



**TOWN OF OWEGO
STORMWATER MANAGEMENT
PROGRAM
PLAN
2024-2029**

OWEGO TOWN BOARD ADOPTED JULY 2, 2024

**TOWN OF OWEGO IS A MEMBER OF
THE BROOME-TIOGA STORMWATER COALITION**



www.broometiogastormwater.com

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Introduction

This Stormwater Management Program (SWMP) Plan has been developed to comply with Part IV.A. of the New York State Department of Environmental Conservation General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002) for a Traditional Non-Land Use Control (Tioga County) and a Traditional Land Use Control (Town of Owego). The purpose of this plan is to maintain or improve water quality. The Tioga County and Town of Owego MS4's are a member of the Broome-Tioga Stormwater Coalition (BTSC). The BTSC exists by way of an inter-municipal agreement enacted through municipal resolution by each of the 15 participating members.

Part IV.A ("Stormwater Management Program Requirements, SWMP Background") of GP-010-002 states:

"Permittees must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable ("MEP") in order to protect water quality and to satisfy the appropriate water quality requirements of the [Environmental Conservation Law] and the [Clean Water Act]. Permittees must, by March 9, 2009 (or at the time of a Department audit of the SWMP), prepare a SWMP plan documenting their SWMP."

This SWMP is based on the Federal Stormwater Phase II rule, issued in 1999, which requires municipal separate storm sewer system (MS4) owners and operators, in U.S. Census-defined urbanized areas as well as in additionally designated areas, to develop a Stormwater Management Program. There are six program elements designed to reduce the discharge of pollutants to the maximum extent practicable (MEP). The program elements, titled Minimum Control Measures (MCMs), include:

1. Public Education and Outreach
2. Public Involvement / Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Stormwater Management
6. Pollution Prevention / Good Housekeeping for Municipal Operations.

This document describes each MCM and the Best Management Practices (BMPs) that have been implemented to maintain compliance with the NYSDEC GP-0-08-002. Responsibilities to achieve and sustain compliance are clearly defined for each BMP. Some responsibilities are covered through the collective efforts of the Broome-Tioga Stormwater Coalition (BTSC) members. The remaining work is conducted by Tioga County's and Town of Owego's Stormwater Management Program Manager and the Stormwater Official Contact.

This SWMP Plan should be reviewed periodically and updated as necessary in order to take into consideration the latest technologies and information to maintain compliance with the NYSDEC GP-0-10-002, as well as to account for progress made.

Minimum Control Measure 1: Public Education and Outreach on Stormwater Impacts

1. Description of Minimum Measure

The Public Education and Outreach MCM consists of BMPs that focus on the development of educational materials, demonstration activities and training sessions designed to inform the public about the impacts that stormwater discharges have on local water bodies. The Public Education and Outreach program and BMPs, in combination, are expected to reach all of the constituents within the MS4's permitted boundary.

2. General Permit Requirements

At a minimum, *all* covered entities must:

- Identify POC's, waterbodies of concern, geographic areas of concern, target audiences
Pollutants of Concern: According to the NYSDEC 2009 Susquehanna River Basin Waterbody Inventory and Priority Waterbodies List, "water quality in the Susquehanna River Basin generally ranges from satisfactory to very good." However for the purposes of the Stormwater Management Program pollutants of concern will include sediment and nutrients. Sources of these pollutants include agricultural activities, stream bank erosion and construction site runoff. The focus of this stormwater management plan will be construction site and earth disturbing activities as it pertains to stormwater runoff from these sites.

Geographic Area of Concern: Polluted stormwater runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams, as a result, waterbodies of concern within the Town of Owego include the Apalachin Creek and the main branch of the Susquehanna River. There are two regulated MS4s addressed by this plan the Town of Owego and Tioga County. In order to address the portions of Tioga County within the MS4 area the Town of Owego and Tioga County have signed an intermunicipal agreement that allows them to coordinate stormwater activities.

Target Audiences: Tioga County and Town of Owego will target contractors, school students, residents, municipal officials and workers, as well as various community groups.

- Implement an ongoing public education and outreach program
- Educational materials may be made available at various accessible locations
- Modify as needed measurable goals
- Select and implement appropriate education and outreach activities and measurable goals to ensure the reduction of all POC's in stormwater discharges.

3. Methodology for Compliance with Permit Requirements

Previous permit accomplishments

- The Broome-Tioga Stormwater Coalition Public Education and Participation Committee has developed and implemented a public outreach campaign including creating a new education logo, television advertisements (played the first time during Super Bowl

XLVIII), and a dedicated website with the new logo/campaign design — www.waterfromrain.org.

- New printed material using the new educational design/theme has also been created and distributed at various community events.
- BTSC members have demonstrated the Enviroscape stormwater demonstration model at 3 annual events each year.
- Tioga County developed, hosted and conducted a land-use training on the Local Benefits of Stormwater to local officials such as governing board members, planning or zoning board members and code enforcement officers.
- Tioga County and Town of Owego produced a Rural Living Brochure with a stormwater emphasis, especially what to be aware of when living by streams.
- The Broome-Tioga Stormwater Coalition purchased 10,000 permanent drain markers for its 15 municipality members. Tioga County installed them on 35 storm drains, and Town of Owego installed them on 800 storm drains.

4. Goals

- Tioga County will demonstrate the Enviroscape Stormwater Model to 2 classrooms, plus 2 community events within the MS4 each year
- Tioga County will develop and schedule a series of television and radio PSA's targeted to homeowners on ways to reduce pollution to the stormwater system by season
- Existing Tioga County and Town of Owego stormwater web pages shall be linked to the Broome-Tioga Stormwater Coalition website and waterfromrain website.
- Stormwater principles will be integrated into all land use trainings for local municipal officials to the maximum extent practicable.
- BTSC will hold 6 contractor training sessions each year with at least 40 attendees per session.

5. Minimum Required Reporting

At a minimum, the covered entity shall report on items below:

- list education / outreach *activities* performed and provide any results (number of people attended, amount of materials distributed, etc.);
- report on effectiveness of program, *BMP* and *measurable goal* assessment; and
- maintain records of all training activities

These elements are covered in the BTSC/Tioga County MS4 Annual Stormwater reports. Records on training sessions in Tioga County are on file in the Tioga County Economic Development and Planning Office with supplemental materials located at the Tioga County Soil & Water Conservation District Office.

Minimum Control Measure 2: Public Involvement/ Participation

1. Description of Minimum Measure

The Public Involvement and Participation MCM consists of a set of BMPs that are focused on getting members of the local community involved in the MS4's municipal stormwater management program. Compliance with State and local public notice requirements will be maintained whenever public participation is sought or required. The BMPs include a number of practices designed to seek public input on the SWMP and Annual Report accomplishments in addition to describing specific activities that encourage public participation. The target audiences for the public involvement program are key individuals and groups that may have an interest in the particular BMPs as well as the general public located within the permitted boundary.

2. General Permit Requirements

At a minimum, *all* covered entities must:

- Comply with State and local public notice requirements when implementing a public involvement / participation program:
- Provide the opportunity for the public to participate in the development, implementation, review and revision of the SWMP
- Local Stormwater public contact
- Annual Report Presentation
- Record, periodically assess and modify as needed measurable goals
- Select and implement appropriate public involvement / participation activities to ensure the reduction of all the POC's stormwater discharges to the MEP.

3. Methodology for Compliance with Permit Requirements

Past accomplishments

- The Broome-Tioga Stormwater Coalition complies with the State Open Meetings Law when planning annual report presentation public meetings. The meeting notice is distributed as a press release within the required timeframe and is also posted along with the annual report on the Tioga County, Town of Owego and Broome-Tioga Stormwater Coalition's website.
- E-mail contact is always listed on meeting and annual report notices to provide comment. Comments can also be made via e-mail on the BTSC website.
- The BTSC and the BTSC Public Education and Participation Committee will set their meeting schedule at the beginning of every year and release to the media as well as post on the BTSC website.
- The Broome-Tioga Stormwater Coalition gives proper notice for the annual report presentation public meetings. The annual report meeting is always open to the public. The meeting notice is distributed as a press release providing the required timeframe and is also posted along with the annual report on both Tioga County's and Broome-Tioga Stormwater Coalition's website. The annual report is also posted on Tioga County's website. Contact information is provided within the press release to make comments or comments can be submitted directly from the BTSC website.

- A Notice of Availability is created and distributed to the media and posted on the noted websites every year which includes all the required information about the annual report, annual report presentation public meeting, and how and when to comment.
- The Tioga County SWMP will also be permanently posted on the Tioga County website, Stormwater webpage and on the Town of Owego Planning and Zoning webpage. It will be replaced as it is modified. Archival versions will be on file in the Tioga County Economic Development & Planning Office and the Town of Owego Planning and Zoning Office.

4. Goals

- The BTSC Final Annual report remains on the specified websites for the entire reporting year for public inspection. When a new one is finalized for the next reporting year, previous annual reports are archived on the BTSC website and the annual report gets replaced on the Tioga County and Town of Owego websites.
- The BTSC will continue to hold a public meeting to solicit comment on the annual report and provide sufficient notice via a Notice of Availability.
- Tioga County and Town of Owego will work in partnership to initiate two Adopt-a-Watershed Groups that are within the MS4 Area and the Town of Owego. Various community groups will be recruited to participate such as the Hiawatha Yacht Club, Boys and Girls Scout troops, stream clean up groups, Rotary and Kiwanis Clubs, as well as municipal officials.
- Tioga County, Town of Owego and partners will continue to hold the following annual events for public participation: stream clean ups, tire collections, household hazardous waste collections and household electronics collections, and tree sales.
- Town of Owego will enlist various service working groups such as Tioga Works and Alternatives to Incarceration to install "Do Not Dump Drains to River" steel, bolt-on drain markers on 800 catchments basins during this 5-year permit
- Tioga County and the Town of Owego will continue to encourage interested groups to conduct storm drain stenciling projects where needed to supplement those not having permanent markers.
- Tioga County and Town of Owego will post all MCM 1 educational material on County website
- Tioga County and Town of Owego will continue to post Public Stormwater Contact and Stormwater Program Manager contact information on their respective websites.
- Tioga County's Public Stormwater Contact information is posted on the tiogacountyny.com website on the Economic Development and Planning webpage. This information will be moved to a dedicated stormwater webpage when it is created.

5. Minimum Required Reporting

- annual report presentation information (date, time, attendees) or information
- about how the annual report was made available for comment;
- comments received and intended responses (as an attachment); and
- report on effectiveness of program, *BMP* and *measurable goal* assessment

These elements are all covered in the BTSC/Tioga County MS4 Stormwater Annual Reports.

Minimum Control Measure 3: Illicit Discharge Detection and Elimination

1. Description of Minimum Measure

The Illicit Discharge Detection and Elimination minimum control measure consists of Best Management Practices (BMPs) that focus on the detection and elimination of illicit discharges into the MS4. The BMPs describe outfall mapping and updating procedures; the legal authority mechanism that will be used to effectively prohibit illicit discharges; enforcement procedures and actions to ensure that the regulatory mechanism is implemented; the dry weather screening program and procedures for tracing and locating the source of an illicit discharge; procedures for locating priority areas; and procedures for removing the source of the illicit discharge.

2. General Permit Requirements

An MS4 *must*, at a minimum:

- Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4.
- Develop and maintain a map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls.
- Field verify all outfall locations.
- Conduct an outfall reconnaissance inventory, addressing each outfall at least once every five years, with reasonable progress each year.
- Map new outfalls as they are constructed or newly discovered.
- Prohibit, through ordinance or other regulatory mechanism, illicit discharges into the storm sewer system and implement appropriate enforcement procedures and actions.
- Develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the system.
- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- Address the categories of non-stormwater discharges or flows as necessary.
- Develop, record, periodically assess, and modify as needed, measureable goals.
- Select and implement appropriate IDDE BMPs and measureable goals to ensure the reduction of all POCs in stormwater discharges to the MS4.

3. Methodology for Compliance with Permit Requirements

Past accomplishments

- The Town of Owego has identified all 560 of their storm drains with drain markers.
- Tioga County has identified all 55 of their storm drains with drain markers.
- Tioga County has mapped and incorporated into their GIS systems conveyance pipes that connect all the storm drains.

4. Goals

- Using the existing outfall mapping, the Town of Owego will conduct an outfall reconnaissance inventory during routine maintenance visits, addressing each outfall at least once every five years, with reasonable progress each year.
- Maintain a prioritized list of outfalls for inspection, ranked on a 5-tier priority basis as follows:
 - Priority 1: (Highest Priority): Outfalls in which previous inspections indicated evidence of illicit discharge such as dry weather discharge, color, odor, etc. or outfalls in areas where repeated complaints were received.
 - Priority 2: Outfalls in heavy industrial or commercial areas or construction sites OR Outfalls in environmentally sensitive areas OR Outfalls to areas of impaired waters in which ambient water quality sampling indicated high levels of particular contaminants.
 - Priority 3: Outfalls in which previous inspections indicated structural deficiencies.
 - Priority 4: Outfalls in older areas of the municipality.
 - Priority 5: (Lowest Priority): None of the above.
- The Town of Owego Stormwater Management Officer will ensure that outfalls are being inspected; the inspections are documented, and will submit accrued outfall mapping update forms for all outfalls that have been altered since mapping was established to the Tioga County GIS Manager.
- The Town of Owego will provide update information to the base outfall map during routine maintenance visits, scheduled outfall inspections, and responses to complaints. Since outfall mapping is managed by the Tioga County GIS Department, information collected on outfalls will periodically be transmitted to the Tioga County GIS Manager.
- The Town of Owego Stormwater Management Officer will periodically review the ordinance and adjust as necessary to maintain compliance with NYS standards and requirements.
- The Town of Owego will develop a plan, by year 2, to detect illicit discharges by conducting routine visual inspections of every mapped outfall. The plan will set criteria for the inspection process.
- If possible, define the drainage areas about each outfall. Having the drainage areas defined is helpful in tracking down illicit discharge sources. This task can only be accomplished if grants or other funding become available to accomplish this task.
- Tioga County DPW has identified 30 storm drain markers that need replacing. This will be done in summer 2015.
- Tioga County DPW will inspect the 55 storm drains and 6 outfalls two times per year and record all contamination observations on log sheets.
- The Town of Owego Stormwater Management Officer will investigate and confirm the source of pollutants when water quality issues arise due to public complaints or by scheduled inspection of outfalls and implement enforcement action per the Local Law to prohibit illicit discharges, activities and connections to separate storm sewer system. This goal will be aided through utilization of a GIS application. BTSC has purchased handheld GPS mapping units to assist in plotting the entire storm sewer shed.
- The Town of Owego Stormwater Management Officer will annually update non-stormwater discharge list as necessary such that no exempt stormwater discharge is a substantial contribution of pollutants.

- Waterline flushing
 - Landscape irrigation
 - Diverted stream flows
 - Rising ground waters
 - Uncontaminated ground water infiltration
 - Uncontaminated pumped ground water
 - Discharges from potable water sources
 - Foundation and footing drains
 - Air conditioning condensate
 - Irrigation water
 - Springs
 - Water from crawl space and basement sump pumps
 - Lawn watering runoff
 - Water from individual residential car washing
 - Flows from riparian habitats and wetlands
 - Dechlorinated swimming pool and water reservoir discharges
 - Residual street wash water
 - Discharges or flows from fire fighting activities
 - Any SPDES permitted discharge
- Town of Owego will inspect and clean 280 catch basins per year on a rotating basis.
 - Through the minimum reporting requirements the Town of Owego will document its progress in implementation of BMPs and measureable goals.

5. Minimum Required Reporting

- Number and percent of outfalls mapped;
- Number of illicit discharges detected and eliminated;
- Percent of outfalls for which an outfall reconnaissance inventory has been performed;
- Status of system mapping;
- Activities in and results from informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
- Regulatory mechanism status — certification that law is equivalent to the State's model IDDE law (if not already completed and submitted with an earlier annual report); and
- Report on effectiveness of program, BMP and measureable goal assessment.

These required elements are all covered in the BTSC MS4 Stormwater Annual Report

MCM 3 - STANDARD OPERATING PROCEDURES
Illicit Discharge Detection & Elimination (IDDE)

July 2024

Town of Owego
2354 State Route 434
Apalachin, NY 13732

1. PREPARATION

- Have a system in place to receive reports and collect information regarding spills and suspected illicit discharges, and respond to reports.

2. PROCESS

- Collect the appropriate information from caller using the Incoming Call Report form. Online reports will be received by email.
- Follow the Reporting and Response Flow Chart.
 - Call the Town of Owego Stormwater Management Officer and provide report information (Incoming Call Report or Online Report). If Officer is not available, contact the Town of Owego Code Enforcement Officer (See flow chart).
 - Call the Tioga County Environmental Health Department as needed (See flow chart).
 - Call the New York State Department of Environmental Conservation as needed (See flow chart).
- Stormwater Management Officer/Code Enforcement to promptly investigate reported incident and fill out IDDE Responses Form.
- For spills, follow the procedures of SOP Spill Containment and Cleanup.
- If an illicit discharge is confirmed and the source is unknown, follow the procedures of SOP IDDE — Tracing Illicit Discharge.
- If an illicit discharge is confirmed and the source is known, follow the procedure for SOP IDDE — Removing Illicit Discharge.
- Follow up with the individual or entity responsible for cleaning or any other actions taken, including the Tioga County Health Department, to confirm that the spill or illicit discharge has been taken care of.

- Forward all collected information to the Stormwater Management Officer for tracking and documentation.
- Track actions taken for spill/illicit discharge and forward to Stormwater Management Officer to fill out appropriate logs.

3. ACTIONS

- Follow procedures identified in the following SOPs as needed:
 - SOP Spill Containment and Cleanup
 - SOP IDDE — Tracing Illicit Discharge
 - SOP IDDE — Removing Illicit Discharge

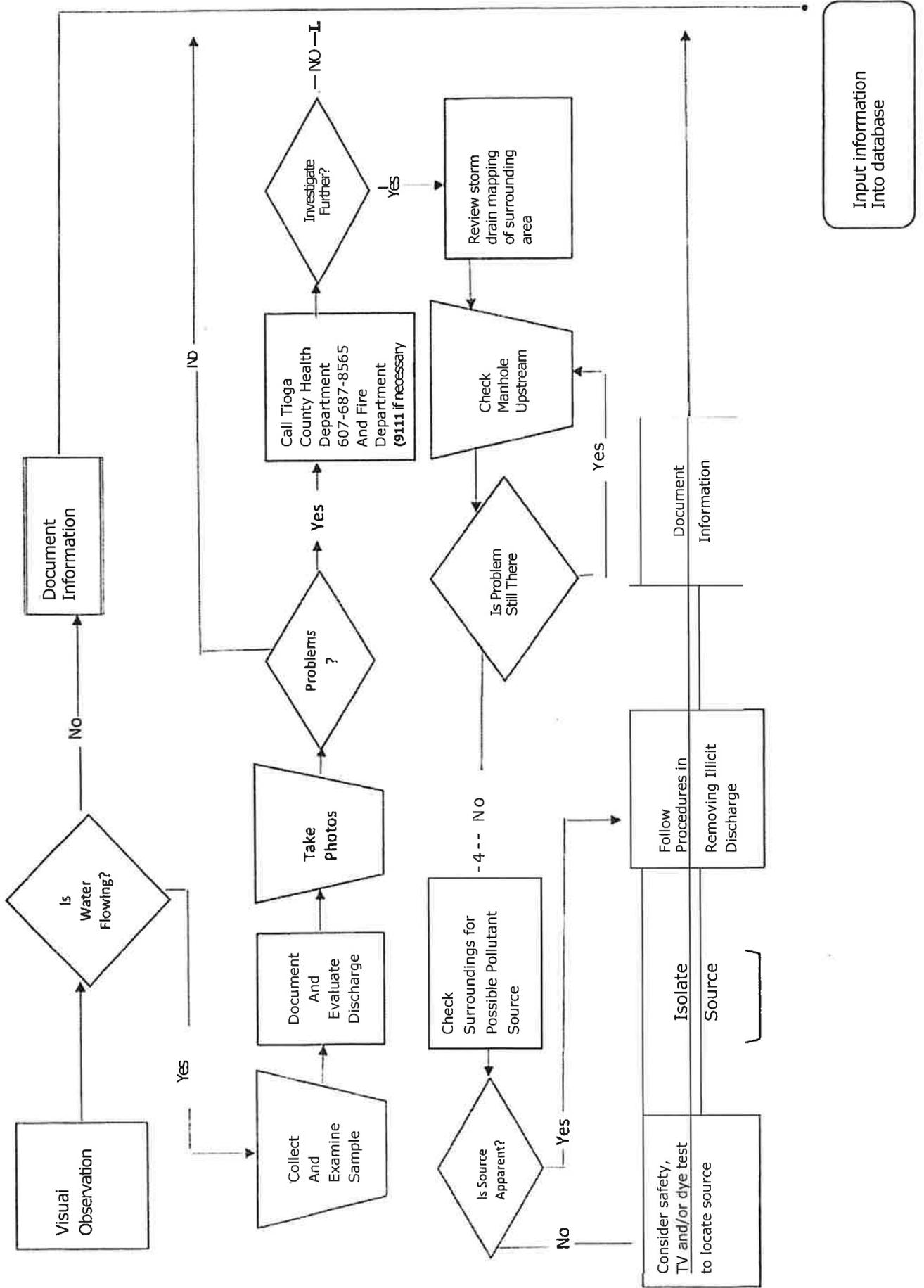
4. DOCUMENTATION

- Operator will forward Incoming Call Report Form and online report to Stormwater Management Officer to document in IDDE Inspection Report Inventory.
- Stormwater Management Officer will document inspection and follow-up information in IDDE Enforcement Action Log.

