NEW YORK STATE | Department of Environmental Conservation

FINAL

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-0-24-001

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

Issuance Date: December 13, 2023

Effective Date: January 3, 2024

Expiration Date: January 2, 2029

Scott Sheeley

Chief Permit Administrator

Scott E. Sheeley — DECEMBER 13, 2023

Authorized Signature — Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233

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.

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

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

2. This *SPDES* general permit contains terms and conditions specific for each of the following types of *MS4 Operators* 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 covered by the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001 (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, or its designated critical habitat, 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.
   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.
3. All documentation necessary to demonstrate *discharge* eligibility (Part I.B.1. and Part I.B.2.) must be documented in the *Stormwater Management Program Plan (SWMP Plan)* (Part IV.B.).

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**	**Effective Date of Coverage (EDC)**	**Form to file with the *Department***
Newly designated *MS4 Operator*	180 days[1] from written notification from the *Department*	The submission of the complete eNOI	eNOI
MS4 Operators continuing coverage from GP-0-15-003	Forty-five (45) days from the effective date of the permit (EDP)	EDP	eNOI

MS4 Operators continuing coverage from GP-0-15-003 are eligible for continued coverage under this SPDES general permit (GP-0-24-001) on an interim basis for up to sixty (60) calendar days from the EDP. During this interim period, an MS4 Operator must comply with the requirements of GP-0-15-003.

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

Where there is a permit condition to *develop,* newly designated *MS4 Operators* must create that permit requirement. Where there is a permit condition to *develop, MS4 Operators* continuing coverage must continue to implement their current *SWMP* and update the *SWMP* to comply with the permit requirement.

For newly designated *MS4 Operators*, timeframes for compliance begin 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

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

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 Electronic Submittal Waiver 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.

1. NOI Content

   The NOI shall include:

   a. Legal name and address of the *MS4 Operator*;

   b. Receiving waterbodies; and

   c. *Municipal Separate Storm Sewer System (MS4)* NPDES Permit-Related Information of 40 CFR Part 127 Appendix A.

Part III. Special Conditions

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

1. The *MS4 Operator* must implement the required controls contained in Part III. through Part 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 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 (Appendix C)

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

For *MS4 Operators* whose *MS4 outfall*s and *additionally designated area MS4 outfalls* (*ADA MS4 outfalls*) *discharge* to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables (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.

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.)

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

a. *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, October 2016		
Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake, 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

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 requirements would be achieved on a regional basis. The individual load reduction for each participating *MS4 Operator* 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*

Operator 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

Part VIII. and Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

An *MS4 discharging* to a waterbody listed in Appendix C must meet the requirements of Part VIII. for the *POC*(s) listed in Appendix C.

An *MS4 discharging* to a waterbody listed in Table 3 must meet the requirements of Part IX. for the specific *POC* identified in the *TMDL*.

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

MS4 Operators must *develop*, implement, and enforce a *SWMP*. The *SWMP* must be retained in written format, 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 Operators*), 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 a certification statement that explains that the *MS4 Operator* is responsible for compliance with this *SPDES* general permit;

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

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

b. In the *SWMP Plan*, the *MS4 Operator* must *develop* and maintain an inventory of entities assisting in permit implementation that includes the following information:

   i. Name of entity performing permit implementation; and

   ii. Permit requirement being implemented performed by entity.

c. 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*.

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

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

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 the EDC, the *MS4 Operator* must *develop* a written staffing plan/organizational chart which includes job titles and other entities as identified in Part IV.A.1, 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 permit requirements implemented to meet the terms and conditions of this *SPDES* general permit, and documentation required by this *SPDES* general permit. The *SWMP Plan* may incorporate by reference any documents that meet the requirements of this *SPDES* general permit. If an *MS4 Operator* relies upon other documents to describe how the *MS4 Operator* will comply with the requirements of this SPDES general permit, the *MS4 Operator* must attach to the *SWMP Plan* a copy of these documents.

The *SWMP Plan* must identify if any requirements from Part VI. through Part IX. do not require updates and include the rationale behind the determination. The *SWMP Plan* must identify if any requirements from Part VI. through Part IX. are not applicable and include the rationale behind the determination.

1. *Stormwater* Program Coordinator

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 this *SPDES* general permit; and *develops* and submits the Annual Report (Part V.B.2.). The name, title, and contact information of the *Stormwater* Program Coordinator must be documented in the *SWMP Plan*.

2. Availability of *SWMP Plan*

a. Within six (6) months of the EDC, the *MS4 Operator* must make the current *SWMP Plan*, and 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.[2] The completion of this permit requirement must be documented in the *SWMP Plan*.

b. Within six (6) months of the 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. 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 implement their *SWMP Plan* in accordance with the timeframes set forth in this *SPDES* general permit. Annually, after the end of the Reporting Year and by April 1, the *SWMP Plan* must be updated to ensure the permit requirements are implemented. More frequent updates to the *SWMP Plan* are noted throughout this *SPDES* general permit in specific permit requirements.

C. Minimum Control Measures (MCMs)

The MCMs for *traditional land use MS4 Operators* 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.

MS4 Operators subject to Part VI.

For *MS4 Operators* subject to Part VI. requirements, all MCMs must be implemented within the *automatically designated area* or an *additionally designated area* subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B).

For *MS4 Operators* subject to Part VI. requirements, MCM 4 and MCM 5 must also be implemented within an *additionally designated area* subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

MS4 Operators subject to Part VII.

For *MS4 Operators* subject to Part VII. requirements, all MCMs must be implemented within the *automatically designated area* or an *additionally designated area* subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B).

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

MS4 Operators subject to Part VIII.

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

For all *MS4 Operators* subject to Part VIII. requirements, all MCMs must be implemented within the *automatically designated area*.

For *MS4 Operators* subject to Part VI. requirements and subject to Part VIII. requirements, MCM 4 and MCM 5 must also be implemented within an *additionally designated area* subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

MS4 Operators subject to Part IX.

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type.

For all *MS4 Operators* subject to Part IX. requirements, all MCMs must be implemented within the *automatically designated area* or an *additionally designated area* subject to Criterion 1 of the Additional Designation Criteria (Appendix B).

D. Mapping

The *MS4 Operator* must *develop* and maintain comprehensive system mapping to include the mapping components within the MS4 Operator's *automatically designated area* or an *additionally designated area* subject to Criterion 1 or 2 of the Additional Designation Criteria (Appendix B), unless otherwise specified. The comprehensive system mapping must be documented in the *SWMP Plan*. The comprehensive system mapping must be in a readily accessible 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*. Annually, after Phase I (Part IV.D.2.a.) completion, the *MS4 Operator* must update the comprehensive system mapping including updates to prioritization information of monitoring locations (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 the EDC, the comprehensive system mapping must include the following information:
    a. *MS4 outfall*s (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);
    b. *Interconnections* (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);
    c. Preliminary *storm-sewershed* boundaries (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit);

d. *MS4* infrastructure (as required for *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit that were subject to Part IX.A. or Part IX.D.), including:
   i. Conveyance system
      a) Type (closed pipe or open drainage);
      b) Conveyance description for closed pipes (material, shape, dimensions);
      c) Conveyance description for open drainage (channel/ditch lining material, shape, dimensions); and
      d) Direction of flow;
   ii. Culvert crossings (location and dimensions)
   iii. Stormwater structures
      a) Type (drop inlet, *catch basin*, or manhole); and
      b) Number of connections to *catch basins*, and manholes;

e. Basemap information:
   i. *Automatically*[3] and *additionally designated areas* (based on criterion 3 of Additional Designation Criteria in Appendix B);[4]
   ii. Names and location of all *surface waters of the State*, including:
      a) Waterbody classification;[5]
      b) Waterbody Inventory/Priority Waterbodies List (WI/PWL);[6]
         i) Impairment status; and
         ii) *POC,* if applicable;
      c) *TMDL* watershed areas;[7]
   iii. Land use, including:
      a) Industrial;
      b) Residential;
      c) Commercial;
      d) Open space; and
      e) Institutional;
   iv. Roads; and
   v. Topography.[8]

2. The comprehensive system mapping 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 EDC, the comprehensive system mapping must include the following information:

[3]Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.
[4]Utilizing the Stormwater Interactive Map on the Department's website.
[5]Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.
[6]Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.
[7]Utilizing the Stormwater Interactive Map on the Department's website.
[8] Utilizing USGS Quadrangle Map or finer.

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 newly designated *MS4 Operators*);
iii. Focus areas (Part VI.A.1.a. or Part VII.A.1.a, depending on the *MS4 Operator* type);
iv. *Publicly owned/operated* post-construction *stormwater management practices* (*SMPs)* (Part VI.E.3. or Part VII.E.3, depending on the *MS4 Operator* type). The *publicly owned/operated* post-construction *SMPs* subject to this requirement are in the *automatically designated area* or an *additionally designated area* subject to Criterion 1, 2, or 3 of the Additional Designation Criteria (Appendix B); 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 EDC, the comprehensive system mapping must include the following information:

i. *MS4* infrastructure, including:
a) Conveyance system
i) Type (closed pipe or open drainage); and
ii) Direction of flow;[9]

b) *Stormwater* structures
i) Type (drop inlet, *catch basin*, or manhole); and
ii) Number of connections to and from drop inlets, *catch basins*, and manholes;

ii. *Privately owned/operated* post-construction *SMPs* which *discharge* to the *MS4* (Part VI.E.2.). The *privately owned/operated* post-construction *SMPs* subject to this requirement are in the *automatically designated area* or an *additionally designated area* subject to Criterion 1, 2, or 3 of the Additional Designation Criteria (Appendix B).
a) If the location of the privately-owned post-construction SMPs cannot be determined without accessing the private property, the *MS4 Operator* must map the location of the property that the post-construction SMP is located on using street address or tax parcel.

E. Legal Authority

For *MS4 Operators* continuing coverage from previous iterations of this *SPDES* general permit, adequate legal authority must be maintained in accordance with Part IV.E.1. or Part IV.E.2.

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

[9] Direction of flow can be a written description or indicated as an arrow on the feature.

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 or ensure that written policies/procedures are in place 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 or written policies/procedures 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 *SMPs*;
         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 *SMPs* 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 *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 that the *MS4 Operator* has enacted for illicit *discharge* (Part VI.C. or Part VII.C, depending on the MS4 Operator type), construction (Part VI.D. or Part VII.D, depending on the MS4 Operator type), and post-construction (Part VI.E. or Part VII.E, depending on the MS4 Operator type). 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 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 (can be redacted from the publicly available SWMP Plan);

b. Location of the *stormwater* source (e.g., construction project);

c. Description of the violation;

d. 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 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(e)(1). Records, including the NOI and the SWMP Plan, must be made available to the public at reasonable times during regular business hours.

B. Reporting

1. Report Submittal

a. Reports must be submitted electronically to the *Department* using the forms located on the Department's website (http://www.dec.ny.gov/).

b. Electronic Submission Waiver

ii. *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.

iii. 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 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

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

v. *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 January 3 of the current year to January 2 of the following year (Reporting Year).

c. For *MS4 Operators* continuing coverage, the Annual Report must be submitted to the *Department* by April 1 of the year following the end of the Reporting Year.

d. For newly designated *MS4 Operators*, if authorization to discharge is granted:

i. Before September 30, the first Annual Report must be submitted by April 1 of the year following the end of the Reporting Year; or

ii. After September 30, the first Annual Report must be submitted by April 1 following their first complete 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 January 3 through June 30 of the same year must be submitted to the *Department* by October 1 of the same year. An Interim Progress Certification for the period of July 1 through January 2 of the following year must be submitted to the *Department* by April 1 of the following 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, April 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.

6. Annual Report and Interim Progress Certification Content

The Annual Report and Interim Progress Certifications shall summarize the activities performed throughout the Reporting Year, including:

a. The status of compliance with permit requirements;

b. Information documented in the *SWMP Plan*, as specified throughout this *SPDES* general permit; and

c. A certification statement in accordance with 40 CFR 122.22(d).

C. *SWMP* Evaluation

Once every five (5) years, 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. The *SWMP* evaluation must be documented in the *SWMP Plan*.

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

In addition to the requirements contained in Part I. through Part 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 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 *discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a));

ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.c. for *MS4 Operators* continuing coverage and Part IV.D.2.a.ii. for newly designated *MS4 Operators*);

iii. *TMDL* watersheds (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));

iv. Areas with *construction activities*;

v. Areas with on-site wastewater systems (subject to Part VIII. or Part IX. requirements);

vi. Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.e.iii.);

vii. *Stormwater hotspots*; and

viii. Areas with *illicit discharges*.

b. Target Audiences and Associated *Pollutant* Generating Activities

Within three (3) years of the 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:[10] Business owners and staff;

iii. Institutions:[11] Managers, staff, and students;

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

v. Industrial:[12] Owners and staff; and

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

c. Education and Outreach Topics

Within three (3) years of the 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 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.a.).

2. Implementation and Frequency

a. Distribution Method of Educational Messages

Once every five (5) years, 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);

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

[10] Business, retail stores, and restaurants.
[11] Hospitals, churches, colleges, and schools.
[12] Factories, recyclers, auto-salvage, and mines.

