

RULE REVIEW

LAKE GEORGE PARK COMMISSION

Review of existing rules pursuant to State Administrative Review Act Section 207. Section 207 of the State Administrative Review Act (SAPA) requires that each agency review, after five years and thereafter at five year intervals, each of its rules which is adopted on or after January 1, 1997 to determine whether such rules should be modified or continued without modification.

Pursuant to SAPA Section 207, Public comment on the continuation or modification of the rules governing Stormwater Management within the Lake George Park (6 NYCRR 646-4) is invited. Comments may be directed to: Michael P. White, Executive Director, Lake George Park Commission, P.O. Box 749, 75 Fort George Road, Lake George, NY. www.lgpc.state.ny.us. The deadline for receipt of public comments is close of business January 31, 2004.

Stormwater Management regulations for the Lake George Park were first promulgated on September 19, 1990 and revised on September 9, 1998.

Regulations.

1. Section 646-4.1 of Title 6 NYCRR.

Description: This rule amended the former rule by adding a preamble which set the 1998 revision's historic context.

Analysis of Need for the Rule. This rule provides important information about the Lake George Park Stormwater Management Program.

Legal Basis for the Rule: Environmental Conservation Law 43-0112.

2. Section 646-4.2 of Title 6 NYCRR

Description: Amendment of 646-4.2 Purpose and Intent to set forth legislative purpose of 43-0112.

Analysis of Need for the Rule: This rule is necessary to set forth the broad purposes of the legislation and to establish a context for the regulations which follow.

Legal Basis for the Rule: Environmental Conservation Law 43-0112.

3. Section 646-4.3 of Title 6 NYCRR

Description: Applicability: establishes applicability of the regulations to each municipality wholly or partially within the Lake George Park and to land development within the Lake George Park unless otherwise exempted.

Analysis of the Need for the Rule: The amendments were necessary to apply stormwater management permit requirements and standards to land development activities within municipalities within the Lake George Park.

Legal Basis for Rule: Environmental Conservation Law 43-0112.

4. Section 646-4.4 of Title 6 NYCRR

Description: Amendments to definitions.

Analysis of Need of Rule: Clarifies the meaning of terms used in the program.

Legal Basis for the Rule: Environmental Conservation Law 43-0112.

5. Section 646-4.5 of Title 6 NYCRR

Description: Prohibitions. This rule created express provisions

prohibiting certain land disturbance activities without a permit and prohibiting property owners from maintaining a condition of erosion after notice and an opportunity to remedy.

Analysis of Need of Rule: The amendments establish prohibitions to prevent degradation of Lake George and its tributaries from uncontrolled land development activities.

Legal Basis for Rule: Environmental Conservation Law 43-0112.

6. Section 646-4.6 of Title 6 NYCRR

Description: The amendments require stormwater management plans and stormwater regulatory control programs.

Analysis of Need for Rule: This rule is necessary to implement requirements for local stormwater programs.

Legal Basis for Rule: Environmental Conservation Law 43-0112.

7. Section 646-4.7 of Title 6 NYCRR.

Description: Amendment establishes time limits for implementation of stormwater management plans and stormwater regulatory control programs.

Analysis of the Need for Rule: This rule sets forth the basis for Lake George Park Commission's determination to assume authority for local stormwater regulatory programs.

Legal Basis for Rule: Environmental Conservation Law 43-0112.

8. Section 646-4.8 - 17 of Title 6 NYCRR.

Description: Establishes revised requirements for stormwater management plans and stormwater regulatory control programs; establishes revised standards for designs of stormwater control measures and sedimentation and erosion prevention measures.

Analysis of Need of Rule: The rule is necessary to establish appropriate mechanisms to prevent degradation of Lake George and its tributaries from pollutants contained in stormwater runoff from land development and disturbance activities.

Legal Basis for Rule: Environmental Conservation Law 43-0112.

9. Section 646-4.18 of Title 6 NYCRR

Description: Establishes standards and procedures for variances.

Analysis of Need for Rule: Variances from the strict application of design criteria relieve hardship in individual cases.

Legal Basis for Rule: Environmental Conservation Law 43-0112.

10. Section 646-4 Appendix A. Title 6 NYCRR.

Description: Model Ordinance for Local Stormwater Regulatory Control Programs.

Analysis of the Need for Rule: The amendment provides important guidance for local stormwater regulatory program consistent with the subpart.

Legal Basis for Rule: Environmental Conservation Law 43-0112.