5. ROUTINE INSPECTIONS

- Using existing outfall mapping, the Town of Owego will conduct an outfall reconnaissance inventory during routine maintenance visits, addressing each outfall at least once every five years, with reasonable progress each year.

ILLCIT DISCHARGE SCREENING FLOW CHART TOWN OF OWEGO





IDDE INCOMING CALL REPORT FORM
(For Phone Operator)

July 2024

Town of Owego
2354 State Route 434
Apalachin, NY 13732

Date of Illicit Discharge Time _____ Duration _____

Address of Discharge _____

Name of person discharging (if applicable) _____

Name & phone number of person making the call _____

Chemical name or identity of any substance involved in the release _____

Is the substance hazardous? _____

Estimated quantity spilled? _____

Did the illicit discharge enter a waterbody? _____

Did the illicit discharge enter the storm drain system?

Any known or anticipated acute or chronic health risks for exposed individuals associated with the emergency spill:

If possible, take photos for proof of dumping when it is occurring. Don't approach individual dumping for your own safety! Call Code Enforcement at 607-687-0123 X6 or if an Emergency call 911.



Stormwater IDDE Report & Response Form

July 2024

Town of Owego
2354 State Route 434
Apalachin, NY 13732

1. Incident Report _____ Incident Number: _____

Date/Time: _____ AM/PM Received By: _____

Initial Report of Conditions: _____

Reported By: _____ Phone: _____

2. Investigation

Date: _____ By: _____

Location Description/Storm Drain ID/Outfall:

Discharge Entered Storm Drain System/Receiving Waters? _____ Yes _____ No

Material Type

- Hazardous Sediment Wastewater
 Oil/Grease _____ Other _____ Unknown

Estimated Quantity: _____

Additional Information: _____

Sample(s) Collected: _____ Yes _____ No Photo(s) Taken: _____ Yes _____ No

Observed Land Use

- Residential
 Commercial/Industrial Stormwater Permit Yes _____ No _____ Unknown
 Public

Direct/Constructed Connections Found? _____ Yes _____ No

Source Description: _____

Source/Responsible Party: _____



3. Action and Closure

Referred to: _____ Date: _____

Action Taken: _____

Date Closed: _____



IDDE — OPPORTUNISTIC ILLICIT DISCHARGE OBSERVATION

July 2024

Town of Owego
2354 State Route 434
Apalachin, NY 13732

Preparation

- Be alert for potential illicit discharges to the municipal stormwater system while going about normal work activities.

Process

- Call the appropriate authority (i.e. Department head stormwater management officer, construction inspector, code enforcement officer or a supervisor) if you see evidence of an illicit discharge or you are involved in the illicit discharge.
- Assess the general area of the illicit discharge to see if you can identify its source.
- Whenever possible, take photographs of the suspected illicit discharge.
- Responding stormwater management personnel or code enforcement officer will follow SOP IDDE-Reporting and Response.

Clean-up

- Clean or cause to be cleaned the catch basin, and/or storm drain or initiate the spill response as needed.

Documentation

- File all completed forms (i.e. Call log and inspection form), photos, or other notes to Stormwater management officer for documenting in SWMP.



IDDE — REMOVING ILLICIT DISCHARGES

July 2024

Town of Owego
2354 State Route 434
Apalachin, NY 13732

Preparation

- Obtain available property ownership information for the source of the illicit discharge.

Process

- Determine who is financially responsible-follow associated procedures as given below:

For Private Property Owner:

- Contact Owner
- Educate Owner/issue Notice of Violation for violations as needed.
- Determine schedule for removal.

For Municipal Facility:

- Notify appropriate municipal authority or department head.
 - Educate municipal authority or department head and schedule for removal.
 - Remove illicit connection.
- Suspend access to storm drain if threats of serious physical harm to humans or the environment are possible.
 - Direct responsible party to initiate repairs/corrections/cleanup. Coordinate with enforcement official for escalating penalties in accordance with municipal ordinance.
 - Repair/correct cause of discharge if municipality is responsible. Schedule the work through the appropriate municipal authority or department head.
 - Seek technical assistance from the New York State Department of Environmental Conservation or Tioga County Health Department if needed.
 - Input information into IDDE logs and GIS database for tracking.



Clean-up

- Clean or cause to be cleaned catch basins, storm drains, streets, etc. or initiate spill response procedures as identified in the relevant SOPs.
- Confirm illicit discharge is removed or eliminated by follow-up inspections.

Documentation

- Stormwater Management Officer will document illicit discharge including:
- Maintain records of notice of violation and penalties in IDDE Enforcement Log.
- Document repairs, corrections, and any other actions required in enforcement log.
- Stormwater Management Officer will document tracking information in GIS database.



IDDE — TRACING ILLICIT DISCHARGES

July 2024

Town of Owego
2354 State Route 434
Apalachin, NY 13732

Preparation

- Review/consider information collected when illicit discharge was initially identified and documented (see completed IDDE inspection form, online report form, or incoming call report form).
- Obtain storm drain mapping for the area of the reported illicit discharge.
- Gather all necessary equipment, including: tape measure, clear container, clipboard with necessary forms, flashlight, and camera.

Process

- Follow the Illicit Discharge Screening Flow Chart
- If the source is located, follow SOP IDDE-Removing Illicit Discharge, as specified in the flow chart.
- If the source cannot be found, continue to monitor and inspect until source is located.
- Input information into IDDE logs and GIS database.

Clean-up

- Follow procedures identified in SOP IDDE-Reporting and Response
- Follow procedures identified in SOP IDDE-Removing Illicit Discharge as needed.

Documentation

- Stormwater Management Officer will document tracking information in IDDE logs and GIS database.



Minimum Control Measure 4: Construction Stormwater Management

Polluted stormwater runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. Of the pollutants listed in the box to the right, sediment is usually the main pollutant of concern. Sources of sedimentation include agriculture, urban runoff, construction, and forestry. Sediment runoff rates from construction sites however are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction sites can contribute more sediment to streams that can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our waters.

Pollutants Commonly Discharged From Construction Sites

- Sediment
- Solid and Sanitary Wastes
 - Phosphorous (fertilizer)
 - Nitrogen (fertilizers)
 - Pesticides
- Oil and Grease
- Concrete truck washout
- Construction Chemicals
 - Construction Debris

1. Description of Minimum Control Measure

The Construction Site Runoff MCM consists of BMPs that focus on the reduction of pollutants to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activities disturbing less than one acre will be considered if it is part of a larger common plan of development or sale that would disturb one acre or more. The BMPs describe legal authority mechanism that will be used to require erosion and sediment controls, enforcement procedures and actions to ensure compliance, requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site, procedures for site plan review which incorporate the consideration of water quality impacts, procedures for receipt and consideration of information submitted by the public, and procedures for site inspection and enforcement of control measures.

The stormwater regulations for Construction Site Runoff Control apply to privately-owned and management projects, and MS4-owned and managed projects. Therefore, the goals described in this section have application to both types of projects.

2. General Permit Requirements

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to their MS4. The MS4 operator is required at a minimum to:

- Have an ordinance or other regulatory mechanism equivalent to the NYS SPEDES General Permit for Stormwater Discharges from Construction Sites, requiring the implementation of proper erosion and sediment controls, and controls for other wastes, on applicable construction sites;

- Address stormwater runoff from construction activities that result in a land disturbance of greater than or equal to one acre, and those construction activities that are part of a larger common plan of development or sale that would disturb one acre or more;
- Include a law, ordinance to require a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State's most current technical standards;
- Have procedures for site plan review of SWPPPs that consider potential water quality impacts and consistency with State and local sediment and erosion control requirements; MS4 must also have trained individuals performing the reviews, all sites of one acre or greater must be reviewed and an MS4 Acceptance Form must be completed;
- Have procedures of site inspection and enforcement of control measures;
- Have sanctions to ensure compliance (established in ordinance or other regulatory mechanism);
- Establish procedures for the receipt and consideration of information submitted by the public (i.e. Complaints); and
- Describe procedures for site inspections and enforcement of erosion and sediment control measures including steps to identify priority sites for inspection and enforcement based on the nature of construction activity, topography, and the characteristics of the receiving waters;
- Educate construction site owner/operators, design engineers, municipal staff and other individuals to whom these regulations apply about the municipality's stormwater construction requirements
- Ensure that construction site operators have received erosion and sediment control training before they do work within the MS4 and maintain records of that training.
- Establish and maintain an inventory of active construction sites, including the location of the site, owner/operator contact information;
- Develop, record, periodically assess and modify as needed measurable goals; and
- Determine the appropriate BMPs and measurable goals for this minimum control measure to ensure the reduction of all Pollutants of Concern (POCs) in stormwater discharges to the Maximum Extent Practicable. Suggested BMPs (i.e. the program actions/activities) and measurable goals are presented below.

3. Methodology for Compliance with Permit Requirements:

Each participating MS4 of the BTSC had adopted the NYS Sample Local Law for Stormwater Management and Erosion and Sediment Control. This ordinance authorizes the MS4 to enforce a program that reduces pollutant runoff from construction sites. Each MS4 will be responsible for:

- Reviewing SWPPPs
- Inspecting Construction Sites
- Enforcing permit requirements on developers/owners/operators that do not comply with regulations.

The BTSC will also provide training to developers, contractors, and design engineers in order to inform them of the regulations. Training will also be provided by the BTSC to each participating MS4 personnel that will be responsible for inspecting the construction sites and enforcing permit requirements.

Previous Permit Accomplishments:

- Town of Owego has adopted a local stormwater ordinance town wide that establishes minimum stormwater management requirements. The ordinance addresses issues relating to the following;
 - Erosion & Sediment Control;
 - Stormwater Management Design Requirements;
 - Construction Requirements; and
 - Fee Structure for Municipality services relating to SWPPP reviews, inspections and maintenance.
- A checklist developed by NYSDEC Division of Water Region 7 is utilized by the Tioga County Soil and Water Conservation District to complete reviews of SWPPPs and is available to contractors, developers, engineers or the owner of the project.
- Town of Owego has contracted services with Tioga County SWCD and a Consultant to review SWPPPs. The Town decides on which contractor will conduct the review of the SWPPP and then will sign the SWPPP Acceptance Form based upon their recommendations.
- The Town of Owego has developed & implemented construction internal tracking and plan review procedures for all new and on-going construction projects that disturb greater than 1 acre of land.
- The Town of Owego contracts with a CPESC for all MCM 4 construction activities who uses NYS DEC site inspection forms.

4. Goals

Construction Plan Review Goals:

- Amend the stormwater ordinance as necessary to maintain the NYS stormwater standards and requirements as defined by the current or any future permits pertaining to stormwater management activities.
- Develop and implement procedures for the public to request information, and to relay concerns to the representative of the municipality
- Provide training for any municipal representatives that will be completing the construction plan reviews for the municipality, including planning and zoning boards.
- Conduct SWPPP review for all sites within the Town of Owego where disturbance is one acre or greater to ensure consistency with State and local sediment and erosion control requirements and complete SWPPP Acceptance Form.
- Educate the local construction community on the construction plans review process.
- Provide notice to the public that a project will be open for review and comment. For example the Planning Board and Town Board agendas for proposed projects list the projects to be discussed, and are posted the Friday prior to the meeting.
- Notify owners/operators of local construction sites who are in violation of the standards as defined by the General Construction Permit.

- Maintain records of plans reviewed and approved under this program.

Construction Inspection Procedures and Certification Program Goals:

- Conduct and report on inspection procedures and educational efforts to familiarize municipal staff and the local construction community with local stormwater regulations relating to construction activities.
- By May 1, 2010 all construction site operators must verify at least one employee on site has received the required four hours of erosion and sediment control training within the last 3 years before they do work within the Town of Owego. The Town should obtain proof
- Take action against owners and/or operators of local construction sites that are in violation of local construction stormwater regulations using the enforcement regulation outlined in the adopted local laws.
- Maintain records of construction site inspections, enforcement actions, and corrective actions performed by local construction site owners and operators
- Educate municipal staff and the local construction community with regards to local inspection procedures; and
- Ensure that all appropriate municipal staff and members of the local construction community have been trained by May 1st 2011.
- Inspect and maintain records of all construction sites where one acre of land or more is being disturbed using appropriate inspection procedures and forms to ensure compliance with local stormwater regulations;

5. Minimum Required Reporting

At a minimum, the permittee shall report on the items below:

- Number of SWPPPS reviewed
- Number and Type of Enforcement Action
- Percent of active construction sites inspected once
- Percent of active construction sites inspected more than once
- Number of Construction sites authorized for disturbance activities of one acre or more
- Report of effectiveness of program, BMP and measurable goal assessment.

These elements are covered in the BTSC/Town of Owego MS4 Annual Stormwater Reports.

MCM 4 and 5 - STANDARD OPERATING PROCEDURES
Construction and Post Construction Stormwater Management
July 2024

Town of Owego
2354 State Route 434
Apalachin, NY 13732

1. INTRODUCTION

In March 2003 the Federal Stormwater Phase II rule was issued which requires municipal separate storm sewer system (MS4) owners and operators, in U.S. Census-defined urbanized areas as well as in additionally designated areas, to develop written procedures for the purpose of eliminating pollutants associated with construction activity and due to new development and redevelopment on projects with land disturbance of greater than or equal to one acre, including projects that are less than one acre that are part of a common plan of development or sale.

These Standard Operating Procedures (SOPs) assist the Town in meeting the Stormwater Phase II regulations, by incorporating guidance on the following:

- Plan review
- Training
- Inspections
- Long-term Operation and Maintenance

These SOPs are intended to provide guidance on Construction Site Erosion and Sediment Control and Post-Construction Stormwater Management:

- Plan review procedures.
- Prioritize where construction site inspections may need to occur on a more frequent basis.
- Construction site inspection guidelines.
- Maintenance of post construction stormwater Best Management Practices (BMPs) to help ensure their longevity.
- Dealing with non-compliant construction sites.
- BMP operation and maintenance.

2. PLAN REVIEW AND APPROVAL PROCESS

Plans are submitted to the Town of Owego Planning & Zoning office and will have a review process to guarantee that erosion and sediment control standards and post-construction stormwater standards are being met. Typically the plans are submitted in conjunction with request for Site Plan Approval or Special Use Permits from the Town of Owego Planning Board or Zoning Board of Appeals.

Town of Owego staff will make an initial review of Stormwater Pollution Prevention Plans (SWPPPs). Town of Owego contracts services with both the Tioga County Soil & Water Conservation District (SWCD), whose District Manager is a CPESC and a NYS licensed consulting engineer (P.E.) to review SWPPPs. The Town decides which contractor will conduct the review of the SWPPP and will sign the SWPPP Acceptance Form based upon their recommendations.

Process:

- The Stormwater Management Officer will review plans and forward to appropriate reviewing contractor.
- A checklist developed by NYSDEC Division of Water Region 7 is utilized by Tioga County SWCD and consulting engineer (Appendix A).
- Once the SWPPP is deemed compliant, the Stormwater Management Officer will sign the SWPPP Acceptance Form.
- The Town will be responsible for enforcement of stormwater regulations.

Documentation:

- Keep logs of number of plan reviews per calendar year.
- Copies of plans, BMP quantities, and proposed BMPs.
- Logs of all maintenance agreements that are filed with the Town along with their BMP locations.

3. TRAINING

Training of appropriate Town staff is important so that they are aware of the significance of good erosion and sediment control practices as well as techniques regarding the proper installation of post-construction stormwater BMPs. This includes knowledge in installation and inspection techniques as well as record keeping and maintenance

activities. It is important for Town staff to be able to recognize deficiencies in BMPs on construction sites. Inspection staff will be responsible for tracking and enforcing permit requirements.

The employee training provided by the Town will include Stormwater 101 training session. New hires will also be trained in MCM 4 & 5 SOPs. Records will be kept of those employees receiving training, what training they received, the date they received it, and the entity who provided the training.

4. INSPECTIONS

Construction site inspections will determine compliance with the Towns regulatory mechanism(s). Inspections can only be performed by Town of Owego MS4 personnel and the following qualified inspectors and; Licensed Professional Engineer, Certified Professional in Erosion and Sediment control (CPESC), Registered Landscape Architect or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received 4 hours of NYSDEC endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District or other NYSDEC endorsed entity.

The following is a list of preparation techniques before a construction site stormwater inspection conducted by Town of Owego MS4 personnel:

- Identify priority sites for inspection based on topography, soil characteristics, type of receiving water, stage of construction, compliance history, weather conditions, or other local characteristics and issues.
- Ensure staff has proper training pertaining to Erosion and Sediment Control (ESC) techniques and Post-Construction Stormwater BMPs.

The process for the actual inspection of the site should follow the general guidelines below:

- Identify sites that require an erosion and sediment control inspection.
- Perform inspection using the erosion control inspection form (Appendix A).
- Document construction activities and follow up with site owner/permittee about findings from inspection. If feasible, prior to leaving the site talk to the responsible person to ensure corrections can be made in a timely fashion.
- Perform a follow up inspection of site if deficiencies are found during-initial inspection. Ensure that correction items have been completed.

- Failure to comply with the permit requirements may require initiating enforcement action as described in the Section 99-12 of the Code of the Town of Owego.

Following is the minimum documentation required for each site:

- All logs and inspection records and number of inspections performed at each site.
- Record all correspondence and documentation with the permittee/owner.
- Keep records of escalation and penalties: Informal notices, written notice of violations, Stop Work Orders, Criminal Penalties.

5. EROSION & SEDIMENT CONTROL BMPs

Town projects that will disturb any amount of soil will use proper erosion and sediment control BMPs.

The Town of Owego will ensure staff has the proper erosion and sediment control certification and/or have been trained by a certified staff person on proper erosion and sediment control techniques.

Following is the timetable for site inspections performed by Town of Owego MS4 personnel:

- For construction sites where soil disturbance activities are on-going, the qualified inspector shall conduct a site inspection at least once every seven (7) calendar days.
- For construction sites where soil disturbance activities are on-going and the owner or operator has received authorization to disturb greater than five (5) acres of soil at any one time, the qualified inspector shall conduct at least 2 site inspections every 7 calendar days. The 2 inspections shall be separated by a minimum of 2 full calendar days.
- For construction site where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least every 30 calendar days. The owner or operator shall notify the Town of Owego in writing prior to reducing the frequency of inspections.
- For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting

inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the Town of Owego in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the owner or operator shall have the qualified inspector perform a final inspection and certify that all disturbed areas have achieved final stabilization and all temporary, structural erosion and sediment control measures have been removed, and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The owner or operator shall then submit the completed NOT to the Town of Owego.

Following are the minimum control required on all Town of Owego construction projects:

- Construction projects that have the potential to impact the MS4 system or any natural resource will have BMPs available prior to the construction activity.
- All perimeter control BMPs are required to be fixed, substituted or enhanced if they are no longer working or sediment fills one-half (1/2) of the height of the BMP. This must be done by the end of the next business day or as soon as the site conditions permit.
- Temporary or permanent sediment basins are required to be drawn down and have sediment removed when the depth of the captured sediment reaches one-half (1/2) the storage volume of the basin.
- Tracked sediment from the construction site entrance/exit is required to be removed from all paved surfaces both on and off the site. This must be done as soon as possible within 24 hours of being found.
- Install down gradient perimeter controls where needed on the site.
- Block adjacent inlets and outlets, if necessary, to prevent sediment and debris from discharging into the storm sewer.
- Stabilize all exposed soil areas upon completion of the work. If work is not complete, temporary stabilization methods will be used.
- After work is completed, clean out sediment that might have entered the MS4 system.
- Encourage the use of structural and non-structural BMPs, structural or hard engineering techniques and bio-engineering.