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

iv. Workshops or focus groups;

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

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

b. Frequency

Following the completion of Part VI.A.1.a, Part VI.A.1.b, and Part VI.A.1.c, within five (5) years of the EDC, and once every five (5) years, thereafter, the *MS4 Operator* must:

i. 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

ii. 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, by April 1, the *MS4 Operator* must:

i. Review and update the focus areas, target audiences, and/or education and outreach topics; and

ii. 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);

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

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

v. Workshops or focus groups;

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

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

c. Within six (6) months of the EDC, 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*

Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* (Part IV.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. 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 a summary of comments received on the *SWMP Plan* and draft Annual Report in the *SWMP Plan*.

ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update 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 the 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:

a) Date of the report;

b) Location of the *illicit discharge;*

c) Nature of the *illicit discharge;*

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

e) Inspection outcomes and any enforcement taken.

b. Monitoring Locations

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

i. *MS4 outfalls;*[13]

[13] *MS4 outfall*s can be found at a *municipal facility*.

ii. *Interconnections*;[14] and
iii. *Municipal facility intraconnections*.[15]

c. Monitoring Locations Inventory

i. Within three (3) years of the 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:[16]

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 *MS4 Operator's municipal facility*, if located at a *municipal facility*;[17]
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
vi) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
vii) Land use in drainage area;
viii) Type of conveyance (open drainage or closed pipe);
ix) Material;
x) Shape;
xi) Dimensions;
xii) Submerged in water; and
xiii) 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) 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 (mapped in accordance with Part IV.D.1.e.ii.a)).

c) Inventory information for *municipal facility intraconnections*

i) ID;
ii) Prioritization (high or low) (Part VI.C.1.d.);

[14] *Interconnections* can be found at a *municipal facility*.
[15] *Municipal facility intraconnections* can be found only at a *municipal facility*.
[16] 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.
[17] This information is collected as part of the *municipal facility* inventory.

iii) Type of monitoring location (Part VI.C.1.b.);
iv) Name of *MS4 Operator*'s *municipal facility*; and
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

ii. Annually, the *MS4 Operator* must update the inventory if monitoring locations are created or discovered.

d. Monitoring Locations Prioritization

i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize monitoring locations which are included in the monitoring locations inventory (Part VI.C.1.c.) 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 (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.e.ii.b));
iii) *Discharging* within a TMDL watershed (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));
iv) *Discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a)); and/or
v) Confirmed citizen complaints on three or more separate occasions in the last twelve (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*.

e. Monitoring Locations Inspection and Sampling Program

Within two (2) years of the 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) During *dry weather,*[18] one (1) inspection of each monitoring location identified in the inventory (Part VI.C.1.c.) every five (5) years following the most recent inspection;

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[19] and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;

e) Provisions to initiate, or cause to initiate,[20] 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[21] as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;

f) Provisions to re-inspect the monitoring location within thirty (30) days of initial inspection if there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges,* 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.

    i) If those same physical indicators persist, the *MS4 Operator* must initiate *illicit discharge* track down procedures (Part VI.C.2.a.).

[18] MS4 Operators can reference the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) for other factors to consider when determining when to conduct monitoring location inspection and sampling.
[19] Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.
[20] If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.
[21] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

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;

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 every five (5) years, thereafter; and

c) If the monitoring locations inspection and sampling procedures (Part VI.C.1.e.i.) are updated (Part VI.C.1.e.iv.), training on the updates 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; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the monitoring location inspection and sampling procedures (Part VI.C.1.e.i.) based on monitoring location inspection results (e.g., trends, patterns, areas with *illicit discharges*, and common problems); and

b) Document the completion of this requirement in the *SWMP Plan*.

2. *Illicit Discharge* Track Down Program

Within two (2) years of the 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;*[22]

[22] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

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 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 every five (5) years, thereafter; and

iii. If the *illicit discharge* track down procedures (Part VI.C.2.a.) are updated (Part VI.C.2.d.), training on the updates 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, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* track down procedures (Part VI.C.2.a.); and

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

3. *Illicit Discharge* Elimination Program

Within two (2) years of the 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 for *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 every five (5) years, thereafter; and

iii. If the *illicit discharge* elimination procedures (Part VI.C.3.a.) are updated (Part VI.C.3.d.), training on the updates 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, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* elimination procedures (Part VI.C.3.a.); and

ii. 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,[23] 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 *stormwater* runoff to the *MS4* from sites with *construction activities* that:

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

[23] 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.

b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP:

i. The *MS4 Operator* must ensure compliance with the CGP; and

ii. The additional requirements for construction oversight described in Part VI.D.6 through Part VI.D.9 are not required.

2. Public Reporting of Construction Site Complaints

a. Within six (6) months of the 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. Date of the report;

ii. Location of the construction site;

iii. Nature of complaint;

iv. Follow up actions taken or needed; and

v. Inspection outcomes and any enforcement taken.

3. Construction Oversight Program

Within one (1) year of the 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. What types of *construction activity* require a SWPPP;

iii. The procedures for submission of SWPPPs;

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

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

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

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

viii. Enforcement process/expectations for compliance; and

ix. 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 every five (5) years, thereafter; and
    iii. If the construction oversight procedures (Part VI.D.3.a.) are updated (Part VI.D.3.a.), training on the updates 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. Procedures to ensure those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) 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
e. Annually, by April 1, the *MS4 Operator* must:
    i. Review and update the construction oversight procedures (Part VI.D.3.a.); and
    ii. Document the completion of this requirement in the *SWMP Plan*.

4. Construction Site Inventory & Inspection Tracking

a. Within six (6) months of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VI.D.1.a.) 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 (mapped in accordance with Part IV.D.1.e.ii.a));
    iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
    v. Prioritization (high or low) (Part VI.D.5.);
    vi. Construction project *SPDES* identification number;
    vii. SWPPP approval date;
    viii. Inspection history, including dates and ratings (satisfactory, marginal, or unsatisfactory, when available); and

ix. Current status of the construction site/project (i.e., active, temporarily shut down, complete[24]).

b. Annually, the *MS4 Operator* must update the inventory if construction projects are approved or completed.

5. Construction Site Prioritization

a. Within one (1) year of the EDC, the *MS4 Operator* must prioritize all construction sites which are included in the construction site inventory (Part VI.D.4.) 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 in Appendix C with silt/sediment, phosphorus, or nitrogen as the POC;

ii) Classified as AA-S, AA, or A (mapped in accordance with Part IV.D.1.e.ii.a)); or

iii) Classified with a trout (T) or trout spawning (TS) designation (mapped in accordance with Part IV.D.1.e.ii.a));

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 (mapped in accordance with Part IV.D.1.e.ii.b)); and/or

d) Within fifty (50) feet of any rivers or streams (mapped in accordance with Part IV.D.1.e.ii.b));

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 (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 priority based on information gathered as part of the construction oversight program, the *MS4 Operator* must comply with the requirements that apply to that prioritization.

[24] 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.

6. SWPPP Review

The *MS4 Operator* must:

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

   i. 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 EDC and every three (3) years thereafter.

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

b. Ensure SWPPP reviewers receive this training (Part VI.D.6.a.) prior to conducting SWPPP reviews for acceptance.

   i. Individuals without these trainings cannot review SWPPPs for acceptance.

   ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* 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.

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

f. Prioritize new *construction activities* (Part VI.D.5.a.); and

g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4* SWPPP Acceptance Form[25] 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* (if required for the *construction activity* by Part IV.C. the CGP) must attend the meeting in order to:

a. Confirm the approved project has received, or will receive[26], 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:

a. Ensure individuals(s), responsible for construction site inspections, receive:

   i. 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 EDC and every three (3) years thereafter.

   ii. 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* or *qualified inspector* are exempt from this requirement.

[25] The *MS4* SWPPP Acceptance Form can be found on the Department's website.

[26] Preconstruction meetings may occur prior to the issuance of the MS4 SWPP Acceptance Form, however, the MS4 Operator must confirm coverage under the CGP will be applied for by the construction site owner/operator prior to commencement of construction of *construction activities*.

c. Annually inspect all sites with *construction activity* identified in the inventory (Part VI.D.4.) during active construction after the pre-construction meeting (Part VI.D.7.), or sooner if deficiencies are noted that require attention.

   i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the CGP and the *MS4 Operator's* ERP (Part IV.F.1.).

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.

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 an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.

b. The Notice of Termination (NOT)[27] 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 *SMPs*

The post-construction *SMP* program must address *stormwater* runoff to the *MS4* from *publicly owned/operated* and *privately owned/operated* post-construction *SMPs* that meet 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); and

[27] The NOT can be found on the Department's website.

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

2. Post-Construction *SMP* Inventory & Inspection Tracking[28]

a. The *MS4 Operators* continuing coverage must:

i. Maintain the inventory from previous iterations of this *SPDES* general permit for post-construction *SMPs* installed after March 10, 2003; and

ii. *Develop* the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

a) As they are approved or discovered; or

b) After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VI.D.9.b.).

b. The newly designated *MS4 Operators* must *develop* and maintain the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

i. As they are approved or discovered; or

ii. After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VI.D.9.b.).

c. Annually, the MS4 Operator must update the inventory of post-construction SMPs to include the post-construction *SMPs* in Part VI.E.2.a. and Part VI.E.2.b.

d. Within five (5) years of the EDC, 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. Street address or tax parcel;

ii. Type;[29]

iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

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

vi. Ownership;

vii. Responsible party for maintenance;

[28] Post-construction *SMPs* can be found at a *municipal facility*.
[29] 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).

viii. Contact information for party responsible for maintenance;

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

x. 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.);

xi. Reason for installation (e.g., new development, redevelopment, *retrofit*, flood control), if known;

xii. Date of last inspection;

xiii. Inspection results; and

xiv. Any corrective actions identified and completed.

e. *MS4 Operators* must document the inventory of post-construction *SMPs* in the *SWMP Plan*.

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 the 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) The *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[30] or an equivalent form containing the same information. The *MS4 Operator* must include the completed

[30] 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 on the Department's website.

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 *SMP* inspection and maintenance procedures (Part VI.E.4.a.).

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 every five (5) years, thereafter; and

iii. If the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.) are updated (Part VI.E.4.d.), training on the updates 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, by April 1, the *MS4 Operator* must:

i. Review and update the post-construction *SMP* inspection and maintenance procedures (Part VI.E.4.a.); and

ii. 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 three (3) years of the EDC, the *MS4 Operator* must incorporate *best management practices* (*BMPs*) into the *municipal facility* program *and municipal operations* program to minimize the *discharge* of *pollutants* associated with *municipal facilities* and *municipal operations, respectively*. The *BMPs* to be considered are as follows and must be documented in the *SWMP Plan*:

a. Minimize Exposure

i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, 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;

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; and/or

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

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

a) *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.

b) 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.c)) if only routine maintenance is performed inside and all other n*o exposure* criteria are met.

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

d) *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.

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 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); and

c) Ensure vehicle washwater is not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or *discharged* to the sanitary sewer (Part I.B.2.d.).

ii. Routine maintenance must be performed to ensure *BMPs* are operating properly.

iii. 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; 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[31]

i. Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation.

ii. The *MS4 Operator* must consider:

a) Structural and/or non-structural controls found in the NYS E&SC 2016;

b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;

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

d) 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

e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (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[32] Storage Piles or Pile Containing Salt

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

[31] The use of the term "controls" in Part VI.F.1.d. aligns with the use of the term "controls" in the CGP.

[32] 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.

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.iii.).

h. Alternative Implementation Options

When alternative implementation options (Part IV.A.1.) 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.

2. *Municipal Facilities*[33]

a. *Municipal Facility* Program

Within three (3) years of the 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 *BMPs* (Part VI.F.1.) incorporated into the *municipal facility* program;

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

c) The low priority *municipal facility* 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.).

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

[33] *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.

municipal facility procedures and once every five (5) years, thereafter; and

c) If the *municipal facility* procedures (Part VI.F.2.a.i.) are updated (Part VI.F.2.a.iv.), training on the updates 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, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal facility* procedures (Part VI.F.2.a.i.); and

b) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Facility* Inventory

i. Within two (2) years of the 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) Street address;

c) Type of *municipal facility*;

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

e) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)) ;

f) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

g) Contact information;

h) Responsible department;

i) Location of SWPPP (if high priority; 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 comprehensive site assessment (Part VI.F.2.d.ii.c) or Part VI.F.2.e.ii.c), depending on the *municipal facility* prioritization (Part VI.F.2.c.)).

ii. Annually, the *MS4 Operator* must update the inventory if new *municipal* facilities are added.

c. *Municipal Facility* Prioritization

i. Within three (3) years of the 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) 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*.

c) High priority *municipal facilities* (Part IV.F.2.c.i.a)) which qualify for a *No Exposure* Certification (Part VI.F.1.a.ii.) are 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.ii.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

d. High Priority *Municipal Facility* Requirements

i. Municipal Facility Specific SWPPP

Within five (5) years of the EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VI.F.2.c.i.a)) 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 materials or activities are exposed to *stormwater* or from which authorized non-*stormwater discharges* (Part I.A.3.) originate, including any potential *pollutant* sources for which the *municipal facility* has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

i) Materials or activities include: 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);

(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 *municipal facility* specific SWPPP must include a list of spills or releases[34] 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

[34] 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.

