedures

Pest Management Procedures

Uncontrolled pests (e.g., weeds, rodents, mosquitoes, geese, turf disease) in buildings and on grounds have the potential to pollute stormwater with animal wastes, pathogens and nutrients. Overuse of pesticides and herbicides can release large amounts of toxic chemicals, which negatively affect water quality and aquatic and marine organisms. In addition to environmental and health concerns, pest control can be an expensive operation. Proper use of BMPs can lessen the environmental and water quality impacts while reducing costs.

BMPs for pest management include the following:

- **Use physical control:** Physical control methods (e.g., habitat modification, sticky traps, weed removal, harassment, etc) should be used as the first steps in controlling pest populations. Begin with surveillance to define the pest problem. Understand the environmental and ecological conditions (e.g., seasonal variations in day length, heat, rainfall, vegetation) affecting pest life cycles and preferences. Use native plants to control weeds where possible as they resist local diseases better than exotic plants. Aerate, remove thatch, manage pH levels, and use other cultural methods to improve soil conditions.
- **Eliminate favorable conditions:** Eliminate the accumulation of wastes, overgrown vegetation and disturbed environments that could attract pests. Inspect shipments for pests in an isolated room or at a loading dock before bringing packages into a building. If warehouse and delivery vehicles are confirmed as a source of pests, insist that distributors take care of the problem or use a different distributor.
- **Restrict chemical use:** Discourage the use of herbicides and pesticides on Town properties. Use pesticides and herbicides only where and when needed. Identify any potential pests to determine if they are truly harmful. Manually dig or pull out weeds. Spot treat weeds instead of universally applying chemical herbicides. In any instance where a treatment by pesticides is required, care should be given to the appropriate selection of chemicals, methods and timing of application, and appropriate storage of materials in indoor or covered areas.
- **Store and handle properly:** If chemicals are required, construct or purchase chemical load/mix/wash down pads for each facility that handles pesticides or herbicides. Install backflow prevention systems for adding water to sprayer tanks. Use portable mixing pads and spill containment pads to reduce the risk of contamination. Keep the federal labels and the Material Safety Data Sheets with the containers at all times in case of an emergency. Pesticides should always be transported in spill-resistant containers or boxes in the trunk of the bed of a vehicle. Do not apply chemicals in windy weather or when precipitation is predicted within the next 24 hours. Use less toxic alternatives when available. Follow the spill response and control plan in case of an accidental spill.

- **Train employees:** Only properly trained and certified persons should apply chemicals. Ensure that employees understand, through restrictions and training, the proper handling and application of pesticides to prevent contamination of stormwater runoff. Do not apply chemicals if rainfall or wind is expected. Handle all chemicals, utilize the appropriate protective equipment, and dispose of unused chemicals and wash water according to manufacturer's labeling.
- **Maintain equipment:** Equipment calibration ensures the proper application rate of chemicals and reduces the amount of chemicals lost to stormwater. Inspect equipment throughout the year to ensure proper functioning.
- **Record incidences:** Inspect and monitor for pest evidence one to two times per year , even if there are no complaints of pest problems. Map all areas where pest control methods are used. Build a database of pest problems and actions taken. Create a schedule for regular monitoring of weeds, insects, rodents and diseases. Retain records of pesticide, herbicide and fertilizer application for a minimum of three years.

Appendix D-8: Brookhaven Spill Response Plan and DEC Petroleum Spill Reporting Guidance

Spill Prevention & Response Plan for Town Facilities, Revised October 2011

Purpose:

The purpose of the Spill Prevention and Response Plan (Plan) is to provide a safe, timely, effective, and coordinated response by the Town of Brookhaven, in concert with other responding local, state, and/or federal agencies, when a regulated and/or hazardous substance spill on Town property occurs with the potential to impact a storm drain, retention basin, soil, groundwater, etc.

For purposes of this Plan, the term “facility manager” shall mean the person responsible for day-to-day supervision of a Town facility.

Spill Prevention:

Ensure all petroleum products and hazardous substances are properly labeled. Store, dispense and/or use petroleum products and hazardous substances in a way that prevents release. Use secondary containment when storing hazardous substances in bulk quantities (e.g., >55 gal for non-regulated substances and in accordance with applicable requirements for regulated substances). Maintain good housekeeping practices for all petroleum and chemical materials at the facility.

