

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Section 20(5) of the Municipal Home Rule Law, a public hearing will be held by the Village Board of Trustees of the Village of Port Jefferson on the 26th day of June 2024, at 6:00 p.m. at Village Hall located at 121 West Broadway, Port Jefferson, New York 11777, to consider enacting the following proposed Introductory Local Law:

INTRODUCTORY LOCAL LAW # OF 2024
AMENDING CHAPTER 213 (STORMWATER MANAGEMENT), ARTICLE II
(ILLICIT DISCHARGE AND CONNECTIONS) OF THE CODE OF THE VILLAGE
OF PORT JEFFERSON

SUMMARY

The proposed Local Law would amend Chapter 213 (Stormwater Management), Article II (Illicit Discharge and Connections) of the Code of The Village of Port Jefferson.

This is a summary of the proposed Local Law, a full copy of which is on file in the Village Clerk's Office and is available for inspection during regular Village business hours.

At said public hearing, any persons interested shall be given the opportunity to be heard.

By order of the Board of Trustees of the Village of Port Jefferson.

Dated: June 3, 2024

VILLAGE CLERK SYLVIA PIRILLO, RMC
Port Jefferson, New York

Chapter 213

STORMWATER MANAGEMENT

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Stormwater Management and Erosion and Sediment Control		§ 213-17.	Responsibility for administration.
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[HISTORY: Adopted by the Board of Trustees of the Village of Port Jefferson as indicated in article histories. Amendments noted where applicable.]

PORT JEFFERSON CODE

GENERAL REFERENCES

Building construction — See Ch. 101.

Coastal erosion hazard areas — See Ch. 111.

Environmental quality review — See Ch. 129.

Flood damage prevention — See Ch. 145.

Pollution — See Ch. 191.

Sewers — See Ch. 211.

Subdivision of land — See Ch. 220.

Trees, grading and land clearing — See Ch. 241.

Zoning — See Ch. 250.

ARTICLE II
Illicit Discharges and Connections
 [Adopted 6-4-2007 by L.L. No. 3-2007³]

§ 213-13. Findings.

The Board of Trustees of the Incorporated Village of Port Jefferson finds that a potential and/or actual damage from illicit discharge may be a problem to the residents of the Incorporated Village of Port Jefferson. In order to minimize the threat of such damages and to achieve purposes and objectives hereinafter set forth, this article is adopted.

§ 213-14. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of The Incorporated Village of Port Jefferson through the regulation of nonstormwater discharges to the ~~storm drainage system~~ municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the ~~municipal separate storm sewer system (MS4)~~ in order to comply with requirements of the ~~National Pollutant Discharge Elimination System (NPDES) permit process~~ SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- 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;
- A.B. To regulate the contribution of pollutants to the ~~municipal separate storm sewer system (MS4)~~ by ~~stormwater discharges by any user;~~ since such systems are not designed to accept, process or discharge non-stormwater wastes;
- B.C. To prohibit illicit connections, activities and discharges to the ~~MS4 municipal separate storm sewer system;~~
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and,
- C.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 to the MS4.

§ 213-15. Definitions.

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

~~AUTHORIZED ENFORCEMENT AGENCY — Employees or designees of the director of the municipal agency designated to enforce this article.~~

BEST MANAGEMENT PRACTICES (BMPS) — 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. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

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

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for

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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. NPDES stormwater Phase II permits are required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT – The New York State Department of Environmental Conservation.

DESIGN PROFESSIONAL. New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause,

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1. Editor's Note: This local law was originally adopted as Ch. 114, Illicit Discharges and Connections, but was renumbered in order to fit the alphabetical sequence of the Code.

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.

