The Stormwater Coalition Training Blitz

Track 2 Officials/Management/Others The Stormwater Regulations and Future MS4 Permit

In fulfillment of MS4 Permit training requirements
February to March, 2020

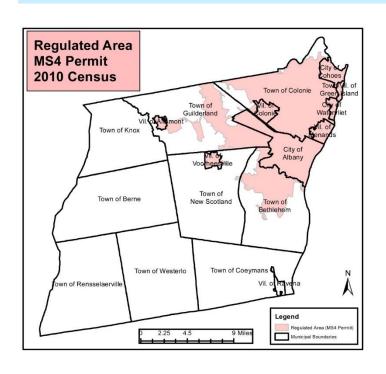


Nancy Heinzen, Coalition Director
Albany County Health Dept Building
175 Green Street, Room B026
518-447-5645; www.stormwateralbanycounty.org

Stormwater Coalition of Albany County Education, Participation, Compliance

This presentation is brought to you by the Stormwater Coalition of Albany County

an inter-municipal, intergovernmental approach to "MS4" stormwater permit compliance with many "lessons learned" to share.



Coalition Members

City of Cohoes
City of Watervliet
City of Albany

Town of Colonie
Town of Guilderland
Town Bethlehem
Town of New Scotland

Village of Green Island Village of Menands Village of Voorheesville Albany County
University at Albany

TRACK 2 Training Outline for Officials/Management/Others The Stormwater Regulations and Future MS4 Permit

I. The Clean Water Act

- History
- The SPDES Concept Map
- Fines and Audits
- II. MS4 Permit Tasks and Your Role
- III. The Future MS4 Permit
- **IV. Proudest Accomplishments**
- V. Questions and Sign Out

Water pollution is regulated...

1972 Federal Clean Water Act

Required the regulation of <u>Point</u> Source discharges of pollutants to the "Waters of the U.S."

NPDES Permits (EPA) "Nipdies" Permit

National Pollutant Discharge Elimination System Permits

Environmental Protection Agency (EPA) authorized the New York State Department of Environmental Conservation (NYSDEC) to administer a State Clean Water Act permit program

SPDES Permits (NYSDEC) "Speedies" Permit

State Pollutant Discharge Elimination System Permits (minimally includes everything in a NPDES permit, plus more as determined by NYSDEC)

1978 to 1983 "NURPS" Data

Nationwide Urban Runoff Program

- EPA funded series of studies and projects
- •1978 to 1983
- What EPA learned...
 - "...stormwater contained many of the same

conventional and toxic pollutants regulated

from process outfalls and publicly owned treatment works,

sometimes in very high quantities"

CPESC training manual, 2004

May 20, 2019 Normanskill Creek, 7:53 am (Mohawk Hudson Bike Trail bridge)



<u>Runoff Pollutants</u>: Phosphorus, Nitrate, Potassium, Copper, Lead, Zinc, Fecal Coliform, Total Solids, Petroleum, More.... SOURCE: Various items and behaviors

1987 Amendments to the Federal Clean Water Act

(created stormwater discharge permits, phased implementation)

Phase I promulgated in 1990

- -Large municipalities
- -Construction disturbing >5 acres
- -Industrial activities

Phase II promulgated in 1999

- -Smaller municipalities (small cities, towns, villages, counties)
- -Schools, universities
- -Construction disturbing >1acre
- -Industrial activities

Current Stormwater Discharge Permits

Phase II promulgated in 1999 (first permits issued in 2003)

-Smaller municipalities (small cities, towns, villages, counties), schools, and universities

NYSDEC SPDES General Permit for Stormwater Discharges From

Municipal Separated Storm Sewer System (MS4s) Permit No. GP-0-15-003

-Construction disturbing >1acre

NYSDEC SPDES General Permit for Stormwater Discharges From

Construction Activity Permit No. GP-0-20-001

Issued: 1/29/2020 Expires: 1/28/2025

-Industrial activities

NYSDEC SPDES Multi-Sector General Permit for Stormwater Discharges

Associated With Industrial Activity Permit No. GP-0-17-004

Issued: 3/1/2018 Expires: 2/28/2023

The Stormwater Discharge Permits...

Construction Activity Permit

(>1 acre everywhere)

Multi-Sector Industrial Activities Permit

(29 Sectors Eligible for Coverage)

The Municipal Separated Storm Sewer System (MS4) Permit

-mandated oversight of Construction Activity Permits

-mandated Multi-Sector permit coverage for municipal facilities considered industrial

-many other requirements (minimum control measures)

The Stormwater Discharge Permits...

Construction Activity Permit

(>1 acre everywhere)

The Municipal Separated Storm Sewer System (MS4) Permit

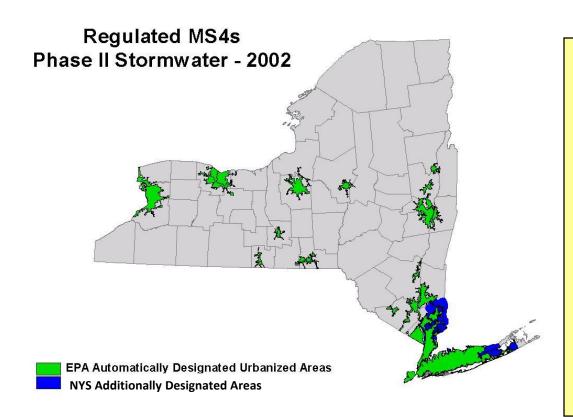
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-mandated Multi-Sector permit coverage for municipal facilities considered industrial

-many other requirements (minimum control measures)

1 (

MS4 PERMIT



Urbanized area = 1,000 people per square mile or more.

What/who is an "MS4"?

- Publicly owned entity
 - In urbanized area
- •Owner-operator of separated storm sewer system infrastructure
- •Storm lines NOT combined with sanitary lines

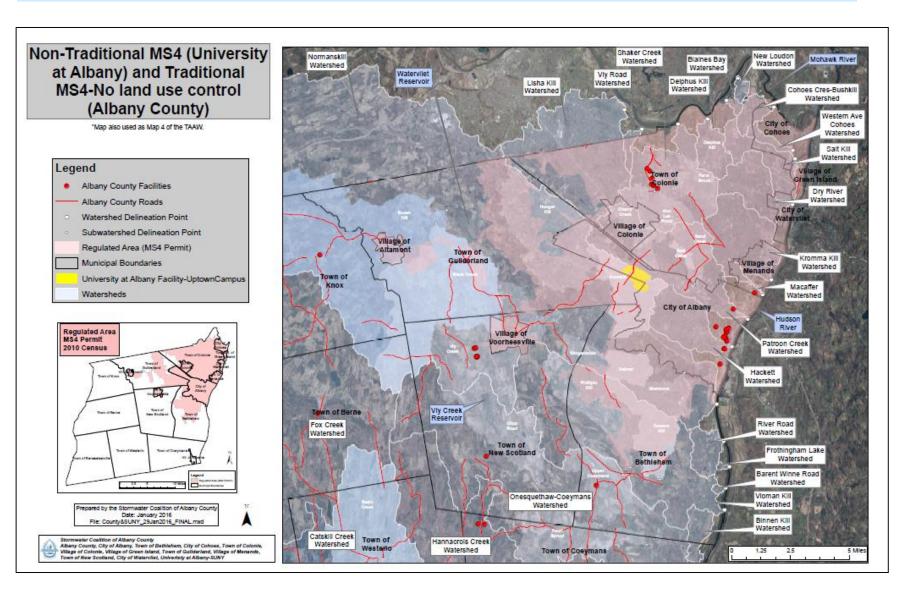
"MS4"- = **m**unicipal **S**eparated **S**torm **S**ewer **S**ystem.

Urbanized Area



Separated Storm Sewer System Infrastructure

Regulated MS4 Area & "MS4" areas for the County and University at Albany



If you work in an "MS4", what are the MS4 SPDES permit requirements?