Personnel Training:

All personnel working in facilities where spills of oil/petroleum and chemical materials are possible due to the nature of the work performed there shall receive training in proper material use and spill prevention, as well as basic containment and clean-up practices. Training shall be provided at the time of hire or when the employee starts work at a new Town facility, as well as refresher training annually. Provided training will include best practices, as well as facility-specific information and procedures. Personnel must demonstrate an understanding of this plan as well as of the containment / clean-up items and materials to be used, and the proper way to use them, in the event of a spill. Training administration shall be overseen by the Town Safety Officer, and delivered either by the Town Safety Officer or by personnel in each department trained and authorized by him/her to do so. Training records shall be maintained at each facility and by the Town Safety Officer.

Spill Containment and Clean-Up:

This Plan is intended to serve as a guide to all Town personnel in the event of a spill or release of any regulated and/or hazardous substance at a Town property or facility.

Generally, all Town employees will be instructed to notify the facility manager immediately in the event of a spill, discharge or release of any regulated material (i.e., hazardous substances,

petroleum or other material with the potential to impact any storm drain, the retention basin, soil or groundwater). It shall be the responsibility of the facility manager to initially assess the situation, take initial steps to stabilize or avoid a more serious situation, and determine, based upon type and quantity of the material spilled, whether to notify applicable state, federal, local authorities. In the event that the facility manager cannot immediately determine whether an applicable reporting requirement is triggered or not, he or she shall immediately consult with the Town Fire Marshal and/or Town Safety Officer.

The general spill response procedure at this facility is to stop the source of the spill, contain any spilled material, and clean up the spill in a timely manner to prevent accidental injury or other damage from occurring. Because of the limited potential for spills occurring at Town facilities, the most likely spills to occur are small or incidental spills of materials such as motor oil, transmission fluid, brake fluid, power steering fluid, gear oil, hydraulic fluid, grease, gasoline, diesel fuel, gasoline, windshield washer fluid and starting fluid.

Small spills will be contained by site personnel if they are able to do so without risking injury. Spill clean-up materials are located at the Town's motor vehicle and power equipment repair / maintenance facilities. At those facilities, spill clean-up materials are maintained in the following location(s): In the vehicle and power equipment service & repair areas, and material handling and use areas, of all such facilities. Spill clean-up materials include clay adsorbent material (speedy-dry), oil- specific pads, universal pads, plastic bags, shovels and brooms.

Large spills will be contained by site personnel if they are able to do so without risking injury. In addition to the clean-up materials on hand at the facility, Hazardous Materials Technicians from the Brookhaven Fire Marshal's Office (Div. of Fire Prevention) notified pursuant to the "Emergency Procedures" section below will respond with additional clean-up materials as necessary. Additional materials include more of those previously mentioned, as well as salvage / over pack drums from 5 to 95 gallons in size, oil-specific booms, drain guards, Spill-X for solvents, Sphag Sorb absorbent and splash suits & over boots for clean-up personnel. Cleaned up materials shall be properly characterized before disposal to be sure the manner of disposal is appropriate. Oil/petroleum contaminated materials from large spills may be disposed of at the Brookhaven Landfill, a lined landfill, when such disposal is authorized by the New York State Department of Environmental Conservation Spills personnel in conjunction with a Spill Number. Prior to disposal at the landfill, Brookhaven Department of Waste Management administration shall be notified for approval and specific instructions on where the material is to be taken for evaluation by landfill personnel prior to disposal. Chemical contaminated materials may be taken by authorized personnel to the Brookhaven Landfill "Stop Throwing Out Pollutants" (STOP) Facility for proper disposal by the hazardous waste contractor. Landfill management shall be notified when such material is brought to the STOP facility, and all containers in which the material is located shall be clearly marked with the material name and approximate quantity, facility from which it came and date of the spill.

Protection of Storm Drains:

Storm Drains In the event of a spill or release of a regulated material (i.e., petroleum, hazardous substances, etc.), the Town Fire Marshals, working in conjunction with applicable response authorities (i.e., NYSDEC), will work to place absorbent materials (boom, pads, etc.) around all nearby catch basins, storm drains, etc., to protect storm drains from potential impact. Protection activities will be concentrated on topographical down gradient catch basins and storm drains with secondary activities focused on nearby surrounding drains. Any released material that accumulates will be properly containerized by the emergency response company for transportation and disposal.

Storm Water Retention Basins

If determined that a release has reached a storm drain prior to storm drain protection activities being initiated, the Town Fire Marshals, working in conjunction with applicable response authorities, will work to deploy absorbent booms and pads. The absorbent boom and pads will act as an interceptor for material reaching the retention basin(s). Absorbent materials will be monitored and changed on an as needed basis.

