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

Albany County; City of Albany; Town of Bethlehem; City of Cohoes; Town of Colonie; Village of Green Island; Town of Guilderland; Village of Menands; Town of New Scotland; Village of Voorheesville, City of Watervliet; University at Albany -SUNY
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
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 Point 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)

Sediment from stormwater runoff “high quantity”

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 >1 acre
  - Industrial activities

Also Animal Feeding Operations (CAFOs) included in 1987 Amendments
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
      Issued: 5/1/2015   Expires: 4/30/2017 (but still in effect)

- 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
Construction Activity Permit
(>1 acre everywhere)

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
- mandated oversight of Construction Activity Permits
- mandated Multi-Sector permit coverage for municipal facilities considered industrial
- many other requirements (minimum control measures)
**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” - = Municipal Separated Storm Sewer System.

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

**Regulated MS4s**
Phase II Stormwater - 2002

**EPA Automatically Designated Urbanized Areas**
**NYS Additionally Designated Areas**
Urbanized Area

- Storm Drain/Catch Basin
- Conveyance System
- Outfall
- Receiving Stream

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....

<table>
<thead>
<tr>
<th>Content</th>
<th>MS4</th>
<th>Construction Activity</th>
<th>Multi-Sector (Industrial)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover Page</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
</tr>
<tr>
<td>Obtaining Coverage</td>
<td>Submit Notice of Intent (NOI), SWMP details</td>
<td>Submit NOI, SWPPP details</td>
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<td>Record Keeping, Reporting</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
</tr>
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<td>Standard Permit Conditions</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
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<td></td>
<td>$37,500/day/violation</td>
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</tr>
<tr>
<td>Permit Specific</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SWPPP- Stormwater Pollution Prevention Plans ('swip')</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>SWMP - Stormwater Mgmt Program Requirements (Administrative) ('swamp')</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SWMP - Stormwater Management Program Requirements (Minimum Control Measures)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MS4 Permit Overlap with Construction Permit</strong></td>
<td>Develop, implement, and enforce a program equivalent to the NYS SPDES General Permit for Construction Activity requirements</td>
<td>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</td>
<td>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).</td>
</tr>
</tbody>
</table>
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.

Storm Drain-Catch Basin
Conveyance System
Outfall
Receiving Stream
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

Standards & Specs

many E/SC practices silt fences etc.

Water Quality & Water Quantity Control

Design Options & Requirements

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

DURING CONSTRUCTION

POST CONSTRUCTION
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.

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
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.

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
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<thead>
<tr>
<th>Categories</th>
<th>INDIVIDUAL</th>
<th>GENERAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>SSO: Sanitary Sewer Overflows</td>
<td>CSO: Combined Sewer Overflow</td>
</tr>
<tr>
<td>Primary Pollutants of Concern (POCs)</td>
<td>Variable; Depends on Type of Facility</td>
<td>Bacteria</td>
</tr>
<tr>
<td># of SPDES Permits In Albany County (Active)</td>
<td>EPA Major (Classes 03, 05) State Significant Minor (Classes 01, 07, 09)</td>
<td>State Non-Significant Minor (Classes 02, 04)</td>
</tr>
<tr>
<td>1980 (Total=25)</td>
<td>21</td>
<td>no data</td>
</tr>
<tr>
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</tr>
<tr>
<td>2019 (Total=501)</td>
<td>47</td>
<td>74</td>
</tr>
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<td>Permit “Owner-Operator”</td>
<td>Factory Owner; Sewage Treatment Plant Owner (Public and Private Sector)</td>
<td>Factory Owner; Sewage Treatment Plant Owner (Private Sector)</td>
</tr>
<tr>
<td>County or Local Municipality Enforcement Action and Fines</td>
<td>NA</td>
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Federal Clean Water Act - Enforcement Action and Fines: Depends on violation and EPA's enforcement procedures for a given program. Penalties are not calculated until compliance is achieved.

NYS Environmental Conservation Law - Enforcement Action and Fines: The enforcement action taken depends on the violation. The procedure for enforcement is described in the NYSDEC TOGS 1.4.2 Compliance and Enforcement of State Pollutant Discharge Elimination System (SPDES) Permits.