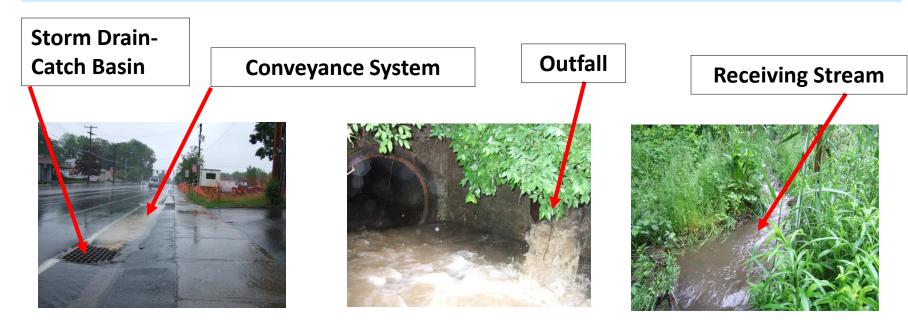
~2006 advice from a retired Division of Water NYSDEC regulator

"READ THE PERMIT(S)".

Taking a look....

Content	MS4	Construction Activity	Multi-Sector (Industrial)
Cover Page	Similar	Similar	Similar
Obtaining Coverage	Submit Notice of Intent (NOI), SWMP details	Submit NOI, SWPPP details	Submit NOI, SWPPP details
Record Keeping, Reporting	Similar	Similar	Similar
Standard Permit Conditions	Same	Same	Same
Enforcement (TOGS schedule, permit specific)		\$37,500/day/violation	\$37,500/day/violation
Permit Specific			
SWPPP- Stormwater Pollution		X	X
Prevention Plans ('swip')			
SWMP - Stormwater Mgmt	X		
Program Requirements (Administrative) ('swamp')	^		
SWMP - Stormwater			
Management Program			
Requirements (Minimum Control	X		
Measures)			
,	Develop, implement, and	To receive Construction Activity	
MS4 Permit Overlap with	enforce a program equivalent to	Permit coverage, if located in an MS4	
Construction Permit	I The NIVS SPIDES General Permit	municipality (Town, Village, or City), a	
Construction Permit	for Construction Activity	signed MS4 SWPPP Acceptance Form	
	requirements	is submitted w/Notice of Intent	
			MS4 needs MSGP coverage
MS4 Permit Overlap with Multi-			if they own certain types of
Sector Permit			'industrial' facilities -
55557 7 677111			Applicable Sectors (S, D, C, E, K, L, Q, J, N, P, † €.

MS4 Permit Requirements - Minimum Control Measures



MCM 1- Public Education and Outreach Identify type/source of pollution, identify target audience/develop message, multiple tactics & outlets. Change behavior!





MCM 2 - Public Participation Stream monitoring/WAVE; plant trees; stream clean ups; public comments-Annual Report and Stormwater Mgmt Plans







MS4 Permit Requirements - Minimum Control Measures



MCM 3 – Illicit Discharge Detection and Elimination - Map storm system and outfalls. Inspect during dry weather all outfalls every five years. If stormwater pollution present, identify the source, remove it. Take enforcement action using powers embedded in IDDE local law.

MCM 4 Construction Site Stormwater Runoff Control and MCM 5 Post Construction Stormwater Management

MS4 staff review Construction Activity Permit SWPPPs...sign MS4 SWPPP Acceptance Forms; develop/approve maintenance plans for permanent stormwater practices, inspect active construction sites; inspect permanent practices, inventories, record keeping

Erosion and Sediment Control



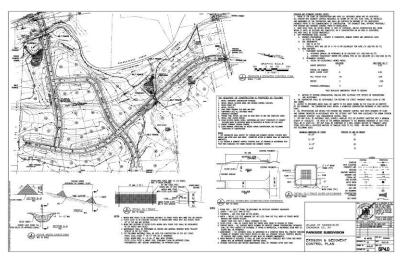
DURING CONSTRUCTION

Standards & Specs



many E/SC practices silt fences etc.

Construction Activity Permit Stormwater Pollution Prevention Plan (SWPPP) Drawings and Narrative



Water Quality & Water Quantity Control



POST CONSTRUCTION

Design Options & Requirements



Permanent sw mgmt practices, ponds, rain gardens, etc.

MCM6 - Pollution Prevention/Good Housekeeping for Municipal Operations – Prevent stormwater pollution from entering the storm lines at DPW garages, fire stations, pump stations, fueling stations, parks. Clean out your catch basins, sweep your streets, cover up road salt piles.













If industrial discharges at a municipal facility, get Multi-Sector General Permit coverage.

Facility	Sector
Airports	.9:
Asphalt or concrete batch plants	D.
Composting facilities	- 0
Concrete Batch Plants	- 6
Hazardous Vvaste Disposal Facilities	96
Hazardous Wasle Handling & Transfer Facilities	×
Landfills, operating or closed	- L
Marrian	- G
Mines and gravel pits	1
Recycling facilities	N
Solid waste handling and transfer facilities.	14
Vehicle and firet maintenance facilities	
Treatment Works (WWTPs)	- 1

If disturbing >1 acre of municipal owned property, get Construction Activity Permit coverage.



Ex. Town owned water treatment plant expansion

NYSDEC Stormwater Page website

(links to these permits)

https://www.dec.ny.gov/chemical/8468.html

ALWAYS SCROLL DOWN !!!!!

READ CAREFULLY

The Stormwater Permits...one of many.

All SPDES Permits

Purpose: control what is discharged into "Waters of United States" or for NY "Waters of New York State"

- The discharge location is called an outfall
- Each outfall is associated with a particular SPDES permit and distinct 'water quality' infrastructure
- Permits vary in type, purpose
- Implementing the MS4 Permit requires a clear understanding of water quality infrastructure and associated outfalls

The Stormwater Permits...one of many.

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	ALBANY COUNTY SPDES PERMITS (1980, 2011, 2019)							
Categories	INDIVIDUAL			GENERAL				
			SSO	cso	CAFO	MS4	Construction Activity	MSGP
Description	Factories; Sewage T Othe		Sanitary Sewer Overflows	Combined Sewer Overflow	Concentrated Animal Feeding Operation (Livestock)	Municipal Separated Storm Sewer System	Land disturbance > 1 acre; During and Post Construction SW Mgmt	<u>M</u> ulti- <u>S</u> ector <u>G</u> eneral <u>P</u> ermit (Industrial)
			Sanitary	Sanitary + Storm	Stormwater	Storm	nwater	Stormwater
Primary Pollutants of Concern (POCs)	Variable; Depends on Type of Facility		Bacteria	Bacteria and Urban Runoff (Multiple POCs)	Nutrients	Urban Runoff (Multiple POCs), Flow	Sediment; Phosphorus, Nitrogen, Flow	Variable. Depends on type of facility or sector as defined in the permit
# of SPDES Permits In Albany County (Active)		State Non- Significant Minor (Classes 02, 04)						
1980 (Total=25)	21	no data	1	3	0	0	0	0
2011 (Total=477)	53	100	1	4	3	15	252 (active); 251 (terminated)	49 (active); 22 (no exposure); 19 (terminated)
2019 (Total=501)	47	74	0	4	1	15 (Albany County): 8 (State-wide HQ in Albany County)	309 (active); 596 (terminated)	51 (active); 18 (no exposure) and 18 (terminated) Jan, 2019 data
Permit "Owner-Operator"	Plant Owner (Public	Factory Owner; Sewage Treatment Plant Owner (Private Sector)	Owner of Sanitary System	Municipality Where CSO is Located	Owner of Livestock Operation	Owner of Public Storm System (Municipality; County; Public University; Community College; Authority; State Agencies)	Anyone disturbing > 1 acre of land	Anyone who owns a facility which qualifies as a regulated sector as described in the permit.
							(Stormwater Pollution Prevention Plan)	(Stormwater Pollution Prevention Plan)
County or Local Municipality Enforcement Action and Fines				NA			MS4 will take enforcement in the areas under MS4 authority.	NA

Acronyms. Which infrastructure? Which pollutants? Ownership? Who enforces?