Downstream Environments

If determined that a release has reached a storm water retention basin prior to storm water retention basin protection activities being initiated, outlets from applicable storm water retention basins will be equipped with absorbent boom and pads. The absorbent boom and pads will act as an interceptor for material reaching the retention basin(s) prior to being discharged towards downstream environments. Absorbent materials shall be monitored and changed on an as-needed basis.

Prevention of Contamination Migration:

If a release of regulated and/or hazardous material has reached storm drains and/or retention basins, the discharge points of the subject retention basins will be equipped with absorbent boom and pads to further limit the potential of contamination migration past retention basin discharge points. The Town Fire Marshals, working in conjunction with applicable response authorities, will work to ensure that any released product gathering in retention basins will be evacuated utilizing compatible industrial vacuum trucks and any other equipment suitable and necessary for the subject release.

Emergency Procedures:

Immediately call 911 in the event of injury, fire or potential fire, spill of a hazardous substance that gives rise to an emergency situation, or release of a hazardous substance to the environment (i.e. ground, surface water, floor drains or storm water drains).

- There are several requirements for reporting releases of regulated and/or hazardous materials and a list is provided as part of this plan. As noted, state-level requirements are set forth in the NYSDEC Chemical Bulk Storage regulations (6 NYCRR Part 595, 596, 597) and

Article 17 of the Environmental Conservation Law. Additional requirements are covered on a federal-level by the Federal Clean Water Act and corresponding sections of the Code of Federal Regulations (CFR). The following telephone numbers are used for spill reporting:

- State: NYSDEC Spill Hotline 1-800-457-7362
- Federal: National Response Center 1-800-424-8802

Notification of these agencies will be made by the Fire Marshal or Fire Department. Additionally, the NYSDEC has issued administrative guidance [see attached] for determining whether a petroleum spill is reportable:

All petroleum spills that occur within New York State (NYS) must be reported to the NYS Spill Hotline (1-800-457-7362) within 2 hours of discovery, except spills which meet all of the following criteria:

1. The quantity is known to be less than 5 gallons; and
2. The spill is contained and under the control of the spiller; and
3. The spill has not and will not reach the State's water or any land; and
4. The spill is cleaned up within 2 hours of discovery.

Pursuant to the NYSDEC guidance, a petroleum spill will not be considered to have impacted land if it occurs on a paved surface such as asphalt or concrete. A petroleum spill in a dirt or gravel parking lot is presumed to have impacted land and is therefore reportable.

- If a hazardous substance spill has been released to soil, surface water or drains, immediately inform the facility foreman/management.

The following notifications must also be made immediately:

- Brookhaven Fire Marshal's Office HazMat: (631) 451-6262
- After Hours, notify Duty Marshal via Public Safety dispatch: (631) 451-6161
- Department/Division Head for Department involved (Facility Specific) Via Nextel or Telephone

Inventory and Material Information:

Information regarding the materials used at the facility as well as the quantities in which they are used and stored shall be kept on site for reference by personnel and regulatory authorities. Material Safety Data Sheets (MSDS) shall be maintained current and available for reference pursuant to the New York State Department of Labor "Right to Know" and applicable federal regulations. Materials stored, used or generated as waste in quantities greater than 55 gallons shall be listed on the following Hazardous Substance Inventory.

Hazardous Substance Inventory: Those materials stored, used and/or generated as an oil/chemical waste in quantities >55 gallons.

<u>Hazardous Substance</u>	<u>Manufacturer</u>	<u>Quantity/Unit of</u>
(Example: Windshield Washer Fluid Acme Co. – two 55 gal drums)		

Plan Reviews and Updates:

The plan for each facility shall be reviewed at least annually by the facility management and Town Safety Officer, and updated as necessary to reflect current materials and practices. More frequent updates may be required by changes in materials, quantities or practices during the course of a given year. When such changes occur, the plan shall be updated as soon as reasonably possible. A sensible time for such regular reviews and updates is just prior to annual refresher training, when personnel can be informed of such updates.

Appendix D-9: Stop Throwing Out Pollutants (STOP) Program

HAZARDOUS HOUSEHOLD WASTE

Many household items pose an environmental threat if disposed of carelessly. The items in this section should NOT be tossed down drains or toilets, poured on the ground, or thrown in the regular household waste. They should be stored and brought to the Town STOP Facility in closed, labeled containers. There, they will be safely disposed of by a licensed hazardous waste hauler.



Town of Brookhaven Landfill (L)
STOP Facility

STOP Program (Stop Throwing Out Pollutants)
To prevent contamination of our groundwater, the following items should be disposed of at the Town's Household Hazardous Waste (STOP) Facility located at the Town Landfill.

