

APPENDICES

A. PRELIMINARY LOCAL CODES ASSESSMENT WORKSHEETS

The following text has been taken from the *Stormwater Management Gap Analysis Workbook for Local Officials*, a publication of the NYS DEC. The tables that follow are also within this workbook, but data entered has been researched and compiled by G/FLRPC staff.

COMPLYING WITH MINIMUM CONTROL MEASURES 4 AND 5 THROUGH A STORMWATER
MANAGEMENT LOCAL LAW

The easiest way for a regulated MS4 municipality to ensure that it satisfies Minimum Measures 4 and 5 is to adopt the Sample Stormwater Management Local Law as amendments to existing local land use laws (see *Stormwater Guide for Local Officials*, Chapter 3 and Appendix 1).

In New York State, local land use law is the framework for carrying out the construction/post-construction stormwater management program. The Sample Stormwater Management Local Law, which was prepared by the New York State Department of State and Department of Environmental Conservation (DOS and DEC), contains all the provisions needed to comply with Minimum Measures 4 and 5. It is designed to be used with any existing configuration of local land use regulatory provisions.

Because New York State expects that local stormwater management programs will be integrated with other local regulatory programs, the Sample Local Law is set up as amendments to local land use laws that are already in existence in most regulated MS4 communities. Localities that adopt the sample law as amendments to their existing land use laws will not need to conduct Gap Analysis.

USING THE GAP ANALYSIS WORKBOOK TO ASSESS COMPLIANCE

The MS4 permit stipulates that regulated MS4 municipalities can comply with Minimum Measures 4 and 5 by developing programs that are equivalent to GP 02-01. This Gap Analysis Workbook is designed to evaluate the equivalence of local laws that are not identical to the *Sample Stormwater Management Local Law*, and will be used by New York State in reviewing local programs for compliance.

What Local Governments Will Get From Using the Workbook

Assessment of the municipality's current stormwater management compliance status

A way to document the equivalence of existing provisions to Minimum Control Measures 4 and 5

A list of changes needed to bring local laws into compliance with stormwater management requirements

A framework for annual reports of the community's progress in building the local stormwater management program

DETERMINING EQUIVALENCE OF LOCAL REGULATORY MECHANISMS

To meet the equivalence standard, a local law should accomplish the same thing as the requirements under Minimum Control Measures 4 and 5 of GP 02-01. Of course, some localities prefer to exceed these requirements, and will design provisions of their local laws to do so.

The *Sample Stormwater Management Local Law* is designed to amend local land use laws and regulations so that they will accomplish the intent of GP 02-01. If the locality prefers legislative language that is different from the Sample Local Law, the resulting local code must still meet the full intent of the Sample

Law. The municipality must demonstrate that its local code contains all the technical and land use requirements outlined in the two General Permits and detailed in New York State's technical standards.

Basic Provisions That Must be Present in Local Law

To comply with state and federal law, local law must contain all of the following provisions:

- Apply to all construction activities disturbing one acre or more
- Require construction site operators to prepare Stormwater Pollution Prevention Plans (SWPPPs) before construction begins
- Require stormwater controls consistent with state technical standards (adopt the state technical standards for stormwater management facilities and practices or equivalent)
- Provide for local review and approval of SW PPPs by the planning board, code enforcement officer or other designated officials, for local land use decisions including (but not limited to) subdivisions, site plans and special permits
- Require management of waste on construction sites
- Establish responsibility for ongoing maintenance of stormwater management facilities
- Provide technical standards and access for ongoing maintenance
- Specify requirements for inspections, penalties and enforcement that apply to the stormwater management program

Technical Standards Required in Local Law

As a general principle, to be equivalent to the *Sample Storm water Management Local Law*, a municipality's local laws or ordinances must require at a minimum technical standards as described in *New York Standards and Specifications for Erosion and Sediment Control* (updated in 2005) and the *New York State Storm water Management Design Manual* (updated in 2003). Key provisions include:

- **Updated sizing and material specifications** for erosion and sediment control practices used during construction, maintenance criteria and requirements for preparing and implementing Stormwater Pollution Prevention Plans (SWPPPs), as detailed in the 2005 *NY Standards and Specifications for Erosion & Sediment Control*.
- **Design of stormwater management practices** based on the criteria contained in the 2003 *Storm water Design Manual* for water quality volume, channel protection volume, overbank flood control, and extreme storm flood control.