~~ILLEGAL DISCHARGE — Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in § 213-20A of this article.~~

ILLICIT CONNECTIONS — An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the ~~storm drain system~~MS4, including but not limited to any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the ~~storm drain system~~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. Any drain or conveyance connected from a commercial or industrial land use to the ~~storm drain system~~MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

~~ILLICIT DISCHARGE – Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 213-20 of this article.~~

~~INDUSTRIAL ACTIVITY — Activities subject to NPDES Industrial Permits as defined in 40 CFR or successor statutes or as amended, § 122.26(b)(14). Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.~~

~~MS4 – Municipal Separate Storm Sewer System.~~

~~MUNICIPAL SEPARATE STORM SEWER SYSTEM – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):~~

- ~~A. Owned and operated by the Village of Port Jefferson;~~
- ~~B. Designed or used for collecting or conveying stormwater;~~
- ~~C. Which is not a combined sewer; and~~
- ~~D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.~~

~~MUNICIPALITY – The Village of Port Jefferson.~~

~~NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] or successor statutes and as amended that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.~~

NONSTORMWATER DISCHARGE — Any discharge to the ~~storm drain system~~MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — ~~Dredged soil, 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; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other~~

~~discarded or abandoned objects, ordnance and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.~~

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 when the Village of Port Jefferson has been notified that the discharge of stormwater authorized under their 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 Village 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 Village of Port Jefferson’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 Village of Port Jefferson’s MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the Village’s MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the Village 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 Village of Port Jefferson’s MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the Village must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If the Village’s MS4 is not meeting the TMDL stormwater allocations, the Village must, within six (6) 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 – The State of New York.

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.

~~STORM DRAINAGE SYSTEM — Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.~~

~~STORMWATER — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation. Rainwater, surface runoff, snowmelt and drainage.~~

STORMWATER MANGEMENT OFFICER (SMO) – The Building Department, designated by the Village of Port Jefferson to enforce this article.

303(d) LIST – A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes, and streams that fall short of start 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 to be allowed to be released to a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

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~~STORMWATER POLLUTION PREVENTION PLAN~~ — A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to

~~stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.~~

WASTEWATER — ~~Any water or other liquid, other than uncontaminated stormwater, discharged from a facility. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.~~

§ 213-16. Applicability.

This article shall apply to all water entering the ~~storm drain system~~MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Building Department.

§ 213-17. Responsibility for administration.

The Building Department shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the ~~agency~~Village of Port Jefferson.

§ 213-18. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

~~§ 213-19. Minimum standards.~~

~~The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.~~

§ 213-~~19~~20. Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the ~~municipal storm drain systems~~MS4 or ~~water courses~~ any materials, ~~including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards~~, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article, ~~unless the Department or the Village of Port Jefferson has determined them to be substantial contributors of pollutants~~: water line flushing or other potable water sources, landscape irrigation or lawn watering, ~~existing~~ diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (~~not including active groundwater dewatering systems~~), crawl space ~~or basement sump~~ pumps, air conditioning ~~condensate condensation~~, springs, ~~water from individual residential car washing, noneommercial washing of vehicles~~, natural riparian habitat or wetland flows, ~~dechlorinated~~ swimming pools ~~discharges (if dechlorinated, typically less than one PPM chlorine)~~, ~~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.~~
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety. ~~Discharges approved in writing by the Building Department 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 Building Department may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test. in compliance with applicable state and Village laws is an allowable discharge, but requires a verbal notification to the Building Department prior to the time of the test.

- (4) The prohibition shall not apply to any ~~nonstormwater~~ discharge permitted under an ~~NPDES~~ SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the ~~Federal Environmental Protection Agency~~ Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the ~~storm drain system~~ MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the ~~storm drain system~~ MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

§ 213-20. Prohibition against activities contaminating stormwater.

A. Activities that are subject to the requirements of this section are those types of activities that:

- (1) Cause or contribute to a violation of the Village's MS4 SPDES permit.
- (2) Cause of contribute to the Village being subject to the Special Conditions as defined in § 213-15.

B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Village'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 Village's MS4 SPDES permit authorization.

§ 213-21. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

A. Where the Building Department has identified illicit discharges as defined in § 213-15 or activities contaminating stormwater as defined in § 213-20 the Village may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

- (1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
- (2) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in § 213-15 or an activity contaminating stormwater as defined in § 213-20, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with an industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

§ 213-22~~1~~. Suspension of MS4 access.