ACCEPTABLE MATERIALS

<p>Automotive Products</p> <ul style="list-style-type: none"> • A/C refrigerants • antifreeze • auto body putty • automobile batteries • carburetor cleaners • gasoline • oil additives • starter fluid • transmission fluid • used motor oil mixed with solvents, cleaners, etc. <p>Lawn and Garden Products</p> <ul style="list-style-type: none"> • fungicides • herbicides • insecticides • pesticides • rodenticides 	<p>Household Products</p> <ul style="list-style-type: none"> • adhesives • bathroom cleaners • carpet cleaners • disinfectants • drain cleaners • driveway sealers • dry cleaning fluids • fluorescent bulbs • furniture polish • lead base paints • mothballs • oil base paints • oven cleaners • paint strippers • room deodorizers • silver polish • spot removers • stains and varnishes • toilet bowl cleaners • turpentine and thinners 	<p>Other Products</p> <ul style="list-style-type: none"> • aerosol cans (containing household hazardous waste residue) • arts and crafts supplies • asbestos (wet it down and pack in three plastic bags) • batteries: button-type (watches, hearing aids), nickel/cadmium (cell phones) • kerosene • lighter fluid • mercury (liquid) • mercury switches • mercury vapor lights • photographic chemicals • rechargeable batteries • solder • swimming pool chemicals
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Hours of Operation

April 1 - October 31: Wednesdays and Saturdays, 8 a.m.-12 noon. November 1 - March 31: Saturdays, 8 a.m.-12 noon.
The Town cannot accept household hazardous waste outside these hours of operation.

8



HOW TO PREPARE MATERIALS	NOT ACCEPTABLE
<ul style="list-style-type: none"> • must be transportable • sealed containers • clearly labeled • bring to Town STOP location at Landfill; see page 8 for STOP hours of operation • proof of residency required • NO COMMERCIAL WASTE • containers brought to the STOP facility cannot be returned 	<ul style="list-style-type: none"> • explosives • medical waste • commercial and institutional waste • large drums (e.g. 40-55 gallon size); for information about these drums, contact Waste Management at 451-TOWN (8696), or call a licensed hazardous waste hauler (listed in your Yellow Pages directory) • radioactive materials • propane (barbeque), acetylene, oxygen tanks (return to gas company) • helium tanks (return to place of purchase) • fire extinguishers (contact your local fire department)

WASTE OIL...
RESIDENTIALLY GENERATED USED MOTOR OIL can be recycled at the following Town of Brookhaven locations (see maps page 12).

Up to 10 gallons of residentially generated used motor oil** can be brought to these locations and poured into designated holding tanks for recycling. Residents are asked to limit container size to 5 gallons, but may bring a total of 10 gallons per trip. Residents may keep their containers for reuse.

In addition...
 According to state law service stations who change oil as a matter of regular business are required to accept up to 5 gallons of used motor oil from any resident. Service stations charging a fee or refusing to accept

<p>The Town Landfill* Horseblock Rd., Yaphank</p> <p>Manorville Compost Facility* Paper Mill Rd., Manorville</p>	<p>Holtville Ecology Park Buckley Road, Holtville</p> <p>Ralph's Fishing Station Cedar Beach, Mt. Sinai</p> <p>used motor oil should be reported to the New York State Department of Environmental Conservation (631) 444-0250.</p> <p>*USED MOTOR OIL FILTERS can also be recycled at these resident drop-off recycling locations.</p> <p>**No oil mixed with solvents, cleaners, anti freeze, etc. <i>Motor oil mixed with solvents, cleaners, or antifreeze should be brought to the STOP facility (see page 8).</i></p>
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Appendix D-10: Facility Assessment Checklist

WORKSHEET 1

Facility Name:
Contact Name:

Site Address:
Phone:

1. ACTIVITIES - In the table below check each activity present at the site and evaluate its potential for pollutant discharge (PPD): 1 = high potential, 2 = medium potential, 3 = low potential

