DRAFT

PERMIT

for

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
SPDES GENERAL PERMIT
for
STORMWATER DISCHARGES

from

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Permit No. GP-0-22-002

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Anticipated Issuance and Effective Date: April 27, 2022
Anticipated Expiration Date: April 30, 2027

Scott Sheeley
Chief Permit Administrator

Authorized Signature Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1

NOTE
All italicized words within this *State Pollutant Discharge Elimination System (SPDES)* general permit are defined in Appendix A.

Part I. Permit Coverage and Limitations

A. Permit Authorization

This *SPDES* general permit authorizes the *discharge* of *stormwater* from small *MS4*s as defined in 40 CFR § 122.26(b)(16).

1. An *MS4 Operator* is eligible for coverage under this *SPDES* general permit if the *MS4 Operator* is *automatically* or *additionally designated*.

   Only portions of the *MS4* which are located within the *automatically* or *additionally designated areas* are authorized to *discharge* by, and subject to, the requirements of this *SPDES* general permit.

2. This *SPDES* general permit contains terms and conditions specific for each of the following types of *MS4 Operator* that are authorized to *discharge* under this *SPDES* general permit, in accordance with Part I.A.1:

   a. *Traditional Land Use Control MS4 Operators;*

   b. *Traditional Non-Land Use Control MS4 Operators;* and

   c. Non-Traditional MS4 Operators.

   The minimum control measures (MCMs) for *traditional land use MS4 Operators* are listed in Part VI. The MCMs for *traditional non-land use control MS4 Operators* and *non-traditional MS4 Operators* are listed in Part VII. Part III.B, Part VIII, and Part IX list additional requirements for all *MS4 Operators' MS4*s *discharging* to impaired waters.

3. Non-*stormwater discharges* through outfalls listed in Part 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) 750-1.2(a)(29)(vi) and 40 CFR 122.34(b)(3)(ii), are authorized by this *SPDES* general permit provided they do not violate Environmental Conservation Law (ECL) Section 17-0501. If the *Department* or *MS4 Operator* determines that one or more of the *discharges* are in violation of ECL Section 17-0501, the identified *discharges* are illicit and the *MS4 Operator* must eliminate such *discharges* by following the *illicit discharge* MCM requirements found in Part VI.C. or Part VII.C, depending on the *MS4 Operator* type.

   Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned.

B. Exemption and Limitations on Coverage

1. The following *discharges* from *MS4 Operators* are exempt from the requirements of this *SPDES* general permit:

   a. *Stormwater discharges* associated with an *industrial activity* provided the *discharges* are in compliance with the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-17-004 (MSGP); and

   b. Individual *SPDES* permitted *stormwater discharges* provided the *discharges* are in compliance with their individual *SPDES* permit limitations.

2. The following *discharges* from *MS4 Operators* are not authorized by this *SPDES* general permit:

   a. *Stormwater discharges* that may adversely affect an endangered or threatened species unless the *MS4 Operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 or the *Department* has issued a letter of non-jurisdiction. All documentation necessary to demonstrate *discharge* eligibility must be maintained on-site in a format readily available to the *Department* in accordance with Part IV.B.

   b. *Stormwater discharges* which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the covered entity is in compliance with requirements of the National Historic Preservation Act and has coordinated with the appropriate State Historic Preservation Office any activities necessary to avoid or minimize impacts.

   c. *Stormwater discharges*, the permitting of which is prohibited under 40 CFR 122.4 and 6 NYCRR 750-1.3.

   d. The *discharge* of vehicle and equipment washwater from *municipal facilities*, including tank cleaning operations.

Part II. Obtaining Permit Coverage

A. *MS4 Operators*, meeting the eligibility requirements in Part I.A.1 of this *SPDES* general permit, must submit the notice of intent (NOI) electronically (eNOI) unless the *MS4 Operator* has obtained a waiver from the electronic submittal requirement (Part II.B.), in order to be authorized to *discharge* under this *SPDES* general permit. Access and directions for use, for electronic submission of the NOI, are located on the *Department*'s website. *MS4 Operators* must submit the eNOI as indicated in Table 1 and in accordance with Part X.J.

Table 1. eNOI Submittal for Permit Coverage			
Type of permit coverage	**Deadline to submit complete eNOI**	**Coverage Effective**	**Form to file with the *Department***
Newly designated *MS4 Operator*	180 days[1] from written notification from the *Department*	Sixty (60) days from submission of the complete eNOI	eNOI to Obtain Coverage
MS4 Operators continuing coverage from GP-0-15-003	Thirty (30) days prior to the effective date of the permit (EDP)	Sixty (60) days from the EDP	eNOI to Continue Coverage

By submitting the complete e*NOI*, the *MS4 Operator* certifies that the *MS4 Operator* has read and agrees to comply with the terms and conditions of this *SPDES* general permit including the provisions to update the *Stormwater Management Program Plan* (*SWMP Plan)* (Part IV.B.) in accordance with the timeframes set forth in this *SPDES* general permit.

MS4 Operators must document the complete NOI in the *SWMP Plan* (Part IV.B.). As information in the completed NOI changes, *MS4 Operators* must updated the information on the NOI within thirty (30) days. The *MS4 Operator* must document information from the Department acknowledging previous coverage or designation in the *SWMP Plan* (Part IV.B.).

For newly designated *MS4 Operators*, timeframes for compliance begins on the effective date of coverage (EDC).

B. Electronic Submission Waiver

1. *MS4 Operators* must submit all NOIs electronically unless the *MS4 Operator* has received a waiver from the Department based on one of the following conditions:
   a. If the *MS4 Operator* is physically located in a geographical area (i.e., zip code or census tract) that is identified as under-served for broadband internet access in the most recent report from the Federal Communications Commission; or
   b. If the *MS4 Operator* has limitations regarding available computer access or computer capability.

2. If an *MS4 Operator* wishes to obtain a waiver from submitting an NOI electronically, the *MS4 Operator* must submit a request using the Application for

[1] In this *SPDES* general permit, days refer to calendar days.

Electronic Submittal Waiver for GP-0-22-002 to the *Department* at the following address:

NYS DEC Bureau of Water Compliance
MS4 NOTICE OF INTENT WAIVER
625 Broadway, 4th Floor
Albany, New York 12233-3505

3. A waiver may only be considered granted once the *MS4 Operator* receives written confirmation from the *Department*.
4. *MS4 Operators* must document the eNOI waiver in the *SWMP Plan* (Part IV.B.), if applicable.

C. *MS4 Operators* who submit a complete NOI are authorized to *discharge stormwater* under the terms and conditions of this *SPDES* general permit.

Part III. Special Conditions

A. *Discharge* Compliance with *Water Quality Standards*

1. The *MS4 Operator* must implement the required controls contained in Parts III through IX of this *SPDES* general permit. The *Department* expects that compliance with the terms and conditions of this *SPDES* general permit will assure *MS4 discharges* meet applicable *water quality standards*.

2. It shall be a violation of the Environmental Conservation Law (ECL) for any *discharge* authorized by this *SPDES* general permit to either cause or contribute to a violation of *water quality standards* as contained in 6 NYCRR 700-705.

3. The *MS4 Operator* must take all necessary actions to ensure *discharges* comply with the terms and conditions of this *SPDES* general permit. If at any time an *MS4 Operator* becomes aware (e.g., through self-monitoring or by notification from the *Department*) that a *discharge* causes or contributes to the violation of an applicable *water quality standard*, the *MS4 Operator* must implement corrective actions and the *MS4 Operator* must document these actions in the *SWMP Plan* (Part IV.B.).

4. Compliance with this *SPDES* general permit does not preclude, limit, or eliminate any enforcement activity as provided by Federal and/or State law. Additionally, if violations of applicable *water quality standards* occur, then coverage under this *SPDES* general permit may be terminated by the *Department* in accordance with 6 NYCRR 750-1.21(e), and the *Department* may require an application for an alternative *SPDES* general permit or an individual *SPDES* permit may be issued.

B. Water Quality Improvement Strategies for Impaired Waters

1. List of Impaired Waters 2018 NYS 303(d) (Appendix C)

For *MS4 Operators* whose *MS4 outfalls discharge* to an impaired waterbody listed in Appendix C, the *MS4 Operator* must *develop* and implement the *pollutant* specific *best management practices (BMPs*), listed in Part VIII, targeted towards the *pollutant of concern (POC)* causing the impairment. These *pollutant* specific *BMPs* must be implemented throughout the entire *sewershed(s)* with *MS4 outfalls discharging* to the impaired segment.

For *MS4 Operators discharging* to waters within a total maximum daily load (TMDL) watershed that does not specify a *pollutant* load reduction necessary for *MS4*s and listed in Appendix C, the *MS4 Operator* must implement the enhanced BMP requirements of Part VIII for the applicable *pollutant* of concern of the TMDL.

The enhanced BMP requirements in Part VIII are written to address the *POCs* listed in Table 2.

Table 2. *Pollutant* Specific BMPs for Impaired Waters listed in Appendix C	
POC	**Part VIII Reference**
Phosphorus	A
Silt/Sediment	B
Pathogens	C
Nitrogen	D
Floatables	E

2. Watershed Improvement Strategy Requirements for TMDL Implementation (Part IX)

a. In addition to the *MCMs*, *MS4 Operators discharging* to waters within the watersheds listed in Table 3 must implement additional *BMPs* and applicable *retrofit* plans as specified in Part IX to achieve the *pollutant* load reductions specified in the referenced TMDL or respective implementation plan.

Table 3. Approved *TMDL* Watersheds with *MS4* Contribution		
TMDL	**POC**	**Part IX Reference**
Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000	Phosphorus	A
Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel,[2] October 2016		
Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake,[2] March 2015		
Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, September 2005	Phosphorus	B
Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012		
Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008		
None	Pathogen	C
TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries, September 2007	Nitrogen	D
Kinderhook; and Long Island Sound	Various	N/A[3]

b. Each *MS4 Operator* is responsible for a waste load reduction as specified in the applicable *TMDL* or *TMDL* implementation plan referenced in Part IX. *MS4 Operators* may form a *Regional Stormwater Entity (RSE)* to implement *stormwater retrofits* collectively where compliance with the *pollutant* reduction

[2] Compliance with the requirements within Part IX.A. will achieve the reductions specified by the approved TMDLs for these waters.

[3] Although EPA approved TMDLs for these waters, the TMDL reduction required for New York's *MS4* contribution can be achieved through implementation of the six (6) MCMs and the Part VIII Enhanced Requirements for Impaired Waters.

requirements would be achieved on a regional basis. The individual load reduction for each participating *MS4* is aggregated to create a *RSE* load reduction. The RSE then designs and installs *retrofits* where they are most feasible within the boundaries of the *RSE*. Each participating *MS4* of an RSE complies if the aggregated *RSE pollutant* load reduction is met.

3. **Impaired waters with an approved TMDL and listed in Appendix C**
   An *MS4 discharging* to a waterbody listed in both Table 3 and Appendix C must meet the requirements of Part IX for the specific *POC* identified in the *TMDL* and meet the requirements of Part VIII for the additional *POC*(s) listed in Appendix C.

Part IV. *Stormwater Management Program (SWMP)* Requirements

MS4 Operators must *develop*, implement, and enforce a *SWMP* to reduce *pollutants,* to the *maximum extent practicable (MEP),* that may enter into and be *discharged* from their separate storm sewer system. A written copy of the *SWMP* must be retained (hardcopy or electronic). The written *SWMP* is referred to as the *SWMP Plan* (Part IV.B.). The *MS4 Operator* must use the *SWMP Plan* (Part IV.B.) to document *developed*, planned, and implemented elements of the *SWMP*.

A. Administrative

1. Alternative Implementation Options

a. MS4 Operators may utilize other entities or the resources of those entities to assist with any portion of the *SWMP* development, implementation, or enforcement. These entities may consist of other MS4 Operators, an *RSE*, a Coalition of MS4 Operators, other public entities (e.g., non-MS4 entities), or a private third-party contractor. If the MS4 Operator is relying upon another entity for compliance with any portion of this *SPDES* general permit, there must be an agreement in place that:

i. Is legally binding;

ii. Is documented in writing;

iii. Is signed and dated by all parties including the certification statement below (Part IV.A.2.b);

iv. Identifies the activities that the entity will be responsible for including the particular MCM, the location and type of work;

v. Includes the name, address and telephone number of the contact person representing the entity;

vi. Is kept up-to-date and part of the *SWMP Plan*; and

b. vii. Is retained by each party for the duration of the permit term.

Certification Statement

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the (MS4 Operator's name) *stormwater* management program and agree to implement any corrective actions identified by the (MS4 Operator's name) or a representative. I also understand that the (MS4 Operator's name) must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-22-002 (MS4 GP) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further,

I understand that any non-compliance by (MS4 Operator's name) will not diminish, eliminate, or lessen my own liability."

Irrespective of any agreements, each party remains legally responsible for obtaining its own permit coverage, for filing the *NOI,* and satisfying all requirements of this *SPDES* general permit for its own *discharges*.

c. Within thirty (30) days signing, alternative implementation agreements (Part IV.A.1.) must be documented in the *SWMP Plan* (Part IV.B.).

d. Annually review and update any alternative implementation agreements in the SWMP Plan, as necessary.

e.

2. Staffing plan/Organizational chart

Individual *SWMP* components may be *developed*, implemented, or enforced by different titles associated with the *MS4 Operator*, or other entities as described in Part IV.A.1. Within six (6) months of EDP/EDC, the *MS4 Operator* must *develop* a written staffing plan that clearly identifies the individuals, including those identified in Part IV.A.2, and the roles and responsibilities for each corresponding to the required elements of the *SWMP*. The staffing plan must describe how information will be communicated and coordinated among all those with identified responsibilities. All staffing plan/organization charts must be documented in the *SWMP Plan* (Part IV.B.).

B. *SWMP Plan*

The *SWMP Plan* must contain, at a minimum, all required activities and measures implemented to meet the terms and conditions of this *SPDES* general permit, and documentation required by this *SPDES* general permit. The *SWMP Plan* must identify if any requirements from Part VI or Part VII, depending on the *MS4 Operator* type, are not applicable and include the rationale behind the determination. At a minimum, the *SWMP Plan* must be updated annually by June 1, based on the annual evaluation of the *SWMP* (Part V.C.), to ensure the permit requirements are implemented to the maximum extent practicable. More frequent updates to the *SWMP Plan* are noted below in specific permit requirements.

1. *Stormwater* Program Coordinator

a. On the NOI, the *MS4 Operator* must designate a *Stormwater* Program Coordinator who must be knowledgeable in the principles and practices of *stormwater* management, the requirements of this *SPDES* general permit, and the *SWMP*. The *Stormwater* Program Coordinator oversees the *development*, implementation, and enforcement of the *SWMP;* coordinates all elements of the *SWMP* to ensure compliance with the permit; and *develops* and submits the annual report. The name, title, and contact information of the *Stormwater* Program Coordinator must be documented in the *SWMP* Plan.

b. Once a permit term, the *Stormwater* Program Coordinator must complete four (4) hours of training endorsed by the *Department* in *stormwater* management

and the requirements of this *SPDES* general permit. The completion of this permit requirement must be documented in the *SWMP Plan*.

2. Availability of *SWMP Plan*

a. Within six (6) months of EDP/EDC, the *MS4 Operator* must make the current *SWMP Plan*, and any documentation associated with the implementation of the *SWMP Plan*, available during normal business hours to the *MS4 Operator*'s management and staff responsible for implementation as well as the *Department* and United States Environmental Protection Agency (USEPA) staff.[4] The completion of this permit requirement must be documented in the *SWMP Plan*.

b. Within six (6) months of EDP/EDC, the *MS4 Operator* must make a copy of the current *SWMP Plan* available for public inspection during normal business hours at a location that is accessible to the public, or on a public website managed by the *MS4 Operator*. The location of the *SWMP Plan* must be kept current. The completion of this permit requirement must be documented in the *SWMP Plan*.

3. Timeframes for *SWMP* Plan Development or Updates

MS4 Operators must *develop* and/or implement their *SWMP Plan* in accordance with the timeframes set forth in this *SPDES* general permit. *MS4 Operators* authorized under GP-0-15-003 must continue to fully implement their existing *SWMP Plan* until the timeframes set forth in this *SPDES* general permit, at which time, the *MS4 Operator* must update their *SWMP Plan*.

C. Minimum Control Measures (MCMs)

The *SWMP* must include the MCMs that, when implemented together, will reduce the *discharge* of *pollutants* into receiving waters to the *MEP*. This *SPDES* general permit includes timeframes and frequencies for the requirements in each *MCM* to reduce the *discharge* of *pollutants* to the *MEP*.

The *MCMs* for *traditional land use MS4s* are listed in Part VI while those for *traditional non-land use control MS4 Operators* and *non-traditional MS4 Operators* are listed in Part VII. Parts III.B, Part VIII, and Part IX. list additional requirements for all *MS4 Operators discharging* to impaired waters.

D. Mapping

The *MS4 Operator* must *develop* and maintain a comprehensive system map. The comprehensive system map, if hardcopy, or the location of the map, if digital, must be documented in the *SWMP Plan*. The comprehensive system map must be in a readily accessible hard copy or electronic format, with scale and detail appropriate to provide a clear understanding of the *MS4*, to serve as a planning tool to allow for prioritization of efforts and facilitate management decisions by the *MS4 Operator*. The *MS4 Operator* must update the map annually after Phase I (Part IV.D.2.a.) completion, including updates to prioritization information of monitoring locations

[4] Part X.F. contains the duty for the *MS4 Operator* to provide information.

(Part VI.C.1.d. or Part VII.C.1.d, depending on the *MS4 Operator* type), construction sites (Part VI.D.5. or Part VII.D.5, depending on the *MS4 Operator* type), and *municipal facilities* (Part VI.F.2.c.i. or Part VII.F.2.c.i, depending on the *MS4 Operator* type).

1. Within six (6) months of EDP/EDC, the comprehensive system map must include the following information:
    a. *MS4 outfall* locations (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);
    b. Preliminary *storm-sewershed* boundaries (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);
    c. Publicly available geographic information system (GIS) data:
        i. *Regulated area* boundaries;
        ii. Names and location of all *surface waters of the State*, including:
            a) Classification;
            b) Impairment and *POC*, if applicable; and
            c) *TMDL* watershed areas;
        iii. Land use, including:
            a) Industrial;
            b) Residential;
            c) Commercial;
            d) Open space; and
            e) Institutional;
        iv. Roads; and
        v. Topography (USGS Quadrangle Map or better).
2. The comprehensive system map must be updated with the data collected for each phase of mapping within the timeframe for each phase as outlined below:

    a. Phase I: Within three (3) years of the EDP/EDC, the comprehensive system map must include the following information:
        i. Monitoring locations, with associated prioritization (Part VI.C.1.d. or Part VII.C.1.d, depending on the *MS4 Operator* type);
        ii. Preliminary *storm-sewershed* boundaries (for a newly designated *MS4 Operator*);
        iii. Focus areas (Part VI.A.1.a. or Part VII.A.1.a, depending on the *MS4 Operator* type);
        iv. *Municipally* owned post-construction *stormwater management practices* (Part VI.E.3. or Part VII.E.3, depending on the *MS4 Operator* type); and
        v. *Municipal facilities,* with associated prioritization (Part VI.F.2.c. or Part VII.F.2.c, depending on the *MS4 Operator* type).

    b. Phase II: Within five (5) years of the EDP/EDC, the comprehensive system map must include the following information:

i. *MS4* infrastructure, including:
   a) Conveyance system
      i) Type (closed pipe or open drainage); and
      ii) Conveyance description (material type, shape, dimensions, and direction of flow);

   b) *Stormwater* structures
      i) Type (drop inlet(s), catch basin(s), and manhole(s); and
      ii) Structure description (number of connections to and from catch basins and manholes);

ii. Privately-owned post-construction *stormwater management practices* which *discharge* to the *MS4* (Part VI.E.3. or Part VII.E.2, depending on the *MS4 Operator* type)
   a) If the location of the practice is unavailable for privately owned post-construction practices, the *MS4 Operator* must map the location where the practice *discharge* enters the *MS4*.

E. Legal Authority

For a newly designated *MS4 Operator*, within three (3) years, the *MS4 Operator* must, to the extent allowable by State and local law, *develop* and implement adequate legal authority to control *pollutant discharges* to implement this *SPDES* general permit. An *MS4 Operator* must either be in conformance with Part IV.E.1. or Part VI.E.2:

1. Adopt the following model local laws and include a copy of the resolution in their *SWMP Plan*:

   a. The New York State Department of Environmental Conservation Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, April 2006 (NYS DEC Model IDDE Local Law 2006); and

   b. The New York State Department of Environmental Conservation Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006).

2. Enact a legal mechanism with content equivalent to the model local law, with documentation in the *SWMP Plan* from the attorney representing the *MS4 Operator* of the equivalence. Equivalent legal mechanisms must include the following:

   a. For *illicit discharges*:

      i. A prohibition of:

         a) *Illicit discharges*, spills or other release of *pollutants*;

         b) Unauthorized connections into the *MS4*;

      ii. A mechanism to:

a) Receive and collect information related to the introduction of *pollutants* into the *MS4*;

b) Require installation, implementation, and maintenance of post-construction *stormwater management practices*;

c) Require compliance and take enforcement action; and,

d) Access property for inspection.

b. To be adequate the legal mechanism must also ensure:

i. Applicable construction activities are effectively controlled and include post-construction runoff controls for new development and redevelopment projects; and

ii. Post-construction *stormwater management practices* are properly operated and maintained by requiring the following:

a) A stormwater pollution prevention plan (SWPPP) with erosion and sediment controls that meets or exceed the New York State Standards and Specifications for Erosion & Sediment Control, November 2016 (NYS E&SC 2016) and requires post-construction *stormwater management practices* (*SMPs*) for applicable *construction activity* described in Part VI.D.1 in conformance with the SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001 (CGP);

b) Post-construction *SMPs* as required by CGP meet the *sizing criteria* specified in the New York State Stormwater Management Design Manual, January 2015 (NYS SWMDM 2015), and performance criteria, or equivalent, including Operation & Maintenance Plans for long term maintenance;

c) Construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, all of which may cause adverse impacts to water quality; and

d) Receive and collect information related to compliance with the approved SWPPP including verification of maintenance of post-construction *SMPs* (if conducted by private entities).

F. Enforcement Measures & Tracking

1. Enforcement Response Plan

Within six (6) months, the *MS4 Operator* must *develop* and implement an enforcement response plan (ERP) which clearly describes the action(s) to be taken for violations of the legal authority that the *MS4 Operator* has enacted for illicit *discharge* (Part VI.C.1 and Part VII.C.1), construction (Part VI.D.2 and Part VII.D.2) and post-construction (Part VI.E.2 and Part VII.E.2). The ERP must be documented in the *SWMP Plan*. The ERP must set forth a protocol to address

repeat and continuing violations through progressively stricter responses (i.e., escalation of enforcement) as needed to achieve compliance with the terms and conditions of this *SPDES* general permit.

a. The ERP must describe how the *MS4 Operator* will use the following types of enforcement responses or combination of responses:
    i. Verbal warnings;
    ii. Written notices;
    iii. Citations (and associated fines);
    iv. Stop work orders;
    v. Withholding of plan approvals or other authorizations affecting the facility's ability to *discharge* to the *MS4*; and
    vi. Additional measures, supported in local legal authorities, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials to correct violations.
b. Enforcement responses are based on the type, magnitude and duration of the violation, effect of the violation on the receiving water, compliance history of the operator and good faith of the operator in compliance efforts.
c. Efforts to obtain a voluntary correction of deficiencies through informal enforcement, such as verbal warnings or written notices, must not exceed sixty (60) days in duration (from the time of the *MS4 Operator's* initial determination until a return to compliance).

2. Enforcement Tracking

The *MS4 Operator* must track instances of non-compliance in the *SWMP Plan*. The enforcement case documentation must include, at a minimum, the following:

a. Name of the owner/operator of the facility or site of the violation;
b. Location of the *stormwater* source (i.e., construction project, industrial facility);
c. Description of the violation;
d. Required schedule for returning to compliance;
e. Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations);
g. Any referrals to different departments or agencies; and
h. Date violation was resolved.

Part V. Recordkeeping, Reporting, and *SWMP* Evaluation

A. Recordkeeping

The *MS4 Operator* must keep records required by this *SPDES general permit* as specified in Appendix A for five (5) years after they are generated. Records must be submitted to the *Department* within a reasonable specified time period of a written *Department* request for such information. Documents can be maintained in electronic format if the manner reasonably assures the integrity of the records, in accordance with NYCRR 750-2.5(c)(3).

B. Reporting

1. Report Submittal

a. Reports must be submitted electronically to the *Department* using a format acceptable to the *Department*.

b. Electronic Submission Waiver

i. *MS4 Operators* must submit all reports electronically unless the *MS4 Operator* has received a waiver from the *Department* based on one of the following conditions:

a) If the *MS4 Operator* is physically located in a geographical area (i.e., zip code or census tract) that is identified as under-served for broadband internet access in the most recent report from the Federal Communications Commission; or

b) If the *MS4 Operator* has limitations regarding available computer access or computer capability.

ii. If an *MS4 Operator* wishes to obtain a waiver from submitting a report electronically, the *MS4 Operator* must submit a request using the Application for Electronic Submittal Waiver for GP-0-22-002 to the *Department* at the following address:

NYS DEC Bureau of Water Compliance
MS4 NOTICE OF INTENT WAIVER
625 Broadway, 4th Floor
Albany, New York 12233-3505

iii. A waiver may only be considered granted once the *MS4 Operator* receives written confirmation from the *Department*.

iv. *MS4 Operators* must document the electronic submission waiver in the *SWMP Plan*, if applicable.

2. Annual Reports

a. Annually, *MS4 Operators* must submit an Annual Report to the *Department* using the form provided by the *Department*. The completion of this permit requirement must be documented in the *SWMP Plan*.

b. The reporting period for the Annual Report is March 1 of the current year to February 28, February 29 if on a leap year, of the following year (Reporting Year). The Annual Report must be submitted to the *Department* by June 1 of the same year following the end of the Reporting Year.

3. Interim Progress Certifications

a. Twice a year*, MS4 Operators* must submit to the *Department* an Interim Progress Certification that verifies the activities included in this *SPDES* general permit have been completed by the date specified using the form provided by the *Department*. The completion of this permit requirement must be documented in the *SWMP Plan*.

b. *MS4 Operators* located within the watersheds listed in Table 3 must include additional information to identify the activities that have been performed during the reporting period to demonstrate progress made by the *MS4 Operator* towards completion of the reduction requirements, prescribed in Part IX.

c. An Interim Progress Certification for the period of March 1 through September 1 of each year must be submitted to the *Department* by December 1 of the same year. An Interim Progress Certification for the period of September 2 through February 28, February 29 if on a leap year, of the following year must be submitted to the *Department* by June 1 of the same year along with the Annual Report. Submission of the Annual Report is not a substitute for submission of the Interim Progress Certification.

4. Shared Annual Reporting

MS4 Operators working together to implement their *SWMPs* may complete and submit a shared Annual Report to satisfy the reporting requirements specified in Part V.B.2.

a. The shared Annual Report must outline and explain group activities, but also include the tasks performed by each individual *MS4 Operator*.

b. On or before the reporting deadline, June 1, each *MS4 Operator* within the group, must sign the certification section of the Annual Report to take responsibility for the information in the Annual Report, which includes specific endorsement or acceptance of both the shared Annual Report information and Annual Report information on behalf of the individual *MS4 Operator.*

5. Certification

All reports specified within this Part must be signed and certified in accordance with Part X.J.

C. *SWMP* Evaluation

Annually, the MS4 Operator must evaluate the *SWMP* for compliance with the terms and conditions of this *SPDES* general permit, including the effectiveness or deficiencies of components of the individual *SWMP Plan*, and the status of achieving the requirements outlined in this *SPDES* general permit and document the evaluation in the SWMP Plan.

Part VI. Minimum Control Measures (MCMs) for *Traditional Land Use Control MS4 Operators*

In addition to the requirements contained in Parts I. through V, *traditional land use control MS4 Operators* must comply with the MCMs contained in this Part.

A. MCM1 – Public Education and Outreach Program

The *MS4 Operator* must *develop* and implement an education and outreach program to increase public awareness of *pollutant* generating activities and behaviors. This MCM is designed to inform the public about the impacts of *stormwater* on water quality, the general sources of *stormwater pollutants*, and the steps the general public can take to reduce *pollutants* in *stormwater* runoff.

1. Development

a. Focus Areas

Within three (3) years of the EDP/EDC, the *MS4 Operator* must identify and document the focus areas in the *SWMP Plan*. The focus areas to be considered are as follows:

i. Areas contributing to waterbodies of significant value (i.e., drinking water supply, public bathing beaches, shellfishing, high recreation value);

ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII requirements);

iii. *TMDL* watersheds (subject to Part IX requirements);

iv. Areas with *construction activities*;

v. Areas where *stormwater* flows have potential to cause erosion (e.g., areas with steep slopes, inactive construction sites, unvegetated soil, sand stockpiles for road application);

vi. Areas with onsite wastewater systems subject to Part VIII or Part IX requirements;

vii. Residential, commercial, and industrial areas;

viii. *Stormwater hotspots*; and

ix. Areas with *illicit discharges*.

b. Target Audiences and Associated *Pollutant* Generating Activities

Within three (3) years of the EDP/EDC, the *MS4 Operator* must identify and document the applicable target audience(s) and associated *pollutant* generating activities that the outreach and education will address for each focus area identified by the *MS4 Operator* in Part VI.A.1.a in the SWMP Plan. The target audiences are as follows:

i. Residents;

ii. Commercial:[5] Business owners and staff;

iii. Institutions:[6] Managers, staff, and students;

iv. Construction: Developers, contractors, and design professionals;

v. Industrial:[7] Owners and staff; and

vi. *MS4 Operator*'s *municipal* staff.

c. Education and Outreach Topics

Within three (3) years of the EDP/EDC, the *MS4 Operator* must identify and document in the *SWMP Plan* the education and outreach topics and how the education and outreach topics will reduce the potential for *pollutants* to be generated by the target audience(s) (Part VI.A.1.b.) for the focus area(s) (Part VI.A.1.a.).

d. *Illicit Discharge* Education

Within six (6) months of the EDP/EDC, the *MS4 Operator* must make information related to the prevention of *illicit discharges*, available to *municipal* employees, businesses, and the public and document the completion of this requirement in the *SWMP Plan*. The information related to the prevention of illicit discharges must include the following:

i. What types of *discharges* are allowable (Part I.A.3.);

ii. What is an *illicit discharge* and why is it prohibited (Part VI.C.);

iii. The environmental hazards associated with *illicit discharges* and improper disposal of waste;

iv. Proper handling and disposal practices for the most common behaviors within the community (e.g., septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in illicit *discharges* to the *MS4*); and

v. How to report *illicit discharges* they may observe (Part VI.C.1.).