- Require wet and dry stormwater detention ponds when surface drainage discharges into receiving waters.

The following is the minimum documentation to be kept for each site:

- Keep logs showing the BMPs were inspected and properly maintained during the active construction period until the period where final stabilization has been achieved.
- Sites should be inspected weekly or after a rainfall event greater than 0.5 inches in 24 hours where the soil disturbance is 1 acre or greater.
- Document maintenance performed on perimeter control, erosion control BMPs, stabilization methods, sediment control BMPs.
- If applicable, record the number of catch basins cleaned and the geographical area they were cleaned in. Keep any notes or comments of any problems.
- When applicable, document the final location of where material was disposed or and any paperwork received from the disposal location.

6. PRIVATE PROJECTS

Private projects, which do not require preparation of a SWPPP, that require a building permit, demolition permit, or grading/excavation permit will use proper erosion and sediment control BMPs. Depending on the proposed improvements these sites may also be required to install BMPs for post construction stormwater management. Code Enforcement officials will be responsible for inspecting building permit activities and sites that require a SPDES permit.

Town of Owego staff currently inspect private construction sites throughout its jurisdiction and oversees the installation of BMPs for post construction stormwater management.

Any private projects that are within the Town limits will be inspected by a qualified Town employee. Inspections will occur at a frequency that is commensurate of the activities being performed. The field inspector will use the field erosion control inspection form. Using the standardized inspection form will create consistency in all inspections.

Following is the timetable for site inspections:

- For construction sites where soil disturbance activities are on-going, the qualified inspector shall conduct a site inspection at least once every seven (7) calendar days.

- For construction sites where soil disturbance activities are on-going and the owner or operator has received authorization to disturb greater than five (5) acres of soil at any one time, the qualified inspector shall conduct at least 2 site inspections every 7 calendar days. The 2 inspections shall be separated by a minimum of 2 full calendar days.
- For construction site where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least every 30 calendar days. The owner or operator shall notify the Town of Owego in writing prior to reducing the frequency of inspections.
- For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the Town of Owego in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the owner or operator shall have the qualified inspector perform a final inspection and certify that all disturbed areas have achieved final stabilization and all temporary, structural erosion and sediment control measures have been removed, and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The owner or operator shall then submit the completed NOT to the Town of Owego.

Following are the minimum control required on all Town of Owego construction projects:

- Construction projects that have the potential to impact the MS4 system or any natural resource will have BMPs available prior to the construction activity.
- All perimeter control BMPs are required to be fixed, substituted or enhanced if they are no longer working or sediment fills one-half (1/2) of the height of the BMP. This must be done by the end of the next business day or as soon as the site conditions permit.
- Temporary or permanent sediment basins are required to be drawn down and have sediment removed when the depth of the captured sediment reaches one-half (1/2) the storage volume of the basin.

- Tracked sediment from the construction site entrance/exit is required to be removed from all paved surfaces both on and off the site. This must be done as soon as possible within 24 hours of being found.
- Install down gradient perimeter controls where needed on the site.
- Block adjacent inlets and outlets, if necessary, to prevent sediment and debris from discharging into the storm sewer.
- Stabilize all exposed soil areas upon completion of the work. If work is not complete, temporary stabilization methods will be used.
- After work is completed, clean out sediment that might have entered the MS4 system.
- Encourage the use of structural and non-structural BMPs, structural or hard engineering techniques and bio-engineering.
- Require wet and dry stormwater detention ponds when surface drainage discharges into receiving waters.

The following is the minimum documentation for each private site:

- Keep track of private projects locations and obtaining contact information for owners and operators on file at the Town offices.
- Keep records of long-term maintenance agreements on file.
- Keep records of inspections when the Town is required to perform inspections for non-compliance.
- Keep records of escalation and penalties: Informal notices, Written notice of violations, Stop Work Orders, Criminal Penalties

7. PRIVATE PROJECT LONG TERM OPERATION AND MAINTENANCE

All permanent stormwater management BMPs installed for the purpose of meeting the post-construction stormwater management standard are required to develop maintenance agreements and maintenance plans, including as-built plans, certified by a licensed professional engineer. After the maintenance agreement is executed, the Town is required to ensure the conditions for post-construction stormwater management continue to be met.

The Town will conduct inspections of post-construction stormwater BMPs, in compliance with the final agreement made with the owner/operator and based on the recommendations in the Stormwater Management Design Manual, to determine if the system(s) are functioning as designed and permitted. The Town will notify the owners

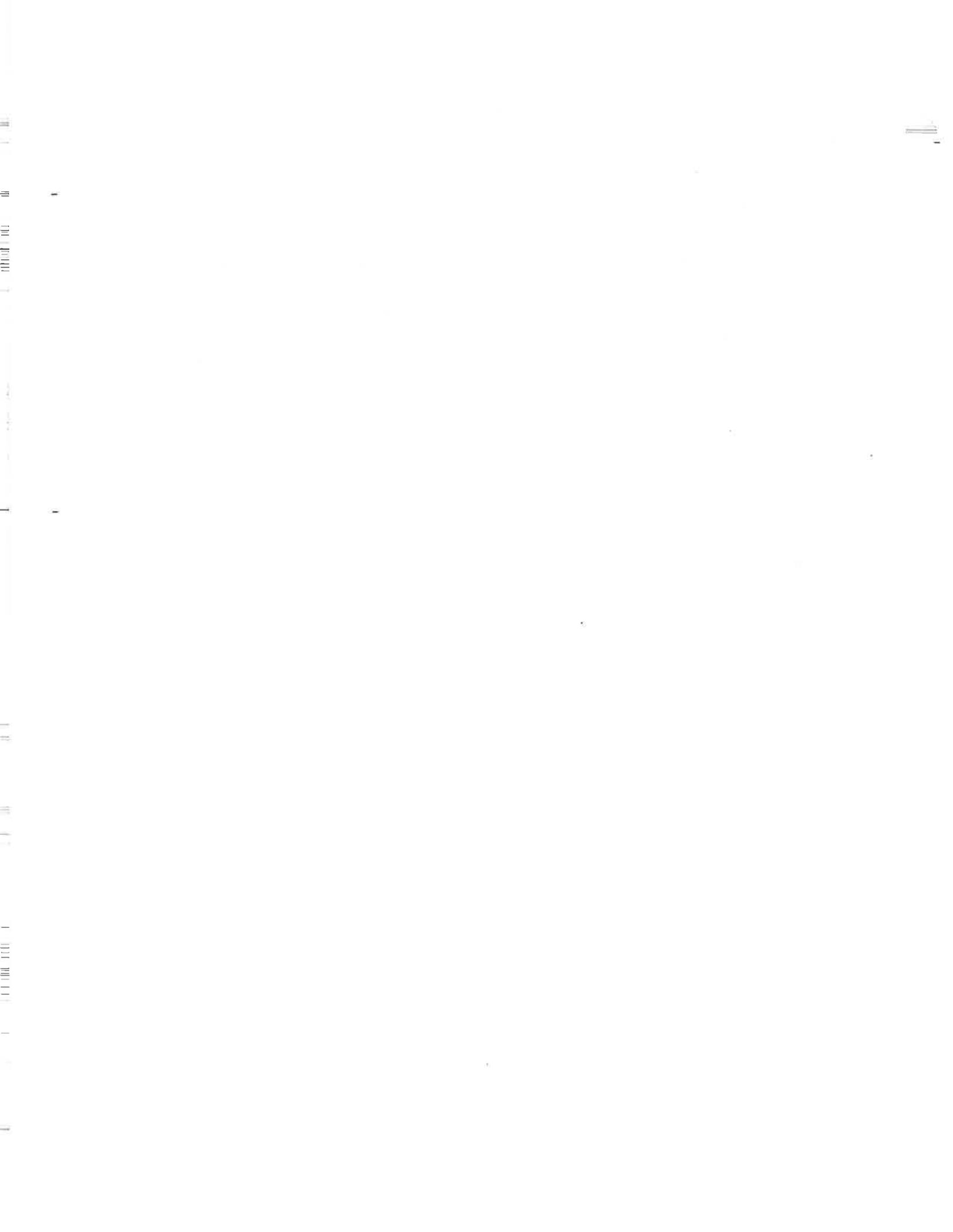
of the post construction stormwater BMPs of any deficiencies and determine a proper repair plan and timeline.

The following is the minimum documentation for each private post construction stormwater BMP:

- Keep logs of all maintenance agreements that are filed with the Town, along with their BMP locations.
- Annually update the GIS system to include all public and private storm sewer and post-construction stormwater BMPs installed within the Town.
- Obtain as-built plans for all public and private post-construction stormwater BMPs that are installed within the Town.
- Keep copies of inspection reports on file.

8. CONCLUSION

The guidelines provided are intended as a tool to be used by Town staff as a guide to the practices of construction site erosion and sediment control along with post construction stormwater management.



Minimum Control Measure 5: Post-Construction Stormwater Management

Post construction stormwater management in areas undergoing new development or redevelopment is necessary because of runoff from these areas has been shown to significantly affect receiving waterbodies. Many studies indicate that prior planning and design for the minimization of pollutants in post-construction stormwater discharges is the most cost-effective approach to stormwater quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in stormwater runoff. As runoff flows over areas altered by development it picks up harmful sediment and chemical such as oil and grease, pesticides, heavy metals, and nutrients. These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds and streams. Once deposited, these pollutants can enter the food chain through small aquatic life, eventually entering the tissues of fish and humans. The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the waterbody during storms. Increased impervious surfaces (i.e. Parking lots, driveways, and rooftops) interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include streambank erosion and downstream flooding, which often lead to a loss of aquatic life and damage to property.

1. Description of Minimum Control Measure

The Post Construction Stormwater Management MCM consists of goals that focus on the prevention or minimization of water quality impacts from both new and re-development projects that disturb one acre or more. This includes projects less than one acre that are part of a larger common plan of development, or sale that discharge into the MS4. The BMPs describe structural and/or non structural practices, the legal authority mechanism that will be used to address post construction runoff from new development and redevelopment projects, and procedures to ensure long term operation and maintenance of BMPs.

2. General Permit Requirements

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to their MS4. The MS4 operator is required at a minimum to:

- Provide equivalent protection to the NYS SPDES General Permit for Stormwater Dischargers from Construction Activities
- Address post-construction runoff to their MS4 from new development and redevelopment projects that result in the land disturbance activities of greater than or equal to one acre or part of a larger common plan of development;

- Have an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls to the extent allowable under State, or Local law and meets the State's most current technical standards;
- Develop and implement strategies which include a combination of structural and/or non-structural best management practices, this includes considering Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure, as well as smart growth principles, natural resource protection, impervious area reduction, riparian buffers or set back distances for protection of environmentally sensitive areas such as streams, wetlands and erodible soils when developing watershed plans, municipal comprehensive plans, land use regulations, etc
- Have procedures for site plan review of SWPPPs that consider potential water quality impacts and consistency with State and local sediment and erosion control requirements; MS4 must also have trained individuals performing the reviews, all sites of one acre or greater must be reviewed and an MS4 Acceptance Form must be completed;
- Ensure adequate long term operation and maintenance of post-construction stormwater management practices within the covered entities jurisdiction. Inventory to include location of practice, type of practice, maintenance needed per practice, SWPPP, dates and type of maintenance performed;
- Provide adequate resources for a program to inspect development and re-development sites by trained staff and to enforce and penalize violators;
- Record, annually assess and modify as needed measurable goals;
- Determine the appropriate best management practices and measurable goals for this minimum control measure.

3. Methodology for Compliance with Permit Requirements

All participating MS4s in the BTSC have adopted the NYS Sample Local Law for Stormwater Management and Erosion & Sediment Control which includes provisions to enforce a program that reduces pollutant runoff from both newly and re-developed sites. Each MS4 will be responsible for inspecting the sites for proper operation and maintenance and enforcing the permit requirements and for properties that are not in compliance. In this manner, the MS4 can ensure adequate long-term management practices for both public and private facilities.

Previous Permit Accomplishments:

- Each member of the BTSC has adopted a post-construction stormwater management ordinance. This ordinance establishes minimum stormwater management requirements and controls. The ordinance addresses issues relating to the following:
 - Permanent Erosion & Sediment Controls;
 - Stormwater Management Design Requirements; and
 - Fee Structure for municipal services relating to SWPPP reviews, inspections and maintenance.
- The Town of Owego has developed internal tracking procedures to keep tabs on development projects that are under construction, those that have been completed and any corrective/enforcement measure that were taken.
- The Town of Owego contracts with a CPESC for all MCM 5 post-construction activities who uses NYS DEC inspection forms for all newly and redeveloped sites for compliance with post-construction runoff regulations in accordance with the General Permit.

4. Goals

- Amend the stormwater ordinance as necessary to maintain the NYS stormwater standards and requirements as defined by the current or any future permits pertaining to stormwater management activities. (The fee structure should be referenced in Local Law but should be done in a way to update without having to revise the Local Law as a whole).
- Amend stormwater ordinance, as necessary, to maintain compliance with NYS stormwater standards and requirements as defined by the current or any future permits pertaining to stormwater management activities.

Inspection Program for Newly and Re-Developed Sites:

- Train inspection personnel and/or members of the local construction community on local post-construction runoff regulations and final inspection procedures.
- Issue enforcement measures to owners and/or operators of local development projects that are in violation of local post-construction runoff regulations.
- Develop and maintain an inventory of projects under local post-construction runoff regulations in accordance with the General Permit.

5. Minimum Required Reporting

At a minimum, the permittee shall report on the items below:

- Number of SWPPPS reviewed
- Number and Type of Enforcement Action
- Number and Type of Post Construction Stormwater Management Practices inventoried;
- Number and Type of Post Construction Stormwater Management Practices inspected
- Number and Type of Post Construction Stormwater Management Practices maintained;
- Regulatory mechanism status — certification that regulatory mechanism is equivalent to one of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control" and
- Report on effectiveness of program, BMP and Measurable Goal Assessment.

These elements are covered under the BTSC/Town of Owego MS4 Annual Stormwater Reports.

Minimum Control Measure 6: Pollution Prevention and Good Housekeeping

1. Description of Minimum Control Measure

The Pollution Prevention / Good Housekeeping (PP/GH) minimum control measure consists of Best Management Practices (BMPs) that focus on training and the prevention or reduction of pollutant runoff from municipal operations. The BMPs describe the training program; specific municipal operations that are impacted by the proposed operation and maintenance programs (Standard Operating Procedures, or SOPs); maintenance, activities, schedules, and long term inspection procedures for controls to reduce floatables and other pollutants; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations; and procedures for the proper disposal of waste removed from the MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables and other debris.

2. General Permit Requirements

An MS4 *must*, at a minimum:

- Develop and implement a pollution prevention/good housekeeping plan for municipal operations and facilities that:
 - Addresses municipal operations and facilities;
 - Includes a self-assessment of all municipal operations;
 - Determines management practices that will be developed and implemented;
 - Prioritize pollution prevention and good housekeeping efforts;
 - Addresses pollution prevention and good housekeeping priorities;
 - Includes an employee training program and ensures staff receives training;
 - Requires third party entities to make required certification;
 - Monitoring and record keeping by municipal operations in accordance with MSGP;
 - Incorporate cost effective runoff reduction techniques and green infrastructure;
- Develop measureable goals.
- Select and implement appropriate BMPs and measureable goals to ensure the reduction of POCs in stormwater discharges to the MS4.
- Adopt techniques to reduce use of fertilizers, pesticides, and herbicides.

3. Methodology for Compliance with Permit Requirements

Past Accomplishments

- The Town of Owego has established a "You Bring and You Take Out" all trash in Hickories Park. There are no longer trash receptacles there. This has resulted in much less trash and other litter left behind by park patrons.
- Tioga County has conducted an EPA Facility self-audit of its highway facility in Catatonk, NY and implemented all the recommendations within 60 days of the violations report in August 2008.
- Tioga County Highway facility has no drains leading directly to the environment and has installed a pre-treatment system to capture contaminants (oil, grit) in sewer lines.

- No fertilizers are used by Tioga County or Town of Owego in the maintenance of Hickories Park or county-owned greenspace.
- Pet waste stations are monitored and emptied several times each week at Hickories Park in the Town of Owego.
- There are no fuel tanks on site at any Town of Owego facilities.
- Petroleum tanks at the Tioga County highway facility are covered and have properly sized secondary containment systems.
- All used oils are disposed of in a waste oil burner which is used as a heat source in winter months.
- All used oil filters are disposed of in a leak proof container and are picked up as needed a year by a private service (Safety Kleen)
- All gasoline-powered vehicles and equipment owned by the Town of Owego are fueled at a local private terminal located off-site.
- The current Town of Owego street sweeping policy is that all town roads are swept and all catch basins are cleaned once a year. Street sweeping in the Town begins as soon as possible in the spring.
- During ice and snow storms, all areas within the Town of Owego MS4 receive a high concentration of salt (80-85%) to prevent excessive silt and sediment from entering the storm drain system.
- Where applicable, the Town of Owego Parks and Highway Departments, and Tioga County Department of Public Works have developed and are using housekeeping inspection forms for the following items - Lawn Care, Pest Controls, Road Salt Storage and Application, Roadway Maintenance, Septic System, Hazardous Waste Management, Storm Drain and Vehicle/Equipment Maintenance.
- The Tioga County Soil & Water Conservation District has and will facilitate training to the municipal personnel of participating MS4s. These personnel will be responsible for implementing the BMPs in their everyday activities.

4. Goals

Training

- Provide training to each member of the municipality whose work may potentially impact stormwater. For Tioga County this includes the Highway and Buildings & Grounds personnel. For the Town of Owego this includes the Highway, Parks, and Water departments. Several members of the Town, trained through the Tioga County Soil & Water Conservation District, will be responsible for training the remaining members of their municipality, as necessary.
- The Stormwater Management Officer will annually provide refresher training for employees and provide training to new employees when hired.
- *The Municipal Training Program Documentation Form following this section is provided to record training of employees.*

Landscaping & Lawn Care

- Reduce the discharge of landscaping and lawn care waste from Town owned facilities through better mowing and landscaping maintenance practices.

- Maintain an inventory of landscaping and lawn care areas that are owned by the Town of Owego and Tioga County within the Town of Owego.
- Evaluate current landscaping and lawn care activities in order to identify opportunities to reduce the discharge of the following:
 - 1) Leaf litter and tree trimmings
 - 2) Litter and floatable materials
 - 3) Equipment fluids
- Ensure that proper litter collection is scheduled prior to any mowing activities.
- Evaluate methods for containing and/or composting trimmings and grass clippings.
- Consider alternative landscape techniques (i.e. naturescaping — landscaping with native plants to reduce water, energy, and chemical usage; xeriscaping — landscaping with native and drought resistant plants to reduce irrigation needs).
- Plant trees away from sewer lines or other underground utilities.
- Use drip irrigation techniques for landscaping.
- Establish a maintenance program to accomplish the following:
 - 1) Leave grass clippings on lawn.
 - 2) Water lawns no more than 1 inch per week.
 - 3) Mow with sharpened blades set at or higher than 3 inches.
 - 4) Water plants before 10 AM.
- Rinse grass from lawn care equipment on permeable (grassed) areas.
- The Tioga County DPW Commissioner and the Town of Owego Parks Maintenance Supervisor will annually review their respective monitoring and maintenance programs and revise as necessary.

Vehicle/Equipment Maintenance

- Maintain vehicles owned by the Town of Owego and Tioga County according to manufacturer's specifications and identify and eliminate significant vehicle fluid leaks.
- Conduct routine maintenance on all vehicles according to manufacturer's specifications.
 - 1) During routine maintenance of Town- and County-owned vehicles, inspect vehicles for the presence of fluid leaks.
 - 2) Schedule repairs for vehicles determined to have significant fluid leaks.
 - 3) Maintain vehicle maintenance records and document fluid leak repair activities.
- Conduct maintenance indoors whenever possible.
- For maintenance performed outside, guard against spillage of materials that could discharge to storm receivers.
- In Town of Owego facilities, if possible, seal floor drains that discharge directly to the environment. If not possible, obtain wastewater discharge permits from regulatory agency.
- Initiate single purpose use of vehicle bays — dedicate one (or more) bays that have no (or sealed) floor drains for repairs/maintenance.
- Clean up spilled materials immediately, using "dry" methods.
- Install pretreatment systems (oil/water separators) where necessary in sewer lines to capture contaminants (oil, grit), and maintain as needed.

