

May 25, 2005

Supervisor Joseph Davis  
One Overrocker Road  
Poughkeepsie NY 12603

Subject: Public Comment on the Draft 2005 Stormwater Management Program Annual Report

I would like to offer the following public comment on the Town's Draft 2005 Stormwater Management Program Annual Report. As required by NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, a summary of comments and intended responses must be included in the annual report and the final report must be made available for public inspection.

**Minimum Measure 1: Public Education and Outreach in Stormwater Impacts**

Measurable goals achieved and other accomplishments:

Report states "Wappingers Lake and Fallkill Creek identified as Priority 303(d) waterbodies". The Federal Clean Water Act requires states to assess and report on the quality of waters in their state. States must also establish a priority ranking for the listed waters, taking into account the severity of pollution and uses. This information is submitted by the state and approved by the United States Environmental Protection Agency. The Town should not be claiming the actual identification of these waterbodies as a measurable goal achieved or other accomplishment. Furthermore, while possible sources of pollutants are listed in the report, no steps as to how to reduce the pollutants are identified thereby missing the opportunity for public education and outreach.

Activities Planned for Upcoming Year:

Should include steps that can be taken to reduce pollutants in impaired waters of Wappingers Lake and Fallkill Creek

Measurable goals achieved and other accomplishments:

Report states "The Planning Board has continued to ask for low impact development during review". Low Impact Development(LID) is a relatively new practice that attempts to unite site planning, land development, and stormwater management with ecosystem protection. The Town should clearly define what they consider to be LID and this information should be made available for public education and outreach. LID should be used as much as possible to reduce stormwater discharges. As such, the Planning Board should place the burden on the applicant to demonstrate why it is not feasible to develop using low impact development techniques.

Activities Planned for Upcoming Year:

Should include measure requiring an applicant to demonstrate why it is not feasible to develop using LID techniques.

Measurable goals achieved and other accomplishments:

Report states " 34 households toured DCWSCD 08/04 Stormwater Display". The report does not state where this display was and whether or not the 34 households were from the Town of Poughkeepsie. If this information was contained in referenced Schedule A, Schedule A (as of May 25, 2005) was not available on the Town's website for public review as part of the Draft 2005 Stormwater Management Program Annual Report.

Activities Planned for Upcoming Year:

Should include outreach specific to Town of Poughkeepsie residents.

**Minimum Measure 2: Public Involvement/Participation**

Public Notice and access to documents and information

Activities Planned for Upcoming Year:

Report states "2004-2005 Annual Report will be made available on town website". On February 25, 2005, the Chair of the Town's Conservation Advisory Commission sent a memo to the Supervisor, copying the Town Board and Town Stormwater Contact person, requesting that the CAC be given the opportunity to review the Draft 2005 Stormwater Management Program Annual Report as soon as it became available. On May 2, 2005, in the mailroom of Town Hall, the CAC Chair was informed by Councilman Tancredi that the Town Board was to receive comments on the Report at the May 18 Board Meeting. The CAC Chair immediately went to see the Stormwater Contact Person who said he had no knowledge of the report. The Contact Person took the CAC Chair's name and address and was told that he would be at the top of the list to be notified when the report became available. On May 17th, the CAC Chair spoke to the Stormwater Contact Person who again indicated that he had no knowledge of the availability of the Report. It was not until 4:18 pm on May 17th, one day before the Town Board Meeting where the Report was to be discussed, was the CAC Chair notified that the report was available in the Town Clerk's Office. Nobody from the CAC saw any notification in any local papers that the Draft Report was available for review. In February, the CAC requested that the Draft Report be placed on the Town's website and as of May 18th, 2005 it had not. The CAC made both written and oral requests to be notified when the document was available. It appears that the only notification of the actual availability of the Report was a mention of it during the May 4th Town Board Meeting. Other than for the people attending this meeting, there was essentially no public notification. This does not appear to meet either the spirit or intent of DEC regulations NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, Page 13 states "**The Department recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in stormwater management in the municipality.** Recommendations for publicizing this public review opportunity are available from the Department and/or EPA websites". The Town should study and implement these recommendations in the upcoming year in order to comply with the Public Involvement/Participation requirement.

Measurable goals achieved and other accomplishments:

Report states "2.17 acres of trees/shrubs planted to establish riparian buffers, prevent soil erosion & attenuate run-off". The report does not state where these 2.17 acres were planted or who planted them. Were they planted in the Town of Poughkeepsie? If so, where in the Town? Were they planted as a preventive measure or resulting from water quality violations? This information should be provided.