The New York State technical guidance documents may be obtained from DEC or DOS. An order form and downloadable files are available on the Internet at

<http://www.dec.state.ny.us/website/dow/Workbookbox/escstandards/index.html> and

<http://www.dos.state.ny.us/lgss/stormwaterpub/index.html>

Applicability Requirements

The local law must apply the technical standards to the following C P-02-0 1 categories:

- **All projects disturbing more than one acre of soil** must prepare an erosion and sediment control plan
- **For multi-family, commercial, industrial, institutional and highway projects of more than one acre of soil disturbance, single family home subdivisions of more than five acres of soil disturbance, and projects draining to a 303(4) listed waterbody or located in a TMDL watershed**, the SWPPP must also include water quantity and water quality controls (post-construction stormwater management controls).

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Town of Covert

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	No Equivalency Land Management Ordinance, Sec.3-3: Minimum lot area for each dwelling unit to be 1 acre. [Note: to be equivalent, the local law must include provisions that apply to activities that disturb one acre or more of soil]	

<p>Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.</p>	<p>Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i></p>					<p>Notes</p>
	<p>Zoning Law</p>	<p>Subdivision Regulation</p>	<p>Site Plan Review</p>	<p>E&SC Law</p>	<p>Other</p>	
<p>4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	<p>No Equivalency Land Management Ordinance, Sec.2: Application for building permit to include sewage and stormwater drainage, location of water supply [Note: while similar in aim, this section of local law does not meet equivalency]</p>	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

Sample Local Law, Articles 3, 4 and 5						
<i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i>						
Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.		Not Present				
Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.			Not Present			
Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)				Not Present		
Sample Local Law, Article 6						
Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

*If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.***

If a few of the provisions in the worksheet appear in local code, significant amendments will be necessary and adopting the Sample Local Law may be an attractive alternative. Gap Analysis will identify which amendments the MS4 must make and how they should be worded.

If most of the provisions in the worksheet appear in local code, minor amendments will probably bring the code into compliance. Gap Analysis will identify required revisions.

Entry Headings Prepared by G/FLRPC

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Not Present: *no portion of the local law or code has been found that meets equivalency of the Sample Stormwater Management Local Law*

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

No Equivalency: *the cited local law was found to be similar in structure or spirit to the Sample Stormwater Management Local Law. However, the law does not meet the requirements for equivalency*

✓ **Equivalency:** *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

Town of Covert Documents

Land Subdivision Regulations, 1981

Land Management Ordinance

Mobile Home Ordinance

Swimming Pool Ordinance

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Fayette

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

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4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	<p>No Equivalency Article V Documents to be submitted Sections 1, 2 & 3 Plat (minor and major) and accompanying data [Note: While several documents required in the law cited above are similar to 2.2.2.1, in order to meet equivalency, all 16 minimum requirements for Part 1 of a SWPPP must be included in the local law]</p>	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
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<p style="text-align: center;">Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				
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<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency : Article IV Enforcement § 402.1 Duties of the Building Inspector</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency : Article IV Enforcement § 401.1 and Article VIII Violations §801.1 Enforcement</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency : Article VIII Violations §802.1 Penalties</p>	<p>✓ Equivalency Article VII Violations, Penalties and Injunctions, Section 1</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

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Town of Fayette Documents:

Zoning Ordinance, 1977

Subdivision Regulations, 1977

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Village of Interlaken (Note: Village has no local laws on file with G/FLRPC)

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Seneca County, New York State

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✓ **Equivalency:** *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

NO LOCAL LAWS FOR THE VILLAGE OF INTERLAKEN ON FILE WITH G/FLRPC

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Junius (Note: Town has no local laws on file with G/FLRPC)

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4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Articles 3, 4 and 5						
<i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i>						
Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.		Not Present				
Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.			Not Present			
Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)				Not Present		
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Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	
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NO LOCAL LAWS FOR THE TOWN OF JUNIUS ON FILE WITH G/FLRPC

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Town of Lodi (Note: Town has no local laws on file with G/FLRPC)

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	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

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Sample Local Law, Article 2						
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<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
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<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
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Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

Sample Local Law, Articles 3, 4 and 5						
<i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i>						
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NO LOCAL LAWS FOR THE TOWN OF LODI ON FILE WITH G/FLRPC

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Village of Lodi (Note: Village has no local laws on file with G/FLRPC)