Federal Clean Water Act- Enforcement Action and Fines

Depends on violation and EPA's enforcement procedures f

	ALBANY COUNTY SPDES PERMITS (1980, 2011, 2019)							
Categories	INDIVIDUAL			GENERAL				
			SSO	CSO	CAFO	MS4	Construction Activity	MSGP
Description	Factories; Sewage T Othe		Sanitary Sewer Overflows	Combined Sewer Overflow	Concentrated Animal Feeding Operation (Livestock)	Municipal Separated Storm Sewer System	Land disturbance > 1 acre; During and Post Construction SW Mgmt	Multi-Sector General Permit (Industrial)
			Sanitary	Sanitary + Storm	Stormwater	Stormwater Stor		Stormwater
Primary Pollutants of Concern (POCs)	Variable; Depends on Type of Facility		Bacteria	Bacteria and Urban Runoff (Multiple POCs)	Nutrients	Urban Runoff (Multiple POCs), Flow	Sediment; Phosphorus, Nitrogen, Flow	Variable. Depends on type of facility or sector as defined in the permit
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							Requires a SWPPP (<u>Stormw</u> ater <u>P</u> ollution <u>P</u> revention <u>P</u> lan)	Requires a SWPPP (<u>Stormw</u> ater <u>P</u> ollution <u>P</u> revention <u>P</u> lan)
County or Local Municipality Enforcement Action and Fines				NA			MS4 will take enforcement in the areas under MS4 authority.	NA
NYS.Environmental Conservation Law Enforcement Action and Fines							re of the covered entity, its contractors, sub- nes up to \$37,500 per day for each violation and	
<u>Federal C</u> lean Water Act- <u>Enforcement</u> Action and Fines	Depends on violation and EPA's er	epends on violation and EPA's enforcement procedures for a given program. Penalties are not calculated until compliance is achieved.						

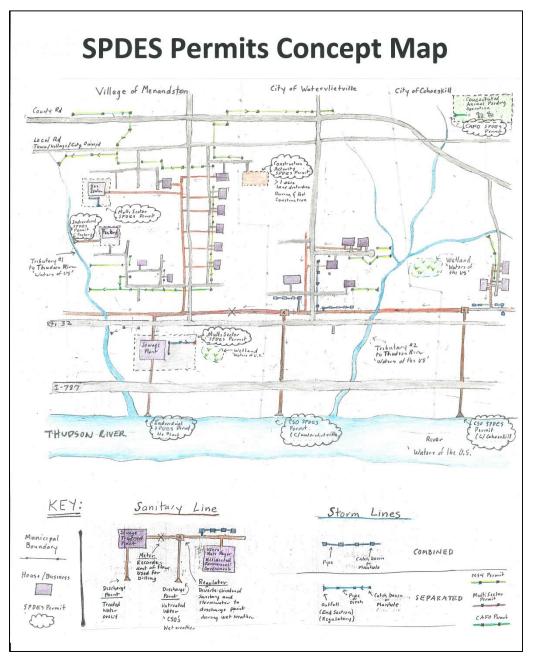
Note: Data compiled by NYSDEC Region 4 staff for the Stormwater Coalition of Albany County (December 9, 2011 & October 16, 2019)

SPDES Permit Concept Map

a tool to help understand these SPDES Permits

An imaginary walk along the Thudson River while...

passing through the Village of Menandston, City of Watervlietville, and City of Cohoesville and visiting a few tributaries along the way.





Individual Permit

Factories, Wastewater Treatment Plants, Complex Facility OUTFALLS (Discharge Treated Liquid Waste)





General Permit

STORMWATER OUTFALL MS4-Municipal Separated Storm Sewer System Permit



General Permit

STORMWATER OUTFALL Construction Activity Permit



General Permit

STORMWATER OUTFALL
Multi-Sector Permit
Industrial Site—Landfill "MSGP" Permit

Walking Left to Right (upstream)

- The KEY
 - a. Municipal boundary
 - b. House/Business
 - c. SPDES Permits
 - d. Roads
 - e. Tributary #1 and #2
- 2. Village of Menandston
 - a. Sanitary Line Only (wastewater toilets, other waste from operations)
 - Outfall (triangle) discharge point, after treatment
 - b. Storm Lines (Separated Storm Sewer System Infrastructure)
 - -Along roads
 - -Typically drains to tributaries discharge point (outfall)
 - -Private or public ownership
 - c. Different types of SPDES Permits within one municipality
 - -Different owners (public or private)

Multi-Sector SPDES Permit – discharge point (outfall)

(gas station-private & sewage plant-public)

Individual SPDES (factory-private & sewage plant-public)

MS4 SPDES Permit (public only, many discharge points, many outfalls)

Village and County MS4 Permittees

Walking Left to Right (upstream) - cont'd

- 3. City of Watervlietville
 - a. Sanitary Lines Connected to Storm Lines
 - Location of Storm Lines

```
(Catch basins -collect stormwater runoff)
```

(Pipes – transport stormwater runoff)

- -Location of regulators (design and purpose)
- -Location of discharge point to Thudson River (CSO outfall) reduce flow!
- -Location of meter for billing purposes
- b. Storm Lines (Separated Storm Sewer System)
- c. Construction Activity SPDES Permit
 - -Greater than 1 acre of land disturbed NYSDEC issues permit coverage
 - -If the Construction Activity occurs within a regulated "MS4" then before NYSDEC issues permit coverage the municipality must review and approve all aspects of the land disturbance (erosion and sediment control and design of permanent stormwater practices)
 - -If Construction Activity occurs within a municipality which is <u>not</u> a regulated MS4 municipality, the municipality is <u>not</u> mandated to review and approve all aspects of the land disturbance. NYSDEC issues permit coverage independently there's no mandated permit paperwork indicating that the municipal was aware of and/or reviewed the SWPPP

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Walking Left to Right (upstream) - cont'd

- 4. City of Cohoesville
 - a. Sanitary Lines Connected to Storm Lines
 - Location of Storm Lines