2. BMP EFFECTIVENESS - In the table below provide an effectiveness rating using the provided scale.

ACTIVITY AND BMP CHECKLIST										
	APPLICABLE ACTIVITY			EFFECTIVENESS RATING *						
	Yes	No	PPD							
A. VEHICLE AND EQUIPMENT FUELING										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Employees trained in proper fueling and cleanup procedures. ▪ "Shut-off" valves installed on nozzles. ▪ "Topping off" of fuel tanks is discouraged. ▪ Adsorbent materials used on spills as opposed to hosing down. ▪ Drains labeled within the facility boundary, by stencil to indicate whether they flow to an oil/water separator, directly to the sewer, or to a storm drain. ▪ Parking area designed to prevent storm water runoff and spills. ▪ Fueling area covered with an overhanging roof structure. 	[]	[]	[]	[]	[]	1	2	3	4	5
B. VEHICLE AND EQUIPMENT WASHING/TEAM CLEANING										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Vehicles and equipment are washed at an off-site commercial washing location whenever possible. ▪ On-site washing area is clearly marked as a wash area. ▪ Signs are posted stating that only washing is allowed in wash area and that discharges to the storm drain are prohibited. ▪ Trash containers are provided in wash area. ▪ A map of on-site storm drain locations exists to avoid discharges to the storm drain system. 	[]	[]	[]	[]	[]	1	2	3	4	5
C. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Idle equipment in stored under cover. ▪ Drip pans are used for leaking vehicle/equipment. ▪ Vehicle maintenance area is designed to prevent storm water pollution (area contains burning and appropriate drainage routing). ▪ Signs are painted on storm drain inlets to indicate that they are not to receive liquid or solid wastes. ▪ The work area is covered to limit exposure to the rain. 	[]	[]	[]	[]	[]	1	2	3	4	5
D. OUTDOOR LOADING/UNLOADING OF MATERIALS										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Materials are stored inside when feasible. ▪ All outside storage areas are covered with a roof or enclosed to prevent stormwater contact. ▪ Outdoor storage containers are kept in good condition. ▪ Lids are secured on waste barrels and containers. ▪ Drums are stored in a secure area where unauthorized persons cannot gain access. 	[]	[]	[]	[]	[]	1	2	3	4	5
E. OUTDOOR CONTAINER STORAGE OF LIQUIDS										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Containers are stored in a secure area where unauthorized persons cannot gain access. 	[]	[]	[]	[]	[]	1	2	3	4	5
F. OUTDOOR PROCESS EQUIPMENT OPERATIONS AND MAINTENANCE										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Equipment is stored in a secure area where unauthorized persons cannot gain access. 	[]	[]	[]	[]	[]	1	2	3	4	5
G. OUTDOOR STORAGE OF RAW MATERIALS										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Materials are stored inside when feasible. ▪ All outside storage areas are covered with a roof or enclosed to prevent stormwater contact. ▪ Outdoor storage containers are kept in good condition. ▪ Lids are secured on waste barrels and containers. ▪ Drums are stored in a secure area where unauthorized persons cannot gain access. 	[]	[]	[]	[]	[]	1	2	3	4	5
H. WASTE HANDLING AND DISPOSAL										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Waste is stored in a secure area where unauthorized persons cannot gain access. 	[]	[]	[]	[]	[]	1	2	3	4	5
I. BUILDING AND GROUNDS MAINTENANCE										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Building and grounds are kept clean and orderly. 	[]	[]	[]	[]	[]	1	2	3	4	5
J. PARKING/STORAGE AREA MAINTENANCE										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Parking and storage areas are kept clean and orderly. ▪ Site is designed to allow sheet runoff to flow into biofilters (vegetated strip and swale) and/or infiltration devices. ▪ Rooftop drains are arranged to prevent drainage directly onto paved surfaces. ▪ Lot is designed to include semi-permeable hardscape. 	[]	[]	[]	[]	[]	1	2	3	4	5
K. OVER WATER ACTIVITIES										
<i>BMPs employed:</i>										
<ul style="list-style-type: none"> ▪ Activities are conducted in a secure area where unauthorized persons cannot gain access. 	[]	[]	[]	[]	[]	1	2	3	4	5
L. OTHER (describe):										
<ul style="list-style-type: none"> ▪ Other activities are conducted in a secure area where unauthorized persons cannot gain access. 	[]	[]	[]	[]	[]	1	2	3	4	5

* 1 No BMPs used and stormwater pollution likely 2 Some BMPs used but not effective 3 Some BMPs used and moderately effective
 4 Source control BMPs used and very effective/structural BMPs needed 5 All necessary BMPs used and very effective

3. TYPE AND QUANTITY OF MATERIALS USED

Material	Typical Quantity/Frequency	In Stored Material Likely to Generate Pollutants
Gasoline		
Motor oil		
Detergents		

4. HISTORY OF SPILLS AND LEAKS

- a) Is there a chronic history of spills and leaks?
- b) Is there any evidence of leaks and drips from equipment and machinery?
- c) Is there a spill prevention and response team?
- d) Are appropriate spill containment and cleanup materials kept on-site and in convenient locations?
- e) Are cleanup procedures for spills followed regularly and correctly?
- f) Are used absorbent materials removed and disposed of in a timely manner?
- g) Are personnel regularly trained in the use of spill control materials?