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	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
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Seneca County, New York State

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Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
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Gap Analysis of Local and State Stormwater Management Requirements

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NO LOCAL LAWS FOR THE VILLAGE OF LODI ON FILE WITH G/FLRPC

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Ovid (Note Town has no local laws on file with G/FLRPC)

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NO LOCAL LAWS FOR THE TOWN OF OVID ON FILE WITH G/FLRPC

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Village of Ovid (Note: Village has no local laws on file with G/FLRPC)

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Gap Analysis of Local and State Stormwater Management Requirements

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Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Articles 3, 4 and 5						
<i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i>						
Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.		Not Present				
Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.			Not Present			
Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)				Not Present		
Sample Local Law, Article 6						
Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	
3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	

How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

*If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.***

If a few of the provisions in the worksheet appear in local code, significant amendments will be necessary and adopting the Sample Local Law may be an attractive alternative. Gap Analysis will identify which amendments the MS4 must make and how they should be worded.

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Entry Headings Prepared by G/FLRPC

One of the following three headings will be entered within each cell of the Worksheet:

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✓ **Equivalency:** *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

NO LOCAL LAWS FOR THE VILLAGE OF OVID ON FILE WITH G/FLRPC

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Town of Seneca Falls

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	<p>No Equivalency Sec.103-50-16: Storm drainage to be provided for PUD to protect from runoff.</p>	<p>No Equivalency Article II, Sec.86-4-Sketch plan. Sec.86-6-10, 11: Major subdivision preliminary plat to include storm drainage plan, location of storm drains, water mains, sanitary sewers. Sec.86-7-C: Construction drawings including plans, profiles to show storm drains, sanitary sewers, water mains..... Sec.86-23: Drainage design based on runoff from ten-year storm.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p align="center">Sample Local Law, Articles 3, 4 and 5</p> <p align="center"><i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			Not Present			
<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				Not Present		
<p align="center">Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	Not Present	<p>✓ Equivalency See, Sec. 86-12A(2)-C: Construction inspection by Town Engineer.</p>	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	
3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]	✓ Equivalency Article VIII §103-65 Violation of Town Zoning Local Law; penalties for offenses	Not Present	Not Present	Not Present	Not Present	

How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

*If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.***

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✓ **Equivalency:** *the cited portion of local law is equivalent to the Sample Stormwater Management Local Law*

Town of Seneca Falls Documents

Zoning, 1998

Subdivision of Land

Comprehensive Plan for the Town and Village of Seneca Falls, 1969

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Village of Seneca Falls

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Equivalent Sec.207-10-E: Preliminary plat for major subdivision to have sewage disposal, surface drainage, grading...	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

Sample Local Law, Articles 3, 4 and 5						
<i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i>						
Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.		Not Present				
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Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)				Not Present		
Sample Local Law, Article 6						
Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article VII, §250-49. General Procedures</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article VII, §250-55 Penalties for Offenses</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

How to Use the Preliminary Local Codes Assessment

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Village of Seneca Falls Documents

Zoning (Adopted 1984; Updated periodically)

Subdivision, 1969

Site Plan Review and Approval (Part of Zoning, Article V)

Comprehensive Plan for the Town and Village of Seneca Falls, 1969

Flood Damage Prevention (Adopted 1987; Updated periodically)

Sewers, 1982

Historic and/or Agricultural Districts, 1997

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Tyre

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
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Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.</p>	<p>Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i></p>					<p>Notes</p>
	<p>Zoning Law</p>	<p>Subdivision Regulation</p>	<p>Site Plan Review</p>	<p>E&SC Law</p>	<p>Other</p>	
<p>4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

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Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article X §10.1001 Enforcement</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article X §10.1008 Penalties</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

How to Use the Preliminary Local Codes Assessment

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Town of Tyre Documents

Zoning Ordinance, 1991 (Amendments for some regulations like Sign Regulations and Telecommunication)

Comprehensive Plan (Under Development)

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Town of Waterloo

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	No Equivalency §79-5 Applicability [Note: while the law very likely applies to most, if not all, land disturbing activities over 1 acre within the Town, this specific language is required in order to meet equivalency with the Sample Local Law]	Not Present	Not Present	