2. Implementation and Frequency

a. Distribution of Educational Messages

Once a permit term, the *MS4 Operator* must identify and document in the *SWMP Plan* which of the following method(s) are used for the distribution of educational messages:

i. Printed materials (e.g., mail inserts, brochures, and newsletters, etc.);

ii. Electronic materials (e.g., websites, email listservs, etc.);

iii. Mass media (e.g., newspapers, public service announcements on radio or cable, etc.);

[5] Business, retail stores, restaurants, etc.
[6] Hospitals, churches, colleges, schools, etc.
[7] Factories, recyclers, auto-salvage, mines, etc.

iv. Workshops or focus groups;

v. Displays in public areas (e.g., town halls, library, parks, etc.); or

vi. Social Media (e.g., Facebook, Twitter, blogs, etc.).

b. Frequency

Following the completion of Part VI.A.1.a, Part VI.A.1.b, and Part VI.A.1.c, once a permit term, the *MS4 Operator* must deliver an educational message to each target audience(s) (Part VI.A.1.b.) for each focus area(s) (Part VI.A.1.a.) based on the defined education and outreach topic(s) (Part VI.A.1.c.) and document the completion of this requirement in the *SWMP Plan*.

c. Updates to the Public Education and Outreach Program

Following the completion of Part VI.A.1.a, Part VI.A.1.b, and Part VI.A.1.c, annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the focus areas, target audiences, and/or education and outreach topics as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

B. MCM 2 - Public Involvement/Participation

The *MS4 Operator* must provide opportunities to involve the public in the development, review, and implementation of the *SWMP*. This MCM is designed to give the public the opportunity to include their opinions in the implementation of this *SPDES* general permit.

1. Public Involvement/Participation

a. Annually, the *MS4 Operator* must provide an opportunity for public involvement/participation in the development and implementation of the *SWMP*. The *MS4 Operator* must document the public involvement/participation opportunities in the *SWMP* Plan. The opportunities for public involvement/participation are as follows:

i. Citizen advisory group on *stormwater* management;

ii. Public hearings or meetings;

iii. Citizen volunteers to educate other individuals about the *SWMP*;

iv. Coordination with other pre-existing public involvement/participation opportunities;

v. Reporting concerns about activities or behaviors observed; or

vi. Stewardship activities.

b. Annually, the *MS4 Operator* must inform the public of the opportunity (Part VI.B.1.a.) for their involvement/participation in the development and implementation of the *SWMP* and how they can become involved. The *MS4 Operator* must document the method for distribution of this information in the *SWMP Plan*. The methods for distribution are as follows:

   i. Public notice;

   ii. Printed materials (e.g., mail inserts, brochures and newsletters, etc.);

   iii. Electronic materials (e.g., websites, email listservs, etc.);

   iv. Mass media (e.g., newspapers, public service announcements on radio or cable, etc.);

   v. Workshops or focus groups;

   vi. Displays in public areas (e.g., town halls, library, parks, etc.); or

   vii. Social Media (e.g., Facebook, Twitter, blogs, etc.).

c. Within six (6) months, the *MS4 Operator* must identify a local point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the *SWMP Plan*.

2. Public Notice and Input Requirements

a. Public Notice and Input Requirements for *SWMP Plan*

No later than May 1, annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* (Part VI.B.2.b.). The public must have the ability to ask questions and submit comments on the *SWMP Plan*. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by Part VI.B.1.

b. Public Notice and Input Requirements for Draft Annual Report

i. No later than May 1, annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the draft annual report. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by either:

   a) Presentation of the draft annual report at a regular meeting of an existing board (e.g., administrative, planning, zoning) or a separate meeting specifically for *stormwater*, as designated by the *MS4* or if requested by the public. The public must have the ability to ask questions about and make comments on the draft annual report during that presentation; or

   b) Posting of the draft annual report on a public website. The website must provide information on the timeframes and procedures to submit

comments and/or request a meeting. However, if a public meeting is requested by two or more persons, the *MS4 Operator* must hold such a meeting.

c. Consideration of Public Input

i. Annually, the *MS4 Operator* must include, in the *SWMP Plan*, a summary of comments received on the *SWMP Plan* and draft annual report.

ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update/modify the *SWMP Plan*, where appropriate, based on the public input received.

C. MCM 3 - *Illicit Discharge* Detection and Elimination

The *MS4 Operator* must *develop*, implement, and enforce a program which systematically detects, tracks down, and eliminates *illicit discharges* to the *MS4*. This MCM is designed to manage the *MS4* so it is not conveying *pollutants* associated with flows other than those directly attributable to *stormwater* runoff.

1. *Illicit Discharge* Detection

a. Public Reporting of *Illicit Discharges*

i. Within six (6) months of EDP/EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report *illicit discharges*.

ii. Within thirty (30) days of an illicit discharge, the *MS4 Operator* must document each report of an *illicit discharge* in the *SWMP Plan* with the following information, when applicable:

a) Name/contact information of the reporting individual;

b) Date of the report;

c) Location of the *illicit discharge;*

d) Nature of the *illicit discharge;*

e) Follow up actions taken or needed (including response times); and

f) Inspection outcomes and any enforcement taken.

b. Monitoring Locations

The monitoring locations used to detect *illicit discharges* are identified as follows:

i. *MS4 outfalls;*[8]

ii. *Interconnections*;[9] and

iii. Locations where *stormwater* is conveyed from the *MS4 Operator*'s *municipal facility* to the *MS4 Operator*'s own *MS4*.

[8] *MS4 outfall*s can be found throughout the *regulated area*, including at a *municipal facility*.
[9] *Interconnections* can be found throughout the *regulated area*, including at a *municipal facility*.

c. Monitoring Locations Inventory

i. Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of the monitoring locations in the *SWMP Plan*. The following information must be included in the inventory:[10]

a) Inventory information for *MS4 outfall*s

i) ID;
ii) Prioritization (high or low) (Part VI.C.1.d.);
iii) Type of monitoring location (Part VI.C.1.b.);
iv) Name of *municipal facility*, if located at a *municipal facility*;[11]
v) Receiving waterbody name and class;
vi) Land use in drainage area;
vii) Type of conveyance (open drainage, closed pipe);
viii) Material;
ix) Shape;
x) Dimensions;
xi) Submerged in water; and
xii) Submerged in sediment.

b) Inventory information for *interconnections*

i) ID;
ii) Prioritization (high or low) (Part VI.C.1.d.);
iii) Type of monitoring location (Part VI.C.1.b.);
iv) The name of *MS4 Operator* receiving *discharge* or private storm system;
v) Name of *MS4 Operator*'s *municipal facility*, if located at a *municipal facility*; and
vi) Receiving waterbody name and class.

c) Inventory information for locations where *stormwater* is conveyed from a *municipal facility* to the *MS4 Operator*'s own *MS4*

i) ID;
ii) Prioritization (high or low) (Part VI.C.1.d.);
iii) Type of monitoring location (Part VI.C.1.b.);
iv) Name of *MS4 Operator*'s *municipal facility*, if located at a *municipal facility*; and
v) Receiving waterbody name and class.

ii. The *MS4 Operator* must update the inventory within thirty (30) days of when monitoring locations are created or discovered.

[10] The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) unless otherwise specified by the permit conditions.
[11] This information is collected as part of the *municipal facility* inventory.

d. Monitoring Locations Prioritization

i. Within three (3) years of the EDP/EDC, the *MS4 Operator* must prioritize all known monitoring locations as follows:

a) High priority monitoring locations include monitoring locations:

i) At a high priority *municipal facility*, as defined in Part VI.F.2.c;

ii) *Discharging* to impaired waters as required by Part VIII;

iii) *Discharging* within a TMDL watershed as required by Part IX;

iv) *Discharging* to waters with designated best usage of primary and secondary contact recreation or higher (Class AA-S, A-S, AA, A, B, SA, or SB); and/or

v) Confirmed citizen complaints on three or more separate occasions in the last 12 months.

b) All other monitoring locations are considered low priority.

ii. Within thirty (30) days of when a monitoring location is constructed or the *MS4 Operator* discovers it, the *MS4 Operator* must prioritize those monitoring locations; and

iii. Annually, after the initial prioritization (Part VI.C.1.d.i.), the *MS4 Operator* must update the monitoring location prioritization in the inventory (Part VI.C.1.c.) based on information gathered as part of the monitoring location inspection and sampling program (Part VI.C.1.e.). The completion of this permit requirement must be documented in the *SWMP Plan*.

a) If the prioritization of the monitoring location changes from a low priority monitoring location to a high priority monitoring location, the *MS4 Operator* must comply with the requirements of this *SPDES* general permit once the prioritization changes.

e. Monitoring Locations Inspection and Sampling Program

Within two (2) years of EDP/EDC, the *MS4 Operator* must *develop* and implement a monitoring locations inspection and sampling program. The monitoring locations inspection and sampling program must be documented in the *SWMP Plan* specifying:

i. The monitoring locations inspection and sampling procedures including:

a) The following frequencies to inspect all monitoring locations during *dry weather*:

i) Inspect high priority monitoring locations twice a permit term, separated by a minimum of one (1) year; and

ii) Inspect low priority monitoring locations once a permit term.

Monitoring location inspections that occur after the EDP/EDC but prior to the prioritization of monitoring locations can be used to satisfy permit requirements according Part VI.C.1.e;

b) Documentation of all monitoring location inspections, including any sampling results, using the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or an equivalent form containing the same information and include the completed monitoring location inspections and sampling results in the *SWMP Plan* (e.g., the completed Monitoring Locations Inspection and Sampling Field Sheets);

c) Provisions to sample all monitoring locations which had inspections which resulted in a *suspect* or *obvious illicit discharge* characterization. The sampling requirement is based on the number and severity of *physical indicators present in the flow* to better inform track down procedures (Part VI.C.2.). If the source of the *illicit discharge* is clear and discernable (e.g., sewage), sampling is not necessary;

d) Sampling may be done with field test kits or field instrumentation that are sufficiently sensitive to detect the parameter below the sampling action level used[12] and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;

e) Provisions to initiate, or cause to initiate,[13] track down procedures (Part VI.C.2.a.), in accordance with the timeframes specified in Part VI.C.2.a.iii, for monitoring locations with an overall characterization[14] as *suspect illicit discharge* or that exceed any sampling action level used;

   i) If there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges,* the monitoring location must be re-inspected within thirty (30) days of initial inspection utilizing techniques described in Chapter 12.6 of the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) or equivalent. If physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VI.C.2.a.).

ii. The training provisions for the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.).

   a) If new staff are added, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling procedures;

[12] Refer to Ch. 12 of the CWP 2004 for parameters, sampling action levels, and procedures.
[13] If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.
[14] ORI Field Sheet from CWP 2004 Section 6: Overall Outfall Characterization based on the Relative Severity Index of physical indicators for flowing outfalls only.

b) For existing staff, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling and once a permit term, thereafter; and

c) If the monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) are updated/modified (Part VI.C.1.e.v.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting monitoring locations inspections and sampling.

iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training and update annually;

iv. An annual analysis of monitoring location inspection results to identify trends, patterns, areas with *illicit discharges*, and common problems to guide ongoing *illicit discharge* elimination efforts. In the *SWMP Plan*, the *MS4 Operator* must document the analysis of monitoring locations inspection results and how it impacted the *SWMP*; and

v. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the monitoring location inspection and sampling procedures (Part VI.C.1.e.i.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

2. *Illicit Discharge* Track Down Program

Within two (2) years of EDP/EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* track down program to identify the source of illicit *discharges* and the responsible party. The *illicit discharge* track down program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* track down procedures including:

i. Procedures as described in Chapter 13 of CWP 2004 or equivalent;

ii. Steps taken for *illicit discharge* track down procedures;

iii. The following timeframes to initiate *illicit discharge* track down:

a) Within twenty-four (24) hours of discovery, the *MS4 Operator* must initiate track down procedures for flowing *MS4* monitoring locations with *obvious illicit discharges;*[15]

b) Within two (2) hours of discovery, the *MS4 Operator* must initiate track down procedures for *obvious illicit discharges* of sanitary wastewater that would affect bathing areas during bathing season, shell fishing

[15] Reference to the ORI Field Sheet from CWP 2004 Section 6: Overall Outfall Characterization based on the Relative Severity Index of physical indicators for flowing outfalls only.

areas or public water intakes and report orally or electronically to the Regional Water Engineer and local health department; and

c) Within five (5) days of discovery, the *MS4 Operator* must initiate track down procedures for *suspect illicit discharges*.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* track down procedures (Part VI.C.2.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VI.C.2.a.) must be given prior to conducting *illicit discharge* track downs;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VI.C.2.a.) must be given prior to *conducting illicit discharge* track downs and once a permit term, thereafter; and

iii. If the *illicit discharge* track down procedures (Part VI.C.2.a.) are updated/modified (Part VI.C.2.d.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *illicit discharge* track downs.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* track down procedures training and update annually; and

d. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *illicit discharge* track down procedures (Part VI.C.2.a.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

3. *Illicit Discharge* Elimination Program

Within two (2) years of EDP/EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* elimination program. The *illicit discharge* elimination program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* elimination procedures including:

i. Provisions for escalating enforcement and tracking, both consistent with the ERP required in Part IV.F of this *SPDES* general permit;

ii. Provisions to confirm the corrective actions have been taken;

iii. Steps taken with *illicit discharge* elimination procedures; and

iv. The following timeframes for *illicit discharge* elimination:

a) Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*;

b) Within five (5) days of identification of an *illicit discharge* that does not have a reasonable likelihood of adversely affecting human health or

the environment, the *MS4 Operator* must eliminate the *illicit discharge;* and

c) Where elimination of an *illicit discharge* within the specified timeframes (Part VI.C.3.a.iv.) is not possible, the *MS4 Operator* must notify the Regional Water Engineer.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VI.C.3.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VI.C.3.a.) must be given prior to conducting *illicit discharge* eliminations;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VI.C.3.a.) must be given prior to conducting *illicit discharge* eliminations and once a permit term, thereafter; and

iii. If the *illicit discharge* elimination procedures (Part VI.C.3.a.) are updated/modified (Part VI.C.3.d.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *illicit discharge* eliminations.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* elimination procedures training and update annually; and

d. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *illicit discharge* elimination procedures (Part VI.C.3.a.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

D. MCM 4 - Construction Site *Stormwater* Runoff Control

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure construction sites are effectively controlled. This MCM is designed to prevent *pollutants* from construction related activities,[16] within the *automatically* and *additionally designated areas,* as well as promote the proper planning and installation of post-construction *SMPs*.

1. Applicable Construction Activities/Projects/Sites

a. The construction site *stormwater* runoff control program must address sites with *construction activities* within the *automatically* and *additionally designated areas* that:

i. Result in a total land disturbance of greater than or equal to one acre; or,

[16] Projects that comply with the terms and conditions of the CGP or an individual *SPDES* permit for *stormwater* for which they obtained coverage and local erosion and sediment control requirements are effectively controlled.

ii. Disturb less than one acre if part of a larger common plan of development or sale; or

iii. Disturb greater than 5000 square feet in the East of Hudson Watershed.

b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP, the *MS4 Operator* must ensure compliance with the CGP and the additional requirements for construction oversight described in Part VI.D.6 through VI.D.9 are not needed.

2. Public Reporting of Construction Site Complaints

a. Within six (6) months of EDP/EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.

b. The *MS4 Operator* must document reports of construction site complaints in the *SWMP Plan* with the following information:

i. Name/contact information of the reporting individual, when provided;

ii. Date of the report;

iii. Location of the construction site;

iv. Nature of complaint;

v. Follow up actions taken or needed; and

vi. Inspection outcomes and any enforcement taken.

3. Construction Oversight Program

Within one (1) year of EDP/EDC, the *MS4 Operator* must *develop* and implement a construction oversight program. The construction oversight program must be documented in the *SWMP Plan* specifying:

a. The construction oversight procedures including:

i. When the construction site *stormwater* control program applies (Part VI.D.1.);

ii. Inventorying of construction sites (Part VI.D.4.);

iii. Prioritization of construction sites (Part VI.D.5.);

iv. To whom SWPPPs apply;

v. The procedures for submission of SWPPPs;

vi. SWPPP review requirements (Part VI.D.6.)

vii. Pre-construction oversight requirements (Part VI.D.7.)

viii. Construction site inspection requirements (Part VI.D.8.);

ix. Construction site close-out requirements (Part VI.D.9.);

x. Enforcement process/expectations for compliance; and

xi. Other procedures associated with the control of *stormwater* runoff from applicable construction activities.

b. The training provisions for the *MS4 Operator*'s construction oversight procedures (Part VI.D.3.a.).

i. If new staff are added, training on the *MS4 Operator*'s construction oversight procedures (Part VI.D.3.a.) must be given prior to conducting any construction oversight activities;

ii. For existing staff, training on the *MS4 Operator*'s construction oversight procedures (Part VI.D.3.a.) must be given prior to conducting any construction oversight activities and once a permit term, thereafter; and

iii. If the construction oversight procedures (Part VI.D.3.a.) are updated/modified (Part VI.D.3.a.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting construction oversight.

c. The names, titles, and contact information for the individuals who have received construction oversight training and update annually;

d. The names, titles, and contact information of all those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) who have received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity and update annually; and

e. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the construction oversight procedures (Part VI.D.3.a.) as recommended by the annual evaluation of the *SWMP* document the completion of this requirement in the *SWMP Plan*.

4. Construction Site Inventory & Inspection Tracking

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VI.D.1.a.) and construction sites which have terminated coverage since EDP/EDC (retain on inventory for five (5) years) in the *SWMP Plan*. The following information must be included in the inventory:

i. Location of the construction site;

ii. Owner/operator contact information, if other than the *MS4 Operator*;

iii. Receiving waterbody name and class;

iv. Prioritization (high or low) (Part VI.D.5);

v. Construction project *SPDES* identification number;

vi. SWPPP approval date;

vii. Inspection history (dates and ratings – satisfactory, unsatisfactory, or marginal); and

viii. Current status of the construction site/project (i.e., active, temporarily shut down, complete[17]).

b. The *MS4 Operator* must update the construction site inventory within thirty (30) days of when construction projects are approved, completed, or re-prioritized (Part VI.D.5.).

5. Construction Site Prioritization

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must prioritize all known construction sites as follows:

i. High priority construction sites include construction sites:

a) With a direct conveyance (e.g., channel, ditch, storm sewer) to a *surface water of the State* that is:

i) Listed as impaired on the 2018 NYS 303(d) list for silt/sediment, phosphorus, or nitrogen listed as the POC (Appendix C);

ii) Classified as AA-S, AA, or A; or

iii) Classified with a trout (T) or trout spawning (TS) designation.

b) With greater than five (5) acres of disturbed earth at any one time;

c) With earth disturbance within one hundred (100) feet of any lake or pond;

d) Within fifty (50) feet of any rivers or streams (perennial or seasonal);

e) Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture (USDA) Soil Survey as Soil Slope Phase “D,” (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase “E” or “F” (regardless of the map unit name), or a combination of the three designations; and/or

f) Which disturb one (1) or more acres of soils with a high, very high or extreme erosion risk as identified on Table 2.5 of the NYS E&SC 2016.

ii. All other construction sites are considered low priority.

b. Within thirty (30) days of when a construction site becomes active, the *MS4 Operator* must prioritize those construction sites; and

c. Annually, after the initial prioritization (Part VI.D.5.a.), the *MS4 Operator* must update the construction site prioritization in the inventory (Part VI.D.4.a.) based on information gathered as part of the construction oversight program

[17] Construction projects listed on the inventory must be inspected and tracked as described in Part VI.D.8. until a final site inspection has been completed as specified in Part VI.D.9. and the construction site status changes to complete.

(Part VI.D.3.). The completion of this permit requirement must be documented in the *SWMP Plan*.

i. If the prioritization of the construction site changes from a low priority construction site to a high priority construction site, the *MS4 Operator* must comply with the requirements of this *SPDES* general permit once the prioritization changes.

6. SWPPP Review

The *MS4 Operator* must:

a. Ensure individual(s), responsible for reviewing SWPPPs for acceptance, receive:

   i. Two (2) hours of *Department* endorsed SWPPP review training once a permit term; and

   ii. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be completed within three (3) years of the EDP/EDC and every three (3) years thereafter.

   iii. Document the completion of this requirement in the *SWMP Plan*.

b. Ensure SWPPP reviewers receive these trainings (Part VI.D.6.a.i. and Part VI.D.6.a.ii.) prior to conducting SWPPP reviews and/or approvals.

   i. Individuals without these trainings cannot review and/or approve SWPPPs.

   ii. Individuals who meet the definition of a *qualified professional* are exempt from this requirement.

c. Ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable construction activities (Part VI.D.1.) and for conformance with the requirements of the CGP, including:

   i. Erosion and sediment controls must be reviewed for conformance with the NYS E&SC 2016, or equivalent;

   ii. Individuals responsible for review of post-construction *SMPs* must be *qualified professionals* or under the supervision of a *qualified professional*; and

   iii. Post-construction *SMPs* must be reviewed for conformance with the NYS SWMDM 2015 or equivalent, including:

      a) All post-construction *SMPs* must meet the *sizing criteria* contained in the CGP and NYS SWMDM 2015.

      b) Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.

c) The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction *SMP*. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VI.D.6.a.i and Part VI.D.6.a.ii.

e. In the *SWMP Plan*, document the SWPPP review including the information found in Part III.B. of the CGP;

f. Assess potential risks to water quality impacts for new construction activities based on the presence of high priority construction site criteria (Part VI.D.5.a.i.); and

g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4* SWPPP Acceptance Form[18] created by the *Department* and required by the CGP, signed in accordance with Part X.J.

7. Pre-Construction Meeting

Prior to commencement of construction activities, the *MS4 Operator* must ensure a pre-construction meeting is conducted. The date and content of the pre-construction inspection/meeting must be documented in the *SWMP Plan*. The owner/operator listed on the CGP NOI (if different from the *MS4 Operator*), the *MS4 Operator*, contractor(s) responsible for implementing the SWPPP for the *construction activity,* and the *qualified inspector* must attend the meeting in order to:

a. Confirm the approved project has received coverage under the CGP or an individual *SPDES* permit;

b. Verify contractors and subcontractors selected by the owner/operator of the *construction activity* have identified at least one individual that has received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP and Part VI.D.3.d; and

c. Review the construction oversight program (Part VI.D.3.) and expectations for compliance.

8. Construction Site Inspections

The *MS4 Operator* must:

[18] The *MS4* SWPPP Acceptance Form can be found here: https://www.dec.ny.gov/docs/water_pdf/swpppaccept.pdf

a. Ensure individuals(s), responsible for construction site inspections, receive:
    i. Two (2) hours of *Department* endorsed training on *MS4* oversight inspections once a permit term; and
    ii. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be complete, within three (3) years of the EDP/EDC and every three (3) years thereafter.
    iii. Document the completion of this requirement in the *SWMP Plan*.

b. Ensure all *MS4* Construction Site Inspectors receive this training prior to conducting construction site inspections.
    i. Individuals without these trainings cannot inspect construction sites.
    ii. Individuals who meet the definition of a *qualified professional* are exempt from this requirement.

c. Ensure all sites with *construction activity* are inspected at the following frequencies:
    i. High priority construction sites (Part VI.D.5.a.i.)
        a) If the *MS4 Operator* is completing the inspection, the construction project must be inspected every thirty (30) calendar days after the pre-construction meeting (Part VI.D.7); or
        b) If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction project once every ninety (90) days, or sooner if any deficiencies are noted that require attention.
    ii. Low priority construction sites must be inspected each reporting year during active construction after the pre-construction meeting (Part VI.D.7.).
    iii. Follow up construction site inspections must confirm corrective actions are completed within timeframes determined by the *MS4* construction site inspector.

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VI.D.8.a.i and Part VI.D.8.a.ii.

e. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information. The *MS4 Operator* must include the completed Construction Site Inspection Reports in the *SWMP Plan*.

9. Construction Site Close-out

a. The *MS4 Operator* must ensure a final construction site inspection is conducted and documentation of the final construction site inspection must be maintained in the *SWMP Plan*. The final construction site inspection must be

documented using the Construction Site Inspection Report Form (Appendix D) or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.

b. The Notice of Termination (NOT)[19] must be signed by the *MS4 Operator* as required by the CGP for projects determined to be complete. The NOT must be signed in accordance with Part X.J.

E. MCM 5 – Post-Construction *Stormwater* Management

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure proper operation and maintenance of post construction *SMPs* for new or redeveloped sites. This MCM is designed to promote the long-term performance of post-construction *SMPs* in removing *pollutants* from *stormwater* runoff.

1. Applicable Post-Construction *Stormwater Management Practices*

The post-construction *stormwater* management program must include publicly and privately owned/operated post-construction *SMPs* within the *automatically* and *additionally designated areas* that include the following:

a. Post-construction *SMPs* that have been installed as part of any CGP covered construction site or individual *SPDES* permit (since March 10, 2003);

b. All new post-construction *SMPs* constructed as part of the construction site *stormwater* runoff control program (Part VI.D); and

c. All *SMPs* owned or operated by the *MS4 Operator*.

2. Post-Construction *SMP* Inventory & Inspection Tracking[20]

a. Within five (5) years of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of post-construction *SMPs*, installed after March 10, 2003, in the *SWMP Plan*. The following information must be included in the inventory either by using the *MS4 Operator* maintenance records or by verification of maintenance records provided by the owner of the post-construction *SMP*:

i. Location of practice (street address and coordinates);

ii. Type;[21]

iii. Receiving waterbody name and class;

iv. Date of installation (if available) or discovery;

v. Ownership;

vi. Responsible party for maintenance;

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[19] The NOT can be found here: https://www.dec.ny.gov/docs/water_pdf/gp015002cnot.pdf

[20] Post-construction *SMPs* can be found throughout the *regulated area*, including at a *municipal facility*.

[21] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

vii. Contact information for party responsible for maintenance;

viii. Location of documentation depicting O&M requirements and legal agreements for post-construction *SMP*;

ix. Frequency for inspection of post-construction *SMP*, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VI.D.6.);

x. Reason (i.e., new development, redevelopment, *retrofit*, flood control, etc.);

xi. Date of last inspection;

xii. Inspection results;

xiii. Any corrective actions identified and completed;

b. The *MS4 Operator* must update the post-construction *SMP* inventory within thirty (30) days of when post-construction *SMPs* are approved or discovered.

3. SWPPP Review

For post-construction *SMP* SWPPP review requirements, see Part VI.D.6.

4. Post-Construction *SMP* Inspection & Maintenance Program

Within one (1) year of EDP/EDC, the *MS4 Operator* must *develop* and implement a post-construction *SMP* inspection and maintenance program. The post-construction *SMP* inspection and maintenance program must be documented in the *SWMP Plan* specifying:

a. The post-construction *SMP* inspection and maintenance procedures including:

i. Provisions to ensure that each post-construction *SMP* identified in the post-construction *SMP* inventory (Part VI.E.2.) is inspected at the frequency specified in the NYS DEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP (Part VI.D.6.), if available;

a) *MS4 Operator* can only accept Level 1 inspections (NYS DEC Maintenance Guidance 2017) by private owners inspecting post-construction *SMPs*.

ii. Documentation of post-construction *SMP* inspections using the Post-Construction SMP Inspection Checklist[22] or an equivalent form containing

[22] The *Department* developed checklist forms specific to each post-construction *SMP* designed to assist *MS4 Operators* in conducting inspections and maintenance activities of standard practices. The Post-Construction SMP Inspection Checklist, March 31, 2017, can be found here: https://www.dec.ny.gov/docs/water_pdf/smpinspchklist.pdf.

the same information. The *MS4 Operator* must include the completed post-construction *SMP* inspections (i.e., the completed Post-Construction SMP Inspection Checklist) in the *SWMP Plan*;

iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and

iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.

b. The training provisions for the *MS4 Operator*'s post-construction inspection and maintenance procedures (Part VI.E.4.a.) and procedures outlined in the *Department* endorsed program.[23]

i. If new staff are added, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance;

ii. For existing staff, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance and once a permit term, thereafter; and

iii. If the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) are updated/modified (Part VI.E.4.d.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting post-construction *SMP* inspection and maintenance.

c. The names, titles, and contact information for the individuals who have received post-construction *SMP* inspection and maintenance procedures training and update annually; and

d. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

F. MCM 6 – Pollution Prevention and Good Housekeeping

The *MS4 Operator* must *develop* and implement a pollution prevention and good housekeeping program for *municipal facilities* and *municipal operations* to minimize

[23] The *Department* developed training modules to accompany the NYS DEC Maintenance Guidance 2017.

pollutant discharges. This MCM is designed to ensure the *MS4 Operator*'s own activities do not contribute *pollutants* to *surface waters of the State*.

1. *Best Management Practices (BMPs)* for *Municipal Facilities & Operations*

Within five (5) years of the EDP/EDC, the *MS4 Operator* must implement *best management practices* (*BMPs*) to minimize the *discharge* of *pollutants* associated with *municipal facilities* and *municipal operations*. The BMPs must be documented in the *SWMP Plan*.

a. Minimize Exposure

i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following *BMP*s:

a) Locate materials and activities inside or protect them with storm resistant coverings;

b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;

c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;

d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the *discharge* of *pollutants*;

e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;

f) Use spill/overflow protection equipment;

g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also captures any overspray; and ensure that all washwater drains to a proper collection system (i.e., not the *stormwater* drainage system);

h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks;

i) *Minimize* exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners); and/or

a)

j) Ensure that all washwater and floor drains go to the proper collection system (i.e., not the *stormwater* drainage system).

ii. *No Exposure* Certification for High Priority *Municipal Facilities*

Municipal facilities may qualify for *No Exposure* Certification (Appendix D) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.