5. NON-STORMWATER DISCHARGES

- a) Outfall directly observed during assessment
- b) Are BMPs implemented to prevent, treat, or control non-stormwater discharges?
- c) Is there a potential for non-stormwater discharges (i.e. non-stormwater sources observed without BMPs implemented)?

6. SIZE OF FACILITY (incorporating the size of a facility serves as a surrogate measure for flow)

- a) Total area
- b) The impervious area (including parking lot) is

7. PROXIMITY TO RECEIVING WATER

Does the facility discharge directly or adjacent to a 303(d) water body or other environmentally sensitive area?

Appendix E: Annual Evaluation of Program Compliance

Annual Assessments of Stormwater Management Program Compliance

Water Quality Trends

1. Has Brookhaven produced any reports which document water quality trends (e.g. Watershed Management Plan) for any water bodies in the last permit year? [PELM]

a) If so, what is the name of the report and point of contact? *Please provide a copy or web link to the document.* [PELM]

Program Goal:

Assessment:

2. Are there any water bodies in the Town which are perceived to be stressed, impaired or are receiving significant quantities of pollutants? [ALL]

a) If so, what is the name of the water body? [ALL]

b) Identify activities that can be implemented to address the impairment.

Program Goal:

Assessment:

Green Gazette and Other Publications

1. What is the circulation of the Green Gazette? [Waste Management]

Program Goal:

Assessment:

2. How many times was the Green Gazette distributed in this permit year? *Please provide a copy or web link to the publication.* [Waste Management]

Program Goal:

Assessment:

3. When is the next issue scheduled for distribution? [Waste Management]

Program Goal:

Assessment:

4. Were there any other publications produced which relate (even indirectly) to stormwater management or issues (including litter, pollution, recycling, flooding, etc.)? *Please provide copies or web links to the referenced documents.* [ALL Departments]

Program Goal:

Assessment:

Outreach – Ecology Site & West Meadow Beach

1. Approximately how many people were reached through the Town’s education facilities?

[Ecology Site / West Meadow Beach]

Program Goal:

Assessment:

2. Approximately what percentage were children versus adults? [Ecology Site / West Meadow Beach]

Program Goal:

Assessment:

3. Was there stormwater-related information posted on the kiosks (nutrients, pet waste, floatables, any other pollutants, etc.)? *If so, please provide a copy if different from last year.*

[Ecology Site / West Meadow Beach]

Program Goal:

Assessment:

4. Did any curricula touch on stormwater related material (nutrients, pet waste, floatables, any other pollutants, etc.)? *If yes, please clarify and provide copies or announcements.* [Ecology Site / West Meadow Beach]

Program Goal:

Assessment:

Miscellaneous Outreach

1. Have any other forms of outreach been conducted for the general public regarding stormwater runoff? This can be in the form of brochures, lectures, PSA’s, etc. Even if it was not specific to stormwater but touched on related subjects (BMP’s, nutrients, pet waste, floatables, oils, heavy metals, any other pollutants, etc.) it would be worth reporting. *Please provide copies.* [ALL departments]

Program Goal:

Assessment:

Program Goal:

2. Have any forms of outreach been conducted to local businesses regarding stormwater runoff? This can be in the form of brochures, lectures, PSA’s, etc. Even if it was not specific to stormwater but touched on related subjects (BMP’s, nutrients, pet waste, floatables, oils, heavy metals, any other pollutants, etc.) it would be worth reporting. *Please provide copies.* [ALL Departments]

Program Goal:

Assessment:

Litter Cleanup

1. Was the “Great American Cleanup” conducted? *Please provide any literature or web links that promoted the events.* [Waste Management]

- a) If so, how many events (e.g. days)? [Waste Management]
- b) How many people participated? [Waste Management]
- c) Estimated amount of debris picked up. [Waste Management]

Program Goal:

Assessment:

2. Were there any other clean-up events conducted by the Town (either alone or in conjunction with another municipality or community)? *Please provide any literature or web links that promoted the events.* [Parks/Waste Management]

- a) If so, how many events? [Parks/Waste Management]
- b) Approximately how many participants? [Parks/Waste Management]
- c) Estimate cumulative amount of debris collected. [Parks/Waste Management]

Program Goal:

Assessment:

3. Are there any programs that deal with litter clean up (e.g. adopt a highway)? *Please provide any literature or web links that promoted the events.*

- a) If so, how many events? [Waste Management]
- b) Approximately how many participants? [Waste Management]
- c) Approximate number of road miles adopted and/or cleaned? [Waste Management]
- d) Estimates on cumulative amount of debris collected. [Waste Management]

Program Goal:

Assessment:

Parks or Buildings Signage

1. Has any new signage been erected regarding the following issues: [All Departments]

- a) Waterfowl feeding?
- b) Pet waste?
- c) Littering?