- Use non-hazardous cleaners. Use non-chlorinated solvents instead of chlorinated solvents. Use steam cleaning / pressure washing instead of solvents for parts cleaning.
- Store batteries in leak proof, compatible (i.e. non-reactive) containers.
Standard Operating Procedure:
 - 1) Maintain an inventory of municipal owned vehicles.
 - 2) Require municipal vehicle operators to conduct daily inspections of vehicles to check for fluid leaks.
 - 3) Review vehicle inspection and maintenance records to evaluate conformance to vehicle manufacturer service specifications and local stormwater program requirements.

Vehicle/Equipment Washing

- Tioga County and Town of Owego owned vehicles and equipment are washed in a manner to prevent discharge of pollutants to the municipal storm sewer system or local water bodies.
- Maintain an inventory of Town and County owned vehicles and equipment. Inspect floor drain systems regularly — use only those that discharge to a sanitary sewer or those that are permitted by the regulatory agency. Identify the need for cleaning of catch basins, oil/water separators.
- Initiate single purpose use of vehicle bays - dedicate only one bay for washing (with floor drain system).
- Perform cleaning with pressurized cold water, without the use of soaps, if wastewater will flow to a storm sewer system.
- Use minimal amounts of biodegradable soap only if wastewaters will discharge to a sanitary sewer system.
- Rinse with hoses that are equipped with automatic shutoff devices and spray nozzles.
- Steam clean (without soap) where wastes can be captured for proper disposal (i.e. oil/water separator).
- Map storm drain locations accurately to avoid illegal discharges.

Building Maintenance

- Conduct building maintenance activities such that they do not impact the stormwater systems and local water bodies.
- Implement mitigation measures for each activity that impacts stormwater.
- Annually review the mitigation measures for each activity and revise as necessary.

Hazardous and Waste Materials Management

- Prevent the discharge of hazardous (lube oils, coatings and their components, anti-freeze, cleaning agents and fuels) and waste materials from impacting municipal stormwater systems and local waterbodies.
- **The Town of Owego Superintendent of Highways, Parks Maintenance Supervisor and Director of Utilities; and the Tioga County Buildings and Grounds Supervisor will:**
 - Maintain an inventory of existing hazardous and waste materials and their storage locations.

- Plan for proper storage of hazardous and waste materials that are not currently stored properly.
- Implement plan for proper storage of all hazardous and waste materials.
- Repair or replace any leaking/defective containers, and replace labels as necessary.
- Maintain caps and/or covers on containers.
- Maintain aisle space for inspection of products/wastes.
- Ensure that all materials are stored in closed, labeled containers — if stored outside, drums should be placed on pallets, away from storm receivers — inside storage areas should be located away from floor drains.
- Eliminate floor drain systems that discharge to storm drains, if possible.
- Use a pretreatment system to remove contaminants prior to discharge.
- Reduce stock of materials "on hand" — use "first in/first out" management technique.
- Use the least toxic material (i.e. non hazardous) to perform the work.
- Install/use secondary containment devices where appropriate.
- Recycle materials if possible, or ensure proper disposal of wastes.
Annually inspect material storage areas (inside and outside).
- Annually inspect cleaning of oil/water separators by qualified contractor.
- Annually inspect stormwater discharge locations (for contaminants, soil staining, plugged discharge lines).

Operational By Products/Wastes

- Prevent the potential for leaching of toxic and biological contaminants from dump areas from reaching the municipal stormwater system or local waterbodies.
- **The Superintendent of Highways will:**
 - Post "no dumping" signs where needed.
Illuminate area if possible.
Prevent access — erect barriers where needed.
Identify the by-products/wastes that should be recycled (i.e. paper, cardboard) or can be legally disposed of on municipal lands (i.e. deer carcasses) by referencing NYSDEC regulations (6NYCRR PART 360).
 - Store mulch and leaves on high ground to mitigate contact with stormwater.
 - Clean up and dispose of "illegally dumped" materials, trash/debris in accordance with environmental regulations.
 - Cut and remove vegetation from dump areas.
 - Regularly schedule inspections for areas of maintenance concerns.
 - Coordinate with police for unscheduled patrolling of dump areas.

Roadway and Bridge Maintenance

- Assess roadway and bridge maintenance activities and modify procedures to reduce stormwater quality impacts.
- **The Superintendent of Highways will:**
 - Pave in dry weather only.
 - Stage road operations and maintenance activity (patching, potholes) to reduce spillage. Cover catch basins and manholes during this activity.
 - Clean up fluid leaks or spills from paving equipment/materials immediately.
 - Restrict the use of herbicides/pesticide application to roadside vegetation.
 - Use porous asphalt for shoulder work.

- Sweep and vacuum paved roads and shoulders as necessary to remove debris and particulate matter.
- Maintain roadside vegetation; select vegetation with a high tolerance to road salt.
- Identify "alternative" maintenance practices that would reduce the discharge of road-materials during construction or maintenance activities (e.g. repairing leaking/defective containers or equipment on paving equipment).
- Revise roadway maintenance specifications according to identified alternative practices.
- Maintain records of road maintenance activities and the use of alternative maintenance practices.
- Incorporate preventive maintenance in planning for regular operations & maintenance activities.
- Require contractors to control particulate wastes from bridge sandblasting operations.
- Clean out bridge scuppers and catch basins regularly.
- Direct water from bridge scuppers to vegetated areas.
- Mechanically remove (i.e. sweep) debris from bridge deck and structure prior to washing
- Require contractors to use tarps, booms, and vacuums during painting or blasting activities to control/capture particulate matter.
- Inspect roads and bridges for implementation of applicable BMPs.
- Evaluate roadway maintenance program annually and revise roadway maintenance specifications according to identified alternative practices.

Road Salt Storage and Application

- Provide proper storage and application of road salt to reduce the impact of salt on plants, aquatic life, and the local waterbodies.
- **The Superintendent of Highways will:**
 - Train operators on environmental hazards of over-salting roads.
 - Identify areas particularly susceptible to contamination in the MS4 area.
 - Use covered facility for salt storage (prevents lumping and run-off loss), sized properly for seasonal needs.
 - Store salt on highest ground elevation to mitigate contact with stormwater.
 - Calibrate salt spreaders as necessary.
 - Consider alternative deicing materials (i.e. calcium chloride, magnesium chloride).
 - If possible, use a wetting agent with salt to minimize "bouncing" during application.
 - Unload salt deliveries directly into storage facility, or if not possible, move inside immediately.
 - Inspect salt storage shed for leaks, other problems. Repair as needed.
 - Inspect salt piles for proper coverage, and/or tarps for leaks or tears. Replace tarps as needed.
 - Inspect salt application equipment.
 - Inspect salt regularly for lumping or water contamination.
 - Inspect surface areas for evidence of runoff— salt stains on ground near and around the salt shelter, loading area, or down slope.
 - Inspect for excessive amounts of salt on roads.
 - Inspect equipment to verify proper operation. Service trucks and calibrate spreaders regularly to ensure accurate, efficient distribution of salt.

Catch Basin and Storm Drain System Cleaning

- Reduce sediment and floatable material discharges by routinely cleaning municipal catch basins and stormwater inlet structures.
- **The Town of Owego Superintendent of Highways will:**
 - Identify areas where catch basins, surface inlets, and/or storm sewer manholes should be periodically cleaned to reduce discharge of floatable materials, sediment, and other materials.
Prioritize storm drain systems and catch basins (e.g. catch basins on steep grades may need more frequent cleaning).
 - Develop a schedule for inspection and cleaning of inlet structures, catch basins, and manholes.
 - Inspect catch basins, (below grade) storm sewer systems, and open ditches for need of maintenance or cleaning.
 - Clean catch basins when depth of deposits is $> 1/3$ to bottom of pipe.
 - Storm event inspection — identify pollution problems (i.e. sediments).
 - Post storm event inspection — identify problems (i.e. blockage).Evaluate the catch basin cleaning schedule on an annual basis.
 - Increase frequency of cleaning as necessary.Catch basins and floor drain systems inside of buildings should be either:
 - Sealed to prevent discharge
 - Permitted by NYSDEC
 - Discharged to sanitary sewers
 - Repair/replace storm drain receiver and catch basin receiver grates as necessary.
 - Maintain slope of drainage ditches.
 - Maintain vegetation in drainage ditches by cutting (to capture sediment).
 - Remove obstacles/ debris from drainage ditches.
 - After excavation /ditch scraping, reseed ditch.

New Construction and Land Disturbance

- Comply with the Town's construction and post-construction minimum control measures.
- **The Town of Owego Superintendent of Highways will:**
 - Provide education material and training opportunities to the municipal work crews to inform them of the local, state, and/or federal regulations that will impact their projects.
 - Plan the construction and/or land clearing activities so that soil is not exposed for long periods of time.
 - Minimize compaction of soils.
 - Minimize impervious cover.
 - Maximize opportunities for infiltration.
 - Install sediment control devices before disturbing soil.
 - Limit grading to small areas.
 - Stabilize site to protect against sediment runoff
 - Protect against sediment flowing into storm drains.
 - Maintain native vegetation (especially near waterways).
 - Install sediment barriers on slopes or divert stormwater.
 - Inspect erosion and sediment controls (ES&C) devices.
 - Inspect ES&C devices during storm or snow melt events.

Hydrologic Habitat Modification

- Develop requirements for the municipal work crews to abide by during hydrologic habitat modification such as stream and ditch cleaning, and wetland disturbance. Provide training to the local municipal work crews regarding the requirements associated with any habitat modification.
- **The Town of Owego Superintendent of Highways will:**
 - Identify any potential habitat modification to the Tioga County Soil & Water Conservation District, NYSDEC and USACOE through their Joint Application for Permit Program.
Comply with **all** requirements of the NYSDEC and USACOE permits for work within freshwater wetlands and streams.
Comply with the construction and post-construction requirements within the stormwater regulations.
Provide the NYSDEC and USACOE with the required information in the Joint Application for Permit to obtain their approval prior to proceeding.
Tioga County Soil & Water Conservation District will annually provide additional training as necessary to the municipal work crews.

Street Cleaning and Maintenance

- Develop requirements for the sweeping of streets and roadways in order to reduce the amount of sediment and associated pollutants discharged to the MS4 from roadways.
- **The Town of Owego Superintendent of Highways will:**
 - Identify the type of roadways that should be swept to remove sediment and other pollutants.
Perform operations such as paving in dry weather only.
 - Maintain records of streets that have been cleaned.
 - Adjust sweeping schedules according to program needs.
 - Prior to road reconstruction, consider/evaluate the use of "shouldered roads" instead of "curbed roads".
 - Maintain roadside vegetation; select plants/trees that can withstand the action of road salt and direct runoff to these areas.

Boating Operations

- Provide for proper operation and maintenance of boating access in order to mitigate the contamination of the stormwater system and local waterbodies.
- **The Town of Owego Parks Maintenance Supervisor will:**
 - Minimize the impact of the following items:
 - Liquids associated with boat maintenance products (oils, fuels, antifreeze, wood preservatives, etc.) and particulate matter (i.e. boat bottom paint from hull sanding)
 - Sedimentation from barren soils.
 - Implement the following:
 - Stabilize shoreline.
 - Minimize impervious areas — install vegetated buffer strips (i.e. grass, shrubs).
 - Educate (posters, signage) boaters and other marina users of potential problems.
 - Identify areas of runoff that lack vegetation.
 - Regularly check fueling areas, maintenance areas for spills, other potential sources of pollution.

Septic System Management

- Prevent improperly treated wastewaters from Town-owned septic systems from impacting municipal stormwater systems and local waterbodies.
- **The Town of Owego Parks Maintenance Supervisor will:**
 - Divert stormwater runoff (i.e. from roof drains) away from septic system.
Divert groundwater (sump pump) discharges away from septic system.
Prevent problems caused by vegetation - growth of woody plants on the System.
Prevent hydraulic overloading - "Spread out" the use of devices which use large volumes of water across the entire day. Repair leaky fixtures.
Minimize water usage by using flow restrictors on potable water distribution devices (i.e. shower heads, water faucets)
Develop an inventory of existing municipal sewage treatment systems.
Prevent heavy equipment from driving on top of the system components.
Assess each septic system on an annual basis for the following conditions:
 - "back up" of wastewater in sewer lines
 - sewage odors
 - leach field/sand filter - wetness/ponding on surface
 - overflow of wastes from system components
 - heavy vegetation (woody plants) growth on system componentsDetermine the interval for pumping out each municipal septic tank.

5. Minimum Required Reporting

Program Development:

Identification of municipal operations and facilities that will be considered for inclusion in the program;

- Description of PP/GH program priorities;
- Description of management practices and policies to be developed;
- Identification of staff and equipment available;
- Description of employee PP/GH training program, begin training, report on number of staff trained;
- Description of development management practices.

Program Implementation:

- Commence implementation reporting after three year development permit.
Implementation reporting can begin earlier if implementation begins during development period.
- Indicate the municipal operations and facilities that the pollution prevention and good housekeeping program assessed;
- Describe the management practices, policies and procedures that have been developed and report on the following items:
 - Acres of parking lot swept;
 - Miles of street swept;
 - Number of catch basins inspected and cleaned (where necessary);
 - Post-construction control stormwater management practices inspected and cleaned (where necessary);
- Staff training events and number of staff trained; and
- Report on effectiveness of program

STORMWATER MANAGEMENT PROGRAM PLAN: Implementation Schedule 7/2024

MCM	Description of Activity/Goal	Who is Responsible?	Expected Annual Accomplishment				
			Year 1	Year 2	4. Year 3	Year 4	Year 5
MCM 1	Demonstrate storm water model	Tioga County Water Quality Coordinating Committee (Town of Owego is a member of this committee)	2 classroom demos	2 classroom demos	2 classroom demos	2 classroom demos	2 classroom demos
	Develop brochures & bumper stickers	Broome-Tioga Stormwater Coalition	Determine subjects and design brochure formats	Develop and distribute brochure 1	Develop and distribute brochure 2	Develop and distribute brochure 3	Develop and distribute brochure 4
	Develop TV PSA campaign	Broome-Tioga Stormwater Coalition	Outreach to TV stations and consultants	Develop campaigns	Rollout Campaign 1	Rollout Campaign 2	Rollout Campaign 3
	Webpage / Create links to BTSC website	Tioga County and Town of Owego	Update web page as needed	Update as needed	Update as needed	Update as needed	Update as needed
MCM 2	Establish 2 Adopt-A-Watershed Groups	Tioga County Soil & Water Conservation District and Town of Owego Stormwater Management Officer	Conduct public outreach for volunteer participation	Establish 1 group	Start Group 1 activities	Establish 1 group	Start Group 2 activities
	Create a dedicated Stormwater	Tioga County	Create webpage	Update page	Update page	Update page	Update page

		Expected Annual Accomplishment					
MCM	Description of Activity/Goal	Who is Responsible?	Year 1	Year 2	Year 3	Year 4	Year 5
MCM 3	Outfall reconnaissance inventory	Town of Owego Highway Department	Inventory all 22 outfalls and prioritize inventory for inspection at least once every five years				
	Create criteria for inspection of every mapped outfall.	Town of Owego Highway Department/Stormwater Management Officer		Create criteria for inspection of every mapped outfall.			
	Update outfall mapping and transmit to Tioga County GIS	Town of Owego Highway Department/Stormwater Management Officer	As needed	As needed	As needed	As needed	As needed
	Catch Basin and storm drain system inspection and cleaning	Town of Owego Highway Department	Develop a schedule for inspection and cleaning of inlet structures, catch basins, and manholes --- inspect and clean & reinstall storm drain	Inspect and clean annually & reinstall storm drain markers where needed	Inspect and clean annually & reinstall storm drain markers where needed	Inspect and clean annually & reinstall storm drain markers where needed	Inspect and clean annually & reinstall storm drain markers where needed

Expected Annual Accomplishment							
MCM	Description of Activity/Goal	Who is Responsible?	Year 1	Year 2	Year 3	Year 4	Year 5
			markers where needed				
	Develop public service information	BTSC/Town of Owego Stormwater Management Officer					
MCM 4	Amend storm water ordinance as needed to maintain compliance with future permits	Town of Owego Stormwater Management Officer	As needed	As needed	As needed	As needed	As needed
MCM 5	Amend storm water ordinance as needed to maintain compliance with future permits	Town of Owego Stormwater Management Officer	As needed	As needed	As needed	As needed	As needed
MCM 6	Training Landscaping & Lawn Care	BTSC/TCSWCD Town of Owego Parks Department	Refresher training Create inventory of landscaping and lawn care areas owned by the Town of Owego within the	Refresher training Review and update inventory if necessary			

MCM	Description of Activity/Goal	Who is Responsible?	Expected Annual Accomplishment					
			Year 1	Year 2	Year 3	Year 4	Year 5	
			MS4 regulated area					
	Landscaping & Lawn Care	Town of Owego Parks Department	Evaluate current landscaping and lawn care activities					
	Vehicle/Equipment Maintenance	Town of Owego Parks Department and Highway Department	Create and maintain an inventory of municipal owned vehicles	Create vehicle/equipment maintenance and inspection form				
	Building Maintenance	Town of Owego Parks Department, Highway Department, and Utilities Department	Create and maintain an inventory of maintenance activities required inside and outside of each municipal building	Implement mitigation measures for each activity that impacts stormwater	Review and revise activities as necessary			
	Hazardous & Waste Materials Management	Town of Owego Parks Department, Highway Department, and Utilities Department	Maintain an inventory of existing hazardous and waste	Create hazardous materials management form to	Review and revise as necessary			

		Expected Annual Accomplishment					
MCM	Description of Activity/Goal	Who is Responsible?	Year 1	Year 2	Year 3	Year 4	Year 5
			materials & storage locations	document inspections for hazardous materials storage			
	Operational by products/wastes (dump areas)	Town of Owego Highway Department	Post no dumping signs/illuminate areas if possible/ Erect barriers where	Create inspection schedule	Inspect annually	Inspect annually	Inspect annually
	Roadway & Bridge Maintenance	Town of Owego Highway Department	Create & maintain records of road maintenance activities	Create and implement roadway maintenance and inspection form to document paving	Inspect annually	Inspect annually	Inspect annually
	Road Salt Storage & Application	Town of Owego Highway Department	Create road salt storage and application inspection form	Inspect annually	Inspect annually	Inspect annually	Inspect annually
	Catch basin & storm drain system cleaning	Town of Owego Highway Department	Develop a schedule for inspection	Inspect and clean annually	Inspect and clean annually	Inspect and clean annually	Inspect and clean annually

MCM	Description of Activity/Goal	Who is Responsible?	Expected Annual Accomplishment					
			Year 1	Year 2	Year 3	Year 4	Year 5	
			and cleaning of inlet structures, catch basins, and manholes					
			Create storm drain system inspection form to document maintenance operations					
	New Construction & Land Disturbance	Town of Owego Highway Department	Provide educational material and training opportunities to municipal work crews to inform them of local, state, and/or federal regulations	Annual training				
			Create land disturbance inspection form					
	Hydrologic Habitat Modification	Town of Owego Highway Department, TCSWCD, Town of Owego	Develop requirements for municipal work crew to	Annual training				

MCM	Description of Activity/Goal	Who is Responsible?	Expected Annual Accomplishment					
			Year 1	Year 2	Year 3	Year 4	Year 5	
		Stormwater Management Officer	abide by during hydrologic habitat modification such as stream & ditch cleaning					
	Street Cleaning & Maintenance	Town of Owego Highway Department	Create inventory of roadways to be swept	Maintain records of streets that have been cleaned				
			Develop roadway maintenance and inspection form to document roadway sweeping/cleaning operations					

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Appendix A: Trainings Documentation