High priority *municipal* facilities (Part VI.F.2.c.i.a)) with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority *municipal facility* (Part VI.F.2.c.i.b)) if only routine maintenance is performed inside and all other n*o exposure* criteria are met.

b) *Municipal* facilities accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure* Certification.

c) *Municipal* facilities must maintain the *No Exposure* Certification and document in the *SWMP Plan*. The *No Exposure* Certification ceases to apply when activities or materials become exposed.

d)

b. Follow a Preventive Maintenance Program

i. Implement a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and industrial equipment and systems to prevent leaks, spills and other releases. This includes:

   a) Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and plant equipment and systems;

   b) Maintaining non-structural *BMPs* (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas, etc.); and

   c) Implementing BMPs to ensure vehicle wash waters are not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where wash water is collected to be recycled or discharged to the sanitary sewer.

ii. Routine maintenance must be performed to ensure BMPs are operating properly. When a BMP is not functioning to its designed effectiveness and needs repair or replacement:

   a) Maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of *stormwater* controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable, corrective actions must be initiated within seven (7) days and completed within thirty (30) days, unless permission for a later date is granted in writing by the *Department*; and

   b) Interim measures must be taken to prevent or minimize the *discharge* of *pollutants* until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be *discharged* during subsequent storm events.

c. Spill Prevention and Response Procedures

i. Minimize the potential for leaks, spills and other releases that may be exposed to *stormwater* and *develop* plans for effective response to such spills if or when they occur. At a minimum, the *MS4 Operator* must:

a) Store materials in appropriate containers;

b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;

c) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the *discharge* of *pollutants* from these areas;

d) *Develop* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;

e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;

f) *Develop* procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the *stormwater* pollution prevention team (Part VI.F.2.d.i.a)). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and

g) Following any spill or release, the *MS4 Operator* must evaluate the adequacy of the BMPs identified in the *municipal facility* specific SWPPP. If the BMPs are inadequate, the SWPPP must be updated to identify new BMPs that will prevent reoccurrence and improve the emergency response to such releases.

ii. Measures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage or hazardous waste management regulations at 6 NYCRR Parts 596-599, 613 and 370-373.

iii. This *SPDES* general permit does not relieve the *MS4 Operator* of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

d. Erosion and Sediment Controls

i. Stabilize exposed areas and control runoff using structural and/or non-structural *controls* to minimize onsite erosion and sedimentation in accordance with the NYS E&SC 2016.

ii. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *MS4 Operator* must demonstrate equivalence to the technical standard. The *MS4 Operator* must consider:

a) Areas at the facility or right-of-way that, due to topography, land disturbance (e.g., construction) or other factors, have potential for significant soil erosion;

b) Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;

c) Whether velocity dissipation devices (or equivalent measures) are needed at *discharge* locations and along the length of any channel to provide a non-erosive flow velocity from the structure to a water course; and

d) Address erosion or areas with poor vegetative cover, especially if the erosion is within 50 feet of a *surface water of the State*.

e. Manage Vegetated Areas and Open Space on *Municipal* Property

i. Maintain vegetated areas on *MS4 Operator* owned/operated property and right of ways:

a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer's instruction;

b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);

c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and

d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the *MS4*.

f. Salt[24] Storage Piles or Pile Containing Salt

Enclose or cover storage piles[25] of salt, or piles containing salt, used for deicing or maintenance of paved surfaces. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

[24] For purposes of this *SPDES* general permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

[25] Piles do not need to be enclosed or covered if *stormwater* runoff from the piles is authorized under another *SPDES* permit.

g. Waste, Garbage, and Floatable Debris

i. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that *discharges* have a control (e.g., secondary containment, treatment); and

ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:

a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);

b) Pick up trash and debris on *MS4 Operator* owned/operated property and rights of way; and

c) Clean out catch basins within the appropriate timeframes (Part VI.F.3.c.i.a)iii)).

h. Alternative Implementation Options (Part IV.A.1)

i. When alternative implementation options are utilized, require the parties performing *municipal operations* as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed (Part IV.A.1).

ii. In the *SWMP Plan*, the *MS4 Operator* must *develop* and maintain an inventory of third-party entities performing *municipal operations* that includes the following information:

a) Name of third-party entity performing *municipal operations*; and

b) *Municipal operations* performed by third party entity.

2. *Municipal Facilities*[26]

a. *Municipal Facility* Program

Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and implement a *municipal facility* program. The *municipal facility* program must be documented in the *SWMP Plan* specifying:

i. The *municipal facility* procedures including:

a) The high priority *municipal facility* requirements (Part VI.F.2.d.) as applied to the specific *municipal facility*; and

b) The low priority *municipal* facilities requirements (Part VI.F.2.e.) as applied to the specific *municipal facility*.

ii. The training provisions for the *MS4 Operator*'s *municipal facility* procedures (Part VI.F.2.a.i.).

[26] *Municipal facilities* that have coverage under a separate *SPDES* permit (either individual or MSGP) must comply with the terms and conditions of that permit and the requirements set forth in this Part are not applicable.

a) If new staff are added, training on the *MS4 Operator*'s *municipal facility* procedures (Part VI.F.2.a.i.) must be given prior to conducting *municipal facility* procedures;

b) For existing staff, training on the *MS4 Operator*'s *municipal facility* procedures (Part VI.F.2.a.i.) must be given prior to conducting *municipal facility* procedures and once a permit term, thereafter; and

c) If the *municipal facility* procedures (Part VI.F.2.a.i.) are updated/modified (Part VI.F.2.a.iv.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *municipal facility* procedures.

iii. The names, titles, and contact information for the individuals who have received *municipal facility* training and update annually; and

iv. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *municipal facility* procedures (Part VI.F.2.a.i.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Facility* Inventory

i. Within two (2) years of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of all *municipal* facilities in the *SWMP* Plan. The following information must be included in the inventory:

a) Name of *municipal facility*;

b) Address;

c) Type of *municipal facility* (e.g., DPW, park, town hall);

d) Prioritization (high or low) (Part VI.F.2.c.);

e) Latitude/Longitude;

f) Receiving waterbody name and class;

g) Contact information;

h) Responsible department;

i) Location of SWPPP (when completed);

j) Type of activities present on site;

k) Size of facility (acres);

l) Date of last assessment;

m) BMPs identified; and

n) Projected date of next assessment (Part VI.F.2.d. or Part VI.F.2.e, depending on the *municipal facility* prioritization (Part VI.F.2.c.)).

ii. The *MS4 Operator* must update the inventory within thirty (30) days of when new *municipal* facilities are added.

c. *Municipal Facility* Prioritization

i. Within three (3) years of the EDP/EDC, the *MS4 Operator* must prioritize all known *municipal* facilities as follows:

a) High priority *municipal* facilities include *municipal* facilities that have one or more of the following on site and exposed to *stormwater*:

i) Bulk storage of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris;

ii) Fueling stations; and/or

iii) Vehicle or equipment maintenance/repair.

b) Low priority *municipal* facilities include any *municipal* facilities that do not meet the criteria for a high priority (Part VI.F.2.c.i.a)) *municipal facility*.

i) High priority *municipal* facilities (Part IV.F.2.c.i.a)) which qualify for a *No Exposure* Certification (Part VI.F.1.a.) are considered low priority *municipal* facilities.

ii. Within thirty (30) days of when a *municipal facility* is added to the inventory, the *MS4 Operator* must prioritize those *municipal* facilities; and

iii. Annually, after the initial prioritization (Part VI.F.2.c.i.), the *MS4 Operator* must update the *municipal facility* prioritization in the inventory (Part VI.F.2.b.i.) based on information gathered as part of the *municipal facility* program (Part VI.F.2.a.), including cases where a *No Exposure* Certification (Part VI.F.1.a.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

a) If activities at a *municipal facility* changes, changing the prioritization of the *municipal facility* from a low priority *municipal facility* to a high priority *municipal facility*, the *MS4 Operator* must comply with the requirements of this *SPDES* general permit upon commencement of the activity.

d. High Priority *Municipal Facility* Requirements

i. *Municipal Facility Specific SWPPP*

Within five (5) years of the EDP/EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VI.2.i.b)) and retain a copy of the *municipal facility* specific SWPPP on site of the respective *municipal facility*. The SWPPP must contain:

a) *Stormwater* Pollution Prevention Team

The *municipal facility* specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in *developing*, implementing, maintaining, and revising the *municipal facility* specific

SWPPP. The activities and responsibilities of the team must address all aspects of the *municipal facility* specific SWPPP.

b) General Site Description

A written description of the nature of the activities occurring at the *municipal facility* with a potential to *discharge pollutants*, type of *pollutants* expected and location of key features as detailed in the site map (Part VI.F.2.d.i.e)).

c) Summary of potential *pollutant* sources

The *municipal facility* specific SWPPP must identify each area at the *municipal facility* where industrial materials or activities are exposed to *stormwater* or from which authorized non-*stormwater discharges* originate, including any potential *pollutant* sources for which the facility has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

i) Industrial materials or activities include: industrial machinery; raw materials; intermediate products; byproducts; final products or waste products; and, material handling activities which includes storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product or waste product.

ii) For each separate area identified, the description must include:

(a) Activities - A list of the activities occurring in the area (e.g., material storage, equipment fueling and cleaning, etc.);

(b) *Pollutants* - A list of the associated *pollutant(s)* for each activity. The *pollutant(s)* list must include all *materials* that are exposed to *stormwater*; and

(c) Potential for presence in *stormwater* - For each area of the *municipal facility* that generates *stormwater discharges,* a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or *discharge*d, the likelihood of contact with *stormwater*; and history of leaks or spills of toxic or hazardous *pollutants*.

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* general

permit, the SWPPP must include a list of spills or releases[27] of petroleum and hazardous substances or other *pollutants*, including unauthorized *non-stormwater discharges,* that may adversely affect water quality that occurred during the last three-year period. The list must be updated when spills or releases occur.

e) Site Map

The SWPPP must include a site map identifying the following, as applicable:

i) Property boundaries and size in acres;
ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;
iii) Monitoring locations (Part VI.C.1.b) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;
iv) Location of all post-construction *SMPs* (Part IV.D.2.a.) and *stormwater* infrastructure (Part IV.D.2.b.);
v) Locations of *discharges* authorized under other *SPDES* permits;
i) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;
vi) Locations of haul and access roads;
vii) Rail cars and tracks;
viii) Arrows showing direction of *stormwater* flow;
ix) Location of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them;
x) Locations where *stormwater* flows have significant potential to cause erosion;
xi) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the facility; and
xii) Locations of the following areas where such areas are exposed to precipitation or *stormwater*:
    (a) Fueling stations;
    (b) Vehicle and equipment maintenance and/or cleaning areas;
    (c) Loading/unloading areas;
    (d) Locations used for the treatment, storage or disposal of wastes;
    (e) Liquid storage tanks;
    (f) Processing and storage areas;
    (g) Locations where significant materials, fuel or chemicals are stored and transferred;

[27] This may also include releases of petroleum or hazardous substances that are not in excess of reporting quantities but which may still cause or contribute to significant water quality impairment.

(h) Locations where vehicles and/or machinery are stored when not in use
(i) Transfer areas for substances in bulk;
(j) Locations of potential *pollutant* sources;
(k) Location and description of non-*stormwater discharges* listed in Part I.A.3;
(l) Locations where major spills or leaks have occurred; and
(m) Locations of all existing structural *BMP*s.

f) *Stormwater Best Management Practices (BMPs)*

The *municipal facility* specific SWPPP must document the location and type of *BMPs* installed and implemented at the *municipal facility* (Part VI.F.1). The SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments

The SWPPP must include a schedule for completing and recording results of routine and comprehensive site assessments (Part VI.F.2.d.ii.c)).

ii. *Municipal Facility Assessments*

a) Wet Weather Visual Monitoring

i) Twice a permit term, separated by a minimum of one (1) year, the *MS4 Operator* must conduct wet weather visual monitoring of the monitoring locations (Part VI.C.1.b.) and other sites of *stormwater* leaving the site that are *discharging stormwater* from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential *pollutant* generating areas (Part VI.F.2.d.i.e)xii)).

(a) All samples must be collected from *discharges* resulting from a *qualifying storm event*. The storm event must be documented using the Storm Event Data Form (Appendix D) and kept with the SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the *discharge* at the monitoring location.

(b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.

(c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of *stormwater* pollution.

(d) The visual examination of the sample must be conducted in a well-lit area.

(e) Where practicable, the same individual should carry out the collection and examination of *discharges* for the entire permit term for consistency.

(f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D; signed and certified as required by Part X.J) and keep it with the SWPPP to record:

(i) Monitoring location ID;

(ii) Examination date and time;

(iii) Personnel conducting the examination;

(iv) Nature of the *discharge* (runoff or snowmelt);

(v) Visual quality of the *stormwater discharge* (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of *stormwater* pollution; and

(vi) Probable sources of any observed *stormwater* contamination.

(vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of *stormwater* pollution, the *MS4 Operator* must, at minimum, complete and document the following actions:

(1) Evaluate the facility for potential sources;

(2) Remedy the problems identified;

(3) Revise the facility specific SWPPP; and

(4) Perform an additional visual inspection during the first *qualifying storm event* following implementation of the corrective action. If the first *qualifying storm event* does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.

b) Monitoring locations inspection and sampling at the *municipal facility* must be implemented in accordance with the *Illicit Discharge* Detection Program (Part VI.C.1).

c) Comprehensive Site Assessments

i) Annually, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* using the Municipal Facility/Operation Assessment Form (Appendix D) or an

equivalent form containing the same information, and document in the *municipal facility* specific SWPPP and *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

ii) Comprehensive site assessments that occur after the effective date of this *SPDES* general permit but prior to the prioritization of *municipal* facilities can be used to satisfy permit requirements.

e. Low Priority *Municipal Facility* Requirements

i. The *MS4 Operator* must identify procedures outlining BMPs for the types of activities that occur at the low priority *municipal* facilities as described in Part VI.F.1. A *municipal facility* specific SWPPP is not required.

ii. *Municipal facility* Assessments

a) Low priority *municipal* facilities are not required to conduct wet weather visual monitoring.

b) Monitoring locations inspection and sampling at the *municipal facility* must be implemented in accordance with the *Illicit Discharge* Detection Program (Part VI.C.1).

c) Comprehensive Site Assessments

i) Once a permit term, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* using the Municipal Facility/Operation Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

ii) Comprehensive site assessments that occur after the effective date of this *SPDES* general permit, but prior to the prioritization of *municipal* facilities, can be used to satisfy permit requirements.

3. *Municipal Operations* & Maintenance

a. *Municipal Operations* Program

Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and implement a *municipal operations* program. The *municipal operations* program must be documented in the *SWMP Plan* specifying:

i. The *municipal operations* procedures including:

a) The *municipal operations* assessments and corrective actions requirements (Part VI.F.3.b.); and

ii. b) The infrastructure maintenance requirements (Part VI.F.3.c.).

The training provisions for the *MS4 Operator*'s *municipal operations* procedures (Part VI.F.3.a.i.).

a) If new staff are added, training on the *MS4 Operator*'s *municipal operations* procedures (Part VI.F.3.a.i.) must be given prior to conducting *municipal operations* procedures;

b) For existing staff, training on the *MS4 Operator*'s *municipal operations* procedures (Part VI.F.3.a.i.) must be given prior to conducting *municipal operations* procedures and once a permit term, thereafter; and

c) If the *municipal operations* procedures (Part VI.F.3.a.i.) are updated/modified (Part VI.F.3.a.iv.) as a result of the annual evaluation

of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *municipal operations* procedures.

The names, titles, and contact information for the individuals who have received *municipal operations* training and update annually; and

iii. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *municipal operations* procedures (Part VI.F.3.a.i.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

iv.

Municipal Operations Assessments and Corrective Actions

b. Annually, the *MS4 Operator* must assess each *municipal operation* and infrastructure maintenance (Part VI.F.3.c.). In conducting the assessments, the *MS4 Operator* must use the Municipal Facility/Operation Assessment Form (Appendix D) or an equivalent form containing the same information, to document the assessment in the *SWMP Plan* and either:

i. Ensure compliance with the terms and conditions of this *SPDES* general permit; or

ii. Implement corrective actions according to the following schedule and, after implementation, ensure the facility is in compliance with the terms and conditions of this *SPDES* general permit:

a) Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment;

b) Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment; and

c) For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time. Progress must be reported with the annual report.

c.

Infrastructure Maintenance

The *MS4 Operator* must ensure that *MS4* infrastructure (i.e., storm sewer system components, roadways, bridges, parking lots, and associated right of ways) is maintained in a timely manner to reduce the *discharge* of *pollutants* to and/or from the *MS4*.

i. *Catch Basin Inspection Program*

Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and implement a catch basin inspection program. The catch basin inspection program must be documented in the *SWMP Plan* specifying:

a) The catch basin inspection procedures including:

i) Inspection and inventory of all catch basins within five (5) years of the EDP/EDC;

ii) An inventory of catch basin inspection and cleaning information including:

Date of inspection;

Approximate level of trash, sediment, and/or debris captured at time of clean-out (no debris, <50% *sump capacity*, >50% *sump capacity*);

(a)

(b) Depth of structure;

Depth of sump; and

(c) Date of clean out, if applicable (Part VI.F.3.c.i.a)iii)).

(d) iii) The following timeframes to clean out catch basins:

(e)

(a) Within ninety (90) days after the catch basin inspection, catch basins which had trash, sediment, and/or debris exceeding 50% *sump capacity* as a result of a catch basin inspection must be cleaned out;

(b) Within six (6) months after the catch basin inspection, catch basins which had trash, sediment, and/or debris at less than 50% *sump capacity* as a result of a catch basin inspection must be cleaned out; and

(c) Catch basins which have no debris do not need to be cleaned out.

(a) iv) Proper management (handling and disposal) of materials removed from catch basins during clean out so that:

(b) Water removed during the catch basin cleaning process will not reenter the *MS4* or *surface waters of the State*;

(c) Material removed from catch basins is screened for contamination and any debris containing trash or waste materials are disposed of in accordance with environmental regulations; and

Screened/uncontaminated material will not reenter the *MS4*.

v) How to determine if there are signs/evidence of *illicit discharges* and procedures for referral/follow-up if *illicit discharges* are encountered.

b) The training provisions for the *MS4 Operator*'s catch basin inspection procedures (Part VI.F.3.c.i.a)).

i) If new staff are added, training on the *MS4 Operator*'s catch basin inspection procedures (Part VI.F.3.c.i.a)) must be given prior to conducting any catch basin inspection;

ii) For existing staff, training on the *MS4 Operator*'s catch basin inspection procedures (Part VI.F.3.c.i.a)) must be given prior to conducting any catch basin inspection and once a permit term, thereafter; and

iii) If the catch basin inspection procedures (Part VI.F.3.c.i.a)) are updated/modified (Part VI.F.3.c.i.e)) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting catch basin inspection.

c) The names, titles, and contact information for the individuals who have received catch basin inspection training and update annually;

d) Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the catch basin inspection procedures (Part VI.F.3.c.i.a)) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

ii. Roads, Bridges, Parking Lots, & Right of Way Maintenance

a) Sweeping
Within six (6) months of EDP/EDC, the *MS4 Operator* must *develop* and implement procedures for sweeping and/or cleaning *municipal* streets, bridges, parking lots, and right of ways owned/operated by the *MS4 Operator*. The procedures and completion of permit requirements must be documented in the *SWMP Plan* specifying:

i) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned annually in the spring (following winter activities such as sanding). This requirement is not applicable to rural uncurbed roads with no catch basins or high-speed limited access highways.

ii) Twice a year, from April 1 through October 31, roads in business districts and commercially zoned areas must be swept.

b) Maintenance
Within five (5) years of EDP/EDC, in addition to the BMPs (Part VI.F.1.), the *MS4 Operator* must implement the following provisions:

i) Pave, mark, and seal in dry weather;

ii) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce spillage. Cover catch basins and manholes during this activity;

iii) Restrict the use of herbicides/pesticide application to roadside vegetation; and

iv) Contain *pollutants* associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

c) Winter Road Maintenance
Within five (5) years of EDP/EDC, in addition to the BMPs (Part VI.F.1.), the *MS4 Operator* must implement the following provisions:

i) Routinely calibrate equipment to control salt/sand application rates; and

ii) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.[28]

[28] The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found here: https://www.dec.ny.gov/docs/water_pdf/togs5111new.pdf

Part VII. Minimum Control Measures (MCMs) for *Traditional Non-Land Use Control & Non-Traditional MS4 Operators*

In addition to the requirements contained in Parts I. through V*, traditional non-land use* and *non-traditional MS4 Operators* must comply with the MCMs contained in this Part. These *MS4 Operators* should consider their public to be:

- Employees (i.e., staff, faculty);
- User population/visitors;
- Clients;
- Customers;
- Students;
- Tenants; and
- Contractors & developers working for *MS4 Operator*.

A. MCM1 – Public Education and Outreach Program

The *MS4 Operator* must *develop* and implement an education and outreach program to increase public awareness of *pollutant* generating activities and behaviors. This MCM is designed to inform the public about the impacts of *stormwater* on water quality, the general sources of *stormwater pollutants*, and the steps the general public can take to reduce *pollutants* in *stormwater* runoff.

1. Development

a. Focus Areas

Within three (3) years of the EDP/EDC, the *MS4 Operator* must identify and document the focus areas in the *SWMP Plan*. The focus areas to be considered are as follows:

i. Areas contributing to waterbodies of significant value (i.e., drinking water supply, public bathing beaches, shellfishing, high recreation value);

ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII requirements);

iii. *TMDL* watersheds (subject to Part IX requirements);

iv. Areas with *construction activities*;

v. Areas where *stormwater* flows have potential to cause erosion (e.g., areas with steep slopes, inactive construction sites, unvegetated soil, sand stockpiles for road application);

vi. Areas with onsite wastewater systems subject to Part VIII or Part IX requirements;

vii. Residential, commercial, and industrial areas;

viii. *Stormwater hotspots*; and

ix. Areas with *illicit discharges*.

b. Target Audiences and Associated *Pollutant* Generating Activities

Within three (3) years of the EDP/EDC, the *MS4 Operator* must identify and document the applicable target audience(s) and associated *pollutant* generating activities that the outreach and education will address for each focus area identified by the *MS4 Operator* in Part VII.A.1.a in the SWMP Plan. The target audiences are as follows:

i. Residents;

ii. Commercial:[29] Business owners and staff;

iii. Institutions:[30] Managers, staff, and students;

iv. Construction: Developers, contractors, and design professionals;

v. Industrial:[31] Owners and staff; and

vi. *MS4 Operator*'s *municipal* staff.

c. Education and Outreach Topics

Within three (3) years of the EDP/EDC, the *MS4 Operator* must identify and document in the *SWMP Plan* the education and outreach topics and how the education and outreach topics will reduce the potential for *pollutants* to be generated by the target audience(s) (Part VII.A.1.b.) for the focus area(s) (Part VII.A.1.a.).

d. *Illicit Discharge* Education

Within six (6) months of the EDP/EDC, the *MS4 Operator* must make information related to the prevention of *illicit discharges*, available to *municipal* employees, businesses, and the public and document the completion of this requirement in the *SWMP Plan*. The information related to the prevention of *illicit discharges* must include the following:

i. What types of *discharges* are allowable (Part I.A.3.);

ii. What is an *illicit discharge* and why is it prohibited (Part VII.C.);

iii. The environmental hazards associated with *illicit discharges* and improper disposal of waste;

iv. Proper handling and disposal practices for the most common behaviors within the community (e.g., septic care, car washing, household hazardous waste, swimming pool draining, or other activities resulting in *illicit discharges* to the *MS4*); and

[29] Business, retail stores, restaurants, etc.
[30] Hospitals, churches, colleges, schools, etc.
[31] Factories, recyclers, auto-salvage, mines, etc.

v. How to report *illicit discharges* they may observe (Part VII.C.1.).

2. Implementation and Frequency

a. Distribution of Educational Messages

Once a permit term, the *MS4 Operator* must identify and document in the *SWMP Plan* which of the following method(s) are used for the distribution of educational messages:

i. Printed materials (e.g., mail inserts, brochures, and newsletters, etc.);

ii. Electronic materials (e.g., websites, email listservs, etc.);

iii. Mass media (e.g., newspapers, public service announcements on radio or cable, etc.);

iv. Workshops or focus groups;

v. Displays in public areas (e.g., town halls, library, parks, etc.); or

vi. Social Media (e.g., Facebook, Twitter, blogs, etc.).

b. Frequency

Following the completion of Part VII.A.1.a, Part VII.A.1.b, and Part VII.A.1.c, once a permit term, the *MS4 Operator* must deliver an educational message to each target audience(s) (Part VII.A.1.b.) for each focus area(s) (Part VII.A.1.a.) based on the defined education and outreach topic(s) (Part VII.A.1.c.) and document the completion of this requirement in the *SWMP Plan*.

c. Updates to the Public Education and Outreach Program

Following the completion of Part VII.A.1.a, Part VII.A.1.b, and Part VII.A.1.c, annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the focus areas, target audiences, and/or education and outreach topics as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

B. MCM 2 - Public Involvement/Participation

The *MS4 Operator* must provide opportunities to involve the public in the development, review, and implementation of the *SWMP*. This MCM is designed to give the public the opportunity to include their opinions in the implementation of this *SPDES* general permit.

1. Public Involvement/Participation

a. Annually, the *MS4 Operator* must provide an opportunity for public involvement/participation in the development and implementation of the *SWMP*. The *MS4 Operator* must document the public involvement/participation opportunities in the *SWMP Plan*. The opportunities for public involvement/participation are as follows:

i. Citizen advisory group on *stormwater* management;

ii. Public hearings or meetings;

iii. Citizen volunteers to educate other individuals about the *SWMP*;

iv. Coordination with other pre-existing public involvement/participation opportunities;

v. Reporting concerns about activities or behaviors observed; or

vi. Stewardship activities.

b. Annually, the *MS4 Operator* must inform the public of the opportunity (Part VII.B.1.a.) for their involvement/participation in the development and implementation of the *SWMP* and how they can become involved. The *MS4 Operator* must document the method for distribution of this information in the *SWMP Plan*. The methods for distribution are as follows:

i. Public notice;

ii. Printed materials (e.g., mail inserts, brochures and newsletters, etc.);

iii. Electronic materials (e.g., websites, email listservs, etc.);

iv. Mass media (e.g., newspapers, public service announcements on radio or cable, etc.);

v. Workshops or focus groups;

vi. Displays in public areas (e.g., town halls, library, parks, etc.); or

vii. Social Media (e.g., Facebook, Twitter, blogs, etc.).

c. Within six (6) months, the *MS4 Operator* must identify a local point of contact to receive and respond to public concerns regarding *stormwater* management and compliance with permit requirements. The name or title of this individual, with contact information, must be published on public outreach and public participation materials and documented in the *SWMP Plan*.

2. Public Notice and Input Requirements

a. Public Notice and Input Requirements for *SWMP Plan*

No later than May 1, annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* (Part VII.B.2.b.). The public must have the ability to ask questions and submit comments on the *SWMP Plan*. The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by Part VII.B.1.

b. Public Notice and Input Requirements for Draft Annual Report

i. No later than May 1, annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the draft annual report.

The completion of this permit requirement must be documented in the *SWMP Plan*. This requirement may be satisfied by either:

a) Presentation of the draft annual report at a regular meeting of an existing board (e.g., administrative, planning, zoning) or a separate meeting specifically for *stormwater*, as designated by the *MS4* or if requested by the public. The public must have the ability to ask questions about and make comments on the draft annual report during that presentation; or

b) Posting of the draft annual report on a public website. The website must provide information on the timeframes and procedures to submit comments and/or request a meeting. However, if a public meeting is requested by two or more persons, the *MS4 Operator* must hold such a meeting.

c. Consideration of Public Input

i. Annually, the *MS4 Operator* must include, in the *SWMP Plan*, a summary of comments received on the *SWMP Plan* and draft annual report.

ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update/modify the *SWMP Plan*, where appropriate, based on the public input received.

C. MCM 3 - *Illicit Discharge* Detection and Elimination

The *MS4 Operator* must *develop*, implement, and enforce a program which systematically detects, tracks down, and eliminates *illicit discharges* to the *MS4*. This MCM is designed to manage the *MS4* so it is not conveying *pollutants* associated with flows other than those directly attributable to *stormwater* runoff.

1. *Illicit Discharge* Detection

a. Public Reporting of *Illicit Discharges*

i. Within six (6) months of EDP/EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report *illicit discharges*.

ii. Within thirty (30) days of an illicit discharge, the *MS4 Operator* must document each report of an *illicit discharge* in the *SWMP Plan* with the following information, when applicable:

a) Name/contact information of the reporting individual;

b) Date of the report;

c) Location of the *illicit discharge;*

d) Nature of the *illicit discharge;*

e) Follow up actions taken or needed (including response times); and

f) Inspection outcomes and any enforcement taken.

b. Monitoring Locations

The monitoring locations used to detect *illicit discharges* are identified as follows:

i. *MS4 outfalls;*[32]
ii. *Interconnections*;[33] and
iii. Locations where *stormwater* is conveyed from the *MS4 Operator*'s *municipal facility* to the *MS4 Operator*'s own *MS4*.

c. Monitoring Locations Inventory

i. Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of the monitoring locations in the *SWMP Plan*. The following information must be included in the inventory:[34]

a) Inventory information for *MS4 outfall*s

i) ID;
ii) Prioritization (high or low) (Part VII.C.1.d.);
iii) Type of monitoring location (Part VII.C.1.b.);
iv) Name of *municipal facility*, if located at a *municipal facility*;[35]
v) Receiving waterbody name and class;
vi) Land use in drainage area;
vii) Type of conveyance (open drainage, closed pipe);
viii) Material;
ix) Shape;
x) Dimensions;
xi) Submerged in water; and
xii) Submerged in sediment.

b) Inventory information for *interconnections*

i) ID;
ii) Prioritization (high or low) (Part VII.C.1.d.);
iii) Type of monitoring location (Part VII.C.1.b.);
iv) The name of *MS4 Operator* receiving *discharge* or private storm system;
v) Name of *MS4 Operator*'s *municipal facility*, if located at a *municipal facility*; and
vi) Receiving waterbody name and class.