Standard Permit Conditions: Failure of the covered entity, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the SPDES General Permit requirements contained herein shall constitute a permit violation. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense. (All SPDES Permits have this language)

Federal Clean Water Act - Enforcement Action and Fines: Depends 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)

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<td><strong>Description</strong></td>
<td>Factories; Sewage Treatment Plants; Other</td>
<td>SSO</td>
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<tr>
<td></td>
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<td>Requires a SWPPP</td>
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<td>MS4 will take enforcement in the areas under MS4 authority.</td>
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Note: Data compiled by NYSDEC Region 4 staff for the Stormwater Coalition of Albany County (December 9, 2011 & October 16, 2019)
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)

1. 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 not a regulated MS4 municipality, the municipality is not 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
4. City of Cohoesville
   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!
   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?

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<td><strong>Standard Permit Conditions</strong></td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td><strong>Enforcement</strong> (TOGS schedule, permit specific)</td>
<td>$37,500/day/violation</td>
<td>$37,500/day/violation</td>
<td>$37,500/day/violation</td>
</tr>
</tbody>
</table>

**Permit Specific**

- **SWPPP - Stormwater Pollution Prevention Plans** (*swip*)
  - X
  - X

- **SWMP - Stormwater Mgmt Program Requirements** (*swamp*)
  - X

- **SWMP - Stormwater Management Program Requirements (Minimum Control Measures)**
  - X

**MS4 Permit Overlap with Construction Permit**

Develop, implement, and enforce a program equivalent to the NYS SPDES General Permit for Construction Activity requirements.

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).
MEMORANDUM

***NOTICE***
This document has been developed to provide Department of Environmental Conservation staff with guidance 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 24 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 supersedes Division of Water Technical and Operational Guidance Series (1.4.2) Compliance and Enforcement of SPDES Permits, dated September 30, 1988.

NYSDEC Division of Water Technical and Operational Guidance Series (1.4.2)
COMPLIANCE AND ENFORCEMENT OF SPDES PERMITS
Date: June 24, 2010

$37,500 per day per violation

“TOGS”

NYSDEC Penalty Rates
### F. Municipal Separate Storm Sewer Systems (MS4s) General Permit

<table>
<thead>
<tr>
<th>Violation</th>
<th>Base Penalty Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to renew or transfer coverage under the General Permit</td>
<td>$1000/month</td>
</tr>
<tr>
<td>Failure to apply for coverage under the MS4 General Permit for traditional MS4</td>
<td>$5,000/event</td>
</tr>
<tr>
<td>Failure to apply for coverage under the MS4 General Permit for non-traditional MS4</td>
<td>$1,000/event</td>
</tr>
<tr>
<td>Failure to develop and implement a Storm Water Management Program (SWMP)</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Failure to submit Annual Compliance Status Report and/or Municipal Compliance Certification Form</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Causing or contributing to a Water Quality Standards violation</td>
<td>$5,000/event</td>
</tr>
<tr>
<td>Failure to meet major permit milestone</td>
<td>$250/day</td>
</tr>
<tr>
<td>Failure to meet other (non-major) milestone or other non-significant permit violations</td>
<td>$100/day</td>
</tr>
<tr>
<td>Significant unauthorized discharge (refer to draft EPA Wet Weather SNC Policy et seq.)</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Unauthorized discharge</td>
<td>$1,000/event</td>
</tr>
<tr>
<td>Significant permit requirement violations including but not limited to:</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>- Lack of or a substantially inadequate SWPPP or SWMP;</td>
<td></td>
</tr>
<tr>
<td>- Substantial failure to implement or maintain BMPs, or</td>
<td></td>
</tr>
<tr>
<td>- Substantial failure to perform required monitoring</td>
<td></td>
</tr>
<tr>
<td>Failure to submit required report (including failure to respond to an information request)</td>
<td>$500/month</td>
</tr>
<tr>
<td>Failure to retain records as required</td>
<td>$500/event</td>
</tr>
<tr>
<td>Failure to allow inspection/sampling by the Department</td>
<td>$5,000/event</td>
</tr>
<tr>
<td>Falsifying information on DEC submittal(^{40})</td>
<td>$10,000/report</td>
</tr>
<tr>
<td>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”</td>
<td>$100/day</td>
</tr>
<tr>
<td>ECL Article 17 violations not related to permit</td>
<td>$250/day</td>
</tr>
</tbody>
</table>

\(^{40}\) 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.
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
### G. Construction Stormwater General Permit