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(Catch basins -collect stormwater runoff)
```

(Pipes – transport stormwater runoff)

- -Location of regulators (design and purpose)
- -Location of discharge point to Thudson River (CSO outfall) reduce flow!
- b. Storm Lines (Separated Storm Sewer System)
- c. Concentrated Animal Feeding Operation (CAFO Permit)
 - -Rural areas nutrient management important
 - -Permits issued by NYSDEC directly, little contact with municipalities
- 5. Tributary #2
 - a. Two municipalities share the same watershed inter-municipal cooperation?
 - b. As the number of municipalities within a small geographic area increases, more municipalities located within watersheds

Concept Map Activity

(Assume all of the municipalities have MS4 Permit coverage)

- 1. How many MS4 outfalls are discharging to Tributary #2?
- 2. How many MS4 outfalls owned by the City of Cohoesville are discharging to Tributary #2?
- 3. How many CSO outfalls are discharging directly to the Thudson River?
- 4. Does the Village of Menandston own a CSO outfall?
- 5. What two SPDES permits are owned/managed by the Sewage Treatment plant?
- 6. What type of facility has an Individual SPDES permit which is discharging to Tributary #1?
- 7. Does the County Rd separated storm system infrastructure tie into the Village of Menandston separated storm system infrastructure?
- 8. Which municipality has an active Construction Activity SPDES permit within their boundary?
- 9. Which municipality has an active Concentrated Animal Feeding Operation (CAFO) SPDES Permit within their boundary?

If Stormwater Permit requirements are ignored?

Content	MS4	Construction Activity	Multi-Sector (Industrial)
Cover Page	Similar	Similar	Similar
Obtaining Coverage	Submit Notice of Intent (NOI), SWMP details	Submit NOI, SWPPP details	Submit NOI, SWPPP details
Record Keeping, Reporting	Similar	Similar	Similar
Standard Permit Conditions	Same	Same	Same
Enforcement (TOGS schedule, permit specific)	33/.5UU/day/violation	\$37,500/day/violation	\$37,500/day/violatior
Permit Specific			
SWPPP - Stormwater Pollution Prevention Plans ('swip')		X	X
SWMP - Stormwater Mgmt			
Program Requirements	X		
(Administrative) ('swamp')			
SWMP - Stormwater Management			
Program Requirements (Minimum	X		
Control Measures)			
MS4 Permit Overlap with Construction Permit	the NYS SPDFS General Permit	To receive Construction Activity Permit coverage, if located in an MS4 municipality (Town, Village, or City), a signed MS4 SWPPP Acceptance Form is submitted w/Notice of Intent	
MS4 Permit Overlap with Multi- Sector Permit	·		MS4 needs MSGP coverage if they own certain types of 'industrial' facilities - Applicable Sectors (S, D, C, E, K, L, Q, J, N, P, T).

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New York State Department of Environmental Conservation Division of Water

625 Broadway, Albany, New York 12233-3506 Phone: (518) 402-8177 FAX: (518) 402-8082



MEMORANDUM

*** NOTICE ***

This document has been developed to provide Department of Environmental Conservation staff with guidonce on how to ensure compliance with statutory and regulatory requirements, including case law interpretations, and to provide consistent treatment of similar situations. This document may also be used by the public to gain technical guidance and insight regarding how the Department staff may analyze an issue and factors in their consideration of particular facts and circumstances. This guidance document is not a fixed rule under the State Administrative Procedure Act section 102(2)(a)(i). Furthermore, nothing set forth herein prevents staff from varying from this guidance as the specific facts and circumstances may dictate, provided staff's actions comply with applicable statutory and regulatory requirements. This document does not create any enforceable rights for the benefit of any party.

Date:

JUN 2 4 2010

TO:

Regional Water Engineers, Bureau Directors, Section Chiefs

SUBJECT:

Division of Water Technical and Operational Guidance Series (1.4.2)

COMPLIANCE AND ENFORCEMENT OF SPDES PERMITS

(Originators: Meredith Streeter/Karen Baker)

I. PURPOSE

This document establishes the Division of Water's (DOW) guidance on compliance and enforcement activities related to the State Pollutant Discharge Elimination System (SPDES) program. It provides DOW staff with enforcement options and operating guidelines to implement the compliance component of the program.

The goal of this guidance is to ensure consistent statewide understanding and implementation of the SPDES compliance and enforcement program in order to protect public health and the intended best use of the waters of the state. This guidance supercedes Division of Water Technical and Operational Guidance Series (1.4.2) Compliance and Enforcement of SPDES Permits, dated September 30, 1988.

NYSDEC Penalty Rates

\$37,500 per day per violation

"TOGS"

NYSDEC Division of Water Technical and Operational Guidance Series (1.4.2)

COMPLIANCE AND ENFORCEMENT OF SPDES PERMITS

Date: June 24, 2010

MS4 General Permit

F. Municipal Separate Storm Sewer Systems (MS4s) General Permit

Violation	Base Penalty Rate
Failure to renew or transfer coverage under the General Permit	\$1000/month
Failure to apply for coverage under the MS4 General Permit for traditional MS4	\$5,000/event