Appendix B: Inspection Forms







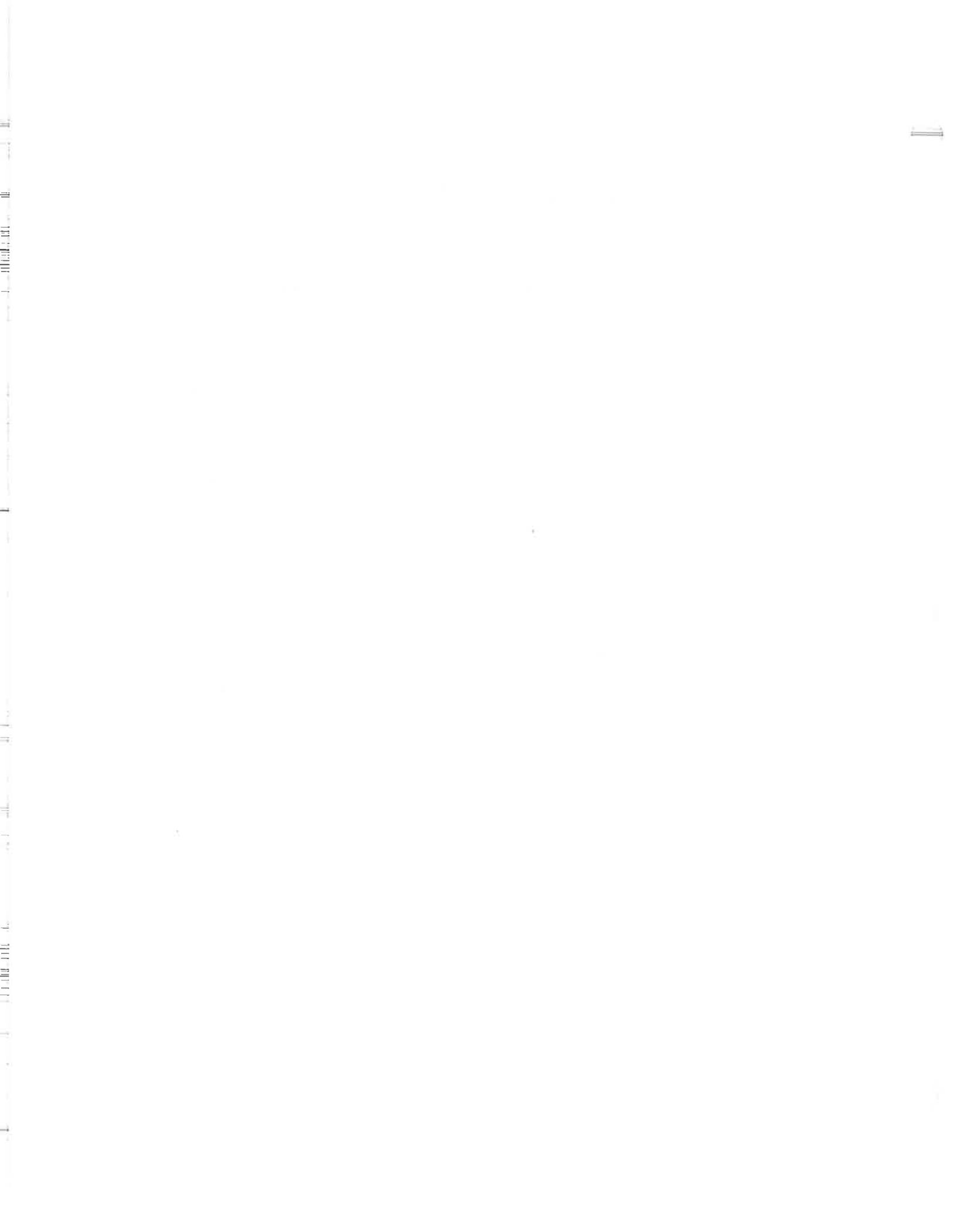






Appendix C: Trainings Documentation





Town of Owego

2354 State Route 434 Apalachin, NY 13732

Stormwater Management Program Plan

For compliance with NYS GP 0-24-001

Description of coverage

The Town of Owego for Municipal Separate Storm Sewer discharges under the NY State SPDES permit program. MS4s are regulated by GP-0-24-001 and are required to prepare a stormwater management plan and program to meet the requirements and benchmarks of this permit. See attachment for details.

Receiving Waters:

Town of Owego MS4 system discharges to:

Receiving Waterbody Name	Receiving waterbody segment ID	Pollutant(s) of concern
Apalachin Creek	0603-0014	
Wappasening Creek	0603-0026	
Nanticoke Creek	0603-0045	
E. Branch Owego Creek	0603-0012	
Owego Creek	0603-0031	
Hunts Creek	0603-0028	
Susquehanna River	0603-0013	
Little Nanticoke/Barnes Creek	0603-0038	
Susquehanna River Lower Main Stream	0603-0015	
Minor Tribs to lower Susquehanna	0603-0047	
Barnes Creek Upper and Tribs	0603-0072	

Pollutants of Concern

Stormwater runoff from impervious and developed surfaces carries large amounts of various pollutants to the surface waters of the United States. Among these pollutants are nutrients, silt and sediment, pathogens, oil/grease, metals, and debris/litter. Phosphorus, nitrogen, and pathogens are of particularly high concern to the water bodies in the Binghamton Urbanized Area.

Nutrients: Phosphorus and Nitrogen

Phosphorus is the primary nutrient of concern locally. High phosphorus levels lead to excess weed and algae growth in lakes and streams. This growth clogs waterways and blocks sunlight. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water. Most fish and other aquatic life are unable to survive in water containing low dissolved oxygen levels. Sources of nutrients include fertilizer, human and animal waste, and detergents. Leaves, grass clippings, and other plant materials that fall or are deposited on urban land also carry nutrients that are released during decomposition.

Silt and sediment

Silt and sediment are a result of soil erosion from construction sites, lawns, agriculture, and landscaping activities. Heavy deposits of silt in sensitive areas such as wetlands and streams can damage aquatic habitat and cause turbidity. Sediment also can carry toxic chemicals that deplete oxygen in water bodies, and can clog water infrastructure.

Pathogens (bacteria, viruses)

Bacteria, viruses and other microorganisms include infectious agents and disease producing organisms normally associated with human and animal (both pet and wildlife) wastes, leakage from sewers and seepage from septic tanks. These organisms can cause disease in humans and animals when present in drinking water and water bodies. Because pathogens can harm aquatic and human health, their presence can render lakes and streams unsafe for drinking, swimming, fishing, and other forms of water recreation. Biological contaminants originate from organic matter, animal waste and litter. They may enter the stormwater drainage system through illicit discharges and cross-connections or sanitary and combined sewer overflows.

Metals (e.g. arsenic, lead, mercury, copper, cadmium, zinc)

Metals in water can be toxic to aquatic life, humans and animals. Metals generally originate from vehicle exhaust, weathered paint, metal plating, tires, discarded auto parts, and motor oil. Heavy metals bioaccumulate, meaning that they become more concentrated and toxic the higher in the food chain they progress.

Thermal stress (sunlight)

Direct exposure of urban streams to sunlight (such as in areas where shade is lacking) may elevate stream temperatures. These temperatures can exceed fish tolerance limits, reducing survival and lowering resistance to disease. Thermal energy also originates from street, parking lot and roof surfaces that have been heated by sunlight. This energy is conveyed through the drainage system to streams by surface flow during storm events, resulting in similar stress to aquatic life.

Floatable/ litter

Floating trash in water may be contaminated with toxic chemicals and bacteria, and can cause death to aquatic animals and birds. Aesthetics are also negatively impacted. Floatables are the result of overproducing single use items and an increase in packaging as well as winds and careless handling of materials.

Oxygen demanding organics

Natural or synthetic organic materials (including human and animal waste, decaying plants and animals, discarded litter, and food waste) can enter surface waters either dissolved or suspended in stormwater runoff. Natural decomposition of the material can deplete dissolved oxygen supplies in the waters. When dissolved oxygen is reduced below a critical threshold level, fish and other aquatic organisms can perish.

Chlorides

Large quantities of deicing or anti-skid compounds are applied by municipalities and transportation departments during the winter months; commonly these substances consist of chloride salts (although sand may also be used). These chemicals are washed into storm drains and streams during snowmelt; they are toxic in large quantities and can contaminate drinking water.

Other toxic substances

Toxic substances may enter surface waters either dissolved in runoff or attached to sediment or organic materials. The principal concerns in surface water are their entry into the food chain, toxic effect on fish, wildlife and microorganisms, habitat degradation, and potential degradation of public water supplies. Oil and grease in storm drains can be toxic even in small amounts; they can generally be traced to automotive leaks and spills or improper disposal of used oil and automotive products into storm drains. Residential sources of toxic substances include vehicle fluids (oil, gasoline and antifreeze), paint, pesticides, solvents, batteries, hazardous wastes, street litter, soap from car washing, and swimming pool discharges. Activities of commercial businesses may generate soap from equipment washing, waste process water and hazardous liquids that are either directly discharged to the storm sewer system or enter via surface runoff. Toxic substances can also originate from construction sites and may include wash water from concrete mixers, used oil and solvents, and vehicle fuels and pesticides.

Description of local laws

The Town of Owego has the following local laws in effect related to Stormwater Discharges:

Town of Owego Code Chapter 99 Stormwater Management. (See attached)

Personnel

The Stormwater Program Coordinator is:

Name	Bill Carrigg
Title	Planning and Zoning Administrator

Contact information	2354 State Route 434 Apalachin, NY 13732 607-687-0123x6
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Duties and responsibilities to implement components of the stormwater program are not limited to the Stormwater Program officer, they require the contribution and expertise of many municipal staff across departments.

Department	Title	Contact information	Role in Stormwater program
Highway	Superintendent	607-687-0123	Maintenance
Parks	Maintenance Supervisor	607-687-0123	Training in IDDE
Utilities	Director of Utilities	607-687-0123	Monitor and address illicit discharges and reporting

Additionally, communication and coordination will take place during biannual department head meetings.

Additional organizations that assist with implementing the Stormwater Program include:

The Tioga County Soil & Water Conservation District exists through a written agreement of services for review of stormwater management plans for certain residential or commercial development, and monitor the implementation of erosion and sediment control measures in accordance with such plans as approved by the Town. (See attachment)

The Broome-Tioga Stormwater Coalition (The Coalition) exists through the enactment of a Memorandum of Agreement (MOU) between 15 MS4s in the Binghamton Urbanized Area as listed above. The Coalition manages MCM 1 Education and outreach activities for coalition members, assists with MCM 2, and maintains the GIS inventory of stormwater assets. (See attachment)

MCM 1 placeholder

See MCM attachments.

Minimum Control Measure 2: Public Involvement and Participation¹

Pertaining to opportunities to involve the public in the development, review, and implementation of the SWMP.

The public will have an opportunity to get involved in developing, reviewing, and/or implementing the SWMP through comment at Town of Owego Board meeting that are regularly scheduled on the first and third Tuesday of each month. Notice of this opportunity will be distributed by the Town of Owego website.

The following staff person will serve as point of contact for public concerns regarding stormwater management and compliance issues. This contact information has been published on the Town of Owego website

Table 1 Stormwater Issues Public Contact

Name	<u>Bill Carrigg</u>
Title	<u>Planning and Zoning Administrator</u>
Phone	<u>607-687-0123x6</u>
e-mail	<u>carriggw@townofowego.com</u>

Public comments received on the SWMP plan and intended responses will be documented, annually, in an appendix to this plan. When public input is received, the Town of Owego will update the SWMP plan, when appropriate, within thirty (30) days.

Pertaining to opportunities to involve the public in the development and review of the Annual Report.

The annual report will be posted for public review and comment online at broometiogastormwater.com and <https://www.townofowego.com>. Copies of the report will also be available for public review at the Southern Tier 8 Regional Board: 49 Court Street, Suite 222, Binghamton NY 13901 and Town of Owego.com.

Presentation of the draft annual report will be given during the quarterly Broome Tioga Stormwater Coalition meeting where the public will have the ability to ask questions and make comments on the draft annual report.

¹ Part VI

Minimum Contral Measure 3: Illicit Discharge Detection and Elimination²

Pertaining to the development, implementation and enforcement of a program that systematically detects, tracks down and eliminates illicit discharges to the MS4 and ensure pollutants are not being conveyed to waterways.

Illicit Discharge Detection:

Public reporting

The public can report instances of suspected illicit discharge to Bill Carrigg at carriggw@townofowego.com. Reports will be documented in the SWMP. Each report must be completed within 30 days of the instance.

Table 2. Documentation of Illicit Discharge Reports from the Public.

Date of report	Location of illicit discharge	Nature of illicit discharge	Follow up action taken, including time taken to respond	Outcomes and enforcement actions taken.
3/9/24	Davis House Pump Station	Heavy rain caused overflow due to pump not being able to keep up.	Working on I&I repair	N/A
6/4/24	Glan Rd. Lift Station	Check valve broke and caused vault to fill and over flow	Replaced check valve	Continue with daily checks and maintenance

Monitoring Location Inventory and Prioritization:

By January 3rd, 2027, the Town of Owego will develop and maintain an inventory and prioritization of monitoring locations.

Monitoring Locations Inspection and Sampling Program:

By January 3rd, 2026, the Town of Owego will document procedures for inspecting and sampling monitoring locations.

Monitoring Locations Inspection and Sampling Program:

² (Part V.I.C)

Procedures for inspecting and sampling monitoring locations must be completed and documented in this SWMP by January 3rd 2026. This plan should be developed based on the requirements listed on page 25-27 of GP-0-24-001.

Training:

All staff performing inspection and sampling procedures as prescribed by the Inspection and Sampling Program Plan must be trained on procedures prior to undertaking those duties and every 5 years after. If the operation and procedures are changed at any point, staff must be trained before implementing new procedures. The Town of Owego is developing a monitoring, inspection, and sampling program and The following staff have been trained, and this list is updated annually and/or as needed:

Table 3. Documentation of staff completing inspection and sampling procedure training.

Name	title	contact	Date completed

Illicit discharge track-down:

Procedures for inspecting and sampling monitoring locations must be completed and documented in this SWMP by January 3rd 2026. This plan should be developed based on the requirements listed on page 27-28 of GP-0-24-001.

Training:

All staff performing illicit discharge track-down procedures as prescribed by the Illicit Discharge track down Plan must be trained in procedures prior to undertaking those duties and every 5 years after. If the operation and procedures are changed at any point, staff must be trained before implementing new procedures. The following staff have been trained, and this list is updated annually and/or as needed:

Table 4. Documentation of staff completing illicit discharge track down procedure training

Name	title	contact	Date completed

Illicit Discharge elimination:

Procedures for inspecting and sampling monitoring locations must be completed and documented in this SWMP by January 3rd, 2026. This plan should be developed based on the requirements listed on page 28-29 of GP-0-24-001.

Training:

All staff performing illicit discharge elimination procedures as prescribed by the Illicit Discharge track down program must be trained in procedures prior to undertaking those duties and every 5 years after. If the operation and procedures are changed at any point, staff must be trained before implementing new procedures. The following staff have been trained, and this list is updated annually and/or as needed.

Table 5. Documentation of staff completing illicit discharge track down procedure training.

Name	title	contact	Date completed

Minimum Control Measure 4: Construction Site Stormwater Runoff Control³:

Pertaining to development, implementation, and enforcement of a program to ensure construction sites are controlled. This is designed to prevent construction related pollutants from entering waterways and promote proper planning and implementation of stormwater management practices.

The stormwater runoff control program must address stormwater runoff to the MS4 from sites with construction activities that either result in a total land disturbance of greater than or equal to one acre, or disturb less than one acre if part of a larger development.

Public Complaints

The Town of Owego has established the following phone or email contact for members of the public to report stormwater-related complaints from construction sites. Each complaint will be documented and appropriately investigated. For each complaint received, a report must be made and retained. This form is included as Attachment 1.

Table 6. Public Stormwater construction complaint contact information

Name	Bill Carrigg
Title	Planning and Zoning Administrator
Phone	607-687-0123x6
e-mail	carriggw@townofowego.com

³ Part VI.D

Construction Oversight Program⁴

Within 1 year, the Town of Owego will develop a construction oversight program and document the program and procedures in this plan that includes:

1. When the construction site *stormwater* control program applies:
2. What types of *construction activity* require a SWPPP:
3. The procedures for submission of SWPPPs
4. SWPPP review requirements:
5. Pre-construction oversight requirements:
6. Construction site inspection requirements and documentation procedures
7. Construction site close-out requirements:
8. Enforcement process/expectations for compliance:
9. Other procedures associated with the control of *stormwater* runoff from applicable *construction activities*:
10. Implementation:

Table 7. Documentation of Construction Site inspections

Date	Site	inspector	violations	Enforcement action	Follow up

Staff responsible for implementing this plan must be trained before beginning work and every 5 years thereafter. Table 7 records staff who have received this training.

Table 8. Documentation of Staff who completed Construction Oversight Training

Name	title	contact	Date completed

Any contractor that has required stormwater management on their site must submit proof of completion of the four-hour course prior to commencing construction.

⁴ Part VI.D.3 Pg 30

Construction Site Inventory and Inspection Tracking

As part of maintaining proper oversight of projects, [MS4 Operator] maintains an inventory of applicable construction projects. This inventory will be maintained throughout the year and be updated in the SWMP document annually. The inventory includes the following information (see attachment 3 for inventory table):

1. Location of the Construction site
2. Owner/ operator contact information
3. Receiving watery body name and class
4. Receiving waterbody WI/PWL segment ID
5. Prioritization
6. Construction Project SPDES ID number
7. SWPPP approval date
8. Inspection history, dates, and ratings

Construction Site Prioritization

Within one year of the EDC, the MS4 Operator must prioritize all construction sites which are included in the construction site inventory. Within 30 days of becoming active, MS4 operators must prioritize the construction site and update the construction site prioritization in the inventory annually and document it in the SWMP. Prioritizations are listed in the inventory, attachment 3.

SWPPP Review

Table 9. Staff who have completed DEC approved 4 hr. Course

Name	Title	Contact Information	Date completed
Bill Carrigg	P&Z Administrator	607-687-0123x6	3/22/23

Construction Inspection

Pre-Construction Meeting

The Town of Owego will ensure a pre-construction meeting is conducted prior to the commencement of construction activities. The Town of Owego will review the MS4's construction oversight program and expectations for compliance with the constructor.

Refer to Attachment 2 for the pre-construction meeting worksheet.

Construction Site Inspections

The Town of Owego will ensure individuals responsible for construction site inspections receive 4 hours of Department-endorsed training in proper erosion and sediment control principles within 3 years of the EDC and every 3 years thereafter.

Table 9. Staff who have completed DEC approved 4 hr. Course and perform Construction Site Inspections:

Name	Title	Contact Information	Date completed
Bill Carrigg	P&Z Administrator	607-687-0123x6	3/22/23

The Town of Owego will annually inspect all sites with construction activity identified in the inventory, during active construction after the pre-construction meeting, or sooner if deficiencies are noted that require attention. If corrective actions are taken, the Town of Owego will perform follow-up construction site inspections to confirm within the timeframes established by the CGP and the Town of Owego's ERP.

The Town of Owego will document all inspections using the Construction Site Inspection Form found in Appendix D of the General Permit.

Construction Site Close-out

The Town of Owego will ensure a final construction site inspection is conducted and documented in the SWMP Plan, using the Construction Site Inspection Report Form (Appendix D). The Notice of Termination will be signed by the Town of Owego to indicate project completion.

Minimum Control Measure 5: Post Construction Stormwater Management⁵

Pertaining to development, implementation, and enforcement of a program to ensure proper operation and maintenance of post construction stormwater practices for new or redeveloped sites.

The Town of Owego SMP program addresses stormwater runoff to the MS4 from a publicly owned/operated and privately owned/operated post-construction SMP that either is a post-construction SMP that has been installed as part of any CGP covered construction site or individual SPDES permit (since March 10, 2003) and/or all new post-construction SMPs constructed as part of the construction site stormwater runoff control program.

⁵ Part VI. E

Table 10. Documentation of SMP Training

Name	Title	Contact Information	Date completed

Post- Construction SMP Inventory and Inspection Tracking:

The Town of Owego will maintain the inventory from previous iterations of the SPDES general permit for post-construction SMPs installed after March 10, 2003 and develop the inventory for post-construction SMPs installed after March 10, 2003 as they are approved or discovered, and/or after the owner/operator for the construction activity has filled out the Notice of Termination and update the inventory annually.

Within 5 years of the EDC, the MS4 Operator will provide the inventory spreadsheet on post-construction SMPs (Attachment 4).

Post construction Inspection and Maintenance Program:

By January 2nd 2025, the Town of Owego will develop and document a post construction SMP inspection and maintenance program following the criteria on page 37-38 of GP-0-24-001.