The *municipal facility* specific 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 (mapped in accordance with Part IV.D.2.a.i.) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;

iv) Location of all post-construction *SMPs* (mapped in accordance with Part IV.D.2.a.iv.) and *MS4* infrastructure (mapped in accordance with Part IV.D.2.b.i.);

v) Locations of *discharges* authorized under other *SPDES* permits;

vi) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;

vii) Locations of haul and access roads;

viii) Rail cars and tracks;

ix) Arrows showing direction of *stormwater* flow;

x) Location of all receiving waters in the immediate vicinity of the *municipal facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them (mapped in accordance with Part IV.D.1.e.ii.);

xi) Locations where *stormwater* flows have significant potential to cause erosion;

xii) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the *municipal facility*; and

xiii) 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;
(h) Locations where vehicles and/or machinery are stored when not in use
(i) Transfer areas for substances in bulk;

(j) Location and description of non-*stormwater discharges* (Part I.A.3.);
(k) Locations where spills[35] or leaks have occurred; and
(l) 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* implemented at the *municipal facility* (Part VI.F.1.). The *municipal facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments
The *municipal facility* specific 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) Once every five (5) years, 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)xiii)).

(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 *municipal facility* specific 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.

[35] A spill includes: any spill of a hazardous substance that must be reported in accordance with 6 NYCRR 597.4 and any spill of petroleum that must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

(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) and keep it with the *municipal facility* specific 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 *municipal 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) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VI.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* as identified in the inventory (Part VI.F.2.b.) using the Municipal Facility 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 taken 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.

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) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VI.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* as identified in the inventory (Part VI.F.2.b.) using the Municipal Facility 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.

3. *Municipal Operations* & Maintenance

a. *Municipal Operations* Program

Municipal operations are: street and bridge maintenance; winter road maintenance; *MS4* maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

Within three (3) years of the 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 *BMPs* (Part VI.F.1.) incorporated into the *municipal operations* program;

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

c) *Catch basin* inspection and maintenance requirements (Part VI.F.3.c.);

d) Roads, bridges, parking lots, and right of way maintenance requirements (Part VI.F.3.d.); and

e) All other *municipal operations* maintenance requirements.

ii. 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 every five (5) years, thereafter; and

c) If the *municipal operations* procedures (Part VI.F.3.a.i.) are updated (Part VI.F.3.a.iv.), training on the updates 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, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal operations* procedures (Part VI.F.3.a.i.); and

c) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Operations* Corrective Actions

i. For *municipal operations*, *MS4 Operators* must either:

a) Ensure compliance with the terms and conditions of this *SPDES* general permit; or

b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this *SPDES* general permit:

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

ii) 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

iii) 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.

c. *Catch Basin* Inspection and Maintenance

Within three (3) years of the EDC, the MS4 Operator must:

i. Identify when *catch basin* inspection is needed with consideration for:

a) Areas with *construction activities* (mapped in accordance with Part IV.D.2.a.iii.);

b) Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.d.iii.);

c) Recurring or history of issues; or

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

ii. Inventory *catch basin* inspection information including:

a) Date of inspection;

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

c) Depth of structure;

d) Depth of *sump*; and

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

iii. Based on inspection results, clean out *catch basins* within the following timeframes:

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

b) Within one (1) year after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris at less than 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out; and

c) MS4 Operators are not required to clean out *catch basins* if the *catch basins* are operating properly and:

i. There is no trash, sediment, and/or debris in the *catch basin*; or

ii. The *sump* depth of the *catch basin* is less than or equal to two (2) feet.

iv. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:

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

b) Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and

c) Material removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*.

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

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

i. Sweeping

Within six (6) months of the 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:

a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement is not applicable to:

   i) Uncurbed roads with no *catch basins*;

   ii) High-speed limited access highways; or

   iii) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement is not applicable to:

   i) Uncurbed roads with no *catch basins*;

   ii) High-speed limited access highways; or

   iii) Roads defined as interstates, freeways and expressways, or arterials by the USDOT 2013.

ii. Maintenance

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

a) Pave, mark, and seal in dry conditions;

b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the *MS4* or *surface waters of the State*;

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

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

iii. Winter Road Maintenance

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

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

b) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.[36]

[36] The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found on the Department's website.

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

In addition to the requirements contained in Part I. through Part 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;
- 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 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 *discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a));

ii. *Sewersheds* for impaired waters listed in Appendix C (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.c. for *MS4 Operators* continuing coverage and Part IV.D.2.a.ii. for newly designated *MS4 Operators*);

iii. *TMDL* watersheds (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));

iv. Areas with *construction activities*;

v. Areas with on-site wastewater systems (subject to Part VIII. or Part IX. requirements);

vi. Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.e.iii.);

vii. *Stormwater hotspots*; and

viii. Areas with *illicit discharges*.

b. Target Audiences and Associated *Pollutant* Generating Activities

Within three (3) years of the 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:[37] Business owners and staff;

iii. Institutions:[38] Managers, staff, and students;

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

v. Industrial:[39] Owners and staff; and

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

c. Education and Outreach Topics

Within three (3) years of the 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.).

e. *Illicit Discharge* Education

Within six (6) months of the 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

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

[37] Business, retail stores, and restaurants.
[38] Hospitals, churches, colleges, and schools.
[39] Factories, recyclers, auto-salvage, and mines.

2. Implementation and Frequency

a. Distribution Method of Educational Messages

Once every five (5) years, 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);

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

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

iv. Workshops or focus groups;

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

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

b. Frequency

Following the completion of Part VII.A.1.a, Part VII.A.1.b, and Part VII.A.1.c, within five (5) years of the EDC, and once every five (5) years, thereafter, the *MS4 Operator* must:

i. 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

ii. 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, by April 1, the *MS4 Operator* must:

i. Review and update the focus areas, target audiences, and/or education and outreach topics; and

ii. 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);

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

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

v. Workshops or focus groups;

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

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

c. Within six (6) months of the EDC, 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*

Annually, the *MS4 Operator* must provide an opportunity for the public to review and comment on the publicly available *SWMP Plan* (Part IV.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. 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 a summary of comments received on the *SWMP Plan* and draft Annual Report in the *SWMP Plan*.

ii. Within thirty (30) days of when public input is received, the *MS4 Operator* must update 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 the 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:

a) Date of the report;

b) Location of the *illicit discharge;*

c) Nature of the *illicit discharge;*

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

e) Inspection outcomes and any enforcement taken.

b. Monitoring Locations

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

i. *MS4 outfalls;*[40]
ii. *Interconnections*;[41] and
iii. *Municipal facility intraconnections*.[42]

c. Monitoring Locations Inventory

i. Within three (3) years of the 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:[43]

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 *MS4 Operator's municipal facility*, if located at a *municipal facility*;[44]
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));
vi) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));
vii) Land use in drainage area;
viii) Type of conveyance (open drainage or closed pipe);
ix) Material;
x) Shape;
xi) Dimensions;
xii) Submerged in water; and
xiii) 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) Name of *MS4 Operator* receiving *discharge* or private storm system;

[40] *MS4 outfall*s can be found at a *municipal facility*.
[41] *Interconnections* can be found a *municipal facility*.
[42] *Municipal facility intraconnections* can be found only at a *municipal facility*.
[43] 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.
[44] This information is collected as part of the *municipal facility* inventory.

v) Name of *MS4 Operator*'s *municipal facility*, if located at a *municipal facility*; and
vi) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

c) Inventory information for *municipal facility intraconnections*

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 *MS4 Operator*'s *municipal facility*; and
v) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a)).

ii. Annually, the *MS4 Operator* must update the inventory if monitoring locations are created or discovered.

d. Monitoring Locations Prioritization

i. Within three (3) years of the EDC, the *MS4 Operator* must prioritize monitoring locations which are included in the monitoring locations inventory (Part VII.C.1.c.) as follows:

a) High priority monitoring locations include monitoring locations:

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

vii) *Discharging* to impaired waters (subject to Part VIII. requirements; mapped in accordance with Part IV.D.1.e.ii.b));

viii) *Discharging* within a TMDL watershed (subject to Part IX. requirements; mapped in accordance with Part IV.D.1.e.ii.c));

ix) *Discharging* to waters with Class AA-S, A-S, AA, A, B, SA, or SB (mapped in accordance with Part IV.D.1.e.ii.a)); and/or

x) Confirmed citizen complaints on three or more separate occasions in the last twelve (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*.

e. Monitoring Locations Inspection and Sampling Program

Within two (2) years of the 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) During *dry weather,*[45] one (1) inspection of each monitoring location identified in the inventory (Part VII.C.1.c.) every five (5) years following the most recent inspection;

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[46] and are not subject to 40 CFR Part 136 requirements for approved methods and certified laboratories;

e) Provisions to initiate, or cause to initiate,[47] 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[48] as *suspect illicit discharge* or *obvious illicit discharge* or that exceed any sampling action level used;

f) Provisions to re-inspect the monitoring location within thirty (30) days of initial inspection if there is a *physical indicator not related to flow*, potentially indicative of *intermittent* or *transitory discharges,* utilizing techniques described in Chapter 12.6 of the Center for Watershed

[45] MS4 Operators can reference the Center for Watershed Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) for other factors to consider when determining when to conduct monitoring location inspection and sampling.
[46] Refer to Chapter 12 of the CWP 2004 for parameters, sampling action levels, and procedures.
[47] If track down is conducted by individuals or entities other than those conducting the monitoring locations inspections.
[48] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

Protection Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance, October 2004 (CWP 2004) or equivalent.

i) If those same 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 every five (5) years, thereafter; and

c) If the monitoring locations inspection and sampling procedures (Part VII.C.1.e.i.) are updated (Part VII.C.1.e.iv.), training on the updates 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; and

iv. Annually, by April 1, the *MS4 Operator* must:

a) Review and update the monitoring location inspection and sampling procedures (Part VII.C.1.e.i.) based on monitoring location inspection results (e.g., trends, patterns, areas with *illicit discharges*, and common problems); and

b) Document the completion of this requirement in the *SWMP Plan*.

2. *Illicit Discharge* Track Down Program

Within two (2) years of the 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;*[49]

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 every five (5) years, thereafter; and

iii. If the *illicit discharge* track down procedures (Part VII.C.2.a.) are updated (Part VII.C.2.d.), training on the updates 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, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* track down procedures (Part VII.C.2.a.); and

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

3. *Illicit Discharge* Elimination Program

Within two (2) years of the 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;

[49] Reference to the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 6: Overall Monitoring Location Characterization based on the Relative Severity Index of physical indicators for flowing monitoring locations only.

iii. Steps taken for *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 every five (5) years, thereafter; and

iii. If the *illicit discharge* elimination procedures (Part VII.C.3.a.) are updated (Part VII.C.3.d.), training on the updates 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, by April 1, the *MS4 Operator* must:

i. Review and update the *illicit discharge* elimination procedures (Part VII.C.3.a.); and

ii. 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,[50] as well as promote the proper planning and installation of post-construction *SMPs*.

[50] 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.

1. Applicable Construction Activities/Projects/Sites

a. The construction site *stormwater* runoff control program must address *stormwater* runoff to the *MS4* from sites with *construction activities* permitted, approved, funded, or owned/operated by the *MS4 Operator* 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.

b. For *construction activities* where the *MS4 Operator* is listed as the owner/operator on the Notice of Intent for coverage under the CGP:

i. The *MS4 Operator* must ensure compliance with the CGP; and

ii. The additional requirements for construction oversight described in Part VII.D.6 through Part VII.D.9 are not required.

2. Public Reporting of Construction Site Complaints

a. Within six (6) months of the 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. Date of the report;

ii. Location of the construction site;

iii. Nature of complaint;

iv. Follow up actions taken or needed; and

v. Inspection outcomes and any enforcement taken.

3. Construction Oversight Program

Within one (1) year of the 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. What types of *construction activity* require a SWPPP;

iii. The procedures for submission of SWPPPs;

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

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

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

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

viii. Enforcement process/expectations for compliance; and

ix. 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 every five (5) years, thereafter; and

iii. If the construction oversight procedures (Part VII.D.3.a.) are updated (Part VII.D.3.a.), training on the updates 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. Procedures to ensure those involved in the *construction activity* itself (e.g., contractor, subcontractor, *qualified inspector*, SWPPP reviewers) 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

e. Annually, by April 1, the *MS4 Operator* must:

i. Review and update the construction oversight procedures (Part VII.D.3.a.); and

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

4. Construction Site Inventory & Inspection Tracking

a. Within six (6) months of the EDC, the *MS4 Operator* must *develop* and maintain an inventory of all applicable construction sites (Part VII.D.1.a.) 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 (mapped in accordance with Part IV.D.1.e.ii.a));

iv. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

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

vi. Construction project *SPDES* identification number;

vii. SWPPP approval date;

viii. Inspection history, including dates and ratings (satisfactory, marginal, or unsatisfactory, when available); and

ix. Current status of the construction site/project (i.e., active, temporarily shut down, complete[51]).

b. Annually, the *MS4 Operator* must update the inventory if construction projects are approved or completed.