If so, please provide locations and/or numbers.

Program Goal:

Assessment:

2. Has any other signage touch on stormwater related material (nutrients, pet waste, floatables, any other pollutants, etc.)? *If so, please describe and provide locations and/or numbers.* [ALL Departments]

Program Goal:

Assessment:

Brookhaven Plant In

1. Did this occur? *Please provide any literature or web links that promoted the events.*

[Parks]

a) If so, approximately how many square feet were planted and/or number of plants and/or number of locations? [Parks]

b) Number of participants. [Parks]

Program Goal:

Assessment:

IDDE – Illicit Discharge Detection and Elimination

1. Have any illicit discharges been found in this last permit year? [Highways and/or PELM]

a) If so, how many? [Highways and/or PELM]

b) What were the circumstances (e.g. source of discharge)? [Highways and/or PELM]

c) If there were discharges, how many of them were eliminated? [Highways and/or PELM]

Program Goal:

Assessment:

2. Has any staff received training for illicit discharge detection and elimination? [ALL Departments]

a) If so, approximately what percentages of relevant employees have received training? [All Departments]

Program Goal:

Assessment:

3. Have staff that routinely inspect, clean or open structures such as catch basins know how to identify an illegal connection? [Highways and/or PELM]

a) If so, is there a mechanism for them to report it so the Town can rectify it? [Highways/PELM]

Program Goal:

Assessment:

4. Are there any community hotlines or means to which the public can report a polluter or illicit discharge? [ALL departments]

a) If so, what is the phone number? [ALL departments]

b) Were there any calls or complaints in last reporting year? [ALL departments]

Program Goal:

Assessment:

5. Has the storm sewer shed mapping been completed? The storm sewer shed is the catchment area that drains into the storm sewer system based on the surface topography in the area served by the storm sewer. [PELM, IT]

a) If not completed, what percentage has been done to date? [PELM, IT]

Program Goal:

Assessment:

6. Brookhaven has passed an IDDE law making illicit discharges illegal. Has an attorney certified that the passed law is equivalent to the "NYS Model IDDE Law"? [PELM, LAW]

Program Goal:

Assessment:

7. Have any other activities which relate to the detection or elimination of illicit discharges been conducted? [ALL Departments]

Program Goal:

Assessment:

Stormwater Pollution Plans (SWPPP's)

1. How many projects were reviewed in this last reporting year? [PELM]

a) How many of the above projects required a full SWPPP (exceeded 5 acres)? [PELM]

b) Has there been any training provided to contractors regarding the Brookhaven SWPPP process (whether it be formal or informal)? [PELM]

c) Were there any enforcement actions taken on construction projects (e.g., stop work orders, termination of contracts, fines) in the last reporting year? [PELM]

d) How many construction projects were authorized by the Town of Brookhaven to disturb one acre or more? [PELM]

e) How many projects which disturbed one acre or more were actively undergoing construction in the last permit year? [PELM]

i) What percentage of these active construction projects were inspected to ensure that stormwater BMP's were installed/operating properly? [PELM]

ii) What percentage of these active construction sites were inspected more than once? [PELM]

iii) Do all inspectors use the NYS Construction Stormwater Inspection Manual? If not, what other resources do they utilize? [PELM]

f) Does Brookhaven provide public access to approved SWPPP's? [PELM]

i) If so, where can they be accessed? [PELM]

Program Goal:

Assessment:

Post-Construction Management Practices Inventory

1. Is there an active inventory (as is required by the permit) of post construction stormwater management practices for all or part of the Town? The inventory can be in any form (e.g. paper maps, GIS, etc.). [PELM and/or Highways]

a) If so, where is it stored? [PELM and/or Highways]

b) Is it in an electronic format? [PELM and/or Highways]

i) For “alternative practices” in last reporting period [PELM and/or Highways]:

inventoried:

inspected:

maintained:

ii) For “filter systems” in last reporting period [PELM and/or Highways]:

inventoried:

inspected:

maintained:

iii) For “catch basins” in last reporting period [PELM and/or Highways]:

inventoried:

inspected:

maintained:

iv) For “open channels” in last reporting period [PELM and/or Highways]:

inventoried:

inspected:

maintained:

v) Any “other” practices in last reporting period [PELM and/or Highways]:

inventoried:

inspected:

maintained:

