

## **Town of Dryden Stormwater Management, Erosion and Sediment Control Law**

### **Section 5. Definitions**

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

**Adverse Impact** – a negative impact on land or waters resulting from a land development activity. The negative impact may include impairment to human or natural uses (such as increased risk of flooding, degradation of water quality, sedimentation, reduced groundwater recharge, impaired recreational use, impacts on aquatic organisms or other resources, or threats to public health).

**Area of Disturbance** – the total land area subject to Land Development Activity, as defined below. If activities are part of a larger common plan of development or sale, total Area of Disturbance is calculated for the entire project, even though multiple separate and distinct land development activities may take place at different times on different schedules.

**Agricultural Activity** – the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**Applicant** – a property owner or agent of a property owner who has filed an application for a land development activity.

**Basic SWPPP** – A Stormwater Pollution Prevention Plan (SWPPP) that includes all requirements for erosion and sediment control, but does not require post construction water quality and quantity controls.

**Best Usages** – the protected uses identified for each class of waters of New York State, under the classification system described in 6 NYCRR Part 701, Classifications-Surface Waters and Groundwaters.

**Borrow Area** – An area from which soil, sand, gravel, or other similar material is excavated.

**Building** – any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 150 square feet of area.

**Certified Inspector** – a Certified Erosion, Sediment, and Stormwater Inspector (CESSWI), in accordance with the procedures of the certifier, CPESC, Inc., or whose qualifications are approved by DEC or the Town Board.

**Certified Professional** – A Certified Professional in Erosion and Sediment Control (CPESC) or Certified Professional in Stormwater Quality (CPSWQ), as appropriate for the task at hand, in accordance with the procedures of the certifier, CPESC, Inc., or whose qualifications are approved by DEC or the Town Board.

**Channel** – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Clearing** – any activity that removes the vegetative surface cover.

**Common Plan of Development or Sale** – a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name. The term also includes phased construction activity by a single entity for its own use. For discrete construction projects that are located within a larger common plan of development or sale that are at least ¼ mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

**Concentrated Flow** – runoff that accumulates or converges into well-defined channels, whether man-made or formed naturally by erosion. The opposite of concentrated flow is sheet flow, where flowing water is distributed

evenly over the ground surface. Over distance on natural surfaces, sheet flow tends to become concentrated flow due to erosion. To convert concentrated flow into sheet flow, use of an engineered structure, such as a flow spreader, is generally required.

**Connected Impervious Surface** – the total area of impervious surface in a project (such as paved areas and rooftops) that will drain directly, via impervious conveyance (such as gutters, pipes, or paved or compacted channels or ditches), to the municipal separate storm sewer system (whether a road ditch or storm sewer) or to a surface water. Also see definition of “Disconnected impervious area”.

**Dedication** – the deliberate appropriation of property by its owner for general public use.

**DEC** – the New York State Department of Environmental Conservation.

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

**Detention** – temporary storage of stormwater runoff.

**Developer** – a person undertaking land development activity, or for whose benefit land development activities are carried out.

**Development** – to make a site or area available for use by physical alteration. Development includes but is not limited to providing access to a site, clearing of vegetation, grading, earth moving, excavating, providing utilities and other services such as parking facilities, stormwater management and erosion control systems, altering landforms, or constructing a structure on the land.

**Disconnected impervious area** – Impervious area that is not directly connected to a stream or drainage system, but which directs runoff towards pervious areas where it can infiltrate, be filtered, and slowed down. See DEC’s document “The Use and Implementation of Stormwater Credits”, for more detailed guidelines.

**Drainage Area** – a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

**EPA** – Environmental Protection Agency

**Erosion Control Manual** – the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly know as the “Blue Book”.

**Final stabilization** – when all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of eighty (80) percent has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

**Floodplain** – the area of land that is inundated when flow exceeds the capacity of the normal channel.

**Flood** – A flow event where the capacity of the channel is exceeded.

**Full SWPPP** – A Stormwater Pollution Prevention Plan that includes all requirements for erosion and sediment control, and also post construction water quality and quantity controls.

**Grading** – any excavating, filling, or stockpiling, including resulting conditions thereof.

**High Pollutant Loading Areas** – areas in industrial and commercial developments where solvents or petroleum products are loaded/unloaded, stored, or applied; areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities.

**Hydric Soil** – a soil that formed under conditions of saturation, flooding, or ponding long enough during the

growing season to develop anaerobic conditions in the upper part. The Natural Resources Conservation Service (NRCS) maintains a list of criteria for the designation of hydric soils, and the US Army Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1 (Environmental Laboratory, 1987) contains further detail on field indicators of hydric soils.

**Impervious Area** – those surfaces, improvements, and structures (such as but not limited to pavement, sidewalks, patios, terraces, decks, rooftops, tennis courts, and swimming pools) that cannot effectively absorb rainfall, snowmelt, and water.

**Industrial Stormwater Permit** – a State Pollution Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration** – the process of stormwater percolating into the subsoil.

**Land Development Activity** – all activities including clearing, grubbing, grading, excavating, stockpiling, placement of fill, paving, installation of utilities, and construction of buildings or structures that result in soil disturbance.

**Landowner** (Owner, or Property Owner) – the legal or equitable owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**Licensed Professional** - a licensed professional engineer or licensed landscape architect who is knowledgeable in the principles and practices of erosion and sediment control and stormwater management.