5. Construction Site Prioritization

a. Within one (1) year of the EDC, the *MS4 Operator* must prioritize all construction sites which are included in the construction site inventory (Part VII.D.4.) 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 in Appendix C with silt/sediment, phosphorus, or nitrogen as the POC;

ii) Classified as AA-S, AA, or A (mapped in accordance with Part IV.D.1.e.ii.a)); or

iii) Classified with a trout (T) or trout spawning (TS) designation (mapped in accordance with Part IV.D.1.e.ii.a));

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 (mapped in accordance with Part IV.D.1.e.ii.b)); and/or

d) Within fifty (50) feet of any rivers or streams (mapped in accordance with Part IV.D.1.e.ii.b));

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*.

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[51] 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.

i. If the prioritization of the construction site changes priority based on information gathered as part of the construction oversight program, the *MS4 Operator* must comply with the requirements that apply to that prioritization.

6. SWPPP Review

The *MS4 Operator* must:

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

i. 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 EDC and every three (3) years thereafter.

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

b. Ensure SWPPP reviewers receive this training (Part VII.D.6.a.) prior to conducting SWPPP reviews for acceptance.

i. Individuals without these trainings cannot review SWPPPs for acceptance.

ii. Individuals who meet the definition of a *qualified professional* or *qualified inspector* 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.

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

f. Prioritize new *construction activities* (Part VII.D.5.a.); and

g. Notify construction site owner/operators that their SWPPP has been accepted using the *MS4* SWPPP Acceptance Form[52] 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* (if required for the *construction activity* by Part IV.C. the CGP) must attend the meeting in order to:

a. Confirm the approved project has received, or will receive[53], 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 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. 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 EDC and every three (3) years thereafter.

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

[52] The *MS4* SWPPP Acceptance Form can be found on the Department's website.

[53] Preconstruction meetings may occur prior to the issuance of the MS4 SWPP Acceptance Form, however, the MS4 Operator must confirm coverage under the CGP will be applied for by the construction site owner/operator prior to commencement of construction of *construction activities*.

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* or *qualified inspector* are exempt from this requirement.

c. Annually inspect all sites with *construction activity* identified in the inventory (Part VII.D.4.) during active construction after the pre-construction meeting (Part VII.D.7.), or sooner if deficiencies are noted that require attention.

   i. Follow up to construction site inspections must confirm corrective actions are completed within timeframes established by the CGP and the MS4 Operator's ERP (Part IV.F.1.).

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.

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 an equivalent form containing the same information, or accept the construction site owner/operator's *qualified inspector* final inspection certification required by the CGP.

b. The Notice of Termination (NOT)[54] 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.

[54] The NOT can be found on the Department's website.

1. Applicable Post-Construction *SMPs*

The post-construction *SMP program* must address *stormwater* runoff to the *MS4* from *publicly owned/operated* post-construction *SMPs* that meet 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); and

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

2. Post-Construction *SMP* Inventory & Inspection Tracking[55]

a. The *MS4 Operators* continuing coverage must:

   i. Maintain the inventory from previous iterations of this *SPDES* general permit for post-construction *SMPs* installed after March 10, 2003; and

   ii. *Develop* the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

      a) As they are approved or discovered; or

      b) After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).

b. The newly designated *MS4 Operators* must *develop* and maintain the inventory for post-construction *SMPs* installed after March 10, 2003 including post-construction *SMPs:*

   i. As they are approved or discovered; or

   ii. After the owner/operator of the *construction activity* has filed the NOT with the *Department* (Part VII.D.9.b.).

c. Annually, the MS4 Operator must update the inventory of post-construction SMPs to include the post-construction *SMPs* in Part VII.E.2.a. and Part VII.E.2.b.

d. Within five (5) years of the EDC, 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. Street address or tax parcel;

   ii. Type;[56]

   iii. Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

[55] Post-construction *SMPs* can be found at a *municipal facility*.
[56] 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. Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

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

vi. Ownership;

vii. Responsible party for maintenance;

viii. Contact information for party responsible for maintenance;

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

x. 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.);

xi. Reason for installation (e.g., new development, redevelopment, *retrofit*, flood control), if known;

xii. Date of last inspection;

xiii. Inspection results; and

xiv. Any corrective actions identified and completed.

e. *MS4 Operators* must document the inventory of post-construction *SMPs* in the *SWMP Plan*.

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 the 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 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;

ii. Documentation of post-construction *SMP* inspections using the Post-Construction SMP Inspection Checklist[57] 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 *SMP* inspection and maintenance procedures (Part VII.E.4.a.).

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 every five (5) years, thereafter; and

iii. If the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.) are updated (Part VII.E.4.d.), training on the updates 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, by April 1, the *MS4 Operator* must:

i. Review and update the post-construction *SMP* inspection and maintenance procedures (Part VII.E.4.a.); and

ii. 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

[57] 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 on the Department's website.

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 three (3) years of the EDC, the *MS4 Operator* must incorporate *best management practices* (*BMPs*) into the *municipal facility* program *and municipal operations* program to minimize the *discharge* of *pollutants* associated with *municipal facilities* and *municipal operations, respectively*. The *BMPs* to be considered are as follows and must be documented in the *SWMP Plan*:

a. Minimize Exposure

i. Exposure of materials to rain, snow, snowmelt, and runoff must be minimized, unless not technologically possible or not economically practicable and achievable in light of best industry practices, 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;

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; and/or

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

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

a) *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.

b) 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.c)) if only routine maintenance is performed inside and all other n*o exposure* criteria are met.

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

d) *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.

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 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); and

c) Ensure vehicle washwater is not *discharged* to the *MS4* or to *surface waters of the State*. Wash equipment/vehicles in a designated and/or covered area where washwater is collected to be recycled or *discharged* to the sanitary sewer (Part I.B.2.d.).

ii. Routine maintenance must be performed to ensure *BMPs* are operating properly.

iii. 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; 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[58]

i. Stabilize exposed areas and control runoff using structural and/or non-structural controls to minimize onsite erosion and sedimentation.

[58] The use of the term "controls" in Part VII.F.1.d. aligns with the use of the term "controls" in the CGP.

ii. The *MS4 Operator* must consider:

a) Structural and/or non-structural controls found in the NYS E&SC 2016;

b) Areas that, due to topography, land disturbance (e.g., construction), or other factors, have potential for significant soil erosion;

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

d) 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

e) Address erosion or areas with poor vegetative cover, especially if the erosion is within fifty (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[59] Storage Piles or Pile Containing Salt

Enclose or cover storage piles of salt, or piles containing salt, used for deicing or maintenance of paved surfaces, except during loading, unloading, and handling. 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

[59] 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.

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.iii.).

h. Alternative Implementation Options

When alternative implementation options (Part IV.A.1.) 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.

2. *Municipal Facilities*[60]

a. *Municipal Facility* Program

Within three (3) years of the 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 *BMPs* (Part VII.F.1.) incorporated into the *municipal facility* program;

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

c) The low priority *municipal facility* 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 every five (5) years, thereafter; and

[60] *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.

c) If the *municipal facility* procedures (Part VII.F.2.a.i.) are updated (Part VII.F.2.a.iv.), training on the updates 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, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal facility* procedures (Part VII.F.2.a.i.); and

b) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Facility* Inventory

i. Within two (2) years of the 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) Street address;

c) Type of *municipal facility*;

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

e) Receiving waterbody name and class (mapped in accordance with Part IV.D.1.e.ii.a));

f) Receiving waterbody WI/PWL Segment ID (mapped in accordance with Part IV.D.1.e.ii.b));

g) Contact information;

h) Responsible department;

i) Location of SWPPP (if high priority; 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 comprehensive site assessment (Part VII.F.2.d.ii.c) or Part VII.F.2.e.ii.c), depending on the *municipal facility* prioritization (Part VII.F.2.c.)).

ii. Annually, the *MS4 Operator* must update the inventory if new *municipal* facilities are added.

c. *Municipal Facility* Prioritization

i. Within three (3) years of the 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) 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*.

c) High priority *municipal* facilities (Part IV.F.2.c.i.a)) which qualify for a *No Exposure* Certification (Part VII.F.1.a.ii.) are 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.ii.) ceases to apply. The completion of this permit requirement must be documented in the *SWMP Plan*.

d. High Priority *Municipal Facility* Requirements

i. Municipal Facility Specific SWPPP

Within five (5) years of the EDC, *MS4 Operators* must *develop* and implement a *municipal facility* specific SWPPP for each high priority *municipal facility* (Part VII.F.2.c.i.a)) 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 materials or activities are exposed to *stormwater* or from which authorized non-*stormwater discharges* (Part I.A.3.) originate, including any potential *pollutant* sources for which the *municipal facility* has reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), Section 313.

i) Materials or activities include: 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);

(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 *municipal facility* specific SWPPP must include a list of spills or releases[61] 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 *municipal facility* specific SWPPP must include a site map identifying the following, as applicable:

i) Property boundaries and size in acres;

[61] 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.

ii) Location and extent of significant structures (including materials shelters), and impervious surfaces;

iii) Monitoring locations (mapped in accordance with Part IV.D.2.a.i.) with its approximate *sewershed*. Each monitoring location must be labeled with the monitoring location identification;

iv) Location of all post-construction *SMPs* (mapped in accordance with Part IV.D.2.a.iv.) and *MS4* infrastructure (mapped in accordance with Part IV.D.2.b.i.);

v) Locations of *discharges* authorized under other *SPDES* permits;

vi) Locations where potential spills or releases can contribute to *pollutants* in *stormwater discharges* and their accompanying drainage points;

vii) Locations of haul and access roads;

viii) Rail cars and tracks;

ix) Arrows showing direction of *stormwater* flow;

x) Location of all receiving waters in the immediate vicinity of the *municipal facility*, indicating if any of the waters are impaired and, if so, whether the waters have *TMDLs* established for them (mapped in accordance with Part IV.D.1.e.ii.);

xi) Locations where *stormwater* flows have significant potential to cause erosion;

xii) Location and source of run-on from adjacent property containing significant quantities of *pollutants* and/or volume of concern to the *municipal facility*; and

xiii) 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;
(h) Locations where vehicles and/or machinery are stored when not in use
(i) Transfer areas for substances in bulk;
(j) Location and description of non-*stormwater discharges* (Part I.A.3.);

(k) Locations where spills[62] or leaks have occurred; and
(l) 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* implemented at the *municipal facility* (Part VII.F.1). The *municipal facility* specific SWPPP must describe how each *BMP* is being implemented for all the potential *pollutant* sources.

g) *Municipal facility* assessments
The *municipal facility* specific 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) Once every five (5) years, 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)xiii)).

(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 *municipal facility* specific 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.

[62] A spill includes: any spill of a hazardous substance that must be reported in accordance with 6 NYCRR 597.4 and any spill of petroleum that must be reported in accordance with 6 NYCRR 613.6 or 17 NYCRR 32.3.

(f) The *MS4 Operator* must document the visual examination using the Visual Monitoring Form (Appendix D) and keep it with the *municipal facility* specific 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 *municipal 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) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each high priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the Municipal Facility 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 taken 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.

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) The monitoring locations inspection and sampling program must be implemented at the *municipal facility* (Part VII.C.1.e.).

c) Comprehensive Site Assessments

i) Once every five (5) years following the most recent assessment, the *MS4 Operator* must complete a comprehensive site assessment for each low priority *municipal facility* as identified in the inventory (Part VII.F.2.b.) using the Municipal Facility 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.

3. *Municipal Operations* & Maintenance

a. *Municipal Operations* Program

Municipal operations are: street and bridge maintenance; winter road maintenance; *MS4* maintenance; open space maintenance; solid waste management; new construction and land disturbances; right-of-way maintenance; marine operations; or hydrologic habitat modification.

Within three (3) years of the 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 *BMPs* (Part VII.F.1.) incorporated into the *municipal operations* program;
   b) The *municipal operations* corrective actions requirements (Part VII.F.3.b.);
   c) *Catch basin* inspection and maintenance requirements (Part VII.F.3.c.);
   d) Roads, bridges, parking lots, and right of way maintenance requirements (Part VII.F.3.d.); and
   e) All other *municipal operations* maintenance requirements.