Minimum Control Measure 6: Pollution Prevention and Good Housekeeping⁶

Municipality facilities

The Town of Owego will develop a pollution prevention and good housekeeping program that meets the requirements of the General Permit: By January 2nd 2027, BMPs must be incorporated into the municipal facility program and municipal operations this should be completed according to the BMPs described on pages 39-43 of GP-0-24-001. The Facility program must specify the facility procedures and training procedures.

By January 2nd 2026, an inventory of all municipal facilities must be completed including information listed on pg. 44 of GP-0-24-001. **See attachment 5 for the related table to fulfill this requirement.**

By January 2nd 2029 a facility specific SWPP must be complete for each high priority facility. This is described on page 45-48 of GP-0-24-001.

⁶ Part VI.F

Municipal Operations

Training of municipal staff will include [\[describe training topics and procedures\]](#). The names and contact details of staff who have received training in municipal operations procedures is documented in the following table. This will be updated annually.

Table 11. Documentation of Staff completing municipal operations procedures training.

Name	title	contact	Topic	Date completed
Ryan Kline	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Shawn Weaver	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Todd VanRiper	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Tim Valentine	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Brian Harders	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Thomas Ferguson	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Luke Bumbaloush	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Mark Decker	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Clifford Shayler	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Ryan Miller	Highway	687-0123	Winter Maintenance &	1/25/24

			Salting Best Practices	
Bill Perry	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Nate Sorber	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Jeff Trafzer	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Henry Hines	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Dave Denton	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24
Mike Roberts	Highway	687-0123	Winter Maintenance & Salting Best Practices	1/25/24

The Town of Owego will:

- Provide annual training to 100% of the members of the municipality whose work may potentially impact stormwater. This includes the Highway, Parks, and Utilities departments.
- The Town of Owego will continue to develop and implement a training program that meets permit requirements.
- The Town of Owego Stormwater Manager will continue to develop a Municipal Training Program Documentation Form to document training of employees.
- Annually, the Broome-Tioga Stormwater Coalition provides a Winter Training Series on relevant stormwater management topics and practices, as well as site visits to local stormwater management sites. The Town of Owego staff will attend these training sessions and document in the SWMP.

Attachment 1: Construction Site Complaint Documentation Items (MCM 4)

Construction Site Complaint	
Date of Report	
Location of site	
Nature of Complaint	
Follow up taken or needed	
Inspection outcomes	
Enforcement outcomes	

Attachment 2:

Pre-Construction Meeting Worksheet (MCM 4)

Pre-Construction Meeting Worksheet	
Date of Meeting	
Construction Project Name/Location	
Name of Owner/Operator listed on the CGP NOI (if different from MS4 Operator)	
Name of MS4 Operator	
Name Contractor(s) responsible for implementing the SWPPP for the Construction activity	
Name of Qualified Inspector (if required for construction activity)	
Questions for Review	
Has the project received, or will it receive coverage under the CGP or an individual SPDES permit?	
Do contractors and subcontractors have at least one individual who has received 4 hours of department-endorsed training in proper erosion and sediment control principles?	
Has the MS4 Operator reviewed the construction oversight program and expectations for compliance with the contractors and subcontractors?	



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

A handwritten signature in blue ink that reads "Scott E. Sheeley".

DECEMBER 13, 2023

Authorized Signature

Date

Address: NYS DEC

Division of Environmental Permits

625 Broadway, 4th Floor

Albany, NY 12233

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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 *MS4s*.

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' MS4s 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 <i>MS4 Operator</i>	180 days ¹ from written notification from the <i>Department</i>	The submission of the complete eNOI	eNOI
<i>MS4 Operators</i> 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 eNOI, 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 outfalls* 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 *MS4s* 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 outfalls* (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:

³Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.

⁴Utilizing the Stormwater Interactive Map on the Department's website.

⁵Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.

⁶Utilizing the Stormwater Interactive Map on the Department's website or the NYS GIS Clearinghouse.

⁷Utilizing 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 outfalls* 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 outfalls*
 - 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 used¹⁹ 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 characterization²¹ 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, complete²⁴).
- 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 receive²⁶, 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 SWPPP 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 Tracking²⁸

- 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 Checklist³⁰ 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 *BMPs*:
 - 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 *no 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 Controls³¹
- 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. Salt³² 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 Facilities³³

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 *discharged*, 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 releases³⁴ 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 spills³⁵ or leaks have occurred; and
 - (l) Locations of all existing structural *BMPs*.
- 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 outfalls*

- 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 outfalls* 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 used⁴⁶ 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 characterization⁴⁸ 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, complete⁵¹).
- 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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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 receive⁵³, 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 SWPPP 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 Tracking⁵⁵

- 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 Checklist⁵⁷ 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 *BMPs*:
 - 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 *no 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 Controls⁵⁸

- 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. Salt⁵⁹ 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 *discharged*, 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 releases⁶¹ 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 spills⁶² or leaks have occurred; and
 - (l) Locations of all existing structural *BMPs*.
- 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 techniques⁶⁵ 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 *sewerheds* 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 techniques⁶⁷ 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 techniques⁶⁹ 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 *sewerheds* 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 techniques⁷¹ 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 techniques⁷³ 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 *MS4s*

Table 4. Phosphorus Impaired Watershed(s)			
Areas where requirements apply	New York City East of Hudson (EOH)		
EPA Approved TMDL	<i>Phase II Phosphorus TMDLs for Reservoirs in the NYC Watershed, June 2000</i>	<i>Total Maximum Daily Load (TMDL) for Phosphorus in Lake Carmel, October 2016</i>	<i>Total Maximum Daily Load (TMDL) for Phosphorus in Palmer Lake,² March 2015</i>
Implementation Plan	Croton Watershed Phase II TMDL Implementation Plan (January 2009)		
<i>POC</i>	Phosphorus		
Area where requirements Apply	NYC EOH Watershed		
Achievement of <i>Pollutant Load Reduction</i>	Continued <i>retrofit</i> 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 techniques⁷⁶ 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 MS4s

<i>Table 5. Other Phosphorus Impaired Watersheds</i>			
Area where Requirements Apply	Greenwood Lake	Onondaga Lake	Oscawana Lake
EPA Approved TMDL	<i>Impaired Waters Restoration Plan for Greenwood Lake – Total Maximum Daily Load for Total Phosphorus, Sept 2005</i>	<i>Updated Phosphorus Total Maximum Daily Load for Onondaga Lake, June 2012</i>	<i>Total Maximum Daily Load (TMDL) for Phosphorus in Lake Oscawana, September 2008</i>
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. Type⁷⁷; 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 techniques⁷⁹ 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 *MS4s*

No Pathogen TMDL requirements.

D. Nitrogen Impaired Watershed *MS4s*

Table 6. Nitrogen Impaired Watershed(s)	
Area where Requirements Apply	Peconic
EPA Approved TMDL	<i>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)</i>
Implementation Plan	<i>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)</i>
<i>POC</i>	Nitrogen
<i>Pollutant Load Reduction</i>	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 techniques⁸¹ 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 techniques⁶⁸ 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 750-1.211 (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 (*MS4s*), 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 *MS4s* that meet the automatic designation criteria, Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (*MS4s*), 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 outfalls* 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 (MS4s), January 2010, revised January 2023

The universe of small *municipal* separate storm sewer systems (MS4s) is quite large. However, only a sub-set of small MS4s, referred to as “regulated” small MS4s, 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 MS4s in NYS.

Criterion 1: MS4s *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: MS4s, 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	Tribes (fresh) to East Bay (1701-0204)	Fecal Coliform
Nassau	Tribes (fresh) to East Bay (1701-0204)	Phosphorus
Nassau	Tribes (fresh) to East Bay (1701-0204)	Silt/Sediment
Nassau	Tribes 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 (NH ₃)
Onondaga	Ley Creek and tribs (0702-0001) 10	Phosphorus
Onondaga	Minor Tribs to Onondaga Lake (0702-0022) 10	Nitrogen (NH ₃ , NO ₂)
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 (NH ₃)
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):			
<input type="checkbox"/> Industrial	<input type="checkbox"/> Open Space		
<input type="checkbox"/> Ultra-Urban Residential	<input type="checkbox"/> Institutional		
<input type="checkbox"/> Suburban Residential	Other: _____		
<input type="checkbox"/> Commercial	Known Industries: _____		
Notes (e.g., origin, if known):			

Section 2: Monitoring Location Description

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
<input type="checkbox"/> Closed Pipe	<input type="checkbox"/> RCP <input type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> Steel <input type="checkbox"/> Other: _____	<input type="checkbox"/> Circular <input type="checkbox"/> Single <input type="checkbox"/> Elliptical <input type="checkbox"/> Double <input type="checkbox"/> Box <input type="checkbox"/> Triple <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	Diameter/Dimensions: _____	In Water: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully With Sediment: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully
<input type="checkbox"/> Open drainage	<input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> Rip-Rap <input type="checkbox"/> Other: _____	<input type="checkbox"/> Trapezoid <input type="checkbox"/> Parabolic <input type="checkbox"/> Other: _____	Depth: ____ Top Width: ____ Bottom Width: ____	[Hatched Area]
<input type="checkbox"/> In-Stream	(applicable when collecting samples)			
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>If No, Skip to Section 5</i>		
Flow Description (If present)	<input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial			

Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING MONITORING LOCATIONS				
PARAMETER	RESULT	UNIT	EQUIPMENT	
<input type="checkbox"/> Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Faint	<input type="checkbox"/> 2 - Easily detected	<input type="checkbox"/> 3 - Noticeable from a distance
Color	<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Faint colors in sample bottle	<input type="checkbox"/> 2 - Clearly visible in sample bottle	<input type="checkbox"/> 3 - Clearly visible in flow
Turbidity	<input type="checkbox"/>	See severity	<input type="checkbox"/> 1 - Slight cloudiness	<input type="checkbox"/> 2 - Cloudy	<input type="checkbox"/> 3 - Opaque
Floatables -Does Not Include Trash!!	<input type="checkbox"/>	<input type="checkbox"/> Sewage (Toilet Paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other:	<input type="checkbox"/> 1 - Few/slight; origin not obvious	<input type="checkbox"/> 2 - Some; indications of origin (e.g., possible suds or oil sheen)	<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion	
Deposits/Stains	<input type="checkbox"/>	<input type="checkbox"/> Oily, <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other:	
Abnormal Vegetation	<input type="checkbox"/>	<input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
Poor pool quality	<input type="checkbox"/>	<input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other:	
Pipe benthic growth	<input type="checkbox"/>	<input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> 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-Illlicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?



**NEW YORK STATE
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DIVISION OF WATER**



 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: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entry Time:	Exit Time:
Name of SPDES Permittee:		Inspection Type: <input type="checkbox"/> NOT <input type="checkbox"/> Complaint <input type="checkbox"/> Compliance <input type="checkbox"/> Referral	
Phone Number(s):			
On-site Representative(s) and Company(s):		MS4 Operator Name:	
		MS4 Permit ID: NYR20A	

SPDES Authority

Yes No N/A	Citation
1. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the project have permit coverage?	GP-0-20-001: I.A & II. B
2. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing?	GP-0-20-001: II.D.2
3. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?	GP-0-20-001: II.D.2
4. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the SPDES General Permit retained at the construction site?	GP-0-20-001: II.D.2
6. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the erosion and sediment control measures to be employed?	GP-0-20-001: III.B.1.e
8. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?	GP-0-20-001: III.B.1.i
9. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the stormwater management practices to be employed?	GP-0-20-001: III.B.2
10. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?	GP-0-20-001: III.A.6
11. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP include all the necessary Contractor Certification Statements and signatures?	GP-0-20-001: III.A.6
13. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP signed by the permittee?	GP-0-20-001: VII.H.2
14. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?	GP-0-20-001: III.A.3
15. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do the qualified inspector's reports include the minimum reporting requirements?	GP-0-20-001: IV.C.4
19. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do inspection reports identify corrective measures that have not been implemented or are recurring?	GP-0-20-001: IV.C.5



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Visual Observations

Yes	No	N/A		Citation	
20.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures installed properly?	GP-0-20-001; VII.L
21.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures being maintained properly?	GP-0-20-001; IV.A.1
22.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was written authorization issued for any disturbance greater than 5 acres?	GP-0-20-001; II.D.3
23.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are post-construction stormwater management practices constructed/installed correctly?	GP-0-20-001; III.B.2
25.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal?	GP-0-20-001; V.A.2
26.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was there a discharge from the site on the day of inspection?	
27.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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:



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Additional Comments:

Photographs attached

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	
Name/Agency of Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	



**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 materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)). I understand that I am obligated to submit a no exposure certification form 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:



**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? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Comments:			

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

	- Staging areas	<input type="checkbox"/>	<input type="checkbox"/>	
	- Material stockpile areas	<input type="checkbox"/>	<input type="checkbox"/>	
Comments:				
<u>Vehicle and Equipment Areas</u>		<input type="checkbox"/> <u>N/A</u>	Yes	No
13	Are vehicle/equipment parked indoors or under a roof?	<input type="checkbox"/>	<input type="checkbox"/>	
14	Are vehicles/equipment washed in only designated areas?	<input type="checkbox"/>	<input type="checkbox"/>	
15	Are vehicles washed regularly to remove contamination and prevent them from polluting stormwater?	<input type="checkbox"/>	<input type="checkbox"/>	
16	Is all wash water treated in an oil water separator prior to discharge?	<input type="checkbox"/>	<input type="checkbox"/>	
17	Is all wash water managed so it does not enter the MS4?	<input type="checkbox"/>	<input type="checkbox"/>	
Comments:				
<u>Vehicle/Equipment Maintenance</u>		<input type="checkbox"/> <u>N/A</u>	Yes	No
18	Is equipment stored under shelter or elevated and covered?	<input type="checkbox"/>	<input type="checkbox"/>	
19	Are fluids drained over a drip pan or pad?	<input type="checkbox"/>	<input type="checkbox"/>	
20	Are funnels or pumps used when transferring fluids?	<input type="checkbox"/>	<input type="checkbox"/>	
21	Are waste rags and used absorbent pads disposed of properly?	<input type="checkbox"/>	<input type="checkbox"/>	
22	Are any vehicles and/or equipment leaking fluids?	<input type="checkbox"/>	<input type="checkbox"/>	
23	Are drip pans immediately placed under leaks?	<input type="checkbox"/>	<input type="checkbox"/>	
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)?	<input type="checkbox"/>	<input type="checkbox"/>	
25	Are vehicles inspected daily for leaks?			
Comments:				
<u>Fueling areas</u>		<input type="checkbox"/> <u>N/A</u>	Yes	No
26	Is fueling performed under a canopy or roof?	<input type="checkbox"/>	<input type="checkbox"/>	
27	Are spill cleanup materials available at the fueling area?	<input type="checkbox"/>	<input type="checkbox"/>	
28	Are breakaway valves used on fueling hoses?	<input type="checkbox"/>	<input type="checkbox"/>	
29	Is the fueling handle lock disconnected so the operator must attend the fueling?	<input type="checkbox"/>	<input type="checkbox"/>	
30	Is stormwater runoff from fueling area treated in an oil/water separator?	<input type="checkbox"/>	<input type="checkbox"/>	
31	Is the fueling automatic stop inspected regularly to ensure it is working properly?	<input type="checkbox"/>	<input type="checkbox"/>	
32	Are all fuel deliveries monitored?	<input type="checkbox"/>	<input type="checkbox"/>	
Comments:				

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

53	Is spill control equipment and absorbents readily available?	<input type="checkbox"/>	<input type="checkbox"/>
54	Are emergency phone numbers posted in conspicuous areas?	<input type="checkbox"/>	<input type="checkbox"/>
55	Are spills contained and cleaned up immediately?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<u>General Material Storage Areas</u>		<input type="checkbox"/> N/A	
56	Are leaking or damaged materials stored inside a building or another type of storm resistance shelter?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
58	Are used fuel tanks and other scrap metal and parts drained of fluids and stored under cover?	<input type="checkbox"/>	<input type="checkbox"/>
59	Are outdoor containers covered?	<input type="checkbox"/>	<input type="checkbox"/>
60	Are piles of spoils, asphalt, debris, etc. stored under a roof or cover?	<input type="checkbox"/>	<input type="checkbox"/>
61	Are spills of material or debris cleaned up promptly?	<input type="checkbox"/>	<input type="checkbox"/>
62	Are used tire storage piles placed away from storm drains or conveyances?	<input type="checkbox"/>	<input type="checkbox"/>
63	Are tires recycled frequently to keep the number of stored tires manageable?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<u>Stormwater Management</u>		Yes	No
64	Are employees trained on the municipal facility procedures?	<input type="checkbox"/>	<input type="checkbox"/>
66	Are BMPs and treatment structures working as designed?	<input type="checkbox"/>	<input type="checkbox"/>
67	Are BMPs and treatment structures free from debris buildup or overgrown vegetation that may impair function?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
69	Are berms, curbing or other methods used to divert and direct discharges adequate and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>
70	Are rooftop drains directed to areas away from pavement?	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
<u>Erosion and Sediment Controls</u>		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?	<input type="checkbox"/>	<input type="checkbox"/>
72	Are natural buffers maintained around surface waters?	<input type="checkbox"/>	<input type="checkbox"/>
73	Are flow velocity dissipation devices in place at monitoring locations and channel outlets (rock riprap, stone check dams, concrete baffles)?	<input type="checkbox"/>	<input type="checkbox"/>
74	Do controls conform to the NYS Standards and Specifications for Erosion and Sediment Control (2016), or equivalent?	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Corrective Actions and Comment

Describe Inspection findings and if necessary, the corrective actions taken

Inspector Signature		Date:	
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**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

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)

INTERMUNICIPAL AGREEMENT

TO FORM THE BROOME-TIOGA STORMWATER COALITION FOR FEDERAL PHASE II MS4 STORMWATER REGULATION IMPLEMENTATION IN BROOME AND TIOGA COUNTIES

March 2024

An INTERMUNICIPAL AGREEMENT among municipal corporations of the County of Broome, Edwin L. Crawford Building, 44 Hawley St, PO Box 1766 and the County of Tioga, 56 Main Street, Owego NY 13827, hereinafter referred to as "Counties" and the City of Binghamton, 38 Hawley Street, Binghamton NY 13901, hereinafter referred to as "City" and the Town of Binghamton, 279 Park Avenue, Binghamton NY 13903, the Town of Chenango, Chenango Town Hall, 1137 Front Street, Binghamton NY 13905, the Town of Conklin, PO Box 182, 1271 Conklin Rd, Conklin NY 13748, the Town of Dickinson, 531 Old Front Street, Binghamton NY 13905, the Town of Fenton, 44 Park Street, Port Crane NY 13833, the Town of Kirkwood, 70 Crescent Drive, Kirkwood NY 13795, the Town of Owego, 2354 State Route 434, Apalachin, NY 13732, the Town of Union, 3111 E Main Street, Endwell NY 13760, the Town of Vestal, 605 Vestal Parkway W, Vestal NY 13850, hereinafter referred to as "Towns", and the Village of Endicott, 1009 E Main Street, Endicott NY 13760, the Village of Johnson City, 243 Main Street, Johnson City NY 13790, and the Village of Port Dickinson, 786 Chenango Street, Binghamton NY 13901, hereinafter referred to as "Villages".

WHEREAS, the Phase II federal stormwater regulations require that regulated small municipal separate storm sewer system operators must prepare and implement a stormwater management program that includes six minimum control measures; and;

WHEREAS, the municipalities recognize that, because watersheds and separate storm sewer systems cross municipal boundaries and because there are opportunities to save time, money, and energy by working collaboratively, the municipalities should work together to identify and analyze options for meeting the requirements of the Phase II Federal stormwater regulations; and;

WHEREAS, the Counties, Towns, Villages and City have an interest in protecting water quality and have been participating in the Broome-Tioga Stormwater Coalition and;

WHEREAS, the Towns and Villages and City and the Counties of Broome and Tioga recognize the benefits of cooperating to achieve improved water quality and flood control, and;

WHEREAS, a Broome-Tioga Stormwater Coalition started has been holding meetings since January of 2003 to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations, and;

WHEREAS, the Broome-Tioga Stormwater Coalition provides participating MS4 communities with access to public education programming, public participation events, training opportunities, collaborative annual reporting, asset mapping, and other services, and;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

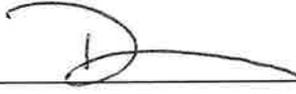
1. To continue participation as formal members of the Broome-Tioga Stormwater Coalition.
2. To contribute an annual fee of \$4500.00 toward the implementation of Broome-Tioga Stormwater Coalition projects and programming to be submitted by March 10th of each year, the beginning of the

MS4 annual reporting period, to be submitted to Southern Tier East Regional Planning Development Board per their role in BTSC administration.