Failure to apply for coverage under the MS4 General Permit for non-traditional MS4	\$1,000/event
Failure to develop and implement a Storm Water Management Program (SWMP)	\$3000/event
Failure to submit Annual Compliance Status Report and/or Municipal Compliance Certification Form	\$3000/event
Causing or contributing to a Water Quality Standards violation	\$5000/event
Failure to meet major permit milestone	\$250/day
Failure to meet other (non-major) milestone or other non-significant permit violations	\$100/day
Significant unauthorized discharge (refer to draft EPA Wet Weather SNC Policy et seq.)	\$3000/event
Unauthorized discharge	\$1,000/event
Significant permit requirement violations including but not limited to: Lack of or a substantially inadequate SWPPP or SWMP; Substantial failure to implement or maintain BMPs, or Substantial failure to perform required monitoring	\$3,000/event
Failure to submit required report (including failure to respond to an information request)	\$500/month
Failure to retain records as required	\$500/event
Failure to allow inspection/sampling by the Department	\$5,000/event
Falsifying information on DEC submittal*6	\$10,000/report
Failure to comply with other (not specifically noted in this Appendix) applicable requirements set forth in 6 NYCRR Part 750-2, "Operating in Accordance with a SPDES Permit"	\$100/day
ECL Article 17 violations not related to permit	\$250/day

FINES!

⁴⁰ The penalty calculated based on this Base Penalty Rate and the maximum adjustment factors may exceed the statutory limitation (currently \$37,500 per day per violation.) A separate calculation for this violation using the case specific adjustment factors should be performed first. If the assessed penalty exceeds the statutory limitation, the penalty assessed for this violation must be changed to the statutory maximum.



Civil Enforcement Case Report

Basic Information

Case Number: 02-2016-3309
Case Name: Town of Rotterdam
Case Category: Administrative - Formal
Case Status (as of 06/28/2017): Closed

Case Lead: EPA

Court Docket Number: CWA-02-2016-3309

DOJ Docket Number: -

Relief Sought: --

Enforcement Outcome: Final Order With Penalty

Headquarters Division: --

Branch: --

Result of Voluntary Disclosure? No.

Multi-media Case? --

Enforcement Type: CWA 309G2A AO For Class I Penalties

Violations: Violation Of A Permit Requirement

Penalties - Case Level

Total Federal Penalty Assessed or Agreed To: \$15,000

Total State/Local Penalty Assessed: \$0

Total SEP Cost: \$187,233

Total Compliance Action Cost: \$0

Total Cost Recovery: \$0

Case Summary

The Town is a permitted Phase II MS4 in New York. EPA conducted an MS4 Audit on April 2-4, 2013. EPA identified that the Town failed to comply with the conditions of the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) including failure to conduct outfall reconnaissance inventory, failure to map all outfalls, failure to conduct self-assessments at municipal facilities, failure to develop a SWMP Plan and failure to submit Annual Reports on time. EPA issued an Administrative Order on August 9, 2013 which included a schedule to come into compliance with the MS4 General Permit. Based on subsequent submissions, the Town has addressed the noncompliance issues in compliance with the Order. Respondent will pay a \$15,000 cash penalty and perform a rain garden, porous pavement, Next Gen, educational SEP at a cost of \$187,233.

Citations

Laws and Sections

See Bodies Progress CVA 365402 SPDGS Formit Valuations

504	Bet	Station
	the data records retremed	
	Ne data records retrieved	

EPA MS4 Permit Enforcement

Town of Rotterdam, NY April, 2013 Audit

- 1. Do the work to get into compliance
- 2. Agreed to Fine: \$15,000
- 3. Supplemental Environmental Project: \$187,233

(rain garden, porous pavement, Next Gen project)

EPA MS4 Permit Enforcement

Town of Glenville, NY June, 2019 Audit

- 1. Do the work to get into compliance
- 2. Compliance Action Cost: \$38,497



Civil Enforcement Case Report

Basic Information

Case Number: 02-2019-3037
Case Name: Town of Glenville - MS4
Case Category: Administrative - Formal
Case Status (as of 08/02/2019): Final Order Issued

Case Lead: EPA

Court Docket Number: CWA-02-2019-3037

DOJ Docket Number: --

Relief Sought: --

Enforcement Outcome: Unilateral Administrative Order

Without Adjudication

Headquarters Division: --

Branch: -

Result of Voluntary Disclosure? No

Multi-media Case? --

Enforcement Type: CWA 309A AO For Compliance

Violations: --

Penalties - Case Level

Total Federal Penalty Assessed or Agreed To: \$0 Total State/Local Penalty Assessed: \$0 Total SEP Cost: \$0 Total Compliance Action Cost: \$38,497 Total Cost Recovery: \$0

Case Summary

This information request and administrative compliance order is being issued to address violations of the NYSDEC SPDES MS4 General Permit identified during a June 6 - 7, 2019 audit of the Town's MS4. The Order requires the facility to comply with the terms and conditions of the MS4 General Permit.

Citations

700	her.	Sonion
	No data exceeds returned	

Construction Activity General Permit

G. Construction Stormwater General Permit

Violation	Base Penalty Rate
Failure to obtain coverage under General Permit and is employing appropriate erosion & sediment control practices	< 5 acres (or 5,000 sq ft - 1 acre for east of Hudson in the New York City Watershed (NYCW)) \$1,000/day