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 every five (5) years, thereafter; and

c) If the *municipal operations* procedures (Part VII.F.3.a.i.) are updated (Part VII.F.3.a.iv.), training on the updates 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, by April 1, the *MS4 Operator* must:

a) Review and update the *municipal operations* procedures (Part VII.F.3.a.i.); and

b) Document the completion of this requirement in the *SWMP Plan*.

b. *Municipal Operations* Corrective Actions

i. For *municipal operations*, *MS4 Operators* must either:

a) Ensure compliance with the terms and conditions of this *SPDES* general permit; or

b) Implement corrective actions according to the following schedule and, after implementation, ensure the operations are in compliance with the terms and conditions of this *SPDES* general permit:

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

ii) 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

iii) 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.

c. *Catch Basin* Inspection and Maintenance

Within three (3) years of the EDC, the MS4 Operator must:

i. Identify when *catch basin* inspection is needed with consideration for:

a) Areas with *construction activities* (mapped in accordance with Part IV.D.2.a.iii.);

b) Residential, commercial, and industrial areas (mapped in accordance with Part IV.D.1.d.iii.);

c) Recurring or history of issues; or

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

ii. Inventory *catch basin* inspection information including:

a) Date of inspection;

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

c) Depth of structure;

d) Depth of *sump*; and

e) Date of clean out, if applicable (Part VII.F.3.c.iii.).

iii. Based on inspection results, clean out *catch basins* within the following timeframes:

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

b) Within one (1) year after the *catch basin* inspection, *catch basins* which had trash, sediment, and/or debris at less than 50% of the depth of the *sump* as a result of a *catch basin* inspection must be cleaned out; and

c) MS4 Operators are not required to clean out *catch basins* if the *catch basins* are operating properly and:

i. There is no trash, sediment, and/or debris in the *catch basin*; or

ii. The *sump* depth of the *catch basin* is less than or equal to two (2) feet.

iv. Properly manage (handling and disposal) materials removed from *catch basins* during clean out so that:

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

b) Material removed from *catch basins* is disposed of in accordance with any applicable environmental laws and regulations; and

c) Material removed during the *catch basin* cleaning process will not reenter the *MS4* or *surface waters of the State*.

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

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

i. Sweeping

Within six (6) months of the 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:

a) All roads, bridges, parking lots, and right of ways must be swept and/or cleaned once every five (5) years in the spring (following winter activities such as sanding). This requirement is not applicable to:

   i) Uncurbed roads with no *catch basins*;

   ii) High-speed limited access highways; or

   iii) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

b) Annually, from April 1 through October 31, roads in business and commercial areas must be swept. This requirement is not applicable to:

   i) Uncurbed roads with no *catch basins*;

   ii) High-speed limited access highways; or

   iii) Roads defined as interstates, freeways and expressways, or arterials by the USDOT 2013.

ii. Maintenance

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

a) Pave, mark, and seal in dry conditions;

b) Stage road operations and maintenance activity (e.g., patching, potholes) to reduce the potential discharge of pollutants to the *MS4* or *surface waters of the State*;

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

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

iii. Winter Road Maintenance

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

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

b) Ensure that routine snow disposal activities comply with the Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal.[63]

[63] The Division of Water Technical and Operation Guidance Series 5.1.11, Snow Disposal can be found on the Department's website.

Part VIII. Enhanced Requirements for Impaired Waters

Part VIII. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type. Part VIII. requirements apply in the *sewersheds* which *discharge* to waters impaired for phosphorus, silt/sediment, pathogens, nitrogen, or floatables (Appendix C). *MS4 outfalls* are in the *automatically designated area*. *ADA MS4 outfalls* are in the *additionally designated area* subject to Criterion 3 of the Additional Designation Criteria (Appendix B).

MS4 Operator's subject to Part VIII. that implement pollutant specific *BMPs* after the EDC but prior to *MS4* infrastructure and *sewershed* mapping can use those *BMPs* to satisfy the permit requirements in this section.

The Part VIII. requirements, applicable to the *POC*, must be incorporated in the *MS4 Operator*'s *SWMP* and *SWMP Plan*.

A. *Pollutant* Specific BMPs for Phosphorus

Part VIII.A. must be implemented for all phosphorus impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:
   i. *MS4 outfall;* and
   ii. *ADA MS4 outfall.*
b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:
   i. Retail and wholesale plant nurseries (including big box stores);
   ii. Commercial lawn care facilities; and
   iii. Golf courses.
c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *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 to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part 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, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.A.1.b. for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

For Following the completion of Part VIII.A.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site 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. Annually, 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*. This requirement is not applicable to:

   i. Uncurbed roads with no *catch basins*;

ii. High-speed limited access highways; or

iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to 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,[64] cost-effective runoff reduction techniques[65] 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

Part VIII.B. must be implemented for all silt/sediment impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

i. *MS4 outfall;* and

ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, facilities with *SPDES* permit coverage under the MSGP with *stormwater discharges* applicable under Sector C, E, L, or J with facility contact.

c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

[64] 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.

[65] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *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 individuals involved in *construction activity* (e.g., contractor, subcontractor, qualified inspector, SWPPP reviewers) 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*.

3. Public Involvement/Participation

No additional requirements.

4. *Illicit Discharge* Detection and Elimination

Following the completion of Part VIII.B.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.B.1.b. for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

Following the completion of Part VIII.B.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site 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. Annually, from April 1 through October 31, all streets located in *sewersheds discharging* to silt/sediment impaired segments must be swept. *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*. This requirement is not applicable to:

   i. Uncurbed roads with no *catch basins*;

   ii. High-speed limited access highways; or

   iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

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 initiate actions to 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,[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).

[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.

C. *Pollutant* Specific BMPs for Pathogens

Part VIII.C. must be implemented for all pathogen impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

   i. *MS4 outfall;* and

   ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:

   i. Areas with a history of sanitary sewer overflows;

   ii. Waterfowl congregation areas on *municipal* property or right of way;

   iii. Areas where pets/domestic animals may frequent (i.e., public trails, dog parks, and zoos); and

   iv. Waste disposal areas (e.g., active landfills, transfer stations).

c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

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 to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part 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, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.C.1.b. for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

No additional requirements.

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. Annually, 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*. This requirement is not applicable to:

a) Uncurbed roads with no *catch basins*;

b) High-speed limited access highways; or

c) Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

ii. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to 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 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 EDC, signage must be available at these municipal 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 EDC, the *MS4 Operator* must remove accumulated trash and debris from *municipal* 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 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 EDC, the *MS4 Operator* must make dog waste receptacles available in areas where pets/domestic animals may frequent (e.g., public trails, dog parks). *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,[68] cost-effective runoff reduction techniques[69] 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

Part VIII.D. must be implemented for all nitrogen impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

i. *MS4 outfall;* and

ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, the following information for each *MS4 outfall*:

i. Retail and wholesale plant nurseries (including big box stores);

ii. Commercial lawn care facilities; and

[68] 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.

[69] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

iii. Golf courses.

c. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *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 to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part 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 , within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.D.1.b for each associated *MS4 outfall*.

5. Construction Site *Stormwater* Runoff Control

Following the completion of Part VIII.D.1, high priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site 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.D.1:

a. Annually, 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*. This requirement is not applicable to:

   i. Uncurbed roads with no *catch basins*;

   ii. High-speed limited access highways; or

   iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to 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,[70] cost-effective runoff reduction techniques[71] 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

Part VIII.E. must be implemented for all floatable impaired waters listed in Appendix C.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, *MS4* infrastructure mapping requirements (Part IV.D.2.b.i.) and *sewersheds* for each:

[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.

[71] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

i. *MS4 outfall;* and

ii. *ADA MS4 outfall.*

b. Within three (3) years of the EDC, *ADA MS4 outfalls.*

2. Public Education and Outreach

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *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 to the applicable target audiences within the *sewersheds* for impaired waters listed in Appendix C focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A or Part 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. Annually, 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*. This requirement is not applicable to:

i. Uncurbed roads with no *catch basins*;

ii. High-speed limited access highways; or

iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to 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,[72] cost-effective runoff reduction techniques[73] 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).

[72] 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.

[73] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

Part IX. Watershed Improvement Strategy Requirements for TMDL Implementation

Part IX. requirements must be implemented in addition to the applicable requirements of the six (6) MCMs in Part VI. or Part VII, depending on the *MS4 Operator* type. Part IX. requirements apply in the watersheds where the *Department* developed implementation plans for which USEPA has approved a TMDL (Table 3). Finalized TMDL implementation plans referenced in this Part are incorporated into and enforceable under this *SPDES* general permit.

MS4 Operator's subject to Part IX. that implement TMDL specific *BMPs* after the EDC but prior to *MS4* infrastructure and *sewershed* mapping can use those *BMPs* to satisfy the permit requirements in this section.

The Part IX. requirements must be incorporated in the *MS4 Operator*'s *SWMP* and *SWMP Plan*.

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 Part VII, depending on the *MS4 Operator* type.

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, areas with potential to contribute phosphorus to the TMDL waterbody, which include:
   i. Retail and wholesale plant nurseries (including big box stores);
   ii. Commercial lawn care facilities;
   iii. Golf courses;
   iv. Commercial or industrial yard waste storage areas (e.g., yard waste composting and disposal areas); and
   v. *MS4* infrastructure with a history of issues (e.g., clogged infrastructure, infiltration and inflow (I/I)).

b. Within three (3) years of the EDC, the following information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):
   i. Type;[74] and
   ii. Ownership.

2. Public Education and Outreach on *Stormwater* Impacts

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *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 to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part 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.

[74] 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).

4. *Illicit Discharge* Detection and Elimination

a. Inventory of Potential Phosphorus Sources

Following the completion of Part IX.A.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part IX.A.1.a. for each associated *MS4 outfall*.

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 every five (5) years, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;

ii. Ensure the following information is collected and document the completion of this requirement in the *SWMP Plan*:

   a) Individual performing inspection;

   b) Inspection date;

   c) Address;

   d) Location of system on property; and

   e) Evidence of failed systems.

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 Part VI.C.3. or Part VII.C.3, depending on the *MS4 Operator* type.

5. Construction Site *Stormwater* Runoff Control

a. 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 Part VII.D, depending on the *MS4 Operator* type. Construction projects meeting this threshold are low priority construction sites.

b. 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."

c. High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

   i. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

   ii. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP 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. 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 *SMPs* 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

i. 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:

a) Within one (1) year of the EDC, the *MS4 Operator* must submit to the *Department* a *retrofit* plan that identifies the following:

i) Project name;

ii) Location;

iii) Proposed *retrofit* type;

iv) Anticipated date for construction;

v) Estimated phosphorus reduction (using the criteria in the Croton Watershed Phase II TMDL Implementation Plan, January 2009); and

vi) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the Croton Watershed Phase II TMDL Implementation Plan, January 2009.

b) Within five (5) years of the EDC, all *retrofit* projects must be constructed to achieve the five (5) year phosphorus reduction assigned to the *MS4 Operator*, as required by the Croton Watershed Phase II TMDL Implementation Plan, January 2009.

ii. Annually, by December 31, *MS4 Operators* (or *RSE* representing *MS4 Operators* as described in Part III.B.2.b.) must submit to the *Department* any changes made to the *retrofit* plan including the information in Part IX.A.6.e.i.

iii. *MS4 Operators* must document the retrofit program in the *SWMP Plan* specifying:

a) Progress on *retrofit* projects already commenced; and

b) Identification of *retrofit* projects for the upcoming construction season; and

c) Certification that completed retrofit projects have been constructed in accordance with the *retrofit* plans.

7. Pollution Prevention/Good Housekeeping

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 (Part VI.F.3.c. or Part VII.F.3.c, depending on the MS4 Operator type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

b. Following the completion of Part IX.A.1, annually, 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*. This requirement is not applicable to:

   i. Uncurbed roads with no *catch basins*;

   ii. High-speed limited access highways;

   iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

c. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to 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.* 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,[75] cost-effective runoff reduction techniques[76] 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).

[75] 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.

[76] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

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

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 Part VII, depending on the *MS4* Operator type:

1. Mapping

In accordance with the timeframes listed below, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24,000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Within three (3) years of the EDC, include areas with potential to contribute phosphorus to the TMDL waterbody, which include:

   i. Retail and wholesale plant nurseries (including big box stores);

   ii. Commercial lawn care facilities;

   iii. Golf courses; and

   iv. Commercial or industrial yard waste storage areas (e.g., yard waste composting and disposal areas).

b. Within three (3) years of the EDC, include the following information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):

i. Type[77]; and

ii. Ownership.

2. Public Education and Outreach on Stormwater Impacts

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *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 to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part 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 Part 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. Inventory of Potential Phosphorus Sources

Following the completion of Part IX.B.1, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.B.1.a. for each associated MS4 outfall.

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,

[77] 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).

cesspools, absorption fields or distribution systems) are properly operated and do not contribute *pollutants* to the *MS4*. The *MS4 Operator* must:

i. Once every five (5) years, ensure that residential septic tanks/cesspools are pumped out and system components (i.e., septic tanks, cesspools and installed absorption field) are inspected;

ii. Ensure the following information is collected and document the completion of this requirement 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;

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 Part VI.C.3. or Part VII.C.3, depending on the *MS4 Operator* type.