Activities Planned for Upcoming Year:

Again, it is stated "see attached Schedule A" which was not available on the Town's website. In order to maximize Public Involvement/Participation, the Town should place all documents associated with the Stormwater Management Program Annual Report on its website in order to accommodate Town residents not able to visit Town Hall Monday through Friday, 8 to 4, due to work conflicts. The Town should also consider placing copies of these documents at the Public Library which has weekend hours.

Measurable goals achieved and other accomplishments:

Report states "Draft Annual Report presented at May 4th and 18th Town Board Meetings, and public comment compiled". It is not clear how public comment could have been compiled since the Draft Annual report was already complete by the time the May 4th meeting took place. According to the Town's Engineering Consultant, it was noted at the May 4th meeting that the report was available at the Clerk's office for public review. Public comment should not be compiled until the end of the public comment period and comments should then be made available for public review.

Activities Planned for Upcoming Year:

Again, it is stated "see attached Schedule A" which was not available on the Town's website for public review. Elsewhere in the report it states "see attached Schedule A" which was not available on the Town's website for public review. The Town's website also indicates "Public Annual Report on its website in order to accommodate Town residents not able to visit Town Hall Monday through Friday, 8 to 4, due to work conflicts. The Town should also consider placing copies of these documents at the Public Library which has weekend hours.

### **Minimum Measure 3: Illicit Discharge Detection and Elimination**

#### Measurable goals achieved and other accomplishments:

Report states "Inspection where completed for 75% of the outfalls in the Fallkill and Wappingers Basins. No illicit discharges were detected during the inspections". Given that illicit discharges are hard to detect, what criteria was used to determine that there were no illicit discharges and who performed the inspections? This is especially critical given the Fallkill's listing as an impaired waterbody. What is the notification procedure if illicit discharges are detected during inspections?

#### Activities Planned for Upcoming Year:

It is stated that "inspections will be completed" and "any illicit discharges identified will be noted (3/2005)". Either the deadline has been missed or the date is in error. Again, it is stated "see attached Schedule A" which was not available on the Town's website for public review. Notification procedure should be in place if illicit discharges are detected during inspections.

#### Measurable goals achieved and other accomplishments:

Report states "Identified priority Town facilities at risk for potential to create illicit discharges". While facilities at risk were identified, no steps as to how to reduce potential for risk were identified. Also, the report does not state how public employees, businesses, and the general public were informed of the risk potential.

#### Activities Planned for Upcoming Year:

Should include steps to reduce potential to create illicit discharges. Should include measures to inform public employees, businesses, the general public, including the Town's Conservation Advisory Commission, of the risk potential.

### **Minimum Measure 4: Construction Site Stormwater Runoff Control**

#### Require erosion and sedimentation controls

#### Measurable goals achieved and other accomplishments:

Report states "Drafted Stormwater Control Law to require erosion and sedimentation controls". The Town is not always complying with erosion and sediment control laws, most recently on roadwork performed on Boardman Road by Town employees and an outside contractor (photos available on request). If the Town does not set a good example, how can it expect others to comply with the law?

#### Activities Planned for Upcoming Year:

Town employees and contractors must be required to comply with erosion and sediment control regulations. If education alone is not enough to ensure compliance, then stricter measures must be taken.

#### Require construction site plan review:

Activities Planned for Upcoming Year:

Report states "The Town will continue to required 100% of land development activities disturbing areas greater than the thresholds established by the DEC to submit SWPPPs including Erosion and Sediment Control Components". The statement "greater than the thresholds established by the DEC" does not seem correct and requires clarification.

Site inspection and enforcement:

Activities Planned for Upcoming Year:

Report states "The Town will continue to regularly inspect 100% of active construction sites requiring stormwater pollution prevention plans and enforce those plans". What is the regular inspection plan, have procedures been established? What is the notification process when SWPPP violations are found? Are records of violations available for public review? If so, the public should be made aware of how to obtain that information

**Minimum Measure 5: Post-Construction Stormwater Management**

Measurable goals achieved and other accomplishments:

Report states "retrofitting existing drainage system in residential neighborhood north of Reese Audubon Sanctuary". What did this involve and was this the only potential retrofit project identified?

**Minimum Measure 6: Pollution Prevention/Good Housekeeping**

Measurable goals achieved and other accomplishments:

Report states "identified priority Town facilities at risk for potential to discharge pollutants". What steps are being taken to address not just identify risk? Has the Town developed and implemented an operation and maintenance program designed to reduce and prevent the discharge of pollutants? (as required by NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, Page 18)

Doreen Tignanelli

cc: Town Board Members

(Five pages, sent via email and fax)