Program Goal:

Assessment:

2. Have any nonstructural practices been used to implement low impact development / better site design / green infrastructure principals (e.g. building codes, zoning, comprehensive planning, or others)? [PELM, Buildings]

Program Goal:

Assessment:

3. Have any structural BMP’s been installed, or are in the planning process? Structural BMP’s include oil/water separators, in-line filters, catch basin inserts, solids removal structures, etc. [Highways an PELM]

Program Goal:

Assessment:

4. Number of permits issued which require property owners to manage and contain runoff on site

(i.e. dry wells for roof runoff and driveways). [PELM]

Program Goal:

Assessment:

Good Housekeeping

1. Approximate number of acres of parking lots swept in the last permit year? [Highways and Parks]

Program Goal:

Assessment:

2. Approximate number of miles of streets swept in the last permit year? [Highways and Parks]

Program Goal:

Assessment:

3. Approximate number of catch basins inspected and cleaned? [Highways and Parks]

Program Goal:

Assessment:

4. Approximate number of post construction stormwater management practices inspected and cleaned? [Highways]

Program Goal:

Assessment:

5. Approximate number of pounds of phosphorus applied in chemical fertilizer in the last permit year? [Parks and/or Highways and/or PELM]

Program Goal:

Assessment:

6. Approximate number of pounds of nitrogen applied in chemical fertilizer in the last permit year? [Parks and/or Highways and/or PELM]

Program Goal:

Assessment:

7. Regarding Town practices and personnel, have any changes in infrastructure or practices occurred which could help minimize the impact of stormwater? [ALL DEPARTMENTS]: This could include but is not limited to:

- a) Salt spreading activities (e.g. reduced salt use)
- b) Salt storage activities (e.g. covered salt storage)
- c) Town or resident reduced use of pesticides
- d) Town or resident reduced use of fertilizers
- e) Reduced or alternative exterior cleaning product use

- f) Parking lot, street sweeping, catch basin cleaning enhancements or increased effort
- g) Anti-littering efforts
- h) Changes to recycling programs
- i) Fleet and vehicle maintenance (e.g. recycling used oil etc.)
- j) Facility spill prevention plans
- k) Facility spill clean-up plans and supplies
- l) Vegetating eroding slopes
- m) Other practices

Program Goal:

Assessment:

Stormwater Training

1. How many stormwater management trainings have been provided to Brookhaven employees in this past permit year? Anything that is related to addressing stormwater issues or improving water quality is likely applicable. Examples include: training on new street sweeping or vacuum truck equipment, hazardous spill prevention training, pesticide or fertilizer application, integrated pest management, goose management, construction site inspections, erosion and sediment control, spill prevention/response, etc. [ALL Departments]

a) If conducted, on what dates? [ALL Departments]

b) Number of Town employees trained. [ALL Departments]

Program Goal:

Assessment:

Assessment of BMPs

1. Identify the Best Management Practices (BMPs) that are currently in place. BMPs may consist of practices or procedures or equipment that are used to prevent the introduction of pollutants of concern (oils, grease, chemicals, sand, salt, sediment, pesticides, herbicides, vehicle fluids, etc.) into the stormwater system. [ALL Departments]

a) Assess whether BMPs are effective and identify additional BMPs that could be implemented. [Use attached BMP checklist - ALL Departments]

Program Goal:

Assessment:

Miscellaneous Questions

1. Has Brookhaven implemented (one exists, but this question focuses on whether it has been implemented) a turf management practices and procedures policy that addresses proper fertilizer application procedures on municipal properties? [Parks and/or PELM]

Program Goal:

Assessment:

2. Has Brookhaven implemented a native planting program? [Parks and/or PELM]

Program Goal:
Assessment:

3. Identify enhancements to local laws/codes which could benefit stormwater protection
[Parks and/or PELM]

Program Goal:
Assessment:

4. Is local law which prohibits goose feeding on municipal properties adequate? [Parks and/or
PELM]

Program Goal:
Assessment:

5. Is pet waste bag program adequate? [Parks and/or PELM]

Program Goal:
Assessment:

6. Is program to manage Goose populations adequate? [Parks and/or PELM]

Program Goal:
Assessment:

7. Can you provide a descriptive list of stormwater / pollution prevention activities or
practices that were not addressed in this questionnaire? [All]

Program Goal:
Assessment:

8. Number of properties, or acres acquired for drainage purposes. [PELM]

Program Goal:
Assessment:

9. Additional comments? [All]

Program Goal:
Assessment: