

### **SECTION 3B: STORMWATER MODEL LAW OVERVIEW**

The State of New York recently adopted higher erosion and sediment control standards and specifications on developments greater than one acre in size. Once a development exceeds five (5) acres of disturbance, proper management of post-construction stormwater quantity and quality is mandated. Put more simply, a developer must control sediment from leaving the site during development activities so there is no visible contrast to the outlet waters. After construction is over and the development is complete, the developer and/or Home Owners Association must control the peak discharge of water to pre-development rates. They must also remove 80% of the suspended solids and 40% of the phosphorus from the site.

Several of the watershed municipalities have existing erosion and sediment control laws that regulate disturbances with a threshold of 10,000-15,000 square feet and 500 square feet within the lakefront district. Although this is a lower threshold than New York State, the specific standards are outdated and in some cases inadequate based on experience. New York State drafted a model local law for municipalities to adopt in order to update the standards.

The Land Use Subcommittee is recommending that the municipalities in the watershed utilize the state model law as a baseline and install land disturbance thresholds that fit its needs. The committee does recommend that at minimum municipalities use a 15,000 square foot threshold disturbance requiring a basic erosion and sediment control plan. As mentioned previously, some municipalities lower that threshold to 500 square feet near the lakeshore area.

The committee is also recommending that the municipalities amend the state model local law to include increased standards for post-construction phosphorus control. The state has drafted these increased standards in the Chapter 10 supplement to their water quality specifications for phosphorus limited lakes in the Catskills and lower Hudson valley area.

While Canandaigua Lake is a phosphorus-limited lake, water quality monitoring since 1996 has documented a distinct trend of increasing phosphorus levels. Minimizing new sources of pollution will help curb this upward trend in phosphorus loading. The law increases the upper threshold for water quality treatment of phosphorus from 0.8 inches to 2.2 inches of rain. The City of Canandaigua is in the process of adopting the revised state model law with these standards. Appendix G is the City of Canandaigua Stormwater Management, Erosion and Sediment Control Ordinance.