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

FINES!
<table>
<thead>
<tr>
<th>Condition</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has coverage under General Permit, and has non-significant permit violations</td>
<td>&lt; 5 acres (or 5,000 sq ft - 1 acre for east of Hudson in the NYCW) $500/day or ≥ 5 acres (or &gt; 1 acre for east of Hudson in the NYCW) $1,000/day</td>
</tr>
<tr>
<td>Significant unauthorized discharge (refer to draft EPA Wet Weather SNC Policy et seq.)</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Unauthorized discharge</td>
<td>$1,000/event</td>
</tr>
<tr>
<td>Causing or contributing to a Water Quality Standards violation</td>
<td>$5,000/event</td>
</tr>
<tr>
<td>Failure to meet major milestones required in a permit or administrative or judicial order</td>
<td>$250/day</td>
</tr>
<tr>
<td>Failure to meet other (non-major) milestone or other non-significant permit violations</td>
<td>$100/day</td>
</tr>
<tr>
<td>Failure to submit required report (including failure to respond to an information request)</td>
<td>$500/month</td>
</tr>
<tr>
<td>Failure to retain records as required</td>
<td>$500/event</td>
</tr>
<tr>
<td>Failure to allow inspection/sampling by the Department</td>
<td>$5,000/event</td>
</tr>
<tr>
<td>Falsifying information on DEC submittal&lt;sup&gt;41&lt;/sup&gt;</td>
<td>$10,000/report</td>
</tr>
<tr>
<td>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”</td>
<td>$100/day</td>
</tr>
<tr>
<td>ECL Article 17 violations not related to permit</td>
<td>$250/day</td>
</tr>
</tbody>
</table>

<sup>41</sup> 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 (MSGP)

<table>
<thead>
<tr>
<th>Violation</th>
<th>Base Penalty Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to renew or transfer coverage under General Permit</td>
<td>$1,000/month</td>
</tr>
<tr>
<td>Failure to apply for coverage under the General Permit</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Failure to submit DMR or Annual Certification Report</td>
<td>$1,000/event</td>
</tr>
<tr>
<td>Failure to develop and implement a SWPPP or SWMP</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Causing or contributing to a Water Quality Standards violation</td>
<td>$5,000/event</td>
</tr>
<tr>
<td>Significant unauthorized discharge (refer to draft EPA Wet Weather SNC Policy or seq.)</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Unauthorized discharge</td>
<td>$1,000/event</td>
</tr>
<tr>
<td>Failure to meet significant permit requirements including but not limited to:</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Substantially inadequate SWPPPs;</td>
<td></td>
</tr>
<tr>
<td>Substantial failure to develop or implement the SWPPP;</td>
<td></td>
</tr>
<tr>
<td>Substantial failure to implement or maintain BMPs;</td>
<td></td>
</tr>
<tr>
<td>Substantial failure to implement MSGP requirements.</td>
<td></td>
</tr>
<tr>
<td>Exceeding interim or final effluent limits for non-toxic parameter under SPDES permit:</td>
<td>$2,000/event</td>
</tr>
<tr>
<td>Daily max/min discharge (each day = 1 violation= 1 event)</td>
<td>$1,000/event</td>
</tr>
<tr>
<td>Daily Average (7 day average = 7 violations(^4) = 1 event)</td>
<td>$1,500/event</td>
</tr>
<tr>
<td>Daily Average (30 day average = 30 violations(^5) = 1 event) or Monthly Average</td>
<td>$2,000/event</td>
</tr>
<tr>
<td>Exceeding interim or final limits for toxic parameter under SPDES permit:</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Daily max/min discharge (each day = 1 violation= 1 event)</td>
<td>$2,000/event</td>
</tr>
<tr>
<td>Daily Average (7 day average = 7 violations(^4) = 1 event)</td>
<td>$3,000/event</td>
</tr>
<tr>
<td>Daily Average (30 day average = 30 violations(^5) = 1 event) or Monthly Average</td>
<td>$4,000/event</td>
</tr>
<tr>
<td>Failure to meet major milestones required in a permit or administrative order or judicial decree</td>
<td>$250/day</td>
</tr>
<tr>
<td>Failure to meet other (non-major) milestone or other non-significant permit violations</td>
<td>$100/day</td>
</tr>
</tbody>
</table>

---

\(^4\) Exceedence 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.”