5. Construction Site *Stormwater* Runoff Control

High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP 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 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 *SMPs* 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

   i. All *MS4 Operators* identified within the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019, must continue to implement the *retrofit* program according to the following schedule:

      a) Within one (1) year of the EDC, the *MS4 Operator* must submit to the *Department* a *retrofit* plan that identifies the following:

         i) Project name;

         ii) Location;

         iii) Proposed *retrofit* type;

         iv) Anticipated date for construction;

         v) Estimated phosphorus reduction (using the criteria in the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019); and

         vi) Estimated total phosphorus reduction for all projects demonstrating they will meet the reduction specified in the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019.

      b) Within five (5) years of the EDC, all *retrofit* projects must be constructed to achieve the five (5) year phosphorus reduction assigned

to the *MS4 Operator*, as required by the Greenwood Lake Watershed Phosphorus TMDL Implementation Plan, October 2019.

ii. Annually, by December 31, *MS4 Operators* (or *RSE* representing *MS4 Operators* as described in Part III.B.2.b.) must submit to the *Department* any changes made to the *retrofit* plan including the information in Part IX.A.6.e.i.

iii. *MS4 Operators* must document the retrofit program in the *SWMP Plan* specifying:

a) Progress on *retrofit* projects already commenced; and

b) Identification of *retrofit* projects for the upcoming construction season; and

c) Certification that completed retrofit projects have been constructed in accordance with the *retrofit* plans.

7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.B.1:

a. Annually, 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*. This requirement is not applicable to:

i. Uncurbed roads with no *catch basins*;

ii. High-speed limited access highways; or

iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to 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*.

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,[78] cost-effective runoff reduction techniques[79] 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.

D. Nitrogen Impaired Watershed *MS4*s

Table 6. Nitrogen Impaired Watershed(s)	
Area where Requirements Apply	**Peconic**
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

[78] 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.

[79] 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 6 must *develop* and implement the following nitrogen-specific *BMPs* in addition to the applicable Implementation Plan and applicable requirements in Part VI. or Part VII, depending on the *MS4 Operator* type:

1. Mapping

Within three (3) years of the EDC, the *MS4 Operator* must update, in geographic information system (GIS) format with a scale of 1:24000 or finer, the comprehensive system mapping (Part IV.D.) to include:

a. Areas with potential to contribute nitrogen to the *TMDL* waterbody, which include:

   i. Retail and wholesale plant nurseries (including big box stores);

   ii. Commercial lawn care facilities;

   iii. Golf courses; and

   iv. Commercial or Industrial yard waste storage areas (e.g., yard waste composting and disposal areas).

b. Information for all post-construction *SMPs* as identified in the post-construction *SMP* inventory (Part VI.E.2. or Part VII.E.2, depending on the *MS4 Operator* type):

   i. Type;[80] and

   ii. Ownership of *SMP*.

2. Public Education and Outreach on *Stormwater* Impacts

a. Within six (6) months of the EDC, the *MS4 Operator* must make available information on any how the impairment is being addressed by implementation of the MS4 Operator's local law or legal mechanism with content equivalent to the model local law (Part IV.E.1 and Part IV.E.2.). *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 to the applicable target audiences within the TMDL watershed focus area, identified in Part VI.A.1.b. or Part VII.A.1.b, depending on the MS4 Operator type. The *SWMP Plan* must be updated with changes made to public education and outreach program (Part VI.A. or Part VII.A, depending on the *MS4 Operator* type). *MS4 Operators* must document the completion of this requirement in the *SWMP Plan*.

[80] 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, within five (5) years of the EDC, the MS4 Operator must include on the *MS4 outfall* inventory (Part VI.C.1.c. or Part VII.C.1.c, depending on the MS4 Operator type) the number of each item identified in Part VIII.D.1.a. for each associated MS4 outfall.

5. Construction Site *Stormwater* Runoff Control

High priority construction sites must be inspected during active construction after the pre-construction meeting (Part VI.D.7. or Part VII.D.7, depending on the *MS4 Operator* type).

a. If the *MS4 Operator* is completing the inspection, the construction site must be inspected every ninety (90) days; or

b. If the *MS4 Operator* utilizes the *qualified inspector's* weekly inspection reports, as required by the CGP, to satisfy this requirement, the *MS4 Operator* must inspect the construction site once every six (6) months, or sooner if any deficiencies are noted that require attention.

MS4 Operators must document the construction site inspections in the *SWMP Plan*.

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[81] selected from the NYS SWMDM 2015.

7. Pollution Prevention/Good Housekeeping

Following the completion of Part IX.D.1:

a. Annually, 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*. This requirement is not applicable to:

   i. Uncurbed roads with no *catch basins*;

   ii. High-speed limited access highways; or

   iii. Roads defined as interstates, freeways and expressways, or arterials by the United States Department of Transportation, Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013.

[81] Runoff reduction techniques can be found in Chapters 4 and 5 of the NYS SWMDM 2015.

b. Within six (6) months of *MS4 outfall* inspection, the *MS4 Operator* must initiate actions to 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*.

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,[82] 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).

[82] 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.

(1) 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.

(2) 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 750-1.21l (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

MS4 – Municipal Separate Storm Sewer System

MS4 GP – SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001

MSGP – SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001

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 – 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

All definitions in this section are solely for the purposes of this permit. If a word is not defined below, use it how it is commonly defined.

Additionally Designated Areas – those areas that meet the additional designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4*s), January 2010, revised January 2023 and found in Appendix B.

Additionally Designated Area MS4 Outfall (ADA MS4 outfall) – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow*,* to impaired waters listed in Appendix C from an *MS4 Operator's MS4*. Areas of *sheet flow* which drain to impaired waters listed in Appendix C are not considered *ADA MS4 outfalls.*

Automatically Designated Areas – those areas served by *MS4*s that meet the automatic designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4*s), January 2010, revised January 2023 and found in Appendix B.

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*.

Catch Basin(s) – a cistern, vault, chamber, or well that is part of the MS4 and designed to capture trash, sediment, and/or debris in its *sump*.

Construction Activity(ies) – 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) – for *MS4 Operators* continuing coverage, *develop* means to continue to implement their current SWMP and update the SWMP to comply with the permit requirement; for newly designated *MS4 Operators*, *develop* means to create that permit requirement.

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)(28)).

Dry Weather – prolonged dry periods (at least 48 hours after the last runoff event).

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*. *Illicit discharges* can occur throughout the *MS4*, including at post-construction *SMPs*.

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 of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow*,* where the *MS4 Operator*'s *MS4* is *discharging* to another *MS4* or private storm sewer system. Areas of *sheet flow* which drain to another *MS4* or private storm sewer system are not considered *interconnections*.

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.

MS4 Operator – the person, persons, or legal entity that obtains coverage and is responsible for the *MS4*.

MS4 Outfall – any point of *stormwater discharge* from pipes, ditches, and swales, as well as other points of concentrated flow*,* to *surface waters of the State* from an *MS4 Operator's MS4*. Areas of *sheet flow* which drain to *surface waters of the State* are not considered *MS4 outfalls.*

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 State University Campuses, federal and State prisons, State and federal hospitals, 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 to the *MS4* and/or *surface water of the State* of the State.

Municipal Facility Intraconnection – any point where stormwater is conveyed from the MS4 Operator's municipal facility to the MS4 Operator's own MS4. This is the most down-drainage end of the MS4 infrastructure located on the municipal facility prior to discharge to the MS4.

Municipal Operations (Operations) – activities conducted by the MS4 Operator with the potential to discharge pollutants to the *MS4* and/or *surface water of the State*.

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.

Obvious Illicit Discharge –an *illicit discharge* from a flowing *MS4 outfall* that does not require sample collection for confirmation; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted 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 Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 4: Physical Indicators for Flowing Monitoring Locations Only.

Physical Indicator not Related to Flow – an indicator of past *discharges*, potentially *intermittent* or *transitory discharge,* including *monitoring location* damage, *monitoring location* deposits or stains, abnormal vegetation growth, poor pool quality or pipe benthic growth; this references the Monitoring Locations Inspection and Sampling Field Sheet, adapted from CWP 2004, Section 5: Physical Indicators for Both Flowing and Non-Flowing Monitoring Locations. These physical indicators can be present at both flowing and non-flowing monitoring locations.

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.

Privately Owned/Operated – not owned/operated by the *MS4 Operator* or another *MS4 Operator*.

Publicly Owned/Operated – owned/operated by the *MS4 Operator.*

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 *SMPs* 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 *SMP* 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.

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. The *SWMP Plan* can be hardcopy or digital.

Storm-sewershed (sewershed) – the catchment that drains to a waterbody based on the *MS4* and surface topography. Adjacent catchment areas that drain to the same waterbody are not separate storm-*sewersheds*.

Sump – the part of the *catch basin* between the bottom interior of the *catch basin* and 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 monitoring locations 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 Monitoring Locations Inspection and Sampling Field Sheet, adapted 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).

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), January 2010, revised January 2023

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 the USEPA 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 USEPA

The USEPA'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 and 2010 censuses.

Additional Designation Criteria

The USEPA 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 USEPA-approved Total Maximum Daily Load (TMDL) requires reduction of a *pollutant of concern* 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* (municipal 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 measure 4 construction site stormwater runoff control and minimum control measure 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

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 Inventory/Priority Waterbody List Name (WI/PWL Number)	Pollutant
Albany	Ann Lee (Shakers) Pond, Stump Pond (1201-0096)	Phosphorus
Bronx	Bronx River, Lower (1702-0006) 18	Fecal Coliform
Bronx	Bronx River, Lower (1702-0006) 18	Garbage & Refuse
Bronx	Bronx River, Middle, and tribs (1702-0106) 18	Fecal Coliform
Bronx	Bronx River, Middle, and tribs (1702-0106) 18	Garbage & Refuse
Bronx	Hutchinson River, Lower, and tribs (1702 0003) 18	Garbage & Refuse
Bronx	Long Island Sound, Western Portion (1702-0027)	Nitrogen
Bronx	Van Cortlandt Lake (1702-0008)	Phosphorus
Bronx	Westchester Creek (1702-0012) 18	Garbage & Refuse
Broome	Minor Tribs to Lower Susquehanna (0603-0044)	Phosphorus
Chautauqua	Chadakoin River and tribs (0202-0018)	Phosphorus
Chautauqua	Lake Erie (Main Lake, South) (0105-0033)	Fecal Coliform
Chautauqua	Lake Erie, Dunkirk Harbor (0105-0009)	Fecal Coliform
Dutchess	Fallkill Creek (1301-0087)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Phosphorus
Dutchess	Wappingers Lake (1305-0001)	Silt/Sediment
Erie	Delaware Park Pond (0101-0026)	Phosphorus
Erie	Ellicott Creek, Lower, and tribs (0102-0018)	Phosphorus
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
Erie	Rush Creek and tribs (0104-0018)	Fecal Coliform
Erie	Rush Creek and tribs (0104-0018)	Phosphorus
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Fecal Coliform
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Oils & Floating Sub.
Erie	Scajaquada Creek, Lower, and tribs (0101-0023)	Phosphorus
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Fecal Coliform
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Oils & Floating Sub.
Erie	Scajaquada Creek, Middle, and tribs (0101-0033)	Phosphorus
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Fecal Coliform
Erie	Scajaquada Creek, Upper, and tribs (0101-0034)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Phosphorus
Erie	South Branch Smoke Cr, Lower, and tribs (0101-0036)	Silt/Sediment
Genesee	Tonawanda Cr, Middle, Main Stem (0102-0002)	Phosphorus
Genesee	Tonawanda Cr, Middle, Main Stem (0102-0006)	Fecal Coliform
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	Coney Island Creek (1701-0008) 18	Garbage & Refuse
Kings	Gowanus Canal (1701 0011) 18	Garbage & Refuse
Kings	Hendrix Creek (1701-0006) 18	Fecal Coliform
Kings	Hendrix Creek (1701-0006) 18	Garbage & Refuse
Kings	Hendrix Creek (1701-0006) 18	Nitrogen
Kings	Mill Basin and tidal tribs (1701 0178) 18	Garbage & Refuse
Kings	Paerdegat Basin (1701-0363) 18	Garbage & Refuse
Kings	Prospect Park Lake (1701-0196)	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)	Fecal Coliform
Monroe	Minor Tribs to Irondequoit Bay (0302-0038)	Phosphorus
Monroe	Rochester E–bayment - East (0302-0002)	Fecal Coliform
Monroe	Rochester E–bayment - West (0301-0068)	Fecal Coliform
Monroe	Thomas Creek/White Brook and tribs (0302-0023)	Phosphorus
Nassau	Beaver Lake (1702-0152)	Phosphorus
Nassau	Camaans Pond (1701-0052)	Phosphorus
Nassau	Cold Spring Harbor, and tidal tribs (1702-0018)	Pathogens
Nassau	Dosoris Pond (1702-0024)	Fecal Coliform
Nassau	East Bay (1701-0202)	Fecal Coliform
Nassau	East Meadow Brook, Upper, and tribs (1701-0211)	Silt/Sediment
Nassau	East Rockaway Inlet (1701-0217)	Fecal Coliform
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Fecal Coliform
Nassau	Glen Cove Creek, Lower, and tribs (1702-0146)	Silt/Sediment
Nassau	Grant Park Pond (1701-0054)	Phosphorus
Nassau	Hempstead Bay (1701-0032)	Fecal Coliform
Nassau	Hempstead Harbor, north, and tidal tribs (1702-0022)	Pathogens
Nassau	Hempstead Harbor, south, & tidal tribs (1702-0263)	Fecal Coliform
Nassau	Hempstead Lake (1701-0015)	Phosphorus
Nassau	Long Island Sound, Nassau County Waters (1702-0028)	Fecal Coliform
Nassau	Long Island Sound, Nassau County Waters (1702-0028)	Nitrogen
Nassau	Manhasset Bay, and tidal tribs (1702-0021)	Fecal Coliform
Nassau	Manhasset Bay, and tidal tribs (1702-0141)	Fecal Coliform
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Fecal Coliform
Nassau	Massapequa Creek, Upper, and tribs (1701-0174)	Phosphorus
Nassau	Middle Bay (1701-0208)	Fecal Coliform
Nassau	Milburn/Parsonage Creeks, Upp, and tribs (1701-0212)	Phosphorus
Nassau	Mill Neck Creek and tidal tribs (1702-0151)	Pathogens
Nassau	Oyster Bay Harbor (1702-0016)	Pathogens
Nassau	Reynolds Channel, east (1701-0215)	Fecal Coliform