- a. For the first budget year, (March 10, 2024-March 9, 2025), communities that do not have the increase in funding allocated in their 2024 Fiscal Year budget can provide the annual fee for Year 1 and Year 2 by March 10, 2025, with a Letter of Commitment signed by their Elected Official.
3. To authorize the work of the Broome-Tioga Stormwater Coalition whose purpose it is to cooperatively implement the MS4 Stormwater Management Plans required by the DEC's Phase II Stormwater regulations and thereby oversee the utilization and expenditure of funds received on behalf of the Coalition for said purpose.
4. Each municipal corporation will designate an official representative to serve on the Broome-Tioga Stormwater Coalition. The designee shall be responsible to attend and participate in meetings of the Coalition and to transmit stormwater policy Issue questions to their municipal corporation. The designee shall also be responsible to obtain opinions on stormwater policy issues from the municipal corporation and to share such opinions with the Stormwater Coalition membership. Each municipal corporation may also designate additional representatives to participate in the work of the Stormwater Coalition in cooperation and coordination with the official representative.
5. This Agreement may be modified or amended only In writing duly executed by all parties, which shall be attached to and become a part of this Agreement.
6. Each municipal corporation shall, to the extent of its general commercial liability insurance, indemnify and hold harmless the other municipal corporations, its officers, agents and assigns for all liability arising as a result of its own acts and omissions regarding the activities under this Agreement. It is understood and agreed that no municipal corporation shall indemnify any or all of the other municipal corporations for liability arising as a result of the acts or omissions of another municipal corporation who is a party to this Agreement.
7. The Agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.
8. This agreement shall become effective upon the municipal corporation's execution of the Agreement. In the event that not all of the municipal corporations identified in the initial paragraph of this Agreement execute the Agreement, the municipal corporations executing the Agreement agree that it shall be binding as to them.
9. Any municipal corporation may withdraw from this Agreement upon sixty (60) days written notice to the other municipal corporations who are parties to the Agreement. The withdrawal of one or more municipal corporation shall not result in the termination of this Agreement and its provisions shall continue to be applicable to the municipal corporations remaining parties to the Agreement.
10. This Agreement may be terminated upon the written consent of a majority of the municipal corporations who are parties to this Agreement at the time of the proposed termination.
11. This agreement is for the period of March 10, 2024-March 9, 2029.

IN WITNESS WHEREOF the signatories of this agreement hereby authorize this Memorandum of Understanding:

Municipality: TOWN OF OWEGO

Signatory Name: 

Signature: DONALD CASTELLUCCI JR

Date: JUNE 6, 2024

AGREEMENT FOR STORMWATER SERVICES
2024

BY AND BETWEEN
THE TOWN OF OWEGO
AND
THE TIOGA COUNTY SOIL & WATER CONSERVATION DISTRICT

AGREEMENT FOR SERVICES

THIS AGREEMENT, made this 4 day of December, by and between the Town of Owego, hereinafter called the Town, and the Tioga County Soil and Water Conservation District, hereinafter called the District.

WHEREAS, the Town desires to contract with the District for the provision of professional services to review stormwater management plans for certain residential or commercial development, and monitor the implementation of erosion and sediment control measures in accordance with such plans as approved by the Town; and

WHEREAS, the District is willing to provide such professional services;

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by the parties as hereinafter set forth, the parties to this Agreement do hereby agree as follows:

1. The Town agrees to retain the District for the provision of professional services rendered in connection with the review of the planning for, and monitoring the implementation of, erosion and sediment control measures on an as needed basis to be determined by the Town. The provision of services will be at a not to exceed rate of one-hundred (\$120.00) per hour, unless otherwise negotiated and agreed upon by both parties to this Agreement.
2. Both parties agree that billable time for professional services will include time spent by the District's technical staff on necessary activities. Such activities will include plan review, on site inspections, one way travel between office and site, the keeping of records, and the writing of reports for the purpose of documenting activities. Both parties agree that from time to time it may be necessary for the Town to direct that the District monitor an area of special interest and/or add emphasis to a particular proposal or site.
3. The District agrees to provide reports detailing activities performed, and submit requests for reimbursement of those expenses incurred on a quarterly basis, indicating the dates of such services, the billable time spent by the professional(s) on each date, name of the professional providing the services, and the type of service provided. A brief summary of activities will be provided with each billing.
4. The District agrees to take reasonable and necessary action to fulfill its responsibilities as defined by this Agreement, and that no additional compensation will be sought by the District nor paid by the Town for incidental out of pocket expenses, nor routine office expenses and administrative

costs.

5. The Town will pay each bill, subject to approval by the Town Board, within forty-five (45) days of its receipt.

6. In the event that the District, in the course of work, observes any activity by a project developer, or any agent of the developer, which is contrary to approved plans, or observes that the same has failed to implement any portion of a plan or structure according to schedule or sequence, it shall immediately notify the Town's Code Enforcement Officer. Enforcement issues shall be the sole responsibility of the Town.

7. The Town will indemnify and hold harmless the District, its officers and employees, from any and all claims or causes of action arising from the Town's direction, management or control (or lack thereof) of erosion and sediment control activities. In addition, the Town shall indemnify and hold harmless the District, its officers and employees, from any act and all claims or causes of action arising from acts of omission or commission by the Town. Such indemnification shall include, but not be limited to, attorney's fees necessarily incurred in defending against any action for which the Town has agreed to provide indemnification.

8. The District will indemnify and hold harmless the Town, its officers and employees, from any and all claims or causes of action arising from the District's direction, management or control (or lack thereof) of erosion and sediment control activities. In addition, the District shall indemnify and hold harmless the Town, its officers and employees, from any act and all claims or causes of action arising from acts of omission or commission by the District. Such indemnification shall include, but not be limited to, attorney's fees necessarily incurred in defending against any action for which the District has agreed to provide indemnification.

9. The Town and the District agree that either party may terminate this Agreement in whole or in part if either party determines that the other party has failed to comply with any of the conditions of this Agreement, and either party is to promptly notify the other party in writing of the determination, reasons for termination, and the effective date.

10. The term of this Agreement will be considered to be from the date of its enactment as written in the very first paragraph above, and may be renewed annually on the same date by written agreement between the parties hereto.

11. The Town and the District agree that this Agreement may be modified in writing at any time upon the mutual consent of the parties hereto.

IN WITNESS THEREOF, The Town and the District have executed this Agreement.

FOR THE TOWN OF OWEGO:

By: 

Title: Town Supervisor

Date: 3/20/24

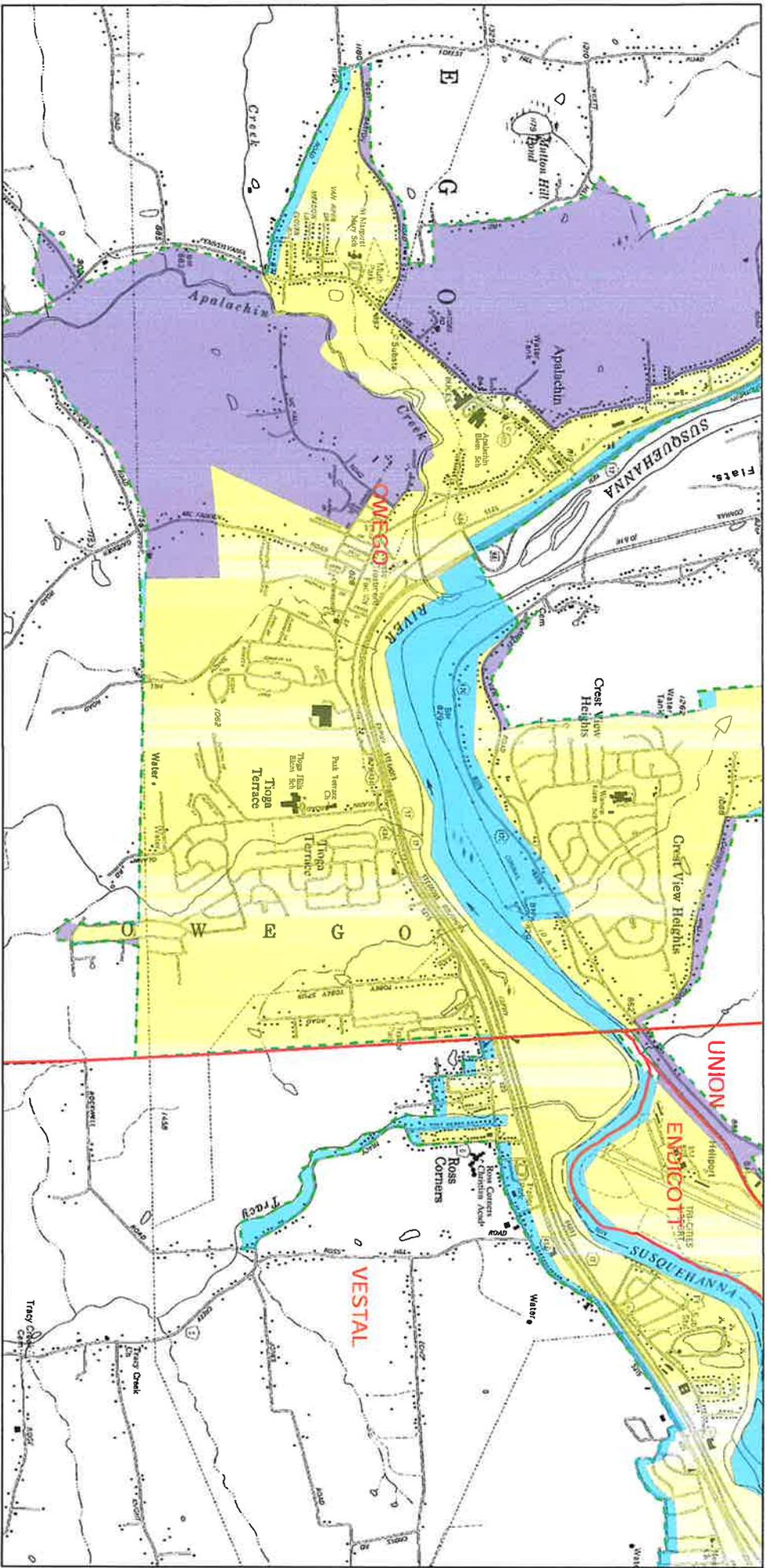
FOR THE TIOGA COUNTY SWCD:

By: 

Title: District Manager

Date: 12/4/2023

TOWN OF OMEGO-MS4



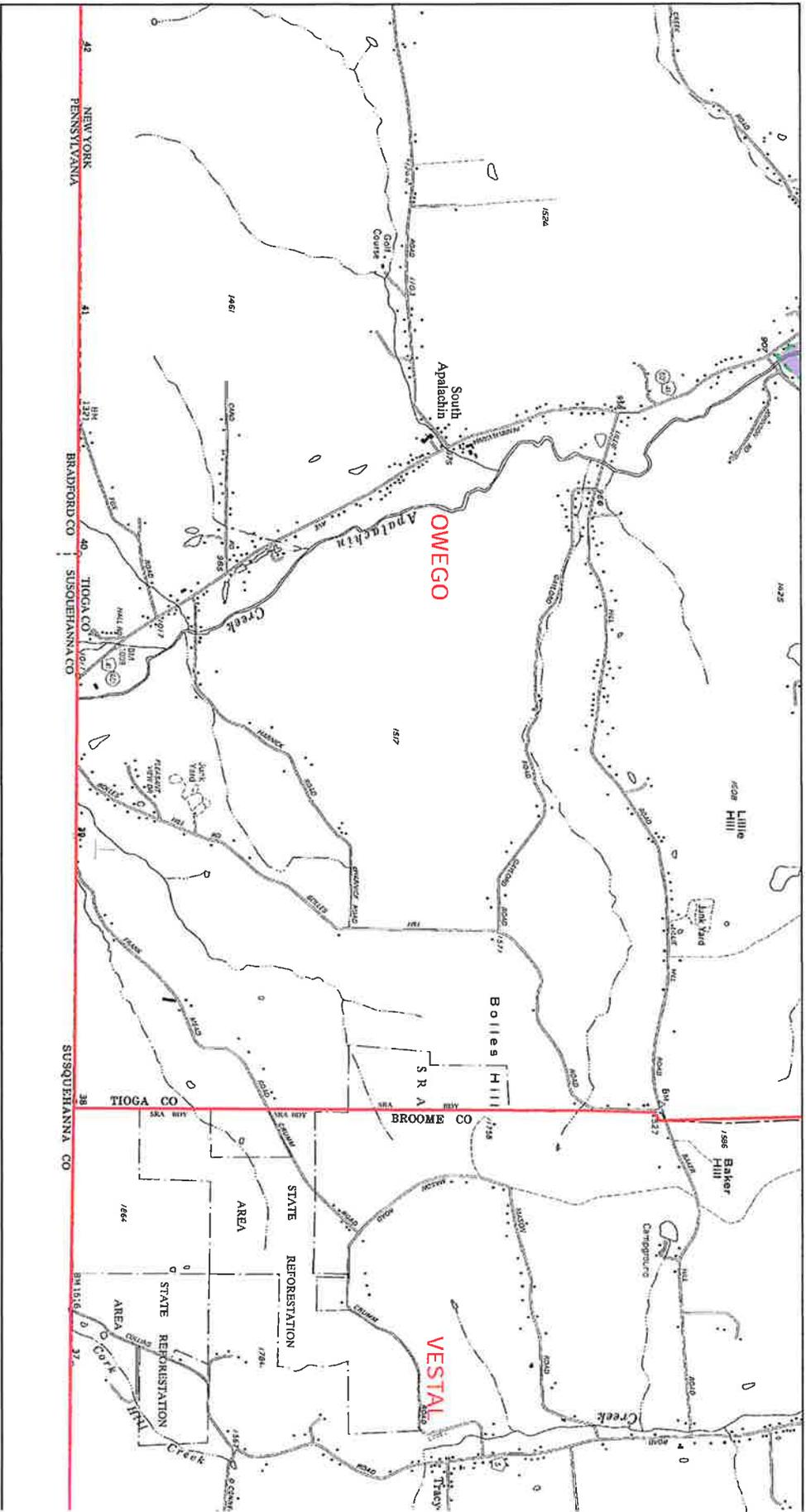
Legend

- Town, Village, or City Boundary for New York State
- Automatically Designated MS4 Boundary
- 2000 Census Urbanized Area (No longer UA based on 2010)
- Additionally Designated 2003
- Additionally Designated 2008
- 2010 and 2000 Census Urbanized Area Overlap
- 2010 Census Urbanized Area (Newly Designated)

			A3		
	C1	C2	B3	B4	
	D1	D2	D3	D4	
	E1	E2	E3	E4	
F1		F2			

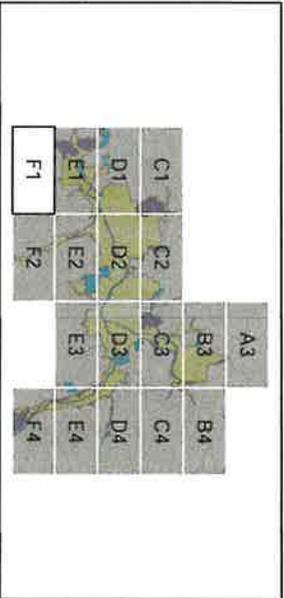


TOWN OF OWEGO MS4

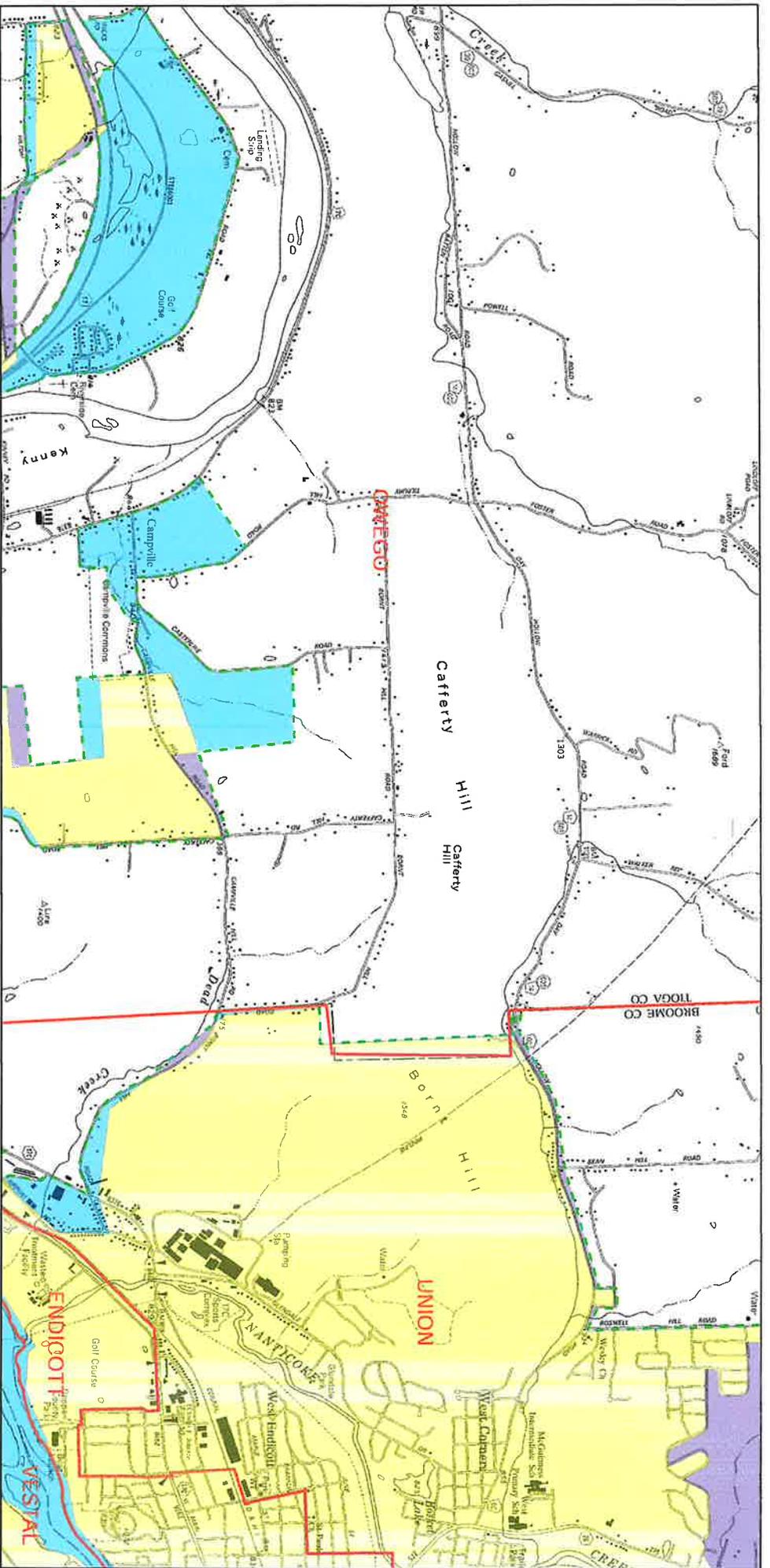


Legend

- Town, Village, or City Boundary for New York State
- Automatically Designated MS4 Boundary
- 2000 Census Urbanized Area (No longer UA based on 2010)
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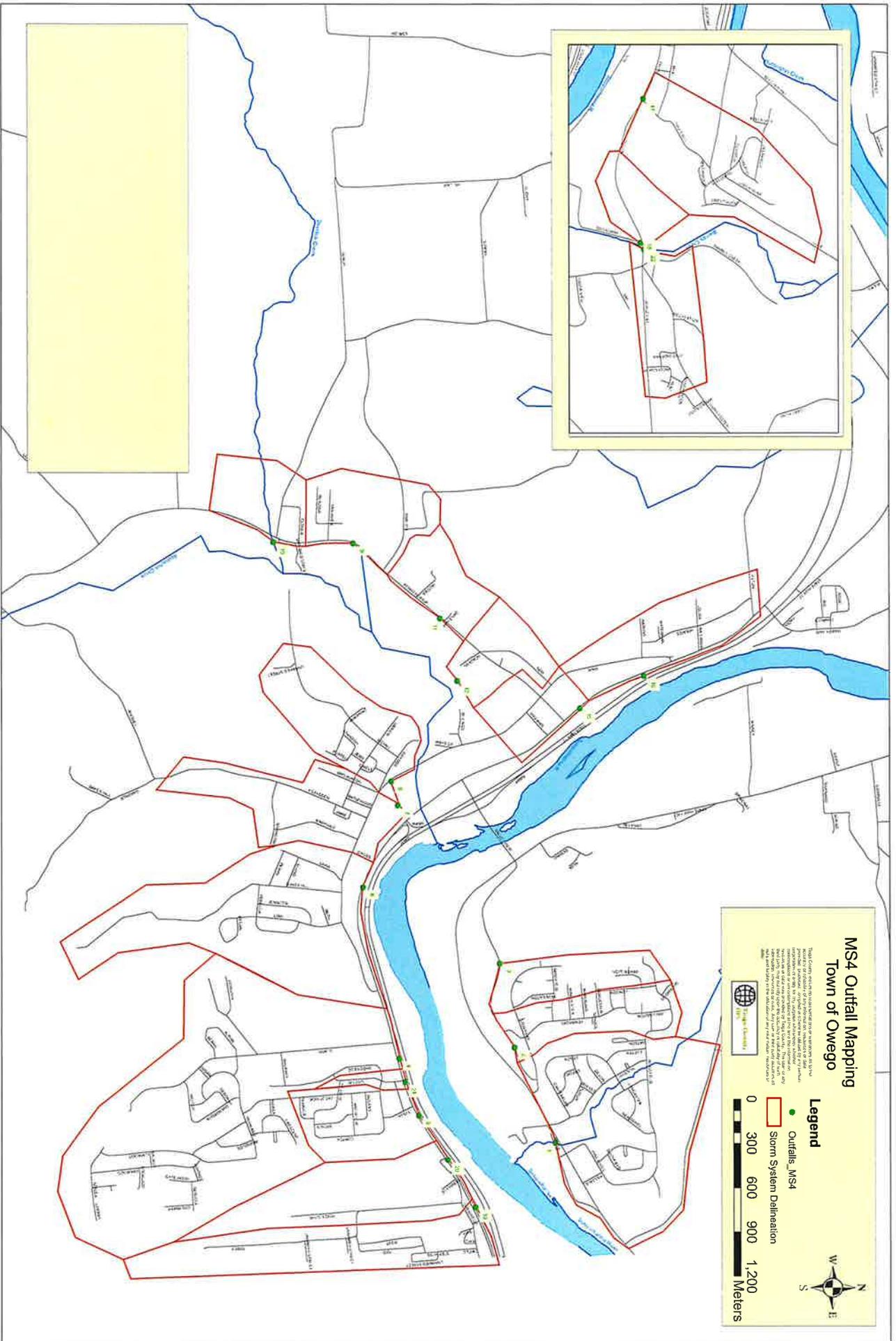
Town of Oneko-MS4



