

ILLICIT DISCHARGE ENFORCEMENT PROGRAM

The Town of Shelter Island has the following plans and protocols to enforce illicit discharges.

1. Education

An Illicit Discharge is any direct or indirect discharge of material other than stormwater into a government drainage road or basin.

The Town has added several pages to its website (under the MS4 tab) to explain Illicit Discharges to the public. This helps the public prevent illicit discharges of its own, and helps them recognize such discharges when they occur. Due to budgetary constraints, the town has a limited number of code enforcement personnel and often relies on the keen eyes of the public to notice and report inappropriate activities.

2. Building Department - 1^o enforcement mechanism

Observations regarding an illicit discharge should be reported to the Shelter Island building department at 749- 0772. Their normal working hours are M-F, 8 am to 4 pm.

Upon receipt of a report of an illicit discharge, building staff shall respond to the site of the alleged discharge and seek independent observation and proof of the existence of an illicit discharge. Staff is authorized to take photos and/or samples of the alleged discharge and obtain the outside opinion of an expert if necessary to identify the substance being discharged.

If the discharge can be traced back to a particular property, the owner shall be contacted in person or by telephone as soon as possible and shall be asked to stop the discharge and clean up the situation immediately. If the owner is not available, contact may be by letter or summons. In the interim, the building staff shall report the discharge to the Highway Department or other company capable of cleaning up the discharge, and the associated cost of cleanup shall be a legal charge against the property owner. If the discharge cannot be traced to a particular property, the building staff shall report the discharge to the Highway Department or other company capable of cleaning up the discharge.

3. Off hours - 2^o enforcement mechanism

During weekend, evening and nighttime hours, illicit discharge calls of an urgent nature shall be routed to the Police Department, 749-0600, for investigation and enforcement. The police department will attempt to contact a representative from the building department to also respond to the call. If a representative is not available, the Police Department shall follow the response mechanism outlined above. Calls of a less urgent nature shall wait for the building inspector to investigate during normal working hours.

4. Other agencies

Nothing in this policy will preclude requests to other agencies or organizations to respond to and/or clean up an illicit discharge, including the NYS DEC, adjacent towns and villages, etc.

5. Record of Illicit Discharge calls and investigations

The Town of Shelter Island is required to track the number of calls, time spent on investigation and cleanup, and prosecutions arising out of Illicit Discharge investigations. The clerk of the Building Department will maintain a separate log of such information. Building staff, bay constables and police officers responding to Illicit Discharge calls shall submit notes summarizing this information to the building clerk as soon as possible after the matter is resolved.