Nassau	Seafords/Seamans Creeks, Upper, and tribs (1701-0201)	Fecal Coliform
Nassau	Shell Creek and Barnums Channel (1701-0213386)	Fecal Coliform
Nassau	South Oyster Bay (1701-0041)	Fecal Coliform
Nassau	Tidal Tribs to Hempstead Bay (1701-0218)	Fecal Coliform
Nassau	Tidal Tribs to Hempstead Bay (1701-0218)	Nitrogen
Nassau	Tidal Tribs to South Oyster Bay (1701-0200)	Fecal Coliform
Nassau	Tribs (fresh) to East Bay (1701-0204)	Fecal Coliform
Nassau	Tribs (fresh) to East Bay (1701-0204)	Phosphorus
Nassau	Tribs (fresh) to East Bay (1701-0204)	Silt/Sediment
Nassau	Tribs to Smith Pond/Halls Pond (1701-0221)	Phosphorus
Nassau	Woodmere Channel (1701-0219)	Fecal Coliform
Nassau	Woodmere Channel (1701-0219)	Nitrogen
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	Ballou, Nail Creeks (1201-0203)	Phosphorus
Oneida	Mohawk River, Main Stem (1201-0010)	Fecal Coliform
Oneida	Mohawk River, Main Stem (1201-0094)	Fecal Coliform
Oneida	Utica Harbor (1201-0228)	Fecal Coliform
Onondaga	Bloody Brook and tribs (0702 0006) 10	Fecal Coliform
Onondaga	Ley Creek and tribs (0702 0001) 10	Fecal Coliform
Onondaga	Ley Creek and tribs (0702-0001) 10	Ammonia (NH3)
Onondaga	Ley Creek and tribs (0702-0001) 10	Phosphorus
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nitrogen (NH3, NO2)
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Phosphorus
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Fecal Coliform
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Ammonia (NH3)
Onondaga	Onondaga Creek, Lower (0702-0023) 10	Fecal Coliform

Onondaga	Onondaga Creek, Lower (0702-0023) 10	Phosphorus
Onondaga	Onondaga Creek, Middle, and tribs (0702-0004) 10	Fecal Coliform
Onondaga	Onondaga Lake, Southern End (0702-0021) [10]	Fecal Coliform
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	Monhagen Brook and tribs (1306-0074)	Phosphorus
Orange	Orange Lake (1301-0008) [16]	Phosphorus
Oswego	Lake Neatahwanta (0701-0018)	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	Oscawana Lake (1301-0035)	Phosphorus
Putnam	Palmer Lake (1302-0103)	Phosphorus
Putnam	West Branch Reservoir (1302-0022)	Phosphorus
Queens	Alley Creek/Little Neck Bay Trib (1702-0009) 18	Fecal Coliform
Queens	Atlantic Ocean Coastline (1701-0014)	Fecal Coliform
Queens	Bergen Basin (1701-0009) 18	Fecal Coliform
Queens	Bergen Basin (1701-0009) 18	Garbage & Refuse
Queens	Bergen Basin (1701-0009) 18	Nitrogen
Queens	East River, Upper (1702-0010) 18	Garbage & Refuse
Queens	East River, Upper (1702-0032) 18	Garbage & Refuse
Queens	Flushing Creek/Bay (1702 0005) 18	Garbage & Refuse
Queens	Flushing Creek/Bay (1702-0005)	Nitrogen
Queens	Flushing Creek/Bay (1702-0005) 18	Fecal Coliform
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Fecal Coliform
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Garbage & Refuse
Queens	Jamaica Bay, Eastern, and tribs, Queens (1701-0005) 18	Nitrogen

Queens	Kissena Lake (1702-0258)	Phosphorus
Queens	Little Neck Bay (1702-0029)	Fecal Coliform
Queens	Meadow Lake (1702-0030)	Phosphorus
Queens	Newtown Creek and tidal tribs (1702 0002) 18	Garbage & Refuse
Queens	Newtown Creek and tidal tribs (1702-0002) 18	Fecal Coliform
Queens	Shellbank Basin (1701-0001) 18	Nitrogen
Queens	Spring Creek and tribs (1701-0361) 18	Garbage & Refuse
Queens	Thurston Basin (1701-0152) 18	Fecal Coliform
Queens	Thurston Basin (1701-0152) 18	Garbage & Refuse
Queens	Willow Lake (1702-0031)	Phosphorus
Rensselaer	Nassau Lake (1310-0001)	Phosphorus
Richmond	Arthur Kill, Class I, and minor tribs (1701 0010) 18	Garbage & Refuse
Richmond	Arthur Kill, Class SD, and minor tribs (1701-0182) 18	Garbage & Refuse
Richmond	Grassmere Lake/Bradys Pond (1701-0357)	Phosphorus
Richmond	Kill Van Kull (1701 0184) 18	Garbage & Refuse
Richmond	Newark Bay (1701 0183) 18	Garbage & Refuse
Richmond	Raritan Bay, Class SA (1701-0002)	Fecal Coliform
Rockland	Congers Lake, Swartout Lake (1501-0019)	Phosphorus
Rockland	Rockland Lake (1501-0021)	Phosphorus
Rockland	Sparkill Creek, Lower (1301-0088)	Fecal Coliform
Saratoga	Ballston Lake (1101-0036)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Phosphorus
Saratoga	Dwaas Kill and tribs (1101-0007)	Silt/Sediment
Saratoga	Lake Lonely (1101-0034)	Phosphorus
Saratoga	Tribs to Lake Lonely (1101-0001)	Fecal Coliform
Saratoga	Tribs to Lake Lonely (1101-0001)	Phosphorus
Schenectady	Collins Lake (1201-0077)	Phosphorus
Schenectady	Duane Lake (1311-0006)	Phosphorus
Schenectady	Mariaville Lake (1201-0113)	Phosphorus
Suffolk	Acabonack Harbor (1701-0047)	Pathogens
Suffolk	Agawam Lake (1701-0117)	Phosphorus
Suffolk	Beaverdam Creek and tribs (1701-0104)	Ammonia
Suffolk	Bellport Bay (1701-0320)	Pathogens

Suffolk	Big/Little Fresh Ponds (1701-0125)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Phosphorus
Suffolk	Canaan Lake (1701-0018)	Silt/Sediment
Suffolk	Centerport Harbor (1702-0229)	Pathogens
Suffolk	Conscience Bay and tidal tribs (1702-0091)	Pathogens
Suffolk	Flanders Bay, East/Center, and tribs (1701-0030)	Pathogens
Suffolk	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Nitrogen
Suffolk	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Pathogens
Suffolk	Flax Pond (1702-0240)	Fecal Coliform
Suffolk	Forge River, Lower and Cove (1701-0316)	Fecal Coliform
Suffolk	Fresh Pond (1701-0241)	Phosphorus
Suffolk	Goldsmith Inlet (1702-0026)	Pathogens
Suffolk	Goose Creek (1701-0236)	Pathogens
Suffolk	Great Cove (1701-0376)	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	Hashamomuck Pond (1701-0162)	Pathogens
Suffolk	Heady and Taylor Creeks and tribs (1701-0294)	Pathogens
Suffolk	Huntington Harbor (1702-0228)	Pathogens
Suffolk	Lake Montauk (1701-0031)	Pathogens
Suffolk	Lake Ronkonkoma (1701-0020)	Fecal Coliform
Suffolk	Lake Ronkonkoma (1701-0020)	Phosphorus
Suffolk	Little Sebonac Creek (1701-0253)	Pathogens
Suffolk	Long Island Sound, Suffolk Co, Central (1702-0265)	Fecal Coliform
Suffolk	Mattituck Inlet/Cr, Low, and tidal tribs (1702-0020)	Pathogens
Suffolk	Meetinghouse/Terrys Creeks and tribs (1701-0256)	Pathogens
Suffolk	Mill and Seven Ponds (1701-0113)	Phosphorus
Suffolk	Millers Pond (1702-0013)	Phosphorus
Suffolk	Moriches Bay, East (1701-0305)	Nitrogen
Suffolk	Moriches Bay, West (1701-0038)	Nitrogen
Suffolk	Mt Sinai Harbor and tidal tribs (1702-0019)	Pathogens

Suffolk	Mud Creek, Upper, and tribs (1701-0101)	Fecal Coliform
Suffolk	Narrow Bay (1701-0318)	Pathogens
Suffolk	Nicoll Bay (1701-0375)	Fecal Coliform
Suffolk	North Sea Harbor and tribs (1701-0037)	Pathogens
Suffolk	Northport Harbor (1702-0230)	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)	Nitrogen
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	Phillips Creek, Lower, and tidal tribs (1701-0299)	Fecal Coliform
Suffolk	Port Jefferson Harbor, North, and tribs (1702-0015)	Pathogens
Suffolk	Quantuck Bay (1701-0042)	Pathogens
Suffolk	Quantuck Bay (1701-0042)	Nitrogen
Suffolk	Quantuck Canal/Moneybogue Bay (1701-0371)	Pathogens
Suffolk	Quogue Canal (1701-0301)	Fecal Coliform
Suffolk	Reeves Bay and tidal tribs (1701-0272)	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	Setauket Harbor (1702-0242)	Pathogens
Suffolk	Shinnecock Bay and Inlet (1701 0033)	Nitrogen
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	Tidal Tribs to West Moriches Bay (1701-0312)	Fecal Coliform
Suffolk	Tidal Tribs to West Moriches Bay (1701-0312)	Nitrogen
Suffolk	Town/Jockey Creeks and tidal tribs (1701-0235)	Pathogens
Suffolk	Tuthill, Harts, Seatuck Coves (1701-0309)	Pathogens
Suffolk	Weesuck Creek and tidal tribs (1701-0111)	Pathogens

Suffolk	West Creek and tidal tribs (1701-0246)	Fecal Coliform
Suffolk	Wooley Pond (1701-0048)	Pathogens
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	Indian Brook and tribs (1006-0002)	Silt/Sediment
Warren	Lake George (1006-0016) and tribs	Silt/Sediment
Warren	Tribs to Lake George, East Shore (1006-0020)	Silt/Sediment
Warren	Tribs to Lake George, Lk.George Village (1006-0008)	Silt/Sediment
Wayne	Lake Ontario Shoreline, Central (0302-0044)	Fecal Coliform
Westchester	Amawalk Reservoir (1302-0044)	Phosphorus
Westchester	Bronx River, Upper, and tribs (1702-0107)	Fecal Coliform
Westchester	Cross River Reservoir (1302-0005)	Phosphorus
Westchester	Hutchinson River, Middle, and tribs (1702-0074)	Fecal Coliform
Westchester	Hutchinson River, Middle, and tribs (1702-0074)	Oil/Grease
Westchester	Lake Katonah (1302-0136)	Phosphorus
Westchester	Lake Lincolndale (1302-0089)	Phosphorus
Westchester	Lake Meahagh (1301-0053)	Phosphorus
Westchester	Lake Mohegan (1301-0149)	Phosphorus
Westchester	Lake Shenorock (1302-0083)	Phosphorus
Westchester	Larchmont Harbor (1702-0116)	Fecal Coliform
Westchester	Long Island Sound, Westchester Co Waters (1702-0001)	Fecal Coliform
Westchester	Long Island Sound, Westchester Co Waters (1702-0001)	Nitrogen
Westchester	Mamaroneck Harbor (1702-0125)	Fecal Coliform
Westchester	Mamaroneck River, Lower (1702-0071)	Silt/Sediment
Westchester	Mamaroneck River, Upp, & minor tribs (1702-0123)	Silt/Sediment
Westchester	Milton Harbor/Lower Blind Brook (1702-0063)	Fecal Coliform
Westchester	Muscoot/Upper New Croton Reservoir (1302-0042)	Phosphorus
Westchester	New Croton Reservoir (1302-0010)	Phosphorus
Westchester	New Rochelle Harbor (1702-0259)	Fecal Coliform
Westchester	Port Chester Harbor/Lower Byram River (1702-0260)	Fecal Coliform