	≥5 acres (or >1 acre for east of Hudson in the NYCW) \$1,500/day
Failure to obtain coverage under General Permit and is employing minimal or no erosion & sediment control practices	< 5 acres (or 5,000 sq ft - 1 acre for east of Hudson in the NYCW) \$1,500/day
	≥5 acres (or >1 acre for east of Hudson in the NYCW) \$3,000/day
Failure to develop and implement a SWPPP	\$3000/event
Has coverage under General Permit, and has significant permit violations including but not limited to: Substantial failure to implement or maintain BMPs	< 5 acres (or 5,000 sq ft - 1 acre for east of Hudson in the NYCW) \$1,000/day
	≥5 acres (or >1 acre for east of Hudson in the NYCW) \$2,500/day

FINES!

Has coverage under General Permit, and has non-significant permit violations	< 5 acres (or 5,000 sq ft - 1 acre for east of Hudson in the NYCW) \$500/day ≥5 acres (or >1 acre for east of Hudson in the NYCW) \$1,000/day
Significant unauthorized discharge (refer to draft EPA Wet Weather SNC Policy et seq.)	\$3,000/event
Unauthorized discharge	\$1,000/event
Causing or contributing to a Water Quality Standards violation	\$5,000/event
Failure to meet major milestones required in a permit or administrative or judicial order	\$250/day
Failure to meet other (non-major) milestone or other non-significant permit violations	\$100/day
Failure to submit required report (including failure to respond to an information request)	\$500/month
Failure to retain records as required	\$500/event
Failure to allow inspection/sampling by the Department	\$5,000/event
Falsifying information on DEC submittal ⁴¹	\$10,000/report
Failure to comply with other (not specifically noted in this Appendix) applicable requirements set forth in 6 NYCRR Part 750-2, "Operating in Accordance with a SPDES Permit"	\$100/day
ECL Article 17 violations not related to permit	\$250/day

⁴¹ The penalty calculated based on this Base Penalty Rate and the maximum adjustment factors may exceed the statutory limitation (currently \$37,500 per day per violation.) A separate calculation for this violation using the case specific adjustment factors should be performed first. If the assessed penalty exceeds the statutory limitation, the penalty assessed for this violation must be changed to the statutory maximum.

Multi-Sector General Permit

"Industrial Permit"

"MSGP"

H. Multi-Sector General Permit (MSGP)

Violation	Base Penalty Rate
Failure to renew or transfer coverage under General Permit	\$1,000/month
Failure to apply for coverage under the General Permit	\$3,000/event
Failure to submit DMR or Annual Certification Report	\$1000/event
Failure to develop and implement a SWPPP or SWMP	\$3000/event
Causing or contributing to a Water Quality Standards violation	\$5000/event
Significant unauthorized discharge (refer to draft EPA Wet Weather SNC Policy et seq.)	\$3,000/event
Unauthorized discharge	\$1,000/event
Failure to meet significant permit requirements including but not limited to: Substantially inadequate SWPPPs; Substantial failure to develop or implement the SWPPP; Substantial failure to implement or maintain BMPs; Substantial failure to implement MSGP requirements.	\$3,000/event
Exceeding interim or final effluent limits for non-toxic parameter under SPDES permit: Daily max/min discharge (each day = 1 violation= 1 event) Daily Average (7 day average = 7 violations ⁴² = 1 event) Daily Average (30 day average = 30 violations ⁴³ = 1 event) or Monthly Average	\$1,000/event \$1,500/event \$2,000/event
Exceeding interim or final limits for toxic parameter under SPDES permit: Daily max/min discharge (each day = 1 violation = 1 event) Daily Average (7 day average = 7 violations ³² = 1 event) Daily Average (30 day average = 30 violations ³³ = 1 event) or Monthly Average	\$2,000/event \$3,000/event \$4,000/event
Failure to meet major milestones required in a permit or administrative order or judicial decree Failure to meet other (non-major) milestone or other non-significant permit violations	\$250/day \$100/day

Page -44-

⁴⁵Exceedence of the 7-day average constitutes seven violations. 7-day average, as defined in 40CFR133.101(a), is "the arithmetic mean of pollutant parameter values of samples collected in a period of 7 consecutive days."

^{**}Because of the 30-day average stablished by federal court rulings. The 3 the arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days."

Failure to submit required report (including failure to respond to an information	\$500/month
request)	\$500/event
Failure to retain records as required	\$5,000/event
Enilure to allow inspection/sampling by the Department	\$10,000/report
Failure to comply with other (not specifically noted in this Appendix) applicable Failure to comply with other (not specifically noted in this Appendix) applicable requirements set forth in 6 NYCRR Part 750-2, "Operating in Accordance with a	\$100/day
CDDES Permit"	\$250/day
ECL Article 17 violations not related to permit	

⁴⁵The penalty calculated based on this Base Penalty Rate and the maximum adjustment factors may exceed the statutory limitation (currently \$37,500 per day per violation.) A separate calculation for this violation using the case specific adjustment factors should be performed first. If the assessed penalty exceeds the statutory limitation, the penalty assessed for this violation must be changed to the statutory maximum. Page -45-