- Legend**
- Town, Village, or City Boundary for New York State
 - Automatically Designated MS4 Boundary
 - 2000 Census Urbanized Area (No longer UA based on 2010)
 - Additionally Designated 2003
 - Additionally Designated 2008
 - 2010 and 2000 Census Urbanized Area Overlap
 - 2010 Census Urbanized Area (Newly Designated)

C1	C2	B3	A3
D1	D2	D3	B4
E1	E2	E3	C4
F1	F2	F4	D4





Town of Owego
Stormwater Management Responsibilities by Department
2024

HIGHWAY

Stormwater Maintenance

- Best Management Practices (BMP) used by department personnel are documented and followed including:
 - Document measurable goals for each BMP and provide rationale for selection
 - Document time required to undertake each BMP, including interim milestones and frequency of the action
 - Document person(s) responsible for implementing/coordinating BMP
 - Report actions to P&Z for annual report summary by March 1st annually

Catch Basins

- Inspect and clean at least once each year
- Repair any damaged catch basins
- Report actions to P&Z for annual report summary by March 1st annually

Outfalls

- Screen for dry weather discharges
- Report actions to P&Z for annual report summary by March 1st annually

IDDE

- Implement town's plan to detect and address illicit discharges (IDDE)
- Report actions to P&Z for annual report summary by March 1st annually

Training

- Ensure that current highway staff receive annual training in IDDE and outfall inspections
- Train new employees in IDDE and outfall inspections
- Report actions to P&Z for annual report summary by March 1st annually

Reporting

- Attend quarterly meetings of the Broome-Tioga Stormwater Coalition
- Ensure data collected throughout year is sent to P&Z by March 1 annually

COMPLIANCE AND AUDITS

Both the NYS DEC and the EPA enforce compliance through audits. The DEC typically audits the town's stormwater program once every three years; the Environmental Protection Agency (EPA) does so periodically.

EPA typically requests the following records:

- NPDES permits National Pollutant Discharge Elimination System
- Stormwater Pollution Prevention Plans (SWPPP)
- Discharge monitoring reports (DMRs)
- Annual reports
- Notice of Intent documentation
- Hazardous waste transporter invoices or manifests
- Hazardous substance spill control and contingency plan
- Site plans
- Sediment and erosion control plans
- Stormwater management program plans
- Operation and maintenance plans
- Notices of noncompliance
- Notices of violations
- Administrative orders
- Local sewer ordinance
- Training manuals
- NPDES federal or state inspection reports

The following are typical physical features of municipal buildings that an EPA auditor may observe while conducting an environmental compliance audit:

- Discharge outfall pipes
- Floor drains
- Parking lot drains
- Stormwater management facilities
- Covered storage facilities
- Silt fences
- Sediment traps and basins
- Outdoor storage areas exposed to stormwater

Chapter 99

STORMWATER MANAGEMENT

[HISTORY: Adopted by the Town Board of the Town of Owego 9-17-2006 by L.L. No. 8-2006. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 99-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- C. Clearing and grading during construction tend to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation.
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality.
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- H. The regulation of stormwater runoff discharges from land development activities is in the public interest and will minimize threats to public health and safety.
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will mitigate the adverse effects of erosion and sedimentation from development.

§ 99-2. Purpose.

Purpose: to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 99-1 hereof. This article seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities GP-02-01

or as amended or revised;

- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 99-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Owego has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Owego and for the protection and enhancement of its physical environment. The Town Board of the Town of Owego may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 99-4. Applicability; Stormwater Management Officer.

- A. This article shall be applicable to all land development activities as defined in this article.
- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
 - (1) Review the plans;
 - (2) Upon approval by the Town Board of the Town of Owego, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this article.
- C. All land development activities subject to review and approval by the Planning Department, Planning Board, Zoning Board of Appeals or Town Board of the Town of Owego under subdivision, zoning, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this article.
- D. All land development activities not subject to review as stated in § 99-4C shall be

required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this article.

§ 99-5. Exemptions.

- A. Agricultural activity as defined in this article.
- B. Logging activity undertaken pursuant to an approved timber management plan prepared or approved by the Tioga County Soil and Water Conservation District or the New York State Department of Environmental Conservation, except that landing areas and log haul roads are subject to this article.
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for a subdivision that has been approved by the Town of Owego Planning Board and construction activities have started on or before the effective date of this article.
- F. Land development activities for which a building permit has been approved on or before the effective date of this article.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure.

ARTICLE II
Stormwater Control

§ 99-6. Definitions.

The terms used in this article or in documents prepared or reviewed under this article shall have the meaning as set forth:

AGRICULTURAL ACTIVITY — The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the construction of new structures associated with agricultural activities.

APPLICANT — A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING — Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CATCH BASIN — (Drain inlet) a structure which allows the entry of surface runoff into a storm sewer by connection to the storm sewer.

CHANNEL — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING — Any activity that removes the vegetative surface cover.

DEDICATION — The deliberate appropriation of property by its owner for general public use.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN MANUAL — The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DETENTION STRUCTURE — A permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff. A detention structure may be dry during nonstorm events or may have a permanent pool of water.

DEVELOPER — A person who undertakes land development activities.

EROSION CONTROL MANUAL — The most recent version of the New York Standards and Specifications for Erosion and Sediment Control manual, commonly known as the "Blue Book."

FIRST FLUSH — The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants. The first flush is defined as the runoff generated from the first 1/2 inch of runoff from the entire site from land which has been made less pervious than the predevelopment conditions through land grading and/or construction/development activities.

GRADING — Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER — Those surfaces, improvements and structures that prevent the percolation of water into the soil (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT — A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION — The process of percolating water into the subsoil.

JURISDICTIONAL WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY — Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT — A legally recorded document which acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION — Pollution from any source other than from any discernible, confined, and discrete conveyances and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING — Developing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the development of the next.

POLLUTANT OF CONCERN — Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT — Land development activity.

RECHARGE — The replenishment of underground water reserves.

RETENTION — A practice designed to store stormwater runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volumes exceed the storage capacity of the pool.

SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported, or has been removed from its site of origin by erosion.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS — Cold-water fisheries; shellfish beds; swimming beaches; groundwater recharge areas; water supply reservoirs; habitats for threatened, endangered or special concern species; critical environmental area designated by the municipality.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER — An order issued which requires that all construction activity on a site be stopped.

STORMWATER — The discharge of water from the surface of land resulting from precipitation or snow or ice melt, including surface runoff, groundwater flows, percolation and seepage.

STORMWATER HOTSPOT — 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.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices installed, stabilized and operated for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER — An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPS) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the surface of the ground, resulting from precipitation.

STRIPPING — Any activity which removes or significantly disturbs trees, brush, grass, or any other kind of vegetation.

SURFACE WATERS OF THE STATE OF NEW YORK — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, 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. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

SWALE — A natural depression or wide shallow ditch used to route or filter runoff.

WATERCOURSE — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERSHED — A region or area contributing stormwater ultimately to a particular watercourse or body of water.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 99-7. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article.
- B. Contents of stormwater pollution prevention plans.
 - (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project;
 - (b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). The site map should be at a scale no smaller than one inch equals 100 feet;
 - (c) Description of the soil(s) present at the site;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;

- (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (j) Temporary practices that will be converted to permanent control measures;
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place;
 - (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Name(s) of the receiving water(s);
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) Land development activities meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:
- (a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B: stormwater runoff from land development activities disturbing five or more acres.

- (c) Condition C: stormwater runoff from construction activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (3) SWPPP requirements for Conditions A, B and C:
- (a) All information in Subsection B(1) of this article.
 - (b) Description of each postconstruction stormwater management practice.
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice.
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.
 - (e) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions.
 - (f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice.
 - (g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article II, § 99-9 of this article.
 - (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this article.
- C. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- D. Contractor certification.
- (1) Each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

- (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- E. Construction permit paperwork to be available and accessible at the construction site at all times from date of initiation of construction to the date of final stabilization. **[Amended 12-1-2009 by L.L. No. 7-2009]**
- (1) SWPPP, including construction drawings and plans.
 - (2) Notice of intent (NOI) signed by the owner and preparer.
 - (3) Acknowledgment letter from DEC.
 - (4) MS4 SWPPP acceptance form.
 - (5) Site logbook including all inspection reports, certifications and SWPPP updates, modifications or addendums.
 - (6) Current general permit for stormwater discharges from construction activity.
 - (7) For sites that disturb five or more acres, a letter of permission from DEC or MS4 is required.
- F. Contractor training **[Added 12-1-2009 by L.L. No. 7-2009]**
- (1) Owner will identify contractor(s) responsible for SWPPP implementation.
 - (2) Contractor(s) will identify at least one individual trained in erosion and sediment control (E&SC) by April 30, 2010.
 - (3) Effective May 1, 2010, contractor(s) trained individual must be on site on a daily basis during soil disturbance activities.
 - (4) Trained individual must complete four hours of training in E&SC every three years.
 - (a) Only DEC-endorsed training will be accepted.
 - (b) Trained individual will have proof of training on site.

§ 99-8. Performance and design criteria.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article II, § 99-8A, and the SWPPP shall be prepared by a licensed professional.
- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

§ 99-9. Maintenance and repair of stormwater facilities.

- A. Maintenance and inspection during construction.
- (1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (2) For land development activities as defined in § 99-6 of this article and meeting Condition A, B or C in § 99-7B(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days for sites with five acres or less exposed and twice every seven days, separated by two full days, for sites with more than five acres exposed or in accordance with the current general permit for stormwater discharges from construction activity. Inspection reports shall be maintained in a site logbook. **[Amended 12-1-2009 by L.L. No. 7-2009]**
 - (3) The applicant or developer or his or her representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Owego to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Owego.

- C. Maintenance after construction. The owner or operator of permanent stormwater management practices (SMPs) installed in accordance with this article shall ensure they are operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes, as a minimum, the following: **[Amended 12-1-2009 by L.L. No. 7-2009]**
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this article.
 - (2) Written procedures for training personnel in the operation and maintenance of the facilities.
 - (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article II, § 99-8B.
- D. Maintenance agreements. The Town of Owego shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to issuance of any permits from the municipality or the filing of the final subdivision plat. The maintenance agreement shall be consistent with the terms and conditions of Schedule C of this article entitled Sample Stormwater Control Facility Maintenance Agreement.¹ The Town of Owego, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

1. Editor's Note: Schedule C is on file in the Town offices.

ARTICLE III
Administration and Enforcement

§ 99-10. Construction inspection.

A. Erosion and sediment control inspection.

(1) The Town of Owego Stormwater Management Officer may require such inspections as necessary to determine compliance with this article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this article and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Owego enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- (a) Start of construction.
- (b) Installation of sediment and erosion control measures.
- (c) Completion of site clearing.
- (d) Completion of rough grading.
- (e) Completion of final grading.
- (f) Close of the construction season.
- (g) Completion of final landscaping.
- (h) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Town of Owego Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality

standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

- D. Submission of reports. The Town of Owego Stormwater Management Officer may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.
- E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Owego the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 99-11. Performance guarantee.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Owego in its approval of the stormwater pollution prevention plan, the Town of Owego may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Owego as the beneficiary. The security shall be in an amount to be determined by the Town of Owego based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Owego, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Owego. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Owego with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Owego may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The Town of Owego may require entities subject to this article to maintain records demonstrating compliance with this article.

§ 99-12. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Owego determines that a land development activity is not being carried out in accordance with the requirements of this article, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) The name and address of the landowner, developer or applicant.
 - (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring.
 - (3) A statement specifying the nature of the violation.
 - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this article and a time schedule for the completion of such remedial action.
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
 - (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 calendar days of service of notice of violation.
- B. Stop-work orders. The Town of Owego may issue a stop-work order for violations of this article. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Owego confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this article.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this article may be restrained by injunction or otherwise abated in a manner provided by this article.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation with a civil penalty not exceeding \$350 to be imposed for a finding of a first offense; for a finding of a second offense, both of which were committed within a period of five years, assessment of a civil penalty not less than \$350 nor more than \$700; and upon a finding of a third or subsequent offense, all of which were committed within a period of five years, assessment of a civil penalty not less than \$700 nor more than \$1,000. Each week's continued violation shall constitute a separate additional violation. **[Amended 11-3-2021 by L.L. No. 2-2021]**
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this article, the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed

condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Owego may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 99-13. Fees for services.

The Town of Owego may require any person undertaking land development activities regulated by this article to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Owego or performed by a third party for the Town of Owego.

§ 99-14. Severability; when effective.

- A. Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.
- B. Effective date. This article shall be effective upon filing with the office of the Secretary of State.

ARTICLE IV
Illicit Discharges
[Added 12-4-2007 by L.L. No. 5-2007]

§ 99-15. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Owego through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES general permit for municipal separate storm sewer systems. The objectives of this article are to:

- A. Meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- B. Regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. Prohibit illicit connections, activities and discharges to the MS4;
- D. Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. Promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 99-16. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN PROFESSIONAL — New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 99-20 of this article.

INDIVIDUAL SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MS4 — Municipal Separate Storm Sewer System.

MUNICIPALITY — The Town of Owego.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Owego;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated 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.

PREMISES — Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. Total maximum daily load (TMDL) strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee, the municipal engineer or other public official(s) designated by the Town of Owego to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal

board and inspect stormwater management practices.

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL — Total Maximum Daily Load.

TOTAL MAXIMUM DAILY LOAD — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 99-17. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 99-18. Responsibility for administration.

The Stormwater Management Officer (SMO) shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 99-19. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

§ 99-20. Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in § 99-20A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential

street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

- (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
- (3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 99-21. Prohibition against failing individual sewage treatment systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 99-22. Prohibition against activities contaminating stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
- (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 99-16 (Definitions) of this article.
- B. Such activities include failing individual sewage treatment systems as defined in § 99-21, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 99-23. Requirement to prevent, control, and reduce stormwater pollutants by use of best management practices.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 99-16 or activities contaminating stormwater as defined in § 99-22, the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
- (1) The owner or operator of a commercial or industrial establishment shall provide, at his/her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 99-16 or an activity contaminating stormwater as defined in § 99-22 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 99-16 of this article, the owner or operator of such individual sewage treatment systems shall be required to:
- (1) Maintain and operate individual sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of

the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;

- (b) Avoid the use of septic tank additives;
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
 - (e) Most tanks should be pumped out every two to three years. However, pumping may be more or less frequent depending on use. Inspection of the tank for cracks, leaks and blockages should be done by the septage hauler at the time of pumping of the tank contents.
- (2) Repair or replace individual sewage treatment systems as follows:
- (a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - [1] Relocating or extending an absorption area to a location not previously approved for such.
 - [2] Installation of a new subsurface treatment system at the same location.
 - [3] Use of alternate system or innovative system design or technology.
 - (c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 99-24. Suspension of access to MS4.

- A. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have his/her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and

the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

§ 99-25. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 99-26. Access and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Unreasonable delays in allowing the municipality access to a facility subject to this article are a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
 - (6) If the SMO has been refused access to any part of the premises from which

stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 99-27. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which is resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 99-28. Enforcement; penalties for offenses.

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) Payment of a fine; and
 - (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by

law, any person who violates the provisions of this article shall be guilty of a violation with a civil penalty not exceeding \$350 for a finding of a first offense; for a finding of a second offense both of which were committed within a period of five years, assessment of a civil penalty not less than \$350 nor more than \$700; and upon a finding of a third or subsequent offense all of which were committed within a period of five years, assessment of not less than \$700 nor more than \$1,000. Each week's continued violation shall constitute a separate additional violation. [Amended 11-3-2021 by L.L. No. 2-2021]

§ 99-29. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Owego Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the Municipal Clerk and mail a copy of its decision by certified mail to the discharger.

§ 99-30. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 99-31. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 99-32. Alternative remedies.

- A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the Town Code Enforcement Officer, where:
 - (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this article.

- (3) Environmental damage was minimal.
- (4) The violator acted quickly to remedy the violation.
- (5) The violator cooperated in the investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

§ 99-33. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 99-34. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SOUTHERN TIER 8

R E G I O N A L B O A R D

Figure 2: Town of Owego Highway Department Sign-in for Session #1 of the Winter Training Series hosted by Southern Tier 8 Regional Board

Winter Maintenance & Salting Best Practices – Town of Owego Highway Department

January 25, 2024

PRINT NAME	
1.	Ryan H. Kling
2.	Shawn Weaver
3.	Tara McVanBiper
4.	Tim Valentini
5.	Brian HARDESS
6.	Thomas Ferguson
7.	Luke Bumbalough
8.	Mark Decker
9.	Clifford Shegler
10.	Ryan Miller
11.	Bill Perry
12.	Nate Sorber
13.	Jeff Trafer
14.	Henry L. HINES
15.	D. J. Jantroff
16.	Tim Kord
17.	Cheri Olms
18.	Mike Roberto
19.	
20.	
21.	
22.	
23.	
24.	
25.	

SOUTHERN TIER 8

R E G I O N A L B O A R D

Figure 3: Town of Binghamton Highway Department Sign-in for Session #1 of the Winter Training Series hosted by Southern Tier 8 Regional Board

TRAINING SIGN-IN:

TRAINING: SPRING BEST PRACTICES

INSTRUCTOR: BECOME TGA STORMWATER COORDINATOR

DATE: 1/25/2024

1. Nicholas Strica

2.) Zack Sebasteski

3.) Lee Cooper

4.) Ashley Murray

5.) Tim Haukey

6.) Bradford J. Boudreau

7.) John Mantley

8.) Max Leighton

9.) _____

10.) _____