[32] *MS4 outfall*s can be found throughout the *regulated area*, including at a *municipal facility*.
[33] *Interconnections* can be found throughout the *regulated area*, including at a *municipal facility*.
[34] The information included in the inventory is collected during inspections on the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) unless otherwise specified by the permit conditions.
[35] This information is collected as part of the *municipal facility* inventory.

c) Inventory information for locations where *stormwater* is conveyed from a *municipal facility* to the *MS4 Operator*'s own *MS4*

ID;
Prioritization (high or low) (Part VII.C.1.d.);
Type of monitoring location (Part VII.C.1.b.);
Name of *MS4 Operator*'s *municipal facility*, if located at a *municipal facility*; and
i) Receiving waterbody name and class.
ii)
iii)
iv) ii. The *MS4 Operator* must update the inventory within thirty (30) days of when monitoring locations are created or discovered.
v)

d. Monitoring Locations Prioritization

i. Within three (3) years of the EDP/EDC, the *MS4 Operator* must prioritize all known monitoring locations as follows:

a) High priority monitoring locations include monitoring locations:

i) At a high priority *municipal facility*, as defined in Part VII.F.2.c;

ii) *Discharging* to impaired waters as required by Part VIII;

iii) *Discharging* within a TMDL watershed as required by Part IX;

iv) *Discharging* to waters with designated best usage of primary and secondary contact recreation or higher (Class AA-S, A-S, AA, A, B, SA, or SB); and/or

v) Confirmed citizen complaints on three or more separate occasions in the last 12 months.

b) All other monitoring locations are considered low priority.

ii. Within thirty (30) days of when a monitoring location is constructed or the *MS4 Operator* discovers it, the *MS4 Operator* must prioritize those monitoring locations; and

iii. Annually, after the initial prioritization (Part VII.C.1.d.i.), the *MS4 Operator* must update the monitoring location prioritization in the inventory (Part VII.C.1.c.) based on information gathered as part of the monitoring location inspection and sampling program (Part VII.C.1.e.). The completion of this permit requirement must be documented in the *SWMP Plan*.

a) If the prioritization of the monitoring location changes from a low priority monitoring location to a high priority monitoring location, the *MS4 Operator* must comply with the requirements of this *SPDES* general permit once the prioritization changes.

e. Monitoring Locations Inspection and Sampling Program

Within two (2) years of EDP/EDC, the *MS4 Operator* must *develop* and implement a monitoring locations inspection and sampling program. The

monitoring locations inspection and sampling program must be documented in the *SWMP Plan* specifying:

i. The monitoring locations inspection and sampling procedures including:

   a) The following frequencies to inspect all monitoring locations during *dry weather*:

      i) Inspect high priority monitoring locations twice a permit term, separated by a minimum of one (1) year; and

      ii) Inspect low priority monitoring locations once a permit term.

      Monitoring location inspections that occur after the EDP/EDC but prior to the prioritization of monitoring locations can be used to satisfy permit requirements according Part VII.C.1.e;

   b) Documentation of all monitoring location inspections, including any sampling results, using the Monitoring Locations Inspection and Sampling Field Sheet (Appendix D) or an equivalent form containing the same information and include the completed monitoring location inspections and sampling results in the *SWMP Plan* (e.g., the completed Monitoring Locations Inspection and Sampling Field Sheets);

   c) Provisions to sample all monitoring locations which had inspections which resulted in a *suspect* or *obvious illicit discharge* characterization. The sampling requirement is based on the number and severity of *physical indicators present in the flow* to better inform track down procedures (Part VII.C.2.). If the source of the *illicit discharge* is clear and discernable (e.g., sewage), sampling is not necessary;

   d) Sampling may be done with field test kits or field instrumentation that are sufficiently sensitive to detect the parameter below the sampling action level used[36] and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;

   e) Provisions to initiate, or cause to initiate,[37] track down procedures (Part VII.C.2.a.), in accordance with the timeframes specified in Part VII.C.2.a.iii, for monitoring locations with an overall characterization[38] as *suspect illicit discharge* or that exceed any sampling action level used;

      i) If there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges,* the monitoring location must be re-inspected within thirty (30) days of initial

[36] Refer to Ch. 12 of the CWP 2004 for parameters, sampling action levels, and procedures.
[37] If track down is conducted by individuals or entities other than those conducting the monitoring location inspections.
[38] ORI Field Sheet from CWP 2004 Section 6: Overall Outfall Characterization based on the Relative Severity Index of physical indicators for flowing outfalls only.

inspection utilizing techniques described in Chapter 12.6 of the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) or equivalent. If physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VII.C.2.a.).

ii. The training provisions for the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.).

a) If new staff are added, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling procedures;

b) For existing staff, training on the *MS4 Operator*'s monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) must be given prior to conducting monitoring locations inspections and sampling and once a permit term, thereafter; and

c) If the monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) are updated/modified (Part VII.C.1.e.v.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting monitoring locations inspections and sampling.

iii. The names, titles, and contact information for the individuals who have received monitoring locations inspection and sampling procedures training and update annually;

iv. An annual analysis of monitoring location inspection results to identify trends, patterns, areas with *illicit discharges*, and common problems to guide ongoing *illicit discharge* elimination efforts. In the *SWMP* Plan, the *MS4 Operator* must document the analysis of monitoring locations inspection results and how it impacted the *SWMP*; and

v. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the monitoring location inspection and sampling procedures (Part VII.C.1.e.i.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

2. *Illicit Discharge* Track Down Program

Within two (2) years of EDP/EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* track down program to identify the source of *illicit discharges* and the responsible party. The *illicit discharge* track down program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* track down procedures including:

i. Procedures as described in Chapter 13 of CWP 2004 or equivalent;

ii. Steps taken for *illicit discharge* track down procedures;

iii. The following timeframes to initiate *illicit discharge* track down:

a) Within twenty-four (24) hours of discovery, the *MS4 Operator* must initiate track down procedures for flowing *MS4* monitoring locations with *obvious illicit discharges;*[39]

b) Within two (2) hours of discovery, the *MS4 Operator* must initiate track down procedures for *obvious illicit discharges* of sanitary wastewater that would affect bathing areas during bathing season, shell fishing areas or public water intakes and report orally or electronically to the Regional Water Engineer and local health department; and

c) Within five (5) days of discovery, the *MS4 Operator* must initiate track down procedures for *suspect illicit discharges*.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* track down procedures (Part VII.C.2.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to conducting *illicit discharge* track downs;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* track down procedures (Part VII.C.2.a.) must be given prior to conducting *illicit discharge* track downs and once a permit term, thereafter; and

iii. If the *illicit discharge* track down procedures (Part VII.C.2.a.) are updated/modified (Part VII.C.2.d.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *illicit discharge* track downs.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* track down procedures training and update annually; and

d. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *illicit discharge* track down procedures (Part VII.C.2.a.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

3. *Illicit Discharge* Elimination Program

Within two (2) years of EDP/EDC, the *MS4 Operator* must *develop* and implement an *illicit discharge* elimination program. The *illicit discharge* elimination program must be documented in the *SWMP Plan* specifying:

a. The *illicit discharge* elimination procedures including:

[39] Reference to the ORI Field Sheet from CWP 2004 Section 6: Overall Outfall Characterization based on the Relative Severity Index of physical indicators for flowing outfalls only.

i. Provisions for escalating enforcement and tracking, both consistent with the ERP required in Part IV.F of this *SPDES* general permit;

ii. Provisions to confirm the corrective actions have been taken;

iii. Steps taken with *illicit discharge* elimination procedures; and

iv. The following timeframes for *illicit discharge* elimination:

a) Within twenty-four (24) hours of identification of an *illicit discharge* that has a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge*;

b) Within five (5) days of identification of an *illicit discharge* that does not have a reasonable likelihood of adversely affecting human health or the environment, the *MS4 Operator* must eliminate the *illicit discharge;* and

c) Where elimination of an *illicit discharge* within the specified timeframes (Part VII.C.3.a.iv.) is not possible, the *MS4 Operator* must notify the Regional Water Engineer.

b. The training provisions for the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VII.C.3.a.).

i. If new staff are added, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations;

ii. For existing staff, training on the *MS4 Operator*'s *illicit discharge* elimination procedures (Part VII.C.3.a.) must be given prior to conducting *illicit discharge* eliminations and once a permit term, thereafter; and

iii. If the *illicit discharge* elimination procedures (Part VII.C.3.a.) are updated/modified (Part VII.C.3.d.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *illicit discharge* eliminations.

c. The names, titles, and contact information for the individuals who have received *illicit discharge* elimination procedures training and update annually; and

d. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *illicit discharge* elimination procedures (Part VII.C.3.a.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

D. MCM 4 - Construction Site *Stormwater* Runoff Control

The *MS4 Operator* must develop, implement, and enforce a program to ensure construction sites are effectively controlled. This MCM is designed to prevent *pollutants* from construction related activities, within the automatically and

additionally designated areas, as well as promote the proper planning and installation of post-construction *SMPs*.

1. Applicable Construction Activities/Projects/Sites

a. The construction site *stormwater* runoff control program must address sites with *construction activities* within the *automatically* and *additionally designated areas* that:

   i. Result in a total land disturbance of greater than or equal to one acre; or,

   ii. Disturb less than one acre if part of a larger common plan of development or sale; or

   iii. Disturb greater than 5000 square feet in the East of Hudson Watershed.

b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP, the *MS4 Operator* must ensure compliance with the CGP and the additional requirements for construction oversight described in Part VII.D.6 through VII.D.9 are not needed.

2. Public Reporting of Construction Site Complaints

a. Within six (6) months of EDP/EDC, the *MS4 Operator* must establish and document in the *SWMP Plan* an email or phone number (with message recording capability) for the public to report complaints related to construction *stormwater* activity.

b. The *MS4 Operator* must document reports of construction site complaints in the *SWMP Plan* with the following information:

   i. Name/contact information of the reporting individual, when provided;

   ii. Date of the report;

   iii. Location of the construction site;

   iv. Nature of complaint;

   v. Follow up actions taken or needed; and

   vi. Inspection outcomes and any enforcement taken.

3. Construction Oversight Program

Within one (1) year of EDP/EDC, the *MS4 Operator* must *develop* and implement a construction oversight program. The construction oversight program must be documented in the *SWMP Plan* specifying:

a. The construction oversight procedures including:

   i. When the construction site *stormwater* control program applies (Part VII.D.1.);

   ii. Inventorying of construction sites (Part VII.D.4.);

iii. Prioritization of construction sites (Part VII.D.5.);

iv. To whom SWPPPs apply;

v. The procedures for submission of SWPPPs;

vi. SWPPP review requirements (Part VII.D.6.)

vii. Pre-construction oversight requirements (Part VII.D.7.)

viii. Construction site inspection requirements (Part VII.D.8.);

ix. Construction site close-out requirements (Part VII.D.9.);

x. Enforcement process/expectations for compliance; and

xi. Other procedures associated with the control of *stormwater* runoff from applicable construction activities.

b. The training provisions for the *MS4 Operator*'s construction oversight procedures (Part VII.D.3.a.).

i. If new staff are added, training on the *MS4 Operator*'s construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities;

ii. For existing staff, training on the *MS4 Operator*'s construction oversight procedures (Part VII.D.3.a.) must be given prior to conducting any construction oversight activities and once a permit term, thereafter; and

iii. If the construction oversight procedures (Part VII.D.3.a.) are updated/modified (Part VII.D.3.a.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting construction oversight.

c. The names, titles, and contact information for the individuals who have received construction oversight training and update annually;

d. The names, titles, and contact information of all those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) who have received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity and update annually; and

e. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the construction oversight procedures (Part VII.D.3.a.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

4. Construction Site Inventory & Inspection Tracking

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VII.D.1.a.) and

construction sites which have terminated coverage since EDP/EDC (retain on inventory for five (5) years) in the *SWMP Plan*. The following information must be included in the inventory:

i. Location of the construction site;

ii. Owner/operator contact information, if other than the *MS4 Operator*;

iii. Receiving waterbody name and class;

iv. Prioritization (high or low) (Part VII.D.5);

v. Construction project *SPDES* identification number;

vi. SWPPP approval date;

vii. Inspection history (dates and ratings – satisfactory, unsatisfactory, or marginal); and

viii. Current status of the construction site/project (i.e., active, temporarily shut down, complete[40]).

b. The *MS4 Operator* must update the construction site inventory within thirty (30) days of when construction projects are approved, completed, or re-prioritized (Part VII.D.5.).

5. Construction Site Prioritization

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must prioritize all known construction sites as follows:

i. High priority construction sites include construction sites:

a) With a direct conveyance (e.g., channel, ditch, storm sewer) to a *surface water of the State* that is:

i) Listed as impaired on the 2018 NYS 303(d) list for silt/sediment, phosphorus, or nitrogen listed as the POC (Appendix C);

ii) Classified as AA-S, AA, or A; or

iii) Classified with a trout (T) or trout spawning (TS) designation.

b) With greater than five (5) acres of disturbed earth at any one time;

c) With earth disturbance within one hundred (100) feet of any lake or pond;

d) Within fifty (50) feet of any rivers or streams (perennial or seasonal);

e) Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture (USDA) Soil Survey as Soil Slope Phase “D,” (provided the map unit name is inclusive of slopes

[40] Construction projects listed on the inventory must be inspected and tracked as described in Part VII.D.8. until a final site inspection has been completed as specified in Part VII.D.9. and the construction site status changes to complete.

greater than 25%), or Soil Slope Phase “E” or “F” (regardless of the map unit name), or a combination of the three designations; and/or

f) Which disturb one (1) or more acres of soils with a high, very high or extreme erosion risk as identified on Table 2.5 of the NYS E&SC 2016.

ii. All other construction sites are considered low priority.

b. Within thirty (30) days of when a construction site becomes active, the *MS4 Operator* must prioritize those construction sites; and

c. Annually, after the initial prioritization (Part VII.D.5.a.), the *MS4 Operator* must update the construction site prioritization in the inventory (Part VII.D.4.a.) based on information gathered as part of the construction oversight program (Part VII.D.3.). The completion of this permit requirement must be documented in the *SWMP Plan*.

i. If the prioritization of the construction site changes from a low priority construction site to a high priority construction site, the *MS4 Operator* must comply with the requirements of this *SPDES* general permit once the prioritization changes.

6. SWPPP Review

The *MS4 Operator* must:

a. Ensure individual(s), responsible for reviewing SWPPPs for acceptance, receive:

i. Two (2) hours of *Department* endorsed SWPPP review training once a permit term; and

ii. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be completed within three (3) years of the EDP/EDC and every three (3) years thereafter.

iii. Document the completion of this requirement in the *SWMP Plan*.

b. Ensure SWPPP reviewers receive these trainings (Part VII.D.6.a.i. and Part VII.D.6.a.ii.) prior to conducting SWPPP reviews and/or approvals.

i. Individuals without these trainings cannot review and/or approve SWPPPs.

ii. Individuals who meet the definition of a *qualified professional* are exempt from this requirement.

c. Ensure individuals responsible for reviewing SWPPPs review all SWPPPs for applicable construction activities (Part VII.D.1.) and for conformance with the requirements of the CGP, including:

i. Erosion and sediment controls must be reviewed for conformance with the NYS E&SC 2016, or equivalent;

ii. Individuals responsible for review of post-construction *SMPs* must be *qualified professionals* or under the supervision of a *qualified professional*; and

iii. Post-construction *SMPs* must be reviewed for conformance with the NYS SWMDM 2015 or equivalent, including:

a) All post-construction *SMPs* must meet the *sizing criteria* contained in the CGP and NYS SWMDM 2015.

b) Deviations from the performance criteria of the NYS SWMDM 2015 must demonstrate that they are equivalent.

c) The SWPPP must include an O&M plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction *SMP*. The SWPPP must identify the entity that will be responsible for the long-term operation and maintenance of each practice.

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.6.a.i and Part VII.D.6.a.ii.

e. In the *SWMP Plan*, document the SWPPP review including the information found in Part III.B. of the CGP;

f. Assess potential risks to water quality impacts for new construction activities based on the presence of high priority construction site criteria (Part VII.D.5.a.i.); and

g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4* SWPPP Acceptance Form[41] created by the *Department* and required by the CGP, signed in accordance with Part X.J.

7. Pre-Construction Meeting

Prior to commencement of construction activities, the *MS4 Operator* must ensure a pre-construction meeting is conducted. The date and content of the pre-construction inspection/meeting must be documented in the *SWMP Plan*. The owner/operator listed on the CGP NOI (if different from the *MS4 Operator*), the *MS4 Operator*, contractor(s) responsible for implementing the SWPPP for the *construction activity,* and the *qualified inspector* must attend the meeting in order to:

a. Confirm the approved project has received coverage under the CGP or an individual *SPDES* permit;

b. Verify contractors and subcontractors selected by the owner/operator of the *construction activity* have identified at least one individual that has received

[41] The *MS4* SWPPP Acceptance Form can be found here: https://www.dec.ny.gov/docs/water_pdf/swpppaccept.pdf

four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District or other endorsed entity as required by the CGP and Part VII.D.3.d; and

c. Review the construction oversight program (Part VII.D.3.) and expectations for compliance.

8. Construction Site Inspections

The *MS4 Operator* must:

a. Ensure individuals(s), responsible for construction site inspections, receive:
   i. Two (2) hours of *Department* endorsed training on *MS4* oversight inspections once a permit term; and
   ii. Four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil & Water Conservation District, or other *Department* endorsed entity. This training must be complete, within three (3) years of the EDP/EDC and every three (3) years thereafter.
   iii. Document the completion of this requirement in the *SWMP Plan*.

b. Ensure all *MS4* Construction Site Inspectors receive this training prior to conducting construction site inspections.
   i. Individuals without these trainings cannot inspect construction sites.
   ii. Individuals who meet the definition of a *qualified professional* are exempt from this requirement.

c. Ensure all sites with *construction activity* are inspected at the following frequencies:
   i. High priority construction sites (Part VII.D.5.a.i.)
      a) If the *MS4 Operator* is completing the inspection, the construction project must be inspected every thirty (30) calendar days after the pre-construction meeting (Part VII.D.7); or
      b) If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction project once every ninety (90) days, or sooner if any deficiencies are noted that require attention.
   ii. Low priority construction sites must be inspected each reporting year during active construction after the pre-construction meeting (Part VII.D.7.).
   iii. Follow up construction site inspections must confirm corrective actions are completed within timeframes determined by the *MS4* construction site inspector.

d. In the *SWMP Plan*, document and update annually the names, titles, and contact information for the individuals who have received the trainings listed in Part VII.D.8.a.i and Part VII.D.8.a.ii.

e. Document all inspections using the Construction Site Inspection Report Form (Appendix D) or an equivalent form containing the same information. The *MS4 Operator* must include the completed Construction Site Inspection Reports in the *SWMP Plan*.

9. Construction Site Close-out

a. The *MS4 Operator* must ensure a final construction site inspection is conducted and documentation of the final construction site inspection must be maintained in the *SWMP Plan*. The final construction site inspection must be documented using the Construction Site Inspection Report Form (Appendix D) or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.

b. The Notice of Termination (NOT)[42] must be signed by the *MS4 Operator* as required by the CGP for projects determined to be complete. The NOT must be signed in accordance with Part X.J.

E. MCM 5 – Post-Construction *Stormwater* Management

The *MS4 Operator* must *develop*, implement, and enforce a program to ensure proper operation and maintenance of post construction *SMPs* for new or redeveloped sites. This MCM is designed to promote the long-term performance of post-construction *SMPs* in removing *pollutants* from *stormwater* runoff.

1. Applicable Post-Construction *Stormwater Management Practices*

The post-construction *stormwater* management program must include publicly and privately owned/operated post-construction *SMPs* within the *automatically* and *additionally designated areas* that include the following:

a. Post-construction *SMPs* that have been installed as part of any CGP covered construction site or individual *SPDES* permit (since March 10, 2003);

b. All new post-construction *SMPs* constructed as part of the construction site *stormwater* runoff control program (Part VII.D); and

c. All SMPs owned or operated by the MS4 Operator.

2. Post-Construction *SMP* Inventory & Inspection Tracking[43]

a. Within five (5) years of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of post-construction *SMPs*, installed after March 10, 2003, in the *SWMP Plan*. The following information must be included in the inventory either by using the *MS4 Operator* maintenance records or by

[42] The NOT can be found here: https://www.dec.ny.gov/docs/water_pdf/gp015002cnot.pdf
[43] Post-construction *SMPs* can be found throughout the *regulated area*, including at a *municipal facility*.

verification of maintenance records provided by the owner of the post-construction *SMP*:

i. Location of practice (street address and coordinates);

ii. Type;[44]

iii. Receiving waterbody name and class;

iv. Date of installation (if available) or discovery;

v. Ownership;

vi. Responsible party for maintenance;

vii. Contact information for party responsible for maintenance;

viii. Location of documentation depicting O&M requirements and legal agreements for post-construction *SMP*;

ix. Frequency for inspection of post-construction *SMP*, as specified in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017) or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.);

x. Reason (i.e., new development, redevelopment, *retrofit*, flood control, etc.);

xi. Date of last inspection;

xii. Inspection results;

xiii. Any corrective actions identified and completed;

b. The *MS4 Operator* must update the post-construction *SMP* inventory within thirty (30) days of when post-construction *SMPs* are approved or discovered.

3. SWPPP Review

For post-construction *SMP* SWPPP review requirements, see Part VII.D.6.

4. Post-Construction *SMP* Inspection & Maintenance Program

Within one (1) year of EDP/EDC, the *MS4 Operator* must *develop* and implement a post-construction *SMP* inspection and maintenance program. The post-construction *SMP* inspection and maintenance program must be documented in the *SWMP Plan* specifying:

a. The post-construction *SMP* inspection and maintenance procedures including:

[44] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

i. Provisions to ensure that each post-construction *SMP* identified in the post-construction *SMP* inventory (Part VII.E.2.) is inspected at the frequency specified in the NYS DEC Maintenance Guidance 2017 or as specified in the O&M plan contained in the approved SWPPP (Part VII.D.6.), if available;

   a) *MS4 Operator* can only accept Level 1 inspections (NYS DEC Maintenance Guidance 2017) by private owners inspecting post-construction *SMPs*.

ii. Documentation of post-construction *SMP* inspections using the Post-Construction SMP Inspection Checklist[45] or an equivalent form containing the same information. The *MS4 Operator* must include the completed post-construction *SMP* inspections (i.e., the completed Post-Construction SMP Inspection Checklist) in the *SWMP Plan*;

iii. Provisions to initiate follow-up actions (i.e., maintenance, repair, or higher-level inspection) within thirty (30) days of post-construction *SMP* inspection; and

iv. Provisions to initiate enforcement within sixty (60) days of the inspection if follow-up actions are not complete.

b. The training provisions for the *MS4 Operator*'s post-construction inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program.[46]

   i. If new staff are added, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance;

   ii. For existing staff, training on the *MS4 Operator*'s post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) and procedures outlined in the *Department* endorsed program must be given prior to conducting any post-construction *SMP* inspection and maintenance and once a permit term, thereafter; and

   iii. If the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) are updated/modified (Part VII.E.4.d.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the

[45] The *Department* developed checklist forms specific to each post-construction *SMP* designed to assist *MS4 Operators* in conducting inspections and maintenance activities of standard practices. The Post-Construction SMP Inspection Checklist, March 31, 2017, can be found here: https://www.dec.ny.gov/docs/water_pdf/smpinspchklist.pdf.

[46] The *Department* developed training modules to accompany the NYS DEC Maintenance Guidance 2017.

updates/modifications must be given to all staff prior to conducting post-construction SMP inspection and maintenance.

c. The names, titles, and contact information for the individuals who have received post-construction *SMP* inspection and maintenance procedures training and update annually; and

d. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

F. MCM 6 – Pollution Prevention and Good Housekeeping

The *MS4 Operator* must *develop* and implement a pollution prevention and good housekeeping program for *municipal facilities* and *municipal operations* to minimize *pollutant discharges*. This MCM is designed to ensure the *MS4 Operator*'s own activities do not contribute *pollutants* to *surface waters of the State*.

1. *Best Management Practices (BMPs)* for *Municipal Facilities & Operations*

Within five (5) years of the EDP/EDC, the *MS4 Operator* must implement *best management practices* (*BMPs*) to minimize the *discharge* of *pollutants* associated with *municipal facilities* and *municipal operations*. The BMPs must be documented in the *SWMP Plan*.

a. Minimize Exposure

i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, including areas used for loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations, with the following *BMP*s:

a) Locate materials and activities inside or protect them with storm resistant coverings;

b) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;

c) Locate materials, equipment, and activities so leaks and spills are contained in existing containment and diversion systems;

d) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the *discharge* of *pollutants*;

e) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;

f) Use spill/overflow protection equipment;

g) Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and

also captures any overspray; and ensure that all washwater drains to a proper collection system (i.e., not the *stormwater* drainage system);

h) Drain fluids, indoors or under cover, from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks;

i) *Minimize* exposure of chemicals by replacing with a less toxic alternative (e.g., use non-hazardous cleaners); and/or

j) Ensure that all washwater and floor drains go to the proper collection system (i.e., not the *stormwater* drainage system).

ii. *No Exposure* Certification for High Priority Facilities

Municipal facilities may qualify for *No Exposure* Certification (Appendix D) when all activities and materials are completely sheltered from exposure to rain, snow, snowmelt and/or runoff.

a) High priority *municipal* facilities (Part VII.F.2.c.i.a)) with uncovered parking areas for vehicles awaiting maintenance may be considered a low priority *municipal facility* (Part VII.F.2.c.i.b)) if only routine maintenance is performed inside and all other n*o exposure* criteria are met.

b) *Municipal* facilities accepting or repairing disabled vehicles and/or vehicles that have been involved in accidents are not eligible for the *No Exposure* Certification.

c) *Municipal* facilities must maintain the *No Exposure* Certification and document in the *SWMP Plan*. The *No Exposure* Certification ceases to apply when activities or materials become exposed.

d)

b. Follow a Preventive Maintenance Program

i. Implement a preventative maintenance program that includes routine inspection, testing, maintenance, and repair of all fueling areas, vehicles and industrial equipment and systems to prevent leaks, spills and other releases. This includes:

a) Performing inspections and preventive maintenance of *stormwater* drainage, source controls, treatment systems, and plant equipment and systems;

b) Maintaining non-structural *BMPs* (e.g., keep spill response supplies available, personnel appropriately trained, containment measures, covering fuel areas, etc.); and

c) Implementing BMPs to ensure vehicle wash waters are not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where wash water is collected to be recycled or discharged to the sanitary sewer.

ii. Routine maintenance must be performed to ensure BMPs are operating properly. When a BMP is not functioning to its designed effectiveness and needs repair or replacement:

a) Maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of *stormwater* controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable, corrective actions must be initiated within seven (7) days and completed within thirty (30) days, unless permission for a later date is granted in writing by the *Department*; and

b) Interim measures must be taken to prevent or minimize the *discharge* of *pollutants* until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be *discharged* during subsequent storm events.

c. Spill Prevention and Response Procedures

i. Minimize the potential for leaks, spills and other releases that may be exposed to stormwater and *develop* plans for effective response to such spills if or when they occur. At a minimum, the *MS4 Operator* must:

a) Store materials in appropriate containers;

b) Label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;

c) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the *discharge* of *pollutants* from these areas;

d) *Develop* procedures for stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;

e) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made;

f) *Develop* procedures for notification of the appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. If possible, one of these individuals should be a member of the *stormwater* pollution prevention team (Part VII.F.2.d.i.a)). Any spills must be reported in accordance with 6 NYCRR 750-2.7; and

g) Following any spill or release, the *MS4 Operator* must evaluate the adequacy of the BMPs identified in the *municipal facility* specific SWPPP. If the BMPs are inadequate, the SWPPP must be updated to identify new BMPs that will prevent reoccurrence and improve the emergency response to such releases.

ii. Measures for cleaning up spills or leaks must be consistent with applicable petroleum bulk storage, chemical bulk storage or hazardous waste management regulations at 6 NYCRR Parts 596-599, 613 and 370-373.

iii. This *SPDES* general permit does not relieve the *MS4 Operator* of any reporting or other requirements related to spills or other releases of petroleum or hazardous substances. Any spill of a hazardous substance must be reported in accordance with 6 NYCRR 597.4. Any spill of petroleum must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

d. Erosion and Sediment Controls

i. Stabilize exposed areas and control runoff using structural and/or non-structural *controls* to minimize onsite erosion and sedimentation in accordance with the NYS E&SC 2016.

ii. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *MS4 Operator* must demonstrate equivalence to the technical standard. The *MS4 Operator* must consider:

a) Areas at the facility or right-of-way that, due to topography, land disturbance (e.g., construction) or other factors, have potential for significant soil erosion;

b) Whether structural, vegetative, and/or stabilization *BMPs* are needed to limit erosion;

c) Whether velocity dissipation devices (or equivalent measures) are needed at *discharge* locations and along the length of any channel to provide a non-erosive flow velocity from the structure to a water course; and

d) Address erosion or areas with poor vegetative cover, especially if the erosion is within 50 feet of a *surface water of the State*.

e. Manage Vegetated Areas and Open Space on *Municipal* Property

i. Maintain vegetated areas on *MS4 Operator* owned/operated property and right of ways:

a) Specify proper use, storage, and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products and using only in accordance manufacturer’s instruction;

b) Use lawn maintenance and landscaping practices that are protective of water quality. Protective practices include: reduced mowing frequencies; proper disposal of lawn clippings; and use of alternative landscaping materials (e.g., drought resistant planting);

c) Place pet waste disposal containers and signage concerning the proper collection and disposal of pet waste at all parks and open space where pets are permitted; and

d) Address waterfowl congregation areas where needed to reduce waterfowl droppings from entering the *MS4*.

f. Salt[47] Storage Piles or Pile Containing Salt

Enclose or cover storage piles[48] of salt, or piles containing salt, used for deicing or maintenance of paved surfaces. Implement appropriate measures (e.g., good housekeeping, routine sweeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

g. Waste, Garbage, and Floatable Debris

i. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that *discharges* have a control (e.g., secondary containment, treatment); and

ii. Keep exposed areas free of waste, garbage, and debris or intercept them before they are *discharged*:

a) Manage trash containers at parks and open space (scheduled cleanings; sufficient number);

b) Pick up trash and debris on *MS4 Operator* owned/operated property and rights of way; and

c) Clean out catch basins within the appropriate timeframes (Part VII.F.3.c.i.a)iii)).

h. Alternative Implementation Options (Part IV.A.1)

i. When alternative implementation options are utilized, require the parties performing *municipal operations* as contracted services, including but not limited to street sweeping, snow removal, and lawn/grounds care, to meet permit requirements as the requirements apply to the activity performed (Part IV.A.1).

ii. In the *SWMP Plan*, the *MS4 Operator* must *develop* and maintain an inventory of third-party entities performing *municipal operations* that includes the following information:

a) Name of third-party entity performing *municipal operations*; and

b) *Municipal operations* performed by third party entity.

