§ 43-0112. Stormwater management and stream corridor management.

1. Stormwater management plans for lands where development is occurring or may occur in the future. The commission shall adopt, after public hearing according to the provisions of the state administrative procedure act, rules and regulations for the preparation of local stormwater management plans and stormwater regulatory programs. Such rules and regulations shall be developed in consultation with the department, the Adirondack park agency and each municipality located in whole or in part within the park, and shall be subject to approval by the department and Adirondack park agency.

a. Within eighteen months of the effective date of such rules and regulations of the commission, each municipality located in whole or in part within the Lake George park shall prepare a stormwater management plan and a stormwater regulatory control program which implements such plan consistent with such rules and regulations and subject to the approval of the commission.

b. Stormwater management plans and their implementing stormwater control regulatory programs shall be designed:

(1) to prevent any increase in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion; and

(2) to prevent any increase in pollution caused by stormwater runoff from development, which would otherwise degrade the quality of water in Lake George and its tributaries and render it unfit for human consumption, interfere with water-based recreation or adversely affect aquatic life.

c. In addition to pollution standards, the stormwater control regulatory program shall incorporate a standard which requires that the total annual volume of surface water runoff which flows from any specific site during and following development shall not exceed that which prevailed prior to development. The methods used to determine the annual volumes of surface water runoff shall be developed by the commission and incorporated in the rules and regulations for the preparation of the local stormwater management plans and regulatory

control programs.

d. Any municipality located in whole or in part within the park may enter into an agreement with the commission for the commission to develop the municipality's stormwater management plan. Such an agreement must be entered into within ninety days of the effective date of the commission's rules and regulations adopted pursuant to this subdivision and, if such agreement is not made in such time period and the municipality fails to meet the requirement of paragraph a of this subdivision, the commission shall be deemed to have the authority to develop such plan.

2. Stormwater management study for sites and areas where development has occurred prior to the effective date of this section. The commission, in consultation with the department, the Adirondack park agency and each municipality located in whole or in part within the park, and subject to the approval by the department and Adirondack park agency, shall prepare a study of the feasibility of reducing the impacts of stormwater runoff in areas of the park where development has already occurred. This study shall assess the impact of stormwater runoff on water quality from existing development, identify cost effective measures to control stormwater runoff, and propose funding mechanisms for implementation of such measures. The commission shall complete the study within two years of the effective date of this section. Upon completion of the study of the commission, the study's recommendations shall be incorporated by the commission into the stormwater management plan and by each municipality into its stormwater regulatory control program, subject to the approval of the commission.

3. Implementation. In addition to existing powers and authorities therefor, each municipality located in whole or in part within the park is hereby authorized and empowered to adopt and implement a stormwater regulatory control program consistent with the provisions of this section. If the commission finds that any such municipality has failed to adopt such program, to incorporate recommendations pursuant to subdivision two of this section or to implement such program, the commission is hereby authorized and empowered to assume the authority of

the municipality that has failed to act, adopt and implement a stormwater regulatory program consistent with the provisions of this section for the municipality subject to the commission's finding.

4. Nothing in this section shall be construed to limit the department's authority to regulate discharges or stormwater.

5. The commission shall, after consultation with the department, the department of health, the Adirondack park agency and each municipality located in whole or in part within the park, further promulgate regulations relative to stream corridor management which shall include standards for the location of roads, stream channelization, the frequency of stream crossings, and timber harvesting and vegetative cutting restrictions within designated stream corridors. The regulations adopted pursuant to this section may be stricter than regulations promulgated by the department.

6. In cooperation with local lake associations and educational institutions, the commission shall continue existing water quality monitoring programs to monitor water quality in Lake George to determine the effectiveness of control measures, and to identify sources of ground and surface water contamination for investigation and enforcement purposes.