Westchester	Reservoir No.1/Lake Isle (1702-0075)	Phosphorus
Westchester	Saw Mill River (1301-0007)	Fecal Coliform
Westchester	Saw Mill River (1301-0007)	Phosphorus
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Fecal Coliform
Westchester	Saw Mill River, Middle, and tribs (1301-0100)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Phosphorus
Westchester	Sheldrake River (1702-0069)	Silt/Sediment
Westchester	Silver Lake (1702-0040)	Phosphorus
Westchester	Teatown Lake (1302-0150)	Phosphorus
Westchester	Titicus Reservoir (1302-0035)	Phosphorus
Westchester	Truesdale Lake (1302-0054)	Phosphorus
Westchester	Wallace Pond (1301-0140)	Phosphorus

Appendix D. Forms

Included in this section are the following documents, in order:

- Monitoring Locations Inspection and Sampling Field Sheet
- Construction Site Inspection Report Form
- No Exposure Certification
- Municipal Facility Assessment Form
- Storm Event Data Form
- Visual Monitoring Form

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
- ☐ Ultra-Urban Residential
- ☐ Suburban Residential
- ☐ Commercial
- ☐ Open Space
- ☐ Institutional
- Other: _____
- Known Industries: _____

Notes (e.g., origin, if known):

Section 2: Monitoring Location Description

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
☐ **Closed Pipe**	☐ RCP ☐ CMP ☐ PVC ☐ HDPE ☐ Steel ☐ Other: _____	☐ Circular ☐ Single ☐ Elliptical ☐ Double ☐ Box ☐ Triple ☐ Other: _____ ☐ 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	Stopwatch
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 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
DIVISION OF WATER

NEW YORK STATE Department of Environmental Conservation

New York State Department of Environmental Conservation

Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001

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 Authority

	Yes	No	N/A		Citation
1.	☐	☐	☐	Does the project have permit coverage?	GP-0-20-001: I.A & II. B
2.	☐	☐	☐	Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing?	GP-0-20-001: II.D.2
3.	☐	☐	☐	Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?	GP-0-20-001: II.D.2
4.	☐	☐	☐	Is an up-to-date copy of the signed SWPPP retained at the construction site?	GP-0-20-001: II.D.2. & III.A.4
5.	☐	☐	☐	Is a copy of the SPDES General Permit retained at the construction site?	GP-0-20-001: II.D.2
6.	☐	☐	☐	Does the NOI accurately report the number of acres to be disturbed?	GP-0-20-001: II.B.4

SWPPP Content

	Yes	No	N/A		Citation
7.	☐	☐	☐	Does the SWPPP describe and identify the erosion and sediment control measures to be employed?	GP-0-20-001: III.B.1.e
8.	☐	☐	☐	Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?	GP-0-20-001: III.B.1.i
9.	☐	☐	☐	Does the SWPPP describe and identify the stormwater management practices to be employed?	GP-0-20-001: III.B.2
10.	☐	☐	☐	Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?	GP-0-20-001: III.A.6
11.	☐	☐	☐	Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies?	GP-0-20-001: III.A.6
12.	☐	☐	☐	Does the SWPPP include all the necessary Contractor Certification Statements and signatures?	GP-0-20-001: III.A.6
13.	☐	☐	☐	Is the SWPPP signed by the permittee?	GP-0-20-001: VII.H.2
14.	☐	☐	☐	Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?	GP-0-20-001: III.A.3
15.	☐	☐	☐	Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)?	GP-0-20-001: III.B.3

Recordkeeping

	Yes	No	N/A		Citation
16.	☐	☐	☐	Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)?	GP-0-20-001:IV.C.2.a. & b
17.	☐	☐	☐	Are the self-inspections performed and signed by a qualified inspector and retained on site?	GP-0-20-001:II.C.2.,IV.C.6 & VII.H.3
18.	☐	☐	☐	Do the qualified inspector's reports include the minimum reporting requirements?	GP-0-20-001: IV.C.4
19.	☐	☐	☐	Do inspection reports identify corrective measures that have not been implemented or are recurring?	GP-0-20-001: IV.C.5

Visual Observations

	Yes	No	N/A		Citation
20.	☐	☐	☐	Are all erosion and sediment control measures installed properly?	GP-0-20-001: VII.L
21.	☐	☐	☐	Are all erosion and sediment control measures being maintained properly?	GP-0-20-001: IV.A.1
22.	☐	☐	☐	Was written authorization issued for any disturbance greater than 5 acres?	GP-0-20-001: II.D.3
23.	☐	☐	☐	Have stabilization measures been implemented in inactive areas per Permit (>5acres) or ESC Standard?	GP-0-20-001: II.D.3.b & III.B.1.f
24.	☐	☐	☐	Are post-construction stormwater management practices constructed/installed correctly?	GP-0-20-001: III.B.2
25.	☐	☐	☐	Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal?	GP-0-20-001: V.A.2
26.	☐	☐	☐	Was there a discharge from the site on the day of inspection?	
27.	☐	☐	☐	Is there evidence that a discharge caused or contributed to a violation of water quality standards?	ECL 17-0501, 6 NYCRR 703.2 & GP-0-20-001: I.D

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 Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	

NEW YORK STATE | Department of Environmental Conservation

NO EXPOSURE CERTIFICATION

For High Priority Municipal Facilities

in SPDES MS4 General Permit, GP-0-24-001

The completed No Exposure Certification must be documented in the SWMP Plan.
Please do not submit this form to the Department unless requested.

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 materialsfrom 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 upon request to the NPDES permitting authority or 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	**Municipal Facility Assessment Form For SPDES MS4 General Permit, GP-0-24-001**

Assessments 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-0-24-001).

MS4 Permit ID:	MS4 Operator Name:	
Facility Name:	Facility Type:	Date:
Weather Conditions:		
Is stormwater runoff present during this assessment? ☐ Yes ☐ No		
Comments:		

General		**Yes**	**No**
1	Is this a high priority municipal facility?	☐	☐
2	If this is a high priority municipal facility, does the facility qualify for a No Exposure Certification?	☐	☐
3	If this is a high priority municipal facility, is there a completed SWPPP available?	☐	☐
4	Does the facility have any MS4 outfalls?	☐	☐
5	Does the facility have any interconnections?	☐	☐
6	Does the facility have any municipal facility intraconnections?	☐	☐
Comments:			
Good Housekeeping		**Yes**	**No**
7	Are paved surfaces free of trash, sediment, and/or debris?	☐	☐
8	Date the paved area was last swept or vacuumed.	☐	☐
9	Do outdoor waste receptacles have covers?	☐	☐
10	Are the waste receptacles emptied on a regular basis?	☐	☐
11	Are there signs of leaks, contaminants or overfilling at the waste receptacle area?	☐	☐
12	Are the following facility areas free of accumulated trash, sediment, debris, contaminants, and spills:	☐	☐
	- Salt storage areas	☐	☐
	- Container storage areas	☐	☐
	- Maintenance areas	☐	☐

	- Staging areas	☐	☐
	- Material stockpile areas	☐	☐
Comments:			

Vehicle and Equipment Areas		☐ N/A	Yes	No
13	Are vehicle/equipment parked indoors or under a roof?		☐	☐
14	Are vehicles/equipment washed in only designated areas?		☐	☐
15	Are vehicles washed regularly to remove contamination and prevent them from polluting stormwater?		☐	☐
16	Is all wash water treated in an oil water separator prior to discharge?		☐	☐
17	Is all wash water managed so it does not enter the MS4?		☐	☐
Comments				

Vehicle/Equipment Maintenance		☐ N/A	Yes	No
18	Is equipment stored under shelter or elevated and covered?		☐	☐
19	Are fluids drained over a drip pan or pad?		☐	☐
20	Are funnels or pumps used when transferring fluids?		☐	☐
21	Are waste rags and used absorbent pads disposed of properly?		☐	☐
22	Are any vehicles and/or equipment leaking fluids?		☐	☐
23	Are drip pans immediately placed under leaks?		☐	☐
24	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)?		☐	☐
25	Are vehicles inspected daily for leaks?			
Comments:				

Fueling areas		☐ N/A	Yes	No
26	Is fueling performed under a canopy or roof?		☐	☐
27	Are spill cleanup materials available at the fueling area?		☐	☐
28	Are breakaway valves used on fueling hoses?		☐	☐
29	Is the fueling handle lock disconnected so the operator must attend the fueling?		☐	☐
30	Is stormwater runoff from fueling area treated in an oil/water separator?		☐	☐
31	Is the fueling automatic stop inspected regularly to ensure it is working properly?		☐	☐
32	Are all fuel deliveries monitored?		☐	☐
Comments:				

Salt Storage Piles or Pile Containing Salt		☐ N/A	Yes	No
33	Is salt stored in a salt storage building or under a roof?		☐	☐
34	Are controls in place to minimize spills while adding or removing material from the pile?		☐	☐
35	Are salt spills cleaned up promptly?		☐	☐
36	Is overflow and tracked salt removed promptly from loading areas?		☐	☐
37	Is stormwater draining away from the salt pile directed to a vegetated filter area		☐	☐
Comments:				
Fluids Management		☐ N/A	Yes	No
38	Are all drums and containers of fluids stored with proper cover and containment?		☐	☐
39	Are fluids stored in appropriate containers and/or storage cabinets?		☐	☐
40	Are all fluids kept in original containers or labeled in a manner that describes the contents adequately?		☐	☐
41	Are Material Safety Data Sheets (MSDS/SDS) readily available?		☐	☐
42	Are all containers that are stored free of leaks or deposits?		☐	☐
43	Are containers of product inspected regularly?		☐	☐
44	Is used oil and antifreeze stored indoors and/or on spill containment pallets?		☐	☐
45	Is used oil and antifreeze properly disposed of or recycled?		☐	☐
Comments:				
Lead Acid Batteries		☐ N/A	Yes	No
46	Are lead-acid batteries stored indoors on spill containment pallets or in bins?		☐	☐
47	Are intact batteries stored on an acid-resistant rack or tub?		☐	☐
48	Are cracked or leaking batteries stored in labeled, closed, leak-proof containers?		☐	☐
49	Is the date each battery was placed in storage recorded?		☐	☐
50	Are batteries stacked more than 5 high?		☐	☐
51	Are batteries inspected regularly for leaks?		☐	☐
Comments:				
Spill Prevention and Response Procedures		☐ N/A	Yes	No
52	Are vehicles inspected daily for leaks?		☐	☐

53	Is spill control equipment and absorbents readily available?	☐	☐
54	Are emergency phone numbers posted in conspicuous areas?	☐	☐
55	Are spills contained and cleaned up immediately?	☐	☐
Comments:			

General Material Storage Areas	☐ N/A	Yes	No
56	Are leaking or damaged materials stored inside a building or another type of storm resistance shelter?	☐	☐
57	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?	☐	☐
58	Are used fuel tanks and other scrap metal and parts drained of fluids and stored under cover?	☐	☐
59	Are outdoor containers covered?	☐	☐
60	Are piles of spoils, asphalt, debris, etc. stored under a roof or cover?	☐	☐
61	Are spills of material or debris cleaned up promptly?	☐	☐
62	Are used tire storage piles placed away from storm drains or conveyances?	☐	☐
63	Are tires recycled frequently to keep the number of stored tires manageable?	☐	☐
Comments:			

Stormwater Management		Yes	No
64	Are employees trained on the municipal facility procedures?	☐	☐
66	Are BMPs and treatment structures working as designed?	☐	☐
67	Are BMPs and treatment structures free from debris buildup or overgrown vegetation that may impair function?	☐	☐
68	Catch basins should be cleaned in accordance with the timeframes listed in Part VI.F.3.c.iii. / Part VII.F.3.c.iii, depending on the MS4 Operator type. Based on this, do any catch basins need to be cleaned?	☐	☐
69	Are berms, curbing or other methods used to divert and direct discharges adequate and in good condition?	☐	☐
70	Are rooftop drains directed to areas away from pavement?	☐	☐
Comments:			

Erosion and Sediment Controls		Yes	No
71	Are soil stabilization measures (e.g., seed and mulch, rolled erosion control products) considered in areas that have the potential for significant soil erosion?	☐	☐
72	Are natural buffers maintained around surface waters?	☐	☐
73	Are flow velocity dissipation devices in place at monitoring locations and channel outlets (rock riprap, stone check dams, concrete baffles)?	☐	☐
74	Do controls conform to the NYS Standards and Specifications for Erosion and Sediment Control (2016), or equivalent?	☐	☐

Comments:			
Corrective Actions and Comment			
Describe Inspection findings and if necessary, the corrective actions taken			
Inspector Signature		Date:	

NEW YORK STATE | Department of Environmental Conservation

Storm Event Data Form for SPDES MS4 General Permit, GP-0-24-001

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 and imprisonment for knowing violations.

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-0-24-001

All high priority municipal facilities covered under the MS4 GP-0-24-001 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

Reporting 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-0-23-001 (MSGP)

SPDES General Permit for Stormwater from Construction Activities, GP-0-20-001 (CGP)

SPDES General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems, GP-0-24-001 (MS4 GP)

United States Department of Transportation Federal Highway Administration, Highway Functional Classification Concepts, Criteria and Procedures, 2013 (USDOT 2013)