[47] For purposes of this *SPDES* general permit, salt means any chloride-containing material used to treat paved surfaces for deicing, including sodium chloride, calcium chloride, magnesium chloride, and brine solutions.

[48] Piles do not need to be enclosed or covered if *stormwater* runoff from the piles is authorized under another *SPDES* permit.

2. *Municipal Facilities*[49]

a. *Municipal Facility* Program

Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and implement a *municipal facility* program. The *municipal facility* program must be documented in the *SWMP Plan* specifying:

i. The *municipal facility* procedures including:

a) The high priority *municipal facility* requirements (Part VII.F.2.d.) as applied to the specific *municipal facility*; and

b) The low priority *municipal* facilities requirements (Part VII.F.2.e.) as applied to the specific *municipal facility*.

ii. The training provisions for the *MS4 Operator*'s *municipal facility* procedures (Part VII.F.2.a.i.).

a) If new staff are added, training on the *MS4 Operator*'s *municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures;

b) For existing staff, training on the *MS4 Operator*'s *municipal facility* procedures (Part VII.F.2.a.i.) must be given prior to conducting *municipal facility* procedures and once a permit term, thereafter; and

c) If the *municipal facility* procedures (Part VII.F.2.a.i.) are updated/modified (Part VII.F.2.a.iv.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *municipal facility* procedures.

iii. The names, titles, and contact information for the individuals who have received *municipal facility* training and update annually; and

iv. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *municipal facility* procedures (Part VII.F.2.a.i.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Facility* Inventory

i. Within two (2) years of the EDP/EDC, the *MS4 Operator* must *develop* and maintain an inventory of all *municipal* facilities in the *SWMP Plan*. The following information must be included in the inventory:

a) Name of *municipal facility*;

b) Address;

c) Type of *municipal facility* (e.g., DPW, park, town hall);

[49] *Municipal facilities* that have coverage under a separate *SPDES* permit (either individual or MSGP) must comply with the terms and conditions of that permit and the requirements set forth in this Part are not applicable.

d) Prioritization (high or low) (Part VII.F.2.c.);

e) Latitude/Longitude;

f) Receiving waterbody name and class;

g) Contact information;

h) Responsible department;

i) Location of SWPPP (when completed);

j) Type of activities present on site;

k) Size of facility (acres);

l) Date of last assessment;

m) BMPs identified; and

n) Projected date of next assessment (Part VII.F.2.d. or Part VII.F.2.e, depending on the *municipal facility* prioritization (Part VII.F.2.c.)).

ii. The *MS4 Operator* must update the inventory within thirty (30) days of when new *municipal* facilities are added.

c. *Municipal Facility* Prioritization

i. Within three (3) years of the EDP/EDC, the *MS4 Operator* must prioritize all known *municipal* facilities as follows:

a) High priority *municipal* facilities include *municipal facilities* that have one or more of the following on site and exposed to *stormwater*:

i) Bulk storage of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris;

ii) Fueling stations; and/or

iii) Vehicle or equipment maintenance/repair.

b) Low priority *municipal facilities* include any *municipal facilities* that do not meet the criteria for a high priority (Part VII.F.2.c.i.a)) *municipal facility*.

i) High priority *municipal facilities* (Part IV.F.2.c.i.a)) which qualify for a *No Exposure* Certification (Part VII.F.1.a.) are considered low priority *municipal facilities*.

ii. Within thirty (30) days of when a *municipal facility* is added to the inventory, the *MS4 Operator* must prioritize those *municipal facilities*; and

iii. Annually, after the initial prioritization (Part VII.F.2.c.i.), the *MS4 Operator* must update the *municipal facility* prioritization in the inventory (Part VII.F.2.b.i.) based on information gathered as part of the *municipal facility* program (Part VII.F.2.a.), including cases where a *No Exposure* Certification (Part VII.F.1.a.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

a) If activities at a *municipal facility* changes, changing the prioritization of the *municipal facility* from a low priority *municipal facility* to a high priority *municipal facility*, the *MS4 Operator* must comply with the requirements of this *SPDES* general permit upon commencement of the activity.

d. High Priority *Municipal Facility* Requirements

i. Municipal Facility Specific SWPPP

Within five (5) years of the EDP/EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VII.2.i.b)) and retain a copy of the *municipal facility* specific SWPPP on site of the respective *municipal facility*. The SWPPP must contain:

a) *Stormwater* Pollution Prevention Team

The *municipal facility* specific SWPPP must identify the individuals (by name and/or title) and their role/responsibilities in *developing*, implementing, maintaining, and revising the *municipal facility* specific SWPPP. The activities and responsibilities of the team must address all aspects of the *municipal facility* specific SWPPP.

b) General Site Description

A written description of the nature of the activities occurring at the *municipal facility* with a potential to *discharge* pollutants, type of pollutants expected and location of key features as detailed in the site map (Part VII.F.2.d.i.e)).

c) Summary of potential pollutant sources

The *municipal facility* specific SWPPP must identify each area at the *municipal facility* where industrial materials or activities are exposed to *stormwater* or from which authorized non-*stormwater discharges* originate, including any potential *pollutant* sources for which the facility has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

i) Industrial materials or activities include: industrial machinery; raw materials; intermediate products; byproducts; final products or waste products; and, material handling activities which includes storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product or waste product.

(a)

ii) For each separate area identified, the description must include:

Activities - A list of the activities occurring in the area (e.g., material storage, equipment fueling and cleaning, etc.);

<u>*Pollutants*</u> - A list of the associated *pollutant(s)* for each activity. The *pollutant(s)* list must include all *materials* that are exposed to *stormwater*; and

(b) <u>Potential for presence in *stormwater*</u> - For each area of the *municipal facility* that generates *stormwater discharges,* a prediction of the direction of flow, and the likelihood of the activity to contaminate the *stormwater discharge*. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced or *discharge*d, the likelihood of contact with *stormwater*; and history of leaks or spills of toxic or hazardous *pollutants*.

(c)

d) Spills and Releases

For areas that are exposed to precipitation or that otherwise drain to a *stormwater* conveyance to be covered under this *SPDES* general permit, the SWPPP must include a list of spills or releases[50] of petroleum and hazardous substances or other *pollutants*, including unauthorized *non-stormwater discharges,* that may adversely affect water quality that occurred during the last three-year period. The list must be updated when spills or releases occur.

e) Site Map

The SWPPP must include a site map identifying the following, as applicable:

i) Property boundaries and size in acres;
ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;
iii) Monitoring locations (Part VII.C.1.b) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;
iv) Location of all post-construction *SMPs* (Part IV.D.2.a.) and *stormwater* infrastructure (Part IV.D.2.b.);
v) Locations of *discharges* authorized under other *SPDES* permits;
i) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;
vi) Locations of haul and access roads;
vii) Rail cars and tracks;
viii) Arrows showing direction of *stormwater* flow;
ix) Location of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them;

[50] This may also include releases of petroleum or hazardous substances that are not in excess of reporting quantities but which may still cause or contribute to significant water quality impairment.

Locations where *stormwater* flows have significant potential to cause erosion;

Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the facility; and

x) Locations of the following areas where such areas are exposed to precipitation or *stormwater*:

xi) (a) Fueling stations;
(b) Vehicle and equipment maintenance and/or cleaning areas;

xii) (c) Loading/unloading areas;
(d) Locations used for the treatment, storage or disposal of wastes;
(e) Liquid storage tanks;
(f) Processing and storage areas;
(g) Locations where significant materials, fuel or chemicals are stored and transferred;
(h) Locations where vehicles and/or machinery are stored when not in use
(i) Transfer areas for substances in bulk;
(j) Locations of potential *pollutant* sources;
(k) Location and description of non-*stormwater discharges* listed in Part I.A.3;
(l) Locations where major spills or leaks have occurred; and
(m) Locations of all existing structural *BMP*s.

f) *Stormwater Best Management Practices (BMPs)*

The *municipal facility* specific SWPPP must document the location and type of *BMPs* installed and implemented at the *municipal facility* (Part VII.F.1). The SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments

The SWPPP must include a schedule for completing and recording results of routine and comprehensive site assessments (Part VII.F.2.d.ii.c)).

ii. *Municipal Facility Assessments*

a) Wet Weather Visual Monitoring

i) Twice a permit term, separated by a minimum of one (1) year, the *MS4 Operator* must conduct wet weather visual monitoring of the monitoring locations (Part VII.C.1.b.) and other sites of *stormwater* leaving the site that are *discharging stormwater* from fueling areas, storage areas, vehicle and equipment maintenance/fueling areas, material handling areas and similar potential *pollutant* generating areas (Part VII.F.2.d.i.e)xii)).

(a) All samples must be collected from *discharges* resulting from a *qualifying storm event*. The storm event must be documented using the Storm Event Data Form (Appendix D) and kept with the SWPPP. The sample must be taken during the first thirty (30) minutes (or as soon as practical, but not to exceed one hour) of the discharge at the monitoring location.

(b) No analytical tests are required to be performed on the samples for the purpose of meeting the visual monitoring requirements.

(c) The visual examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and any other obvious indicators of *stormwater* pollution.

(d) The visual examination of the sample must be conducted in a well-lit area.

(e) Where practicable, the same individual should carry out the collection and examination of *discharges* for the entire permit term for consistency.

(f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D; signed and certified as required by Part X.J) and keep it with the SWPPP to record:

(i) Monitoring location ID;

(ii) Examination date and time;

(iii) Personnel conducting the examination;

(iv) Nature of the *discharge* (runoff or snowmelt);

(v) Visual quality of the *stormwater discharge* (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of *stormwater* pollution; and

(vi) Probable sources of any observed *stormwater* contamination.

(vii) Corrective and follow up actions – If the visual examination indicates the presence of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of *stormwater* pollution, the *MS4 Operator* must, at minimum, complete and document the following actions:

(1) Evaluate the facility for potential sources;

(2) Remedy the problems identified;

(3) Revise the facility specific SWPPP; and

(4) Perform an additional visual inspection during the first *qualifying storm event* following implementation of the corrective action. If the first *qualifying storm event* does not occur until the next visual monitoring period, this follow up action may be used as the next visual inspection.

b) Monitoring locations inspection and sampling at the *municipal facility* must be implemented in accordance with the *Illicit Discharge* Detection Program (Part VII.C.1).

c) Comprehensive Site Assessments

i) Annually, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* using the Municipal Facility/Operation Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *municipal facility* specific *SWPPP* and *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which

(i) does not have a reasonable likelihood of adversely affecting human health or the environment;

Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

ii) Comprehensive site assessments that occur after the effective date of this *SPDES* general permit but prior to the prioritization of *municipal facilities* can be used to satisfy permit requirements.

e. Low Priority *Municipal Facility* Requirements

i. The *MS4 Operator* must identify procedures outlining BMPs for the types of activities that occur at the low priority *municipal facilities* as described in Part VII.F.1. A *municipal facility* specific SWPPP is not required.

ii. *Municipal facility* Assessments

a) Low priority *municipal* facilities are not required to conduct wet weather visual monitoring.

b) Monitoring locations inspection and sampling at the *municipal facility* must be implemented in accordance with the *Illicit Discharge* Detection Program (Part VII.C.1).

c) Comprehensive Site Assessments

i) Once a permit term, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* using the Municipal Facility/Operation Assessment Form (Appendix D) or an equivalent form containing the same information, and document in the *SWMP Plan* that:

(a) The *municipal facility* is in compliance with the terms and conditions of this *SPDES* general permit;

(b) Deficiencies were identified and all reasonable steps will be taken to minimize any *discharge* in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment;

(i) Within twenty-four (24) hours, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented; or

(c) Deficiencies were identified and all reasonable steps will be to minimize any *discharge* in violation of the permit, which does not have a reasonable likelihood of adversely affecting human health or the environment;

(i) Within seven (7) days, the *MS4 Operator* must prepare a schedule that includes corrective actions and specific interim milestones to be implemented until the corrective action is implemented.

ii) Comprehensive site assessments that occur after the effective date of this *SPDES* general permit, but prior to the prioritization of *municipal facilities*, can be used to satisfy permit requirements.

3. *Municipal Operations* & Maintenance

Municipal Operations Program

Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and implement a *municipal operations* program. The *municipal operations* program must be documented in the *SWMP Plan* specifying:

a. The *municipal operations* procedures including:

i. a) The *municipal operations* assessments and corrective actions requirements (Part VII.F.3.b.); and

b) The infrastructure maintenance requirements (Part VII.F.3.c.).

ii. The training provisions for the *MS4 Operator*'s *municipal operations* procedures (Part VII.F.3.a.i.).

a) If new staff are added, training on the *MS4 Operator*'s *municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting *municipal operations* procedures;

b) For existing staff, training on the *MS4 Operator*'s *municipal operations* procedures (Part VII.F.3.a.i.) must be given prior to conducting *municipal operations* procedures and once a permit term, thereafter; and

c) If the *municipal operations* procedures (Part VII.F.3.a.i.) are updated/modified (Part VII.F.3.a.iv.) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting *municipal operations* procedures.

iii. The names, titles, and contact information for the individuals who have received *municipal operations* training and update annually; and

iv. Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the *municipal operations* procedures (Part VII.F.3.a.i.) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

b.

Municipal Operations Assessments and Corrective Actions

i. Annually, the *MS4 Operator* must assess each *municipal* operation and infrastructure maintenance (Part VII.F.3.c.). In conducting the assessments, the *MS4 Operator* must use the Municipal Facility/Operation Assessment

ii. Form (Appendix D) or an equivalent form containing the same information, to document the assessment in the *SWMP Plan* and either:

Ensure compliance with the terms and conditions of this *SPDES* general permit; or

Implement corrective actions according to the following schedule and, after implementation, ensure the facility is in compliance with the terms and conditions of this *SPDES* general permit:

a) Within twenty-four (24) hours of discovery for situations that have a reasonable likelihood of adversely affecting human health or the environment;

b) Initiated within seven (7) days of inspection and completed within thirty (30) days of inspection for situations that do not have a reasonable likelihood of adversely affecting human health or the environment; and

c) For corrective actions that require special funding or construction that will take longer than thirty (30) days to complete, a schedule must be prepared that specifies interim milestones that will ensure compliance in the shortest reasonable time. Progress must be reported with the annual report.

Infrastructure Maintenance

c. The *MS4 Operator* must ensure that *MS4* infrastructure (i.e., storm sewer system components, roadways, bridges, parking lots, and associated right of ways) is maintained in a timely manner to reduce the *discharge* of *pollutants* to and/or from the *MS4*.

Catch Basin Inspection Program

i. Within three (3) years of the EDP/EDC, the *MS4 Operator* must *develop* and implement a catch basin inspection program. The catch basin inspection program must be documented in the *SWMP Plan* specifying:

a) The catch basin inspection procedures including:

i) Inspection and inventory of all catch basins within five (5) years of the EDP/EDC;

ii) An inventory of catch basin inspection and cleaning information including:

(a) Date of inspection;

(b) Approximate level of trash, sediment, and/or debris captured at time of clean-out (no debris, <50% *sump capacity*, >50% *sump capacity*);

(c) Depth of structure;

(d) Depth of sump; and

(e) Date of clean out, if applicable (Part VII.F.3.c.i.a)iii)).

iii) The following timeframes to clean out catch basins:

(a) Within ninety (90) days after the catch basin inspection, catch basins which had trash, sediment, and/or debris exceeding 50% *sump capacity* as a result of a catch basin inspection must be cleaned out;

(b) Within six (6) months after the catch basin inspection, catch basins which had trash, sediment, and/or debris at less than

50% *sump capacity* as a result of a catch basin inspection must be cleaned out; and

Catch basins which have no debris do not need to be cleaned out.

iv) Proper management (handling and disposal) of materials removed from catch basins during clean out so that:

(c) Water removed during the catch basin cleaning process will not reenter the *MS4* or *surface waters of the State*;

(a) Material removed from catch basins is screened for contamination and any debris containing trash or waste materials are disposed of in accordance with environmental

(b) regulations; and

Screened/uncontaminated material will not reenter the *MS4*.

(c) v) How to determine if there are signs/evidence of *illicit discharges* and procedures for referral/follow-up if *illicit discharges* are encountered.

b) The training provisions for the *MS4 Operator*'s catch basin inspection procedures (Part VII.F.3.c.i.a)).

i) If new staff are added, training on the *MS4 Operator*'s catch basin inspection procedures (Part VII.F.3.c.i.a)) must be given prior to conducting any catch basin inspection;

ii) For existing staff, training on the *MS4 Operator*'s catch basin inspection procedures (Part VII.F.3.c.i.a)) must be given prior to conducting any catch basin inspection and once a permit term, thereafter; and

iii) If the catch basin inspection procedures (Part VII.F.3.c.i.a)) are updated/modified (Part VII.F.3.c.i.e)) as a result of the annual evaluation of the *SWMP* (Part V.C.), training on the updates/modifications must be given to all staff prior to conducting catch basin inspection.

c) The names, titles, and contact information for the individuals who have received catch basin inspection training and update annually;

d) Annually, within thirty (30) days of the annual evaluation of the *SWMP* (Part V.C.), the *MS4 Operator* must update/modify the catch basin inspection procedures (Part VII.F.3.c.i.a)) as recommended by the annual evaluation of the *SWMP* and document the completion of this requirement in the *SWMP Plan*.

ii. Roads, Bridges, Parking Lots, & Right of Way Maintenance

a) Sweeping
Within six (6) months of EDP/EDC, the *MS4 Operator* must *develop* and implement procedures for sweeping and/or cleaning *municipal* streets, bridges, parking lots, and right of ways owned/operated by the *MS4 Operator*. The procedures and completion of permit requirements must be documented in the *SWMP Plan* specifying:

i) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned annually in the spring (following winter activities such as sanding). This requirement is not applicable to rural uncurbed roads with no catch basins or high-speed limited access highways.

ii) Twice a year, from April 1 through October 31, roads in business districts and commercially zoned areas must be swept.

b) Maintenance
Within five (5) years of EDP/EDC, in addition to the BMPs (Part VII.F.1.), the *MS4 Operator* must implement the following provisions:

i) Pave, mark, and seal in dry weather;

ii) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce spillage. Cover catch basins and manholes during this activity;

iii) Restrict the use of herbicides/pesticide application to roadside vegetation; and

iv) Contain *pollutants* associated with bridge maintenance activities (e.g., paint chips, dust, cleaning products, other debris).

c) Winter Road Maintenance
Within five (5) years of EDP/EDC, in addition to the BMPs (Part VII.F.1.), the *MS4 Operator* must implement the following provisions:

i) Routinely calibrate equipment to control salt/sand application rates; and

ii) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.[51]

[51] The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found here: https://www.dec.ny.gov/docs/water_pdf/togs5111new.pdf

Part VIII. Enhanced Requirements for Impaired Waters

MS4 Operators discharging to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables, (Appendix C), must *develop* and implement additional requirements targeted at reducing the *POC*. These requirements must be implemented in *sewersheds* draining to the *MS4 outfalls* that *discharge* to the impaired segment in addition to the applicable requirements in Part VI or VII, depending on the *MS4 Operator* type. The requirements contained in this Part, applicable to the *POC*, must be incorporated in the *MS4 Operator*'s *SWMP* and *SWMP Plan*.

Any activities that occur within the impaired *sewershed* after the EDP/EDC but prior to obtaining conveyance and *sewershed* information can be used to satisfy the permit requirements in this section.

A. *Pollutant* Specific BMPs for Phosphorus

Waterbodies impaired for phosphorus are listed in Appendix C.

1. Mapping

Within three (3) years of the EDP/EDC, the comprehensive system map (Part IV.D.) must include conveyance and *sewershed* information for each *MS4 outfall discharging* to phosphorus impaired waters listed in Appendix C, completed in geographic information system (GIS) format, and containing the following elements:

a. Areas with poor soils (low infiltration rates/low permeability, high *groundwater*, seasonal high-water table);

b. Areas with high *groundwater* or seasonal high water table, impacting septic or sanitary alignments;

c. Retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses, and other areas with concentrated fertilizer use and storage; and

d. Connections from retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses, and other areas with concentrated fertilizer use and storage.

2. Public Education and Outreach

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.A.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or VII.A, depending on the *MS4 Operator* type).

MS4 Operators must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.A.1:

a. Once per permit term, the *MS4 Operator* must inspect the areas identified in Part VIII.A.1. for potential *illicit discharges*.

   i. The *MS4 Operator* must document the inspection results, including necessary corrective actions, in the *SWMP Plan*.

   ii. The *MS4 Operator* must follow IDDE procedures identified in Part VI.C. or VII.C, depending on the *MS4 Operator* type, for any discovered *illicit discharges*.

5. Construction Site *Stormwater* Runoff Control

Following the completion of Part VIII.A.1, during active construction, high priority construction sites must be inspected by the *MS4 Operator* every thirty (30) days (Part VI.D.8.b. or Part VII.D.8.b, depending on the *MS4 Operator* type) after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type). The *qualified inspector's* report cannot be used to satisfy this requirement. *MS4 Operators* must document the inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.A.1:

a. Twice a year, from April 1 through October 31, all streets located in *sewersheds discharging* to phosphorus impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[52] cost-effective runoff reduction techniques[53] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

B. *Pollutant* Specific BMPs for Silt/Sediment

Waterbodies impaired for silt/sediment are listed in Appendix C.

1. Mapping

Within three (3) years of the EDP/EDC, the comprehensive system map (Part IV.D.) must include conveyance and *sewershed* information for each *MS4 outfall discharging* to silt/sediment impaired waters listed in Appendix C, completed in geographic information system (GIS) format, and containing the following elements:

a. Areas with poor soils (low infiltration rates/low permeability, high *groundwater*, seasonal high water table);

b. Areas with high *groundwater* or seasonal high water table, impacting septic or sanitary alignments;

c. The location where a post-construction *SMP discharges*; and

d. Facilities with *SPDES* permit coverage under the MSGP with *stormwater discharges* applicable under Sector C, E, L, or J with facility contact.

2. Public Education and Outreach

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.B.1, each year of active construction, the *MS4 Operator* must educate all individuals involved in *construction activity* within the *sewershed* boundary on the use of post-construction *SMPs* that are intended to collect and separate silt and sediment debris from *stormwater* before *discharging* to waters of the State (e.g., sediment forebays) as detailed in the NYS SWMDM 2015. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

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[52] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[53] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

3. Public Involvement/Participation
No additional requirements.

4. *Illicit Discharge* Detection and Elimination
Following the completion of Part VIII.B.1:

a. Once per permit term, the *MS4 Operator* must inspect the areas identified in Part VIII.B.1. for potential *illicit discharges*.

   i. The *MS4 Operator* must document the inspection results, including necessary corrective actions, in the *SWMP Plan*.

   ii. The *MS4 Operator* must follow IDDE procedures identified in Part VI.C. or VII.C, depending on the *MS4 Operator* Type, for any discovered *illicit discharges*.

5. Construction Site *Stormwater* Runoff Control
Following the completion of Part VIII.B.1, during active construction, high priority construction sites must be inspected by the *MS4 Operator* every thirty (30) days (Part VI.D.8.b. or Part VII.D.8.b, depending on the *MS4 Operator* type) after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type). The *qualified inspector's* report cannot be used to satisfy this requirement. *MS4 Operators* must document the inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management
No additional requirements.

7. Pollution Prevention and Good Housekeeping
Following the completion of Part VIII.B.1:

a. Twice a year, from April 1 through October 31, all streets located in *sewersheds discharging* to silt/sediment impaired segments must be swept and *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. For areas within the *sewershed* that are compacted, poorly drained, contain areas of exposed soil, or nutrient deficient, the *MS4 Operator* must:

   i. Refer to Section 4 of the NYS E&SC 2016 for Soil Stabilization practices, and follow BMP procedures; and

   ii. *Develop* and implement procedures for watering and maintenance of implemented BMPs appropriate to establish root and vegetative cover, utilizing products which provide critical support to vegetation and soil stabilization.

   MS4 Operators must document the completion of this requirement in the *SWMP Plan*.

c. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[54] cost-effective runoff reduction techniques[55] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

C. *Pollutant* Specific BMPs for Pathogens

Waterbodies impaired for pathogens are listed in Appendix C.

1. Mapping

Within three (3) years of the EDP/EDC, the comprehensive system map (Part IV.D.) must include conveyance and *sewershed* information for each *MS4 outfall discharging* to pathogen impaired waters listed in Appendix C, completed in geographic information system (GIS) format, and containing the following additional elements:

a. Areas with high *groundwater* or seasonal high water table, impacting septic or sanitary alignments;

b. The location where a post-construction *SMP discharges*;

c. Areas with a history of sanitary sewer overflows;

d. Waterfowl congregation areas on *municipal* property or right of way;

e. Areas where pets/domestic animals may frequent (e.g., veterinary offices, pet supply stores, pet grooming, stables, public trails); and

f. Waste disposal areas (active landfills, transfer stations).

2. Public Education and Outreach

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

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[54] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[55] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

b. Following the completion of Part VIII.C.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to pathogens. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.C.1:

a. Once per permit term, the *MS4 Operator* must inspect the areas identified in Part VIII.C.1. for potential *illicit discharges*.

   i. The *MS4 Operator* must document the inspection results, including necessary corrective actions, in the *SWMP Plan*.

   ii. The *MS4 Operator* must follow IDDE procedures identified in Part VI.C. or VII.C, depending on the *MS4 Operator* type, for any discovered *illicit discharges*.

5. Construction Site *Stormwater* Runoff Control

Following the completion of Part VIII.A.1, during active construction, high priority construction sites must be inspected by the *MS4 Operator* every thirty (30) days (Part VI.D.8.b. or Part VII.D.8.b, depending on the *MS4 Operator* type) after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type). The *qualified inspector's* report cannot be used to satisfy this requirement. *MS4 Operators* must document the inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.C.1:

a. *Infrastructure Maintenance*

   i. Twice a year, from April 1 through October 31, all streets located in *sewersheds discharging* to pathogen impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

   ii. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. *Wildlife Control*

i. Within six (6) months of the EDP/EDC, the *MS4 Operator* must identify *municipal facilities* with nuisance bird populations that have the potential to contribute pathogens (e.g., Canada Geese) and document those *municipal facilities* in the *SWMP Plan*.

ii. Within six (6) months of the EDP/EDC, signage must be available at these facilities, instructing the public not to feed wildlife. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

iii. Within six (6) months of the EDP/EDC, the *MS4 Operator* must remove accumulated trash and debris from *municipally* owned facilities when necessary to eliminate potential food sources for wildlife. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

iv. Within one (1) year of the EDP/EDC, *MS4 Operators* must evaluate the effectiveness of deterrents, population controls, and other measures that may reduce bird related pathogen contributions and document the results of the evaluation in the *SWMP Plan*.

c. Animal Waste Control

Within one (1) year of the EDP/EDC, the *MS4 Operator* must make dog waste receptacles available in areas where pets/domestic animals may frequent (e.g., veterinary offices, pet supply stores, pet grooming, stables, public trails). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[56] cost-effective runoff reduction techniques[57] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

D. *Pollutant* Specific BMPs for Nitrogen

Waterbodies impaired for nitrogen are listed in Appendix C.

1. Mapping

Within three (3) years of the EDP/EDC, the comprehensive system map (Part IV.D) must include conveyance and *sewershed* information for each *MS4 outfall discharging* to nitrogen impaired waters listed in Appendix C, completed in geographic information system (GIS) format, and containing the following elements:

[56] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.
[57] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

a. Areas with poor soils (low infiltration rates/low permeability, high *groundwater*, seasonal high-water table);

b. Areas with high *groundwater* or seasonal high water table, impacting septic or sanitary alignments;

c. The location where a post-construction *SMP discharges*;

d. Retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, golf courses and other areas with concentrated fertilizer use and storage; and,

e. Connections from retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses, and other areas with concentrated fertilizer use and storage.

2. Public Education and Outreach

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.D.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to nitrogen. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.D.1:

a. Once per permit term, the *MS4 Operator* must inspect the areas identified in Part VIII.D.1. for potential *illicit discharges*.

   i. The *MS4 Operator* must document the inspection results, including necessary corrective actions, in the *SWMP Plan*.

   ii. The *MS4 Operator* must follow IDDE procedures identified in Part VI.C. or VII.C, depending on the *MS4 Operator* type, for any discovered *illicit discharges*.

5. Construction Site *Stormwater* Runoff Control

Following the completion of Part VIII.A.1, during active construction, high priority construction sites must be inspected by the *MS4 Operator* every thirty (30) days

(Part VI.D.8.b. or Part VII.D.8.b, depending on the *MS4 Operator* type) after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type). The *qualified inspector's* report cannot be used to satisfy this requirement. *MS4 Operators* must document the inspections in the *SWMP Plan*.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following the completion of Part VIII.C.1:

a. Twice a year, from April 1 through October 31, all streets located in *sewersheds discharging* to nitrogen impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[58] cost-effective runoff reduction techniques[59] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

E. *Pollutant* Specific BMPs for Floatables

Waterbodies impaired for floatables are listed in Appendix C.

1. Mapping

Within three (3) years of the EDP/EDC, the comprehensive system map (Part IV.D) must include conveyance and *sewershed* information for each *MS4 outfall discharging* to floatables impaired waters listed in Appendix C, completed in geographic information system (GIS) format.

2. Public Education and Outreach

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for

[58] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[59] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part VIII.E.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to floatables. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

No additional requirements.

5. Construction Site *Stormwater* Runoff Control

No additional requirements.

6. Post-Construction *Stormwater* Management

No additional requirements.

7. Pollution Prevention and Good Housekeeping

Following completion of Part VIII.E.1:

a. Twice a year, from April 1 through October 31, all streets located in *sewersheds discharging* to floatables impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during the inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in *Sewersheds* to Impaired Waters

Incorporate, where feasible,[60] cost-effective runoff reduction techniques[61] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or

[60] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[61] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

Part IX. Watershed Improvement Strategy Requirements for TMDL Implementation

The *MS4 Operator* must implement the six (6) MCMs required of all *MS4*s and additional *BMP*s, including any *retrofit* programs, required by Parts IX.A. through IX.D. The *Department* developed implementation plans for watersheds where the *Department* has determined those implementation plans are needed to achieve the *MS4 pollutant* load reductions. These plans identify the timetable and *pollutant* load reduction requirements for each individual *MS4 Operator* and specify how *retrofits* will be credited. Finalized TMDL Implementation Plans referenced in this Part are incorporated into and enforceable under this *SPDES* general permit.