\(^5\) Exceedence of the 30-day average constitutes 30 violations. Legal precedence for this has been established by federal court rulings. The 30-day average is defined in 40CFR133.101(b), is “the arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.”
<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to submit required report (including failure to respond to an information request)</td>
<td>$500/month</td>
</tr>
<tr>
<td>Failure to retain records as required</td>
<td>$500/event</td>
</tr>
<tr>
<td>Failure to allow inspection/sampling by the Department</td>
<td>$5,000/event</td>
</tr>
<tr>
<td>Falsifying information on DEC submittal(^{10})</td>
<td>$10,000/report</td>
</tr>
<tr>
<td>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”</td>
<td>$100/day</td>
</tr>
<tr>
<td>ECL Article 17 violations not related to permit</td>
<td>$250/day</td>
</tr>
</tbody>
</table>

\(^{10}\)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.
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)
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**

- **MAYOR**
  - [Megan Grenier]
  - MCM 7
- **BOARD of TRUSTEES**
  - [Aileen Nicoll, Seth Harris, Diane Foley, Steve Boulet]
  - MCM 3, 4, 5, 7
- **ATTORNEY**
  - [Steve Rheines]
  - MCM 5
- **VILLAGE CLERK**
  - [Don Handeenan]
  - MCM 7
- **EXECUTIVE ASST to MAYOR**
  - [Paul Reuss]
  - MCM 4, 5
- **ZONING BOARD of APPEALS**
  - [John Basset-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 8: Pollution Prevention/Good Housekeeping for Municipal Operations
- **Other Program Requirements**
  - MCM 7: Stormwater Program Management ([Staffing, Administration])
  - MCM 8: Training - (Staff/Municipal Officials)

**DEPT of PUBLIC WORKS**
- [Mike Hagman-Foreman (1 Sub-Foreman & 7 Laborers)]
  - Functions:
    1. Highway (plowing, road salt, repairs)
    2. Water Infrastructure Maintenance (Drinking water, sanitary sewer, 30%)
    3. Sanitation (garbage)
    4. Parks & Recreation (mowing, ball fields)
    - MCM 1, 3, 6

**PLANNING BOARD**
- Board of Trustees acts as Planning Board (As Needed)
  - Functions:
    1. Site Plan Review
    2. Special Use Permit
    - MCM 4, 5

**CODE ENFORCEMENT OFFICER**
- [Lyle Darmetio]
  - Functions:
    1. Code Enforcement
    - MCM 3, 4, 5

**Village Designee Engineer**
- (Chases Companies)
  - Functions:
    1. Construction Activity Permit
    2. MS4 SWPPP Review
    3. MS4 SWPPP Site Inspections
    - MCM 4, 5

**Stormwater Coalition of Albany County**
- (Tanya Heintze-Director)
  - (12W Program Technician)
  - Functions:
    1. MS4 Permit
    - MCM 1, 2, 3, 5, 6, 7, 8
Town of New Scotland
(population ~5,859)
Town of Guilderland (population ~35,745)
Town of Bethlehem, NY
MS4 Organization Chart
Identifying MCM Responsibilities

Town Board
- Town Supervisor David VanLuven
- Highway Superintendent Chief Elected Official Marc Dorsey
- Planning Board John Smolinsky, Chair MCM 4,5

Town Attorney James Potter

Department of Public Works
- George S. Kansas, P.E. Commissioner MCM 4,6
  - Water Treatment Frank Bariteau MCM 3,6
  - Waste Water Treatment Bill Borger (Outside MS4)
  - Field Operations Howard Hyer MCM 3,6
    (Effective as of 2/5/2020)

Parks and Recreation
- Jason Gallo Administrator MCM 2

Highway Department
- Marc Dorsey Superintendent MCM 4,5,6
  - Stormwater Foreman MCM 3,4,5
  - Parks Foreman MCM 3,6

Economic Development and Planning
- Robert Leslie, AICP Director
  - Planning Division Robert Leslie, AICP Director
  - Building Division Justin Harbinger Building Inspector, Code Enforcement MCM 3,4,5

Engineering Division
- Paul Penman, P.E. Deputy Commissioner MCM 6
  - Administrator Tina Ross MCM 4 (enforcement)

Town Designated Engineers
- CHA Companies
- Clark Patterson Lee
- MJ Engineering MCM 4,5

Albany County Stormwater Coalition
- MCM 1,2,3,6

- SW Program Coordinator, Joe Cleveland MCM 1,2,3,4,5,6
- Engineering Staff MCM 4,5
- GIS Coordinator GIS Mapping

LEGEND
- Elected Official
- Appointed Board
- Town Employee
- 3rd Party Vendor
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
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
“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
From Coalition website, links to Member pages...

Member page content

MUCH MORE, check it out!
Questions?

Thank you!

Training Documentation (Signed In?)