<p>Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.</p>	<p>Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</p>					<p>Notes</p>
	<p>Zoning Law</p>	<p>Subdivision Regulation</p>	<p>Site Plan Review</p>	<p>E&SC Law</p>	<p>Other</p>	
<p>4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency §79-7 Site Plan Review Procedure [Note: Town must request a SWPPP in order to meet equivalency; §79-7B.1.i and j, however, are important requirements that seem to meet the Sample Law in spirit.]</p>	<p>Not Present</p>	<p>Not Present</p>	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.</p>	<p>Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i></p>					<p>Notes</p>
	<p>Zoning Law</p>	<p>Subdivision Regulation</p>	<p>Site Plan Review</p>	<p>E&SC Law</p>	<p>Other</p>	
<p>4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency §79-6 Standards for site plan review [Note: Town must request a SWPPP in order to meet equivalency; the fact that drainage, erosion, impermeable surfaces and flood zones are considered as part of the application, however, is commendable.]</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	<p>No Equivalency Sec.79-6-B, C: Measures to control run off stormwater from affecting neighboring land.... Measures to minimize erosion during construction and after construction. Sec.79-7: Map. Indication of drainage. Sec 79-7-B-j: Site plan requires proposed water source and sewage disposal system.</p>	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>No Equivalency Sec.79-6-C: Measures to minimize erosion during construction and after construction. Sec.79-7—B-i: Pre and post-development stormwater runoff calculation may be required.</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Sample Local Law, Articles 3, 4 and 5 <i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i></p>						
<p>Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.</p>		Not Present				
<p>Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.</p>			Not Present			

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)</p>				<p>Not Present</p>		
<p>Sample Local Law, Article 6</p>						
<p>Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]</p>	<p>Not Present</p>	<p>Not Present</p>	<p>✓ Equivalency Sec. 79-7-G: Code Enforcement Officer ensures compliance to Site Plan Review.</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency § 135.11 Administration (Enforcement)</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency § 135.14 Violations and Penalties</p>	<p>Not Present</p>	<p>✓ Equivalency Sec.79-8-A: Fine up to \$250 for failure to comply.</p>	<p>Not Present</p>	<p>Not Present</p>	

How to Use the Preliminary Local Codes Assessment

The left-hand column lists key provisions of the Sample Stormwater Management Local Law. In the column headed by the type of ordinance where the provision appears in the local code, write the section of your law or regulation that contains the required provision.

How to Interpret the Preliminary Local Codes Assessment

*If none of the provisions listed in the Preliminary Assessment worksheet appears in the local code, the municipality will need to make extensive amendments to existing laws and should consider amending local land use laws as given in the Sample Stormwater Management Local Law. **If a regulated MS4 municipality adopts the Sample Local Law, Gap Analysis will not be needed.***

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Town of Waterloo Documents

Zoning, 2000

Subdivision Regulation (Under Development)

Site Plan Review (Part of Zoning)

Comprehensive Plan, 2000

**Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5**

Village of Waterloo

Sample Local Law Provision <i>See the referenced section of the full Sample Local Law for complete legislative language.</i>	Local Code Where Provision is Found (Enter Citation) <i>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</i>					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
Sample Local Law, Article 1						
Section 4.1 Applicability. Applicable to all construction activity ... that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre...that is part of a larger common plan of development or sale....	Not Present	Not Present	Not Present	Not Present	Not Present	
4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-					Notes
	Zoning Law	Subdivision Regulation	Site Plan Review	E&SC Law	Other	
4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law	Not Present	Not Present	Not Present	Not Present	Not Present	
4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 4. Maintenance and Repair of Stormwater Facilities During Construction 4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control. 4.1.2 Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

Sample Local Law, Articles 3, 4 and 5						
<i>To be in compliance with the Stormwater Management General Permit for MS4s (GP-02-02), localities that have Subdivision Regulations, Site Plan Review Regulations or Erosion and Sediment Control Laws must amend these laws.</i>						
Article 3. Subdivision Regulation Amendment - Requires Stormwater Pollution Prevention Plans for subdivision approval per requirements in Articles 1 and 2 of the Sample Local Law.		Not Present				
Article 4. Site Plan Review Regulation Amendment - Requires Stormwater Pollution Prevention Plans for site plan approval per requirements in Articles 1 and 2.			Not Present			
Article 5. Erosion and Sediment Control (E&SC) Law Amendment - Updates an existing law to require Stormwater Pollution Prevention Plans per requirements in Article 2. (Alternatively the E&SC law may be repealed and all stormwater management provisions placed in Zoning and other local land use controls.)				Not Present		
Sample Local Law, Article 6						
Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]	Not Present	Not Present	Not Present	Not Present	Not Present	Flood Damage Prevention, Sec.124-12-G: Local Administrator/Engineer/Architect to make periodic inspection to ensure compliance. [Note: not specific about Sediment and Erosion Control]