**Maintenance Agreement** – a legally recorded document that acts as a property deed restriction, and which requires long-term maintenance of stormwater management practices.

**Nonpoint Source Pollution** – pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, forestry, mining, construction, subsurface disposal and urban runoff sources.

**Operator** – the person having operational control over the construction plans and specifications for a project and/or responsibility for day-to-day supervision and control of the activities occurring at a construction site, and/or responsibility for long term maintenance of a stormwater management facility.

**Person** – shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description, and acting as either the owner or the owner's agent.

**Phasing** – Land Development Activity completed in distinctly separate parts, with the stabilization of each piece completed before the clearing of the next.

**Pollutant of Concern** – sediment or a water quality measurement that addresses a sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**Project** – land development activity

**Project Site** – the portion of a parcel (or parcels) on which land development activity will occur.

**Qualified Professional** – a person knowledgeable in the principles and practices of erosion and sediment control and stormwater management, such as a licensed professional engineer, licensed landscape architect, or certified professional (as defined herein).

**Recharge** – the replenishment of underground water reserves.

**Redevelopment** – Reconstruction or modification to any existing previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance. Redevelopment is distinguished from development or new development in that new development refers to construction on land

where there had not been previous construction. Redevelopment specifically applies to constructed areas with impervious surface.

**Retention** – a practice designed to collect and store stormwater runoff without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool or tank.

**Sediment Control** – measures that prevent eroded sediment from leaving the site.

**Sensitive Areas** – cold water fisheries, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species, wetlands, and Unique Natural Areas.

**Silvicultural Activity** – The on-going practice involving the dedicated and cyclic use of land expressly for the periodic production of timber. For example, clear-cutting is not considered an exempt silvicultural activity.

**Simple SWPPP** – A Stormwater Pollution Prevention Plan that includes an erosion and sediment control plan appropriate for small areas of disturbance.

**Slope(s)** – In this law, generally described as percent slope, which is calculated as rise over run (vertical change in elevation between two representative points on the site divided by horizontal distance between the same two points) and multiplied by 100. For example, a 5% slope is a rise of 5 feet over a horizontal distance of 100 feet. Percent slope may be calculated by observing contour lines on a map, or by use of survey equipment. Slope can also be expressed in degrees, as in angle degrees, ranging from 0 to 90 degrees (which would be a vertical cliff). To convert from degrees slope to percent slope, take the tangent of the slope in degrees, and multiply by 100.

**Sole Source Aquifer** – Under the federal Safe Drinking Water Act (42 U.S.C. §300h-3(e)), the Administrator of the EPA may determine that an underground water supply is the sole or principal source of drinking water for an area that, "if contaminated, would create a significant hazard to public health." If such a determination is made, the Administrator may designate the aquifer as a Sole Source Aquifer. Such designation may be initiated by a petition. There are currently no Sole Source Aquifers in Dryden. The Stormwater Design Manual contains a map of Sole Source Aquifers in New York State.

**Source Material** – any material(s) or machinery, which is directly or indirectly related to process, manufacturing, or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery; and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

**SPDES General Permit for Construction Activities GP-02-01** – a permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02** – a permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and to specify stormwater control standards.

**Stabilization** – the use of practices that prevent exposed soil from eroding.

**Stop Work Order** – an order issued which requires that some or all construction activity on a site be stopped.

**Stormwater** – rainwater, surface runoff, snowmelt and drainage.

**Stormwater Hotspot** – a land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff, based on monitoring studies. See the Stormwater Design Manual for details and a list of land uses designated as hotspots for the State of New York.

**Stormwater Management** – the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources, and the environment.

**Stormwater Management Facility** – one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**Stormwater Management Officer (SMO)** – an employee or officer designated by the Town Board to accept and review stormwater pollution prevention plans, forward the plans to the applicable board, issue permits and approvals, and inspect and enforce stormwater management practices.

**Stormwater Management Practices (SMPs)** – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**Stormwater Pollution Prevention Plan (SWPPP)** – a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**Stormwater Runoff** – flow through or on the ground surface resulting from precipitation.

**Stream Corridor** – the landscape features on both sides of a stream, including soils, slopes, and vegetation, whose alteration can directly impact the stream's physical characteristics and biological properties.

**Surface Waters of the State of New York** – lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**Swale** – low-lying vegetated area with gradual slopes which transports stormwater, either on-site or off-site.

**Time of Concentration** – The time required for storm runoff to flow from the most remote point, in flow time, of a drainage area to the outlet.

**Unique Natural Area** – Those areas included in the Unique Natural Areas Inventory of Tompkins County.

**Watercourse** – a natural or human-made waterway, drainage way, drain, river, stream, diversion, ditch, gully, swale, or ravine having banks, a bed, and a definite direction with continuous or intermittent flow.

**Watershed** – total drainage area contributing runoff to a given point along a watercourse.

**Waterway** – A channel that directs surface runoff to a watercourse or to the public storm drain.

**Wetland** – Any area which meets one or more of the following criteria:

1. Lands and waters that meet the definition provided in New York State Environmental Conservation Law, Article 24, "Freshwater Wetlands Act." The approximate boundaries of such lands and waters are indicated on the official wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation, or as amended and updated.
2. Areas which meet the definition used by the US Army Corps of Engineers and US Environmental Protection Agency: "Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas."

**Wetland Delineation** – The process of determining the boundaries of a wetland in the field, as described in the US Army Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1.