Is your MS4 municipality in compliance? (EPA and DEC auditors read the permits)

EPA Audits Local MS4 Permit Compliance

(Coalition members)

Town of Colonie: Sept 3-5, 2013 (3 days)

City of Albany: June 3-5, 2014 (3 days)

University at Albany-SUNY Uptown: March 19, 2015 (1 day)

Town of Bethlehem: Sept 11-12, 2019 (2 days)

Recent NYSDEC Audits (1 day)

V/Menands (12/6/2012); T/New Scotland (2/11/2014); C/Cohoes (7/16/2014); V/Colonie (1/21/2015); T/Guilderland (2/17/2016); C/Watervliet (5/11/2016); Albany County (2/2/2017); V/Menands (6/26/2019)

Town of Colonie 2013 (EPA)



















City of Albany 2014 (EPA)





Drop Off Your Old Electronics
for Recycling













University at Albany-Uptown 2015 (EPA)



















Town of Bethlehem 2019 (EPA)













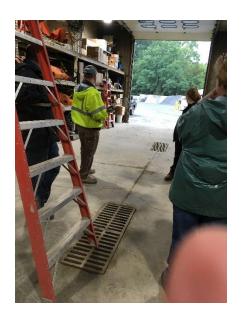
























Who is doing the MS4 Permit work in, with, or for your MS4/municipality? What is your role? The auditor check list...

- Public education (website, brochures, CB stenciling, newsletters)
- Public participation events (stream monitoring, plantings, clean ups)
- Mapping storm system network (catch basins, manholes, pipes)
- Mapping outfalls
- Mapping municipal facilities and stormwater management practices (ponds, swales, basins, bioretention, green roofs, etc.)
- Inspecting outfalls for pollution; eliminating cross connections (sanitary into storm); track down diagnostics
- Reviewing SWPPPs, signing MS4 SWPPP Acceptance Form
- Developing/writing/explaining Construction Permit SWPPP review procedures
- Inspecting active Construction Permit sites; record keeping
- Inspecting permanent stormwater practices, follow up with owner

- Enforcing local laws (failed construction sites; illegal discharges)
- Inspecting municipal property/buildings
- Implementing pollution prevention practices at facilities, budgeting for, purchasing equipment
- Assessing municipal field operations, implementing pollution prevention practices, writing standard operation procedures
- Posting Annual Report on website for comment; filing Annual Report by June 1
- Amending local stormwater laws
- Inspecting/cleaning catch basins
- Sweeping streets and parking lots
- Tracking pesticide, herbicide, and fertilizer use
- Organizing Household Hazardous Waste Collection Days
- Tracking changes to MS4/Construction/Multi-Sector Permits
- Annual program evaluation and updated measurable goals
- Staff training –developing content, tuition, tracking attendance

- Coordinating inter-departmental stormwater tasks
- Supporting inter-MS4 stormwater tasks
- Writing/managing stormwater grants
- Budgeting, contracts for stormwater program services

Implementing the MS4 Permit is a team effort!

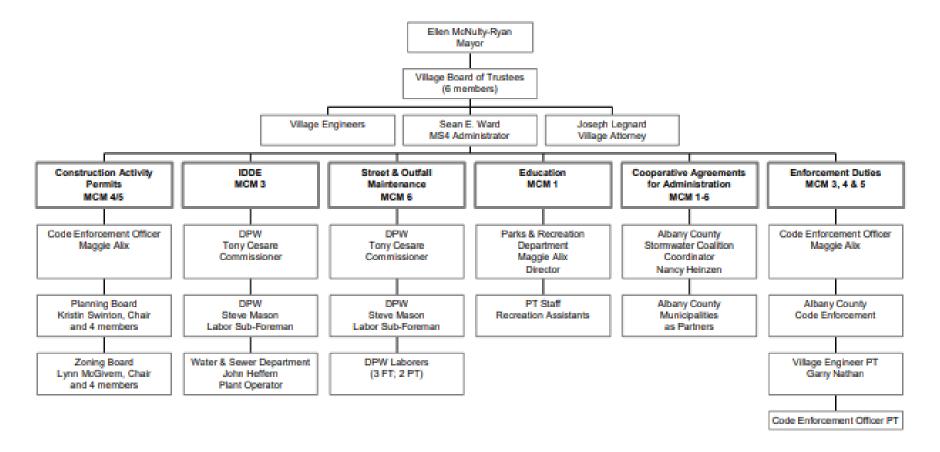
Multiple skills and a deep knowledge of all municipal operations is critical.

Inter-departmental communication is key.

Who is doing what where in your MS4? Where do you fit in?

Stormwater Program Organizational Charts

Village of Green Island (population ~2620)



Village of Menands (population 2,613)

As of 9/6/2017

Village of Menands

Stormwater Management Program
MS4 Permit (GP-0-15-003)

ORGANIZATIONAL CHART

ZONING BOARD of APPEALS

(John Bassett-Chair; Geneva Conway; Kevin Miller)

Functions:

- 1. Use and area variances
- 2. Waivers for Flood Plain Requirements

MCM 5

MS4 Permit Stormwater Program Components

Minimum Control Measures (MCMs)

MCM 1: Public Education and Outreach

MCM 2: Public Participation

MCM 3: Illicit Discharge Detection & Elimination

MCM 4: Construction Site Runoff Control

MCM 5: Post Construction Stormwater Mgmt

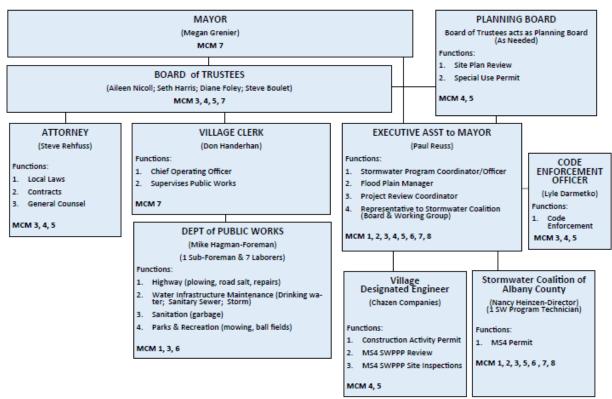
MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

Other Program Requirements

MCM 7: Stormwater Program Management (\$, staffing, administration)

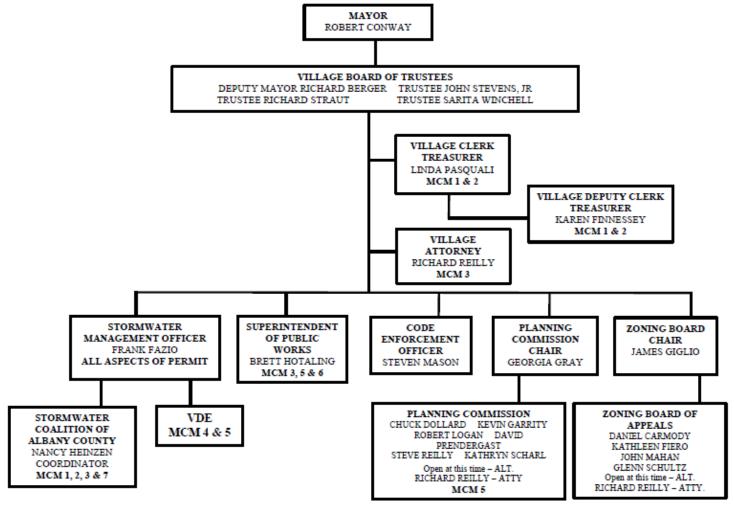
MCM 8: Training- (Staff/Municipal Officials)

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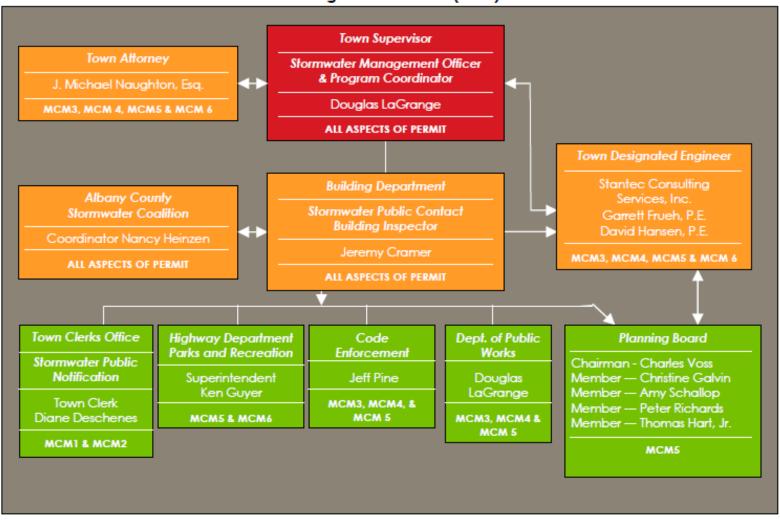
Village of Voorheesville (population ~2,775)

VILLAGE OF VOORHEESVILLE STORMWATER MANAGEMENT ORGANIZATIONAL CHART



7/2019

Town of New Scotland MS4 Organization Chart (2020)

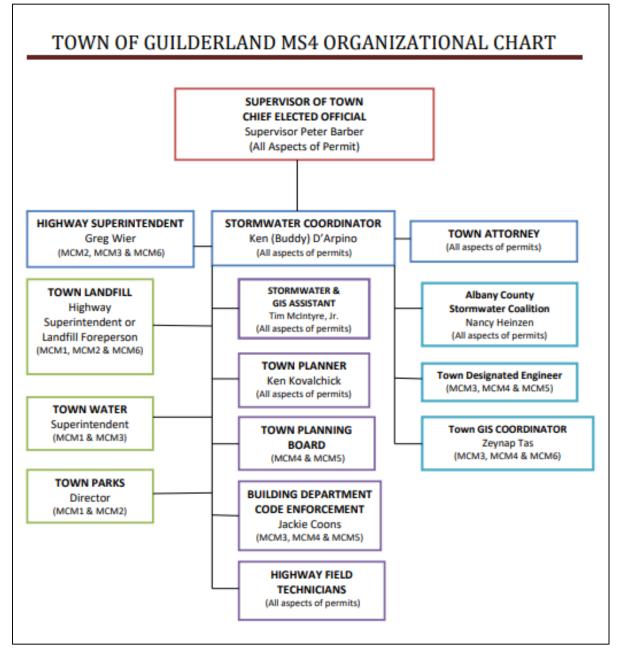


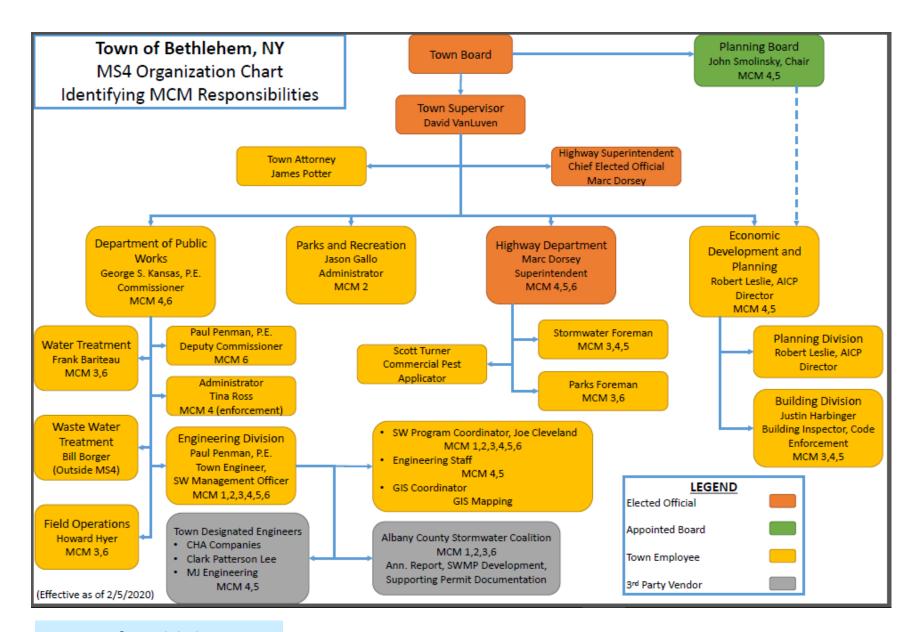
Town of New Scotland (population ~5,859)





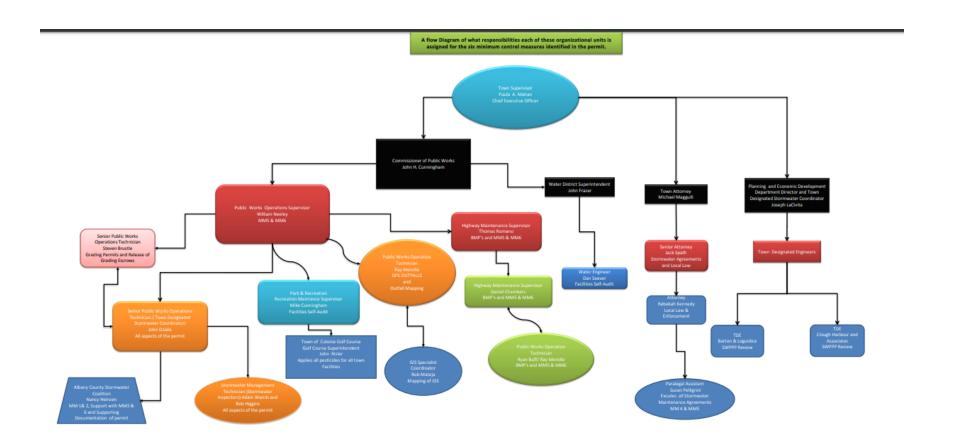
Town of Guilderland (population ~35,745)



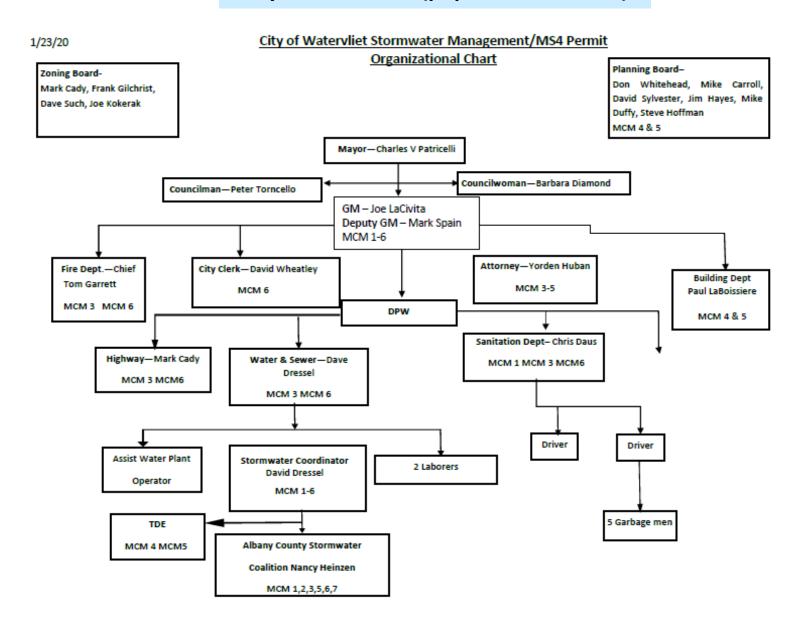


Town of Bethlehem (population ~35,444)

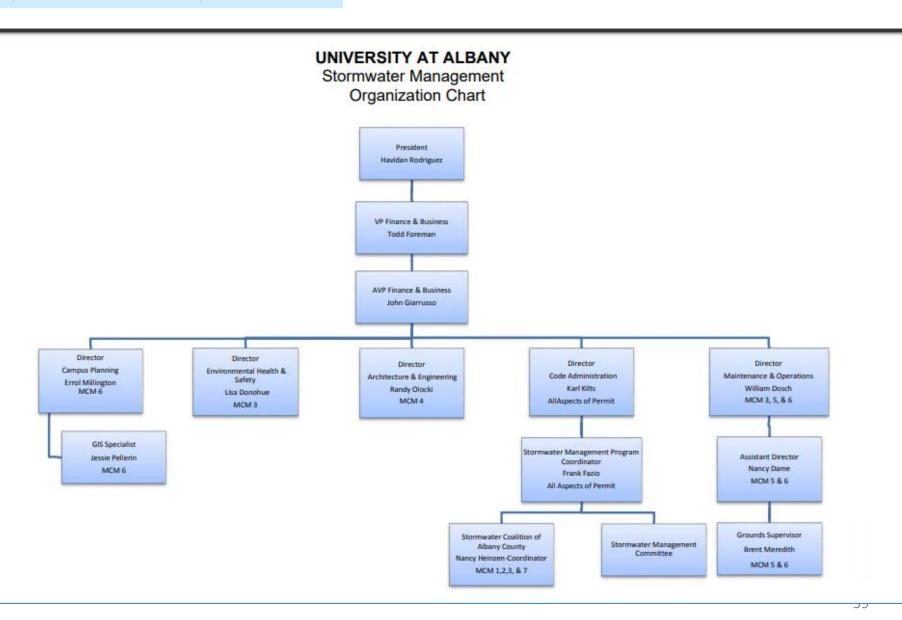
Town of Colonie (population ~69,808)



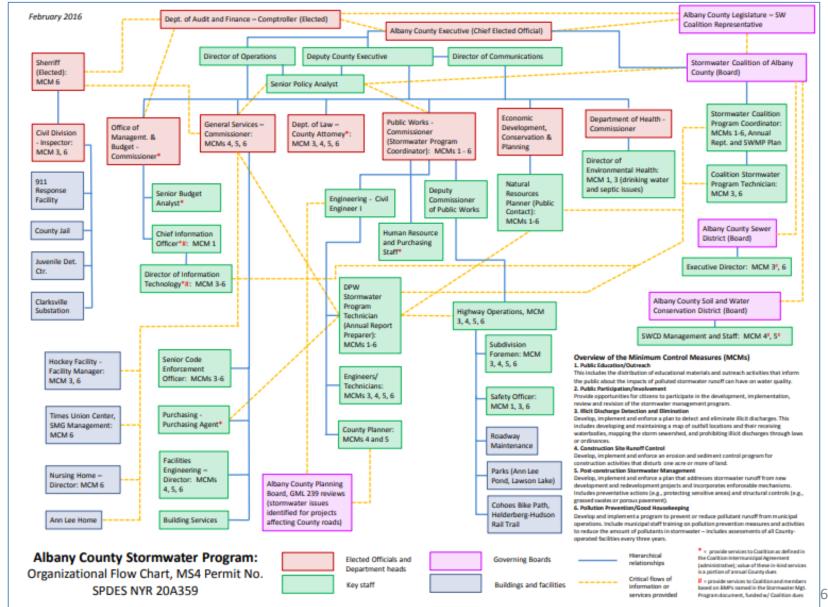
City of Watervliet (population ~10,207)



University at Albany – Uptown (Enrollment 17,280)



Albany County (population ~304,204)



The Future MS4 Permit Best Guess: 2016/2019 DRAFT MS4 Permit

See EXCERPTS of DRAFT MS4 Permit text...

Part IV. Stormwater Management Program Requirements

Map of the MS4 Conveyance System

Much more...

Appendix A: SWMP Recording Requirements – Required Record

Appendix C: Compliance Schedule

Proudest Accomplishments From your stormwater program coordinator....

MS4 Permit Audit Results

"I am most proud of the fact that Menands had a successful DEC audit ..."

Village of Menands