<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article IX Administration and Enforcement §245-63 Code Enforcement Officer</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article IX Administration and Enforcement §245-56 Penalties for offenses</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Flood Damage Prevention, Sec.124-12-F: Penalties for non compliance. [Note: not specific about Sediment and Erosion Control].</p>

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Village of Waterloo Documents:

Zoning, 1996

Site Plan Review (Part of Zoning)

Flood Ordinance, 1987

Preliminary Local Codes Assessment Worksheet
Compliance with Stormwater Management Minimum Control Measures 4 and 5

Town of Varick

Sample Local Law Provision See the referenced section of the full Sample Local Law for complete legislative language.	Local Code Where Provision is Found (Enter Citation) <small>To determine whether local code matches a provision of the sample law, consult the Demonstration of Equivalence worksheet for that article and section of the sample law.-</small>					Notes
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4.2 SWPPP Review Procedure. The municipality ... shall accept and review all stormwater pollution prevention plans (SWPPPs). [The stormwater management local law must define the procedure by which the SWPPP is distributed to all land use review boards.]	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

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	<p>Zoning Law</p>	<p>Subdivision Regulation</p>	<p>Site Plan Review</p>	<p>E&SC Law</p>	<p>Other</p>	
<p>4.3 SWPPP Review Requirement. All land development activities subject to review and approval by the (applicable board) under (subdivision, site plan, and/or special permit) regulations shall be reviewed subject to the standards contained in this local law</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>4.4 SWPPP Review Requirement. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP)...</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Sample Local Law, Article 2						
<p>Section 2.1 Stormwater Pollution Prevention Plan (SWPPP) Requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in this local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2.1 Contents of Stormwater Pollution Prevention Plans. [To comply, the local law must require all 16 items in the SWPPP, 2.2.1.1-16: Project scope; site map/construction drawings; soils description; construction phasing plan; pollution prevention measures; waste controls; soil stabilization, runoff control and sedimentation control measures location and size; specifications; temporary practices to be converted to permanent control measures; implementation schedule; maintenance schedule; receiving waters; implementation responsibilities; description of structural practices; existing runoff data.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>2.2.2 Definition of Land Development Activities Requiring Post-construction Stormwater Controls, must be as stated in sample local law.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>2.2.3 Constituents of SWPPP when post-construction stormwater management practices are required. [To comply, the local law must require items 1-7 in the SWPPP, 2.2.3.1-7: The 16 E&SC information requirements, plus description of post-construction practices; site map/construction drawings; hydrologic and hydraulic analysis; comparison of pre- and post-development runoff; post-construction practice specifications; maintenance schedule.]</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
<p>Section 3.1, Technical Standards. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law: 3.11 The New York State Stormwater Management Design Manual and 3.12 New York Standards and Specifications for Erosion and Sediment Control.</p>	Not Present	Not Present	Not Present	Not Present	Not Present	
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Sample Local Law, Article 6						
Section 1. Construction Inspection 1.1 Erosion and Sediment Control Inspection. [The MS4 permit requires localities to have procedures for inspecting control measures. Indicate where these procedures are found in local law.]	✓ Equivalency Article IV §402 Duties of the Building Inspector	Not Present	Not Present	Not Present	Not Present	

Gap Analysis of Local and State Stormwater Management Requirements

Seneca County, New York State

<p>Section 3.1, 3.2, 3.3 Enforcement Procedures. [The MS4 permit requires localities to have procedures for enforcing control measures. Indicate where these procedures are found in local law.]</p>	<p>✓ Equivalency Article IV §401 Enforcement Article VIII Violations, Section 801 Enforcement</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	
<p>3.4, 3.5, 3.6 Penalties. [The MS4 permit requires municipalities to enact sanctions (penalties) to ensure compliance to the extent allowed by state or local law. Indicate where these penalties are found in local law.]</p>	<p>✓ Equivalency Article VIII Violations, Section 802 Penalties</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	<p>Not Present</p>	

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Town of Varick Documents:

Zoning Ordinance (Update 2003)

Subdivision Regulation (1977)