

Sunday, June 25, 2023 11:27 PM

To whom it may concern

Regarding the ZBA Hearing on landfill located at 1362 Plandome Rd.

Since the Village has failed to educate its boards and Superintendent on the MS4 (Municipal Separate Storm Sewer System) permit and its implications, the short course. This permit is required of all municipalities that discharge to water of the US. There is an annual report requirement to which Plandome must comply. Separate Storm Sewer systems are defined as any manner of conveyance to waters, not just pipes and gutters. Chapter 104 of the Village Code was required to be adopted by the State. Please note - it is not in Zoning and Zoning boards do not have the power to give dispensations to this chapter.

Village of Plandome Chapter 104 Erosion Control and Stormwater Management
§ 104-20 Requirement to prevent, control and reduce stormwater pollutants by the use of best management practices.

A.

Best Management Practices. Where the SMO has identified illicit discharges as defined in § **104-14** or activities contaminating stormwater as defined in § **104-19**, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

(1)

The owner or operator of an establishment, other than residential, shall provide, at his or its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.

(2)

Any person responsible for a property or premises which is or may be the source of an illicit discharge as defined in § **104-14** or an activity contaminating stormwater as defined in § **104-19** may be required to implement, at said person's expense, additional structural and nonstructural 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 industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

Once again, the allowance by the Village of Plandome of large amounts of fill adjacent to Leeds Pond, without proper erosion control constitutes a violation of their MS4 permit. While the site is under the 1 acre trigger for a full review, it does fall under best management practices, wherein the Village must make a best effort to prevent stormwater carrying sediment and pollutants from reaching water bodies.

It also raised the question of the type of septic system that was allowed. If it was a conventional cesspool without advanced nitrogen treatment, that could also constitute a violation of the MS4 as new systems are approved and available, and the location, immediately adjacent to the pond guarantees contamination from a conventional system.

The Village also needs to proactively require vegetative buffers and prevent tree removal from the shoreline of the pond and the upper stream corridor to prevent additional erosion and nitrogen pollution contaminating not only the pond, but Manhasset Bay and the Sound.

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