"I am proud of the **interdepartmental cooperation** within our Town regarding our MS4 program. Without that cooperation it would be impossible to sufficiently implement our MS4 program. It's not always easy to rally **multiple departments** to achieve a **common goal**. As proof, we recently **"passed" our MS4 Program EPA audit with flying colors."**

Town of Bethlehem

Stormwater Awareness

"The most positive happenings from my end... Stormwater is recognized around the Town. What I mean by this is that I receive phone calls because people know who the stormwater person is and what they do. When I first started nobody knew anything about stormwater. Today, I receive phone calls about private property issues, new construction ideas, stormwater policies, attend construction concept meetings, get involved in drainage issues, and many other related issues. The difference today is they know what I do and know what help I can bring to them. Before I did this nobody knew anything about stormwater."

Town of Guilderland

"Meeting with developers who have had no exposure and knowledge about stormwater regulations can be daunting. I am proud to say Albany County DPW has actively educated many general contractors to follow DEC mandated regulations for stormwater compliance."

Albany County DPW

Water Quality Laws

"I think our biggest accomplishments were:

- 1. **Updating** our **zoning** to include **protections for Vly Creek**, and
- 2. Bringing on a skilled Stormwater Manager."

Village of Voorheesville

"Albany County has also led the way and enacted legislation over the last few years which greatly restricts or eliminates the use of Styrofoam, plastic cutlery, plastic straws, plastic bags, microbeads and other one-time use items that take up valuable space in our landfills and end up in our storm systems and waterways.

The County **Integrated Pest Management bill** that passed the Legislature many years ago was **way ahead of its time** and has greatly **reduced** the **infiltration** of unwanted and **dangerous chemicals in our streams, lakes and rivers**. "

Albany County

Green and Grey Infrastructure

"The Village has implemented many structural changes to their infrastructure.

Here the list....

- Installed three (3) green infrastructure Filterra systems on Albany Avenue. The structures filter out pollutants before they reach the storm pipe.
- Installed a **Vortex separator in the same area. Two other Vortex systems** are located in the **north end** of the community. The units **remove floatables and litter** from the stormwater runoff. The infrastructure is maintained by our Department of Public Works staff at least twice annually.
- Over the last 10 years Albany Avenue, Saratoga Avenue and Lower Hudson Avenue in the south end as well as Riverview Drive, Center Island Circle and Starbuck Drive on Starbuck/Center Island were separated from the combined sanitary/storm system.
- Hudson Avenue was separated as an offset of the Starbuck Island development project.
- Today, we were awarded \$30,000 to study the separation of George Street, our main street in the Village."

Village of Green Island

Green and Grey Infrastructure

"The **City and its private developers** have used **Green Infrastructure** for many of its projects. For example:

- Canal Square Park uses bio-retention, permeable pavers, rain water harvesting as G.I. practices,
- Mosaic Village apartment development is using porous pavement for the west and south parking areas,
- Middle Vliet Street Sewer Separation Project used infiltration practices that were incorporated into the storm sewer design to recharge the ground water,
- Columbia Street Phase 2 Sewer Separation is just beginning design has Green
 Infiltration Terrace (10 bio-retention units). Expansion of the Rain Garden at the park
 on James and Columbia and a large Bio-retention at Trull and Columbia Street. This
 could result in from 70,000 gallons to 560,000 gallon reduction of flows during a 25
 year storm event."

City of Cohoes

Green and Grey Infrastructure

"At the **University at Albany**, we have implemented **green infrastructure** practices that **go beyond the state requirements**. We have the capability to **host tours of green roofs, rain gardens, porous pavement** and concrete at one location. This has enabled us to **educate the public** from school students to municipal officials. We are also in the process of constructing a **research and teaching green roof** at our **ETEC Building**."

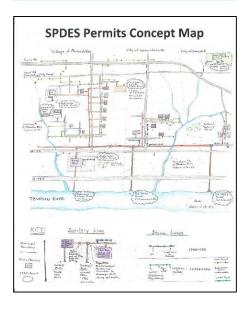
University at Albany

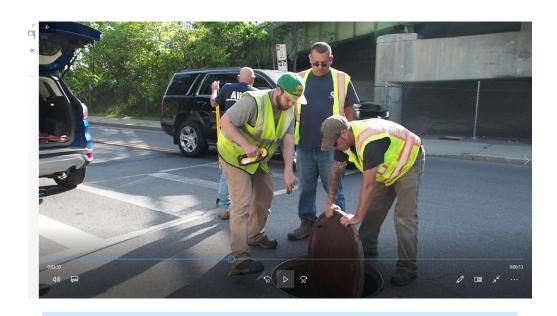
Mapping

"I'm proud of the storm system mapping completed by Coalition staff with and for members staff from 2016 to 2019. We now have an inter-municipal understanding of storm system infrastructure and members are well prepared to implement MS4 Permit changes. This grant funded project was hard work for many and all of the municipalities stepped up to do their part."

Stormwater Coalition staff

Why map?
Know your MS4 system.
Manage your permit.





Mapping a storm system...in the City of Albany (video, time permitting) or demo SwIM data

For more information about the Coalition and members, go to the Stormwater Coalition website:

www.stormwateralbanycounty.org



Home page

From Coalition website, links to Member pages...



Member page content

MUCH MORE, check it out!



Questions?

Thank you!

Training Documentation (Signed In?)