- A. Suspension due to illicit discharges in emergency situations. The Building Department 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, or to the health or welfare of persons, or to the MS4 ~~or waters of the United States~~. The Building Department 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 ~~authorized enforcement agency~~ Building Department may take such steps as deemed necessary to prevent or minimize damage to the MS4 ~~or waters of the United States~~, or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge.

- (1) Any person discharging to the MS4 in violation of this article may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The ~~authorized enforcement agency~~ Building Department will notify a violator of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the ~~authorized enforcement agency~~ Building Department for a reconsideration and hearing. Access may be denied if the Building Department determines in writing that the illicit discharge has not ceased or is likely to recur.
- (2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the ~~authorized enforcement agency~~ Building Department.

§ 213-232. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity ~~NPDES-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 Building Department prior to the allowing of discharges to the MS4.

§ 213-243. Access ~~to property; inspection; and~~ monitoring of discharges.

- A. Applicability. This section applies to all facilities that the Building Department must inspect to enforce any provisions of this article, or whenever the Building Department has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article. ~~that have stormwater discharges associated with industrial activity, including construction activity.~~
- B. Access to facilities.
 - (1) The Building Department shall be permitted to enter and inspect facilities subject to regulation

under this article as often as may be necessary to determine compliance with this article. 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 ~~representatives of the authorized enforcement agency~~ the Building Department. Facility operators shall allow the Building Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records ~~that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law as may be required to implement this article.~~

- (2) The Building Department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the ~~authorized enforcement agency~~ Building Department to conduct monitoring and/ or sampling of the facility's stormwater discharge.
- (3) The Building Department has the right to require the ~~discharger facilities subject to this article~~ to install monitoring equipment as is reasonably necessary to determine compliance with this article. 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.
- ~~(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Building Department and shall not be replaced. The costs of clearing such access shall be borne by the operator.~~
- ~~(5)~~(4) Unreasonable delays in allowing the Building Department access to a permitted facility is a violation of ~~a stormwater discharge permit and of~~ this article. A person who is the operator of a facility subject to this article with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.
- ~~(6)~~(5) If the Building Department has ~~been~~ refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, 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 article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

~~§ 213-24. Requirement to use best management practices.~~

~~The Building Department will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater~~

~~pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.~~

~~§ 213-25. Waterecourse protection.~~

~~Every person owning property through which a waterecourse passes, or such person's lessee, shall keep and maintain that part of the waterecourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the waterecourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a waterecourse, so that such structures will not become a hazard to the use, function, or physical integrity of the waterecourse.~~

§ 213-256. 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 are resulting or may result in illegal discharges or pollutants discharging into ~~stormwater, the storm drain system, or water of the United States~~the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the ~~authorized enforcement agency~~Building Department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Building Department within three business days of the phone 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.

§ 213-267. Notice of violation.

- A. Whenever the Building Department finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (5) Payment of a fine to cover administrative and remediation costs; and
 - (6) The implementation of source control or treatment BMPs.
- B. 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 charged to the violator.

§ 213-278. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

§ 213-289. Enforcement measures after appeal.

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 10 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

§ 213-3029. Cost of abatement of violation.

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

§ 213-304. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the authorized enforcement agency 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.

§ 213-312. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the authorized enforcement agency may impose upon a violator alternative compensatory actions, included but not limited to storm drain stenciling, attendance at compliance workshops and creek cleanup.

§ 213-323. Violations deemed a 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 article 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.

§ 213-334. Penalties for offenses. [Amended 1-5-2015 by L.L. No. 1-2015]

A. Any person who violates this article or fails to comply with any of its requirements shall, upon

conviction thereof, be subject to the penalties provided in § 1-2 of the Code of the Village of Port Jefferson.

- B. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

§ 213-345. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

§ 213-356. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Village Board of Trustees of the Incorporated Village of Port Jefferson has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Incorporated Village of Port Jefferson and for the protection and enhancement of its physical environment. The Village Board of Trustees of the Incorporated Village of Port Jefferson may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 213-367. When effective.

This article shall be in full force and effect immediately upon filing in the office of the Secretary of State.