A. NYC East of Hudson Phosphorus Impaired Watershed *MS4*s

Table 4. Phosphorus Impaired Watershed(s)			
Areas where requirements apply	**New York City East of Hudson (EOH)**		
EPA Approved TMDL	*Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000*	*Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel, October 2016*	*Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake,[2] March 2015*
Implementation Plan	Croton Watershed Phase II TMDL Implementation Plan (January 2009)		
POC	Phosphorus		
Area where requirements Apply	NYC EOH Watershed		
Achievement of *Pollutant* Load Reduction	Continued *retrofit* implementation to achieve the pollutant load reduction specified in that Phase II Implementation Plan		

MS4 Operators located within the watersheds listed in Table 4 must *develop* and implement the following phosphorus-specific *BMPs* in addition to the Croton Watershed Phase II TMDL Implementation Plan (January 2009) and the applicable requirements in Part VI or VII, depending on the *MS4 Operator* type:

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update the comprehensive system map completed under Part IX.A. of GP-0-15-003 to include the following elements:

a. Within three (3) years of the EDP/EDC, include areas with potential to contribute phosphorus to the TMDL waterbody, which include:
   i. Areas with poor soils (low infiltration rates/low permeability, high *groundwater*, seasonal high-water table);
   ii. Areas with seasonal high-water table impacting septic or sanitary alignments;
   iii. Retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses and other areas with concentrated fertilizer use and storage;
   iv. Connections from retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses, and other areas with concentrated fertilizer use and storage; and
   v. Yard waste storage areas, such as yard waste composting and disposal areas.

b. Within three (3) years of the EDP/EDC, include the following information for all post-construction *SMPs* (Part VI.E.3. or Part VII.E.3, depending on the *MS4 Operator* type):
   i. Type;[62]
   ii. Ownership; and
   iii. Location where the post-construction *SMP discharges* into the *MS4*.

c. Within five (5) years of the EDP/EDC, in areas serviced by a sanitary sewer system, map *MS4* vulnerabilities for sanitary cross connections or leakage into the *MS4*, including:
   i. Areas with a history of sanitary sewer overflows, including, but not limited to, those resulting from wet weather, high water table, or fat/oil/grease blockages;
   ii. Common or twin-invert manholes serving storm and sanitary sewer alignments;
   iii. Common trench construction serving both storm and sanitary sewer alignments;

[62] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

iv. Crossings of storm and sanitary sewer alignments where the sanitary system is shallower than the storm drain system;

v. Areas formerly served by combined sewer systems;

vi. Sanitary sewer infrastructure that contains defects such as regular surcharging, customer back-ups, leaking service laterals, cracked, broken, or offset sanitary infrastructure, directly piped connections between storm drain and sanitary sewer infrastructure, identified through infrastructure investigations;

vii. Any sanitary sewer and storm drain infrastructure greater than 50 years old; and

viii. On-site wastewater system upgrades identified as part of the on-site wastewater system inspection program, conducted under the previous versions of the *MS4* General Permit (2010 and 2015) and indicative of inadequate soils, water table separation, or other physical constraints of the area rather than improper maintenance.

2. Public Education and Outreach on *Stormwater* Impacts

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.A.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

a. Inspection of Potential Phosphorus Sources

Following the completion of Part IX.A.1, once per permit term, the *MS4 Operator* must inspect the areas identified in Part IX.A.1.a. for potential *illicit discharges*.

i. The *MS4 Operator* must document the inspection results, including necessary corrective actions, in the *SWMP Plan*; and

ii. The *MS4 Operator* must follow IDDE procedures identified in Part VI.C. or VII.C, depending on the *MS4 Operator* Type, for any discovered *illicit discharges*.

b. On-site wastewater systems

The *MS4 Operator* must *develop*, implement, and enforce a program that ensures on-site wastewater systems (i.e., septic tanks, cesspools, absorption fields or distribution systems) are properly operated and do not contribute *pollutants* to the *MS4*. To ensure this, the *MS4 Operator* must:

i. Once a permit term, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;

ii. Document the following information for each inspection in the *SWMP Plan*:

a) Individual performing inspection;

b) Inspection date;

c) Address;

d) Location of system on property;

e) Inspection rating (pass/fail);

f) Evidence of failed systems, including:

i) Cracked or damaged septic tank walls;

ii) Missing septic tank components (i.e.,sanitary tees, baffles);

iii) Foul odors in the yard;

iv) Wet, spongy ground; lush plant growth; or burnt grass near the drain field;

v) Algal blooms or excessive weed growth in adjacent ditches, ponds and streams;

vi) Cars, boats, and other heavy objects located over the field that could crush lateral pipes;

vii) Stormwater flowing over the drain field;

viii) Cave-ins or exposed system components;

ix) Visible liquid on the surface of the drain field (e.g.,surface breakouts); and/or

x) Obvious system bypasses (i.e., straight pipe *discharges*).

iii. Refer failures to the appropriate agency to ensure corrective actions are taken; and

iv. Eliminate *illicit discharges* from on-site wastewater systems to the *MS4* in accordance with the time frames specified in VI.C.3. or VII.C.3, depending on the *MS4 Operator* type.

5. Construction Site *Stormwater* Runoff Control

The *MS4 Operator* must include construction projects that disturb between 5000 square feet (sf) and one (1) acre in the construction site runoff control program as described in Part VI.D. or VII.D, depending on the *MS4 Operator* type. The legal authority used to satisfy Part IV.E.2.b. must include the following language:

"Land activity is defined as *construction activity* including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5000 sf and activities disturbing less than 5000 sf of total land area that are part of a *larger common plan of development or sale* and will occur under one plan."

6. Post-Construction *Stormwater* Management

a. The *MS4 Operator* must require the use of the Enhanced Phosphorus Removal design standards contained in Chapter 10 of the NYS SWMDM 2015 for all new development and redevelopment projects that disturb greater than or equal to one (1) acre and construction projects less than one acre that are part of a larger common plan of development or sale.

b. The legal authority used to satisfy Part IV.E.2.b. must also meet the following provisions:

   Land development activities requiring water quantity and quality controls (post-construction *stormwater* runoff controls) must include: "Single-family home construction located in the NYC East of Hudson watershed" and "Single-family residential subdivisions located in the NYC East of Hudson watershed."

c. Requirements for SWPPPs that include post-construction *stormwater* controls must include: "Post-construction *stormwater* management practices in the SWPPP must be designed in conformance with Chapter 10 of the NYS SWMDM 2015 for Enhanced Phosphorus Removal Design Standards."

d. Performance Standards must include the following enhanced stabilization requirements: "For construction sites located in the NYC East of Hudson watershed, where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected must be in conformance with the NYS E&SC 2016."

e. Inspections of land development activities during construction must include, requirements for a *qualified inspector* to conduct two (2) site inspections every seven (7) calendar days for single-family homes, and single-family residential, subdivisions within the NYC East of Hudson watersheds.

f. *Retrofit* program

All *MS4 Operators* identified within the Croton Watershed Phase II TMDL Implementation Plan (January 2009) must continue to implement the *Retrofit* Program according to the following schedule:

i. Within one (1) year of the EDP/EDC, the *MS4 Operator* must submit to the *Department* an inventory of proposed *retrofit* projects for the permit term and implementation schedule that identifies:
   a) Project name;
   b) Location;
   c) Proposed *retrofit* type;
   d) Estimated phosphorus reduction (using the criteria in the implementation plan); and
   e) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the implementation plan for the permit term.

ii. By December 31st of each year following the *Department*'s acceptance of the *retrofit* project list, *MS4 Operators* (or *RSE* representing *MS4 Operators* as described in Part III.B.2.b.) must submit to the *Department* approvable bid-ready plans and associated phosphorus reduction calculations for projects to be constructed in the next construction season.

iii. Approved projects must be completed within the next construction season or by the deadline specified in the *Department* approval of the bid-ready plans.

iv. MS4 Operators must submit, with the annual reports, progress on previously approved *retrofit* projects and projects identified in the inventory (Part IX.A.6.e.i) for the upcoming construction season.

v. MS4 Operators must submit, with the interim progress certification, a certification of compliance for each approved *retrofit* project that certifies the project(s) constructed in the previous construction season were completed in accordance with the approved plans.

7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.A.1:

a. Twice a year, once from March to August and once from September to February, all catch basins located in the TMDL watershed(s) must be inspected. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Twice a year, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

c. The *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during inspection of *MS4 outfall*s within six (6) months of inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

d. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters

Incorporate, where feasible,[63] cost-effective runoff reduction techniques[64] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

B. Other Phosphorus Impaired Watershed *MS4*s

Table 5. Other Phosphorus Impaired Watersheds

Area where Requirements Apply	**Greenwood Lake**	**Onondaga Lake**	**Oscawana Lake**
EPA Approved TMDL	*Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, Sept 2005*	*Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012*	*Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008*
Implementation Plan	Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019	None	None
POC	Phosphorus		
Achievement of *Pollutant* Load Reduction	In accordance with Implementation Plan	In accordance with approved TMDL	In accordance with approved TMDL

[63] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[64] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

MS4 Operators located in the watersheds listed in Table 5 must *develop* and implement the following phosphorus-specific *BMPs* in addition to the applicable Implementation Plan and applicable requirements in Part VI. or VII, depending on the *MS4* Operator type:

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update the comprehensive system map completed under Part IX.B. of GP-0-15-003 to include the following elements:

a. Within three (3) years of the EDP/EDC, include areas with potential to contribute phosphorus to the TMDL waterbody, which include:

   i. Areas with poor soils (low infiltration rates/low permeability, high *groundwater*, seasonal high-water table);

   ii. Areas with seasonal high-water table impacting septic or sanitary alignments;

   iii. Retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses and other areas with concentrated fertilizer use and storage;

   iv. Connections from retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses, and other areas with concentrated fertilizer use and storage; and

   v. Yard waste storage areas, such as yard waste composting and disposal areas.

b. Within three (3) years of the EDP/EDC, include the following information for all post-construction *SMPs* (Part VI.E.3. or Part VII.E.3, depending on the *MS4 Operator* type):

   i. Type[65];

   ii. Ownership; and

   iii. Location where post-construction *SMP discharges* into the *MS4*.

c. Within five (5) years of the EDP/EDC, in areas serviced by a sanitary sewer system, map the following *MS4* vulnerabilities for sanitary cross connections or leakage into the *MS4*, where applicable:

   i. Areas with a history of sanitary sewer overflows, including, but not limited to, those resulting from wet weather, high water table, or fat/oil/grease blockages;

[65] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

ii. Common or twin-invert manholes serving storm and sanitary sewer alignments;

iii. Common trench construction serving both storm and sanitary sewer alignments;

iv. Crossings of storm and sanitary sewer alignments where the sanitary system is shallower than the storm drain system;

v. Areas formerly served by combined sewer systems;

vi. Sanitary sewer infrastructure that contain defects such as regular surcharging, customer back-ups, leaking service laterals, cracked, broken, or offset sanitary infrastructure, directly piped connections between storm drain and sanitary sewer infrastructure, identified through infrastructure investigations;

vii. Any sanitary sewer and storm drain infrastructure greater than 50 years old; and

viii. On-site wastewater system upgrades identified as part of the on-site wastewater system inspection program, conducted under the previous versions of the *MS4* General Permit (2010 and 2015) and indicative of inadequate soils, water table separation, or other physical constraints of the area rather than improper maintenance.

2. Public Education and Outreach on Stormwater Impacts

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.B.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to phosphorus. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

c. Twice a permit term, separated by a minimum of one (1) year, the *MS4 Operator* must educate residential on-site wastewater system users on the on-site wastewater inspection program described in Part IX.B.4.c and proper maintenance practices. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

a. Inspection of Potential Phosphorus Sources

Following the completion of Part IX.B.1, once per permit term, the *MS4 Operator* must inspect the areas identified in Part IX.B.1.a. for potential *illicit discharges*.

i. The *MS4 Operator* must document the inspection results, including necessary corrective actions, in the *SWMP Plan*.

ii. The *MS4 Operator* must follow IDDE procedures identified in Part VI.C. or VII.C, depending on the *MS4 Operator* Type, for any discovered *illicit discharges*.

b. On-site wastewater systems

The *MS4 Operator* (with the exclusion of *MS4 Operators* located in the Onondaga Lake watershed) must *develop*, implement, and enforce a program that ensures residential on-site wastewater systems (i.e., septic tanks, cesspools, absorption fields or distribution systems) are properly operated and do not contribute *pollutants* to the *MS4*. The *MS4 Operator* must:

i. Once a permit term, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;

ii. Document the following information for each inspection in the *SWMP Plan*:

a) Individual performing inspection;

b) Inspection date;

c) Address;

d) Location of system on property;

e) Inspection rating (pass/fail);

f) Evidence of failed systems, including:

i) Cracked or damaged septic tank walls;

ii) Missing septic tank components (i.e.,sanitary tees, baffles);

iii) Foul odors in the yard;

iv) Wet, spongy ground; lush plant growth; or burnt grass near the drain field;

v) Algal blooms or excessive weed growth in adjacent ditches, ponds and streams;

vi) Cars, boats, and other heavy objects located over the field that could crush lateral pipes;

vii) Stormwater flowing over the drain field;

viii) Cave-ins or exposed system components;

ix) Visible liquid on the surface of the drain field (e.g.,surface breakouts); and/or

x) Obvious system bypasses (i.e., straight pipe *discharges*).

iii. Refer failures to the appropriate agency to ensure corrective actions are taken;

iv. Eliminate *illicit discharges* from on-site wastewater systems to the *MS4* in accordance with the time frames specified in VI.C.3. or VII.C.3, depending on the *MS4 Operator* type.

5. Construction Site *Stormwater* Runoff Control

No additional requirements.

6. Post Construction *Stormwater* Management

a. The *MS4 Operator* must require the use of the Enhanced Phosphorus Removal design standards contained in Chapter 10 of the NYS SWMDM 2015 for all new development and redevelopment projects within the listed watersheds.

b. The legal authority used to satisfy Part IV.E.2.b. must also include the following language requiring the use of the Enhanced Phosphorus Removal Design Standards in accordance with the NYS SWMDM 2015 for the applicable watershed:

"Land development activities requiring water quantity and quality controls (post-construction *stormwater* runoff controls) must include: "Single-family home construction located in the <insert watershed name> watershed" and "Single-family residential subdivisions located in the <insert watershed name> watershed."

c. Requirements for SWPPPs that include post-construction *stormwater* controls must include: "Post-construction *stormwater management practices* in the SWPPP must be designed in conformance with the Enhanced Phosphorus Removal Design Standards in the NYS SWMDM 2015."

d. Performance Standards must include the following enhanced stabilization requirements: "Where soil disturbance activity has temporarily or permanently ceased, the construction site is located in the *<insert watershed name>* watershed, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected must be in conformance with the Erosion Control Manual."

e. Inspections of land development activities during construction must include requirements for a *qualified inspector* to conduct two (2) site inspections every seven (7) calendar days for single-family homes and subdivisions within the *<insert watershed name>* watersheds.

f. *Retrofit* program

All *MS4 Operators* within the Greenwood Lake Watershed must implement a *Retrofit* Program as described in the TMDL Implementation Plan according to the following schedule:

i. Within one (1) year of completion of the map required in Part IX.1, the *MS4 Operator* must submit to the *Department* an inventory of proposed *retrofit* projects for the permit term and implementation schedule that identifies:

a) Project name;

b) Location;

c) Proposed *retrofit* type;

d) Estimated phosphorus reduction (using the criteria in the implementation lan); and

e) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the implementation plan for the permit term.

ii. By December 31st of each year following the *Department's* acceptance of the *retrofit* project list, *MS4 Operators* (or Single Entities representing *MS4 Operators* as described in Part III.B.2.) must submit approvable bid-ready plans and associated phosphorus reduction calculations for projects to be constructed in the next construction season.

iii. Approved projects must be completed within the next construction season or by the deadline specified in the *Department* approval of the bid-ready plans.

iv. MS4 Operators must submit, with the annual reports, progress on previously approved *retrofit* projects and projects identified in the inventory (Part IX.A.6.e.i) for the upcoming construction season.

v. MS4 Operators must submit, with the interim progress certification, a certification of compliance for each approved *retrofit* project that certifies the project(s) constructed in the previous construction season were completed in accordance with the approved plans.

7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.A.1:

a. Twice a year, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. The *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during inspection of *MS4 outfall*s within six (6) months of inspection. Repairs must be completed in accordance with the NYS E&SC

2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

c. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters

Incorporate, where feasible,[66] cost-effective runoff reduction techniques[67] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

C. Pathogen Impaired Watersheds *MS4*s

No Pathogen TMDL requirements.

[66] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

[67] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

D. Nitrogen Impaired Watershed *MS4*s

Table 6. Nitrogen Impaired Watershed(s)	
Area where Requirements Apply	**Peconic Nitrogen**
EPA Approved TMDL	*TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries (September 2007)*
Implementation Plan	*TMDL for Nitrogen in the Peconic Estuary Program Study Area, Including Waterbodies Currently Impaired Due to Low Dissolved Oxygen: the Lower Peconic River and Tidal Tributaries; Western Flanders Bay and Lower Sawmill Creek; and Meetinghouse Creek, Terry Creek and Tributaries (September 2007)*
POC	Nitrogen
Pollutant Load Reduction	In accordance with approved TMDL
Waterbodies	Terrys Creek & Tributaries
	Meetinghouse Creek
	Western Flanders Bay & Lower Sawmill Creek
	Lower Peconic River and tidal tributaries

MS4 Operators located in the watersheds listed in Table 6 must *develop* and implement the following nitrogen-specific *BMPs* in addition to the applicable Implementation Plan and applicable requirements in Part VI. or VII, depending on the *MS4 Operator* type:

1. Mapping

Within three (3) years of the EDP/EDC, the *MS4 Operator* must update the comprehensive system map completed under Part IX.D. of GP-0-15-003 to include the following elements:

a. Areas with potential to contribute nitrogen to the TMDL waterbody, which include:

   i. Areas with poor soils (low infiltration rates/low permeability, high *groundwater*, or seasonal high-water table;

   ii. Areas with seasonal high-water table impacting sanitary alignments;

   iii. Retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses and other areas with concentrated fertilizer use and storage;

   iv. Connections from retail and wholesale plant nurseries (including big box stores), commercial lawn care facilities, private golf courses, and other areas with concentrated fertilizer use and storage; and

   v. Yard waste storage areas, such as yard waste composting and disposal areas.

b. Information for all post-construction *SMPs* (Part VI.E.3. or Part VII.E.3, depending on the *MS4 Operator* type):

   i. Type;[68]

   ii. Ownership of *SMP*; and

   iii. Location where *SMP discharges* into the *MS4*.

2. Public Education and Outreach on *Stormwater* Impacts

a. Within six (6) months of the EDP/EDC, the *MS4 Operator* must make available information on any ordinances in place and the consequences for violations that they are implementing to address the impairment. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.D.1, twice a year, once from March to August and once from September to February, the *MS4 Operator* must provide educational messages with information specific to nitrogen. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

[68] Post-construction *SMP* types are defined in the New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017).

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part IX.D.1, once a permit term, the *MS4 Operator* must inspect the areas identified in Part IX.D.1.a. for potential *illicit discharges*.

a. The *MS4 Operator* must document the inspection results, including necessary corrective actions, in the *SWMP Plan.*

b. The *MS4 Operator* must follow IDDE procedures identified in Part VI.C. or VII.C, depending on the *MS4 Operator* Type, for any discovered *illicit discharges*.

5. Construction Site *Stormwater* Runoff Control

During active construction, high priority construction sites must be inspected by the *MS4 Operator* every thirty (30) days (Part VI.D.8.b.) after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type). The *qualified inspector's* report cannot be used to satisfy this requirement.

6. Post-Construction *Stormwater* Management

The *MS4 Operator* must ensure on-site retention of the 1-year storm or greater from new development or redevelopment projects using runoff reduction techniques[69] selected from the NYS SWMDM 2015.

7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.A.1:

a. Twice a year, from April 1 through October 31, all streets located in the TMDL watershed(s) must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. The *MS4 Operator* must repair all *MS4 outfall* protection and/or bank stability problems identified during inspection of *MS4 outfall*s within six (6) months of inspection. Repairs must be completed in accordance with the NYS E&SC 2016. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

c. Within thirty (30) days of inspection, the *MS4 Operator* must initiate all necessary maintenance and repair activities discovered for *municipally* owned or operated post-construction *SMPs*. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

[69] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

8. Planned Upgrades to *Municipal Facilities* in Watersheds to Impaired Waters

Incorporate, where feasible,[70] cost-effective runoff reduction techniques[68] during planned *municipal* upgrades including *municipal* right of ways (e.g., bioswales, green streets, porous pavement, replacement of closed drainage with grass swales, replacement of the existing islands in the parking lots with bioretention or curb cuts to route the flow through below-grade infiltration areas or other low-cost improvements that provide runoff treatment or reduction).

[70] Consideration of feasibility should include type of land use or *municipal operation*, suitability of soils, presence of utilities, potential for exacerbating existing contamination problems, safety issues, maintenance requirements, and expected lifespans of available technologies.

Part X. Standard Permit Conditions

For the purposes of this *SPDES* general permit, examples of contractors and subcontractors include:

A. Duty to Comply

The owner/operator, and all contractors or subcontractors, must comply with all terms and conditions of this *SPDES* general permit. Any non-compliance with the terms and conditions of this *SPDES* general permit constitutes a violation of the New York State Environmental Conservation Law, and its implementing regulations, and is grounds for enforcement action. Filing of a request for transfer or termination of coverage under this *SPDES* general permit, or a notification of planned changes or anticipated non-compliance, does not limit, diminish or stay compliance with any terms and conditions of this *SPDES* general permit.

B. Need to Halt or Reduce Activity is Not a Defense

The necessity to halt or reduce the activity regulated by this *SPDES* general permit, in order to maintain compliance with the conditions of this *SPDES* general permit, shall not be a defense in an enforcement action.

C. Penalties

There are substantial criminal, civil, and administrative penalties associated with violating the terms and conditions of this *SPDES* general permit. Fines of 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.

D. False Statements

Any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this *SPDES* general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished in accordance with New York State Environmental Conservation Law §71-1933 and or New York State Penal Law Articles 175 and 210.

E. Reopener Clause

Upon issuance of this *SPDES* general permit, a determination has been made on the basis of a submitted Notice of Intent, plans, or other available information, that compliance with the specified general permit terms and conditions will reasonably protect classified water use and assure compliance with applicable *water quality standards*. Satisfaction of the conditions of this *SPDES* general permit notwithstanding, if operation pursuant to this *SPDES* general permit causes or contributes to a condition in contravention of State *water quality standards* or guidance values, or if the *Department* determines that a modification is necessary to prevent impairment of the best use of the waters or to assure maintenance of *water quality standards* or compliance with other provisions of New York State Environmental Conservation Law Article 17 or the Clean Water Act, or any

regulations adopted pursuant thereto, the *Department* may require such modification and the Commissioner may require abatement action to be taken by the owner/operator and may also prohibit such operation until the modification has been implemented.

F. Duty to Mitigate

The owner/operator, and its contractors and subcontractors, shall take all reasonable steps to minimize or prevent any *discharge* in violation of this *SPDES* general permit which has a reasonable likelihood of adversely affecting human health or the environment.

G. Requiring Another General Permit or Individual *SPDES* Permit

The *Department* may require any discharger authorized to *discharge* in accordance with this *SPDES* general permit to apply for and obtain an individual *SPDES* permit or apply for authorization to *discharge* in accordance with another general permit.

(1) Cases where an individual *SPDES* permit or authorization to *discharge* in accordance with another general permit may be required include, but is not limited to the following:

(i) the discharger is not in compliance with the conditions of this *SPDES* general permit or does not meet the criteria for coverage under this *SPDES* general permit;

(ii) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of *pollutants* applicable to the point source;

(iii) new effluent limitation guidelines or new source performance standards are promulgated that are applicable to point sources authorized to *discharge* in accordance with this *SPDES* general permit;

(iv) existing effluent limitation guidelines or new source performance standards that are applicable to point sources authorized to *discharge* in accordance with this *SPDES* general permit are modified;

(v) a water quality management plan containing requirements applicable to such point sources is approved by the *Department*;

(vi) circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this *SPDES* general permit, or either a temporary or permanent reduction or elimination of the authorized *discharge* is necessary;

(vii) the *discharge* is in violation of section 17-0501 of the New York State Environmental Conservation Law;

(viii) the *discharge*(s) is a significant contributor of *pollutants*. In making this determination, the *Department* may consider the following factors:

(a) the location of the *discharge*(s) with respect to waters of New York State;

(b) the size of the *discharge*(s);

(c) the quantity and nature of the *pollutants discharged* to waters of New York State; and

(d) other relevant factors including compliance with other provisions of New York State Environmental Conservation Law Article 17, or the Clean Water Act.

(2) When the *Department* requires any discharger authorized by this *SPDES* general permit to apply for an individual *SPDES* permit as provided for in this subdivision, it shall notify the discharger in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner/operator to file the application for an individual *SPDES* permit, and a deadline, not sooner than 180 days from the owner/operator's receipt of the notification letter, whereby the authorization to discharge under this *SPDES* general permit shall be terminated. The *Department* may grant additional time upon demonstration, to the satisfaction of the Regional Water Engineer, that additional time to apply for an alternative authorization is necessary or where the *Department* has not provided a permit determination in accordance with 6 NYCRR Part 621.

(3) When an individual *SPDES* permit is issued to a discharger authorized to *discharge* under this *SPDES* general permit for the same *discharge*(s), this *SPDES* general permit authorization for outfalls authorized under the individual *SPDES* permit is automatically terminated on the effective date of the individual *SPDES* permit unless termination is earlier in accordance with 6 NYCRR Part 750.

H. Duty to Provide Information

The owner/operator shall furnish to the *Department*, within five (5) business days, unless otherwise set forth by the *Department*, any information that the *Department* may request to determine whether cause exists to determine compliance with this *SPDES* general permit or to determine whether cause exists for requiring an individual *SPDES* permit in accordance with 6 NYCRR 750-1.21(e) (see G. Requiring Another General Permit or Individual Permit). The owner/operator shall make available to the *Department*, for inspection and copying, or furnish to the *Department* within 25 business days of receipt of a *Department* request for such information, any information retained in accordance with this *SPDES* general permit. Where the owner/operator becomes aware that it failed to submit any relevant facts on the Notice of Intent, or submitted incorrect information in a Notice of Intent or in any report to the *Department*, the owner/operator shall promptly submit such facts or corrected information to the *Department*.

I. Extension

In the event a new *SPDES* general permit is not issued prior to the expiration of this *SPDES* general permit, and this *SPDES* general permit is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, then the owner/operator with coverage under this *SPDES* general permit may continue to operate and *discharge* in accordance with the terms and conditions of this *SPDES* general permit until a new *SPDES* general permit is issued.

J. Signatories and Certification

The Notice of Intent, Notice of Termination and reports required by this *SPDES* general permit shall be signed as provided in 40 CFR §122.22

(a) All Notices of Intent and Notices of Termination shall be signed as follows:

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Notice of Intent or Notice of Termination requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: The *Department* does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR §122.22(a)(1)(i). The *Department* will presume that these responsible corporate officers have the requisite authority to sign the Notice of Intent or Notice of Termination unless the corporation has notified the *Department* to the contrary. Corporate procedures governing authority to sign a Notice of Intent or Notice of Termination may provide for assignment or delegation to applicable corporate positions under 40 CFR §122.22(a)(1)(ii) rather than to specific individuals.

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a *municipality*, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) All reports required by this *SPDES* general permit, and other information requested by the *Department* shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in (a);

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.), and

(3) The written authorization is submitted to the *Department*.

(c) Changes to authorization. If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or activity, a new authorization satisfying the requirements of (b) must be submitted to the *Department* prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. Any person signing a document under (a) or (b) shall make the following certification:
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(e) Electronic reporting. If documents described in (a) or (b) are submitted electronically by or on behalf of the activity with coverage under this *SPDES* general permit, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3) (Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

K. Inspection & Entry

The owner/operator shall allow the *Department*, the USEPA Regional Administrator, the applicable county health department, or any authorized representatives of those entities, upon the presentation of credentials and other documents as may be required by law, to:

(a) enter upon the owner/operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this *SPDES* general permit;

(b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this *SPDES* general permit, including records required to be maintained for purposes of operation and maintenance;

(c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this *SPDES* general permit;

(d) sample or monitor at reasonable times, for the purposes of assuring *SPDES* general permit compliance or as otherwise authorized by the Clean Water Act or New York State Environmental Conservation Law, any substances or parameters at any location; and
(e) enter upon the property of any contributor to the regulated facility or activity under authority of the owner/operator.

L. Confidentiality of Information

The following shall not be held confidential: this *SPDES* general permit, the fact sheet for this *SPDES* general permit, the name and address of any owner/operator, effluent data, the Notice of Intent, and information regarding the need to obtain an individual permit or an alternative general permit. This includes information submitted on forms themselves and any attachments used to supply information required by the forms (except information submitted on usage of substances). Upon the request of the owner/operator, the *Department* shall make determinations of confidentiality in accordance with 6 NYCRR Part 616, except as set forth in the previous sentence. Any information accorded confidential status shall be disclosed to the Regional Administrator upon his or her written request. Prior to disclosing such information to the Regional Administrator, the *Department* will notify the Regional Administrator of the confidential status of such information.

M. Other Permits May Be Required

Nothing in this *SPDES* general permit relieves the owner/operator from a requirement to obtain any other permits required by law.

N. Property Rights

Coverage under this *SPDES* general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining the assent of any other jurisdiction as required by law for the *discharge* authorized.

O. Compliance with Interstate Standards

If the activity covered by this *SPDES* general permit originates within the jurisdiction of an interstate water pollution control agency, then the activity must also comply with any applicable effluent standards or *water quality standards* promulgated by that interstate agency and as set forth in this *SPDES* general permit for such activities.

P. Oil & Hazardous Substance Liability

Coverage under this *SPDES* general permit does not affect the imposition of responsibilities upon, or the institution of any legal action against, the owner or operator under section 311 of the Clean Water Act, which shall be in conformance with regulations promulgated pursuant to section 311 governing the applicability of section 311 of the Clean Water Act to *discharges* from facilities with NPDES permits, nor shall such issuance preclude the institution of any legal action or relieve the

owner or operator from any responsibilities, liabilities, or penalties to which the owner or operator is or may be subject pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq. (CERCLA).

Q. Severability

The provisions of this *SPDES* general permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

Appendix A. Acronyms and Definitions

Acronym List

BMP – Best Management Practice
CFR – Code of Federal Regulations
CGP – SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001
CWA – Clean Water Act
ECL – Environmental Conservation Law
EDC – Effective Date of Coverage
EDP– Effective Date of the Permit
eNOI – Electronic Notice of Intent
EPCRA - Emergency Planning and Community Right-To-Know Act
ERP – Enforcement Response Plan
IDDE – Illicit Discharge Detection and Elimination
MCM – Minimum Control Measure
MEP – Maximum Extent Practicable
MS4 – Municipal Separate Storm Sewer System
MS4 GP – SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-22-002
MSGP – SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-17-004
NOI – Notice of Intent
NPDES – National Pollutant Discharge Elimination System
NYCRR – New York Codes, Rules and Regulations
NYS DEC – New York State Department of Environmental Conservation
O&M – Operations and Maintenance
ORI – MS4 outfall Reconnaissance Inventory
POC – Pollutant of Concern
RSE – Regional Stormwater Entity
SPDES – State Pollutant Discharge Elimination System
SMP – Stormwater Management Practice
SWMP – Stormwater Management Program
SWMP Plan – Stormwater Management Program Plan
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
USEPA – United States Environmental Protection Agency

Definitions

Additionally Designated Areas – areas designated by New York State as regulated *MS4 Operators* to be covered under the *SPDES stormwater discharge* control program. As required by 40 CFR 123.35, New York State has developed a process, as well as criteria to designate *MS4 Operators* other than those described in 40 CFR 122.32(a)(1) as regulated *MS4*s. These criteria can be found in the document, Final Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4*s), January 2010 and Appendix B.

Automatically Designated Areas – those areas served by *MS4*s that are located within the boundaries of a Bureau of the Census, 2000 and 2010 censuses, defined *urbanized area* based on the latest decennial Census.

Best Management Practice (BMP) – schedules of activities, practices, and prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage and leaks, sludge or waste disposal, or drainage from areas that could contribute pollutants to *stormwater discharges*.

Construction Activity – any clearing, grading, excavation, demolition or stockpiling activity that results in soil disturbance. Clearing activities can include but are not limited to logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. *Construction activity* does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Department – the New York State *Department* of Environmental Conservation as well as meaning the *Department*'s designated agent.

Develop (Developed) – to update or create depending on whether the *MS4 Operator* is continuing coverage or newly designated, respectively.

Discharge (Discharging) – any addition of any pollutant to *surface waters of the State* through an outlet or point source (6 NYCRR 750-1.2(a)(29)).

Dry Weather – prolonged dry periods (48-72 hours after the last runoff event) during the non-growing season with low *groundwater* levels yielding optimal conditions for conducting inspections.

Groundwater – waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled

interstices or interstices filled with fluids other than water, it is still considered saturated.

Illicit Discharge – any *discharge* into an *MS4* that is not entirely composed of *stormwater*, except those identified in Part I.A.3. Examples of *illicit discharges* are non-permitted sanitary sewage, garage drain effluent, and waste motor oil. However, an *illicit discharge* could be any other non-permitted *discharge* which the *MS4 Operator* or *Department* has determined to be a substantial contributor of pollutants to the *MS4*.

Industrial Activity – the eleven (11) categories of industrial activities included in the definition of "*stormwater discharges* associated with industrial activity," as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Interconnection – any point (excluding *sheet flow* over impervious surfaces) where the *MS4 Operator*'s *MS4* is *discharging stormwater* to another *MS4* or private storm sewer system.

Intermittent Discharge – a *discharge* which occurs over a shorter period of time (e.g., a few hours per day or a few days per year) (CWP 2004).

Larger Common Plan of Development or Sale – a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term **"**plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, State Environmental Quality Review Act Application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a *larger common plan of development or sale* that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Maximum Extent Practicable (MEP) – a technology-based standard established by Congress in the Clean Water Act '402(p)(3)(B)(iii).

MS4 Operator – the person, persons, or legal entity responsible for the MS4.

MS4 outfall – any point of discharge from pipes, ditches, swales, and other points of concentrated *sheet flow* to *surface waters of the State*. Areas of non-concentrated *sheet flow* which drain to *surface waters of the State* are not considered *MS4 outfalls* and should not be identified as such on the comprehensive system map.

Municipal (Municipally) – a county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof. Examples of other public entities that are included in this program include the State Department of Transportation, State University Campuses, federal and State prisons, State and federal hospitals, Thruway and Dormitory Authorities, public housing authorities, school and other special districts.

Municipal facility– an *MS4 Operator* owned and/or operated facility with the potential to *discharge* pollutants of concern to the *MS4* and/or *surface water of the State* of the State (e.g., airports, landfills, recycling facilities, cemeteries, golf courses, etc.).

Municipal operations (Operations) – activities conducted by the MS4 Operator with the potential to discharge pollutants of concern to the *MS4* and/or *surface water of the State*. *Municipal operations* include: street and bridge maintenance; winter road maintenance; *stormwater* system maintenance; vehicle and fleet maintenance; park and open space maintenance; *municipal* building maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; hydrologic habitat modification; or other.

Municipal Separate Storm Sewer System (*MS4*) – a conveyance or system of conveyances (including roads with drainage systems, *municipal* streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. owned or operated by a State, city, town, village, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, *stormwater*, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA, that *discharges* to *surface waters of the State*;
2. designed or used for collecting or conveying *stormwater*;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System – the national system for the issuance of wastewater and *stormwater* permits under the Federal Water Pollution Control Act (Clean Water Act).

No exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

Non-traditional MS4 Operators– state, federal, county and other publicly owned properties such as state university campuses, prisons, office complexes, hospitals, military installations public housing authorities, school and other special districts, and state transportation agencies such as NYSDOT and Thruway Authority.

Obvious Illicit Discharge –an *illicit discharge* from a flowing *MS4 outfall* that does not require sample collection for confirmation; this references the ORI Field Sheet from CWP 2004 Section 6: Overall Outfall Characterization.

Physical Indicator Present in the Flow – a sensory indicator present in the *discharge* from *monitoring location* including odor, color, turbidity and floatables; this references the ORI Field Sheet from CWP 2004 Section 4: Physical Indicators for Flowing Outfalls Only.

Physical Indicator not Related to Flow – an indicator of past *discharges*, potentially *intermittent* or *transitory discharge,* including *MS4 outfall* damage, *monitoring location* deposits or stains, abnormal vegetation growth, poor pool quality or pipe benthic growth; this references the ORI Field Sheet from CWP 2004 Section 5: Physical Indicators for Both Flowing and Non-Flowing Outfalls.

Pollutant - dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, *municipal*, agricultural waste and ballast *discharged* into water; which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards or guidance values adopted as provided in Parts 700 et seq of this Title. For the purposes of this *SPDES* general permit, relevant pollutants include, but are not limited to, nitrogen, phosphorus, chloride, silt and sediment, pathogens, herbicides/pesticides, floatables, petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs).

Pollutant of Concern (POC) – a pollutant causing the impairment of an impaired water segment with an approved TMDL and/or listed in Appendix C, including phosphorus, silt/sediment, pathogens, nitrogen, and floatables.

Qualified Inspector – a person who is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other *Department* endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of

erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of *Department* endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other *Department* endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect must receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *qualified professional* qualifications in addition to the *qualified inspector* qualifications.

Note: Inspections of any post-construction *stormwater management practices* that include structural components, such as a dam for an impoundment, must be performed by a licensed Professional Engineer.

Qualified Professional – a person who is knowledgeable in the principles and practices of *stormwater* management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect, or other *Department* endorsed individual(s). Individuals preparing SWPPPs that require the post-construction *stormwater management practice* component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the *Department's* technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), must be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Qualifying Storm Event – a storm event with at least 0.1 inch of precipitation, providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived if the preceding measurable storm did not result in a *stormwater discharge* (e.g., a storm events in excess of 0.1 inches may not result in a *stormwater discharge* at some facilities), or if the *MS4 Operator* is able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

Regional Stormwater Entity (RSE) – an organization made up of multiple cooperating regulated and/or nonregulated entities located in the same geographical region of the State who share resources to improve overall *stormwater* management in their area.

Regulated Area – the area served by *MS4*s within *automatically* and *additionally designated areas*.

Retrofit – to modify or add to existing *stormwater* infrastructure for the purpose of reducing pollutant loadings.

Sheet Flow – *stormwater* runoff flowing in a thin layer over the ground surface.

Sizing Criteria – the criteria included in the CGP that are used to size post-construction *stormwater* management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), Overbank Flood (Qp), and Extreme Flood (Qf).

State Pollutant Discharge Elimination System (SPDES) – the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing *discharges* to the waters of the State.

Stormwater – that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the State.

Stormwater Hotspots - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical *stormwater* runoff, based on monitoring studies. For further detail, see Section 4.11 of the NYS SWMDM 2015.

Stormwater Management Practices (SMPs) – measures, either structural or nonstructural, that are constructed as part of new development or redevelopment projects and are intended to capture, treat, reduce and/or retain *stormwater* runoff.

Stormwater Management Program (SWMP) – the program *developed* and implemented by the *MS4 Operator* which provides a comprehensive integrated planning approach involving public participation and, where necessary, intergovernmental coordination, to reduce the *discharge* of POCs and specified pollutants to the *MEP*, using management practices, control techniques and systems, design and engineering methods, and other appropriate provisions. *MS4 Operators* are required at a minimum to *develop*, implement, and enforce a *SWMP* designed to address POCs and reduce the *discharge* of pollutants from the *MS4* to the *MEP*, to protect water quality, and to satisfy the appropriate water quality requirements of the ECL and the Clean Water Act. The *SWMP* must address all permit requirements in this *SPDES* general permit.

Stormwater Management Program Plan (SWMP Plan) – is used by the *MS4 Operator* to document and detail the activities and measures that will be implemented to meet the terms and conditions of this *SPDES* general permit. The *SWMP Plan* must be updated during the permit term as the *MS4 Operator's* activities are modified to meet permit conditions.

Storm-sewershed (sewershed) – the catchment that drains to a waterbody based on the *municipal* storm sewer system and surface topography. Adjacent catchment areas that drain to the same waterbody are not separate storm-*sewersheds*.

Sump Capacity – the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.

Surface Water(s) of the State – must be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Waters of the state are further defined in 6 NYCRR Parts 800 to 941. Storm sewers are not waters of the state unless they are classified in 6 NYCRR Parts 800 to 941. Nonetheless, a *discharge* to a storm sewer must be regulated as a *discharge* at the point where the storm sewer *discharges* to waters of the state.

Suspect Illicit Discharge – an *illicit discharge* from flowing *MS4 outfall*s with high severity (score of 3) on one or more physical indicators based on the relative severity index of physical indicators for flowing *MS4 outfall*s only; this references the ORI Field Sheet from CWP 2004 Section 6: Overall Outfall Characterization.

Total Maximum Daily Load (TMDL) – the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates Waste Load Allocations (WLA) for point source *discharges*, Load Allocations (LA) for nonpoint sources, and a margin of safety (MOS).

Traditional Land Use Control *MS4 Operators* – a city, town or village with land use control authority.

Traditional Non-land Use Control *MS4 Operators* – any county agency without land use control.

Transitory Discharge – a *discharge* which occurs rarely, usually in response to a singular event such as an industrial spill, ruptured tank, sewer break, transport accident or illegal dumping episode (CWP 2004).

Urbanized Area – a land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the US Bureau of Census. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily *developed* and dense urban areas. It outlines the extent of *automatically regulated areas*, which do not necessarily extend to the political boundaries of a city, town, or village.

Water Quality Standard – such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

Appendix B. Designation Criteria for Identifying Regulated *Municipal Separate Storm Sewer Systems* (*MS4*s)

The universe of small *municipal* separate storm sewer systems (*MS4*s) is quite large. However, only a sub-set of small *MS4*s, referred to as "regulated" small *MS4*s, are covered by the Federal *stormwater* regulations. A small *MS4* can be designated as a regulated *MS4* through *automatic designation* by EPA or by meeting designation criteria developed by the NPDES permitting authority, the New York State Department of Environmental Conservation (*Department*) in New York State.

Automatic Designation Criteria Required by EPA

The EPA's automatic designation criteria are based strictly on population and density. An area is *automatically designated* if the population is at least 50,000 and has an overall population density of at least 1,000 people per square mile based on the 2000 Census. Maps showing the *urbanized areas* that are *automatically designated* are available on *Department's* website.

Additional Designation Criteria

The EPA requires the *Department* to develop a set of criteria for *additionally designated* areas. The following criteria, using a combination of population and environmental factors, have been adopted to designate additional *MS4*s in NYS.

Criterion 1: *MS4*s *discharging* to waters for which an EPA-approved Total Maximum Daily Load (TMDL) requires reduction of a pollutant associated with *stormwater* beyond what can be achieved with existing programs (and the area is not already covered under automatic designation).

Criterion 2: *MS4*s contiguous to *automatically designated areas* (town lines) that *discharge* to sensitive waters classified as AA-Special (fresh surface waters), AA (fresh surface waters) with filtration avoidance determination or SA (saline surface waters).

Criterion 3: *Automatically designated areas* are extended to Town, Village or City boundaries, but only for Town, Village or City implementation of Minimum Control Measures (4) Construction Site Stormwater Runoff Control and (5) Post Construction Stormwater Management in Development and Redevelopment. This additional designation may be waived, by written request to the *Department*, where the *automatically designated area* is a small portion of the total area of the Town, Village or City (less than 15 %) and where there is little or no *construction activity* in the area outside of the *automatically designated area* (less than 5 disturbed acres per year).

Appendix C. List of Impaired Waters 2018 NYS 303(d) List

NOTES FOR THE TABLE BELOW:

1. *MS4 Operators* must implement Part VIII.A. Pollutant Specific BMPs for Phosphorus for waterbodies with the pollutant listed as "phosphorus."
2. *MS4 Operators* must implement Part VIII.B. Pollutant Specific BMPs for Silt/Sediment for waterbodies with the pollutant listed as "silt/sediment."
3. *MS4 Operators* must implement Part VIII.C. Pollutant Specific BMPs for Pathogens for waterbodies with the pollutant listed as "pathogens" or "fecal coliform."
4. *MS4 Operators* must implement Part VIII.D. Pollutant Specific BMPs for Nitrogen for waterbodies with the pollutant listed as "nitrogen" or "ammonia."
5. *MS4 Operators* must implement Part VIII.E. Pollutant Specific BMPs for Floatables for waterbodies with the pollutant listed as "garbage & refuse," "oil/grease," or "oil & floating substances."

County	Waterbody Name (PWL Number)	Pollutant
Albany	Ann Lee (Shakers) Pond, Stump Pond (1201-0096)	Phosphorus
Bronx	Bronx River, Middle, and tribs (1702-0106) 18	Fecal Coliform
Bronx	Bronx River, Lower (1702-0006) 18	Fecal Coliform
Bronx	Bronx River, Lower (1702-0006) 18	Garbage & Refuse
Bronx	Hutchinson River, Lower, and tribs (1702 0003) 18	Garbage & Refuse
Bronx	Westchester Creek (1702-0012) 18	Garbage & Refuse
Bronx	Bronx River, Middle, and tribs (1702-0106) 18	Garbage & Refuse
Bronx	Long Island Sound, Western Portion (1702-0027)	Nitrogen
Bronx	Van Cortlandt Lake (1702-0008)	Phosphorus
Bronx	Reservoir No.1/Lake Isle (1702-0075)	Phosphorus
Broome	Minor Tribs to Lower Susquehanna (0603-0044)	Phosphorus
Chautauqua	Lake Erie, Dunkirk Harbor (0105-0009)	Fecal Coliform
Chautauqua	Lake Erie (Main Lake, South) (0105-0033)	Fecal Coliform
Chautauqua	Chadakoin River and tribs (0202-0018)	Phosphorus
Dutchess	Fallkill Creek (1301-0087)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Silt/Sediment
Erie	Rush Creek and tribs (0104-0018)	Fecal Coliform
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Fecal Coliform
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Fecal Coliform
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Fecal Coliform

Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Oils & Floating Sub.
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Oils & Floating Sub.
Erie	Rush Creek and tribs (0104-0018)	Phosphorus
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Phosphorus
Erie	Delaware Park Pond (0101-0026)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Phosphorus
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Phosphorus
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Silt/Sediment
Erie	Green Lake (0101-0038)	Phosphorus
Erie	Lake Erie (Main Lake, North) (0104-0037)	Fecal Coliform
Erie	Lake Erie (Northeast Shoreline) (0104-0036)	Fecal Coliform
Genesee	Tonawanda Cr, Middle, Main Stem (0102-0006)	Fecal Coliform
Genesee	Tonawanda Cr, Middle, Main Stem (0102-0002)	Phosphorus
Herkimer	Mohawk River, Main Stem (1201-0093)	Fecal Coliform
Herkimer	Mohawk River, Main Stem (1201-0093)	Oils & Floating Sub.
Kings	Coney Island Creek (1701-0008) 18	Fecal Coliform
Kings	Hendrix Creek (1701-0006) 18	Fecal Coliform
Kings	Gowanus Canal (1701 0011) 18	Garbage & Refuse
Kings	Mill Basin and tidal tribs (1701 0178) 18	Garbage & Refuse
Kings	Paerdegat Basin (1701-0363) 18	Garbage & Refuse
Kings	Coney Island Creek (1701-0008) 18	Garbage & Refuse
Kings	Hendrix Creek (1701-0006) 18	Garbage & Refuse
Kings	Hendrix Creek (1701-0006) 18	Nitrogen
Kings	Prospect Park Lake (1701-0196)	Phosphorus
Monroe	Rochester Embayment - West (0301-0068)	Fecal Coliform
Monroe	Minor Tribs to Irondequoit Bay (0302-0038)	Fecal Coliform
Monroe	Thomas Creek/White Brook and tribs (0302-0023)	Phosphorus
Monroe	Buck Pond (0301-0017)	Phosphorus
Monroe	Cranberry Pond (0301-0016)	Phosphorus

Monroe	Long Pond (0301-0015)	Phosphorus
Monroe	Minor Tribs to Irondequoit Bay (0302-0038)	Phosphorus
Monroe	Rochester Embayment - East (0302-0002)	Fecal Coliform
Nassau	Long Island Sound, Nassau County Waters (1702-0028)	Fecal Coliform
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Fecal Coliform
Nassau	Bannister Creek/Bay (1701-0380)	Fecal Coliform
Nassau	Browswere Bay (1701-0383)	Fecal Coliform
Nassau	Dosoris Pond (1702-0024)	Fecal Coliform
Nassau	East Bay (1701-0202)	Fecal Coliform
Nassau	East Rockaway Inlet (1701-0217)	Fecal Coliform
Nassau	Garret Lead/East Channel (1701-0386)	Fecal Coliform
Nassau	Hempstead Bay, Broad Channel (1701-0032)	Fecal Coliform
Nassau	Hempstead Harbor, south, & tidal tribs (1702-0263)	Fecal Coliform
Nassau	Hewlett Bay (1701-0382)	Fecal Coliform
Nassau	Manhasset Bay, and tidal tribs (1702-0021)	Fecal Coliform
Nassau	Manhasset Bay, and tidal tribs (1702-0141)	Fecal Coliform
Nassau	Middle Bay (1701-0208)	Fecal Coliform
Nassau	Middle Bay, Eastern Channel (1701-0387)	Fecal Coliform
Nassau	Reynolds Channel, east (1701-0215)	Fecal Coliform
Nassau	South Oyster Bay (1701-0041)	Fecal Coliform
Nassau	Woodmere Channel (1701-0219)	Fecal Coliform
Nassau	Freeport Cr/East Meadow Br, Lower (1701-0388)	Fecal Coliform
Nassau	Long Island Sound, Nassau County Waters (1702-0028)	Nitrogen
Nassau	Bannister Creek/Bay (1701-0380)	Nitrogen
Nassau	East Rockaway Channel (1701-0381)	Nitrogen
Nassau	Tidal Tribs to Hempstead Bay (1701-0218)	Nitrogen
Nassau	Woodmere Channel (1701-0219)	Nitrogen
Nassau	Cold Spring Harbor, and tidal tribs (1702-0018)	Pathogens
Nassau	Hempstead Harbor, north, and tidal tribs (1702-0022)	Pathogens
Nassau	Mill Neck Creek and tidal tribs (1702-0151)	Pathogens
Nassau	Oyster Bay Harbor (1702-0016)	Pathogens
Nassau	Grant Park Pond (1701-0054)	Phosphorus
Nassau	Hempstead Lake (1701-0015)	Phosphorus
Nassau	Tribs (fresh) to East Bay (1701-0204)	Phosphorus
Nassau	Beaver Lake (1702-0152)	Phosphorus
Nassau	Tribs to Smith Pond/Halls Pond (1701-0221)	Phosphorus
Nassau	Milburn/Parsonage Creeks, Upp, and tribs (1701-0212)	Phosphorus

Nassau	East Meadow Brook, Upper, and tribs (1701-0211)	Silt/Sediment
Nassau	Tribs (fresh) to East Bay (1701-0204)	Silt/Sediment
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Silt/Sediment
Nassau	Massapequa Cove, and tidal tribs (1701-0391)	Fecal Coliform
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Fecal Coliform
Nassau	Seafords/Seamans Creeks, and tidal tribs (1701-0389)	Fecal Coliform
Nassau	Tidal Tribs to South Oyster Bay (1701-0200)	Fecal Coliform
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Phosphorus
Nassau	Camaans Pond (1701-0052)	Phosphorus
New York	East River, Lower (1702-0011) 18	Garbage & Refuse
New York	Harlem River (1702-0004) 18	Garbage & Refuse
New York	Harlem Meer (1702-0103)	Phosphorus
New York	The Lake in Central Park (1702-0105)	Phosphorus
Niagara	Bergholtz Creek and tribs (0101-0004)	Fecal Coliform
Niagara	Bergholtz Creek and tribs (0101-0004)	Phosphorus
Niagara	Hyde Park Lake (0101-0030)	Phosphorus
Oneida	Mohawk River, Main Stem (1201-0010)	Fecal Coliform
Oneida	Utica Harbor (1201-0228)	Fecal Coliform
Oneida	Mohawk River, Main Stem (1201-0094)	Fecal Coliform
Oneida	Ballou, Nail Creeks (1201-0203)	Phosphorus
Onondaga	Onondaga Lake, Southern End (0702-0021) [10]	Fecal Coliform
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Fecal Coliform
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nitrogen (NH3, NO2)
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Phosphorus
Onondaga	Ley Creek and tribs (0702-0001) 10	Ammonia (NH3)
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Ammonia (NH3)
Onondaga	Bloody Brook and tribs (0702 0006) 10	Fecal Coliform
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Fecal Coliform
Onondaga	Onondaga Creek, Middle, and tribs (0702-0004) 10	Fecal Coliform
Onondaga	Ley Creek and tribs (0702 0001) 10	Fecal Coliform
Onondaga	Ley Creek and tribs (0702-0001) 10	Phosphorus
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Phosphorus
Ontario	Great Brook and minor tribs (0704-0034)	Phosphorus 2
Ontario	Great Brook and minor tribs (0704-0034)	Silt/Sediment
Orange	Greenwood Lake (1501-0001)	Phosphorus

Orange	Orange Lake (1301-0008) [16]	Phosphorus
Orange	Monhagen Brook and tribs (1306-0074)	Phosphorus
Oswego	Lake Neatahwanta (0701-0018)	Phosphorus
Putnam	Oscawana Lake (1301-0035)	Phosphorus
Putnam	Palmer Lake (1302-0103)	Phosphorus
Putnam	Bog Brook Reservoir (1302-0041)	Phosphorus
Putnam	Boyd Corners Reservoir (1302-0045)	Phosphorus
Putnam	Croton Falls Reservoir (1302-0026)	Phosphorus
Putnam	Diverting Reservoir (1302-0046)	Phosphorus
Putnam	East Branch Reservoir (1302-0040)	Phosphorus
Putnam	Middle Branch Reservoir (1302-0009)	Phosphorus
Putnam	West Branch Reservoir (1302-0022)	Phosphorus
Queens	Bergen Basin (1701-0009) 18	Fecal Coliform
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Fecal Coliform
Queens	Thurston Basin (1701-0152) 18	Fecal Coliform
Queens	Alley Creek/Little Neck Bay Trib (1702-0009) 18	Fecal Coliform
Queens	Flushing Creek/Bay (1702-0005) 18	Fecal Coliform
Queens	Little Neck Bay (1702-0029)	Fecal Coliform
Queens	Newtown Creek and tidal tribs (1702-0002) 18	Fecal Coliform
Queens	Atlantic Ocean Coastline (1701-0014)	Fecal Coliform
Queens	Bergen Basin (1701-0009) 18	Garbage & Refuse
Queens	East River, Upper (1702-0010) 18	Garbage & Refuse
Queens	Newtown Creek and tidal tribs (1702 0002) 18	Garbage & Refuse
Queens	Spring Creek and tribs (1701-0361) 18	Garbage & Refuse
Queens	Thurston Basin (1701-0152) 18	Garbage & Refuse
Queens	East River, Upper (1702-0032) 18	Garbage & Refuse
Queens	Flushing Creek/Bay (1702 0005) 18	Garbage & Refuse
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Garbage & Refuse
Queens	Flushing Creek/Bay (1702-0005)	Nitrogen
Queens	Bergen Basin (1701-0009) 18	Nitrogen
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Nitrogen
Queens	Shellbank Basin (1701-0001) 18	Nitrogen
Queens	Kissena Lake (1702-0258)	Phosphorus

Queens	Meadow Lake (1702-0030)	Phosphorus
Queens	Willow Lake (1702-0031)	Phosphorus
Rensselaer	Nassau Lake (1310-0001)	Phosphorus
Richmond	Raritan Bay, Class SA (1701-0002)	Fecal Coliform
Richmond	Arthur Kill, Class I, and minor tribs (1701 0010) 18	Garbage & Refuse
Richmond	Newark Bay (1701 0183) 18	Garbage & Refuse
Richmond	Kill Van Kull (1701 0184) 18	Garbage & Refuse
Richmond	Grassmere Lake/Bradys Pond (1701-0357)	Phosphorus
Richmond	Arthur Kill, Class SD, and minor tribs (1701-0182) 18	Garbage & Refuse
Rockland	Rockland Lake (1501-0021)	Phosphorus
Rockland	Sparkill Creek, Lower (1301-0088)	Fecal Coliform
Rockland	Congers Lake, Swartout Lake (1501-0019)	Phosphorus
Saratoga	Tribs to Lake Lonely (1101-0001)	Fecal Coliform
Saratoga	Dwaas Kill and tribs (1101-0007)	Phosphorus
Saratoga	Lake Lonely (1101-0034)	Phosphorus
Saratoga	Tribs to Lake Lonely (1101-0001)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Silt/Sediment
Saratoga	Ballston Lake (1101-0036)	Phosphorus
Schenectady	Collins Lake (1201-0077)	Phosphorus
Schenectady	Mariaville Lake (1201-0113)	Phosphorus
Schenectady	Duane Lake (1311-0006)	Phosphorus
Suffolk	Tidal Tribs to West Moriches Bay (1701-0312)	Fecal Coliform
Suffolk	Forge River, Lower and Cove (1701-0316)	Fecal Coliform
Suffolk	Great Cove (1701-0376)	Fecal Coliform
Suffolk	Lake Ronkonkoma (1701-0020)	Fecal Coliform
Suffolk	Nicoll Bay (1701-0375)	Fecal Coliform
Suffolk	Phillips Creek, Lower, and tidal tribs (1701-0299)	Fecal Coliform
Suffolk	Quogue Canal (1701-0301)	Fecal Coliform
Suffolk	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Nitrogen
Suffolk	Tidal Tribs to West Moriches Bay (1701-0312)	Nitrogen
Suffolk	Peconic River, Lower, and tidal tribs (1701-0259)	Nitrogen
Suffolk	Conscience Bay and tidal tribs (1702-0091)	Pathogens
Suffolk	Flanders Bay, East/Center, and tribs (1701-0030)	Pathogens
Suffolk	Port Jefferson Harbor, North, and tribs (1702-0015)	Pathogens
Suffolk	Reeves Bay and tidal tribs (1701-0272)	Pathogens
Suffolk	Centerport Harbor (1702-0229)	Pathogens

Suffolk	Huntington Harbor (1702-0228)	Pathogens
Suffolk	Northport Harbor (1702-0230)	Pathogens
Suffolk	Setauket Harbor (1702-0242)	Pathogens
Suffolk	Narrow Bay (1701-0318)	Pathogens
Suffolk	Tuthill, Harts, Seatuck Coves (1701-0309)	Pathogens
Suffolk	Acabonack Harbor (1701-0047)	Pathogens
Suffolk	Bellport Bay (1701-0320)	Pathogens
Suffolk	Budds Pond (1701-0234)	Pathogens
Suffolk	Dering Harbor (1701-0050)	Pathogens
Suffolk	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Pathogens
Suffolk	Goldsmith Inlet (1702-0026)	Pathogens
Suffolk	Goose Creek (1701-0236)	Pathogens
Suffolk	Hashamomuck Pond (1701-0162)	Pathogens
Suffolk	Heady and Taylor Creeks and tribs (1701-0294)	Pathogens
Suffolk	Lake Montauk (1701-0031)	Pathogens
Suffolk	Little Sebonac Creek (1701-0253)	Pathogens
Suffolk	Mattituck Inlet/Cr, Low, and tidal tribs (1702-0020)	Pathogens
Suffolk	Meetinghouse/Terrys Creeks and tribs (1701-0256)	Pathogens
Suffolk	Mt Sinai Harbor and tidal tribs (1702-0019)	Pathogens
Suffolk	North Sea Harbor and tribs (1701-0037)	Pathogens
Suffolk	Northwest Creek and tidal tribs (1701-0046)	Pathogens
Suffolk	Noyack Creek and tidal tribs (1701-0237)	Pathogens
Suffolk	Ogden Pond (1701-0302)	Pathogens
Suffolk	Patchogue Bay (1701-0326)	Pathogens
Suffolk	Peconic River, Lower, and tidal tribs (1701-0259)	Pathogens
Suffolk	Penniman Creek and tidal tribs (1701-0300)	Pathogens
Suffolk	Penny Pond, Wells and Smith Creeks (1701-0298)	Pathogens
Suffolk	Quantuck Bay (1701-0042)	Pathogens
Suffolk	Quantuck Canal/Moneybogue Bay (1701-0371)	Pathogens
Suffolk	Richmond Creek and tidal tribs (1701-0245)	Pathogens
Suffolk	Sag Harbor and Sag Harbor Cove (1701-0035)	Pathogens
Suffolk	Sebonac Cr/Bullhead Bay and tidal tribs (1701-0051)	Pathogens
Suffolk	Stirling Creek and Basin (1701-0049)	Pathogens
Suffolk	Stony Brook Harbor and West Meadow Creek (1702-0047)	Pathogens
Suffolk	Tidal Tribs to Gr Peconic Bay, Northshr (1701-0247)	Pathogens
Suffolk	Town/Jockey Creeks and tidal tribs (1701-0235)	Pathogens

Suffolk	Weesuck Creek and tidal tribs (1701-0111)	Pathogens
Suffolk	West Harbor, Fishers Island (1702-0046)	Pathogens
Suffolk	Wooley Pond (1701-0048)	Pathogens
Suffolk	Canaan Lake (1701-0018)	Phosphorus
Suffolk	Lake Ronkonkoma (1701-0020)	Phosphorus
Suffolk	Millers Pond (1702-0013)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Silt/Sediment
Suffolk	Flax Pond (1702-0240)	Fecal Coliform
Suffolk	Mud/East Creeks and tribs (1701-0377)	Fecal Coliform
Suffolk	West Creek and tidal tribs (1701-0246)	Fecal Coliform
Suffolk	Long Island Sound, Suffolk Co, Central (1702-0265)	Fecal Coliform
Suffolk	Great South Bay, East (1701-0039)	Nitrogen
Suffolk	Great South Bay, Middle (1701-0040)	Nitrogen
Suffolk	Great South Bay, West (1701-0173)	Nitrogen
Suffolk	Mill and Seven Ponds (1701-0113)	Phosphorus
Suffolk	Big/Little Fresh Ponds (1701-0125)	Phosphorus
Suffolk	Fresh Pond (1701-0241)	Phosphorus
Suffolk	Agawam Lake (1701-0117)	Phosphorus
Suffolk	Beaverdam Creek and tribs (1701-0104)	Ammonia
Suffolk	Shinnecock Bay and Inlet (1701 0033)	Nitrogen
Suffolk	Moriches Bay, East (1701-0305)	Nitrogen
Suffolk	Moriches Bay, West (1701-0038)	Nitrogen
Suffolk	Quantuck Bay (1701-0042)	Nitrogen
Tompkins	Cayuga Lake, Southern End (0705-0040)	Phosphorus
Tompkins	Cayuga Lake, Southern End (0705-0040)	Silt/Sediment
Warren	Hague Brook and tribs (1006-0006)	Silt/Sediment
Warren	Huddle/Finkle Brooks and tribs (1006-0003)	Silt/Sediment
Warren	Lake George (1006-0016) and tribs	Silt/Sediment
Warren	Tribs to Lake George, Lk.George Village (1006-0008)	Silt/Sediment
Warren	Indian Brook and tribs (1006-0002)	Silt/Sediment
Warren	Tribs to Lake George, East Shore (1006-0020)	Silt/Sediment
Wayne	Lake Ontario Shoreline, Central (0302-0044)	Fecal Coliform
Westchester	Hutchinson River, Middle, and tribs (1702-0074)	Fecal Coliform
Westchester	Larchmont Harbor (1702-0116)	Fecal Coliform
Westchester	Mamaroneck Harbor (1702-0125)	Fecal Coliform
Westchester	Milton Harbor/Lower Blind Brook (1702-0063)	Fecal Coliform
Westchester	Long Island Sound, Westchester Co Waters (1702-0001)	Fecal Coliform
Westchester	New Rochelle Harbor (1702-0259)	Fecal Coliform

Westchester	Port Chester Harbor/Lower Byram River (1702-0260)	Fecal Coliform
Westchester	Saw Mill River (1301-0007)	Fecal Coliform
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Fecal Coliform
Westchester	Bronx River, Upper, and tribs (1702-0107)	Fecal Coliform
Westchester	Long Island Sound, Westchester Co Waters (1702-0001)	Nitrogen
Westchester	Hutchinson River, Middle, and tribs (1702-0074)	Oil/Grease
Westchester	Lake Lincolndale (1302-0089)	Phosphorus
Westchester	Lake Meahagh (1301-0053)	Phosphorus
Westchester	Amawalk Reservoir (1302-0044)	Phosphorus
Westchester	Cross River Reservoir (1302-0005)	Phosphorus
Westchester	Muscoot/Upper New Croton Reservoir (1302-0042)	Phosphorus
Westchester	New Croton Reservoir (1302-0010)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Phosphorus
Westchester	Titicus Reservoir (1302-0035)	Phosphorus
Westchester	Lake Mohegan (1301-0149)	Phosphorus
Westchester	Teatown Lake (1302-0150)	Phosphorus
Westchester	Wallace Pond (1301-0140)	Phosphorus
Westchester	Saw Mill River (1301-0007)	Phosphorus
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Phosphorus
Westchester	Lake Katonah (1302-0136)	Phosphorus
Westchester	Silver Lake (1702-0040)	Phosphorus
Westchester	Lake Shenorock (1302-0083)	Phosphorus
Westchester	Truesdale Lake (1302-0054)	Phosphorus
Westchester	Mamaroneck River, Lower (1702-0071)	Silt/Sediment
Westchester	Mamaroneck River, Upp, & minor tribs (1702-0123)	Silt/Sediment
Westchester	Sheldrake River (1702-0069)	Silt/Sediment

Appendix D. Forms

Included in this section are the following documents, in order:

- Construction Site Inspection Report
- Duly Authorization Form
- Monitoring Locations Inspection and Sampling Field Sheet
- Municipal Facility/Operation Assessment Form
- No Exposure Certification (need this for high priority municipal facilities)
- Storm Event Data Form (For high Priority municipal facilities)
- Visual Monitoring Form

NEW YORK STATE | Department of Environmental Conservation

New York State Department of Environmental Conservation
Construction Site Inspection Report for SPDES MS4 General Permit GP-0-22-002

Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any): **NYR**	Contacted: ☐Yes ☐No	Entry Time:	Exit Time:
Name of SPDES Permittee:		Inspection Type:	☐NOT ☐ Complaint
Phone Number(s):			☐ Compliance ☐ Referral
On-site Representative(s) and Company(s):		MS4 Operator Name:	
		MS4 Permit ID: NYR20A	

SPDES General Permit for Stormwater Discharges from Construction Activity - GP-0-20-001

#	Yes	No	N/A	**General Permit Requirements**	Permit Citation
1	☐	☐	☐	Does the project have permit coverage (if required)?	I.E. & II. B.1
2	☐	☐	☐	Is a copy of the General Permit available on site?	II.C.2.
3	☐	☐	☐	Is a copy of the MS4 SWPPP Acceptance Form available on site?	II.C.2.
4	☐	☐	☐	Is a current copy of the signed SWPPP retained at the construction site?	II.C.2.
5	☐	☐	☐	Is a copy of the NOI & Acknowledgment Letter retained at the construction site?	II.C.2.
6	☐	☐	☐	Was written authorization issued for any disturbance greater than 5 acres?	II.C.3.

#	Yes	No	N/A	**SWPPP General Requirements**	Permit Citation
7	☐	☐	☐	Is the SWPPP current (accurate Permittee information, reflect current project)?	II.E. & III.A.4
8	☐	☐	☐	SWPPP identifies potential sources of pollutants in runoff	III.A.2
9	☐	☐	☐	SWPPP identifies Trained Contractor.	III.A.6.
10	☐	☐	☐	Contractor/Subcontractor certification statements have been signed.	III.A.6.
11	☐	☐	☐	SWPPP is signed by responsible corporate officer, general partner, proprietor, principal executive officer, ranking elected official, or duly authorized representative.	VII.H.2.

#	Yes	No	N/A	**Recordkeeping**	Permit Citation
12	☐	☐	☐	Does Trained Contractor have current certification card?	VII.O.
13	☐	☐	☐	Are self-inspections performed at permit-required frequency?	
	☐	☐	☐	Daily during periods of soil disturbance by Trained Contractor	IV.B.1.
	☐	☐	☐	Weekly during soil disturbance by Owner/Operator for excepted projects	IV.C.1.
	☐	☐	☐	Weekly for soil disturbances <= 5 acres by Qualified Inspector	IV.C.2.a.
	☐	☐	☐	Twice weekly for soil disturbances >5acres or if water segment listed in App. C or E	IV.C.2.b.&e.

	☐	☐	☐	Monthly during periods of temporary stabilization by Qualified Inspector	IV.C.2.c
14	☐	☐	☐	Do the qualified inspector's reports include the minimum reporting requirements?	IV.C.4.
15	☐	☐	☐	Are the qualified inspector's reports signed and retained onsite?	IV.C.6.
16	☐	☐	☐	Do the inspection reports identify deficiencies that are recurring &/or corrective measures that have not been implemented, & include date-stamped color photos?	IV.C.4.

#	Yes	No	N/A	**Visual Observations**	Permit Citation
17	☐	☐	☐	Are all erosion and sediment control measures installed properly?	IV.C.4.g
18	☐	☐	☐	Are all erosion and sediment control measures being maintained properly?	IV.C.4.f.
19	☐	☐	☐	Have stabilization measures been implemented in inactive areas per Permit?	I.B.1.b.
20	☐	☐	☐	Are post-construction SMPs constructed/installed correctly?	IV.C.4.i.
21	☐	☐	☐	Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal?	V.A.2.
22	☐	☐	☐	Was there a discharge from the site on the day of inspection?	I.B.1.e. & f.
23	☐	☐	☐	Is there evidence that a discharge caused or contributed to a violation of water quality standards?	ECL 17-0501, and 6 NYCRR 703.2 and I.B.

Water Quality Observations

Describe the discharge(s): location, source(s), impact on receiving water(s), etc.

Describe the quality of the receiving water(s) both upstream and downstream of the discharge:

Describe any other water quality standards or permit violations:

Additional Comments

☐ Photographs attached

Overall Inspection Rating:	☐ Satisfactory ☐ Marginal ☐ Unsatisfactory

Name/Agency of Inspector:	Name of Lead Inspector:
Names/Agencies of Other Inspectors:	

MS4 Signatory Authorization

In accordance with Part X.J of this permit, all NOIs, reports, certifications or information submitted to the Department, or that this SPDES general permit requires be maintained by the MS4 Operator, shall be signed as follows:

1. For a municipality, state, federal, or other public agency: by either a principal or executive officer or ranking elected official. A principal executive officer includes:

    i. the chief executive officer of the agency, or

    ii. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

2. A duly authorized representative of the person described in item (1).

    NOTE: A person is a duly authorized representative only if:

    i. the authorization is made in writing by a person described in paragraph 1 above; and

    ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

    iii. the written authorization is submitted to the Department.

Initial authorization or changes to authorization: The initial authorization should be submitted to the Department with any reports to be signed by an authorized representative. If an authorization under paragraph (2) is no longer accurate because a different individual, or position, has responsibility for the MS4 Operator's SWMP, a new authorization satisfying the requirements of paragraph (2) must be submitted to the Department with any reports to be signed by an authorized representative.

NEW YORK STATE | Department of Environmental Conservation

Signature Authorization Form

MS4 Operator Name: _____ SPDES NO. NYR20A_____
Entity Name: _____ Date:_____

Name of person described in paragraph (1):	Title:
Signature of person described in paragraph (1):	Date:

THE MS4 OPERATOR MUST NOTIFY THE DEPARTMENT OF ANY CHANGE IN THIS INFORMATION.

Name and/or Title of person responsible for signing and submitting MS4 related documents	Phone: ( )		
Signature (of individual named above):			
Mailing Address:	City:	State:	Zip:

Return To: Bureau of Water Compliance
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3506

This table lists all those positions that are not eligible to sign Department related business correspondence on behalf of the MS4 Operator, including annual reports and Department requested information, without first acquiring Signatory Authorization as set forth in Part X.J.

MS4 Operator Type	**Positions that require a Signatory Authorization**
Traditional	Highway Superintendent Deputy Supervisor Deputy County Executive Village Trustee Village Clerk Assistant Director Public Works manager Safety and Environmental Manager Chief Health and Safety Officer Consulting Engineer Stormwater Management Officer
Non-Traditional	Environmental Director Vice President for Administrative & Financial Affairs

Monitoring Locations Inspection and Sampling Field Sheet

Section 1: Background Data

Subwatershed:		Monitoring Location ID:	
Today's date:		Time (Military):	
Investigators:		Form completed by:	
Temperature (□F):	Rainfall (in.): Last 24 hours: Last 48 hours:		
Latitude:	Longitude:	GPS Unit:	GPS LMK #:
Camera:		Photo #s:	

Land Use in Drainage Area (Check all that apply):

☐ Industrial	☐ Open Space
☐ Ultra-Urban Residential	☐ Institutional
☐ Suburban Residential	Other: _____
☐ Commercial	Known Industries: _____

Notes (e.g., origin, if known):

Section 2: Monitoring Location Description

	MATERIAL	SHAPE		DIMENSIONS (IN.)	SUBMERGED
☐ **Closed Pipe**	☐ RCP ☐ CMP ☐ PVC ☐ HDPE ☐ Steel ☐ Other: _____	☐ Circular ☐ Elliptical ☐ Box ☐ Other: _____	☐ Single ☐ Double ☐ Triple ☐ Other: ____	Diameter/Dimensions: _____	In Water: ☐ No ☐ Partially ☐ Fully With Sediment: ☐ No ☐ Partially ☐ Fully
☐ **Open drainage**	☐ Concrete ☐ Earthen ☐ rip-rap ☐ Other: ____	☐ Trapezoid ☐ Parabolic ☐ Other: _____		Depth: ____ Top Width: ____ Bottom Width: ____	
☐ **In-Stream**	**(applicable when collecting samples)**				
Flow Present?	☐ Yes ☐ No	***If No, Skip to Section 5***			
Flow Description (If present)	☐ Trickle ☐ Moderate ☐ Substantial				

Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING MONITORING LOCATIONS				
PARAMETER		**RESULT**	**UNIT**	**EQUIPMENT**
☐ Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
☐ Flow #2	Flow depth		In	Tape measure
	Flow width	____' ____"	Ft, In	Tape measure
	Measured length	____' ____"	Ft, In	Tape measure
	Time of travel		S	Stop watch
Temperature			□F	Thermometer
pH			pH Units	Test strip/Probe
Ammonia			mg/L	Test strip

Monitoring Locations Inspection and Sampling Field Sheet

Section 4: Physical Indicators for Flowing Monitoring Locations Only

Are Any Physical Indicators Present in the flow? ☐ Yes ☐ No *(If No, Skip to Section 5)*

INDICATOR	CHECK if Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	☐	☐ Sewage ☐ Rancid/sour ☐ Petroleum/gas ☐ Sulfide ☐ Other:	☐ 1 – Faint	☐ 2 – Easily detected	☐ 3 – Noticeable from a distance
Color	☐	☐ Clear ☐ Brown ☐ Gray ☐ Yellow ☐ Green ☐ Orange ☐ Red ☐ Other:	☐ 1 – Faint colors in sample bottle	☐ 2 – Clearly visible in sample bottle	☐ 3 – Clearly visible in outfall flow
Turbidity	☐	See severity	☐ 1 – Slight cloudiness	☐ 2 – Cloudy	☐ 3 – Opaque
Floatables -Does Not Include Trash!!	☐	☐ Sewage (Toilet Paper, etc.) ☐ Suds ☐ Petroleum (oil sheen) ☐ Other:	☐ 1 – Few/slight; origin not obvious	☐ 2 – Some; indications of origin (e.g., possible suds or oil sheen)	☐ 3 - Some; origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

Section 5: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations

Are physical indicators that are not related to flow present? ☐ Yes ☐ No *(If No, Skip to Section 6)*

INDICATOR	CHECK if Present	DESCRIPTION	COMMENTS
Monitoring Location Damage	☐	☐ Spalling, Cracking or Chipping ☐ Peeling ☐ Paint Corrosion	
Deposits/Stains	☐	☐ Oily ☐ Flow Line ☐ Paint ☐ Other:	
Abnormal Vegetation	☐	☐ Excessive ☐ Inhibited	
Poor pool quality	☐	☐ Odors ☐ Colors ☐ Floatables ☐ Oil ☐ Sheen Suds ☐ Excessive Algae ☐ Other:	
Pipe benthic growth	☐	☐ Brown ☐ Orange ☐ Green ☐ Other:	

Section 6: Overall Monitoring Location Characterization

☐ Unlikely ☐ Potential (presence of two or more indicators) ☐ Suspect (one or more indicators with a severity of 3) ☐ Obvious

Section 7: Data Collection

1.	Sample for the lab?	☐ Yes	☐ No	
2.	If yes, collected from:	☐ Flow	☐ Pool	
3.	Intermittent flow trap set?	☐ Yes	☐ No	If Yes, type: ☐ OBM ☐ Caulk dam

Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?

NEW YORK STATE | Department of Environmental Conservation

Municipal Facility/Operation Assessment Form MS4 GP-0-22-002

Inspections must be conducted by a person with the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and evaluate the effectiveness of best management practices required by the SPDES MS4 General Permit (GP-0-22-002).

MS4 Permit ID:	MS4 Operator Name:	
Facility Name:	Facility Type:	Date:
Weather Conditions:		
Is stormwater runoff present during this assessment? ☐ Yes ☐ No		
Is this a high priority municipal facility? ☐ Yes ☐ No	Is there a completed SWPPP available for this facility? ☐ Yes ☐ No	
Comments:		

Facility Specific SWPPP		**Yes**	**No**
1	Is this a high priority municipal facility?	☐	☐
2	Is there a completed SWPPP available for this facility?	☐	☐
3	Does the facility have any outfalls which discharge stormwater to surface waters?	☐	☐
4	Does the facility have any locations where it is discharging stormwater to another MS4 or private storm sewer system?	☐	☐
5	Does the facility have any locations where it stormwater is conveyed to the MS4 Operator's system?	☐	☐
Comments:			
Good Housekeeping		**Yes**	**No**
6	Are paved surfaces free of sediment and debris?	☐	☐
7	Date the paved area was last swept or vacuumed.	☐	☐
8	Do outdoor waste receptacles have covers?	☐	☐
9	Are the waste receptacles emptied on a regular basis?	☐	☐
10	Are there signs of leaks, contaminants or overfilling at the waste receptacle area?	☐	☐
11	Are the following facility areas free of accumulated sediment, debris, contaminants and spills:	☐	☐
	- Salt storage areas	☐	☐
	- Container storage areas	☐	☐
	- Maintenance areas	☐	☐
	- Staging areas	☐	☐
	- Material stockpile areas	☐	☐
Comments:			
Vehicle and Equipment Areas		**Yes**	**No**

12	Are vehicle/equipment parked indoors or under a roof?	☐	☐
13	Are vehicles/equipment washed in only designated areas?	☐	☐
14	Are vehicles washed regularly to remove contamination and prevent them from polluting stormwater?	☐	☐
15	Is all wash water treated in an oil water separator prior to discharge?	☐	☐
16	Is all wash water captured and treated in a sanitary system?	☐	☐
Comments			
Vehicle/Equipment Maintenance		**Yes**	**No**
17	Is equipment stored under shelter or elevated and covered?	☐	☐
18	Are fluids drained over a drip pan or pad?	☐	☐
19	Are funnels or pumps used when transferring fluids?	☐	☐
20	Are waste rags and used absorbent pads disposed of properly?	☐	☐
21	Are any vehicles and/or equipment leaking fluids?	☐	☐
22	Are drip pans immediately placed under leaks?	☐	☐
23	Are materials, equipment, and activities located so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas)?	☐	☐
Comments:			
Fueling areas		**Yes**	**No**
24	Is fueling performed under a canopy or roof?	☐	☐
25	Are spill cleanup materials available at the fueling area?	☐	☐
26	Are breakaway valves used on fueling hoses?	☐	☐
27	Is the fueling handle lock disconnected so the operator must attend the fueling?	☐	☐
28	Is stormwater runoff from fueling area treated in an oil/water separator?	☐	☐
29	Is the fueling automatic stop inspected regularly to ensure it is working properly?	☐	☐
30	Are all fuel deliveries monitored?	☐	☐
Comments:			
Salt Storage		**Yes**	**No**
31	Is salt stored in a salt storage building or under a roof?	☐	☐
32	Are controls in place to minimize spills while adding or removing material from the pile?	☐	☐
33	Are salt spills cleaned up promptly?	☐	☐
34	Is overflow and tracked salt removed promptly from loading areas?	☐	☐
35	Is stormwater draining away from the salt pile directed to a vegetated filter area	☐	☐
Comments:			
Fluids Management		**Yes**	**No**
36	Are all drums and containers of fluids stored with proper cover and containment?	☐	☐
37	Are fluids stored in appropriate containers and/or storage cabinets?	☐	☐
38	Are all fluids kept in original containers or labeled in a manner that describes the contents adequately?	☐	☐

39	Are Material Safety Data Sheets (MSDS/SDS) readily available?	☐	☐
40	Are all containers that are stored free of leaks or deposits?	☐	☐
41	Are containers of product inspected regularly?	☐	☐
42	Is used oil and antifreeze stored indoors and/or on spill containment pallets?	☐	☐
43	Is used oil and antifreeze properly disposed of or recycled?	☐	☐
Comments:			
Lead Acid Batteries		**Yes**	**No**
44	Are lead-acid batteries stored indoors on spill containment pallets or in bins?	☐	☐
45	Are intact batteries stored on an acid-resistant rack or tub?	☐	☐
46	Are cracked or leaking batteries stored in labeled, closed leak-proof containers?	☐	☐
47	Is the date each battery was placed in storage recorded?	☐	☐
48	Are batteries stacked more than 5 high?	☐	☐
49	Are batteries inspected regularly for leaks?	☐	☐
50	Are vehicles inspected daily for leaks?	☐	☐
51	Is spill control equipment and absorbents readily available?	☐	☐
52	Are emergency phone numbers posted in conspicuous areas?	☐	☐
53	Are Material Safety Data Sheets (MSDS/SDS) readily available?	☐	☐
54	Are spills contained and cleaned up immediately?	☐	☐
Comments:			
Spill Prevention and Control		**Yes**	**No**
55	Are vehicles inspected daily for leaks?	☐	☐
56	Is spill control equipment and absorbents readily available?	☐	☐
57	Are emergency phone numbers posted in conspicuous areas?	☐	☐
58	Are Material Safety Data Sheets (MSDS/SDS) readily available?	☐	☐
59	Are spills contained and cleaned up immediately?	☐	☐
Comments:			
General Material Storage Areas		**Yes**	**No**
60	Are leaking or damaged materials stored inside a building or another type of storm resistance shelter?	☐	☐
61	Are all material stockpiles within containment structures (e.g. concrete barriers, earthen berms) or stored in a manner that does not allow discharge of impacted stormwater?	☐	☐
62	Are used fuel tanks and other scrap metal and parts drained of fluids and stored under cover?	☐	☐
63	Are outdoor containers covered?	☐	☐
64	Are piles of spoils, asphalt, debris, etc stored under a roof or cover?	☐	☐
65	Are spills of material or debris cleaned up promptly?	☐	☐
66	Are used tire storage piles placed away from storm drains or conveyances?	☐	☐

67	Are tires recycled frequently to keep the number of stored tires manageable?	☐	☐
Comments:			
Stormwater Management		**Yes**	**No**
68	Are employees trained annually on the proper procedures, specific control measures and documentation requirements of stormwater management at the facility//operation?	☐	☐
69	Is uncontaminated stormwater prevented from mixing with process areas?	☐	☐
70	Are BMPs and treatment structures working as designed?	☐	☐
71	Are BMPs and treatment structures free from debris buildup or overgrown vegetation that may impair function?	☐	☐
72	Catch basins should be cleaned when the depth of sediment or debris reaches 50% of the sump depth. Based on this, do any catch basins need to be cleaned?	☐	☐
73	Are berms, curbing or other methods used to divert and direct discharges adequate and in good condition?	☐	☐
74	Are rooftop drains directed to areas away from pavement?	☐	☐
Comments:			
Erosion and Sediment Controls		**Yes**	**No**
75	Are soil stabilization measures (e.g. seed and mulch, rolled erosion control products) considered in areas that have the potential for significant soil erosion?	☐	☐
76	Are natural buffers maintained around surface waters?	☐	☐
77	Are flow velocity dissipation devices in place at stormwater outfalls and channel outlets (rock riprap, stone check dams, concrete baffles)?	☐	☐
78	Do controls conform to the NYS Standards and Specifications for Erosion and Sediment Control (2016), or equivalent?	☐	☐
Comments:			
Observation of Stormwater Discharges from the site		**Yes**	**No**
79	Is the discharge free of floating materials, visible oil sheen, discoloration, turbidity, odor, foam or any other signs of contamination?	☐	☐
80	Is process water commingling with stormwater or entering storm drains?	☐	☐
81	Were any illicit discharges observed during the inspection? Illicit discharges include wastewater, detergents, paint, de-icing materials (in excess of what is applied to control ice at the facility), oil, grease, antifreeze, garbage, chemicals, pesticides, and fertilizers.	☐	☐
82	If illicit discharge(s) are discovered, describe below, and initiate procedures to eliminate the illicit discharge.	☐	☐
Comments:			
Corrective Actions and Comment			
Describe Inspection findings and if necessary, the corrective actions taken			

Inspector Signature		Date:	

NO EXPOSURE CERTIFICATION

For High Priority Municipal Facilities in SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-22-002) The completed No Exposure Certification must be documented in the SWMP Plan. ***Please do not submit this form to the Department.***

NEW YORK STATE | Department of Environmental Conservation

I. Owner/Facility Information

Owner/Operator Name:		
Mailing Address:	City/State/Zip:	
Contact Name:	Phone No.:	
Facility Name:		
Street Address:	City/State/Zip:	
County:	Latitude:	Longitude:

II. Exposure Checklist

	Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) If you answer "Yes" to any of these questions (1) through (11), you are not eligible for no exposure.	YES	NO
1	Using, storing or cleaning machinery or equipment, and areas where residuals from using, storing or cleaning machinery or equipment remain and are exposed to stormwater		
2	Materials or residuals on the ground or in stormwater inlets from spills/leaks		
4	Material handling equipment (except adequately maintained vehicles)		
5	Materials or products during loading/unloading or transporting activities		
6	Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)		
7	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers		
8	Materials or products handled/stored on roads or railways owned or maintained by the discharger		
9	Waste material (except waste in covered, non-leaking containers [e.g., dumpster])		

III. Certification

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from SPDES stormwater permitting. I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)). I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the SPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request.

Printed Name:	Title/Position:
Signature:	Date:

NEW YORK STATE | Department of Environmental Conservation

Storm Event Data Form for SPDES MS4 General Permit GP-0-22-002

Do not submit this form to the Department; keep this form with the municipal facility's SWPPP and in the MS4 Operator's SWMP Plan.

Permit Number:

N	Y	R	2	0	A			

Facility Name:

Contact First Name:

Contact Last Name:

Contact Phone:

Contact Email:

Storm Event Date:

Storm Duration (in hours):

Rainfall Measurement from Storm Event (in inches):

Date of Last Measurable Storm Event:

Duration Between Storm Event Sampled and End of Previous Measurable Storm (in hours):

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine

Facility Operator First Name (please print or type)

Facility Operator Last Name (please print or type)

/ /

Date

Signature

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Visual Monitoring Form MS4 GP-0-22-002

All high priority municipal facilities covered under the MS4 GP-0-22-002 must perform Visual Monitoring twice a permit term, separated by a minimum of one (1) year. Please see the permit Part VI.F/VII.F for additional requirements. This form is part of the facilities records and should be retained onsite with the facility's Stormwater Pollution Prevention Plan. ***Please do not submit this form to the Department.***

MS4 Operator Permit ID

Facility Name

Outfall Number

Examiner's Name

Examiner's Title

Quarter/Year ___ / ____

Rainfall Amount

Qualifying Storm? ◯ Yes ◯ No

Runoff Source? ◯ Rainfall ◯ Snowmelt

Date/Time Collected ___ / ___ / ___ ___ : ___ AM / PM

Date/Time Examined ___ / ___ / ___ ___ : ___ AM / PM

1. Does the stormwater appear to be colored? ..... ◯ Yes ◯ No

If yes, describe

2. Is the stormwater clear or transparent? ..... ◯ Yes ◯ No

If yes, which of the following best describes the clarity of the stormwater: ..... ◯ Clear ◯ Milky ◯ Opaque

3. Can you see a rainbow sheen effect on the water surface?..... ◯ Yes ◯ No

If yes, which best describes the sheen?..... ◯ Rainbow Sheen ◯ Floating Oil Globules

4. Does the sample have an odor? ..... ◯ Yes ◯ No

If yes, describe

5. Is there something floating on the surface of the sample? ..... ◯Yes ◯No

If yes, describe

6. Is there something suspended in the water column of the sample? ..... ◯Yes ◯No

If yes, describe

7. Is there something settled on the bottom of the sample?..... ..... ◯Yes ◯No

If yes, describe

8. Is there foam or material forming on the top of the sample surface?..... ◯Yes ◯No

If yes, describe

Detail any concerns, corrective actions taken and any other indicators of pollution present in the sample:

Works Cited

Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004)

New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices, March 31, 2017 (NYS DEC Maintenance Guidance 2017)

New York State Department of Environmental Conservation Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, April 2006 (NYS DEC Model IDDE Local Law 2006)

New York State Department of Environmental Conservation Sample Local Law for Stormwater Management and Erosion & Sediment Control, March 2006 (NYS DEC Sample SM and E&SC Local Law 2006)

New York State Standards and Specifications for Erosion & Sediment Control, November 2016 (NYS E&SC 2016)

New York State Stormwater Management Design Manual, January 2015 (NYS SWMDM 2015)

SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-17-004 (MSGP)

SPDES General Permit for Stormwater from Construction Activities, GP-0-15-002 (CGP)

SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-22-002 (MS4 GP)